

As circulated

August 4, 2025

Dec. 1, 2025

Strategic Planning Meeting
Elyria City Council

1. CALL TO ORDER:

The strategic planning meeting was called to order at 8:00 p.m. after a five- minute recess of the regular city 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

1. Approval of minutes: June 30th, 2025 Strategic Planning Meeting

Cerra moved, Schneider seconded to approve the meeting minutes of the June 30, 2025 Strategic Planning Meeting.

MOTION CARRIED

2. The matter of the DBR Commercial Realty Project

Referred by: President Stewart

President Stewart provided information regarding the matter of business. Additional information is requested from departments for clarification in the DBR Commercial Realty Project.

Council member Tollett asked for clarification of the necessity of the meeting considering the issue of concern had been removed from the development agreement. President Stewart stated council members have the right to ask questions.

Law Director Deery explained that Attorney Balthis was in attendance and could provide an update to the draft of the agenda, as it has update with the Lorain County Port Authority. Law Director Deery explained it is important that this council is in agreement with this project as the final plat would not come before the council members until the developer presents the tiff, economic development as a whole and the understanding of tax increment financing. Law Director Deery recommended that if council plans to make a decision that the next best step would be to have a contract prepared by August 11, 2025 in time for the Elyria City School Board Meeting.

Council member Siwierka asked for clarification that if the committee report is passed, whatever exhibit should accompany the committee report can be submitted at a late date. Law Director Deery explained there is no legislation to vote on.

Council member Oswald stated he would like to ask questions of the building department due to what he believed to be discrepancies with road size, sidewalks, utilities, and planning commission approval.

Council member Tollett stated, the road size is included in the plan and this council has voted on this road size numerous times. He explained the difference in public and private roads. Police and Fire respond to both public and private roads.

Council member Tollett moved to vote on the development agreement.

Minutes Approved

August 4, 2025
Strategic Planning Meeting
Elyria City Council

Law Director Deery advised council members to not vote on a draft that neither they nor she has seen the final draft.

Council member Siwierka seconded the motion for discussion purposes.

President Stewart expressed he believed calls were made prior to the meeting to circumvent the meeting to get the matter pushed to a vote and he believed it to be wrong.

Council member Mitchell called for point of order.

Council member Davis requested the attorney come before council.

Attorney Balthis, explained that DBR removed the objection to the obligation to approve the future plans. He further explained that even with the language removed, if council approves the agreement, they are incentivizing the project as presented. If concerns exist and the possibility of there not being enough votes for public roads, Attorney Balthis cautioned council members on moving forward with a vote on the developmental agreement. He stated his agreement with Law Director Deery to have legislation prepared for August 11th.

Council member Tollett asked Elyria City School Attorney if the forecasted revenue for the schools of \$1.2 million per year was accurate? The Attorney did not have access to the totals.

Council member Tollett asked about an upcoming school board meeting that if the committee report were passed this evening that the item could be placed on the agenda for the upcoming meeting. The attorney stated if the tiff and development agreement were voted on, it could potentially be presented at the upcoming school board meeting. However, they are still awaiting comments on the tiff agreement and compensation agreement.

Council member Mitchell asked if council decided to vote on August 11th could the school board call a meeting. The school board has a scheduled meeting on August 20th, availability of members would not be sought for August 11th.

Council member Schneider stated that he believed that things were twisted up a bit and the current plat had way too many items that he had concerns over, regarding roads, utility easements, commercial buffering, no dumpster locations, drainage. He shared that he would like to hear from the engineer and building official.

Council member Armstrong asked for clarification of the plat and agreement.

Council member Mitchell asked for clarification regarding the plat approval.

Law Director Deery explained the two can't be separated, because when an economic development incentive is presented, you are agreeing to the project.

Attorney Balthis explained that all concerns regarding the roads would need to be resolved so that when the time comes for road dedications, there will be no objections.

Council member Cerra asked if roads need repair years later would they be eligible for repair.

Attorney Balthis, explained maintenance would be an eligible expense. Council member Cerra stated that looking at the investment into the city is his perspective.

Council member Mitchell asked to confer with the department heads in attendance.

Council member Tollett stated what they have to share does not correspond with the development agreement.

Council member Tollett expressed concern that the agreement arrived five days prior.

Law Director Deery shared draft of the agreement was received as early as the afternoon at 2:00 p.m. of the current meeting.

President Stewart inquired of why would council vote on something "in principle".

Minutes Approved

August 4, 2025
Strategic Planning Meeting
Elyria City Council

Law Director Deery stated her legal advice would be that council as a whole have no concerns with the developmental agreement, in order to vote.

Council member Oswald stated he would love to hear from the engineer and building official.

Attorney Balthis explained tax increment financing is an incentive, the developer does not have the right to a tiff agreement, they have the right to build on their property and go before planning commission, however they do not have a right to receive reimbursements through a tiff. If council votes to approve the project, the vote is to incentivize the project. Attorney Balthis shared his concern that if council votes to approve the development agreement, votes to approve the tiff agreement and then votes to not accept the public infrastructure, it would create a significant problem that the probability of a lawsuit would be very high.

Council member Siwierka asked if inspections are completed by the engineer of all subdivisions. Engineer Schneider explained all public areas are inspected, however not necessarily the private areas. Building Official Farkas shared that houses are inspected.

Council member Mitchell asked council members to allow the Law Director to do her job and draft legislation for a vote on August 11th.

Council member Tollett inquired of a quorum being present for August 11th. Council member Callahan will be absent.

President Stewart asked how many any twenty-two-foot public roads have been approved.

Engineer Schneider shared that in his twenty-four years of employment, he does not recall approval of any twenty-two-foot roads.

Council member Tollett inquired of how many private roads are serviced by police and fire that are any twenty-two-foot wide. Engineer Schneider responded numerous.

Law Director Deery asked how many stud streets exist in the city. Engineer Schneider stated he was uncertain. Council member Armstrong stated one hundred fifty-one.

President Stewart asked if the fire department turn-around qualifications were met. Engineer Schneider explained that design plans have been received yet, however the fire department requirement is twenty-foot for cluster home subdivisions.

Council member Schneider asked for confirmation of the HOA maintenance of the roads for plowing. Engineer Schneider confirmed, yes. Discussion was held regarding one or two car garages, unclear of plan specifications.

Council member Tollett stated that he read the HOA of this development would be responsible for all of the plowing.

Council member Tollett moved to accept the development agreement with the removal of the issue at hand.

Council member Siwierka seconded.

Council member Callahan asked about a first reading.

Council member Mitchell explained in the event the vote is taken on August 11th and there are not enough members in attendance for the emergency clause to pass.

Roll Call Vote:

Aye: Callahan, Cerra, Armstrong, Siwierka, Tollett

Nay: Oswald, Mitchell, Stewart, Davis, Schneider

Minority report

Council member Tollett asked if the tiff legislation would be presented on Monday August 11th.

Law Director Deery explained, yes, both pieces of legislation have to be drafted together.

Minutes Approved

As circulated

August 4, 2025

Dec 1, 2025

Strategic Planning Meeting
Elyria City Council

ADJOURNMENT:

Mitchell moved, Davis seconded to adjourn the Special Council Meeting at 9:00 p.m.

MOTION CARRIED



Victor Stewart, III
President of Council

YouTube Link: <https://www.youtube.com/watch?v=jGa0nXcSYgE>

Rlp /