

The Utilities, Safety & Environment Committee

held a meeting on **Wednesday, August 6th, 2025** at 6:00 P.M.

Committee Members Present:

Utilities: Chair Mitchell, Davis, Oswald, Armstrong, Stewart

Others: none

Excused Absence: none

Administration and Department Heads Present: Safety Service Dir Pyanowski,
Law Dir Deery, Engineer Schneider, Public Works Supt Conner, WWPC Supt Stewart

1. The matter of approval of meeting minutes from the Utilities, Safety & Environment Committee Meeting, on July 9th, 2025, as circulated.

Motion was made by Mrs. Davis and second by Mr. Armstrong to approve the 'said' meeting minutes as circulated.

MOTION CARRIES

2. The matter of reviewing and / or amending Elyria Codified Ordinance 311.06, titled 'Games in City Streets'.

Referred By: Kenny Oswald – Ward 4 and Jayson & Jessica Bendik

Law Dir Deery began saying that this matter was referred by Ward 4 Councilman, Ken Oswald and Jason and Jessica Bendik. From a legal standpoint, based upon conversations that her office had with EPD. Legally, her office is not in opposition to repealing or amending this ordinance. She would recommend to the committee that something needs to be done with the language of this ordinance because it's not productive or usable as is. This ordinance was passed nearly 80 years ago. It pertains to any person does not address any specific ages, it discusses that games in the street may be permitted if the specific street has been set aside for playground purposes. There currently is no procedure for that in our code. Penalty for violation of this code defaults to standard traffic violation penalties and that in itself is problematic because if the defendant is under the age of having a driver's license, then it wouldn't apply. This issue has become clear that if the committee and council would do decide to do away with this, there are many other city codes and state laws in effect that would be able to address various problems that could arise from juveniles and or adults who socializing and or playing in the roadways. There are laws for impeding the flow of traffic and if there is any property damage there are laws for those sorts of things.

Mr. Oswald asked if he can give an overview of what's going on with this issue. He said he was approached by Bendik regarding this ordinance. Mr. Oswald did some research on this and we've never had an issue like this in 50 years. The neighbors love having the kids there but some residents don't think that the cul-de-sac should be a playground for the area. If it was down to a few kids, it wouldn't have been an issue.

Chair Mitchell said she will now allow a representative from each side to speak. She asked for a proponent, those in favor of repealing this ordinance.

Jason Bendik, 126 Briar Lake Dr., he thanked everyone for being here and he thanked council for allowing him to speak. He is here to ask for this ordinance, 311.06, to be repealed or amended. It is currently being applied to prohibit children from playing in the neighborhood cul-de-sac and it's an 80-year-old ordinance and it's obviously a different time and while perhaps it was well intended and it's now outdated, it's punitive use of traffic control and overly broad. It criminalizes safe and supervised play. Why does this issue matter? This was brought to the forefront, not because of safety complaints or community disruption but due to an unfortunate personal grievance by a neighbor who cited this ordinance and to Mr. Oswald's point, the first time in 50 years. By a means of stopping children in the community of playing in the cul-de-sac and since then, they've been subjected to threats of police involvement, videotaping, harassment, name calling and spread of misinformation, all rooted in a rigid and misapplied interpretation of the ordinance. This situation has caused an undue stress and toxicity in the neighborhood that should be safe and welcoming. This is to give a perspective of how they arrived at this point. He and his neighbors are here today to advocate for the repeal of ordinance 311.06. Mr. Bendik said if this would be enacted and cited towards his children, they would have to do the same thing for the 151 cul-de-sacs in the city. They will spend resources much better utilized with officers not coming at children who are playing in the street.

Chair Mitchell asked for any opponents who wished to speak.

James McGlamery, 115 Briar Lake Dr., he has served as a public-school person for 47 years, as Principal of Normandy School in Bay Village, as Superintendent of Wellington and Superintendent of Upper Sandusky, Ohio. On this matter before us this evening, there are two matters to be addressed; with 12 or more children at times, playing in the streets, even after dark, it's not safe, they're running and riding their bicycles around and playing ball. The second matter is one that is disruptive. The children are sometimes loud as children will be and they are disruptive to those in the neighborhood. Also, the City of Elyria has a number of fine parks that are available to children and adults. That concluded Mr. McGlamery's comments.

Chair Mitchell reiterated that this committee is here for the purpose of discussion of this ordinance. Unfortunately, this matter in this neighborhood is something that the residents will have to find a way to make it work. It's unfortunate because you are all neighbors and kids will be kids and they deserve to be able to play but not at the right of disturbing neighbors, be respectful.

Mr. Armstrong said he spoke to Capt. Grooms about this and he didn't have any issues with allowing playing in the cul-de-sacs. But there are things to be taken into consideration; such as how many cars and how do the other families feel about the situation. This is a personal issue that has been going on for a long time. He gets it, if there are a number of kids, it's going to be loud. This is difficult and there could be liability issues that have to be considered.

John Tara, 122 Briar Lake Drive came to the podium to speak on changing the ordinance. He agrees with everyone, he personally spoke with Asst Safety Service Director Jay Leosch, they sat on his porch and talked for a half hour. He asked Mr. Leosch how he feels, Mr. Tara asked if he's being out of line with his expectations? He said he's put in his time and is now retired, he likes a little peace and quiet and time to enjoy his property and there is a whole cul-de-sac filled with kids. What about if we give it one more chance? Jay said, are you sure, because he could have that basketball hoop taken out of the street right now. Mr. Tara said, he would rather give one more chance and try to make it work. It was the only thing he asked for, he was concerned about their vehicles in the street and in the driveway. He wanted them to know that when they're parked there, they won't be expected to move them so the kids can play. He's no different then others, he likes to go in the garage, have a beer and read a book or listen to music. He was looking to a little bit of solitude after working all his life. Jay said that doesn't sound too far out of line, hopefully they won't have a problem with this. The other thing is the number of kids. When he originally spoke to Jason Bendik and expected there to be kids, maybe 3 or 4 kids shooting hoops, that's an expectation. He didn't expect it to go for three or four hours non-stop with five or six basketballs. His point in saying this is they have tried, they do care, they did want it to work. He thought when Jay left his house, he thought he was going to go speak with Jason Bendik and it would be good. Mr. Tara went on to say that Mr. Bendik, who is a principal of a Christian School has decided to override the laws for his family and thought that was more than okay. These are laws, no one should be able to pick and choose which laws to abide by and not to abide by. If he wants to open a beer and sit in the middle of the cul-de-sac, is that okay for him to do that? They really did try to make it work.

Law Dir Deery said, to be clear, this is an antiquated law, there is no adequate reasonable penalty to this law as it stands. He would implore the committee to come up with something. 311.06 does not address bike riding in the street, and it does not address noise or disturbing the peace, impeding the flow of traffic, pedestrians in the street, however there are other laws on the books, both, State Laws and City Ordinances that do address those matters. 311.06 specifically addresses games in the street, flying a kite, playing balls, specifically games. If there are kids or people of any age just gathering in the cul-de-sac and are noisy, this ordinance, as it stands right now, would not apply, which is why she would recommend that it be amended or repealed.

Mr. Stewart asked Mr. Tara and the Safety Dir as to what those findings were after Dir Leosch spoke to Mr. Bendik?

Dir Pyanowski said that Dir Leosch was trying to mediate the situation and help with communication. He believes that conversation took place some time ago before this referral was made and it appears that it was unsuccessful, but, it was to mediate some type of resolution between the neighbors.

Mr. Armstrong said when he spoke with Dir Leosch, he said the basketball hoop, at that time was in the street further away from the Tara's house.

Unfortunately, it didn't rectify the situation and now the basketball hoop is on the Bendik's property and even closer to the houses. Again, there are 151 cul-de-sacs and also many streets that are dead-end streets that will have to be looked at. He feels they need more time and more information on this to try to come up with any type of recommendation.

Chair Mitchell said that we have to remember that we're not just dealing with cul-de-sacs and dead-ends, we're talking about streets. The reason this ordinance came up is because all of this, but, it's 80 years old. The issues the neighbors have are there issues and the City cannot do anything about it. She is sorry, but they need to make it work for everyone that lives there. One person does not have the right to disturb the peace of everyone in the neighborhood. She suggested that they work together and try to figure out a compromise. We are here for the purpose of discussing this 80-year-old ordinance.

Chair Mitchell asked the Committee what they want to do, repeal it or amend it?

Law Dir Deery said if the decision is to repeal, then it would need to be remove from our ordinances, and it's not being revised.

It is Chair Mitchell's' recommendation that they repeal this ordinance.

There were no further questions and Chair Mitchell read the committee report and asked for a motion.

Motion made by Mr. Stewart, second by Mr. Armstrong to authorize an ordinance to repeal Elyria Codified Ordinance 311.06, 'Games in The Street'.

MOTION CARRIES COMMITTEE REPORT WRITTEN

3. The matter of advertising and awarding a contract for the WWPC Activated Sludge Aeration Tank Improvement Project, mandated by the Wet Weather Consent Decree.

Referred By: Engineer Schneider

(This matter was passed by the Finance Committee on 8/11/25)

Engineer Schneider said this is to out for bids for the activated sludge tank project. This will upgrade the Wastewater Treatment Plant from 32 MGD to 40 MGD. This is a requirement as part of the Consent Decree which includes piping and equipment upgrades. It will increase the capacity of the wastewater treatment plant from 32 MGD to 40 MGD which is required and it involves piping and process type equipment in order to complete this. They will apply for the Ohio EPA DEFA loan. The estimated cost is 10.8 million dollars and is not in the budget right now and is why they will go out for a loan and will need to adjust their budget. This is required and it will help the environment by discharging polluted water to the river. This should be the last large project at the plant. This is needed to get up to that magic number of 40 MGD.

Mr. Oswald said when residents keep seeing their bill go up he doesn't think they can fathom how much money the city actually has to spend on these mandated projects. We don't want to but we have to. Eventually we will get through these.

There were no further questions and Chair Mitchell read the committee report and asked for a motion.

Motion made by Mr. Armstrong, second by Mr. Stewart to authorize the Mayor to advertise for bids and enter into a contract for the 'said' project.

MOTION CARRIES COMMITTEE REPORT WRITTEN

4. The matter of a Cooperation Agreement with Elyria Township to apply for Ohio Public Works Commission (OPWC) Funding for the Murray Ridge Resurfacing / Reconstruction project, from Albrecht Rd. to Lowell St.

Referred By: Engineer Schneider

(This matter was passed by the Finance Committee on 8/11/25)

Engineer Schneider said this is the resurfacing project on Murray Ridge from Albrecht Rd. to Lowell St., part of this section of Murray Ridge is in the Township. They do have some NOACA funds to cover the bulk of the cost, at just over one million dollars. It doesn't cover all the construction and engineering costs. So, they are requesting to partner with Elyria Township because part of the road does carry over into the township. They agree it would be a great partnership project and they have done them in the past, most recently West Ridge Road. They will apply for all the local shares for the construction, engineering and administration dollars for the project.

They are hoping to not have to use any city funds for this. We need to permission from Council to enter into an agreement with Elyria Township so they can move forward on this. Requesting emergency clause.

Mrs. Davis asked the time frame for this project.

Engineer Schneider said with Ohio Public Works, the funds won't get released until July of the following year, which would be July 2026. They could bid it out prior to that if they get approval, but they cannot award the job until after July first, based on the funding resources.

There were no further questions and Chair Mitchell read the committee report and asked for a motion.

Motion made by Mrs. Davis, second by Mr. Oswald to authorize the Mayor to enter into the 'said' agreement with the township to share the cost of the resurfacing project and emergency clause is requested.

MOTION CARRIES COMMITTEE REPORT WRITTEN

5. The matter of updating Chapter 939 of Elyria Codified Ordinances, Water Rules & Regulations of Elyria Municipal Water Supply System (EMWSS).

Referred By: Public Works Supervisor Conner

(This matter was passed by the Finance Committee on 8/11/25)

Law Dir Deery said she had some housekeeping this is for Chapter 939 and relevant provisions of the fee ordinance, as it relates to Chapter 109 and as it relates to Chapter 939.

Dir Conner said there was a lot of housekeeping regarding this.

She started with what was handed out and will start with 109.12. There were changes in what was called the service reinstatement fee, which is a service disconnection fee. They added a miss appointment charge, if the service worker shows up and no one is home, they're told upfront that they will be charged if the service worker has to go back. The big area that was discussed was 939.302, which is adding a 5% delinquency charge. This is clean up with some of the terminology. They're proposing to add that 5% fee. Then they will add habitual non-payers, after they miss making payments 3 times in a 12-month period, they will add a \$250 fee. They also added a tampering fee per incident of \$250 because there have been customers who have turned their service back on themselves, which was addressed in 939.512.

Dir Pyanowski said the changes are highlighted on the documents which were handed out to the committee members. Over the course of time ordinances get updated and are brought current. Sometimes there is an operational challenge, address the language, that is a lot of the changes. One topic that was considered to be added were the credit card charge, service fee and it was decided not to include that in these revisions. Those charges were factored into the rates through 2027. However, they have included a delinquency fee. 30 days is late and the fee will be added at 5%. They will also add a fee for the habitual delinquency customers, if someone is delinquent more than three times in a 12-month period, they will be charged a \$250 habitual delinquency penalty and that fee could be certified to the Auditor's office, if it ends up at that point. That would be for some of the commercial and apartment buildings. The bulk of the rest is cleaning up language and some titles and operational changes. Other fees that are included in the fee ordinance were left similar to what they were. The other fee that was added was the tampering fee.

Mr. Stewart asked what is the cost of the credit card fee that the city absorbs?

Law Dir Deery said the City is not actually absorbing the cost because at the time Black & Veatch did the rate study, they calculated the credit card fees in when the new rates go into effect, it's part of the user fee and rolled into the bill through 2027. In that rate study, the user fee was taken into account as well as everything from increasing in postage, printing costs as well as the cost when someone pays by check, the cost for Brinks to come in and pick up the cash, all those things and they fluctuate by account to account, but that is how the user fee was calculated.

Mrs. Davis asked is they will be up to date with those homestead charges and customers continuing on homestead when they don't qualify?

Supt. Conner said they got those accounts cleaned up and the last of the letters went out and there were 17 who did not respond and they took the homestead discount off of those accounts, so, it has worked. They will audit it every April.

Dir Pyanowski said April was chosen because that is when the County Auditor requires their records to be updated and that will be the best indicator of customers that are on the Homestead legitimately.

Law Dir Deery asked how much lead time will be needed to load the fees into New World, is there an anticipated start date?

Supt Conner said they will have to change the printing on the bill because there will be two different dates and how much the delinquency charges would be.

Dir Pyanowski asked this not pass as an emergency clause because they have administrative things to figure out as it relates particularly to the dlq fees. They want that on the same bill and not a separate billing.

There were no further questions and Chair Mitchell read the committee report and asked for a motion.

Motion made by Mr. Oswald, second by Mr. Armstrong to authorize an ordinance for the 'said' EMWSS updates to Chapter 939 and relevant provisions of the fee ordinance, Chapter 109.

MOTION CARRIES COMMITTEE REPORT WRITTEN

Chair Mitchell asked for a motion to adjourn.

Mr. Oswald moved to adjourn the Utilities, Safety & Environment Committee Meeting and that motion was seconded by Mr. Armstrong and the meeting adjourned at 6:55 P.M.

MOTION CARRIES

The next scheduled meeting of the Utilities, Safety & Environment Committee will be held on Wednesday, September 3rd, 2025 at 6:00 P.M.

Respectfully Submitted by,

Colleen Rosado, Secretary/Administrative Assistant