

As circulated October 7, 2024
November 4, 2024 Regular Council Meeting
Elyria City Council

1. CALL TO ORDER:

The regular meeting of Elyria City Council was called to order on October 7, 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 Council member Davis.

2. ROLL CALL: COUNCIL MEMBERS

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

OTHERS PRESENT: Mayor Brubaker, SSD Pyanowski, Fin. Dir. Pileski, Law Director Deery, Police Chief Pelko, Fire Chief Pronesti, BO Farkas, Engineer Schneider, Superintendent Stewart

3. PUBLIC HEARINGS:

The regular meeting recessed at 7:00p.m. for the Public Hearing,
Clerk Lotko read the call to public hearing:

CALL TO PUBLIC HEARING:

You are hereby notified that a public hearing will be held Monday October 7, 2024 at 7:00 p.m. to consider the following:

AN ORDINANCE AMENDING SECTION 1131.02, CODIFIED ORDINANCES OF THE CITY OF ELYRIA, OHIO, KNOWN AS THE ZONING ORDINANCE, TO REZONE CERTAIN REAL PROPERTY LOCATED AT 218 PROSPECT STREET, ELYRIA, OHIO, FROM B-N BUSINESS-NEIGHBORHOOD DISTRICT TO L-I LIGHT INDUSTRIAL DISTRICT.

President Stewart asked if there were any proponents?

President Stewart asked if there were any proponents?

President Stewart asked if there were any proponents?

There were none.

President Stewart asked if there were any opponents?

President Stewart asked if there were any opponents?

President Stewart asked if there were any opponents?

There were none.

President Stewart declared this public hearing had been held.

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Elyria City Council

3. PUBLIC HEARINGS: Continued

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

ORDINANCE NO. 2024-154

AN ORDINANCE AMENDING SECTION 1131.02, CODIFIED ORDINANCES OF THE CITY OF ELYRIA, OHIO, KNOWN AS THE ZONING ORDINANCE, TO REZONE CERTAIN REAL PROPERTY LOCATED AT 218 PROSPECT STREET, ELYRIA, OHIO, FROM B-N BUSINESS-NEIGHBORHOOD DISTRICT TO L-I LIGHT INDUSTRIAL DISTRICT.

Callahan moved, Mitchell seconded to pass this ordinance on its third reading.

PASSAGE

AYE: 11
NAY: 0
ABSENT: 0

MOTION CARRIED

Clerk Lotko read the call to public hearing:

You are hereby notified that a public hearing will be held Monday October 7, 2024 at 7:00 p.m. to consider the following:

AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENTS CODES OF THE CODIFIED ORDINANCES; TO PROVIDE FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

President Stewart asked if there were any proponents?

Amanda Deery, Elyria Law Director Deery-131 Court Street, Suite 201. Law Director Deery explained the matter before council is a housekeeping measure that the law director's office in collaboration with the clerk of council's office go through a process with our vendor, American Legal Publishing Corp. to complete recodification process. Legislation is standard process, updated codification, sponsored by Rules Committee.

President Stewart asked if there were any other proponents?

President Stewart asked if there were any other proponents?

There were none.

President Stewart asked if there were any opponents?

President Stewart asked if there were any opponents?

President Stewart asked if there were any opponents?

There were none.

President Stewart declared this public hearing had been held.

Minutes Approved

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Elyria City Council

3. PUBLIC HEARINGS: Continued

The regular meeting resumed at 7:04 p.m.

ORDINANCE NO. 2024-155

AN ORDINANCE TO APPROVE THE EDITING AND INCLUSION OF CERTAIN ORDINANCES AS PARTS OF THE VARIOUS COMPONENTS CODES OF THE CODIFIED ORDINANCES; TO PROVIDE FOR THE ADOPTION OF NEW MATTER IN THE UPDATED AND REVISED CODIFIED ORDINANCES; AND REPEALING ORDINANCES AND RESOLUTIONS IN CONFLICT THEREWITH.

Cerra moved, Tollett 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

4. APPROVAL OF MINUTES: None

5. REMARKS AND REPORTS OF CITY OFFICIALS:

Mayor Brubaker:

Mayor Brubaker provided an update that a successful bid has been accepted for South Park baseball field. He shared that Engineer McKillips had confirmed work would start this year and continue into 2025. Mayor Brubaker acknowledged retired Avon Lake Mayor Zilka in the audience.

Safety Service Director: No report

Finance Director: No report

Law Director Deery: No report

Council member Siwierka inquired on the status of the adult use marijuana revisions. Law Director Deery shared that a proposed draft legislation is currently circulating in her office. The matter will need a public hearing at Planning Commission, then committee, and finally to full council.

EPD:

Chief Pelko provided an update on the swearing in of four new officers earlier in the afternoon of the council meeting. Three of the new officers will have to attend academy training, however the other officer will start right away in the training program.

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5. REMARKS AND REPORTS OF CITY OFFICIALS: Continued

Council member Tollett congratulated Chief Pelko on the work of the neighborhood impact team. Chief Pelko stated the team has made seven arrests and taken one gun off the streets.

EFD: No report

Eng. Schneider:

Engineer Schneider provided project updates with the first being East Broad Street. The asphalt has been placed, the next steps will be the completion of adjustments of the manholes, catch basins, water valves, pavement markings and signage. The plan is to have the project completed by October 21st. The contractor is continuing with milling and paving on the Cleveland Street project. Traffic lights are completed on both projects. The work on Abbe Road South will begin on Monday October 14th. Furnace Street work is planned to begin the week of October 29th. No confirmation has yet been received for Gateway Blvd., however Engineer Schneider believes all of the projects will be quick "mill and fills".

Council member Oswald had concern with the schedule from year to year of the concrete project, he asked for further clarification. Engineer Schneider explained the process of documentation preparation, as well as hand measurements at numerous locations. He understands that the contractor would be starting the project November 1st with a completion date of June 1st 2025. Engineer Schneider explained there are numerous projects going on in the engineering department and the concrete projects lagged a little behind.

Council member Cerra asked if Cleveland Street had a top coat from East Bridge to North Ridgeville? Engineer Schneider stated the final surface of asphalt is from Perry Court to Hawthorne. Mr. Cerra asked if the catch basins would be lowered? Engineer Schneider responded, yes. Mr. Cerra asked for confirmation of the status of the Wesley Street project. Engineer Schneider explained the water mains are all in, he believes final services have been completed, the next step is resurfacing of the road, which should be completed within two weeks. Council member Siwierka thanked Engineer Schneider for the update regarding Abbe Rd. Mrs. Siwierka asked a follow up question regarding the concrete project for clarification, would there be any concrete repairs from the 2024 list? Engineer Schneider responded the concrete repairs for 2024 would begin the first week of November. Mrs. Siwierka asked if there were any updates regarding the railroad? There were no updates.

Council member Davis asked if Furnace Street would be paved from Lake Ave. to Route 57? Engineer Schneider explained that the Furnace Street project is an Ohio Public Works project approved from 2023. He explained the resurfacing area would be from Lake Ave. to Five Points. Council member Schneider asked about two cones that have been sitting westbound on Leo Bullocks Pkwy. near drain grates for a while, if he could provide information regarding the area of the cones. Engineer Schneider explained he did not know, however was aware that the street department may have completed some work in that area.

BO Farkas:

Building Official Farkas provided several demolition updates: 131 Warden was a detached structure that was in poor condition and had been removed. 381 and 382 Furnace are slated for

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5. REMARKS AND REPORTS OF CITY OFFICIALS: Continued

demolition the week of October 11th. BO Farkas provided follow up regarding concerns to 131 Williams Street, contact was made with the ownership and a resolution is being worked on. Contact was also made with the ownership of the old Friendly's at 204 Broad Street and a resolution is being worked on with them as well. The final update regarded compliance of 611 Lowell Street.

Council member Siwierka asked if the two houses on Furnace back up to Mendel Court? BO Farkas responded, yes one of the houses does back up to Mendel Court, the other house is across the street.

Council member Lipian asked if more information would be shared regarding 131 Williams and 204 Broad Street. BO Farkas explained, 131 Williams will be a proposed asphalt resurfacing company and 204 Broad has not disclosed the plans for the property. BO Farkas stated he will prepare a listing of current residential and commercial status projects.

Council member Davis asked for an update on the old Days Inn. BO Farkas explained it is still proceeding through court. Law Director Deery confirmed the nuisance case through Lorain County court of Common Pleas is proceeding.

Council member Armstrong inquired on the status of 804 West Ave., he explained the house is in pretty bad shape and the roof looks like it is going to fall at any time. BO Farkas promised to follow up with looking into the address and send a follow up email. Mr. Armstrong expressed his appreciation to the building department for boarding up 826 West Ave. which has been a nuisance property on his list.

Council member Mitchell expressed her appreciation to BO Farkas regarding his patience with her persistent follow-up on Lowell Street. She stated the residents are very happy and the area looks one-hundred percent better.

Supt. Stewart:

Superintendent Stewart provided updates on projects that the Waste Water Treatment Plant had been performing since the beginning of the year. He shared about the energy master plan, he explained the master plan consists of three parts. What is considered in the master plan is how to reduce energy for cost savings. Some improvements have been made and energy usage has been lowered by six to eight thousand dollars a month. The second part of the master plan is how to generate energy. A point eight mega-watt system of solar panels were designed in a report that indicates a savings of twenty to twenty-five percent. Superintendent Stewart explained his work has been in collaboration with Engineer McKillips who is assisting with an RFQ that will provide concrete numbers on the project. The initial cost was \$2 million dollars and with the ITC credit, the cost would be reduced to \$1.4 million, with a total life savings of \$4.4 million. The water plant is looking into biogas usage. Research has been done by visiting other municipalities to confirm their usage. Biogas meters have been installed to quantify how much biogas is used. Council member Siwierka asked if the energy savings vendor is still SES, Superintendent Stewart confirmed yes. Mrs. Siwierka inquired of Superintendent Stewart had obtained his Class four license, or if Mr. Korzan was still supplementing at the plant? Superintendent Stewart shared that Mr. Korzan is at the plant two to three days a week for two hours or more.

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5. REMARKS AND REPORTS OF CITY OFFICIALS: Continued

Superintendent Stewart will meet with the committee in November for the next step in the process to submit his application for his class four license.

6. PRESIDENT'S REFERRAL'S:

1. The matter of a Conditional Use Permit for West Ridge/ Brunswick Dr.

REFERRED BY: RIDGE WATER LLC

REFERRED TO: PLANNING COMMISSION/ COMMUNITY DEVELOPMENT

2. The matter of a re-zoning permit from B-N Business Neighborhood to Cluster.

REFERRED BY: RIDGE WATER LLC

REFERRED TO: PLANNING COMMISSION/ COMMUNITY DEVELOPMENT

3. The matter of authorization of Property Assessed Clean Energy (PACE) Financing.

REFERRED BY: ASSD CALVERT

REFERRED TO: FINANCE

4. The matter of a applying for and accepting the FY2024 State Homeland Security Program (SHSP) grant.

REFERRED BY: POLICE CHIEF PELKO

REFERRED TO: FINANCE

5. The matter of ratifying applications submitted to the Office of the Attorney General and accepting if offered the 2024-2025 Victims of Crime (VOCA) and State Victims Assistance Act (SVAA) grants.

REFERRED BY: LAW DIR. DEERY

REFERRED TO: FINANCE

6. The matter of a request to enter into a contract with OARNET.

REFERRED BY: IT MNGR K. HENDERSON

REFERRED TO: FINANCE

7. The matter of the resolution accepting the tax rates for the fiscal year 2025.

REFERRED BY: FINANCE DIR PILESKI

REFERRED TO: FINANCE

8. The matter of demo lien referral in the amount of \$213,826.50 for 327 Broad Street.

REFERRED BY: ENGINEER SCHNEIDER

REFERRED TO: FINANCE

9. The matter of a lease extension with the Yorks family.

REFERRED BY: POLICE CAPTAIN GROOMES

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6. PRESIDENT'S REFERRAL'S: Continued

REFERRED TO: FINANCE

10. The matter of authorizing the Mayor to advertise for bid and enter into a contract with a company for the Loading Dock Repair at the City of Elyria Water Pumping Plant.

REFERRED BY: WTL S. JACOB

REFERRED TO: FINANCE/ UTILITIES

11. The matter of applying for an Ohio Department of Natural Resources, LWCF grant.

REFERRED BY: P&R DIR. REARDON

REFERRED TO: FINANCE/ UTILITIES

12. - 16 Received and placed on file in the clerk's office:

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

13. August General Fund Cash Balance Report

14. September General Fund Cash Balance Report

15. Income Tax Collections Received in August 2024

16. Income Tax Collections Received in September 2024

7. PETITIONS- LOBBY:

1. **Scott Serazin**- 346 Rutgers Ct., Elyria- Friends of the Library Book Sale

2. **Kionna McIntosh-Pharms**- 325 Furnace Street, Elyria-/ Mark Adams 8557 Cherry Ridge Ave. Northwest- Lorain County Public Health Elyria Representative

Council member Armstrong inquired of what Judges did the county Public Health meet with. Public Health Commissioner Mark Adams responded, LCPH met with Municipal Court Judges. Community Service Workers were transported by van to nuisance properties and would complete cleanup. Mr. Armstrong referred the SOS , Saving Our Streets Team of the Lorain County Urban League as a partner to collaborate with.

Council member Davis asked if covid shots were still available at the health department. They are available the hours of the health department are Monday through Friday 8:00 a.m. to 4:00 p.m.- 9800 Murray Ridge Rd., Elyria

3. **Christopher Johnson**- 1158 Garden Street, Elyria- Sargent Walker, EPD

Council member Siwierka declared a point of order in the meeting.

4. **T.J. Fourdyce**- 150 Bath Street, Elyria- EPD Corruption

Moved by council member Lipian to extend time by one minute, seconded by Council member Davis

AYE: 11

MOTION CARRIED

President Stewart asked that Chief Pelko escort Mr. Fourdyce out of council chambers.

<https://www.cleveland19.com/2024/10/08/elyria-father-accuses-police-officer-excessive-force-epd-chief-clears-him/>

8. PETITIONS-COUNCIL MEMBERS: None

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9. REPORTS OF STANDING AND SPECIAL COMMITTEES: None

10. RESOLUTIONS FIRST READING:

Finance
P. Tollett
M. Siwierka
B. Davis
C. Schneider

RESOLUTION NO. 2024- 37

A RESOLUTION APPROVING THE LIST OF PROPERTIES FOR THE COLLECTION OF EMERGENCY TEMPORARY REPAIR COSTS AND/OR DEMOLITION RELATED COSTS, AND DIRECTING THE CLERK OF COUNCIL TO CERTIFY SAID COSTS TO THE LORAIN COUNTY AUDITOR.

Tollett moved, Davis seconded to pass this resolution on its first reading under suspension of the rule.

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

11. RESOLUTIONS--SECOND READING: None

12. RESOLUTIONS--THIRD READING: None

13. ORDINANCES--FIRST READINGS:

Finance
P. Tollett
M. Siwierka
B. Davis
C. Schneider

ORDINANCE NO. 2024- 156

AN ORDINANCE AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION FOR AND ACCEPT, IF OFFERED, A TRANSPORTATION FOR LIVABLE COMMUNITIES INITIATIVE (TLCI) GRANT, SAID FUNDING TO BE FOR CITY OF ELYRIA TLCI VAR PHASE 7 PROJECT, AND DECLARING AN EMERGENCY.

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

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

Minutes Approved

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16. COMMITTEE CALLS:

COMMUNITY DEVELOPMENT

Mon 10/15/2024 Beginning at 6:00 P.M. All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.

JOINT CD/FINANCE

Mon. 10/15/2024 Immediately following Community Development All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.

FINANCE

Mon. 10/15/2024 Immediately following Joint All Referred Items Council Chambers w/Mayor, Auditor, Law Director, SSD, Engineer

RULES

Wed. 10/9/2024 Combined with Finance All Referred Items Council Chambers w/SSD, Law Director, Engineer All

COUNCIL/STRATEGIC PLANNING

Mon. 10/21/2024 Immediately following Council Meeting All Referred Items Council Chambers W/ Mayor, Safety Service Director, Auditor, Solicitor, Engineer

17. MISCELLANEOUS AND UNFINISHED BUSINESS:

Council member Siwierka asked for clarification of the Rules meeting and the matter to be discussed. She asked if finalized copies of the Chapter 165 manual would be distributed. SSD Pyanowski stated the finalized copies were submitted a few months ago.

Council member Lipian stated that issues can be brought to council, however have to be presented with decorum. Mr. Lipian acknowledge the police and fire are a lifeline of safety support to our city.

Council member Tollett stated to everyone the media was in attendance for a one-sided story.

18. ADJOURNMENT:

Mitchell moved, Cerra seconded to adjourn the Regular Council Meeting at 8:00 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=mN-15_lai7k

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13. ORDINANCES--FIRST READINGS: Continued

Finance

P. Tollett
M. Siwierka
B. Davis
C. Schneider

ORDINANCE NO. 2024-157

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$21,000,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF CONSTRUCTING, FURNISHING AN EQUIPPING A NEW CENTRAL MAINTENANCE GARAGE FACILITY FOR THE STORAGE AND MAINTENANCE OF CITY OWNED MOTOR VEHICLES AND EQUIPMENT, INCLUDING SPACES FOR CONSUMABLE MATERIAL STORAGE, VEHICLE WASHING, FUELING FACILITIES, DECONTAMINATION, EVIDENCE STORAGE FOR THE CITY'S POLICE DEPARTMENT AND OFFICE AND ADMINISTRATIVE FUNCTIONS, AND CLEARING, EQUIPPING IMPROVING ITS SITE.

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

Law Director Deery explained the committee requested an emergency, however after further discussion with Finance Director Pileski and Mr. Sharb, the process to completion would be thirty days, therefore the clause was not needed, the legislation would pass under suspension of rules.

Council member Siwierka stated that she is for the maintenance garage, it is needed and is a great project, however lease don't forget a fire station is also needed on the Southeast side of Elyria.

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

14. ORDINANCES--SECOND READINGS:

**Sponsored by
Community
Development**

D. Mitchell
A. Lipian
C. Schneider
K. Oswald

ORDINANCE NO. 2024-

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT PURSUANT TO CHAPTER 1135 OF THE CODIFIED ORDINANCES OF THE CITY OF ELYRIA, OHIO TO HUBERT OLIVER LEGACY 34 AND HUBERT OLIVER FOR A RESTAURANT AT REAL PROPERTY LOCATED AT 460 CLEVELAND STREET, ELYRIA OHIO.

Public Hearing Scheduled for 10/21/2024 at 7:00 PM

15. ORDINANCES--THIRD READING: None

FRIENDS OF THE
FRIENDS
of the
ELYRIA PUBLIC LIBRARY



Annual Book Sale:

Friday, Oct. 11 @ 3 - 6 p.m.

Preview Sale - \$5 Entry

or Friends Members get in FREE

Saturday, Oct. 12 @ 10 a.m. - 6 p.m.

Sunday, Oct. 13 @ 12 - 4 p.m.

Bag Day \$5 Paper Bag provided by Friends

Location: 1219 Taylor St.

Celebrate National Library Card Sign Up Month:

Get a coupon for one free book at the book sale
when you use your library card at any EPL
location during the month of September.

✦ Follow us on Facebook at:
Friends of the Elyria Public Library ✦

Elyria City Council Meeting, Monday, October 7, 2024 – 7PM

Presented by: Kionna McIntosh-Pharms (LCPH Board, Elyria Representative)

Overview

There are 5 spokes in the Social Determinants of Health Wheel which includes schools, medical care, social context, jobs, and neighborhoods. If you're missing a spoke, your community does not do well. Currently, the LCPH are working on the spoke that gets little attention at times...the neighborhoods.

Public Health Focus Areas

- **Clean-up**
 - Both programs ensure the public safety and health of Elyrians
 - Met with judges who determined that those residents who have to complete Community Service will be the individuals assisting with the clean-up.
 - Cleanups in Elyria started in August and every two weeks, we collect community service workers and abate public health nuisances. The program is strong and it's only through the cooperation and coordination of all officials in the city that has made this as successful as it is.
- **Coordination** – Communication between city official and health has been outstanding. We work directly with building officials often as well as the deputy safety service director on scene. Recently police and fire have felt comfortable to call LCPH out to various scenes on the fly. This has been instrumental in addressing serious issues from a multiple prong approach to expedite the issues.
- **Funding** – Your health department continues to be financially responsible. When considering funding avenues, we ensure that each grant applied for has direct ties to our community health improvement plan. We recently applied for and received a multi million dollar HRSA (health resources and services administration) grant which is rare for a health department to get. All directly tied to reducing infant mortality and achieving the most out of programs aimed at better health outcomes.

Areas of Concern

- The O&M program is to assist Lorain County with preventing water pollution that may come from septic tanks.
- Some residents have not been happy about the requirement to pay for inspections. This is a State mandated program that the health department has zero choice in electing to enforce.
- Most if not all Elyrians are not effected as they all have been put on the city's sewer.

Areas of Opportunity

- Building relationships with Lorain County Residents
 - City Schools (8th grade and up)
 - Sharing careers and industry of the Public Health systems
 - Amherst is onboard but Elyria and Lorain have not confirmed yet

2 residents say they are abuse victims

Owen MacMillan The Chronicle-Telegram

ELYRIA - A City Council meeting grew heated on Monday, as two Elyria residents leveled accusations of misconduct against city officials, Elyria police and individual officers.

Christopher Johnson, of Garden Street, and T.J. Fourdyce, of Bath Street, made separate claims during the public comment portion of the meeting, but both alleged that they had been falsely arrested, mistreated and ignored by the city.

Elyria Safety Service Director Chris Pyanowski declined to comment on the allegations after the meeting.

The Chronicle-Telegram was unable to immediately verify any of the allegations made by either man.

Johnson said that he was falsely arrested and charged with assault on a police officer among other charges on July 21.

He said he was accused of assault for closing a door in the face of Elyria police Sgt. Michael Walker, "... and the door supposedly closed and smashed his finger."

Johnson said that police body-worn camera footage and a video taken by his fiancée show that he never closed a door on Walker, and was instead the victim of excessive force.

"It's a video that (shows) Sgt. Walker barrelled into my front door, grabbed me up by my throat with both hands around my throat, slammed me on my stairs, put his knee in my face - his knee in my throat where you could hear me gasp for air because his knee went into my windpipe - and drag me down the stairs," Johnson said.

He alleged that he then had a seizure and Walker placed him in handcuffs "not rendering (aid) to me having a seizure."

Johnson said he complained to the police department, but was told that Walker did not violate any excessive force regulations. Johnson also alleged that Walker was not wearing a body camera at the time of the incident.

At one point while addressing council Johnson swore, saying that he was quoting Walker as saying "I f-ing slammed the door in his face."

Council President Vic Stewart warned Johnson not to use profanity while speaking before Council but allowed him to continue. A short time later, Stewart informed Johnson his three minutes for public comment were up.

Johnson returned to his seat but continued to speak over Stewart.

"Elyria police needs to be held accountable, because it's crazy that they can go around doing this," he said. "... Something needs to change, and I will fight for it."

The Chronicle-Telegram has requested the body camera footage and reports stemming from Johnson's arrest.

Fourdyce spoke second, starting his public comment by playing a loud audio recording of fireworks into the microphone.

He said that he called Elyria police to report those fireworks, one of 96 calls he said he made to the department to report fireworks at his home.

Fourdyce claimed that neighbors of his were repeatedly shooting fireworks at his home and throwing chunks of concrete at his home and car. He said the acts were a campaign of hate crimes against him because he is gay.

While speaking, Fourdyce held up plastic bags of what appeared to be spent fireworks and chunks of concrete or rock.

He said that he attempted to take this accusation to multiple members of Council, Mayor Kevin Brubaker and Pyanowski but did not receive any assistance.

"I don't care if these people kill me for being a (homophobic slur), is what they've called me. I'm sorry if that's offensive, I'm so sorry if anybody ... but I have (been) threatened to be raped in the street, I have been threatened to be killed for being gay," Fourdyce said.

Fourdyce was arrested for aggravated menacing on July 4 of this year, with a police report alleging that he brandished a gun at neighbors for setting off fireworks and scaring his dogs.

The Chronicle reported this arrest and charge in its police blotter on July 10.

Speaking to Council on Monday, he claimed that these charges were false and said he had video proving as much, but that he had been ignored by Pyanowski and multiple Council members.

Fourdyce eclipsed his three minutes and asked for more time to speak, "due to the egregious situation - I would dare someone to vote against it," he said.

Councilman Andrew Lipian made a motion to extend Fourdyce's speaking time by one minute and the motion passed.

"I'm telling you guys right now, what you guys did to me, what you're doing to me, what you did to him (Johnson) Sgt. Walker is behind most of it," Fourdyce said. "And the man (Walker) showed up to my house to have me illegally detained, again, after I was already put in jail falsely for 14 hours."

Stewart eventually cut Fourdyce off, telling him his extended time to speak had run out, but Fourdyce continued, now shouting.

"What if one of these had hit my head," he shouted, holding up one of the bags he brought. "What if these hit my dogs' head? Nothing. Death, that's what you guys what for is for death ... 127 days, and you all knew about it."

Stewart again asked Fourdyce to stop shouting and Fourdyce gathered the items and papers he brought.

"I will remove myself, I have nothing else to say to you pieces of s---," Fourdyce said. "... Pelko you're on my list next too buddy, you... piece of s---."

Pelko said that Johnson had not filed a formal complaint with the department, but that Fourdyce had "and we're looking into it."

"They (Johnson and Fourdyce) both have criminal cases against them and they need to let the criminal justice system work it out," Pelko said. "I don't think Council is the place to plead your case, that would be in a courtroom."

Pelko said Monday night that he could not comment on specific allegations.

"The gentleman wasn't following the rules of Council," Lipian said. "Not the rules of decorum, not the rules of time limits. Even when he was generously granted an extension he didn't follow the rules of Council. Doesn't that bespeak the kind of individuals who are launching profane words at Council, doesn't that say something? No rules being followed whatsoever, we have rules in Council, we all have to operate by them. Including the public."

Fourdyce claimed during the meeting that the U.S. Marshal's Service and the Federal Bureau of Investigation were investigating his claims. The Chronicle is looking into that and other claims made during the meeting.

Contact Owen MacMillan at (440) 329-7123 or omacmillan@chroniclet.com.

