

The FINANCE COMMITTEE held a MEETING on
Monday, March 31st, 2025 beginning at 6:25 P.M.

FINANCE PRESENT: Chair Tollett, Cerra, Davis, Schneider, Siwierka

COM DEV PRESENT: Chair Schneider, Mitchell, Oswald, Callahan, Lipian

OTHERS: Stewart, Armstrong

EXCUSED ABSENCE: none

OTHERS PRESENT: Law Dir Deery, Mayor Brubaker, Safety Svc Dir Pyanowski,
Finance Dir Pileski, Fin Dir Farrell, Engineer Schneider

1. The matter of approval of meeting minutes from the Finance Committee Meeting which met on February 24th and March 10th, 2025 as circulated.

Motion made by Mr. Schneider and seconded by Mrs. Davis to approve said minutes.

MOTION CARRIES

2. The matter of City property that is unfit for use and to be taken out of service and to be disposed of by the best means possible.

Referred By: Public Works Supervisor R. Eye

Dir Pyanowski said this is a truck to take out of service, it's in bad condition and not worth for those repairs to be made. They will dispose of it in the best means possible.

There are also 24 planter pots to be sold on govdeals and a trailer not being used to also be sold.

Motion made by Mr. Schneider and second by Mr. Cerra authorizing a resolution declaring the 'said' items no longer in use and unfit for use and an ordinance authorizing the 'said' items to be disposed of by the best means possible.

MOTION CARRIES COMMITTEE REPORT WRITTEN

3. The matter of a Professional Services Agreement with the Law Firm of Squire, Patton and Boggs for Legal Services relating to Lorain County Court of Common Pleas Case State ex rel DBR Commercial Realty, LLC v. City of Elyria.

Referred By: Law Director Deery

Dir Deery said her office rec'd an engagement letter from Squires and it is now time to ask for authorization for a service agreement based on hours that Squires have already put into the public records requests and subpoenas and various staff and filings that have been done recently, interrogatories from the plaintiff and now is the time for this to be addressed. They have offered the government hourly rate which is \$575 per hour, which includes paralegals, their IT staff and partnership rates. Their regular rate is quite a bit higher than that. She estimates that we will be below the amount not to exceed of \$100,000 for 2025.

Motion made by Mr. Cerra and second by Mrs. Siwierka authorizing a professional service agreement for legal services.

MOTION CARRIES COMMITTEE REPORT WRITTEN

4. The matter of authorizing the Mayor to advertise for bids and enter into a contract for the 2025 Emergency Sanitary and Storm Sewer Repair Project.

Referred By: Engineer Schneider

Engineer Schneider said they go out for bids every other year for this. They discover issues in the roads when they are out doing jobs, resurfacing and they have exhausted the previous contract and are asking for this to pass as emergency and the cost will be \$350,000 and the funds are in the budget.

Motion made by Mr. Schneider and second by Mrs. Davis authorizing an ordinance authorizing the Mayor to enter into the 2025 Sanitary & Storm Sewer Emergency Repair Contract.

MOTION CARRIES

COMMITTEE REPORT WRITTEN

5. The matter of entering into a loan agreement through DEFA for the Gulf Road Pump Station Project, formerly known as the Windward Siphon Project.

Referred By: Engineer Schneider

Engineer Schneider said this is in desperate need of repair. It's not part of the consent decree, it's an emergency repair. It's a siphon that runs from Windward to Gulf Rd and it's pumped from the station to the waste water plant. The siphon is in poor condition, it will be replaced. They are looking to get approval to apply for a DEFA loan to cover the cost, they don't think they will get any grants for this, so, it's a loan that will need to be paid back. The project cost is four and a half million-dollars. They need to apply right away.

Fin Dir Pileski said that he is okay with how this was structured.

Mr. Schneider asked if we got all the easements?

Engineer Schneider said yes.

Motion made by Mrs. Siwierka and second by Mr. Cerra authorizing an ordinance authorizing the Mayor to apply for and enter into the 'said' loan agreement.

MOTION CARRIES

COMMITTEE REPORT WRITTEN

6. The matter of authorizing the Mayor to advertise for bids and enter into a contract for the Gulf Road Pump Station Project.

Referred By: Engineer Schneider

Mrs. Siwierka asked if the Windward siphon is connected to the pump station?

Engineer Schneider said they are related and yes, they do connect. There is a siphon that bypasses the main. There are 2 siphons; one to the lift station and one to the plant. The bigger one drains on Abbe Road and collects a lot of the cross streets. The siphon that goes to the pump station is just for the Windward residents because of the elevation issues.

Motion made by Mrs. Davis and second by Mr. Schneider authorizing an ordinance authorizing the Mayor to advertise for bids and award a contract for 'said' project.
MOTION CARRIES COMMITTEE REPORT WRITTEN

7. The matter of authorizing the Mayor to apply for and enter into a loan agreement through DEFA for the Lowell Street Sanitary Sewer Extension Project.

Referred By: Engineer Schneider

Engineer Schneider said this project was approved by council to go out for bid and construction. This request is to get approval to apply for DEFA loans to help pay for this project, which is \$1.7 million. It will extend the sewers along Lowell Street and the area and extend it to Church of the Open Door. They will be back to council to discuss fees for tapping into that sewer once the construction is completed.

Mr. Schneider asked if we're working on a fee structure for township residents and businesses if they are able to tap in?

Engineer Schneider said it's not that they're not allowed to tap in, but, we have a standing ordinance that doesn't allow certain areas outside the city to tap in and there is also a JED agreement with Elyria Township that prohibits them from tapping in at certain areas if they don't want to annex. It will come down to council as far as how you want to structure the overall capital recover fees as well. They will propose something once they have figures.

Chair Tollett asked if the section where someone wants to tap in, that would have to be annexed into the city, is that correct?

Mayor Brubaker said when he came into office they met with Church of the Open Door and they talked about an expansion which is one of the reasons why this is happening. We are working with a number of entities for the 140 acres out in that area, Murray Ridge and West Ridge. We've upgraded the size of the pipe to accommodate future development. Also, the north side of Rt113 is currently for sale and it's in the township and we want to be able to provide future development there. Also, there is Stanley on West Ridge and they have talked about expanding.

Dir Deery answered Chair Tollett's question by saying it depends. For example, as Engineer Schneider said, if the parcel is subject to a JED, it may be an exemption. There is an ordinance on the books that states if a parcel is outside the city and wishes to tap in, then, yes, the owner has to agree to annex immediately or to do so when it would become possible, but exceptions, such as if that property is subject to JED (Joint Economic Development) agreement then they may be exempt. And there may be other factors that make them exempt, as well.

Mrs. Siwierka thinks we should get clarity on annexation, whether they can tap in because they have septic systems and if the septic goes bad, they will have to tap in, according to the county health dept. Either way, if we get this loan and do this project, we probably need to establish some set requirements and rules.

Dir Deery said that will be on a case by case basis.
Council could pass a 'blanket' policy, but, the JED may supersede because that's an

agreement that we as a city made with the township.

Motion made by Mr. Schneider and second by Mr. Cerra authorizing an ordinance authorizing the Mayor to apply for and enter into a loan agreement thru DEFA for the 'said' project.

MOTION CARRIES

COMMITTEE REPORT WRITTEN

8. The matter of authorizing the Mayor to advertise for bids and enter into a contract for the 2025 Street Sweeping Program.

Referred By: Engineer Schneider

Engineer Schneider said this is the annual street sweeping program, we go out twice a year to sweep curbed streets as well as other areas. They're looking go out for bid. In past two years, they have had more than one bidder and have seen prices come down.

Mr. Oswald said the company we used last year wasn't that stellar in his areas in his ward. He felt that they were wrestling up a lot of dust.

Mrs. Siwierka asked how the compliance factor with people not parking on the streets when not parking notices are posted?

Engineer Schneider said they get calls every year, which they turn over to EPD. It's hard to control, they post signage 72 hours in advance, it's a challenge.

Mrs. Siwierka asked if maybe we change the color of the notices this year?

Engineer Schneider said he will look into that.

Dir Pyanowski said they can talk about on how they should address that. They have had a patrol officer go down the streets that have notices and that patrol officer will go to the door and ask the resident to move their cars.

Mrs. Davis said she had a conversation with one of the sweepers last year and they weren't nice and she listened to them, but she feels they did a poor job.

Motion made by Mr. Cerra and second by Mr. Schneider authorizing the Mayor to advertise for bids and enter into a contract for the 'said' program.

MOTION CARRIES

COMMITTEE REPORT WRITTEN

9. The matter of Amendments to the 2025 Permanent Appropriations.

Referred By: Finance Directors Pileski and Farrell [*Standing Referral*].

Director Pileski said they have none this evening.

10. The matter of Amending the Salary Ordinance for Municipal Clerk of Court Employees.

Referred By: Finance Directors Pileski and Farrell

Chair Tollett recused himself for this discuss based on perceived conflict.

Vice Chair Davis came up to the chair seat to continue with this matter.

Finance Dir Pileski said he received a letter from Muni Court Clerk Rothgery. The letter says in accordance with ORC 190131 H states the increase compensation for deputy clerks will be effective Jan. 1st, 2025 at a 6% increase, effective Jan. 1st, 2026 at a 5% increase and effective Jan. 1st, 2027 at a 4% increase. These are the same increases that the AFSCME bargaining unit received in their contract. He believes we have to amend the salary ordinance. The money has been appropriated in the court clerk budget.

Dir Deery said according to State Law, the municipal court may set salaries for their staff. Council has the power to approve or disprove. As far as 2025 budget, this is covered by the clerk's budget. Moving forward in 2026 and 2027, that would need to be discussed. Once the salaries are set, the issue would be council's call to tailor those budgets accordingly to allow for those personnel to be compensated accordingly.

Mrs. Siwierka said she feels like this is blackmail by a longstanding public servant who was a council member, safety service director and to say this is it, give this to my employees when they know that we are waiting on a salary study to figure out where our salaries are. She wished she would've voted against the AFSME agreement instead of abstaining. She will vote no on this. What is the option if we vote no and is the option to only vote for 2025 because it they want these increases for this year and the next two years after that. There was a committee report that was tabled, which allowed for the 2025 increases, can we bring that back?

Dir Deery said she would like time to do further research. Council certainly could address for 2025 only based on facts that the 2025 budget has already been established. The Ohio Revised Code is very straight forward as far as setting salaries, however as an elected official, those salaries can be set. Let's say some departments may not be able to have all of their employees on staff at these salaries. It is the purview of the court clerk under the ORC to set salaries, it's also responsibility to be within the budget. An option is to say we will only address this year and could table 2026 and 2027. The recourse could be a mandamus action where we could end up in court against the court. The city would have to show that this is unreasonable. It would not be a quick resolution.

Mr. Oswald said he doesn't like how this has played out. It's totally wrong. Things are getting tight and everyone is asking for more. In a year or so we could be laying people off and everyone should do their fair share to make this work.

Mrs. Mitchell said when the salary was discussed, we asked for time to do a salary study. So, they are saying no, they aren't doing the study, but, they want these increases.

Dir Pyanowski said he was notified that the courts will not participate in the salary study.

Mr. Cerra said by this demand and by that they are not participating in the salary study, makes him rethink this.

Mrs. Siwierka reminded everyone that in addition to this average salary for 2025, step A, is over \$60,000 and these employees still get longevity on top of this salary. Longevity is based on the number of years they have been employed. The average employee in that office is probably 12 – 15 years. Everyone should keep that in mind.

Co-chair Davis asked if they are asking for retro pay?

Finance Dir Pileski said they are asking for the salary increase to be effective Jan. 1, 2025, so, it would go back to Jan 1st if it's approved.

Chair Davis said she has a problem with this, especially when they're asking for something that the union is getting, the unions pay dues and have representative and negotiate and now this dept wants the same and we may have a problem with the unions.

Mrs. Mitchell said she feels like we don't have a choice, they will get it anyway, they are telling us what they want. If we vote it down, they will still get it.

Dir Deery said that courts have not always sided with other courts. If it did indeed go to court, she can't say how quickly or slow it would go.

Mrs. Siwierka made a motion to table this. We just received this today and it was on a revised agenda and we don't even know what the total numbers are, including the retro and longevity. It would also give the Law Dir time to look further and get answers to these questions; what are our options, can we resurrect a tabled committee report? And we can get some more definite numbers.

Fin Dir Pileski said they had the entire Muni Court estimated for a 6% raise at about \$143,000, so just the clerk's office would be about half of that, \$70,000.

Mrs. Siwierka said the reason we are doing the salary study was to see where our salaries were. They didn't want to be part of that. Maybe our HR Dept can make some phone calls and look at some comparisons which hasn't been done yet.

**Motion made by Mrs. Siwierka and second by Mr. Schneider to table this matter.
MOTION CARRIES**

Chair Tollett returned to the meeting.

Chair Tollett asked for a motion to adjourn Finance:

**Motion made by Mrs. Siwierka and second by Mr. Schneider to adjourn this evening's Finance committee meeting at 7:20 P.M.
MOTION CARRIES**

Respectfully Submitted by,

Colleen Rosado, Clerk Secretary/Administrative Assistant