

As circulated March 18, 2024
March 2024 Regular Council Meeting
Elyria City Council

1. CALL TO ORDER:

The regular meeting of Elyria City Council was called to order on March 18, 2024 at 6:59 p.m. by President Stewart. President Stewart opened the meeting requesting a moment of reflective silence. The Pledge of Allegiance was led by Boy Scout Groups from different communities.

2. ROLL CALL: COUNCIL MEMBERS

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

OTHERS PRESENT: Mayor Brubaker, SSD Pyanowski, Fin. Dir. Pileski, Law Director Deery, Police Chief Pelko, Fire Chief Pronesti, CD Dir. Scott, Eng. Schneider

3. PUBLIC HEARINGS: None

4. APPROVAL OF MINUTES:

Schneider moved, Mitchell seconded to approve minutes.

5. REMARKS AND REPORTS OF CITY OFFICIALS:

Mayor Brubaker:

Mayor Brubaker shared an update that twenty-five-year Waste Water Pollution Control employee, Tom Ortiz will be retiring at the end of March. A celebration will be held from noon until 2:00 p.m. at the plant, all are welcome to attend. Mayor Brubaker expressed his appreciation for Mr. Ortiz's years of service to the city of Elyria. March 18th Mayor Brubaker swore into the Elyria Fire Department the first in the history of Elyria Fire, a third-generation firefighter. The newly sworn in firefighter's father and grandfather were both firefighters' retirees from the Elyria fire department. In addition, Mayor Brubaker shared Purvie Smallwood had accepted a position to replace Rick Boone as the Public Works Coordinator in the Sanitation Department.

Safety Service Director:

SSD Pyanowski reminded everyone that on April 8th, the eclipse will take place from 3:00pm to 4:00pm. Trash pick up will run as scheduled. All city parks will be open during normal scheduled hours. No programming is scheduled. Overnight parking is prohibited at the parks. Additional traffic is expected through town as well. The expectation of visitors in Lorain County over the weekend is 100,000 to 500,000 people.

Finance Director:

Finance Director Pileski provided an update that the Independent Auditors were onsite with the city about a month ago for two days. The audit is ongoing, however most of the work is conducted off-site. All information is submitted via email and electronic drop-box. The audit will be ongoing through the months of June and July.

Law Director Deery: No report

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5. REMARKS AND REPORTS OF CITY OFFICIALS: Continued

Council member Lipian inquired about non-partisan affiliated vacancies. Law Director Deery shared that the election would require the board of elections to review how the party voted. Council member Siwierka inquired about ward boundaries. Law Director Deery stated new ward boundaries will go into effect 2025.

EPD:

Chief Pelko shared information regarding the Elyria Police Department and Citizens remembered Sergeant Kerstetter, who was killed in the line of duty fourteen years ago. Chief Pelko provided his current staff totals: 81 officers, two in police academy training, two in field training program, four officers on family medical leave, and two officers on light duty. Seventy-one officers are available on the road. The department is looking to rehire an officer that was previously with the department once his background is cleared. Council member Oswald inquired about an update regarding the FBI Training Facility. Chief Pelko responded that meetings have been held with the city engineering department as well as the FBI, and he believes a referral has been submitted to move forward. Trees are being cleared away on the property and progress is being made. Council member Siwierka asked was their interest in police from the job fair and if any lateral benefits apply? Chief Pelko responded yes to lateral benefits are offered and yes, the job fair was beneficial to the police department as well. Candidates were screened for police and dispatch positions.

EFD: No report

Council member Oswald asked if this was the time of year to remind residents to change batteries in fire detectors. Chief Pronesti shared either fall back or spring forward are both good reminders of the campaign.

CD DIR. Scott: No Report

Engineer Schneider:

Engineer Schneider provided updates on all of the big projects in progress. Dilworth remains closed. East Broad will remain closed as of April 1st for restoration from Prospect towards Abbe Rd. East Broad Street will remain closed with the exception of open access to local property owners and businesses, due to excavating and undercutting work. April 15th, Cleveland Street process will start up again. Council member Lipian requested a review of his submitted streets prior to the utilities committee meeting. President Stewart inquired if there is more stabilization on the East Broad project with the amount of excavation that has taken place. He expressed concern with gas line placement and the timing of installation. Council member Siwierka inquired about a railroad update on East Bridge Street. Engineer Schneider contacted the engineer and was informed the project is very early on. The intent is to replace the bridges at East Bridge Street and improve the concrete walls and maintain the center pier. Council member Siwierka expressed concern regarding the sidewalk straps and if the city would have the ability to provide input on the project. Council member Schneider inquired if the lanes from South Abbe

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5. REMARKS AND REPORTS OF CITY OFFICIALS: Continued

to Route 57 are due to be painted. Engineer Schneider promised to follow up with all inquiries. Council member Mitchell asked when the street rankings would be completed. Engineer Schneider explained he was a bit behind schedule, however has some of the rankings, not all are processed. He explained he would like to travel the roads himself for assessment. Council member Mitchell expressed that the discussion of streets would be on-hold at the upcoming utilities committee meeting until rankings are completed and the process could be completed all at once. Council member Oswald inquired about the timing of the railroad inspections. Engineer Schneider responded he could confirm the timing of the railroad inspections. Council member Lipian stated that he and Council member Siwierka were looking at a Ward split of their streets regarding resurfacing.

6. PRESIDENT'S REFERRAL'S:

1. The matter of a liquor license transfer from Strongsville Convenience Inc. DBA East River Convenient, 905 E. River St., Elyria to JK East River Inc., DBA East River Convenient, 95 E. River St.

REFERRED BY: DIVISION OF LIQUOR CONTROL

REFERRED TO: COMMUNITY DEVELOPMENT

2. The matter of a request for final plat for Harvest Meadow Phase 3.

REFERRED BY: JEFFREY RUTUSHIN/ K. HOVANIEN

REFERRED TO: COMMUNITY DEVELOPMENT

3. The matter of review and approval of recommendations from the Elyria Economic Development Committee.

REFERRED BY: CD MANAGER ALMOBAYYED

REFERRED TO: COMMUNITY DEVELOPMENT/ FINANCE

4. The matter of matter of request to forgive lien: Patricia Sheen 443 Metcalf Rd., Elyria.

REFERRED BY: CD DIRECTOR SCOTT

REFERRED TO: COMMUNITY DEVELOPMENT/ FINANCE

5. The matter of the issuance of \$5,670,000 in one-year general obligation bond anticipation note.

REFERRED BY: FIN. DIRECTOR PILESKI

REFERRED TO: FINANCE

6. The matter of applying for and accepting if offered the 2023 Project Safe Neighborhood Grant through the OCJS and Northern Ohio Crime Consortium (NOVCC).

REFERRED BY: CHIEF PELKO

REFERRED TO: FINANCE

7. The matter of distribution of the Opioid Settlement Fund.

REFERRED BY: COUNCIL MEMBER TOLLETT- AT LARGE

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6. PRESIDENT'S REFERRAL'S: Continued

REFERRED TO: FINANCE

8. The matter of assigning property liens to: 994 Salem Ave. and 1825 Lorain Blvd.

REFERRED BY: BO FARKAS

REFERRED TO: FINANCE

9. The matter of allowing the Mayor to enter into a Professional Services contract with Strollo Architects for the design of a new central maintenance garage.

REFERRED BY: ASSD STROHSACK

REFERRED TO: FINANCE/ UTILITIES

10. The matter of authorizing the Mayor to advertise for bid and enter into a contract for the 2024 Street Sweeping Program.

REFERRED BY: ENGINEER SCHNEIDER

REFERRED TO: FINANCE/ UTILITIES

11. The matter of authorizing the Mayor to advertise for bid and enter into contracts for the Elyria Public Safety Training Facility.

REFERRED BY: ENGINEER SCHNEIDER

REFERRED TO: FINANCE/ UTILITIES

12. The matter of rescinding Ordinance 2020-136 to offer a sewer credit to homeowners that have City of Elyria sewer service.

REFERRED BY: WTL JACOB

REFERRED TO: FINANCE/ UTILITIES

13. The matter of amending Elyria Codified Ordinance 176.01.

REFERRED BY: LAW DIRECTOR DEERY

REFERRED TO: FINANCE/ RULES

14. The matter of authorizing the Mayor to enter into a professional services agreement with CTI Engineers.

REFERRED BY: ENGINEER SCHNEIDER

REFERRED TO: UTILITIES

15 - Received and Placed on file in the clerk's office:

15. List of receipts collected by each division of the Clerk of Court's office for February 2024

7. PETITIONS– LOBBY: None

8. PETITIONS–COUNCIL MEMBERS: None

9. REPORTS OF STANDING AND SPECIAL COMMITTEES: None

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10. RESOLUTIONS FIRST READING:

<p>Sponsored by: Finance: P. Tollett M. Siwierka B. Davis C. Schneider J. Cerra</p>	<p><u>RESOLUTION NO. 2024-11</u> A RESOLUTION APPROVING A LIST SUBMITTED BY THE SAFETY SERVICE DIRECTOR FOR THE COLLECTION OF DELINQUENT INACTIVE UTILITY ACCOUNTS AND DIRECTING THE CLERK OF COUNCIL TO CERTIFY SAID ACCOUNTS TO THE LORAIN COUNTY AUDITOR.</p>
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Tollett moved, Davis seconded to pass this resolution on its first reading under suspension of the rules.

<p>SUSPENSION 10. RESOLUTIONS FIRST READING: Continued AYE: 11 NAY: 0 ABSENT: 0 MOTION CARRIED</p>	<p>PASSAGE AYE: 11 NAY: 0 ABSENT: 0 MOTION CARRIED</p>	<p>EMERGENCY AYE: 10 NAY: 0 ABSENT: 0 MOTION CARRIED</p>
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11. RESOLUTIONS--SECOND READING: None

12. RESOLUTIONS--THIRD READING: None

13. ORDINANCES--FIRST READINGS:

Companion Ordinance to above Resolution

<p>Sponsored by: Community Development: T. Callahan A. Lipian C. Schneider D. Mitchell K. Oswald</p>	<p><u>ORDINANCE NO. 2024- 36</u> AN ORDINANCE AUTHORIZING THE PLACEMENT OF 160.94 ACRES OF LAND IN AN AGRICULTURAL DISTRICT.</p>
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Callahan moved, Mitchell seconded to pass this ordinance on its first reading under suspension of the rules.

<p>SUSPENSION AYE: 11 NAY: 0 ABSENT: 0 MOTION CARRIED</p>	<p>PASSAGE AYE: 11 NAY: 0 ABSENT: 0 MOTION CARRIED</p>
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13. ORDINANCES--FIRST READINGS: Continued

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

ORDINANCE NO. 2024- 37
AN ORDINANCE AMENDING ORDINANCE NO. 2022-179,
ESTABLISHING THE HOUSING REPAIR, WEATHERIZATION
AND BEAUTIFICATION PROGRAM, AND DECLARING AN
EMERGENCY.

Callahan moved, Mitchell seconded to pass this ordinance on its first reading under suspension of the rules.

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

Sponsored by:
Community
Development:
T. Callahan
A. Lipian
C. Schneider
D. Mitchell
K. Oswald
Finance:
P. Tollett
M. Siwierka
B. Davis
C. Schneider
J. Cerra

ORDINANCE NO. 2024- 38
AN ORDINANCE AUTHORIZING THE CITY OF ELYRIA TO
ACCEPT THE TRANSFER OF CERTAIN REAL PROPERTY
LOCATED IN THE VICINITY OF LEONA STREET, ELYRIA
OHIO, FROM THE ELYRIA COMMUNITY IMPROVEMENT
CORPORATION.

Callahan moved, Mitchell seconded to pass this ordinance on its first reading under suspension of the rules.

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

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13. ORDINANCES--FIRST READINGS: Continued

Sponsored by:

ORDINANCE NO. 2024- 39

Utilities:

- D. Mitchell
- B. Davis
- V. Stewart III
- B. Armstrong

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT TO PURCHASE A NEW PUMPER TRUCK, FOR THE FIRE DEPARTMENT, THROUGH THE STATE PURCHASING PROGRAM OR EQUIVALENT PROGRAM, AND DECLARING AN EMERGENCY.

Finance:

- P. Tollett
- M. Siwierka
- B. Davis
- C. Schneider
- J. Cerra

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

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

Sponsored by:

ORDINANCE NO. 2024- 40

Finance:

- P. Tollett
- M. Siwierka
- B. Davis
- C. Schneider
- J. Cerra

AN ORDINANCE RATIFYING THE MAYOR'S APPLICATION FOR, AND IF OFFERED, THE ACCEPTANCE OF, THE U.S. DEPARTMENT OF HOMELAND SECURITY/ FEMA FY 2023 ASSISTANCE TO FIREFIGHTERS GRANT FOR THE PURCHASE OF A PUMPER TRUCK FOR THE ELYRIA FIRE DEPARTMENT, AND DECLARING AN EMERGENCY.

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

Lipian Nay

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

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13. ORDINANCES--FIRST READINGS: Continued

Sponsored by:
Finance:
P. Tollett
M. Siwierka
B. Davis
C. Schneider
J. Cerra

ORDINANCE NO. 2024-41

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO PROFESSIONAL SERVICES AGREEMENTS TO HIRE A PRIMARY PLANS EXAMINER AND A BACK-UP PLANS EXAMINER, AND DECLARING AN EMERGENCY.

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

SUSPENSION	PASSAGE
AYE: 10	AYE: 11
NAY: 0	NAY: 0
ABSENT: 0	ABSENT: 0
MOTION CARRIED	MOTION CARRIED

Sponsored by:
Finance:
P. Tollett
M. Siwierka
B. Davis
C. Schneider
J. Cerra

ORDINANCE NO. 2024-42

AN ORDINANCE AMENDING ELYRIA CODIFIED ORDINANCE SECTION 165.27: REIMBURSEMENT FOR COMMERCIAL DRIVER'S LICENSE.

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

Siwierka abstained the vote

SUSPENSION	PASSAGE
AYE: 10	AYE: 10
NAY: 0	NAY: 0
ABSENT: 0	ABSENT: 0
MOTION CARRIED	MOTION CARRIED

Sponsored by:
Finance:
P. Tollett
M. Siwierka
B. Davis
C. Schneider
J. Cerra

ORDINANCE NO. 2024-43

AN ORDINANCE AMENDING SECTION 165.33(a) OF THE ELYRIA CODIFIED ORDINANCES TO ADD THE POSITION OF PUBLIC WORKS SUPERVISOR TO THE PARKS AND RECREATION DEPARTMENT AND ASSIGN A PAYGRADE FOR SAME; AND DECLARING AN EMERGENCY.

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

SUSPENSION	PASSAGE	EMERGENCY
AYE: 11	AYE: 11	AYE: 10

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13. ORDINANCES--FIRST READINGS: Continued

NAY: 0 NAY: 0 NAY: 1 Lipian
ABSENT: 0 ABSENT: 0 ABSENT: 0
MOTION CARRIED MOTION CARRIED MOTION CARRIED

Sponsored by:

Finance:
P. Tollett
M. Siwierka
B. Davis
C. Schneider
J. Cerra

ORDINANCE NO. 2024-44

AN ORDINANCE AUTHORIZING A MEMORANDUM OF UNDERSTANDING WITH THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, FULL-TIME DISPATCHERS, AND DECLARING AN EMERGENCY.

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

Council member Siwierka inquired if Letter E is the waiver, Mayor Brubaker confirmed, yes

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

Sponsored by:

Finance:
P. Tollett
M. Siwierka
B. Davis
C. Schneider
J. Cerra

ORDINANCE NO. 2024-45

AN ORDINANCE AMENDING ORDINANCE 2021-73, KNOWN AS THE SALARY ORDINANCE, TO REFLECT UPDATED WAGES OF THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION, FULL-TIME DISPATCHER EMPLOYEES, AND DECLARING AN EMERGENCY.

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

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

Sponsored by:

Finance:
P. Tollett
M. Siwierka
B. Davis
C. Schneider
J. Cerra

ORDINANCE NO. 2024-46

AN ORDINANCE TO AUTHORIZE THE PERMANENT APPROPRIATIONS OF THE CITY OF ELYRIA, OHIO, FOR THE YEAR 2024.

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

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13. ORDINANCES--FIRST READINGS: Continued

SUSPENSION	PASSAGE
AYE: 10	AYE: 10
NAY: 1 (Lipian)	NAY: 1 (Lipian)
ABSENT: 0	ABSENT: 0
MOTION CARRIED	MOTION CARRIED

Sponsored by:

Utilities:

D. Mitchell
B. Davis
V. Stewart III
B. Armstrong

ORDINANCE NO. 2024-47

AN ORDINANCE AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS AND ENTER INTO A CONTRACT FOR THE MURRAY RIDGE WATER TOWER IMPROVEMENT PROJECT.

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

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

14. ORDINANCES--SECOND READINGS: None

15. ORDINANCES--THIRD READING: None

16. COMMITTEE CALLS:

COMMUNITY DEVELOPMENT

Mon. 3/25/2024 Beginning at 6:00 P.M. All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.

JOINT CD/FINANCE

Mon. 3/25/2024 Immediately following Community Development All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.

FINANCE

Mon. 3/25/2024 Immediately following Joint All Referred Items Council Chambers w/Mayor, Auditor, Law Director, SSD, Engineer

RULES

Mon. 3/25/2024 Immediately following Finance All Referred Items w/Mayor, Auditor, Law Director, SSD, Engineer

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16. COMMITTEE CALLS:

UTILITIES, SAFETY & ENVIRONMENT

Wed. 3/6/2024 Combined with Finance All Referred Items Council Chambers w/SSD, Law Director, Engineer All

COUNCIL/STRATEGIC PLANNING Mon. 4/01/2024 Immediately following Council Meeting All Referred Items

Council Chambers W/ Mayor, Safety Service Director, Auditor, Solicitor, Engineer

17. MISCELLANEOUS AND UNFINISHED BUSINESS:

Mayor Brubaker provided an update to the retirement party of Mr. Ortiz. The party is scheduled for Wednesday March 20th from 12:00 until 2:00 p.m.

Council member Tollett asked for clarification of Roberts Rules of Order regarding the emergency clause. Law Direct Deery explained although it is listed in the body of the ordinance, the ordinance is a proposal and the full body can vote as it chooses.


Council member Callahan spoke of a former Elyria Police officer, obituary of Robert Dabo that was recently in the paper. He spoke greatly of Officer Dabo's character.

18. ADJOURNMENT:

Mitchell moved, Lipian seconded to adjourn the Regular Council Meeting at 7:50 p.m.

MOTION CARRIED


Michael J. Lotko, III
Clerk of Council


Victor Stewart, III
President of Council

RLP/

