

Minutes Approved

*As circulated* July 22, 2025  
*Sept 2, 2025* Strategic Planning Meeting  
Elyria City Council

**1. CALL TO ORDER:**

The strategic planning meeting of Elyria City Council was called to order on Tuesday July 22, 2025 at 6:11p.m. immediately following the Special Council Meeting.

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

ABSENT: Lipian

OTHERS PRESENT: Mayor Brubaker, SSD Pyanowski, Fin. Dir. Pileski, Law Director Deery, Asst. Law Director Breunig

**2. The matter of the Reaser Point Crossing Project**

Referred By: President Stewart

President Stewart called the meeting to order and reminded council members the meeting was scheduled at the July council meeting to be held immediately after the special council meeting.

The Attorney for the city of Elyria, Russ Balthis is attendance to provide information to council members regarding correspondence received from DBR on Friday July 18<sup>th</sup>. Attorney Balthis will answer any questions council members may have.

Russ Balthis 1000 Key Tower, 127 Public Square, Cleveland, Oh. 44114- Attorney Balthis provided a recap of the last meeting with council members where they discussed a number of outstanding issues, July 1<sup>st</sup> an email was drafted and sent to DBR's legal team with a summary of the discussion of the council meeting. The letter raised the issues of identifying issues and to schedule a time for discussion. A letter was received July 17<sup>th</sup> to Attorney Balthis and July 18<sup>th</sup> to the city of Elyria Law office with an attachment letter from the Lorain County Port Authority received July 11<sup>th</sup>. Attorney Balthis explained the board of Education had considered adopting the school comp agreement based on communications with their council, the Elyria law department and Attorney Balthis. A phone meeting was held Monday July 22<sup>nd</sup> at 3:00p.m. with Attorneys Balthis, David Lum and Jason Dodson to discuss six bullet points that they were able to minimize to one outstanding issue, which is the prelim planning commission's approval of the preliminary plat. Council is not willing to give up their right and responsibility to review the final plat and not agree in the development agreement or obligate themselves to approve it not having had that opportunity to review it as part of their normal process. The uncertainty of the final plat does create challenges for the issuance of a bond in a deal that is structured like this. Attorney Balthis expressed the perspective of the attorneys is that the council has their rights to observe and provide input on the final plats and the approval process from DBR's perspective without having the certainty of what that review would look like.

Council member Siwierka inquired about why there was no communication from June 30<sup>th</sup> through July 17<sup>th</sup>? Attorney Balthis explained DBR apologized for the delayed response.

Council member Tollett inquired if the members would go into an executive session. President Stewart stated if the members felt an executive session was needed, the members could vote to go into an executive session. Law Director Deery stated the discussion has been scheduled for an open meeting, however should there be questions specific to pending litigation, a recommendation would be made to either discuss the topic later or request a motion to go into

## Minutes Approved

July 22, 2025  
Strategic Planning Meeting  
Elyria City Council

executive session, however with the current discussion, no exception was warranted for an executive session. Council member Tollett expressed concern over the timing of receiving the correspondence for review. He further inquired about the planning commission vote of the preliminary plat. Attorney Balthis shared the planning commission vote on the preliminary plat was four to one. Council member Tollett asked for confirmation if he was misunderstanding the letter from the Port Authority. Assistant Law Director Breunig, confirmed yes. He explained the Lorain County Port Authority is looking for an indication that council will accept the public improvements that will be completed. Assistant Law Director Breunig explained the financing is TIF financing, to issue bonds and get TIF to repay the bonds that are being issued, the improvements need to be dedicated public improvements. Approval of public improvements is a council action, not planning commission.

Council member Oswald stated he did not want to give up his rights on the developmental agreement. He expressed a concern regarding the size of streets in the plans. He expressed if a concession is made for this developer, it would need to be made for all.

Council member Schneider asked for clarification of the entire project being approved ahead of time, not staggered into phase one, two, three, four. Assistant Law Director explained the language states that council agrees to accept the final plat with all of the variances that planning commission granted when it presented to them. The project will still be in phases. The phase development is needed to implement the TIF starting dates for each of the individual phases. As a council, you would be contractually bound to accept each of the phases when it comes before you for final approval and acceptance of those improvements.

Council member Siwierka asked had the city of Elyria completed a project like this before?

Assistant Law Director Breunig stated no. Council member Siwierka stated she was trying to figure out the main area of concern, does it lie with the Lorain County Port Authority wanting a guarantee on the money? Law Director Deery stated the developer wants reassurance that if they put up their money, that they would have the ability to get paid back. The Lorain County Port Authority would face challenges in marketing the bonds and finding a buyer, if there is no good faith reassurance that the city would accept these public improvements. She provided an example of the width of the roads. If the roads are not dedicated as public roads, then the amount of money spent to build the roads, would not be reimbursed as public improvements.

Attorney Balthis weighed in to say that whether or not the Lorain County Port Authority issues bonds or not wouldn't change the issue. He stated the issue would still exist and may be compounded by the Lorain County Port Authority issuing bonds. Council member Siwierka went on to inquire about legal implications later on if the roads are not poured correctly. Attorney Balthis explained road specifications and engineering inspections would be one set of issues that would be resolved through contractor disputes. He shared that the issue currently being presented is, if the roads are built as presented, if council would still choose to accept the specifications that were approved by Planning Commission, it would be added to the development agreement, later down the road, if council did not vote to accept, it would be subject to a breach of contract claim. Council member Siwierka asked additional clarifying questions regarding council member's waiving their rights for any changes of the project, which is what she thought the issue was. Attorney Balthis clarified the language being used, in that city council shall approve anything consistent with what the planning commission approved. The concern is that the council members were being asked to approve something that the council members did not have

Minutes Approved

July 22, 2025  
Strategic Planning Meeting  
Elyria City Council

a chance to review. Attorney Balthis shared with the council members they are not obligated to agree with the variances of planning commission. President Stewart asked for further clarification regarding if all improvements, concrete roads, sewers, utilities, right of way would need to be installed during the process for the bond or would it be in phases? Attorney Balthis explained that there is flexibility with the contract.

Council member Mitchell stated, that the Special Council meeting that was held on June 30<sup>th</sup>, the majority of the council members were not willing to give up their rights. She explained her reason was not having the ability to approve something they were unaware of. She stated the request has never been granted for any other developer and believes council should be careful not to do for one developer that they wouldn't do for others.

Law Director Deery asked the council members if there were some sort of action or presentation, similar to what was provided to planning commission, that the council members could receive that would make the members more comfortable with deciding. She asked if it would help for them to hear from the Fire Marshall, Engineer, Building Official, City Planner and the developers and be provided the opportunity to ask questions.

Council member Oswald stated he agreed with council member Mitchell.

Council member Schneider inquired if any indication of a timeline for the residential portion had been provided? He wondered in the council could be pre-approving the project that could be a six- year period that would normally stagger. Assistant Law Director Breunig stated no timeline has been provided. Council member Schneider shared additional concerns regarding pre-approving a project that six years down the line may be impacted by economy and housing market changes. Council member Schneider asked for further clarification of historical data of council and the planning commission regarding if a developer was granted approval for additional phases in a development. Assistant Law Director Breunig state that although he doesn't recall a historical situation or council approval, but theoretically Planning Commission has stop work authority. The building and engineering departments will provide routine inspections. It says this project is a little different.

Law Director Deery explained once the TIFF is established, the developer would be limited in changing the plans. Attorney Balthis stated the TIFF status wouldn't necessarily prohibit a different use, but would make the TIFF less or ineffective, if bonds are issued, contractual obligations with the Port Authority to not make changes to protect the revenue stream to pay back the debt.

Council member Tollett asked if the possibility of changing from 33% commercial to 50% would be possible with how the TIFF is written? Attorney Balthis explained that multiple TIFFS are "at play". What is currently proposed is two incentive districts, referred to as residential TIFFS which work on owner occupied residential housing. In addition, the TIFFS do work on commercial. Attorney Balthis explains, people do not use them on commercial because they do not generate as much revenue as what a 40bTIFF or commercial TIFF would. A portion of the property is planned to be fully commercial. Council member Tollett stated he agrees with Law Director Deery that a presentation to see the plans would be beneficial.

Council member Siwierka expressed disappointment in the length of time it has taken from the June 30<sup>th</sup> meeting until now for additional discussion to be taking place. She asked for further clarification on the Port Authority's position and the position of port authorities across the state of Ohio. Attorney Balthis stated the Port Authority position is not surprising nor unreasonable.

Minutes Approved

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Strategic Planning Meeting  
Elyria City Council

Council member Davis inquired about what would be built first, the residential portion or commercial? Attorney Balthis stated it has not been determined.

President Stewart stated it would be beneficial to have a scheduled meeting with the DBR team of attorneys. Law Director Deery stated the committee needs a confirmative request.

Council member Siwierka stated the general consensus is that the council members would like the opportunity to see a full presentation. In addition, at the conclusion of the presentation they should be prepared to decide.

Council member Schneider stated he is not in favor of the project without some sort of mechanism in place to stagger phase approvals. The council members agreed they would like to see a full presentation of the project. Additional discussion with input from members of council was had.

Council member Schneider asked about the idea that the city of Elyria cannot be the only city with the current issue, every city has planned phase planning and there has to be other TIFFS that existed with this same issue. He asked Attorney Balthis if he had experience with any other city that had a TIFF and the city wanted a typical phased approval process? Attorney Balthis explained, yes this does happen all of the time. What is making this situation unique is that some cities councils approve preliminary agreements and what is making this more challenging is the developer is doing something that the zoning just allows them to do. What makes this project more complicated is that variances have been granted. He explained that what is making this situation more unique, is the project is deviating more from the existing zoning than normal and that the city of Elyria is a community that has a process where council is not as involved early and approves on the back end. The request from DBR and the port authority is very normal.

Council member Tollett moved to have a meeting with a presentation, Cerra seconded.

**ROLL CALL VOTE:**

**AYE:** Callahan, Cerra, Armstrong, Tollett, Siwierka, Davis, Schneider

**NAYE:** Oswald, Mitchell, Stewart

**MOTION CARRIED**

Attorney Balthis would be available at the August 4, 2025 council meeting. The Council clerk's office will confirm attendance of department heads and request for all planning commission records.

Law Director Deery asked for a confirmed listing of what department heads should attend the meeting. President Stewart stated the Chief Building Official, City Engineer, Fire Marshal, Police, and City Planner.

Council member Tollett asked if he could request the Port Authority be in attendance.

Council member Siwierka stated the department heads will be asked to attend a meeting that will start at 8:00 p.m.

Assistant Law Director Breunig suggested providing the developer with a deadline for submission of the requested plans so that the department heads will have adequate time to review the information prior to the planned meeting.

President Stewart suggest July 25<sup>th</sup> by noon.


SSD Pyanowski stated there have been two planning commission meetings held. He would get the records that were submitted at the meetings.

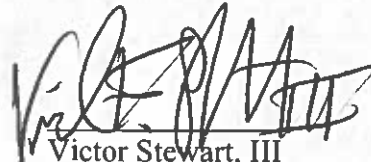
Minutes Approved

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Strategic Planning Meeting  
Elyria City Council

**3. ADJOURNMENT:**

Mitchell moved, Schneider seconded to adjourn the Strategic Planning Meeting at 7:24 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=6glSqSj3xcY>

Rlp /





## Regan Phillips

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**From:** Amanda Deery  
**Sent:** Friday, July 18, 2025 3:22 PM  
**To:** Colleen Rosado; Regan Phillips  
**Subject:** Please include with Strategic Planning Packet  
**Attachments:** Balthis Letter w-attach - 7-17-25 (02218843xA180B).pdf

Hello!

Please distribute the attachment and included email thread below with the Strategic Planning packet to all members of Council.

Thank you,

Amanda

Amanda R. Deery, Law Director  
City of Elyria  
131 Court Street, #201  
Elyria, OH 44035  
Telephone: (440) 326-1464  
Fax: (440) 326-1466

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**From:** Balthis, Russell <russell.balthis@squirepb.com>  
**Sent:** Friday, July 18, 2025 12:13 PM  
**To:** Amanda Deery <adeery@cityofelyria.org>; Erik A. Breunig <ebreunig@cityofelyria.org>; Friedman, Steven A. <steven.friedman@squirepb.com>; David Graves <dgraves1854@gmail.com>  
**Cc:** Balthis, Russell <russell.balthis@squirepb.com>  
**Subject:** FW: Reaser Pointe Crossing Amended Development Agreement

**CAUTION:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

FYI – I just received the attached. Happy to discuss once everyone has had a chance to review.

Thanks!  
Russ

From: Blakely, Joyce J. <jjb@mccarthylebit.com>  
Sent: Friday, July 18, 2025 12:09 PM  
To: Balthis, Russell <russell.balthis@squirepb.com>  
Cc: JDodson@ralaw.com; danreaser@gmail.com  
Subject: [EXT] Reaser Pointe Crossing Amended Development Agreement

Good Afternoon:

On behalf of David Lum, attached please find correspondence directed to your attention.

Thank you.

Joyce



**Joyce L. Blakely** • Legal Assistant to Kenneth B. Liffman,  
David A. Lum, Ryan M. Palko, Alex M. Friedman and Jose Nuñez

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**CRYSTAL & LIFFMAN CO., LPA**  
1111 Superior Avenue East, Suite 2700, Cleveland, OH 44114

David A. Lum, Esq.  
Writer's Ext.: 264  
dal@mccarthylebit.com

July 17, 2025

VIA EMAIL: [Russell.balthis@squirepb.com](mailto:Russell.balthis@squirepb.com)

Russell W. Balthis, Esq.  
Squire Patton Boggs  
1000 Key Tower  
127 Public Square  
Cleveland, Ohio 44114

RE: Reaser Pointe Crossing Amended Development Agreement

Dear Russ:

Thank you for your email on July 1<sup>st</sup> outlining the remaining open issues with the Amended Development Agreement from the City's perspective. I apologize for the delay in responding but I thought it was important to have an explanation and support for our position.

Certainly, many of the issues we have discussed are business issues for my client, but many of them are driven by the requests and requirements of the Lorain County Port Authority ("LCPA"). As we have previously discussed and agreed, it is a very good solution for both of our clients for the LCPA to step in and handle the TIF bond financing on this project. However, in order to do so, the LCPA needs to be assured of a number of items: i) that the Remedial Improvements and other public infrastructure are fully agreed to in terms of scope, quality and quantity of work, ii) that the LCPA controls the disposition of the funds, and iii) that the City is fully committed to the proposed development and that the City Council will approve a final plat and will not otherwise hinder or delay the development. Without those assurances, it will be virtually impossible for the LCPA to issue and sell the bonds required to move this project forward. I've attached correspondence from James Miller, Director of the LCPA, outlining his concerns about the current draft of the Amended Development Agreement.

With those constraints, I would respond to the items in your email with the following suggestions:

- With respect to the definition of "Remedial Public Improvements", I would suggest that we agree to and attach to the Amended Development Agreement as an Exhibit a complete plan and a budget for the Remedial Public Improvements. That way, my client, the City and the LCPA can be assured of the work that is going to be done, that it can be reimbursed with the TIF bond proceeds, and that there will be no future dispute. As long as the work is within those confines, the LCPA should be more than capable of administering the payment applications and providing the City with copies.

{02218825-1}

**EXPECT MORE. GET MORE.**

mccarthylebit.com o: 216-696-1422 f: 216 696 1210

Russell W. Balthis, Esq.

July 17, 2025

Page 2

- With respect to the deletion of Section 3.1(g), perhaps we are “talking past each other.” I have been under the working presumption that in terms of process, the City Council will pass an Ordinance approving the Amended Development Agreement (and related agreements), but the Mayor would hold off on signing the agreements until after the School Board also approved the Compensation Agreement. At that point, the Agreement would be signed, and all parties would need the representation in 3.1(g). While it may not be accurate right now (given the necessary School Board action), it must be accurate at the time of signing the agreement – that is why I think it is essential to leave in.
- With respect to the deletion in Section 4.4, this causes not only my client, but also the LCPA, great concern. DBR has already submitted the preliminary plat to the Planning Commission (June 2024) and received approval by a vote of 4-1. The City has known the plans for over a year, the plans have not changed since then and we don’t expect them to. Why would City Council not approve a final plat that is consistent with the preliminary plat? If the plat were to change in any significant way, then we would certainly expect to go through the appropriate review process. However, neither my client, nor the LCPA can commit the millions of dollars necessary to move the project forward if there is a risk that City Council is not going to approve the final plat assuming it is consistent with the preliminary plat.
- With respect to Section 6.7, as stated above, the LCPA will handle all of the disbursement and cost certificates and can provide the City with all required documentation.
- Finally, with respect to Section 8.1(a)(iii), my client will not agree to the additional language. The City designed and installed the road and the stormwater management system. The Remedial Improvements designed by GBC (quite simply additional dirt on the DBR property to allow storm water to enter into the system rather than ponding and flooding the DBR property), merely allow the water to enter the system. If that system fails, then it is the City’s responsibility. That being said and as a compromise, DBR has agreed to the ownership and maintenance of the detention ponds in Section 8.1(a)(ii). Likewise, we are not averse to the concept that if we break something, it is our responsibility to fix it. But the initial design responsibility must remain with the City.

I am happy to arrange a call to discuss any or all of the above items.

Very truly yours,

*/s/ David A. Lum*

David A. Lum

cc: Jason Dodson, Esq. (via email)  
Dan Reaser (via email)

{02218825-1}





**Lorain County  
Port Authority**

226 Middle Avenue  
Elyria, OH 44035  
5<sup>th</sup> Floor

Phone: 440-328-2326  
Fax: 440-328-2349

[lcportauthority.org](http://lcportauthority.org)

July 11, 2025

Via email

David A. Lum. Esq.  
McCarthy Lebit Crystal Liffman LPA  
1111 Superior Ave., E Ste 2700  
Cleveland, OH 44114

RE: Reaser Pointe Crossing Amended Development Agreement

Dear David:

As you know, the Lorain County Port Authority ("LCPA") has been asked to, and has offered to, step in and issue the TIF bonds in connection with the proposed development on Reaser Pointe Crossing. In that light, I have reviewed the proposed Amended Development Agreement between DBR and the City of Elyria (the "City") along with the email from Russ Balthis to you dated July 1<sup>st</sup>, 2025 with the City's remaining comments on the Agreement. I have a number of comments and concerns as follows:

- We need to make sure that there is a rock solid agreement between DBR, the City and LCPA on the scope, quality and quantity of infrastructure/public improvement work that is going to be done at the development. LCPA cannot be in a position where it has issued bonds and there is subsequently a dispute between the parties as to the work. Once the bonds are issued, there should be nothing further standing in the way of the development and subsequent PILOT payments.
- Before issuance of the bonds, LCPA needs absolute certainty that the City has passed all required ordinances and that those are in full force and effect and have not been amended or modified. This should not be in dispute by anyone.
- The item in paragraph 3 from the Balthis email gives the LCPA great pause and concern. LCPA can't be in a position where it has issued bonds, paid for improvements and then the City Council decides that it prefers a different type of project or otherwise hinders or delays the project. The bondholders need to be paid and the only way they get paid is if the project is constructed and generates PILOT payments. It is very hard to sell bonds if there is concern that the City will change its mind and not approve a final plat. All final binding authorizations and approvals must be secured before issuance of the bonds.

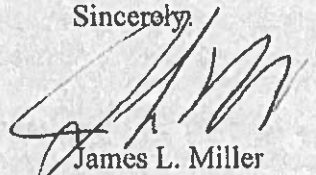
David A. Lum, Esq.  
July 11, 2025  
Page 2

- With respect to all payments, requests for payments, cost certificates, etc. referenced in Section 6.7, those all have to be handled by LCPA and the trustee for the bonds. Again, LCPA is the one issuing the bonds and will be the ones responsible for the payments. We can provide the City with copies of all the necessary documents for their files.

The LCPA remains committed to this proposed development and facilitating the issuance of the TIF bonds, but we must do so on terms that are consistent with our past practice and that ensure that the project moves forward, PILOT payments begin, and the bonds can be paid down.

Please reach out to me if you have any comments, questions or concerns.

Sincerely,



James L. Miller  
Executive director