

Minutes Approved

*As Circulated*  
*May 5, 2025*

April 21, 2025  
Regular Council Meeting  
Elyria City Council

1. CALL TO ORDER:

The regular meeting of Elyria City Council was called to order on Monday, April 21<sup>st</sup>, 2025 at 7:03 P.M. by President Stewart. President Stewart opened the meeting with a moment of reflection and followed by the Pledge of Allegiance led by Mr. Tollett.

2. ROLL CALL--COUNCIL MEMBERS:

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

ABSENT: None

OTHERS PRESENT: Mayor Brubaker, Safety Ser. Dir. Pyanowski, Law Dir. Deery, Finance Dir. Farrell, Engineer Schneider, Police Chief Welsh, Fire Chief Pronesti, Clerk Lotko

3. PUBLIC HEARINGS:

The meeting recessed for a Public Hearing at 7:05 P.M. Clerk Lotko read the call to the Public Hearing.

You are hereby notified that a Public Hearing will be held on Monday, April 21<sup>st</sup>, 2025 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 1000 Lowell, LLC, for a Barber Shop/Salon, at Real Property Located at 1000 Lowell Street, Elyria, Ohio.

President Stewart asked if there were any proponents?

There was one.

Glenn Pickens, 2150 St. Clair Ave., Cleveland, OH 44144

Mr. Pickens explained that he was requesting this conditional use permit so that more businesses can do business in these buildings; esthetician, make-up, other type of similar services.

There were no questions for Mr. Pickens.

President Stewart asked if there were any more proponents? There were none.

President Stewart asked if there were any more proponents? There were none.

President Stewart asked if there were any opponents? There were none.

President Stewart asked if there were any opponents? There were none.

President Stewart asked if there were any opponents? There were none.

**President Stewart declared this Public Hearing has been held.**

The meeting resumed at 7:08 P.M.

3. PUBLIC HEARING: Continued

Sponsored by:

CommunityDevelopment:

C. Schneider

D. Mitchell

K. Oswald

T. Callahan

**ORDINANCE NO. 2025- 47**

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT  
PURSUANT TO CHAPTER 1135 OF THE CODIFIED ORDINANCES  
OF THE CITY OF ELYRIA, OHIO, TO 1000 LOWELL LLC FOR A  
BARBER SHOP/SALON, AT REAL PROPERTY LOCATED AT 1000  
LOWELL STREET, ELYRIA, OHIO.

Schneider moved, Tollett seconded to pass this ordinance on its third reading.

PASSAGE:

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

4. APPROVAL OF MINUTES:

Cerra moved, Schneider seconded that the Regular Meeting Minutes of April 7, 2025 be approved as circulated.

MOTION CARRIED

5. REMARKS AND REPORTS OF CITY OFFICIALS:

*There were technical issues with the system in Council Chambers and there was no sound or video recorded and the microphones were not working. IT Dept had been called and they were on their way, but President Stewart chose to have the meeting begin on time. Therefore, there was no audio of the first 10 minutes of this meeting.*

Mayor Brubaker: Mayor Brubaker had a short update. He will be meeting with The Lorain Port Authority in coming weeks. He will also be meeting with ICP in next week. Upcoming work to be done on assessments will have to follow EPA Guidelines.

Safety Service Director Pyanowski: Director Pyanowski had no report. Mr. Lipian asked about the tree that was knocked over on Prospect Ave. during a storm and if safety forces were notified to help remove the tree and contain electrical lines? Dir Pyanowski said yes, that was taken care of.

Finance Director Farrell: No Report

Law Director Deery: Dir Deery stated that the Court of Common Pleas had announced that they received confirmation bond and administrative support for the upcoming demolition of the former Days Inn. There will be costs to the City for abatement, but the extent of those costs are unknown at this time.

Police Chief Welsh: No Report

Fire Chief Pronesti: No Report. Chief Pronesti was asked about the fire at the apartment building at 1452 Midway Blvd. and he said the residents were able to get out with no injuries.

Engineer Schneider: Engineer Schneider gave a brief report on current projects.

They are finalizing the costs for the 2025 street paving project.

Mrs. Mitchell thanked Engineer Schneider for his work on this. And she thanked Ward members for having their street lists completed and she said Engineer Forthofer will be scheduling ride-a-longs. She is hoping to finalize the streets at an upcoming Utilities meeting.

Mr. Oswald said the concrete cutout workers are currently on Naples and they're doing a great job.

*President Stewart thanked IT Director for getting the system back up and running. Microphones and recordings are back up and running.*

**6. PRESIDENT'S REFERRALS AND REMONSTRANCES:**

1. The matter of a Stock Liquor License Permit as requested by Black River Tavern, LLC, 1100 Gulf Rd., Permit Class D5 and D6.

REFERRED BY: Ohio Division of Liquor Control

REFERRED TO: Community Development

2. The matter of a New Liquor License Permit as requested by Cubano King, LLC, 827 Cleveland St., Permit Class D5.

REFERRED BY: Ohio Division of Liquor Control

REFERRED TO: Community Development

3. The matter of an agreement with ODOT for the purchase of road salt for the 2025-2026 season.

REFERRED BY: Safety Service Dir Pyanowski

REFERRED TO: Utilities and Finance

4. The matter of a contract with Republic Services for Solid Waste Container Services.

REFERRED BY: Safety Service Dir Pyanowski

REFERRED TO: Utilities and Finance

5. The matter of applying for a Grant through Ohio Bureau of Workers Compensation, (OBWC).

REFERRED BY: Parks Director Reardon

REFERRED TO: Utilities and Finance

*Item # 6 received and placed on file in the clerk's office:* 6. Elyria Muni Court list of receipts collected by division for the month of March 2025.

**7. PETITIONS--LOBBY:** None

**8. PETITIONS--COUNCIL MEMBERS:** None

**9. REPORTS OF STANDING AND SPECIAL COMMITTEES:**

Sponsored by:

Community Dev:

C. Schneider

K. Oswald

D. Mitchell

A. Lipian

**COMMITTEE REPORT NO. CR 2025-1**

AN ORDINANCE AUTHORIZING SAID APPLICATION FROM GREGORY R. AND KAREN F. SCHLECHTER OF 33.27 ACRES OF FARMLAND IN AN AGRICULTURAL DISTRICT.

REGULAR COUNCIL MEETING	ELYRIA CITY COUNCIL	APRIL 21, 202
Schneider moved, Mitchell seconded to pass this Committee Report under suspension of rules.		
SUSPENSION:	PASSAGE:	
AYE: 11	AYE: 11	
NAY: 0	NAY: 0	
ABSENT: 0	ABSENT: 0	
MOTION CARRIED	MOTION CARRIED	

**10. RESOLUTIONS – FIRST READING:**

Sponsored by:	<b><u>RESOLUTION NO. R 2025-21</u></b>
Finance:	A RESOLUTION APPROVING A LIST SUBMITTED BY THE
P. Tollett	SAFETY SERVICE DIRECTOR FOR THE COLLECTION OF
C. Schneider	DELINQUENT INACTIVE UTILITY ACCOUNTS AND DIRECTING
J. Cerra	THE CLERK OF COUNCIL TO CERTIFY SAID ACCOUNTS TO THE
B. Davis	LORAIN COUNTY AUDITOR.
M. Siwierka	

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

SUSPENSION:	PASSAGE:
AYE: 11	AYE: 11
NAY: 0	NAY: 0
ABSENT: 0	ABSENT: 0
MOTION CARRIED	MOTION CARRIED

Sponsored by:	<b><u>RESOLUTION NO. R2025-22</u></b>
Finance:	A RESOLUTION APPROVING THE LIST OF PROPERTIES FOR THE
P. Tollett	COLLECTION OF RESIDENTIAL TREE REMOVAL COSTS, AND
C. Schneider	DIRECTING THE CLERK OF COUNCIL TO CERTIFY SAID COSTS
J. Cerra	TO THE LORAIN COUNTY AUDITOR.
B. Davis	
M. Siwierka	

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

SUSPENSION:	PASSAGE:
AYE: 11	AYE: 11
NAY: 0	NAY: 0
ABSENT: 0	ABSENT: 0
MOTION CARRIED	MOTION CARRIED

Sponsored by:

**RESOLUTION NO. R 2025-23**Finance:**A RESOLUTION FINDING THAT THE CITY HAS UNFIT FOR  
MUNICIPAL USE CERTAIN CITY PROPERTY.**

P. Tollett

C. Schneider

J. Cerra

M. Siwierka

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

SUSPENSION:

PASSAGE:

AYE: 11

AYE: 11

NAY: 0

NAY: 0

ABSENT: 0

ABSENT: 0

MOTION CARRIED

MOTION CARRIED

**11. RESOLUTIONS--SECOND READING:** None**12. RESOLUTIONS--THIRD READING:** None**13. ORDINANCES – FIRST READING:**

Sponsored by:

**ORDINANCE NO. 2025-48**Finance:**AN ORDINANCE AUTHORIZING THE SAFETY SERVICE  
DIRECTOR OF THE CITY OF ELYRIA TO DISPOSE OF CITY  
PROPERTY THAT IS UNFIT FOR MUNICIPAL USE.**

P. Tollett

C. Schneider

J. Cerra

B. Davis

M. Siwierka

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

SUSPENSION:

PASSAGE:

AYE: 11

AYE: 11

NAY: 0

NAY: 0

ABSENT: 0

ABSENT: 0

MOTION CARRIED

MOTION CARRIED

Law Dir Deery wanted President Stewart to know that agenda items 7, 8 and 9, that Attorney John Clark is in attendance should Council wish to hear from him on behalf of the applicant.

*President Stewart recused himself due to an apparent conflict of interest with agenda items 7, 8 and 9 and he asked Pro-tem Mitchell to take over the meeting at this time.*

*Pro-tem Mitchell asked Attorney Clark if he wanted to speak to come up to the microphone and to state his name and address for the record.*

Attorney John Clark, 805 S. Main Street, Suit 100, Oberlin.

Attorney Clark is here on behalf of the Chestnut Ridge Baptist Church as the petitioner for an annexation of approximately 9.7 acres on the northwest corner of Chestnut Ridge and Route 57. There are several statutory requirements that are presented in these 3 ordinances. He will answer any questions from the council members.

Mrs. Siwierka said this is in her ward, Ward 3. She has several concerns about the traffic and the Mayor has had conversations and will continue to have those conversations. She wants to reiterate that whatever will be done there, we need to make sure that we do this in a strategic way. The traffic is very bad and we don't control the other side of the street where the car wash and the funeral home is. It would be nice if all of that is in the City where we could have some sort of continuity, but we don't. She is cautiously optimistic.

Sponsored by:  
Community Dev:  
C. Schneider  
K. Oswald  
D. Mitchell  
A. Lipian

**ORDINANCE NO. 2025-49**

AN ORDINANCE PURSUANT TO OHIO REVISED CODE SECTION 709.023(C) REQUIRING A BUFFER BETWEEN THE TERRITORY PROPOSED FOR ANNEXATION AND SURROUNDING TOWNSHIP LAND IF ELYRIA DETERMINES THAT THE USE DISTRICTS IN THE TOWNSHIP ARE INCOMPATIBLE WITH THOSE IN THE CITY OF ELYRIA.

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

**SUSPENSION:**

AYE: 10

NAY: 0

RECUSE: 1 (Stewart)

ABSENT: 0

**MOTION CARRIED**

**PASSAGE:**

AYE: 10

NAY: 0

RECUSE: 1 (Stewart)

ABSENT: 0

**MOTION CARRIED**

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

**ORDINANCE NO. 2025-50**

AN ORDINANCE PURSUANT TO OHIO REVISED CODE SECTION 709.023 (E) PROVIDING THAT ELYRIA WILL MAINTAIN ANY SEGMENTED ROAD CAUSED BY THE ANNEXATION TO THE CITY OF ELYRIA TERRITORY OWNED BY CHESTNUT RIDGE BAPTIST CHURCH.

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

**SUSPENSION:**

AYE: 10

NAY: 0

RECUSE: 1 (Stewart)

ABSENT: 0

MOTION CARRIED

**PASSAGE:**

AYE: 10

NAY: 0

RECUSE: 1 (Stewart)

ABSENT: 0

MOTION CARRIED

Sponsored by:

CommunityDevelopment:

D. Mitchell

C. Schneider

K. Oswald

A. Lipian

**ORDINANCE NO. 2025-51**

AN ORDINANCE PURSUANT TO OHIO REVISED CODE SECTION 709.023(C) INDICATING WHAT SERVICES THE CITY OF ELYRIA WILL PROVIDE UPON ANNEXATION TO TERRITORY OWNED BY CHESTNUT RIDGE BAPTIST CHURCH, AND DECLARING AN EMERGENCY.

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

**SUSPENSION:**

AYE: 10

NAY: 0

RECUSE: 1 (Stewart)

ABSENT: 0

MOTION CARRIED

**EMERGENCY:**

AYE: 10

NAY: 0

RECUSE: 1 (Stewart)

ABSENT: 0

MOTION CARRIED

**PASSAGE:**

AYE: 10

NAY: 0

RECUSE: 1 (Stewart)

ABSENT: 0

MOTION CARRIED

*President Stewart returned to the meeting.*

*Mr. Lipian recused himself from agenda item #10 due to a perceived conflict of interest.*

Sponsored by:

Utilities:

D. Mitchell

B. Davis

V. Stewart, III

K. Oswald

B. Armstrong

Finance:

P. Tollett

C. Schneider

J. Cerra

M. Siwierka

B. Davis

**ORDINANCE NO. 2025-52**

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE 2025 GULF ROAD WATER LINE REPLACEMENT PROJECT, AND DECLARING AN EMERGENCY.

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

## SUSPENSION:

AYE: 10

NAY: 0

RECUSE: 1 (Lipian)

ABSENT: 0

MOTION CARRIED

## EMERGENCY:

AYE: 10

NAY: 0

RECUSE: 1 (Lipian)

ABSENT: 0

MOTION CARRIED

## PASSAGE:

AYE: 10

NAY: 0

RECUSE: 1 (Lipian)

ABSENT: 0

MOTION CARRIED

*Mr. Lipian returned to the meeting.*

## Sponsored by:

Utilities:

D. Mitchell

B. Davis

V. Stewart, III

K. Oswald

B. Armstrong

Finance:

P. Tollett

C. Schneider

J. Cerra

M. Siwierka

B. Davis

**ORDINANCE NO. 2025-53**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH WEST ROOFING SYSTEMS, INC., AN OHIO CORPORATION, FOR THE NORTH PARK ROOF PROJECT, AND DECLARING AN EMERGENCY.

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

## SUSPENSION:

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

## EMERGENCY:

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

## PASSAGE:

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED



Sponsored by:

Utilities:

D. Mitchell

B. Davis

V. Stewart, III

K. Oswald

B. Armstrong

Finance:

P. Tollett

C. Schneider

J. Cerra

M. Siwierka

B. Davis

**ORDINANCE NO. 2025-54**

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION TO THE OHIO DEPARTMENT OF NATURAL RESOURCES (ODNR), AND ACCEPT, IF OFFERED, THE NATURE WORKS GRANT FOR THE PARKS AND RECREATION DEPARTMENT, AND DECLARING AN EMERGENCY.

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

**SUSPENSION:**

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

**EMERGENCY:**

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

**PASSAGE:**

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

Sponsored by:

Community

Development:

D. Mitchell

C. Schneider

K. Oswald

A. Lipian

Finance:

P. Tollett

C. Schneider

J. Cerra

M. Siwierka

B. Davis

**ORDINANCE NO. 2025-55**

AN ORDINANCE AUTHORIZING THE MAYOR TO GRANT A UTILITY EASEMENT TO COLUMBIA GAS OF OHIO, INC., AN OHIO CORPORATION, ACROSS CITY-OWNED REAL PROPERTY, AND DECLARING AN EMERGENCY.

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

**SUSPENSION:**

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

**EMERGENCY:**

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

**PASSAGE:**

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

Sponsored by:

Finance:

P. Tollett

C. Schneider

J. Cerra

M. Siwierka

B. Davis

**ORDINANCE NO. 2025-56**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$150,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF ACQUIRING A TRUCK FOR COLLECTION AND TRANSPORTATION OF SOLID WASTE AND APPURTENANT EQUIPMENT FOR USE BY THE CITY SANITATION DEPARTMENT.

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

**SUSPENSION:**

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

**PASSAGE:**

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

Sponsored by:

Finance:

P. Tollett

C. Schneider

J. Cerra

M. Siwierka

B. Davis

**ORDINANCE NO. 2025-57**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$110,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF ACQUIRING A PUMPER FIRE TRUCK AND APPURTENANT EQUIPMENT FOR USE BY THE CITY FIRE DEPARTMENT.

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

**SUSPENSION:**

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

**PASSAGE:**

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

Sponsored by:

Finance:

P. Tollett

C. Schneider

J. Cerra

M. Siwierka

B. Davis

**ORDINANCE NO. 2025-58**

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$5,200,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING A PORTION OF THE COSTS OF CONSTRUCTING THE CHESTNUT COMMONS CONNECTOR PROJECT INCLUDING CONSTRUCTING AND RECONSTRUCTING STREETS, CONSTRUCTING SIDEWALKS, WATER LINES AND RELATED WATER SUPPLY FACILITIES, SANITARY SEWERS AND RELATED SANITARY FACILITIES, STORM SEWERS AND RELATED DRAINAGE FACILITIES, INSTALLING LIGHTING, SIGNAGE AND TRAFFIC SIGNALIZATION, AND RELOCATING EXISTING UTILITIES AS NECESSARY.

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

**SUSPENSION:**

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

**PASSAGE:**

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

Sponsored by:

Finance:

P. Tollett

C. Schneider

J. Cerra

M. Siwierka

B. Davis

**ORDINANCE NO. 2025-59**

AN ORDINANCE AMENDING ORDINANCE NO. 2025-37, KNOWN AS THE "2025 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: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

**PASSAGE:**

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

Mr. Oswald asked about the \$5,450 left over from the Beautification program and now it's at -0-. He asked where that money went to, because he knew they had to close it. Finance Dir Farrell said they transferred that money into the Police Department, benefits and wages, and to clean up ARPA.

Sponsored by:

Community  
Development:

D. Mitchell  
C. Schneider  
K. Oswald  
A. Lipian  
Finance:  
P. Tollett  
C. Schneider  
J. Cerra  
M. Siwierka  
B. Davis

**ORDINANCE NO. 2025-60**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A REAL PROPERTY PURCHASE AGREEMENT FOR THE SALE AND CONVEYANCE OF A VACANT LOT ON WOODFORD AVENUE, ELYRIA, OHIO 44035, AND DECLARING AN EMERGENCY.

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

SUSPENSION:

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

PASSAGE:

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

PASSAGE:

AYE: 11

NAY: 0

ABSENT: 0

MOTION CARRIED

Sponsored by:

Community  
Development:

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

**ORDINANCE NO. 2025-**

AN ORDINANCE AMENDING ELYRIA CODIFIED ORDINANCE CHAPTER 1125, DEFINITIONS, SECTION 1125.61.1 MEDICAL MARIJUANA ENTITY.

*Public Hearing May 5<sup>th</sup>, 2025 at 7:00 PM*

Sponsored by:

Community  
Development:

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

**ORDINANCE NO. 2025-**

AN ORDINANCE AMENDING ELYRIA CODIFIED ORDINANCE CHAPTER 1135, CONDITIONAL USES, SECTION 1135.07, MEDICAL MARIJUANA FACILITIES (INCLUDING CULTIVATION FACILITIES, PROCESSING FACILITIES, DISPENSARIES AND TESTING LABORATORIES.)

*Public Hearing May 5<sup>th</sup>, 2025 at 7:00 PM*

Sponsored by:

Community

Development:

D. Mitchell

C. Schneider

K. Oswald

A. Lipian

**ORDINANCE NO. 2025-**

AN ORDINANCE AMENDING ELYRIA CODIFIED

ORDINANCE CHAPTER 1160, B-G

BUSINESS-GENERAL DISTRICT, SECTION 1160.04,

CONDITIONALLY PERMITTED USES.

*Public Hearing May 5<sup>th</sup>, 2025 at 7:00 PM*

Sponsored by:

Community

Development:

D. Mitchell

C. Schneider

K. Oswald

A. Lipian

**ORDINANCE NO. 2025-**

AN ORDINANCE AMENDING ELYRIA CODIFIED

ORDINANCE CHAPTER 1164, L-I LIGHT INDUSTRIAL

DISTRICT, SECTION 1164.04, CONDITIONALLY

PERMITTED USES.

*Public Hearing May 5<sup>th</sup>, 2025 at 7:00 PM*

Sponsored by:

Community

Development:

D. Mitchell

C. Schneider

K. Oswald

A. Lipian

**ORDINANCE NO. 2025-**

AN ORDINANCE AMENDING ELYRIA CODIFIED

ORDINANCE CHAPTER 1166, H-I HEAVY

INDUSTRIAL DISTRICT, SECTION 1166.04,

CONDITIONALLY PERMITTED USES.

*Public Hearing May 5<sup>th</sup>, 2025 at 7:00 PM*

Sponsored by:

Community

Development:

D. Mitchell

C. Schneider

K. Oswald

A. Lipian

**ORDINANCE NO. 2025-**

AN ORDINANCE GRANTING A CONDITIONAL USE

PERMIT PURSUANT TO CHAPTER 1135 OF THE

CODIFIED ORDINANCES OF THE CITY OF ELYRIA,

OHIO, TO JEREMY MOEN, JDJ MOBILE

ENTERTAINMENT, INC. AND SGTAYLOR, LLC FOR

OFFICE SPACE, RECORD SESSIONS AND

PROMOTIONAL SERVICES AT REAL PROPERTY

LOCATED AT 910 TAYLOR STREET, UNIT C,

ELYRIA, OHIO.

*Public Hearing May 19<sup>th</sup>, 2025 at 7:00 PM*

Sponsored by:

Community

Development:

D. Mitchell

C. Schneider

K. Oswald

A. Lipian

**ORDINANCE NO. 2025-**

AN ORDINANCE AMENDING SECTION 1131.02, CODIFIED ORDINANCES OF THE CITY OF ELYRIA, OHIO, KNOWN AS THE ZONING ORDINANCE, TO REZONE CERTAIN REAL PROPERTY LOCATED AT 620 EAST RIVER STREET, ELYRIA, OHIO, FROM R-TH RESIDENTIAL-TWO HOUSEHOLD DISTRICT TO B-G BUSINESS-GENERAL DISTRICT.

*Public Hearing May 19th, 2025 at 7:00 PM*

Sponsored by:

Community

Development:

D. Mitchell

C. Schneider

K. Oswald

A. Lipian

**ORDINANCE NO. 2025-**

AN ORDINANCE AMENDING SECTION 1131.02, CODIFIED ORDINANCES OF THE CITY OF ELYRIA, OHIO, KNOWN AS THE ZONING ORDINANCE, TO REZONE CERTAIN REAL PROPERTY LOCATED AT 630 EAST RIVER STREET, ELYRIA, OHIO, FROM R-TH RESIDENTIAL-TWO HOUSEHOLD DISTRICT TO B-G BUSINESS-GENERAL DISTRICT.

*Public Hearing May 19th, 2025 at 7:00 PM*

14. ORDINANCES-SECOND READING: None

15. ORDINANCES-THIRD READING: None

16. COMMITTEE CALLS:

Utilities, Safety & Environment 4/23/2025 6:00 P.M. All Referred Items  
Council Chambers Law Director, SSD, Engineer, Bldg.

Community Development 4/28/2025 6:00 P.M.  
Joint with Finance 4/28/2025 to Follow CD, All Referred Items  
Council Chambers w/ Law Director, SSD, Engineer, Bldg. Insp.

Finance 4/28/2025 Following CD and Joint, All Referred Items  
Council Chambers w/ Mayor, Finance Dir, Law Director, SSD, Engineer

Strategic Planning 5/5/2025 Immediately following Council, All Referred  
Items Council Chambers W/ Mayor, Safety Service Director, Finance Dir,  
Law Dir, Engineer

17. MISCELLANEOUS & UNFINISHED BUSINESS:

Mr. Lipian moved that City Council approve the amendment to the Development Agreement with DBR Commercial Realtors, LLC as submitted on April 4, 2025 including the assignment language proposed therein.

This requires a second to open up for discussion, that second was made by Mrs. Siwierka.

Mr. Lipian has taken some time to consider that this has been going on for five years. Many are deeply invested in the relationships and opportunities that lie in the currently underdeveloped piece of property in Ward one. After speaking with residents he got the determination to bring this to Council today because no one wants to see this property languish in limbo and they don't want to see the city caught in an interminable lawsuit and they don't want to see the property end up in a conservancy or underutilized. After the back and forth conversations, it seems the parties have reached a general consensus and it seems there is only one item upon which there is still disagreement between administration and the parties that are being represented by Mr. Reaser and that is the assignments. He's interested in hearing the thoughts of council as that difference of opinion as a policy issue and he would like discussion because this deserves a transparent day and council should determine if this is something that we want to move forward on and make a decision.

Law Dir Deery understands what Mr. Lipian is saying about this being a policy decision. She has been steadfast, from the beginning of these discussions, that the assignment language means that a party may transfer the rights and responsibilities and privileges under the contract, to another entity. The point of contention is whether there needs to be permission or not from the point of a political subdivision. When we're talking about any sort of contract, let alone one where we are giving out economic incentives and financing a private economic development project that the City, not the Law Dir, the City has the right to know who we are contracting with and who we are getting into business with. That is true whether the City is entering into a contract for an asphalt paver, a 10-year contract for equipment or in this case, with a real estate developer.

Yes, she did say that she stands by our standard assignment language that the contracting authority for the City, which under our Charter, is The Mayor, and he would be the deciding authority as to whom or if an assignment can be made. If we're making a decision as to whom we're entering a contract with, we're making it with that entity. We're making it with the particular developer with whom we're negotiating with and we are well within our rights to put the City in the best financial, legal position and not situate with undue vulnerability. We should stick to standard assignment language and that language which has been proposed by the developer, who is seeking incentives from the City and that language may not be acceptable from a legal standpoint.

It has been spun in recent weeks that this is a policy decision and that this is some power play on behalf of the Law Dir and her office. At no time did she say that it is her decision as to whom the assignment should be made to. She has said that, should Council enter into this agreement, Council would delegate those types of decisions to the contracting authority, who she will state, is the Mayor.

This is Council's decision and according to State law and according to the City Charter, as Law Dir, she is tasked with approving contractual agreements as to form, and she will continue to do so, should Council approve such an agreement.

Mr. Lipian said the Law Dir's thoughts are duly noted. Taking aside the matter of the assignments, he is curious to know Council's thoughts on the rest of the agreement.

Mr. Oswald said one of the reasons that this has been going on for so long is because first we were told one thing and then told another thing and that's how this has been going on. He stands behind what the Law Dir is telling them and she is trying to be a good steward for our money. The Developer said he's going to do one thing and now he has a housing development. Originally the development would've been backed by tifs and now he talks to the Lorain County Port Authority. Mr. Oswald feels there is deception and bullying going on. He is apprehensive of this going anywhere.

The information that the Law Dir is staying firm on, is that when this is all squared away, the developer could sell the land and be done with it. He's changed route in everything that he's done. The trust is not there. Mr. Oswald doesn't think this development does any good for the City. He wants development in that area like it was originally planned. If Mr. Reaser wants to do everything on his own and do it like every other builder does, he can do that. He's made it difficult for the City.

Mr. Tollett said he supports the project. Was there a conversion from 100% commercial to a mixed use, yes. Now, for the City to turn down hundreds of millions in new construction, would be a detriment to the community. We do need to get past this last issue. When a project is this big, there will be multiple bumps in the road. He supports investments in our community. He does not believe the argument that we can't do this because we've not done this before. This is a mixed use development where a third of the property is earmarked for commercial use.

Mrs. Mitchell stands behind Law Dir Deery, she has the City's best interest at heart and she agrees with Mr. Oswald that this has been going on for a long time and we need to take our time and make sure we have our ducks in a row and not to agree, just to agree. She also agrees with Mr. Tollett, this has potential to bring millions of dollars into the City. But she thinks we have to make sure the City is protected.

Mr. Lipian said he is speaking to patterns that he's seen. He watched as some programs were tanked by concerns of the Law Dir, and never brought back. He watched as citizens came in that ran over potholes and they were told that the City didn't have constructive or actual knowledge of the pothole and the Law Dir didn't know the difference.

He's watched as projects have come forward in townships that had concerns about residential projects and were delayed. He's watched many projects and initiatives that were intended to grow the city and take care of the residents come forward and were quashed by the Law Dept. Mr. Lipian has a suspicion that's either because the Law Dept. has become a super Legislator, we've offloaded our critical thinking to the Law Dept., or we've become co-dependent on the Law Dept.



He speaks from legitimate concerns from what he's seen on Council for almost 4 years now. He does not dispute the competency of Law Dir Deery. What he wants is for Council to be able to think for themselves and make a policy judgement of what's before us. We have an opportunity to approve what's before us, absent, the assignments and let the final matter be resolved and put a deadline on it. He thinks council needs to make a decision and take action.

Mrs. Siwierka thinks council needs an update on the project. The last time there was a substantive discussion, between the developer, the attorneys, and city administration and has that happened? She said she will not be voting on anything on the fly, she appreciates this discussion, but, she won't vote, but, an update would be helpful.

Mayor Brubaker said they did have a meeting last week with the parties concerned. In regards to the financials, Mr. Pileski was there and they got to point where we were in agreement with the financials on how the Tif was going to work. There were specific dates that were wanted by the proponent, DBR, that Finance Dir Pileski just could not meet. But they agreed upon a date and time for which the Tif's and bonds would be sold and the money would be transferred into the City and used for the project. They got thru some legal language as well. The meeting lasted about 90 minutes. The last thing left was the assignment. The Law Dir said she stood fast on the assignment portion of it, giving the Mayor the authority to make the decision. The proponent had 8 or 9 different types of things/entities he would not assign or sell the property to as a whole. But it was limiting to just those 8 or 9, and there might be a few other things that could pop up and we're at the point where the assignment is the one thing that is hanging out there. We're in a position that a decision will have to be made sooner or later. This delay is costing thousands of dollars in attorney fees. Mayor Brubaker does stand behind this project and he feels it's good for the City in an Economic and Development standpoint. Until we can get the assignment language taken care of, we'll be stuck.

Mrs. Mitchell asked where we stand with the last lawsuit that DBR brought against the City?

Law Dir Deery said the lawsuit is still ongoing, they are in the process of discovery, tens of thousands of documents have been turned over. The City's attorney's, on behalf of discovery which we have sought, have indicated that they have scheduled depositions within the next 6 to 8 weeks. So, it's moving forward. They've set a schedule for the case including pre-trial and trial date next year. We have a face to face status conference with the magistrate scheduled for September.

The proposed development agreement indicates certain parameters to be met in order to stay in litigation. It does talk about dismissal, which is much less clear of what would happen in order to dismiss. It would be within their rights to bring a case back, should there be a breach of any terms of an agreement, which is why we're looking so closely at the current language, because we want to make sure the City is in the best possible position, should the City enter into a new agreement.

One of the dates that was brought up was June 1<sup>st</sup>, 2025 and that is unrealistic due to the fact that it's too close. We're not interested in setting the City up for failure. There is a need for benchmarks, but, we're not going to pick dates that can't be met. They're going thru all the language with a fine tooth comb.

Mr. Oswald said Mr. Reaser probably knows who the person or entity is or at least has an idea who he will trade the property off to and if it's a sticking point, why doesn't he just say, so we know what we're getting into.

Law Dir Deery said this is going to be a 30 year deal and a lot of unexpected things can happen, that is one of the arguments that she, along with the Attorneys and Admin Legal Counsel have. They are trying to account for all contingencies and it's not the easiest, but, she appreciates that the developer is looking to get some certainty as well. They may have a person or an entity in mind, but, they may not want to say and they obviously want to protect themselves as well. Assignment language in itself is not uncommon.

Mr. Tollett said the last piece of this is the development agreement and he asked the Mayor, in his opinion, is there a middle ground on the development agreement?

Mayor Brubaker said he gives credit to both sides of the fence. He believes DBR has compromised on things and the City has compromised, can we get to a middle ground on this assignment, yes, but, it will be a decision of this Council. He believes he has verbal letters of interest with entities for the commercial side. Nothing in writing because there is no development agreement. He believes the housing part will go through and some have shared concerns. It will be a national entity that will build those homes, so he's not concerned that they won't sell.

DBR will sell to commercial entities, but it will be ultimately up to him [The Mayor] to decide if we want them. It is a 30 year project. There isn't any intent that once the development agreement is done, that he's going to find someone to pay twenty five million dollars and he's going to walk away.

This cannot continue to go on. Both sides are spending money and losing money.

Mr. Schneider asked if there have been discussion of the structure of the new tif because there's the existing tif and the new one has the residential portion?

Law Dir Deery said the development agreement that is currently being negotiated, addresses the absorption of the current existing development agreement, as it currently stands. There will need to be new Tif legislation closely followed.

Mr. Schneider said one of the issues that he's expressed is that the residential portion is essentially using tif money for infrastructure and that doesn't comply with certain things that we have in place for zoning codes for road widths and things like that. He would like to see some of those things addressed, especially if we're going to be a funding mechanism for roads that don't comply with our zoning.

Law Dir Deery said that some of the language in the proposed agreement does lend itself, stating that what's already been recommended and approved by PC will be accepted by Council. It says that the city will not unduly interfere with the development, the planning, submission of plans, etc., or that has already taken place.

Mr. Schneider asked if we have the final authority over the PC recommendation? The plan approval has not made it out of PC anyway?

Law Dir Deery said, yes, but, essentially by adopting the development agreement and the language therein, we are pre-approving. We're basically saying we agree, should something come before us, as long as it doesn't interfere. If PC was good with it, we will also be good with it.

Mrs. Mitchell said we just rec'd the assignment agreement today. We didn't get to even read it. She is not prepared to vote on anything. Too many things are up in the air. She agrees that we need to get this done.

Mr. Lipian said millions of dollars could go to the schools if we move forward on this project. We have a lot of money and increased value, which is what the tax incentive financing [TIF] is building off of. He's wondering how much money we've already forgone by the years in which this has languished?

Finance Dir Farrell said he did not have an answer to that question. That could be an amount that is unknown until it's developed.

Mr. Lipian said there is a cost to delay, not just how much money to continue the lawsuit, but, how much money and foregone value that the additions to the property would generate that we're not receiving and the monies that are not going to the schools. There's so much opportunity here for money that could come to the City and we need to take advantage of it, while we have it and make a decision on this. He hears what is being said on the assignments and he's prepared to suggest that since there are no issues, it doesn't seem like there are any substantive disagreements outside of the assignments portion of this agreement.

*Mr. Lipian said there is some texting going back and forth as he looked at Dir Deery. Dir Deery said for the record that is her FitBit going off and telling her she needs to get up and move.*

Mr. Lipian continued and said bottom line, he has a right to make his case. He doesn't like when people are distracted with their devices in the middle of chambers. Residents pay with their tax dollars and continue to pay for this continual interminable disagreement that has gone on for five years. He would like to state that he has the agreement here, which has been emailed to everyone. He doesn't see an issue with it on balance. If Council's only issue is the assignments. He doesn't want to see this continue to languish in an interminable lawsuit.

If there is a legal reason we can't proceed, he would like to ask it clearly stated on the record, but other than that, he would like to offer a compromise to City Council that this agreement be adopted, absent the approval of the assignment language by the Mayor and the Law Dir and to be resolved no later than April 30<sup>th</sup>, 2025, and that is a motion. If Council would like time to read this we can adjourn so it can be read. Most of this has been discussed for five years, so most of this is no surprise. It seems like only the assignments is what is currently the sticking point. He wonders why we can't take action this evening?

President Stewart said there is a motion on the floor.

It's a motion made by Mr. Lipian to move forward with the development agreement.

*Mr. Lipian clarified his motion:*

**Motion made to approve the amendment to the development agreement with DBR subject to final approval of assignment language by the Mayor and the Law Director and to be resolved no later than April 30<sup>th</sup>, 2025. This is per the agreement that was submitted on April 4<sup>th</sup>, 2025.**

**That motion was seconded by Mr. Tollett.**

Mrs. Davis said that she will not be voting on something that has been shoved down our throat at the last minute.

Mr. Oswald wanted to make one last comment and said the reason we hired our Law Director is to give the best knowledge of what Council should do, so we should be listening to her and he stands behind her. He agrees with Mrs. Davis, it's not right to force a vote from us.

Mr. Schneider agrees with Mrs. Davis and Mr. Oswald and there's been a whole legal team involved with this. He would like discussion with the other legal team members before we move forward on any kind of vote on this.

President Stewart asked for a roll call vote.

**Motion was made to approve the amendment to the development agreement with DBR subject to final approval of assignment language by the Mayor and the Law Director and to be resolved no later than April 30<sup>th</sup>, 2025. This is per the development agreement that was submitted on April 4<sup>th</sup>, 2025.**

**That motion was seconded by Mr. Tollett.**

Roll call vote on the motion made by Mr. Lipian and seconded by Mr. Tollett.

Callahan: Nay

Cerra: Nay

Armstrong: Nay

Oswald: Nay

Mitchell: Nay

Tollett: Aye

Lipian: Aye

Siwierka: Nay

Davis: Nay

Schneider: Nay

Stewart: Nay

**2 Ayes, 9 Nays**

Mrs. Siwierka asked if they could have a special strategic planning meeting? In all fairness, we received this document just today. She didn't get to read throughly. Maybe it can be discussed at the 1<sup>st</sup> council meeting in May at a strategic planning meeting.

Law Dir Deery said there was a zoom call meeting last Wednesday. Attorney Russ Balthus was out of town. They just received the same document which all of Council received, which came directly from the developer. Attorney Balthus and Dir Deery have a call set up for tomorrow morning to go over this document, the proposal and after that they will have a better idea of where we are. She will presume that the negotiations with DBR's legal counsel, their Tif person and economic development person will continue. They discussed a time frame for bringing this before Council. If we are able to pin down a final development agreement and had it in hand, no later than May 2<sup>nd</sup>, that she did not see why we would not be able to bring this to strategic planning on May 5<sup>th</sup>. That is what was relayed to the developer. She will need to see the availability of Attorney Graves and Attorney Balthus, but, she is standing pat on this assignment language and that, based upon her authority under the charter and under the Ohio revised code, she will not approve to, as to form, any agreement that, if they do not move off their current language. We will continue to negotiate this and move toward middle ground, they've moved mountains on some other language and she's confident we can do this as well.

Mrs. Mitchell asked if we can have attorneys here from both sides, so this can be hashed out and be done with it.

Law Dir Deery said it would be against her advice to have the developers attorneys here. Again, we are in litigation and again it's a negotiation, but that is up to Council if they wish to hear from them. She said she will check with attorney Balthus and Graves to see when they will be able to be in attendance for a meeting for discussion of this.

Mrs. Siwierka said we all have our opinions and we need to take the emotion out, have the attorneys present it to us and make a determination on the legal aspects, for or against. But, Council has to have some time to digest it and if we have to have a special meeting, that is fine. The collective agreement is, we want to move forward and be done. We need to thoroughly understand this sensitive issue and make a decision. She appreciates the discussion and she appreciates Mr. Lipian bringing it up. We need to be briefed on where everything is and what the give and take will be.

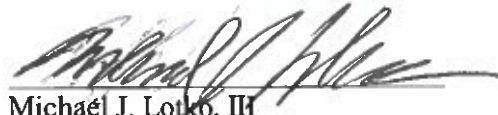
She asked if we have we done this assignment type language in other agreements?

Law Dir Deery said she will pull other Tif economic development agreements. She said that assignment language is standard in every contract the City does.

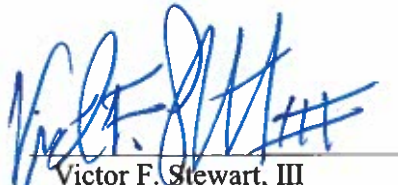
Mr. Lipian said, in closing, he would like to thank Council for what was a measured and mature debate about this matter. He knows some wanted more time to consider before we have a strategic planning meeting. His thoughts are that there is now a sense of urgency for us to complete this and as many have said, and to be done with it. He would like to see Council move forward with some urgency. He thinks this matter should come before full Council and he would like to do whatever he can to see that we get this done in Ward one.

18. ADJOURNMENT:

Davis made a motion to adjourn, which was seconded by Schneider.  
MOTION CARRIED 8:30 P.M.



Michael J. Lotko, III  
Clerk of Council



Victor F. Stewart, III  
President of Council