

Minutes Approved

October 21, 2024  
Regular Council Meeting  
Elyria City Council

**1. CALL TO ORDER:**

The regular meeting of Elyria City Council was called to order on October 21, 2024 at 6:58 p.m. by Pro Tem Mitchell. Pro Tem Mitchell requested all cell phones please be turned off or placed on silent mode. Pro Tem Mitchell opened the meeting requesting a moment of reflective silence. The Pledge of Allegiance was led by Council member Armstrong.

**2. ROLL CALL: COUNCIL MEMBERS**

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

EXCUSED ABSENT: Stewart

Davis moved, Schneider seconded to approve the excused absence.

MOTION CARRIED

OTHERS PRESENT: Mayor Brubaker, SSD Pyanowski, Fin. Dir. Pileski, Law Director Deery, Police Chief Pelko, Fire Chief Pronesti, BO Farkas, Engineer Schneider, HR Dir. Yousefi

Pro Tem Mitchell addressed Council member Lipian to present proclamations to residents of Ward 1. Mayor Brubaker offered to retrieve the documents. Pro Tem Mitchell suggested we circle back to this presentation later in the meeting.

**3. PUBLIC HEARINGS:**

The regular meeting recessed at 7:01p.m. for the Public Hearing,

**Clerk Lotko read the call to public hearing:**

**CALL TO PUBLIC HEARING:**

You are hereby notified that a public hearing will be held Monday October 21, 2024 at 7:00 p.m. to consider the following:

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT PURSUANT TO CHAPTER 1135 OF THE CODIFIED ORDINANCES OF THE CITY OF ELYRIA, OHIO TO HUBERT OLIVER LEGACY 34 AND HUBERT OLIVER FOR A RESTAURANT AT REAL PROPERTY LOCATED AT 460 CLEVELAND STREET, ELYRIA OHIO.

*Pro Tem Mitchell asked if there were any proponents?*

*Hubert Oliver, 1424 Faxon Place, Elyria/ Geoffrey Smith 124 Middle Ave, Suite 800, Elyria, OH 44035. Attorney Smith stated it was his pleasure to be in attendance to share information about Hubert Oliver. Mr. Oliver is asking to turn the old Payless Shoe Store located on Cleveland Street into a Restaurant called Legacy 34. His request is for a conditional use permit. The request has passed both Planning Commission and Board of Zoning Appeals.*

*(Full presentation attached)*

*Exhibit 'A'*

October 21, 2024  
Regular Council Meeting  
Elyria City Council

### **3. PUBLIC HEARINGS:** Continued



Hubert Oliver  
Legacy34 Presentati

*Council member Siwierka asked for confirmation of the hours. Attorney Smith shared the planned hours are 4:00 p.m. to 11:00 p.m. Council member Siwierka confirmed it is dinner time hours of opening. Attorney Smith responded, yes.*

*Council member Tollett asked if the business would be a restaurant or an event center? Attorney Smith stated it would be a restaurant.*

*Council member Schneider asked if the restaurant would contain a bar? Attorney Smith responded, yes.*

*Council member Oswald asked for confirmation that the matter failed in committee after the Board of Zoning. Law Director Deery called for a point of order in the meeting. She explained that the Community Development Committee heard the matter on August 12<sup>th</sup>, 2024. The vote was unanimously no, by the quorum in attendance. All conditions set forth by the Planning Commission had been satisfied. Attorney Smith shared, one member was absent during the August 12<sup>th</sup> meeting. He stated Council members were very adamant and continue to be adamant, he believes the matter needs a full council vote.*

*Council member Cerra stated that he was still against the conditional use permit. He stated to Attorney Smith that he left out a liquor license would be attached to the business. Mr. Cerra stated he believes that is a problem, in addition with the business location abutting against residential housing and the parking lot where people would be coming and going is near the driveway of the home. Mr. Cerra stated his concern was regarding the establishment having open hours until 2:00 a.m. Attorney Smith explained that whatever conditions set by council Mr. Oliver would abide by them.*

*Council member Cerra stated a concern with the comparison to the city of Lakewood, and asked what other restaurants along the section doesn't have parking areas? Attorney Smith stated the establishment would have twenty-one parking spaces that were approved by the board of Zoning appeals. Council member Cerra stated his concern are the calls that he would receive concerning parking in front of houses where people would normally park in front of their residence. The parking would be allowable due to public right away. Attorney Smith stated the issue could have been appealed and had not been.*

*Pro Tem Mitchell invited Assistant Law Director Breunig to weigh in on the matter. Assistant Law Director Breunig addressed the following two points, one being whether or not parking should be a consideration. ALD Breunig stated he disagreed with Attorney Smith. The second is that whether or not council decides to grant a conditional use permit is a legislative act. It would be the council members beliefs that the appropriate conditions and safeguards necessary have been met to enact a certain use in a district. ALD Breunig shared with the members they would make their own decisions separate of the Board of Zoning Appeals based on the evidence*

October 21, 2024  
Regular Council Meeting  
Elyria City Council

**3. PUBLIC HEARINGS:** Continued

*presented to them. Members should consider if the conditions meet the guidelines or not. The district is a Business-Neighborhood District, not Business-General. ALD Breunig confirmed Attorney Smith's statement that council can place additional restrictions on the liquor request. Any conditions can be set by council on the permit that they as a body chooses.*

*Council member Oswald expressed additional concerns regarding parking and asked if Police Chief Pelko could come up and weigh-in. Law Director Deery asked for a point of order in the meeting and asked Pro Tem Mitchell to ask for additional proponents prior to having comments from Chief Pelko.*

*Council member Siwierka asked if the legislation could be changed in the meeting? ALD Breunig, stated that legislation has been amended to existing ordinances and legislation on the council floor in the past. Mr. Breunig stated a continuance of a public hearing is not unprecedented. The other suggestion was it could also be sent back to committee. Attorney Smith stated that he provided Mr. Breunig a note to let him know that the actions of council were in an administrative capacity as opposed to legislative. He stated he wanted to make sure it was important that council understood their roles.*

*Pro Tem Mitchell asked if there were any proponents?*

*Pro Tem Mitchell asked if there were any proponents?*

*Craig Dixon, 1663 Reades Court Way - Architect for the project addressed council member Oswald and stated that Council member Oswald had been opposed to the project from the beginning. He expressed that he took offense to Council member Oswald's actions to figure out the parking that was presented on the drawing. Mr. Dixon stated he had a meeting with the previous Mayor of the city of Elyria, the Law Director, Building Commissioner and the secretary. He stated all were in agreement that the city codes were antiquated. Mr. Dixon expressed that he was hoping the codes would be updated. Mr. Dixon stated that city codes across the country are outdated. Also, he met both Mr. Oliver and his wife Rosalind and has tasted the food they plan to serve. He thinks it would be a great benefit to the city of Elyria. Law Director Deery stated for the record she had not had the opportunity to meet with Mr. Dixon, nor had anyone in her office. Law Director Deery shared with council members that the decisions would be made with the current laws.*

*Pro Tem Mitchell asked if there were any other proponents?*

*There were none.*

*Pro Tem Mitchell asked if there were any opponents?*

*Doug Strickland-115 Bellfield, Elyria- Mr. Strickland introduced himself as the neighbor that would be sharing the parking lot. He stated that he has been in attendance and spoken at every meeting that has been held so far and he is hoping this would be the last meeting. Mr. Strickland stated no storm water exist for the property. He stated the condition of the building is only as*

October 21, 2024  
Regular Council Meeting  
Elyria City Council

**3. PUBLIC HEARINGS:** Continued

*recent as the ownership of Mr. Oliver. He stated he has maintained the property since 2005 with trimming, grounds upkeep and snow removal. Mr. Strickland stated he has witnessed cars slide down the parking lot. He shared that he was a past delivery driver to the old business that occupied the address and he would have to park in his own driveway because a truck would not hold in the parking lot during icy seasons. His concerns were multiple deliveries through the week and where would the delivery vehicles park. Mr. Strickland stated the house that abuts the business is his fourth home in the St. Jude network, he stated the area is the gateway to what's always been the family neighborhood "where all the families start" in Elyria. The heart and soul.*

*Pro Tem Mitchell asked if there were any opponents?*

*Pro Tem Mitchell asked if there were any opponents?*

*There were none.*

*Pro Tem Mitchell declared this public hearing had been held.*

**ORDINANCE NO. 2024-**

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT  
PURSUANT TO CHAPTER 1135 OF THE CODIFIED  
ORDINANCES OF THE CITY OF ELYRIA, OHIO TO HUBERT  
OLIVER LEGACY 34 AND HUBERT OLIVER FOR A  
RESTAURANT AT REAL PROPERTY LOCATED AT 460  
CLEVELAND STREET, ELYRIA OHIO.

Lipian moved, Armstrong seconded to pass this ordinance on its third reading.

ROLL CALL VOTE:

PASSAGE

AYE: Armstrong, Mitchell, Davis, Siwierka, Lipian,

NAY: Callahan, Cerra, Oswald, Schneider, Tollett

ABSENT: Stewart

MOTION FAILED

Council member Lipian presented residents of Ward 1 with proclamations from the Mayor. Ward 1 has organized an initiative called Good Neighbors that meets monthly to recognize and promote being good neighbors in the community. Those recognized were Espresso Bakery owners, Keith and Laura Black for Business of the Year. Mayor Brubaker read the proclamation. Pro Tem Mitchell congratulated Mr. and Mrs. Black.

The other resident recognized was Deb Brady for her commitment to the Block Watch Program. Mayor Brubaker read the proclamation.

**4. APPROVAL OF MINUTES:**

Siwierka moved, Schneider seconded to approve council meeting minutes.

NAYE: Lipian, MOTION CARRIED

\_\_\_\_\_  
October 21, 2024  
Regular Council Meeting  
\_\_\_\_\_  
Elyria City Council

## **5. REMARKS AND REPORTS OF CITY OFFICIALS:**

### **Mayor Brubaker:**

Mayor Brubaker shared that in recognition of Manufacturing Month, himself and ASSD Calvert had the honor of hosting Congressman Latta and his staff with a visit at the Elyria Foundry, one of the largest manufacturing businesses in the city. The group was able to witness what the \$2.5 million investment was used towards. The Elyria Foundry invested in a robot to replace a position that held the most turnover and was the most challenging position in reference to work tasks, safety, and environmental conditions. Mayor Brubaker expressed his appreciation of Congressman Latta's visit and his support of the \$2million in earmarks. Mayor Brubaker stated that he had the opportunity to share the two to three earmarks that the city of Elyria is looking forward to for this year.

### **Finance Director:**

Finance Director Pileski shared that since the last council meeting he had the ability to conduct research regarding recreational marijuana sales and how monies would be distributed to municipalities and other governmental entities. He stated that information on the topic was very limited, however he was able to locate an article that indicated the distribution has not been included in the 2024/2025 appropriation for the State of Ohio. The fiscal year for the state is July 1<sup>st</sup> to June 30<sup>th</sup>. If the current appropriations are not amended, there may not be a possibility of any distribution sales tax from recreational marijuana until after July 1<sup>st</sup> 2025 when the new appropriations go into affect.

Council member Tollett thanked Finance Director Pileski for the update. Mr. Tollett shared that currently a tabled matter is sitting with the Finance and Utilities committees that revenue received would go into street repaving at one hundred percent earmark.

### **Law Director Deery:**

Law Director Deery explained that during miscellaneous and unfinished business she would request that Council act to amend ordinance 2024-94 due to an update to the exhibit to reflect the proper legal description. The ordinance pertains to the McGregor Pace project and plat consolidation.

**Safety Service Director:** No report

**ASSD Director:** No report

**EPD:** No report

Council member Armstrong inquired about an update of the NIU Unit. Pro Tem Mitchell defined NIU for the audience, Neighborhood Impact Unit. Chief Pelko explained the unit assembled the beginning of October and have made seventeen arrests, one rifle pistol has been taken off the streets as well as numerous amounts of drugs.

## Minutes Approved

October 21, 2024  
Regular Council Meeting  
Elyria City Council

### **EFD:**

Fire Chief Pronesti shared that earlier in the day was a special celebration in the fire department as Pastor Joshua Hargis was sworn in as the new fire chaplain. Fire Chief Pronesti introduced Chaplain Hargis to members of Council. He shared that in their line of work there are many times that “you wish you would forget what your eyes have seen”. He is hopeful that Pastor Hargis will be helpful to the department as well as the community as a whole.

Council member Siwierka stated she had inquired of employee assistance after the recent tragic accident. She is happy to see that both police and fire are taking advantage of necessary counseling that may be needed.

Related articles:

<https://www.news5cleveland.com/news/local-news/we-follow-through/elyria-pastor-sworn-in-as-city-fire-departments-new-chaplain>

[https://www.yahoo.com/news/not-dealing-things-alone-elyria-001909695.html?guccounter=1&guce\\_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guc\\_e\\_referrer\\_sig=AQAAANBHReiOeEt7cu0lflSlcndvtGgDZtnTL8XMI1IHVKFie7X4UmsK5qS8RQBSxAGk3LW1VB5j2YmPrpHd4saC6R4tnKuNpVNYd30\\_AX5eEEoK96DlFuwWh5mj7m8OpNPh6WiDSldxGSyec4ryGDCu6HaiSgasdePmWRIGXDvH5qDA](https://www.yahoo.com/news/not-dealing-things-alone-elyria-001909695.html?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guc_e_referrer_sig=AQAAANBHReiOeEt7cu0lflSlcndvtGgDZtnTL8XMI1IHVKFie7X4UmsK5qS8RQBSxAGk3LW1VB5j2YmPrpHd4saC6R4tnKuNpVNYd30_AX5eEEoK96DlFuwWh5mj7m8OpNPh6WiDSldxGSyec4ryGDCu6HaiSgasdePmWRIGXDvH5qDA)

<https://www.msn.com/en-us/video/peopleandplaces/you-re-not-dealing-with-things-alone-elyria-fire-reviving-chaplaincy-program-with-local-pastor/vi-AA1pK7ob>

**Eng. Schneider:** No report

**BO Farkas:** No report

Council member Davis inquired of the house on Bell Ave. Council member Davis described it as half of a house, even with a fence around it, she doesn't believe it to be safe. BO Farkas explained the address is on his list to discuss with the legal advisor.

**HR Dir. Yousefi:** No report

### **6. PRESIDENT'S REFERRAL'S:**

1. The matter of a re-zoning permit from B-N/R-MD to B-G.

**REFERRED BY:** FLEET MANAGEMENT INC.

**REFERRED TO:** PLANNING COMMISSION/ COMMUNITY DEVELOPMENT

2. The matter of adopting the proposed updates to the Community Development Block Grant (CDBG) Policy and Procedures Manual.

**REFERRED BY:** CD MNGR. ALMOBAYYED

**REFERRED TO:** COMMUNITY DEVELOPMENT

October 21, 2024  
Regular Council Meeting  
Elyria City Council

**6. PRESIDENT'S REFERRAL'S: Continued**

3. The matter of applying to the Department of Housing and Urban Development for the Older Adults Home Modification Grant Program.

**REFERRED BY:** CD DIR. SCOTT

**REFERRED TO:** COMMUNITY DEVELOPMENT/ FINANCE

4. The matter of referral of a one-time fleet optimization consultation service with Rubicon Global LLC.

**REFERRED BY:** SSD PYANOWSKI

**REFERRED TO:** FINANCE

5. The matter of disposing of city property that is unfit for use.

**REFERRED BY:** FIRE CHIEF PRONESTI

**REFERRED TO:** FINANCE

6. \* The matter of requesting to earmark the collection of Recreational Marijuana Funds to be used for Residential Street Resurfacing.

**REFERRED BY:** FINANCE CHAIR TOLLETT/ UTILITIES CHAIR MITCHELL

**REFERRED TO:** FINANCE/ UTILITIES

*tentative date to be returned March 2025*

**7. PETITIONS- LOBBY:**

1. **John Gall**-424 Augusta Dr., Elyria- Elyria Youth Chess Club

Pro-Tem Mitchell expressed her appreciation for the work the Youth Chess Club is doing with the youth in the city and believes it is outstanding.

**8. PETITIONS-COUNCIL MEMBERS:**

1. Council member Oswald- Bikes Lanes/ Safety Letter on behalf of Mark Mathes- Exhibit 'A' attached

Chief Pronesti explained that bike safety is thoroughly covered in Safety Town.

Council member Siwierka shared that chapter 182 of the codified ordinances has a bicycle committee. Mrs. Siwierka asked that the Mayor and SSD take a look at that information and consider re-activating the committee. Mr. Mathes and Ed Stewart were active members of the committee.

Council member Tollett stated that e-bikes and e-Scooters also needed to be taken into consideration. Law Director Deery explained the electronic scooters are regulated differently from a regular bike.



BicycleLane.pdf

**9. REPORTS OF STANDING AND SPECIAL COMMITTEES: None**

October 21, 2024  
Regular Council Meeting  
Elyria City Council

**10. RESOLUTIONS FIRST READING:**

**Finance**

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

**RESOLUTION NO. 2024- 38**

A RESOLUTION APPROVING THE COLLECTION OF DEMOLITION RELATED COSTS FOR 327 BROAD STREET, ELYRIA, OHIO, 44035 AND DIRECTING THE CLERK OF COUNCIL TO CERTIFY SAID COSTS TO THE LORAIN COUNTY AUDITOR.

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

**SUSPENSION**

AYE: 10

NAY: 0

ABSENT: 1

MOTION CARRIED

**PASSAGE**

AYE: 10

NAY: 0

ABSENT:1

MOTION CARRIED

**Finance**

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

**RESOLUTION NO. 2024- 39**

A RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND CERTIFYING THEM TO THE COUNTY AUDITOR, AND DECLARING AN EMERGENCY.

Tollett moved, Davis seconded to pass this resolution 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

**Finance**

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

**RESOLUTION NO. 2024- 40**

A RESOLUTION APPROVING A PETITION FOR SPECIAL ASSESSMENTS FOR SPECIAL ENERGY IMPROVEMENT PROJECTS AND A PLAN FOR PUBLIC IMPROVEMENTS; DECLARING THE NECESSITY OF ACQUIRING, CONSTRUCTING, IMPROVING, INSTALLING, AND EQUIPPING CERTAIN PUBLIC IMPROVEMENTS DESCRIBED IN THE PLAN FOR PUBLIC IMPROVEMENTS IN COOPERATION WITH THE ELYRIA, ELYRIA TOWNSHIP, LORAIN ENERGY IMPROVEMENT DISTRICT, AND DECLARING AN EMERGENCY.

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



October 21, 2024  
Regular Council Meeting  
Elyria City Council

**10. RESOLUTIONS FIRST READING: Continued**

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**

**13. ORDINANCES--FIRST READINGS:**

***Companion to above Resolution***

**Finance**

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

**ORDINANCE NO. 2024- 158**

AN ORDINANCE DETERMINING TO PROCEED WITH THE ACQUISITION, CONSTRUCTION, IMPROVEMENT, INSTALLATION, AND EQUIPPING OF CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF ELYRIA, OHIO IN COOPERATION WITH THE ELYRIA, ELYRIA TOWNSHIP, LORAIN ENERGY SPECIAL IMPROVEMENT DISTRICT, 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	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

***Companion to above Resolution***

**Finance**

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

**ORDINANCE NO. 2024-159**

AN ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE PURPOSE OF ACQUIRING, CONSTRUCTING, EQUIPPING, AND IMPROVING CERTAIN PUBLIC IMPROVEMENTS IN THE CITY OF ELYRIA, OHIO IN COOPERATION WITH THE ELYRIA, ELYRIA TOWNSHIP, LORAIN ENERGY SPECIAL IMPROVEMENT DISTRICT, AUTHORIZING THE MAYOR TO ENTER INTO AN ENERGY PROJECT COOPERATIVE AGREEMENT AND A SPECIAL ASSESSMENT AGREEMENT, 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	PASSAGE	EMERGENCY
AYE: 10	AYE: 10	AYE: 10

October 21, 2024  
Regular Council Meeting  
Elyria City Council

**13. ORDINANCES--FIRST READINGS: Continued**

NAY: 0	NAY: 0	NAY: 0
ABSENT: 1	ABSENT: 1	ABSENT: 1
MOTION CARRIED	MOTION CARRIED	MOTION CARRIED

**Sponsored by**  
**Community**  
**Development**

D. Mitchell  
A. Lipian  
C. Schneider  
K. Oswald

**ORDINANCE NO. 2024-160**

AN ORDINANCE ACCEPTING THE DEDICATION OF CERTAIN LANDS, EASEMENTS AND RIGHTS-OF-WAY FOR THE INSTALLATION OF STREETS AND UTILITIES AS PROVIDED FOR IN THE FINAL PLAT OF SOUTH RIDGE AT FIELDSTONE LAKES SUBDIVISION NO. 1.

Callahan moved, Schneider seconded to pass this ordinance on its first reading under suspension of rules.

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

**Finance**

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

**ORDINANCE NO. 2024-161**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A SERVICE CONTRACT WITH OARNET FOR SUPPORT AND LICENSING OF COMPUTING, STORAGE AND NETWORK VIRTUALIZATION FOR THE CITY OF ELYRIA, THROUGH THE STATE OF OHIO PURCHASING PROGRAM OR EQUIVALENT PROGRAM, 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	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

**Finance**

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

**ORDINANCE NO. 2024-162**

AN ORDINANCE RATIFYING THE MAYOR'S APPLICATION FOR, AND IF OFFERED, THE ACCEPTANCE OF, THE FY2024 STATE HOMELAND SECURITY PROGRAM GRANT, THROUGH THE OHIO EMERGENCY MANAGEMENT AGENCY, AND DECLARING AN EMERGENCY.

Minutes Approved

October 21, 2024  
Regular Council Meeting  
Elyria City Council

**13. ORDINANCES--FIRST READINGS: Continued**

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

**Finance**

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

**ORDINANCE NO. 2024-163**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A TWO (2) YEAR LEASE TO RENT SPACE LOCATED AT 1463 LOWELL STREET, ELYRIA, OHIO, TO STORE POLICE EVIDENCE.

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

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

Sponsored by

**Utilities**

B. Davis  
V. F. Stewart III  
K. Oswald  
B. Armstrong

**Finance**

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

**ORDINANCE NO. 2024-164**

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE LOADING DOCK REPAIR PROJECT FOR THE WATER PUMPING PLANT, AND DECLARING AN EMERGENCY.

Davis moved, Armstrong 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

October 21, 2024  
Regular Council Meeting  
Elyria City Council

### 13. ORDINANCES--FIRST READINGS: Continued

Sponsored by

**Utilities**

B. Davis

V. F. Stewart III

K. Oswald

B. Armstrong

**Finance**

P. Tollett

M. Siwierka

B. Davis

C. Schneider

J. Cerra

**ORDINANCE NO. 2024-165**

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR), AND ACCEPT IF OFFERED, A GRANT THROUGH THE LAND AND WATER CONSERVATION FUND PROGRAM FOR THE PARKS AND RECREATION DEPARTMENT, AND DECLARING AN EMERGENCY.

Davis moved, Armstrong 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

Sponsored by

**Finance**

P. Tollett

M. Siwierka

B. Davis

C. Schneider

J. Cerra

**ORDINANCE NO. 2024-166**

AN ORDINANCE AUTHORIZING THE SUBMISSION, THROUGH THE LAW DIRECTOR'S OFFICE, OF APPLICATIONS TO THE OFFICE OF THE ATTORNEY GENERAL, STATE OF OHIO, AND TO ACCEPT, IF OFFERED, A 2024-2025 VICTIMS OF CRIME ACT (VOCA) GRANT AND THE 2024-2025 STATE VICTIMS ASSISTANCE ACT (SVAA) GRANT FOR THE VICTIM'S ASSISTANCE PROGRAM, 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

October 21, 2024  
Regular Council Meeting  
Elyria City Council

**13. ORDINANCES--FIRST READINGS: Continued**

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

**ORDINANCE NO. 2024-167**

AN ORDINANCE AMENDING ORDINANCE NO. 2024-46,  
KNOWN AS THE "2024 PERMANENT APPROPRIATIONS  
ORDINANCE," TO CHANGE FUNDS IN VARIOUS ACCOUNTS.

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

SUSPENSION  
AYE: 10  
NAY: 0  
ABSENT: 1

MOTION CARRIED

PASSAGE  
AYE: 10  
NAY: 0  
ABSENT: 1

MOTION CARRIED

Sponsored by  
**Rules**  
V. F. Stewart III  
T. Callahan  
J. Cerra

**ORDINANCE NO. 2024-168**

AN ORDINANCE AMENDING ELYRIA CODIFIED  
ORDINANCES CHAPTER 165: EMPLOYEES GENERALLY, TO  
BE EFFECTIVE JANUARY 1, 2025.

Cerra moved, Lipian seconded to pass this ordinance on its first reading under suspension of rules.

SUSPENSION  
AYE: 10  
NAY: 0  
ABSENT: 1

MOTION CARRIED

PASSAGE  
AYE: 10  
NAY: 0  
ABSENT: 1

MOTION CARRIED

Sponsored by  
**Rules**  
V. F. Stewart III  
T. Callahan  
J. Cerra

**ORDINANCE NO. 2024-169**

AN ORDINANCE AUTHORIZING THE ADOPTION OF A CITY  
OF ELYRIA POLICY AND PROCEDURE MANUAL EFFECTIVE  
JANUARY 1, 2025, IN ACCORDANCE WITH THE CHARTER  
AND ORDINANCES OF THE CITY OF ELYRIA, AND STATE  
AND FEDERAL LAW.

Cerra moved, Lipian seconded to pass this ordinance on its first reading under suspension of rules.

Council member Siwierka encouraged the HR Director to keep council members posted when the manual is rolled out to the unions as that has not happened to date.

October 21, 2024  
Regular Council Meeting  
Elyria City Council

**13. ORDINANCES--FIRST READINGS: Continued**

Council member Lipian asked for confirmation that council could amend the personnel manual anytime in the future. Law Director Deery explained any amendments would come before council. Any amendments to the personnel manual would be done in accordance to authorization of the ordinance which sets forth the legislation.

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

**14. ORDINANCES--SECOND READINGS: None**

**15. ORDINANCES--THIRD READING: None**

**16. COMMITTEE CALLS:**

**COMMUNITY DEVELOPMENT**

Mon 10/28/2024 Beginning at 6:00 P.M. All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.

**JOINT CD/FINANCE**

Mon. 10/28/2024 Immediately following Community Development All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.

**FINANCE**

Mon. 10/28/2024 Immediately following Joint All Referred Items Council Chambers w/Mayor, Auditor, Law Director, SSD, Engineer

**UTILITIES**

Wed. 11/6/2024 Combined with Finance All Referred Items Council Chambers w/SSD, Law Director, Engineer All

**COUNCIL/STRATEGIC PLANNING**

Mon. 11/4/2024 Immediately following Council Meeting All Referred Items Council Chambers W/ Mayor, Safety Service Director, Auditor, Solicitor, Engineer

**17. MISCELLANEOUS AND UNFINISHED BUSINESS:**

Law Director Deery explained it has been brought to the attention of the city of Elyria that Ordinance 2024-94 which involves the McGregor Pace project, the senior living center. The legal description required an amendment. Law director Deery requested a motion to update and amend the Exhibit 'A' from the Lorain county Auditor's office.

Minutes Approved

*As Circulated*

*11/18/24*

October 21, 2024  
Regular Council Meeting  
Elyria City Council

**17. MISCELLANEOUS AND UNFINISHED BUSINESS:**

Siwierka moved. Schneider seconded to amend Exhibit 'A' of Ordinance 2024-94,

AYE: 10

MOTION CARRIED

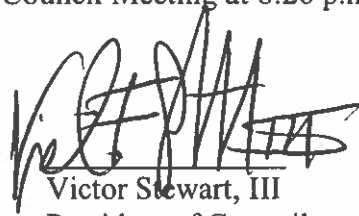
**18. ADJOURNMENT:**

Schneider moved, Cerra seconded to adjourn the Regular Council Meeting at 8:26 p.m.

MOTION CARRIED



Michael J. Lotko, III  
Clerk of Council



Victor Stewart, III  
President of Council

YouTube Link: <https://www.youtube.com/watch?v=oLtq4yPNeg>





# Elyria City Council denies conditional use for Cleveland Street restaurant



NO IMAGE

Owen MacMillan  
The Chronicle-Telegram  
Oct 22, 2024 1:00 AM

ELYRIA — City Council denied a conditional use permit that would have allowed a restaurant to open at Cleveland Street and Bellefield Avenue on Monday.

Elyria native and former NFL player Hubert Oliver had hoped to open a restaurant and bar called Legacy 43 at 460 Cleveland St., but the building's business-neighborhood zoning required a conditional use permit to operate a restaurant.

Council was missing one of its 11 members. The vote on the permit ended in a five-to-five tie. Law Director Amanda Deery explained that a tie resulted in the failure of the vote.

Avon Lake attorney Geoff Smith was present with Oliver and spoke in favor of Council approving the conditional use permit.

Smith said that despite the failed vote, he and his client would not give up on the project and would consider legal action.

# Elyria City Council denies conditional use for Cleveland Street restaurant



NO IMAGE

Owen MacMillan  
The Chronicle-Telegram  
Oct 22, 2024 1:00 AM

ELYRIA — City Council denied a conditional use permit that would have allowed a restaurant to open at Cleveland Street and Bellefield Avenue on Monday.

Elyria native and former NFL player Hubert Oliver had hoped to open a restaurant and bar called Legacy 43 at 460 Cleveland St., but the building's business-neighborhood zoning required a conditional use permit to operate a restaurant.

Council was missing one of its 11 members. The vote on the permit ended in a five-to-five tie. Law Director Amanda Deery explained that a tie resulted in the failure of the vote.

Avon Lake attorney Geoff Smith was present with Oliver and spoke in favor of Council approving the conditional use permit.

Smith said that despite the failed vote, he and his client would not give up on the project and would consider legal action.

"Continue the dream of El Centro," Lofain's Latino social services organization celebrates 50 years, and  
offer top stories from November 01, 2024

volume\_off

-00:11

sd

closed\_captions

fullscreen

READ MORE

"I think it is clear we presented information that should have led to the passage of this tonight," Smith said after the meeting. "This is good for Elyria and we certainly will not stop here."

Several Council members voiced their disapproval of the restaurant, citing fears over how limited parking at the restaurant and the sale of alcohol there would impact the nearby residential neighborhood.

Councilman Jack Cerra, D-7th Ward, represents the area ward that holds 460 Cleveland St., and he said he several concerns about the proposal.

"I'm still against this, you (Smith) conveniently left off that this had a liquor license attached to it, that is part of the problem," Cerra said. "It is directly up against a resident, the parking lot where these people will be leaving and coming in is directly against that person's driveway. ... Would you purchase a house next to an establishment like that?"

The neighbor who lives on Bellefield Avenue directly next to the proposed restaurant is Doug Strickland, who was present at the public hearing on Monday to voice his opposition.

Strickland said that his main opposition to the proposal was the increase in traffic and parking on the street that it would create, adding that he knew from experience that snow and bad weather would only make the parking situation worse.

"This (neighborhood) is the gateway to what's always been the family neighborhood, where all the families start in Elyria," Strickland said. "This has always been the heart and soul of Elyria... I'm holding out hope for the future, but I don't think this is the direction we need to go."

A supporter of the idea who spoke on its behalf was Craig Dixon, who is the architect for the project. Dixon argued that Elyria's zoning codes are outdated, and that the city was being overly strict in Oliver's case.

"I think it's a great place for you. I've enjoyed working with them and I think it's a great benefit to the city of Elyria," Dixon said.

Smith said that both the Planning Commission and Board of Zoning Appeals had approved the restaurant with the parking situation as presented Monday, and argued that if Cerra or his constituents had any issues with the parking, they should have filed an appeal to the BZA.

Councilman Kenny Oswald, D-4th Ward, pointed out that after passing through the BZA and Planning, the conditional use came before Council's Community Development committee and was denied in August.

"We voted and we didn't vote to approve it, even though (the) Board of Zoning did and Planning Commission did," Oswald said. "Or did you forget that part, that it failed?"

Assistant Law Director Erik Breunig said that while Council members should take the decisions of the Planning Commission and BZA under consideration when voting on a conditional use permit, they were not required to follow those decisions.

"You are not bound by the decisions or the findings of the other bodies on this," Breunig said.

Breunig told Council members that they had to consider all the factors of how the proposed project would fit into and impact the area surrounding it and make their own decision as to whether they felt it should be allowed.

Smith argued that under state law, Council on Monday was acting in an administrative capacity, not a legislative one, so it should follow the vote of the prior bodies.

Council members Cerra; Oswald; Chad Schneider, D-At-Large; Phil Tollett, D-At-Large and Thomas Callahan, D-At-Large voted against the conditional use.

Council members Brenda Mitchell, D-6th Ward; Andrew Lipian, I-1st Ward; Brad Armstrong, I-5th Ward; Brenda Davis, D-2nd Ward and Mary Siwierka D-3rd Ward voted in favor of the conditional use permit.

Council President Vic Stewart, D-At-Large, was absent from the meeting on Monday.

*Contact Owen MacMillan at (440) 329-7123 or [omacmillan@chroniclelet.com](mailto:omacmillan@chroniclelet.com).*

