

LORAIN CITY COUNCIL*REGULAR MEETING*LORAIN, OH NOVEMBER 2, 2020

President Arredondo called the regular meeting to order at 6:04 p.m. Chaplain Mitchell Fallis led Council in the prayer and pledge.

ROLL CALL:

PRESENT - 11 Messrs. Springowski, Dimacchia, Fallis, Henley, McFarland, Carter, Argenti, Moon, Carrion, Shawver, and Thornsberry.

ABSENT - 0 None.

SPECIAL PRESENTATIONS:

PRESENTATION OF PROCLAMATION TO JORGE VILLAGAS.

Councilmembers Carrion and Henley, along with Mayor Bradley began the presentation of an official Proclamation to Jorge Luis Villegas Jr., declaring November 2, 2020 as “JORGE LUIS VILLEGA JR. DAY” in the City of Lorain Ohio.

REMARKS: COUNCILMEMBER HENLEY requested a few moments to hear from Jason Schrantz.

JASON SCHRANTZ: This man bestows pride in Lorain County and Lorain City. To see him putting that back into the community – I could not be more proud of this man and his family and what he has done for your city. That you all!

COUNCILMEMBER CARRION: In our community, at times it takes a person or a group or sometimes it is a larger organization that really takes pride and takes the bull by the horns and it shows a relentless will and a passion to make a difference. I could not be prouder to know that in South Lorain in the 6th Ward that we have a gentleman here that cares so much. He cares about softball but he cares more about Lorain; he wants to see this community thrive and the great things we all knew when we grew up here. He works day and night and it does not matter if it is raining or snowing or whatever, drive by and he is out there. I want to tell Jorge that we appreciate you and we appreciate what you do. You brought a sense of energy that is contagious. Trust me, when we have our days that are down and we all have them – I look to you and others like you that give me that extra spark. We have a great thing going on in Lorain and in South Lorain. When we look at the renaissance of what we want to bring back to South Lorain and we see what Broadway has become – much of it through the efforts of Rocking on the River. I feel that you are South Lorain’s Rocking on the River. You are bringing those people home and we will make that place a better place because of you Sir.

MAYOR BRADLEY: How old are you Jorge?

JORGE VILLEGAS: I am 37.

MAYOR BRADLEY: You are 37 years old and already you are getting a special day dedicated to you by the City of Lorain; that is a pretty special thing. It must mean that you do a lot of good things for the City of Lorain. As all the councilmember’s and all those that are here, I would like to say, you have Lorain Pride. We are so proud of you.

MAYOR BRADLEY read the proclamation and proudly presented it to Jorge Villegas followed by much applause.

CEREMONY TO ADMINISTER OATHS TO LPD OFFICER MARK TOMLIN (promoted to the rank of Sergeant); Sergeant AJ Matthewson (promoted to the rank of Lieutenant); and Lt. Les Palmer (promoted to the rank of Captain).

REMARKS: CHIEF MCCANN: Today, we are here to promote three fine officers in the Lorain Police Department. It is my goal that we do it every time a promotion is made for you all to see. The first one is Officer Mark Tomlin. He will be promoted to Sergeant today. He was hired in 1998 and held the following position within LPD: a Firearms Instructor, Department Armor, a Field Training Officer, Underwater Recovery Dive Team member and a member of the Marine Patrol that works with the Port Authority and the Coast Guard. I will now ask Mayor Bradley to promote Officer Tomlin to Sergeant.

**At this point, Mayor Bradley administered the Oath to Sgt. Mark Tomlin in the presence of his family and friends.*

CHIEF MCCANN: We also have Sgt. AJ Matthewson. He will be promoted today to Lieutenant which is a vital position in our department. He was hired in 1999; promoted to

Sergeant in 2013. He held positions as a Swat Team Supervisor; Narcotics Unit Officer for 7.5 years; field training supervisor, honor guard member; FBI Task Force Officer; US Marshall's Task Force Officer; and K-9 Supervisor.

**At this point, Mayor Bradley administered the oath to Lieutenant AJ Matthewson in the presence of his family and friends.*

CHIEF MCCANN: We also have Lieutenant Les Palmer here today. He will be promoted to Captain and become part of your command staff. Les was hired in 1997; promoted to Sergeant in 2009 and to Lieutenant in 2012. He held positions in our Narcotics Bureau; he was a Field Training Supervisor; worked for the Office of Professional Standards; was a Firearms Instructor and a Shift Commander. Les is ready to become part of the command staff and make Captain today.

**At this point, Mayor Bradley administered the Oath to Captain Les Palmer in the presence of this family and friends.*

CHIEF MCCANN also noted that after 31 years of serve as a T.I. Officer, Debbie Palmer will be retiring – congratulations to her!

DISPOSITION OF THE MINUTES:

Moved by Mrs. Springowski, supported by Mr. Fallis, to dispense with the reading of the minutes from the October 5, 2020 and October 19, 2020 regular meeting and accept them as written. The motion carried unanimously.

CORRESPONDENCE AND/OR COMMUNICATIONS FROM THE MAYOR:

REMARKS: MAYOR BRADLEY: I read in the newspaper that Sheffield Village had contacted Ford Motor Company and asked for masks. They received 25,000 masks from Ford. I asked Mr. Soto to contact Ford and see if the City of Lorain can get some masks. He did and we received 27,000 masks from Ford Motor Company. They came directly from Dearborn made in the U.S. and Rich will give each member of council a packet that you can use to distribute your constituents, etc. I hope we can distribute them to businesses that need them in Lorain. Also, once schools are back in session, we can distribute them to the Lorain City Schools. The Ford logo is on each and every mask so wear it proudly.

I want to compliment our Clerk of Courts and all the city departments and members of council and the Lorain citizens, Meijers and Wal-Mart Stores for our Trunk or Treat event that we had this Saturday in Lorain City Hall parking lot. It was a great event and very successful. No one had any complaints and I understand Ted Kalo will make sure it is bigger and better next year. That was a great thing to make us all proud.

I also participated in our credit summary prepared by Moody's Investor Services. I can say to our city council today that our economy is more diversified and more stable than at any time in the city's history. We have a report indicating that while proud of our manufacturing base, the City of Lorain is no longer a "steel and auto city". The economy is more diversified and as a result is more stable than at any time in the city's history. In 2010, our 3rd & 4th biggest employer in the City of Lorain was Lorain Tubular and Republic Engineered Products. They accounted for over 1090 jobs. The total jobs for the top ten employers in the City of Lorain in 2010 totaled 5,535. Today, in 2020, those two employers are no longer in the top ten. Yet, our top ten employers employ 6526 employees in the City of Lorain. Again, the economic atmosphere that has been created in City of Lorain through the efforts of this City Council and the City Administration has not only increased the number of jobs, but it has also made us a much more diversified community. I applaud all of you for helping to make that possible. Speaking of being Lorain Proud, I found out today that Vibrant NEO, has awarded the City of Lorain two awards. One of them is the Broadway Streetscape Improvements – A Preferred Annual Vibrant NEO award. I think it is very significant for our city to receive that award. Also, we received an award because the City of Lorain had coordinated the restoration projects along the Black River, which received an honorable mention award by the Vibrant NEO awards. This year, our engineering department along with the City of Lorain received two awards that we will

be receiving on November 19, 2020 via Zoom. We are very proud of those awards and the progress we are making in City of Lorain. I wanted you to all be aware of those things and we can all continue to be “Lorain Proud.”

COUNCILMEMBER SPRINGOWSKI: To back up the Mayor’s comments, not only did Ford donate those masks. During the onset of COVID, they also produced 3,000 face shields and delivered them to Mercy Hospital to protect our first response workers there. I have worked for them for 29 years and I am very proud to work for Ford Motor Company; they are a tremendous asset to Northeast Ohio and many of our residents work for Ford. Thank you for acknowledging that Mr. Mayor.

PRESIDENT ARREDONDO: Thank you Mayor for mentioning those two awards. As you stated, all of us working together – including the citizens of Lorain, we also thank you for having faith in us and faith in yourself. We are seeing the light and better days are ahead. Mayor, thank you for your leadership.

CORRESPONDENCE FROM DIRECTORS, BOARDS AND COMMISSIONS, ETC.:

- a.) Auditor Shawver’s correspondence advising that the City of Lorain has been issued a “clean audit” from Ohio Auditor of State in the report’s release on October 20, 2020,
- b.) Management letter and Single Audit Report from James G. Zupka, CPA for year ended 12-20-2019.

REMARKS: AUDITOR SHAWVER: I just want to reiterate, I did see a story in the Morning Journal about the clean audit. I want to reiterate how proud we are in the Auditor’s office and the work at that we do. I have said here on the council floor many times that sometimes being the auditor and working in the auditor’s office is a quite difficult place to be. We are the ones that have to tell the department heads to fix this or that, no you cannot take it out of that fund, or you cannot do it that way, etc. Sometimes people do get frustrated with us performing our job duties. Hopefully this will let all the city employees and department heads, etc., understand why we do what we do. I am very, very proud of what we did. Unfortunately the online records only go back to 1999. I do have a hunch that the clean audit goes back farther than 20 years but I did want to provide factual information. I don’t have valid documentation that it was longer than that. But, 20 years, I am still very proud of that after becoming the Auditor only in 2016 and facing a \$1.8M deficit on day one. I am very proud of my office and what we did. I wish to give kudos to them and kudos to my Chief Deputy Anita Harper and Deputy Auditor Rob Swindell for all the work and diligence they did while working with the audit team. I wish to thank you for all you do when I bring things to your attention.

I wish to follow up on the Mayor’s comments about the Moody’s call. It was very exciting in preparation for the call. We got together with our underwriter and bond counsel and had to prepare the documentation that we send to them. What he was looking at was all the documentation that we used to provide our presentation to Moody’s. Day in and day out, sometimes you come to work and get a little discouraged and focus on things that are not always going right. But, when we were preparing this and got done, the week before our call we all felt so good and we were so excited and our underwriter also thought that we had so much going on and told us we should be very proud. It was exciting to talk with the gentleman in Chicago and he had a lot of excitement with us back when we were telling him about all of the projects and the streetscape and he felt in his heart that he knew that we really would have been much more successful this year had we not been faced with the pandemic. I am very excited to share news later on this week about our results with Moody’s and I will be sharing that in a press release as soon as it is available to be public; it is confidential right now.

COUNCILMEMBER FALLIS: I wish to applaud and thank Karen for her leadership not only internally within the Auditor’s department but also her interfacing with other departments. When she started we were in a negative position cash-wise. Over several years, we have been able to get that into a positive position. That is the result of really working with all departments in the City that have been through the budgetary

process. I am sure there is much dialogue, difficult conversations at times with other departments. But to get a clean audit demonstrates leadership between the Auditor's office and all departments in the city. Job well done, we thank you for your efforts.

COUNCILMEMBER SPRINGOWSKI: I also wanted to commend the Auditor for her leadership and to the efforts of her department. I hope we all remember it when we are doing the budget toward the end of the year. A job well done; thanks for being so proactive.

COUNCILMEMBER CARTER: I wish to commend Auditor Shawver and her team for a well done job. I am reading the purpose and the background. The audit contained no findings or material weakness. I thank you and I am sure the public thanks you as well. I wish there was a big banner we can put out in front of City Hall so the people can see how proud we are. Coming on council three years ago not ever been in public, etc. and coming onto council probably at the worst time when we were in the negative. I cannot say enough how helpful she was with teaching me the funding. There is a lot that goes into this; I commend her and thank her for her time and effort and patience.

COUNCILMEMBER CARRION: I echo the comments made here. These are the things to celebrate; this is an accomplishment that the city should celebrate. Many times we fail to see those great moments and focus on things that are not as rosy as this. I just wanted to say thank you and thank you for perseverance. That is not an easy job. You are the one that usually says "no." Just to remind everyone that is here; it takes trust. For as much as you can advocate for us to do something, council has to follow. Many times I have been here when council did not go with the opinion or recommendation of the Auditor. That is why we ask questions; we ask when we do not know an answer or what we are looking for. I just want to thank you and your team, because any time we do ask the questions, we know that you go back to the office, that results in three hours of research, phone calls and paperwork, etc. We wish to thank you for your work.

COUNCILMEMBER MOON: Karen, you have come a long way. I remember you from CETA to summer girl. I am very proud of you and enjoy working with you; job well done! If I can do anything for you, please let me know.

PRESIDENT ARREDONDO: To sum it up, we have been here when we have had not so good news but it is always a great day in Lorain when you have great news like this. This shows the team work that we are all involved in. I have always asked the Auditors, do we have the money. It is like being in your own household but you must ask if the money is available. It is not different in city government; Mr. Carrion hit it on the head. We must have trust. I comment council; we have had some good debates. Madame Auditor, thank you for your leadership and let's give her a standing ovation.

- c.) Public Property Director Garcia's correspondence advising of the fall leaf pick up schedule which runs from November 2, through December 1st and they will cover the entire city. Residents are urged not to sweep the leaves into the streets and to call with their locations. Moved by Mr. Fallis, supported by Mrs. Carter, to receive and file. The motion carried.

CORRESPONDENCE FROM OTHER GOVERNMENTAL AGENCIES: (none)

CORRESPONDENCE FROM THE GENERAL PUBLIC: (none)

REMARKS: COUNCILMEMBER CARTER requested City Council allow Dr. Graham a few moments to address the body.

Moved by Mrs. Springowski, supported by Mrs. Carter, to waive the rules and allow Dr. Graham to address the body. The motion carried.

DR. GRAHAM:

COUNCILWOMAN CARTER: Today I as approached with information regarding COVID for the athletes that are being tested for the COVID. There was some

misunderstanding and some transparency issues regarding the forms that were handed out or the forms that the parents downloaded from the website. There were two different forms; one from the web and one on site. On the form that is on site, there were race discrepancies on the form. It was brought to my attention and I felt it necessary to get a hold with the heads of Mercy and from there it trickled down to our wonderful Superintendent of Lorain City Schools. What I was trying to protect us all from is from transparency and that we get clarification on some comments that were made on the last council meeting regarding Case Western. I will allow him to take it from there.

DR. GRAHAM: Thank you again for reaching out to us today and letting us know there is some confusion out there. The second part of that, the concerns about why we engaged with Case is something that has come up quite a bit. I think when you couple that with the discrepancy that you saw on the form, it raised that level of concern where again I appreciate you reaching out to me.

The discrepancy that she is referencing on the form is Mercy's permission slip so Mercy can do the COVID testing not just on our athletes but on our close proximity students who participate in close proximity, the robotics, the band, etc. When you look at the form whether it is from Mercy or on our website, the area for demographic information is the last piece on there. It has all the races included; however, when we printed them off for whatever reason, there were several races that were excluded. It made it look like there was racial intent. It was in essence just a checking a box if you were black or brown. That is clearly not our intent. When you look at that with skepticism of why we partnered with Case Western Reserve it raises that level higher. As we all know, historically speaking, when it comes to racial intent with medical testing, we have a horrible record – historically. But, that is not what we are doing. Just to clarify a bit, we have a few different partnerships, Case Western is at the table and they are helping us establish our study. Our study is again, only Mercy is doing testing and only Mercy gets the results and if there is a positive case, Mercy notifies the health department. We all know how those dominos fall. Case is not involved in any of that yet. Everything we are doing currently is with Mercy Health. The only thing they test for is does this person have COVID nor not. We don't get the information, Case does not get the information – Case will never get the information from Mercy. The information Mercy gets is again for two reasons, one is to test the quality of our mitigation strategies to make sure that if a child or adult comes into our buildings with COVID that no one else catches it. If someone else catches it, then obviously we need to get better. It is also to make sure that our asymptomatic children and adults, we test them so if they do have it, they can take the proper steps when they go home to keep their family safe. The question I have gotten quite often is what is Cases' role in all this? After we established the relationship with Lorain Health Department and Mercy Health, we knew exactly what we wanted to do and the reasons for doing it. Those are the reasons I just shared. Case Western was looking for a partner to do exactly what we had set up. So, we reached out to them and what they bring to the table is resources, in terms of expertise and resources in terms of testing kids and lab use. If anyone is going to participate in their study, again theirs is lined up with ours, they are testing the quality of mitigation strategies in schools, but they are also testing, and this is where I think the confusion came in. When they do the swab and the same type of test, but when they get back to the lab, they test for a panel of things – like 19 different things. People became nervous because we said that, we didn't actually give the actual list. The actual list includes the flu, common cold, etc. They are also assessing if COVID transfers the same rate or ways as the flu or a common cold. So, if someone comes in with COVID and it does not spread, but the flu does, then we learn from that. If anyone is going to participate in anything to do with Case Western Reserve University study, they will sign off on a form, etc. We are not requiring anyone to do that. It is one of those pieces where they provide expertise that is completely in line with what we want to accomplish and if our families choose

LORAIN CITY COUNCIL*REGULAR MEETING*LORAIN, OH NOVEMBER 2, 2020

to do that or our staff chooses to do that, they we are offering an opportunity but we are no requiring it from anyone.

COUNCILMEMBER CARTER: Thank you for the clarification and I hope the parents will read the newspaper tomorrow so they can have this clarification in their hands.

DR. GRAHAM: Thank you again for reaching out to us and again continue to strengthen our partnership as we take care of the people we serve.

PUBLIC COMMENT: Clerk Greer no signatures were on the list.

COMMITTEE REPORTS: The Finance, Claims & All Council Committee met on October 26, 2020, to discuss two ordinances, one regarding the HR Department under the mayor and the other regarding the position of Planning Administrator in BHP, the committee recommends sending both matter to Council for consideration.

Moved by Mr. Fallis, supported by Mrs. Springowski, to receive and file. The motion carried.

LEGISLATION – FIRST READING:

Ordinance No. 127-20 a.) Introduced by Mrs. Springowski, an ordinance assessing the cost to abate nuisance by cutting noxious weeds during the 2020 calendar year.

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

AYES – 11 Messrs. Fallis, Dimacchia, Springowski, Henley, McFarland, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0 None. The rule was suspended.

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

AYES – 11 Messrs. Fallis, Dimacchia, Springowski, Henley, McFarland, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0 None. The ordinance passed.

Ordinance No. 128-20 b.) Introduced by Mr. Thornsberry, an ordinance authorizing the Director of Public Safety/Service of the City of Lorain, Ohio to take all action necessary to enter into an agreement for grant funding through a non-competitive grant process from the Ohio Department of Natural Resources, Office of Coastal Management, for Black River Dredge Reuse Facility Residual Solids Evaluation.

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

AYES – 11 Messrs. Fallis, Dimacchia, Springowski, Henley, McFarland, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0 None. The rule was suspended.

REMARKS: COUNCILMEMBER THORNSBERRY: If you recall a few weeks back, Mrs. Golden came and did a presentation for us and mentioned this grant was going to be coming up and will be used for ascertaining what is in the material and how we can try to resell it. This is that process that she described.

COUNCILMEMBER CARRION: Do we know if this grant will require or allow truck access within residential districts similar to what we just had with the main Black River project?

SAFETY/SERVICE DIRECTOR WASHINGTON: I believe this grant is only for the allowance of the identification of the additional materials. I know it has no cost or local match. As far as the travel route, that is something we would have to talk to Mrs. Golden about. I am not sure if that covers that. I will ask her and get back to you.

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

AYES – 11 Messrs. Fallis, Dimacchia, Springowski, Henley, McFarland, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0 None. The ordinance passed unanimously.

Ordinance No. 129-20 c.) Introduced by Mr. Thornsberry, an ordinance by the City of Lorain to give consent to the Director of Transportation to perform resurfacing on US Route 58 (Amherst/Lorain Corp JNT line N. of Cooper Foster Park Road to 27.56 US 6) and declaring an emergency.

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

AYES – 11 Messrs. Fallis, Dimacchia, Springowski, Henley, McFarland, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0 None. The rule was suspended.

REMARKS: COUNCILMEMBER FALLIS: Can you give us a timeline on when the resurfacing project would start?

SAFETY/SERVICE DIRECTOR WASHINGTON: I don't have the approximate time. They are looking to get all the materials together. Again, I can work with engineering and make sure we can have an approximate time for you.

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

AYES – 11 Messrs. Fallis, Dimacchia, Springowski, Henley, McFarland, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0 None. The ordinance passed unanimously.

Ordinance No. 130-20 d.) Introduced by Mrs. Springowski, an ordinance authorizing the Safety/Service Director of the City of Lorain, Ohio, to enter into a one year contract with Gardiner Service Company for the amount \$75,825 for a service agreement for the repair and maintenance of heating, ventilation and air conditioning units for various City of Lorain facilities located in the City of Lorain Ohio, through the State of Ohio contract MMA7553, without bid, pursuant to Section 735.053 of the Ohio Revised Code and declaring an emergency.

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

AYES – 11 Messrs. Fallis, Dimacchia, Springowski, Henley, McFarland, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0 None. The rule was suspended.

REMARKS: COUNCILMEMBER CARRION: I do recall last year that this contract was for close to \$90,000. The one item that I do not see here is the old street garage on 35th Street. I imagine that is the reduction in the services. Are we looking, with this new contract into any type of provisions related to COVID in terms of what are we doing to manage the air flow, maybe filtration or some of the other forms that are out in the industry. I am not sure that we need it but have we looked at, in terms of the critical spaces like City Hall where there are seven floors all in a tight loop system and windows do not open. I think it might be wise to at least consider and look at that option as our COVID cases continue to rise. Where I work, we are looking at so many different options and programs and systems that out there. I think it might be a good opportunity to take a look at that.

SAFETY/SERVICE DIRECTOR WASHINGTON: This contract is basically that maintenance contract but to answer your question directly about what that. Lori Garcia is actively looking at the UV kinds of lamps that can be used within our systems and our ventilation pieces. She is getting background and information on what can be done. I believe the Mayor can correct me on this; there has been some movement so we can actually purchase that type of scrubbing system, especially here in City Hall. That is something she is looking aggressively at. She is looking at pursuing those not only here but also at other locations.

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

AYES – 11 Messrs. Fallis, Dimacchia, Springowski, Henley, McFarland, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0 None. The ordinance passed unanimously.

LORAIN CITY COUNCIL*REGULAR MEETING*LORAIN, OH NOVEMBER 2, 2020

Ordinance No. 131-20 e.) Introduced by Mr. Thornsberry, an ordinance authorizing the Mayor and Director of Public Safety/Service to enter into a cooperative agreement with the City of Amherst for the purpose of cleaning, widening and deepening a shared ditch off Cooper Foster Park Road in the City of Lorain.

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

AYES – 11 Messrs. Fallis, Dimacchia, Springowski, Henley, McFarland, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0 None. The rule was suspended.

REMARKS: COUNCILMEMBER THORNSBERRY: This is the first of what we hope to be many joint venture projects between the City of Lorain and Amherst. This one is more so helping them with some flooding they have on their side of Cooper Foster by improving a ditch on our side of Cooper Foster. This very much ties in with some of the stuff we are trying to do to fix traffic on Oak Point Road, fix traffic on Leavitt Road. Again, this is a very exciting opportunity and I think this is just the beginning of several major ‘shared’ projects that we will have between our two cities to improve quality of life on both sides of the border. I am very excited to get this passed tonight.

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

AYES – 11 Messrs. Fallis, Dimacchia, Springowski, Henley, McFarland, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0 None. The ordinance passed unanimously.

Ordinance No. 132-20 f.) Introduced by Mr. Thornsberry, an ordinance authorizing the Safety/Service Director to enter into contracts for the purchase of materials and supplies for the City of Lorain Department of Public Property.

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

AYES – 11 Messrs. Fallis, Dimacchia, Springowski, Henley, McFarland, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0 None. The rule was suspended.

REMARKS: COUNCILMEMBER THORNSBERRY: This amount seems to be substantially less than what we would typically spend on this. Can you clarify?

AUDITOR SHAWVER: Yes it was substantially less. The street department sent in the original ordinance for \$1.1M request to us. When I reviewed the ordinance, I looked at our debt service out of the permissive fund. We do have several projects where pledged the permissive license tax funds to pay that. So, next year, we have \$775,000 in debt service that will be paid out of the permissive license fund. This is basically the difference between what we expect to receive in revenue and the debt service payments. Unfortunately it did go down but these are the funds we had to use for other road projects.

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

AYES – 11 Messrs. Fallis, Dimacchia, Springowski, Henley, McFarland, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0 None. The ordinance passed unanimously.

Proposed Ordinance g.) Introduced by Mr. Fallis, an ordinance amending Ord. No’s 54-20, 168-19, 151-19, 40-19, and 47-18, Section 15.3.7, Mayor- Safety/Service Departments and Ord. 16-20, Section 16.4, and declaring an emergency. (Clerk Greer reminded members that this item was pending approval by the Auditor.)

Moved by Mr. Fallis, supported by Mr. Carrion, to suspend the statutory three reading rule.

AYES - 8 Messrs. Fallis, Dimacchia, McFarland, Carter, Argenti, Moon, Carrion, Thornsberry.

NAYS- 3 Messrs. Springowski, Henley, Shawver. The rule was not suspended and the matter moved to a Second Reading.

Proposed Ordinance h.) Introduced by Mr. Argenti, an ordinance authorizing the purchase of anew Spartan Pumper for the Fire Department through the State of Ohio Cooperative Purchasing program

LORAIN CITY COUNCIL*REGULAR MEETING*LORAIN, OH NOVEMBER 2, 2020

without bid, pursuant to ORC 125.04, for an amount not to exceed \$506,000 and declaring an emergency.

Moved by Mr. Argenti, supported by Mrs. Springowski, to refer the matter to the Police/Fire & Legislative Committee.

AYES - 10 Messrs. Fallis, Dimacchia, Springowski, Henley, McFarland, Carter, Argenti, Moon, Carrion, Shawver.

NAYS- 1 Mr. Thornsberry. The motion carried and the matter was referred to Police & Fire Committee.

Ordinance No. 133-20 i.) Introduced by Mr. Fallis, an ordinance appropriating funds for the current expenses and other expenditures of the City of Lorain, State of Ohio as passed by Ordinance 25-20 beginning January 1, 2020 and ending December 31, 2020 and declaring an emergency.

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

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

AYES – 10 Messrs. Fallis, Dimacchia, Springowski, McFarland, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 1 Mrs. Henley. The rule was suspended.

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

AYES – 11 Messrs. Fallis, Dimacchia, Springowski, Henley, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0 None. The ordinance passed.

LEGISLATION – SECOND READING:

Proposed Ordinance a.) Introduced by Mr. Fallis, an ordinance amending Ord. No's 54-20, 168-19, 151-19, 40-19 and 47-18 (Section 15.3.7 – Mayor – Safety/Service Departments) and Ord. No. 16-20 and declaring an emergency. At the request of the administration, this matter was withdrawn from the agenda without objection. The motion carried.

Proposed Ordinance b.) Introduced by Mr. Fallis, an ordinance amending Section 16.4 of Ordinance No. 16-20 providing for the creation of one (1) Management classification series within the Building, Housing and Planning Department and eliminating the position of Human Resource Director and revising and correcting various positions previously omitted in error from Ord. 16-20 as listed on Exhibit B attached hereto.

Moved by Mr. Fallis, supported by Mr. Carrion, to amend the ordinance by substituting it with the corrected and revised version discussed during committee. The motion to amend by substitution carried unanimously.

CLERK GREER READ THE REVISED CAPTION.

b.) Introduced by Mr. Fallis, an ordinance amending Section 16.4 of Ordinance No. 16-20 providing for the creation of one (1) Management classification series within the Building, Housing and Planning Department and revising and correcting various positions previously omitted in error from Ord. 16-20 as listed on Exhibit B attached hereto.

Moved by Mr. Fallis, supported by Mr. Carrion, to suspend the statutory three reading rule.

AYES – 10 Messrs. Fallis, Dimacchia, Henley, McFarland, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 1 Mrs. Springowski. The rule was suspended.

REMARKS: COUNCILMEMBER CARTER: To Mr. Upton, I did send an email earlier and I know you tried to call me. I asked what makes this a manager's position vs. a non-bargaining position? Who are they managing?

MAX UPTON, DIRECTOR BHP: This is part of planning being undertaken as a discipline within our department. This particular position will be from a supervisory perspective, supervising the neighborhood development specialist role. Above and beyond that, I think the management ordinance is kind of a bit of semantics; they are all covered by the same ordinance. So, manager is a term that is loosely used. In speaking and thinking of the context of management, we have program process and projects that the Planning & Zoning

Administrator would be managing. As those of you that were at the committee meeting found out from Mr. Klinar when we were reviewing the zoning code that he is the Chief Building Official. He also for the better part of a decade ago was asked to undertake the zoning piece until they could find someone to replace Mr. Dobis. That is one piece of it, our planning process is a developer, a residence, a business owner, submits a permit and we check and make sure it supports what the zoning is and advise if they need a variance, etc. and point them in that direction – that is the long and short of what our planning now is. There are a lot of things going on in the city; we have the Stoveworks projects, the Oakwood Estates project, and the new zoning code that we are chipping away at. Part of that new zoning code talks about the creation and deliver of staff reports to the planning commission. So, there is a staff report that accompanies each application that walks through the logic, how it comports with the comprehensive plan, and the recommendation from the staff. Is this something that should be passed is this something that needs further consideration, is this something that frankly is not within in our comprehensive plan and we do not recommend it from professional staff perspective and all of that is vetted through the comprehensive plan? That is a project and process management piece that we have not had employed in the city for quite some time. I think that as we move forward with council's leadership on the new zoning code and on the Oakwood Estates project, on the Stoveworks, etc. and as we look to Master Plan parts of the community in various other planning imitative like the transportation for livable communities (TLCI) grant application with NOACA. That is as much a community planning grant as it is a transportation grant. Why does this road need to change? When and how? We submitted a grant application to the Community Foundation to plan for public art throughout our neighborhoods; that is a planning project. It needs a professional urban planner, someone who has the credentials and understands the theories and concepts and practical application of urban planning in that role. Each member of council looks in kind of a two-year vacuum. They have a certain amount of priorities that are in their term. Each administration has a four year vacuum that they wish to have accomplished. The planner has a ten – fifteen – twenty year outlook on the comprehensive plan and vision and is filtering everything through that long-view so we are not creating short-term gains for long-term losses. All of those are part of the management of the planning process throughout the city. Because of being under resourced, we cannot properly employ and this position would be tasked with overseeing and implementing in coordination with myself, the administration and council as you are the ones hearing and you are the leaders in the community telling us what your constituents are telling you. All that works together and it has to have a long deal; that is really what this role is all about. It is not just personnel management, I would wager it is more important that it is project and process management that we need to be doing in a more regimented and professional fashion with respect to the discipline of planning itself and not just making sure we are checking a box to see if the zoning is right or not. Frankly, right now the CBO is a full time gig and this piece is a full time gig. We have one guy doing two full time jobs. He is doing yeoman's work just to keep up with everything that is on his plate. That is a long-winded answer and I hope I covered the basis.

COUNCILMEMBER CARTER: Yes and I appreciate it. That was a lot of information. I commend the department with what you have done and the restructuring that you are proposing. My next question is, with this position, the qualifications will be on the website but is there a panel that will interview and how will you solicit these people?

MAX UPTON, BHP DIRECTOR: Much like when the civil service commission accepted the appointed of Ms. Hannah Crawley last week, there was a panel that interviewed and the panel made a collective decision. I usually take all of my direction from the tower and consult with Mr. Washington in regards to panel members. I consult with HR on standardized questions so every candidate is asked the exact same questions and we are able to rank candidates apples to apples. We employ a debrief process at the end of each interview. During that process, I always speak last. I do not ever want to be in the position where I speak first and other people say what I want to hear because I am the one that said it first. We have a very objective way in which we conduct the interview for fairness. We will employ a panel and do it the exact same way every time. With respect to how we reach

out, I am a member of the American Planning Association and a member of the Ohio Economic Development Association. I am an alumnus of Cleveland State University in their Levin College of Urban Affairs where we will post a solicitation. The administration has been leading on kind of revamping our HR process for government jobs.com. If that is in place by the time we are soliciting these things, we will have that on governmentjobs.com. I am not sure if that will be there in time but that would certainly expand our catch radius. Our criteria are the absolute best and the brightest and the most qualified person will be the person that we collectively recommend for the position.

COUNCILMEMBER CARTER: Will it be offered in house first?

MAX UPTON BHP DIRECTOR: In house candidates will have the ability to apply for this particular position. For the Program Manager position, we had a few in-house candidates and they both interviewed and the panel decided on an external candidate. We always want to avail opportunity for advancement from within and then look outside the organization. If someone blows us away from outside the organization, that is certainly who we would be trying to move forward with. As a rule, we like to try to promote from within if possible.

COUNCILMEMBER CARRION: We have not updated the zoning code since the 80's. If we are going to go through the extensive amount of work and not put a person to oversee it and make sure we are moving in the right direction, then we are wasting our time. Just throw the whole thing away and just forget about it. I have two questions, is this something that we need? I say yes we do need it. My other question is can we afford it? The documentation shows \$3800 is the estimated expenditure but as we spoke last week that takes us to the end of this year. The annual commitment for that position would be anywhere between \$62,000 and \$76,000. Do we have the dollar available to cover that expenditure?

MAX UPTON: This particular position will be funded through building department revenues. The building permits are generated through the building department and it will also be funded by block grant a little through potentially Community Reinvestment Area dollars. Yes, in the budget that we are getting ready to submit, we do believe there is enough funding there for this position in terms of submitting the full 2021 expenditure. I have been working with Robyn Davy on the staffing plan and paying for the staffing plan as well.

AUDITOR SHAWVER: I saw the \$3800 on there and I do not believe it indicated what percent would be federal and what percent GF.

MAX UPTON: I believe two funds were listed in Agenda Quick in the fiscal impact section. Once is a BHP revenue fund and the other was block grant. When we first put the ordinance together, we were projecting potentially having someone on board in November. That expense was \$3800 from CDBG & \$3800 BHP revenue fund.

AUDITOR SHAWVER: Okay, so here is where the nasty auditor comes in. The revenues that are generated by the building department are not just for use in the building department; they go into the whole general operating funds of the city. You cannot just designate those dollars for one position. Taking it from my history here, the zoning and planning position was in the budget for several years and every year it went unfunded because of the budgetary problems. Do you think it would be 50% general fund and 50% federal funds? That amount is not including the benefits.

MAX UPTON: That was just projected through November & December – salary & benefits for this year. The budget we are submitting for next year will be a split of general fund and block grant fund. I think it is important to note the administration signed a MOU with HUD relative to our commitments to staff our department to properly administer the federal funds. This particular position is part of that staffing plan that will be set forth by HUD. It is part of our commitment in response for the \$300,000 of free technical assistance that the city is receiving from HUD. When I was in Mr. Washington's seat in the 2020 budget, the planning position was submitted as part of that budget.

AUDITOR SHAWVER: I do not believe it was budgeted in the General Fund. Again, I am hesitant because \$3800 for the remainder of the year is fine. But, we are just in the beginning stages of the overall budget for 2021. You obviously do not want to hire someone for two months and then tell them we cannot sustain this for 2021. Again, without

the final numbers of the total impact with benefits... Say for comparison that it is 50/50 and with benefits it will be \$100,000. Just so you know, you will have to budget an additional \$50,000 in the General Fund. I am not sure what is going on with the housing court. There are a lot of extra positions in the building department that were originally budgeted in the housing court.

MAX UPTON: There are some positions that were originally budgeted that we are not going to backfill as a result of some of the restructuring. There are also positions that were originally budgeted that are not going to need to be filled such as the Fair Housing Administrator that was created and budgeted for. Those duties are assumed within the Planning Department itself. There was a FHA @ A3 that was budgeted for and we are not filling that position. We have successfully justified to HUD that we don't need a full time FHA; we have those duties rolled into the planning department and fulfilled by the Neighborhood Specialist role.

AUDITOR SHAWVER: I am again just expressing my concerns for hiring a new position at the end of the year before we have our 2020 numbers in line. I just want you to be aware. If you fill it, we will have to allocate an additional \$50,000, to the general fund for that position if it is going to be a 50/50 split.

COUNCILMEMBER THORNSBERRY: Director Upton mentioned using CRA funds. I assume he refers to money people are paying on an annual basis to be in the CRA program. Is that money also allocated to the GF or does it get special designation?

AUDITOR SHAWVER: Right now it goes into UDAG funds. They have kind of kept those funds under their jurisdiction in the BHP department. Those really have not been used in any way at all in the General Fund. If they are willing to use them, I think that is up to them how they want to spend them.

COUNCILMEMBER THORNSBERRY: I am thinking out loud. I know we settled the one law settlement and put 132 CRA people back into the program that are going to be paying that fee. That could be a problem solver in relation to coming up with the rest of these funds. My comments are to echo Councilmember Carrion's 100%. I have been on council for eight years now and I have heard about this new zoning plan for eight years now and it is finally here. Without enforcement and oversight and management; it is like a lot of things that we have done in Lorain, which is great ideas but if, you don't have the enforcement component on the back end, that is all it is - an idea. Myself and many of my colleagues were always leery of new positions and budgets, etc. but I think this one is absolutely fundamentally important to go along with our new zoning code that we are working through. Also, having been to many of the Planning & Zoning meeting with a lot of development in the 8th ward and in speaking with many developers, I think this is a positive step in the right direction for Lorain. We are very behind the times; we have not kept up with the times not only from a code standpoint over the last 40 years but from a Master Plan standpoint. I do see some weird zoning stuff in the City of Lorain. A liquor store, next to a school next to church and things like that. Those are things we are trying to fix. I think this position is going to fall in line with that and I am excited and think it will be a big step in the right direction for us.

COUNCILMEMBER SPRINGOWSKI: I do support having this position; I would really like to know about the funding of it. I would be happy with moving it back to committee or moving it to a third reading until we can get this funding straightened out. Maybe have a preliminary budget meeting so we can look at these things. I agree with the Auditor. It would be terrible to fund through the end of the year but next year we don't know what we are doing. We have to have a handle on our finances because of how badly everything was hit with COVID and we don't know what we are facing going forward and I would like to see us have the funding nailed down on this.

COUNCILMEMBER CARRION: I echo Mrs. Springowski. I encourage Mr. Upton and the auditor to meet and identify the stream of funds to make this happen. In 2010, we had 5,000 jobs and US Steel was third or so and now we have 6,000 and those two major employers are not ranked in the top ten. Combined both of those entities occupy over 600 acres of our waterfront. We have to look down the road; we don't know what the future holds. That person in that position is going to be critical in anything that changes along

LORAIN CITY COUNCIL*REGULAR MEETING*LORAIN, OH NOVEMBER 2, 2020

that area. We at times might have one shot or one opportunity to do something right and that starts early that starts in the planning process.

PRESIDENT ARREDONDO: Will we be getting reports from this Technical Assistant?

MAX UPTON, BHP DIRECTOR: We are working on finalizing the staffing piece of that here in the next week or so. Once those are final and we consult with our HUD office, yes. That will be part and parcel of this discussion.

PRESIDENT ARREDONDO: We had good conversation and once again we want to be aware of our money. The mayor asked us to have some faith in him as he is trying to move forward. Yes, we are good stewards of our money but it is good that we are having this discussion.

COUNCILMEMBER FALLIS: I really cities in general and Lorain in particular, we can do a little bit better job of planning for long term. This position would help to solve that. I see it is a very vital and critical position for our city. I am all in favor of that. Obviously we have a new zoning code and we make sure that we are adhering to that. If we are not, we need someone who is very robust that can come to council and give us those analytics to say why we should or should not change a particular zoning issue. Those things have been seriously lacking in City Council since I have been here. I welcome those reports that will be provided by this person. Very vital and critical position to move our city forward and I echo the comments of my fellow council members. I think it would be appropriate to have another committee meeting on this and Auditor and Max can get together and flush out the costs and where the revenue streams are for this position. I pretty much speak for all of council; we just want to make sure there is enough revenue to sustain this position for the long haul.

Moved by Mr. Fallis, supported by Mr. Shawver, to refer the matter to the Finance & Claims Committee for continued discussion. The motion carried with Mr. Thornsberry voting “no.”

LEGISLATION – THIRD READING:

Proposed Resolution a.) Introduced by Mrs. Henley, a resolution supporting the Vision Zero initiative, a strategy to eliminate traffic fatalities and severe injuries while increasing safe, healthy and equitable mobility for all.

REMARKS: COUNCILMEMBER HENLEY: Point of privilege. I would ask Chief McCann to step up to the microphone. He has reviewed some of this information regarding Zero Vision. It is simply a resolution allowing the LPD to implement policies and programs to reduce serious vehicular accidents or fatalities. It is kind of like a joint venture with Lorain Connected. I think the Chief wants to look into this more but I would ask for your support on this. Do you have any issues with this Chief McCann?

CHIEF MCCANN: The only issue I have is that I have not been able to get in contact with anyone from the organization. I do not know what it is about and I spoke to Chief of Staff Soto today about it and left a message with the person in charge of it. I have not received a call back or an email back. I think it is going to be a good program but the issue I have with it is in the resolution, it kind of mandates that we are working with the group and taking their plan and putting it into action. I don't who the company is and I don't know who the people are. My only step back is, I tried to make contact with the people on the committee for several weeks and I have gotten nothing back from them. So I would ask you to take a step back for a second, we are not going to hurt anything and let me get with these folks to see what they are all about. I just don't know and I cannot commit to you right now that we will partner with these folks and take their advice when I don't know who they are.

Moved by Mrs. Henley, supported by Mrs. Springowski, to table the matter.

AYES – 11 Messrs. Fallis, Dimacchia, Springowski, Henley, McFarland, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0 None. The motion carried and the matter was tabled.

COMMITTEE CALLS:

CLERK GREER announced a Council Work Session has been scheduled for Wednesday, November 4, 2020 @ 5:30 p.m. to continue discussion of the new Planning & Zoning

LORAIN CITY COUNCIL*REGULAR MEETING*LORAIN, OH NOVEMBER 2, 2020

Code. In addition, next Monday, November 9, 2020, two (2) work sessions have been scheduled water & sewer followed by Streets & Utilities to discuss the Redhill Pressure District ordinance and hear an update on capital improvement projects.

On Monday, November 23, 2020, two (2) Public Hearings will be held to discuss an application to rezone 141 East Erie from B-2 to R-2, Tony Horn is the applicant, followed by a public hearing to discuss the new Planning & Zoning Code for the City of Lorain.

COUNCILMAN ARGENTI: I would like to call a Police/Fire & Legislative Committee meeting for Monday, November 9, 2020, to discuss the purchase of the Spartan Pumper.

COUNCILMAN THORNSBERRY: We are still working on scheduling for the 9th. We have firmed up one of the companies and are working on the other. Also, Director Wilson will be in to discuss the Red Hill item and provide a general update on various construction projects on going or imminent. I think we can squeeze it in; it will be a long night. I think you can come in after for sure.

COUNCILMEMBER ARGENTI: Can we schedule for 5:30 p.m.? I think that meeting will move pretty efficiently.

CLERK GREER noted the next work session for the Plan & Zone Code review will be held on Thursday, November 12, 2020 @ 5:30 p.m.

MISCELLANEOUS CONCERNS FROM COUNCIL:

COUNCILMAN MCFARLAND: I just wanted to make everyone aware that the FOPA is doing a fundraiser for the next three days, Tuesday – Thursday. It is the Cops-n-Kids basket raffle and located at 926 Broadway Avenue. If you can, please stop down and check out some of the baskets and buy some raffle tickets and support a great organization and cause.

COUNCILMEMBER CARRION: I wanted to give an update on a beautiful event that happened Saturday. There was a food drive that was held in South Lorain. A group from Cleveland, a few churches contacted a few folks; they had 5,000 boxes of food to pass out. It was an incredible amount of food. It just showed the spirit of the people; they all come together and worked extremely well. I wanted to highlight one point that talks about an act of kindness that we have in our community. While we were out there in this parking lot, we had four large semi trucks filled to the top. We didn't know how to move those boxes – it was just a big task. There were two contractors across the street on a roof and saw the volume and they came down with their semi with their full trailer and made arrangements to get these boxes loaded up and taken to places in need in our neighborhoods here in Lorain. Some of the housing development areas and they assured that every person in those communities got the boxes. We thought that was amazing and that just shows the pride that we have in this city. I just wanted to say it was beautiful day between the Trunk or Treat going on here and all the things going on in our city. It was really a good day for the City of Lorain. Based on our discussions with the mayor and Councilwoman Carter and other members here, we are working aggressively to come up with some type of an initiative that hopefully we can announce soon in a way to engage our youth. Hopefully we can keep plugging away on that in the next week or so and make an announcement for the community to help out.

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.

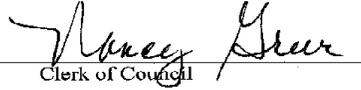
AYES – 11 Messrs. Fallis, Dimacchia, Springowski, Henley, McFarland, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

LORAIN CITY COUNCIL*REGULAR MEETING*LORAIN, OH NOVEMBER 2, 2020

NAYS - 0 None. The motion carried. Council recessed at approximately 7:43 p.m. (*Mr. Dimacchia left the meeting at this time.*)

President Arredondo reconvened the regular meeting at 7:54 p.m. All ten members were present.

ADJOURNMENT: Moved by Mr. Thornsberry, supported by Mrs. Springowski, to adjourn. The motion carried without objection and the meeting adjourned at 7:55 p.m.


Clerk of Council

PRESIDENT OF COUNCIL

Approved: November 16, 2020