

President Arredondo called the meeting to order at 6:03 p.m. Acting Chaplain Mitchell Fallis led Council in the Prayer and Pledge of Allegiance.

ROLL CALL:

PRESENT - 9 Messrs. Koziura, Springowski, Henley, Flores, Carter, Moon, Arroyo, Faga, Thornsberry.
ABSENT - 2 Messrs. Fallis, Argenti

Moved by Mr. Koziura, supported by Mrs. Springowski, to excuse the absent members. The motion carried with one dissenting vote from Mr. Arroyo.

DISPOSITION OF MINUTES:

Moved by Mr. Koziura, supported by Mrs. Springowski, to dispense with the reading of the minutes and accept them as written. The motion carried unanimously.

CORRESPONDENCE AND/OR COMMUNICATIONS FROM THE MAYOR:

REMARKS: SAFETY/SERVICE DIRECTOR GIVEN: The Mayor wanted to tell everybody that he is sorry he couldn't make it but he is hopefully picking up his new baby girl. He is at the hospital right now, the baby was born and they are waiting to have her all checked out and make sure everything is okay. That is his update for the day.

CORRESPONDENCE FROM DIRECTORS, BOARDS AND COMMISSIONS, ETC.:

a.) Safety/ Service Director Given's submission of an informational packet outlining water main breaks citywide for 2018 along with various statistics, maps and comparisons.

REMARKS: COUNCILMAN THORNSBERRY: First, I want to thank the S/S Director for putting this together. I also would like to summarize for public. Through the work of the S/S Director, we have kind of been looking at some of our waterline issues and I know that we get a lot of phone calls, I got one today about the water bill going up \$11. The residents need to know that we don't like it going up either but it is not without cause. The average in the United States of America is between 21 and 27 water main breaks per 100 miles of pipe. Lorain with 325 miles of pipe we should have about 81 breaks per year, last year we had 152 breaks. We are basically double the amount of breaks that we should be having because that is how old our infrastructure is and we are throwing money away. Every time we have to call these guys out we have to pay overtime, these guys are working around the clock and we are repairing these water main breaks we are literally throwing money down the drain. Again, I know it is tough with the rate increases and things like that but getting information out like this, Mr. Given, really helps us explain to our constituents so on behalf of council, I want to thank you.

COUNCILWOMAN MOON: I support this also, I have a bad water main break on 35th Street and Clifton Avenue. They have been out there about five times and one house has flooded and it is just really, really bad there.

COUNCILWOMAN CARTER: Mr. Given, are they considering putting this information out to the residents and on the website?

SAFETY/SERVICE DIRECTOR GIVEN: The Utilities Director is crafting a letter to the public that he was going to be sending out on the website as well as to his customers. He is also doing further analysis and I have asked him to go back multiple years so that we can track and see how we are trending upwards or downwards and he will be bringing that back to council as well. I would say most likely he will be able to provide more information as we go forward and more information as accumulated.

Moved by Mr. Thornsberry, supported by Mr. Koziura, to receive and file the correspondence. The motion carried unanimously.

b.) Safety/Service Director Given's correspondence requesting withdrawal of an application approved by the Lorain City Planning Commission on January 2, 2019 to amend Codified Ordinance Sections 1165.04 & 1167.03 to allow for mini self-storage facilities. Moved by Mrs. Springowski, supported by Mr. Koziura, to receive and file the correspondence. The motion carried unanimously.

CORRESPONDENCE FROM OTHER GOVERNMENTAL AGENCIES:

a.) Ohio Dept of Liquor Control's notification of applications for a Liquor Agency and transfer permit applications for C1, C2 and D6 permits for a carry out liquor licenses from SFMA Management Inc. d/b/a Rags Wine & Beverage @ 1089 Meister Road to SFMA Management @ 4743 Oberlin Avenue in Lorain.

Moved by Mrs. Carter, supported by Mr. Thornsberry, to authorize the clerk to notify the board that no objections have been received and I am sorry that they are leaving the 3rd Ward. The motion carried unanimously.

CORRESPONDENCE FROM THE GENERAL PUBLIC:

a.) Email correspondence received from Abbey Gleason requesting the option of additional recycle bins free of charge along with an update on the smoking ban proposal previously discussed in committee.

REMARKS: COUNCILMAN THORNSBERRY: Two issues here, one, I personally 100% support Mrs. Gleason's request for additional recycle bins. I know in other communities they have the option of the getting a recycle bin that is as big as their garbage can at no extra cost, no fee, no monthly rental. Some of these other communities, Vermilion, Amherst have these different things so on that front and it is ironic because I have another one of my residents who emailed me today asking exactly the same thing. How do I get an extra can? How much does it cost? And again, it should cost anything because we are helping that company produce more revenue by doing more recycling and we are helping the environment. That issue is one that I believe would have to be negotiated as that contract comes up so I would like to ask the Safety/Service Director to go through the Mayor and let them know that is something that we would like to see done, at least from my perspective. As far as the smoking ban goes, the Parks and Rec Chairman, Mr. Fallis, is not here presently and as Vice-Chairman I can tell Mrs. Gleason that I will discuss the smoking ban in parks with him and see if that is something that is still in committee or what he plans to do with that.

COUNCILWOMAN SPRINGOWSKI: I know that I get this questions a lot myself.

Moved by Mr. Thornsberry, supported by Mrs. Springowski, to receive and file the correspondence. The motion carried unanimously.

b.) Notice to the City advising that Ohio Edison has contracted with a professional tree company to perform vegetation management work for maintenance of First Energy's transmission lines for 2019. The correspondence was received and filed without objection.

COMMITTEE REPORTS: The Finance & Claims and All Council Committee met on January 28, 2019 to discuss a proposed ordinance approving a fourth amendment to the Spitzer Great Lakes/ Zaremba Black River Development Agreement. The committee recommends to refer the matter to council for consideration.

Moved by Mr. Koziura, supported by Mrs. Springowski, to concur with the committee report. The motion carried.

LEGISLATION – FIRST READING:

Ordinance No. 13-19 a.) Introduced by Mr. Koziura, an ordinance authorizing the Director of Public Safety/Service to enter into a contract with Medical Mutual of Ohio for the renewal of the health care insurance and stop-loss coverage for the Lorain employees health insurance plan and declaring an emergency.

Moved by Mr. Koziura, supported by Mr. Faga, to suspend the statutory three reading rule.
AYES - 9 Messrs. Koziura, Springowski, Henley, Flores, Carter, Moon, Arroyo, Faga, Thornsberry.
NAYS - 0 None. The rule was suspended.

Moved by Mr. Koziura, supported by Mr. Faga, to pass the ordinance.
AYES - 9 Messrs. Koziura, Springowski, Henley, Flores, Carter, Moon, Arroyo, Faga, Thornsberry.
NAYS - 0 None. The ordinance passed.

Ordinance No. 14-19 b.) Introduced by Mr. Faga, an ordinance authorizing the Safety/Service Director of the City of Lorain to enter into a contract with the lowest and best bidder for the Black River Area of Concern Reclamation Site Restoration Project.

Moved by Mr. Faga, supported by Mr. Thornsberry, to suspend the statutory three reading rule.

AYES - 9 Messrs. Koziura, Springowski, Henley, Flores, Carter, Moon, Arroyo, Faga, Thornsberry.

NAYS - 0 None. The rule was suspended.

REMARKS: COUNCILMAN FAGA: Mr. Given, with this covering and capping that will occur, does that indicate that the area that they are going to do we have already removed all of the byproduct that is of any value?

SAFETY/SERVICE DIRECTOR GIVEN: The purpose of this part of the \$15M grant was that it was going to reshape the slag piles that can be seen from the river, anything that they thought would be useable there has been taken out. They are going to reshape it, cover it with soil, clay and then seed it to get rid of the unsightliness of the current conditions.

Moved by Mr. Faga, supported by Mr. Thornsberry, to pass the ordinance.

AYES - 9 Messrs. Koziura, Springowski, Henley, Flores, Carter, Moon, Arroyo, Faga, Thornsberry.

NAYS - 0 None. The ordinance passed.

Ordinance No. 15-19 c.) Introduced by Mr. Koziura, an ordinance authorizing the Auditor of the City of Lorain, Ohio to pay multiple invoices submitted by the Utilities Dept. that invokes the Then & Now Certification exception process per O.R.C. Section 5705.41 and to pay for said invoices and declaring an emergency.

Moved by Mr. Koziura, supported by Mr. Thornsberry, to suspend the statutory three reading rule.

AYES - 9 Messrs. Koziura, Springowski, Henley, Flores, Carter, Moon, Arroyo, Faga, Thornsberry.

NAYS - 0 None. The rule was suspended.

Moved by Mr. Koziura, supported by Mr. Thornsberry, to pass the ordinance.

AYES - 9 Messrs. Koziura, Springowski, Henley, Flores, Carter, Moon, Arroyo, Faga, Thornsberry.

NAYS - 0 None. The ordinance passed.

Ordinance No. 16-19 d.) Introduced by Mr. Koziura, an ordinance authorizing the Auditor of the City of Lorain, Ohio to an invoice submitted by the Civil Service Dept. that invokes the Then & Now Certification exception process per O.R.C. Section 5705.41 and to pay for said invoice and declaring an emergency.

Moved by Mr. Koziura, supported by Mrs. Springowski, to suspend the statutory three reading rule.

AYES - 9 Messrs. Koziura, Springowski, Henley, Flores, Carter, Moon, Arroyo, Faga, Thornsberry.

NAYS - 0 None. The rule was suspended.

REMARKS: COUNCILMAN FLORES: I was just reviewing that bill. The dispute with the LPD not paying their portion of the Civil Service, has that been resolved?

SAFETY/SERVICE DIRECTOR GIVEN: Previously we have always had the issue of who is going to pay for the testing, etc when we are doing the Civil Service and we are scrambling at the eleventh hour all the time. This year I asked the Mayor when he was doing the budget that each department put money aside and fund their own requests for additional employees or testing, etc.and make them responsible. To take it one step further we also had issues with the contracts that we had out there so I was involved. Civil Service has given me the authority to enter into contract for them going forward and work with Lisa Zamiska in the HR Department so hopefully after these are settled out things will be a lot smoother running forward to make the process a lot easier and also make the departments more accountable for their own hiring and staff within their budgets.

COUNCILMAN FLORES: So this is from 2017 and the HR Director, Civil Service Dept, and the Police Dept would pay \$3500 and the LPD would pay \$4000 towards the bill. Has that been resolved? It says LPD did not pay the \$4000 balance.

SAFETY/SERVICE DIRECTOR GIVEN: The LPD budget is still in the City Council general fund budget so it all comes out of the same pot of funds. I think this comes back to our discussion of who is responsible and who is going to manage the hiring practices in the

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Civil Service section of things. I think going forward, based upon what has happened in 2019 all we can say is that we work together to resolve things and hopefully speed things up going forward.

Moved by Mr. Koziura, supported by Mrs. Springowski, to pass the ordinance.

AYES - 9 Messrs. Koziura, Springowski, Henley, Flores, Carter, Moon, Arroyo, Faga, Thornsberry.
NAYS - 0 None. The ordinance passed.

Ordinance No. 17-19 e.) Introduced by Mr. Faga, an ordinance authorizing the Safety/Service Director to enter into a contract with the highest rated and ranked engineering firm for professional services related to the design of the Black River Wastewater Treatment Plant Primary Clarifier Rehabilitation Project in the City of Lorain.

Moved by Mr. Faga, supported by Mr. Koziura, to suspend the statutory three reading rule.

AYES - 9 Messrs. Koziura, Springowski, Henley, Flores, Carter, Moon, Arroyo, Faga, Thornsberry.
NAYS - 0 None. The rule was suspended.

Moved by Mr. Faga, supported by Mr. Koziura, to pass the ordinance.

AYES - 9 Messrs. Koziura, Springowski, Henley, Flores, Carter, Moon, Arroyo, Faga, Thornsberry.
NAYS - 0 None. The ordinance passed.

Ordinance No. 18-19 f.) Introduced by Mr. Koziura, an ordinance appropriating funds for current expenses and other expenditures of City of Lorain, State of Ohio, as passed by Ord. 181-18 beginning January 1, 2019 and ending Dec. 31 2019 and declaring an emergency.

Moved by Mr. Koziura, supported by Mrs. Springowski, to suspend the statutory three reading rule.

AYES - 9 Messrs. Koziura, Springowski, Henley, Flores, Carter, Moon, Arroyo, Faga, Thornsberry.
NAYS - 0 None. The rule was suspended.

Moved by Mr. Koziura, supported by Mrs. Springowski, to pass the ordinance.

AYES - 9 Messrs. Koziura, Springowski, Henley, Flores, Carter, Moon, Arroyo, Faga, Thornsberry.
NAYS - 0 None. The ordinance passed.

LEGISLATION SECOND READING:

Ordinance No. 19-19 a.) Introduced by Mr. Thornsberry, an ordinance accepting the plat of Cornerstone Farms Subdivision #2 in the City of Lorain.

Moved by Mr. Thornsberry, supported by Mr. Faga, to suspend the statutory three reading rule.

AYES - 9 Messrs. Koziura, Springowski, Henley, Flores, Carter, Moon, Arroyo, Faga, Thornsberry.
NAYS - 0 None. The rule was suspended.

Moved by Mr. Thornsberry, supported by Mr. Faga, to amend the ordinance by substituting the attachment with the signed plat.

AYES - 8 Messrs. Koziura, Springowski, Henley, Carter, Moon, Arroyo, Faga, Thornsberry.
NAYS - 1 Mr. Flores. The motion to amend carried.

Moved by Mr. Thornsberry, supported by Mr. Faga, to pass the ordinance as amended.

AYES - 8 Messrs. Koziura, Springowski, Henley, Carter, Moon, Arroyo, Faga, Thornsberry.
NAYS - 1 Mr. Flores. The ordinance passed.

Proposed Ordinance b.) Introduced by Mr. Argenti & Mrs. Springowski, an ordinance changing the name of All Pro Athletic Avenue to Silver Maple Way in the City of Lorain, Ohio.

Moved by Mrs. Springowski, supported by Mr. Thornsberry, to send the matter to a third reading.

AYES - 9 Messrs. Koziura, Springowski, Henley, Flores, Carter, Moon, Arroyo, Faga, Thornsberry.
NAYS - 0 None. The motion carried unanimously.

Proposed Ordinance c.) Introduced by Mr. Koziura, an ordinance authorizing and approving a fourth amendment to the Development Agreement by and among the City of Lorain and Spitzer Great Lakes and Zaremba Black River Development and declaring an emergency.

Moved by Mr. Koziura, supported by Mrs. Springowski, to suspend the statutory three reading rule.

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AYES - 8 Messrs. Koziura, Springowski, Henley, Carter, Moon, Arroyo, Faga, Thornsberry.
NAYS - 1 Mr. Flores. The rule was not suspended, the matter moves to a third reading.

LEGISLATION – THIRD READING: (none)

COMMITTEE CALLS: Public Hearings have been scheduled for the following dates:
2-11-19 - Street name change All Pro Athletic to Silver Maple Way
2-18-19 - Rezone Apple Ave. from R-3 to B-2 for retail

COUNCILMAN KOZIURA called a Finance and Claims and All Council Committee Meeting for Monday, February 25 at 6:00pm for a review of the final figures of the 2018 budget.

MISCELLANEOUS CONCERNS FROM COUNCIL:

REMARKS: COUNCILMAN THORNSBERRY: As many people know, I am sure it was just not my ward that was affected, but because of the severe cold last week Wednesday and Thursday's trash was not picked up. At that point I have requested that our residents receive some type of a bill credit because they are not receiving in kind service for what they are paying for. They paid to have cans picked up both weeks and they are getting cans picked up this week with three additional 35 gallon bags which isn't the same amount that they would have received otherwise. I believe that a bill credit is in order and I believe that is something that the Mayor was talking about with the trash contractor. I am just requesting that we be given an update at the earliest convenience so that we can let our residents know what is going on.

COUNCILWOMAN CARTER: I agree with Mr. Thornsberry that some credit be given. I also just want to confirm, did I see something go across the email that the residents are allowed to put extra bags out this week? Three bags? Did that come from republic?

SAFETY/SERVICE DIRECTOR GIVEN: That came from Republic for areas that were not picked up.

COUNCILWOMAN CARTER: The third ward was one that was not picked up.

SAFETY/SERVICE DIRECTOR GIVEN: Correct. Obviously if you didn't have the pick up last week people are going to have extra trash so you will be allowed to put extra bags out there this week for pick up but it is not citywide.

COUNCILWOMAN CARTER: So it is third ward, eighth ward and parts of the seventh ward? I think we should probably put that on our Facebook's.

COUNCILWOMAN MOON: Mr. Given, I am not going to preach this to you anymore but on Elyria Avenue, Lopez Store, the gentleman is still parking his black van on the grass. The people are disrespecting the no parking signs and I am so sick of hearing "you know they ain't going to do nothing because this is the hood and they don't care about us". I have really had enough of them disrespecting the no parking signs. Also, on 39th, Toledo and Denver, Jim Malick and Paul Wilson and I had gone out there this summer to look at the water that is sitting there and also on 39th between Canton and Omaha there is a big pile of water that is sitting there. They were supposed to get the engineers out there but I don't know if they did, they never really got back to me and I have a daycare over there and the water sits there in the summer. If you know like I know we have mosquitoes there. That 34th St. Lopez Store, Mr. Edwards, rest his soul, had no parking signs put on Elyria Avenue and they are still parking there. I know you said you can't get a policeman to sit there but how dare them disrespect my ward with those signs and I really don't appreciate it.

COUNCILMAN FLORES: I wanted to go back to the appropriations. It showed \$55k in damages and judgments.

PRESIDENT ARREDONDO: Mr. Flores, we already discussed that, unless you want to put a motion to reconsider.

COUNCILMAN FLORES: It is not to reconsider, I want clarification.

PRESIDENT ARREDONDO: Proceed.

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COUNCILMAN FLORES: I am struck by the sentence that this request is the appropriate funds for items inadvertently omitted from the permanent budget passed for 2019. These damages and judgments, what is the \$55k for?

AUDITOR SHAWVER: Generally we appropriate about \$100k in that account each year and when we were doing the budget process the Mayor eliminated any funding from that because we...

COUNCILMAN FLORES: So it is going to be used to pay to judgments and damages?

AUDITOR SHAWVER: Right, and then there was a notice in there from my Chief Deputy that said this was just inadvertently left off and we need to have money in there in the event that there are claims we don't have to come to council every time.

COUNCILWOMAN SPRINGOWSKI: To go along with what Councilman Thornsberry and Councilwoman Carter had said, we do have some concerns with regards to the trash pickup. People were also wondering about their recyclables because some people take it very seriously due to the big push by the City and they have asked what do they do with recyclables that are not going to fit in their bin because it is smaller than the regular trash. Some people actually have more recyclables than they do actual trash. I know I do, for one, so people are wondering what can they do to alleviate the congestion this week on the trash day? I have also had people ask me when is the Republic contract going to be up for renegotiation because there are some things that people would like to see in the new contract when it is negotiated and I can relay that to you. They would like to see an extra bulk day in January after Christmas and an extra bulk week after the Fourth of July holidays and graduation parties.

PRESIDENT ARREDONDO: Since our last meeting one of our members of our community, he was named Mr. Lorain, John Gargas. He came to a lot of our meetings here. Most recently he was filing to be a candidate in the 4th ward. He wanted to get involved in the workings of representing the public. Unfortunately, last weekend John went to visit his family in Florida and I guess the Lord needed him more than we needed him here in Lorain. I would just like to ask everybody for a moment of silence in his honor.

EXECUTIVE SESSION:

Moved by Mr. Thornsberry, supported by Mrs. Springowski, to recess into Executive Session in accordance with ORC 121.22 G (3) to conference with the public body's attorney regarding disputes that the subject of pending and/or imminent court action.

AYES - 9 Messrs. Koziura, Springowski, Henley, Flores, Carter, Moon, Arroyo, Faga, Thornsberry.
NAYS - 0 None. . The motion carried and the body recessed at 6:33 p.m.

President Arredondo reconvened the regular meeting at 6:56 p.m. All nine members were present.

ADJOURNMENT: Moved by Mr. Koziura, supported by Mrs. Springowski, to adjourn. The motion carried and the meeting adjourned at 6:57 p.m.


Clerk of Council

President of Council

Approved On: February 18, 2019