

As Circulated February 5, 2024
March 18, 2024 Regular Council Meeting
Elyria City Council

1. CALL TO ORDER:

The regular meeting of Elyria City Council was called to order on February 5, 2024 at 6:59 p.m. by President Stewart. President Stewart opened the meeting requesting a moment of reflective silence. The Pledge of Allegiance was led by Council member Schneider.

2. ROLL CALL: COUNCIL MEMBERS

PRESENT: Callahan, Cerra, Armstrong, Mitchell, Stewart, Schneider, Davis, Siwierka, Lipian, Tollett

Absent: Oswald

Moved by Cerra, seconded by Schneider to approve Council member Oswald's absence from the meeting.

AYES: 10

MOTION CARRIED

OTHERS PRESENT: Mayor Brubaker, SSD Pyanowski, Assistant Fin. Dir. Farrell, Law Director Deery, Police Chief Pelko, Fire Chief Pronesti, ASSD Calvert, Eng. McKillips, BO Farkas, CD Dir. Scott

3. PUBLIC HEARINGS: None

4. APPROVAL OF MINUTES:

Cerra moved, Mitchell seconded to approve the Council Meeting Minutes of the January 16, 2024 meeting as circulated.

MOTION CARRIED

5. REMARKS AND REPORTS OF CITY OFFICIALS:

Mayor Brubaker:

Mayor Brubaker provided an update regarding meetings held with the Safety Service Director and department heads to review budgets in preparation of a council presentation as soon as possible. Mayor Brubaker and ASSD Calvert have met with the Lorain County Port Authority in executive sessions regarding Midway Mall. A public meeting will be held at Midway Mall on February 15th, time TBD. Two proposals will be presented with an option for community Q & A. Mayor Brubaker ended his update with information regarding the Carlisle Township Aldi's closing, located near the fifth ward and the Elyria Aldi opening on the Southeast side of town. He shared that he will be working diligently to come up with a solutions for the fifth ward residents. A meeting is scheduled for Thursday with ABC development, on Friday a conference call is scheduled with the President of Rural King. Contact has been made with Meijers and a few other local grocers.

Safety Service Director: No Report

Assistant Finance Director: No Report

5. REMARKS AND REPORTS OF CITY OFFICIALS:

Law Director Deery:

Law Director Deery shared that several resolutions will be presented to council regarding appointments to several boards ratifying mayor appointments, without benefit of committee reports.

EPD:

Elyria Police Chief Pelko provided an update that three new officers were sworn in on January 29th. One of the new hires will start immediately, two will go to the police academy. The total count of officers currently is eighty-one. A suspect was arrested in a shooting that took place the week of January 28th. Chief Pelko thanked the Elyria and Lorain detective units for the assistance.

Council member Siwierka stated the report that was released by the Public Information Officer was a good detailed report.

Council member Tollett shared with the pay structure increase, the growth in applicants was huge. Applicant growth increased from four to eighteen percent.

EFD:

Chief Pronesti asked for permission to send his Captain to Phoenix for a command class March 11-16. The mileage extends beyond the 500-mile travel guidelines.

Moved by Council member Tollett, seconded by Council member Schneider.

AYES: 10

MOTION CARRIED

ENG. MCKILLIPS: No report

BO FARKAS:

Building Official Farkas provided several updates, the first being a final inspection of the new Aldi. Full occupancy has been granted. The area located near Planet Fitness and the old Joann Fabrics will open as a new car parts warehouse. Remaining development in that strip mall is forthcoming. BO Farkas provided an update from the previous month's council meeting regarding the area hotels. Days Inn was issued an order of condemnation. Multiple levels of condemnation exist. The structure may be structurally unsound, meaning it is not in danger of collapse, however, you cannot reside in the space. Vagrants were residing in the space, which required the structure to be secured. Although the structure had been secured, it remained a nuisance with people attempting to get inside for shelter. Motel 9 is being repaired by the ownership as money comes in. Currently the owner has partial occupancy for the lower level. Balconies have been repaired, however the upper level is off limits due to structural instability. Journey Inn also is not in danger of collapse, however has been made secure. The owner is attempting to sell the property. Council member Davis responded in regards to Motel 9. She asked that Building Official Farkas perform a site visit of the property. She described the property as a disgrace, with trash all over from the property line to route 57. Council member Siwierka inquired about the last time the city of Elyria reviewed and or increased building

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5. REMARKS AND REPORTS OF CITY OFFICIALS: Continued

permits. Building Official Farkas shared that rates were increased two years ago. The building department is currently 76-78% self-sufficiency.

CD DIR. Scott: No report

6. PRESIDENT'S REFERRAL'S:

1. The matter of a liquor license request from Family Dollar Store of Ohio LLC DBA Family Dollar #26358, 1057 E. Broad St., Elyria.

REFERRED BY: DIVISION OF LIQUOR CONTROL

REFERRED TO: COMMUNITY DEVELOPMENT

2. The matter of amending Section 1301.01 2024 Edition adopted of the Ohio Building Code.

REFERRED BY: BO FARKAS

REFERRED TO: COMMUNITY DEVELOPMENT

3. The matter of a conditional use permit for 10741 Indian Hollow Rd.

REFERRED BY: K. HOVNIANIAN HOMES

REFERRED TO: COMMUNITY DEVELOPMENT/ PLANNING COMMISSION

4. The matter of demolition for 144 Irondale Street, \$1,630.54

REFERRED BY: BO FARKAS

REFERRED TO: FINANCE

5. The matter of utilizing ARPA funds for a \$250,000 grant t Elyria Community Partnership.

REFERRED BY: ASSD CALVERT

REFERRED TO: FINANCE

6. The matter of creating a Financial Review Board.

REFERRED BY: MAYOR BRUBAKER

REFERRED TO: FINANCE

7. The matter of authorizing the Mayor to request and apply for the H2Ohio Rivers Initiative Chloride Reduction Grant.

REFERRED BY: MAYOR BRUBAKER

REFERRED TO: FINANCE

8. The matter of wage classification change to the C41A position.

REFERRED BY: MAYOR BRUBAKER

REFERRED TO: FINANCE

9. The matter of authorizing the Mayor to request bids for replacement of windows on the West side of city hall, 2nd and 3rd floors.

REFERRED BY: MAYOR BRUBAKER

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6. PRESIDENT’S REFERRAL’S: Continued

REFERRED TO: FINANCE

10. The matter of amending the salary ordinance for the Muni Court Traffic Magistrate position.

REFERRED BY: MUNICIPAL COURT JUDGES

REFERRED TO: FINANCE

11. The matter of authorizing the City of Elyria to enter into contract with CT Consultants for assistance with Lead Service Line phase 4 project.

REFERRED BY: WTL JACOB

REFERRED TO: FINANCE/UTILITIES

12. The matter of authorizing the Mayor to enter into Amendment 1 to the professional services agreement with DLZ, Inc.

REFERRED BY: ENG. MCKILLIPS

REFERRED TO: UTILITIES

13. The matter of authorizing the Mayor to enter into change order No. 1 for West Ave. Resurfacing Project.

REFERRED BY: ENG. MCKILLIPS

REFERRED TO: UTILITIES

14.- Received and Placed on file in the clerk’s office:

14. Denied claim for damage: Kevin Sheridan

President Stewart provided a reminder of the referral deadline of Thursday at 12:00 noon.

7. PETITIONS– LOBBY:

Matthew VanWormer- 235 Denison Ave., Elyria- Support of Life Care contract (Exhibit ‘A’)

8. PETITIONS–COUNCIL MEMBERS: None

9. REPORTS OF STANDING AND SPECIAL COMMITTEES: None

10. RESOLUTIONS FIRST READING:

Sponsored by:
Finance:
P. Tollett
M. Siwierka
B. Davis
C. Schneider
J. Cerra

RESOLUTION NO. 2024-2

A RESOLUTION APPROVING THE COLLECTION OF DEMOLITION RELATED COSTS FOR 235 BATH STREET, ELYRIA, OHIO, 44035 AND DIRECTING THE CLERK OF COUNCIL TO CERTIFY SAID COSTS TO THE LORAIN COUNTY AUDITOR.

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10. RESOLUTIONS FIRST READING: Continued

Tollett moved, Schneider seconded to pass this resolution on its first reading under suspension of the rules.

SUSPENSION	PASSAGE
AYE: 10	AYE: 10
NAY: 0	NAY: 0
ABSENT: 1	ABSENT: 1
MOTION CARRIED	MOTION CARRIED

RESOLUTION NO. 2024-3

A RESOLUTION RATIFYING THE MAYOR'S APPOINTMENTS OF REGINA SHOCKLEY AND DENNIS CARTER TO THE TAX INCENTIVE REVIEW COUNCIL PURSUANT TO SECTION 5709.85 OF THE OHIO REVISED CODE, EFFECTIVE JANUARY 1, 2024 THROUGH DECEMBER 31, 2027, AND DECLARING AN EMERGENCY.

Callahan moved, Armstrong seconded to pass this resolution on its first reading under suspension of the rules.

Point of discussion called: Council member Lipian stated it would be important for the committee to find contributing members without deep family ties to members of city government.

SUSPENSION	PASSAGE	EMERGENCY
AYE: 10	AYE: 10	AYE: 10
NAY: 0	NAY: 0	NAY: 0
ABSENT: 1	ABSENT: 1	ABSENT: 1
MOTION CARRIED	MOTION CARRIED	MOTION CARRIED

RESOLUTION NO. 2024-4

A RESOLUTION APPOINTING CHAD SCHNEIDER TO THE BOARD OF DIRECTORS OF THE ELYRIA COMMUNITY IMPROVEMENT CORPORATION (ECIC), AND DECLARING AN EMERGENCY.

Callahan moved, Mitchell seconded to pass this resolution on its first reading under suspension of the rules and declaring an emergency.

SUSPENSION	PASSAGE	EMERGENCY
AYE: 10	AYE: 10	AYE: 10
NAY: 0	NAY: 0	NAY: 0
ABSENT: 1	ABSENT: 1	ABSENT: 1
MOTION CARRIED	MOTION CARRIED	MOTION CARRIED

11. RESOLUTIONS--SECOND READING: None

12. RESOLUTIONS--THIRD READING: None

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13. ORDINANCES--FIRST READINGS:

Sponsored by:
Community
Development:
T. Callahan
A. Lipian
C. Schneider
D. Mitchell
K. Oswald

ORDINANCE NO. 2024-
AN ORDINANCE AMENDING SECTION 1131.02, CODIFIED ORDINANCES OF THE CITY OF ELYRIA, OHIO, KNOWN AS THE ZONING ORDINANCE, TO REZONE TWENTY-ONE (21) PARCELS OF REAL PROPERTY LOCATED BETWEEN MIDWAY BOULEVARD, LEONA STREET, 51ST STREET AND PERKINS STREET AND TWENTY-FOUR (24) PARCELS OF REAL PROPERTY LOCATED BETWEEN 51ST STREET, LEONA STREET, 52ND STREET AND PERKINS STREET, ELYRIA, OHIO, FROM B-N BUSINESS-NEIGHBORHOOD DISTRICT TO B-G BUSINESS-GENERAL DISTRICT.

Public Hearing Scheduled for Tuesday February 20, 2024

Sponsored by:
Finance:
P. Tollett
M. Siwierka
B. Davis
C. Schneider
J. Cerra

ORDINANCE NO. 2024- 9
AN ORDINANCE AUTHORIZING THE USE OF ELECTRONIC TRANSACTIONS TO RECEIVE FUNDS FROM THE LORAIN COUNTY AUDITOR/LORAIN COUNTY TREASURER TO THE CITY OF ELYRIA, AND DECLARING AN EMERGENCY.

Tollett moved, Schneider seconded to pass this ordinance on its first reading under suspension of the rules, and declaring an emergency.

SUSPENSION	PASSAGE	EMERGENCY
AYE: 10	AYE: 10	AYE: 10
NAY: 0	NAY: 0	NAY: 0
ABSENT: 1	ABSENT: 1	ABSENT: 1
MOTION CARRIED	MOTION CARRIED	MOTION CARRIED

Sponsored by:
Finance:
P. Tollett
M. Siwierka
B. Davis
C. Schneider
J. Cerra

ORDINANCE NO. 2024- 10
AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH RAFTER A, LTD., FOR DESIGN ENGINEERING SERVICES.

Tollett moved, Schneider seconded to pass this ordinance on its first reading under suspension of the rules, and declaring an emergency.

SUSPENSION	PASSAGE	EMERGENCY
AYE: 10	AYE: 10	AYE: 10
NAY: 0	NAY: 0	NAY: 0
ABSENT: 1	ABSENT: 1	ABSENT: 1
MOTION CARRIED	MOTION CARRIED	MOTION CARRIED

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13. ORDINANCES--FIRST READINGS: Continued

Sponsored by:	<u>ORDINANCE NO. 2024- 11</u>
<u>Finance:</u>	AN ORDINANCE AMENDING ORDINANCE NO. 2023-178,
P. Tollett	KNOWN AS THE "2024 TEMPORARY APPROPRIATIONS
M. Siwierka	ORDINANCE".
B. Davis	
C. Schneider	
J. Cerra	

Tollett moved, Davis seconded to pass this ordinance on its first reading under suspension of the rules.

SUSPENSION	PASSAGE
AYE: 10	AYE: 10
NAY: 0	NAY: 0
ABSENT: 1	ABSENT: 1
MOTION CARRIED	MOTION CARRIED

Sponsored by:	<u>ORDINANCE NO. 2024- 12</u>
<u>Finance:</u>	AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER
P. Tollett	INTO A SERVICE AGREEMENT WITH LIFECARE
M. Siwierka	AMBULANCE, INC. FOR PROFESSIONAL EMERGENCY
B. Davis	MEDICAL SERVICES TO THE CITY OF ELYRIA AND ITS
C. Schneider	RESIDENTS, AND DECLARING AN EMERGENCY.
J. Cerra	

Law Director Deery requested a motion to amend the ordinance for purposes of substituting exhibit 'A' which is the updated most recent proposed agreement.

Schneider moved, Davis seconded to amend the ordinance.

AYE: 10
NAY: 0
MOTION CARRIED

Cerra moved, Schneider seconded to pass this ordinance on its first reading under suspension of the rules, and declaring an emergency.

Discussion held, request to reconsider:

Tollett moved to reconsider the vote, Siwierka seconded.

AYE: 10
NAY: 0
MOTION CARRIED

Tollett called for discussion, Law Director Deery declared the floor open for discussion. Attorney Breunig was requested to approach council to answer any additional questions. Law Director Deery stated that late Friday February 2nd, she spoke with the Administration and

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13. ORDINANCES--FIRST READINGS: Continued

President of Council regarding the updated proposed contract, which the motion to accept the amendment just occurred. The amendment had been agreed to by LifeCare and worked on throughout the weekend by LifeCare and the Law Office. The agreement was served on members of council the day of the meeting electronically as soon as it had been formalized. President Stewart shared that on Thursday a meeting was held with himself, Mayor Brubaker, Ms. Mason and Ms. Skinner at LifeCare to discuss the concerns of the contract and other items that needed clarification. President Stewart stated the meeting outcome was favorable, with a mutual agreement of a four year with a one-year option and an add on with a 180-day notice by both parties. President Stewart shared that as of Friday, he contacted members of council to provide an update on the status and everyone was receptive. A few questions remained, the opportunity exist for Assistant Law Director Breunig to respond to those questions. Assistant Law Director Breunig added that the substituted exhibit is identical to the replacement with the exception of , Article 6, term, replaced with a new section 6.1 to establish the four-year term with an automatic renewal, unless either party opts out prior to the beginning of the term. Council member Tollett stated that the city of Elyria is about to enter into a potentially multi-year, multi-million-dollar contract with a private company. Council member Tollett added for public information, the contract is for non-transport services only. He also stated that LifeCare has been a great partner with the city of Elyria for decades. Council member Tollett explained tax payer dollars will be utilized for billing at \$126 per non-transport services. Council member Tollett requested that the contract obtain the date of transport, name, address of call, home address, phone number time of the call and arrival, and the \$126 amount. Council member Tollett confirmed that he is not requesting personal health information. He expressed the requested information would be the only way of verifying the calls. Council member Tollett stated without the requested documentation, he would not be in support of the ordinance. Assistant Law Director Breunig added that a fair amount of detail is requested of LifeCare in their reporting and monthly invoicing. He asked that council refer to sections 1.11 and 2.2 of the contract. The minimum summaries are set forth in detail. Assistant Law Director Breunig expressed his understanding of council member Tollett's concerns. In response, he shared the agencies are separate: Lorain County 911 would be keeper of particular records, LifeCare is the keeper of medical records that 911 generates in response to the calls. Assistant Law Director Breunig expressed the contract covers the city of Elyria adequately. Law Director Deery stated that her advice to council would not be to retrieve any information of the end user consumer. President Stewart expressed his belief that good faith would exist between the city of Elyria and LifeCare. Council member Lipian stated the he agreed with Law Director Deery, names should not discoverable. He also agreed with Council member Tollett regarding the billing and suggest requesting some information for itemized billing. Council member Siwierka inquired of holding invoices that are in question. Assistant Law Director Breunig shared in past scenarios if invoices have been questionable, the finance team seeks understanding of the invoice information prior to proceeding with payment. If questions arise, the city can call the vendor. Council member Siwierka expressed that she agrees with Council member Tollett, she stated she had several questions, some were answered. She is not comfortable with the unvalidated billing system.

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13. ORDINANCES--FIRST READINGS: Continued

Cerra moved, Schneider seconded to pass this ordinance on its first reading under suspension of the rules, and declaring an emergency.

Council member Siwierka requested a roll call vote.

Council member Callahan stated that before the roll call vote proceeds he would like to thank the law office, Mayor Brubaker and President Stewart for their efforts in reaching out to work with LifeCare to come up with a solution. He expressed that it may not be perfect, however it is a workable solution. Both parties were able to find common ground and the service agreement is reasonable for the citizens of Elyria.

Council member Lipian stated not passing the contract, the risks would outweigh the benefits.

ROLL CALL:

SUSPENSION

AYES: Callahan, Cerra, Armstrong, Mitchell, Stewart, Schneider, Davis, Siwierka, Lipian, Tollett

Absent: Oswald

EMERGENCY

AYES: Callahan, Cerra, Armstrong, Mitchell, Stewart, Schneider, Davis, Siwierka, Lipian, Tollett

PASSAGE

AYES: Callahan, Cerra, Armstrong, Mitchell, Stewart, Schneider, Davis, Siwierka, Lipian

NAY: Siwierka, Tollett

MOTION CARRIED

Sponsored by:

Finance:

- P. Tollett
- M. Siwierka
- B. Davis
- C. Schneider
- J. Cerra

ORDINANCE NO. 2024-13

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE OHIO ENVIRONMENTAL PROTECTION AGENCY, DRINKING AND GROUND WATERS DIVISION, AND ACCEPT, IF OFFERED, THE ASSET MANAGEMENT PROGRAM GRANT, AND DECLARING AN EMERGENCY.

Tollett moved, Davis seconded to pass this ordinance on its first reading under suspension of the rules, and declaring an emergency.

SUSPENSION

AYE: 10

NAY: 0

ABSENT: 1

MOTION CARRIED

PASSAGE

AYE: 10

NAY: 0

ABSENT: 1

MOTION CARRIED

EMERGENCY

AYE: 10

NAY: 0

ABSENT: 1

MOTION CARRIED

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13. ORDINANCES--FIRST READINGS: Continued

Sponsored by:

Utilities:

- D. Mitchell
- B. Davis
- V. Stewart III
- K. Oswald
- B. Armstrong

ORDINANCE NO. 2024-14

AN ORDINANCE AUTHORIZING THE MAYOR TO EXERCISE THE FIRST YEAR OPTION OF THE EXISTING SLUDGE DISPOSAL CONTRACT WITH LORAIN COUNTY LANDFILL, LLC, FOR SLUDGE DISPOSAL.

Mitchell moved, Davis seconded to pass this ordinance on its first reading under suspension of the rules, and declaring an emergency.

SUSPENSION	PASSAGE	EMERGENCY
AYE: 10	AYE: 10	AYE: 10
NAY: 0	NAY: 0	NAY: 0
ABSENT: 1	ABSENT: 1	ABSENT: 1
MOTION CARRIED	MOTION CARRIED	MOTION CARRIED

14. ORDINANCES--SECOND READINGS: None

15. ORDINANCES--THIRD READING: None

16. COMMITTEE CALLS:

COMMUNITY DEVELOPMENT

Mon. 2/12/2024 Beginning at 6:00 P.M. All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.

JOINT CD/FINANCE

Mon. 2/12/2024 Immediately following Community Development All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.

FINANCE

Mon. 2/12/2024 Immediately following Joint All Referred Items Council Chambers w/Mayor, Auditor, Law Director, SSD, Engineer

UTILITIES, SAFETY & ENVIRONMENT

Mon. 2/7/2024 Combined with Finance All Referred Items Council Chambers w/SSD, Law Director, Engineer All

COUNCIL/STRATEGIC PLANNING 2/20/2024 Immediately following Council Meeting

All Referred Items Council Chambers W/ Mayor, Safety Service Director, Auditor, Solicitor, Engineer

Minutes Approved

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17. MISCELLANEOUS AND UNFINISHED BUSINESS:

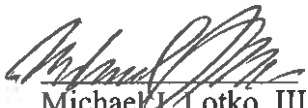
President Stewart shared with the Administration he received a call regarding potholes on Cascade. He asked if someone could look into it.

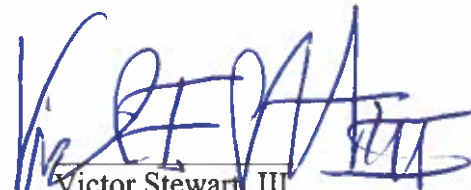
Council member Siwierka shared that information was received from Mr. Campanelli, the owner of the house on Chestnut Ridge Rd. that was crashed into several times. She requested the information be referred to committee. Law Director Deery shared that she would not advise having a discussion of real estate on the floor of council or in an open committee meeting. President Stewart suggest we have all pertinent information for a scheduled meeting.

Council member Lipian announced the Good Neighbor's initiative would be hosting a country breakfast on February 17, 2024 for members of the homeless population from 11:00 a.m. to 1:00 p.m. at Emmanuel Lutheran Church on Garford Ave. He expressed the need of items for the breakfast and volunteers.

18. ADJOURNMENT:

Mitchell moved, Cerra seconded to adjourn the Regular Council Meeting at 7:54P.M.
MOTION CARRIED


Michael J. Lotko, III
Clerk of Council


Victor Stewart, III
President of Council

RLP/

10



February 5th, 2024

Approving LifeCare Contract is the Right Path Forward

I rise this evening to speak in support of the new contract that has been negotiated with LifeCare for continued ambulance and Emergency Medical Services in Elyria. LifeCare, their employees, and the De La Porte Family have been fantastic partners to the City of Elyria and offer a great path forward with this contract.

Looking at it from a financial impact perspective, this contract makes even more sense. The amount of taxpayer funds it would take to get this operation up and running through the Fire Department hits \$2 Million in ambulance costs, before we even talk about personnel. Add in salaries for employees, health care benefits and retirement, and we're talking several million dollars over the next 5 years that the LifeCare contract covers.

This isn't to say that it this something that shouldn't be explored for the future, but we need the time to think about this strategically, and fiscally. Thankfully, almost all of our council members recently voted to increase the base-salaries for the Elyria Police Department, and focusing on getting them to full strength is of utmost importance right now. We shouldn't be trying to figure out the financial aspect of starting this project at the same time. If this is something that is to be considered, those discussions must begin in earnest.

I hold our Fire Department in the highest regard and know that their services are vital to the strength of our community. The last thing I want to see is for them to become overwhelmed by another, on average, 30 emergency calls, per day, while still working through the logistics of handling those calls. In my opinion, continuing to partner with LifeCare, at this time, is the right path forward.

Thank you,



Matthew Van Wormer
235 Denison Ave
Elyria, OH 44035

