

As Circulated March 17, 2025
April 7, 2025 Regular Council Meeting
Elyria City Council

1. CALL TO ORDER:

The regular meeting of Elyria City Council was called to order on Monday March 17, 2025 at 7:04 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 Callahan. President Stewart requested all cell phones please be turned off or placed on silent mode.

2. ROLL CALL: COUNCIL MEMBERS

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

Excused Absent: Lipian

Moved by Cerra, seconded by Mitchell to excuse Council member Lipian's absence.

MOTION CARRIED

OTHERS PRESENT: Mayor Brubaker, SSD Pyanowski, Fin. Dir. Pileski, Law Director Deery, Fire Chief Pronesti, Engineer Schneider, City Planner Schoenig

3. PUBLIC HEARINGS: None

4. APPROVAL OF MINUTES:

Schneider moved Cerra seconded to approve meeting minutes of the March 3, 2025 Regular Council meeting.

MOTION CARRIED

5. REMARKS AND REPORTS OF CITY OFFICIALS:

Mayor:

Mayor Brubaker provided an update that on Friday March 21st a retirement party will be held at 11:00A.M. at East Rec. for Parks and recreation employee Jay Horwedel who is retiring after thirty plus years with the city.

Safety Service Director:

Safety Service Director Pyanowski provided an update to street light repairs from First Energy. He has been in direct contact with Nick Katsaros, some work has been prioritized due to storms and downed tree branches, however some lights have been investigated and resolved.

Council member Oswald shared that he received a follow up call from Mr. Katsaros and he appreciated it.

Council member Siwierka stated she received a follow up call as well and she agreed that the follow up is great from First Energy.

Finance Director: No report

Minutes Approved

March 17, 2025
Regular Council Meeting
Elyria City Council

5. REMARKS AND REPORTS OF CITY OFFICIALS: Continued

Law Director Deery:

Law Director Deery provided an updated that the Lorain County Common Pleas Court granted her office a motion to dismiss the Hubert Oliver matter. Administration has been in touch with Mr. Oliver and his attorney to try to work something out.

EFD: No report

Eng. Schneider: No report

Council member Oswald stated that the house that was recently demolished on Gulf Rd. poses a safety hazard and appears to need a guard rail to avoid going over the cliff.

EPD: No report

CP Schoenig: No report

6. PRESIDENT'S REFERRAL'S:

** Matter is completed or partially completed*

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

REFERRED BY: CD MNGR. ALMOBAYYED

REFERRED TO: COMMUNITY DEVELOPMENT/ FINANCE

2. The matter of authorizing the Mayor to submit an application for the Community Housing Impact & Preservation (CHIP) funds to the State of Ohio.

REFERRED BY: CD MNGR. ALMOBAYYED

REFERRED TO: COMMUNITY DEVELOPMENT/ FINANCE

3. The matter of a professional services agreement with the law firm of Squire Patton Boggs.

REFERRED BY: LAW DIR. DEERY

REFERRED TO: FINANCE COMMITTEE

4. The matter of disposing of municipal property unfit for use: IBM#1320, 1543, 24 California Planter Pots.

REFERRED BY: PWS EYE

REFERRED TO: FINANCE COMMITTEE

5. The matter of authorizing the Mayor to advertise and award contract for the 2025 Emergency Sanitary and Storm Sewer Repair.

REFERRED BY: ENGINEER SCHNEIDER

March 17, 2025
Regular Council Meeting
Elyria City Council

6. PRESIDENT'S REFERRAL'S: Continued

REFERRED TO: FINANCE COMMITTEE

6. The matter of authorizing the Mayor to apply for and enter into a loan agreement through the Division of Environmental and Financial Assistance (DEFA).

REFERRED BY: ENGINEER SCHNEIDER

REFERRED TO: FINANCE COMMITTEE

7. The matter of authorizing the Mayor to advertise for bids and award a contract for the Gulf Road Pump Station Project.

REFERRED BY: ENGINEER SCHNEIDER

REFERRED TO: FINANCE COMMITTEE

8. The matter of authorizing the Mayor to apply for and enter into a loan agreement through the Division of Environmental and Financial Assistance (DEFA) for the Lowell Street Sanitary Sewer Extension Project.

REFERRED BY: ENGINEER SCHNEIDER

REFERRED TO: FINANCE COMMITTEE

9. The matter of authorizing the Mayor to advertise for bid and enter into a contract for the 2025 Street Sweeping Program.

REFERRED BY: ENGINEER SCHNEIDER

REFERRED TO: FINANCE COMMITTEE

10. The matter of discussion of the 2025 streets.

REFERRED BY: COUNCIL MEMBER D. MITCHELL - WARD 6

REFERRED TO: UTILITIES COMMITTEE

Items 11-12 received and placed on file in the clerk's office:

11. Income Tax Collection Received in February 2025

12. List of receipts collected by each division of the Clerk of Court's office for February 2025

7. PETITIONS- LOBBY:

David Lum 1111 Superior Ave. Ste. 2700: Reaser Point Crossing Development

Alan W. Scheufler 1660 w. 2nd Street, Ste. 1100, Cleveland , OH 44113: Reaser Point Crossing Development

Amanda Martinsek 324 Corning Dr. Bratenahl: Reaser Point Development

Sandra Goines 1422 Middle Ave., Elyria: Homeless resident

Chuck Brooky 8497 Leavitt Rd.: Express appreciation of a PLA

8. PETITIONS-COUNCIL MEMBERS:

Council member Siwierka: Guest Cor Hunt: MPA Student surveying council members n condo developments

March 17, 2025
Regular Council Meeting
Elyria City Council

9. REPORTS OF STANDING AND SPECIAL COMMITTEES: None

10. RESOLUTIONS FIRST READING:

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

RESOLUTION NO. 2025-16

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.

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

SUSPENSION		PASSAGE	
AYE:	10	AYE:	10
NAY:	0	NAY:	0
ABSENT:	1	ABSENT:	1
MOTION CARRIED		MOTION CARRIED	

10. RESOLUTIONS FIRST READING:

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

RESOLUTION NO. 2025-17

A RESOLUTION SUPPORTING STATE ISSUE 2, RENEWAL OF THE OHIO PUBLIC WORKS COMMISSION (OPWC) STATE CAPITAL IMPROVEMENT PROGRAM ON THE MAY 6, 2025 STATEWIDE BALLOT.

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

SUSPENSION		PASSAGE	
AYE:	10	AYE:	10
NAY:	0	NAY:	0
ABSENT:	1	ABSENT:	1

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

RESOLUTION NO. 2025-18

A RESOLUTION FINDING THAT THE CITY HAS UNFIT FOR MUNICIPAL USE CERTAIN CITY PROPERTY.

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

SUSPENSION		PASSAGE	
AYE:	10	AYE:	10
NAY:	0	NAY:	0
ABSENT:	1	ABSENT:	1

March 17, 2025
Regular Council Meeting
Elyria City Council

11. RESOLUTIONS--SECOND READING: None

12. RESOLUTIONS--THIRD READING: None

13. ORDINANCES--FIRST READINGS:

Companion to Resolution

Sponsored by

Finance

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

ORDINANCE NO. 2025-36

AN ORDINANCE AUTHORIZING THE SAFETY SERVICE DIRECTOR OF THE CITY OF ELYRIA TO DISPOSE OF CITY PROPERTY THAT IS UNFIT FOR MUNICIPAL USE.

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

SUSPENSION		PASSAGE	
AYE:	10	AYE:	10
NAY:	0	NAY:	0
ABSENT:	1	ABSENT:	1
MOTION CARRIED		MOTION CARRIED	

Sponsored by

Finance

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

ORDINANCE NO. 2025-37

AN ORDINANCE TO AUTHORIZE THE PERMANENT APPROPRIATIONS OF THE CITY OF ELYRIA, OHIO, FOR THE YEAR 2025.

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

SUSPENSION		PASSAGE	
AYE:	10	AYE:	10
NAY:	0	NAY:	0
ABSENT:	1	ABSENT:	21
MOTION CARRIED		MOTION CARRIED	

ORDINANCE NO. 2025-38

AN ORDINANCE RATIFYING THE APPLICATION OF THE MAYOR FOR THE VIOLENT CRIME REDUCTION GRANT PROGRAM FROM THE STATE OF OHIO, DEPARTMENT OF PUBLIC SAFETY, OFFICE OF CRIMINAL JUSTICE SERVICES, AUTHORIZING THE ACCEPTANCE OF SAID GRANT, IF OFFERED, AND DECLARING AN EMERGENCY.

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

Minutes Approved

March 17, 2025
Regular Council Meeting
Elyria City Council

13. ORDINANCES--FIRST READINGS:

SUSPENSION	PASSAGE	EMERGENCY
AYE: 10	AYE: 10	AYE: 10
NAY: 0	NAY: 0	NAY: 0
ABSENT: 1	ABSENT: 1	ABSENT: 1
MOTION CARRIED	MOTION CARRIED	MOTION CARRIED

Sponsored by
Community
Development

C. Schneider
D. Mitchell
K. Oswald
T. Callahan

Finance
P. Tollett
B. Davis
C. Schneider
J. Cerra

ORDINANCE NO. 2025-39

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROJECT LABOR AGREEMENT FOR THE CONSTRUCTION OF THE NEW CENTRAL MAINTENANCE PUBLIC WORKS COMPLEX, AND DECLARING AN EMERGENCY.

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

SUSPENSION	PASSAGE	EMERGENCY
AYE: 10	AYE: 10	AYE: 10
NAY: 0	NAY: 0	NAY: 0
ABSENT: 1	ABSENT: 1	ABSENT: 1
MOTION CARRIED	MOTION CARRIED	MOTION CARRIED

14. ORDINANCES--SECOND READINGS: None

15. ORDINANCES--THIRD READING: None

16. COMMITTEE CALLS:

COMMUNITY DEVELOPMENT

Monday 3/31/2025 Beginning at 6:00 PM

All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.

JOINT CD/ FINANCE

Mon. 3/31/2025 Immediately following Community Development All Referred Items Council Chambers w/Law Director, SSD, Engineer, Bldg. Insp.

FINANCE

Mon. 3/31/2025 Immediately following Joint All Referred Items Council Chambers w/Mayor, Finance Director, Law Director, SSD, Engineer

UTILITIES Wed 3/19/2025 Beginning at 6:00 PM All Referred Items Council Chambers

D. Mitchell Chr. w/Mayor, Finance Director, Law Director, SSD, Engineer

STRATEGIC PLANNING

Minutes Approved,

As circulated March 17, 2025
April 7, 2025 Regular Council Meeting
Elyria City Council

Mon. 4/7/2025 Immediately following Council Meeting All Referred Items
Council Chambers
W/ Mayor, Safety Service Director, Finance Director, Law Director, Engineer

17. MISCELLANEOUS AND UNFINISHED BUSINESS:

18. ADJOURNMENT:

Mitchell moved, Cerra seconded to adjourn the Regular Council Meeting at 7:51p.m.
MOTION CARRIED


Michael J. Lotko, III
Clerk of Council


Victor Stewart, III
President of Council

YouTube Link: <https://www.youtube.com/watch?v=lz2jltvpsfg>

Rlp /

Reaser Pointe Crossing Development

30-year, 100% TIF

Service Payments used to pay for:

- 1) Public Improvements
- 2) Negotiated Amounts to Schools



Service Payments on Improvement Value

100% Share to City on Improvements Value

Existing Base Value – Normal Taxes Continue

Post-TIF Value

All Taxing Authorities Receive Normal Share

During 30-Year TIF Term

After TIF Term



© 2025 UB Greensfelder LLP

REASER POINTE DEVELOPMENT

Existing Costs to City	City & Schools Benefits if Project Completed
<p>Improvements Complete So Far, Chestnut Road Connector:</p> <p>\$4,701,906.45 Design and construction of improvements</p> <p>\$ 487,500.00 Interest on the Notes issued to finance</p> <p>\$ 50,000.00 Legal fees for the infrastructure development and Notes' issuance</p> <p><u>\$ 350,315.13</u> Post-construction legal fees and other related costs</p> <p>\$5,589,721.58 Total (as of 10/22/2024)</p>	<p>Estimated Increase in Gross Real Property Values:</p> <p>\$ 65,600,000 Residential TIF Parcels (Phases 1&2)</p> <p>\$ 66,280,000 Residential TIF Parcels (Phases 3&4)</p> <p><u>\$ 21,000,000</u> Commercial TIF Parcels</p> <p>\$152,880,000 Total Estimated Increased Value</p>
<p>Delays in making any additional payments to the Schools</p>	<p>Negotiated Benefits to Schools During TIF</p> <p>35% of Amount Otherwise that would have been received**, increasing to 50%, once \$134 Million in new assessed value on the Project TIF land.</p> <p>** NPV of \$12,276,807</p>
<p>Delays in City realizing increased gross taxable income</p>	<p>Estimated Increase in Taxable Income Within Project (Residential Phases only):</p> <p>\$ 104,000 Est. Minimum Buyer Income</p> <p><u>422</u> No. of Residential Units</p> <p>\$43,888,000*** Gross Annual Taxable Income Project</p> <p>***estimated avg. of \$165,000 income, Gross Annual Taxable Income could exceed \$70 Million</p> <p>PLUS Taxable Income From Commercial Parcels</p>

REASER POINTE CROSSING TIMELINE

- **2018-2019**
 - DBR negotiates for and acquires approximately 60+ acres of farmland between Chestnut Commons and E. Broad Street with the intention of creating a small commercial development with a cul-de-sac off E. Broad Street
- **Fall 2019**
 - DBR is approached by Elyria Mayor Holly Brinda about extending the potential road from E. Broad Street all the way through to Chestnut Commons to help alleviate traffic congestion in the area.
- **December 2, 2019**
 - DBR signs Donation Agreement, Development Agreement and related agreements with the City of Elyria allowing for the development by the City of Reaser Pointe Crossing roadway and financing of the construction through a TIF (tax increment financing) agreement.
 - The City was responsible for the design, construction and installation of the road along with “*storm sewers and all necessary associated storm water management improvements*”.
 - The City and DBR were required to “*cooperate in good faith regarding the design and construction process in order to achieve an efficient design and construction process and minimize the impact to DBR’s development plans for the remainder of the property.*”
- **Spring/Summer 2020**
 - City designs and installs the roadway that includes five (5) new detention ponds located on DBR’s property rather than the original plan that only had one detention pond located on the Walmart donated property.
 - March 16, 2020, DBR sends a Notice of Objection to the City’s plan related to the new detention ponds plan.
- **Fall/Winter 2020**
 - It becomes evident that the design and installation of the roadway by the City has caused substantial flooding and drainage issues for the remainder of DBR’s property preventing the intended development of the property.
- **Winter 2020-Spring 2021**
 - DBR repeatedly attempts to meet with the City and its engineers to discuss the flooding and drainage problems and agree on a solution.
 - City refuses to acknowledge the flooding and drainage problems.
- **August 9, 2021**
 - DBR initiates first litigation against the City regarding the flooding on its property and the “taking” of its property for the five (5) detention ponds.

- **May 24, 2023**
 - After more than 2 years of litigation and hundreds of thousands of dollars spent on lawyers, engineers, experts, etc., DBR and the City enter into an Agreement for Continuation of Project and Partial Dismissal of Litigation (“Settlement Agreement”) that provided:
 - The Parties were to work in good faith to create plans for the public improvements and additional improvements related to the grading and drainage.
 - The design, construction and completion of both the Public Improvements and Developable Improvements shall be undertaken by the City with input and approval of DBR.
 - The costs of the remedial work shall be added to the original TIF.
 - The City agreed to “*strive in good faith to complete all work set forth in this Agreement by March 31, 2024.*” That deadline was subject to two sixty (60) day extensions at the approval of DBR.
 - The Parties agreed that DBR’s claim for “taking” of its property can proceed in the Court of Common Pleas and further that DBR retained its claim that the City is responsible for continuing maintenance of the storm water system.
- **March 31, 2024**
 - The City, having failed to commence any work on the site as required by the Settlement Agreement, asks for and is granted a 60 day extension by DBR.
- **May 31, 2024**
 - At the end of the 60-day extension, the City still failed to commence any work on the site as required by the Settlement Agreement. Consequently, DBR refuses to grant the second 60-day extension.
 - In an effort to move the project forward, DBR engages its own engineers and designs a plan to resolve the flooding and drainage issues at the site.
- **June-August 2024**
 - June 26, 2024 - DBR’s engineers submit to the City engineers a remedial drainage and grading plan for property to remedy the flooding and drainage problems.
 - August 2024 - After meetings to discuss the remedial drainage plan, the City’s engineers approve the plan and provide stamped copies of the remedial plan for the commercial portion of the project.
 - August 2024 – DBR begins remedial drainage and grading work as approved by the City’s engineers.
- **July 12, 2024**
 - DBR dismisses the “takings” claim and enters into a tolling agreement with the City that allowed those claims to be refiled on or before Jan 28, 2025.

- **October 1, 2024**
 - Elyria City Planning Commission approves (by a vote of 4-1) a revised development plan for a mixed-use development for the Reaser Pointe Crossing Development that includes approx. 422 townhomes and approximately 14 commercial/retail lots.
- **Fall 2024-Winter 2025**
 - DBR repeatedly meets with and negotiates with the City for an Amendment to the Development Agreement and the terms of a new TIF. Despite express timelines for progress on this project issued by the Mayor, the City continually failed to meet those timelines.
 - DBR also meets with, negotiates with, and comes to an agreement in principle with the Elyria School Board on the financial terms of the new TIF. The School Board is waiting on the City Council's approval before formally voting on the new TIF and Compensation Agreement.
- **January 27, 2025**
 - With no agreement from the City and the tolling agreement set to expire on January 28, 2025, DBR is left with no choice but to refile its "takings" claim as well as additional claims, including breach of contract, to preserve its rights.
- **February 28, 2025**
 - The City filed an answer and counterclaim asking the Court to enter an order declaring that DBR is not authorized to conduct the remedial drainage and grading work on its own property.

