

LORAIN CITY COUNCIL REGULAR MEETING - COUNCIL CHAMBER, LORAIN, OH, JULY 6, 2021

President Arredondo called the regular meeting to order at 6:02 p.m. Acting Chaplain Pamela Carter led Council in the prayer and President Arredondo led the pledge.

ROLL CALL:

PRESENT - 9 Messrs. Dimacchia, Springowski, Henley, Carter, Argenti, Moon, Carrion, Shawver, and Thornsberry.
ABSENT - 2 Messrs. Fallis and McFarland

Moved by Mr. Thornsberry, supported by Mr. Carrion to excuse the absent members. The motion carried unanimously.

DISPOSITION OF THE MINUTES:

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

CORRESPONDENCE AND/OR COMMUNICATIONS FROM THE MAYOR: (None)

REMARKS: MAYOR BRADLEY: I would like to inform all of council that the transaction involving the Cotton Club has not materialized. It turned out that the owner had entered into an agreement to sell it back in March of this year. Without telling any of us, granted the person an extension on that purchase agreement and the person did put money in escrow last week. That particular purchase will not be made by El Centro. I did talk to the person who was buying the Cotton Club to see if we could still save the deal. I had a conversation with the purchaser on Friday but it appears that they are going to open up a lounge there. She promised me that it would not be operated like the Cotton Club. I told her that we would be watching very carefully. She said she wants to cater to the 35 and older crowd. They have their own liquor license, so they are not getting a liquor license from Mr. Barnhill since his liquor license had been suspended or turned in several years ago; it was in his wife's name. That is announcement number one.

The second announcement is a reminder of "Vax-in on the River" on July 21st at the Black River Landing. I would invite all councilmembers and elected officials to be there and help pass out the \$10 debit cards that the City will be providing to residents who either have been vaccinated or who will get vaccinated at Vax-in on the River. We hope this is a very successful event and we think the more participation by the city, the more people will come out. So, encourage those in your wards to be there if they have been vaccinated or if they need to be vaccinated. We are still running under the 70% that we need. Please plan to attend that event on July 21st.

CORRESPONDENCE FROM DIRECTORS, BOARDS AND COMMISSIONS, ETC.:

a.) Public Property Director Lori Garcia's submission of the Gardiner Energy Savings Report from April 2021, detailing a savings of \$342,687, which has occurred since its implementation in May of 2017. Moved by Mrs. Springowski, supported by Mr. Dimacchia, to receive and file. The motion carried.

b.) BHP Director Upton's transmittal of a letter from the Ohio History Connection advising the city's application for registration of the Broadway Historic District on the National Register has been awarded a certified local government grant of \$18,000. Without objection,, President Arredondo ordered to receive and file the correspondence. The motion carried.

c.) BHP Director Upton's submission of the June 2021 monthly report for the BHP department.

REMARKS: PRESIDENT ARREDONDO: This should have a lot of comments; primarily positive ones. I like to thank Mr. Upton's department, our code enforcement officer Mr. Greg Landry who we voted to fund his position. If you read that report, many council members have been submitting complaints and we thank you for that. My name was mentioned once or twice; if you see something, please report it. We have avenues on how to address these matters. I like to thank that

LORAIN CITY COUNCIL REGULAR MEETING - COUNCIL CHAMBER, LORAIN, OH, JULY 6, 2021

department for their diligence in absolving many of the long time problems that we have had. There is a process, we just have to utilize it and we will get it done.

COUNCILMEMBER CARTER: On page 15, it mentions some variances and zoning code changes. Can you explain the zoning change on 2100 Reid Avenue?

BHP DIRECTOR UPTON: If memory serves me correctly, the Family and Community Services Inc. which is the non-profit that runs the Valor Home. Because of the zoning code change, they had to apply for a variance within the new zoning code since they were not operating, they were not afforded what is called "preexisting, nonconforming use." It is the same project they have been pursuing for the women's housing. The twelve units in that building are for that application.

COUNCILMEMBER CARTER: That is strictly for Valor Home Women Veterans.

The next one on there is 1730 W. 19th Street. That is across the street from me.

DIRECTOR UPTON: That is by the school warehouse. There is a business owner there that is interested in rehabbing that property for self-storage. It is zoned for that but will require a conditional use permit as well. That is a look ahead relative to tomorrow's Planning & Zoning Commission meeting.

COUNCILMEMBER CARTER: That storage unit is directly in front of my mother in law's house. What will we see there? Will it be storage units or containers or what? What is the plan?

DIRECTOR UPTON: By right, they are allowed to operate that. One thing they will need is a conditional use permit for some of the outdoor storage that they want to do. Our new zoning code allows them to put stipulations on how and why we approve certain things. It would be my department's recommendation to uphold the conditional use permit in abeyance until next month. They can provide us rendering in the mean time of what it will look like from the street front.

COUNCILMEMBER CARTER: Right now, they need something. The equipment is all over the place and I agree, they need to beautify.

COUNCILMEMBER ARGENTI: To echo on your comments. The report is comprehensive and the attention to detail is amazing. It is very good to have this information. It makes our jobs much easier.

Without objection, President Arredondo ordered to receive and file the correspondence. The motion carried.

CORRESPONDENCE FROM OTHER GOVERNMENTAL AGENCIES: (none)

CORRESPONDENCE FROM THE GENERAL PUBLIC: (none)

PUBLIC COMMENT: (none)

COMMITTEE REPORTS: The Streets/Utilities & all Council Committee met on Wednesday, June 23, 2021, to discuss the 2021 Utility Department Performance Auditor. This meeting was information only and no action was taken.

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

The Building and Lands Committee met on Monday, June 28, 2021, to discuss the rezoning of 6075 Middle Ridge Road also known as the DeLuca building. No action was taken at this meeting as it was informational only. The public hearing on this matter will be held on Monday, June 12, 2021 @ 5:30 p.m.

Moved by Mrs. Springowski, supported by Mr. Carrion, to concur. The motion carried.

LEGISLATION – FIRST READING:

Resolution No 29-21

a.) Introduced by Mr. Carrion, a resolution congratulating Chief Building Official Richard Klinar on his retirement and thanking him for 27 years of service to the citizens of the City of Lorain, Ohio.

Moved by Mr. Carrion, supported by Mr. Dimacchia, to suspend the statutory three reading rule. The motion carried and the rule was suspended.

REMARKS: COUNCILMAN CARRION: I just wanted say a few words to thank Mr. Klinar for his dedicated service to the City. I know he came here in the late 80's or early 90's and started as a plumbing inspector. He worked his way up to the position he held until retiring, which is Chief Building Official for the city. I had the pleasure of working alongside him for a few years on the fifth floor. I can tell you that the job is tough. The demands are great and the calls for people to waive or to bend the law and the codes come frequently. Rich always held his ground and he always made sure the integrity of the city and building codes or his office would never be put into question. I want to thank him for his dedicated service. At times he decisions created hardships for others but his decision were always made with the best intent and in the interest of the City of Lorain following the State laws and the building codes that he was sworn into uphold. He always did his job with integrity and always treated everyone, not only the contractors and vendors but his coworkers here in the city with a lot of respect. He certainly treated me with a lot of respect and I wanted to congratulate him on a well-earned retirement.

COUNCILMEMBER CARTER: I also want to congratulate Mr. Klinar on his retirement. When I first came on council; he always had his door open to me. He stayed true to that. For someone who really didn't know much about what was going on, he kept that door and his phone open to me. I do have a question to Mr. Upton. Have we made preparation in his departure? Those are some big shoes to fill?

BHP DIRECTOR UPTON: There is no question those are gigantic shoes to fill. We made a lot of preliminary steps, we amended the job description to take some duties that Mr. Klinar had absorbed mainly the zoning piece out of the job description and some items relative to the architectural review board. It was in his job description and I don't think we have ever had an architectural review board. It has been posted and there is an internal candidate that meets the qualification, it is very tough because a CBO must be a state certified CBO the day they walk in the door. It is not something where they have six months or a year to get it. So, there is no person in the department who has that certification who has worked underneath Mr. Klinar tutelage for a number of months since he obtained that certification. We will go through the interview process and see what comes of it. We have been making preparations for quite some time. His last day was Friday.

PRESIDENT ARREDONDO: I have known the Klinar Family all of my life. His father started with the city back in the 60's when we had a plumbing inspector. The Klinar name has been in City Hall for almost 60 years. He earned his retirement and someone will step forward and do the job and we will continue. I want to thank the Klinar family and Richard for all their service to the city.

Moved by Mr. Carrion, supported by Mr. Dimacchia, to pass the resolution.

AYES - 9

Messrs Dimacchia, Springowski, Henley, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0

None. The resolution passed unanimously.

Ordinance No. 110-21

b.) Introduced by Mrs. Springowski, an ordinance assessing the cost of abating nuisances by cutting noxious weeds during the 2021 calendar year and declaring an emergency.

LORAIN CITY COUNCIL REGULAR MEETING - COUNCIL CHAMBER, LORAIN, OH, JULY 6, 2021

Moved by Mrs. Springowski, supported by Mr. Dimacchia, to suspend the statutory three reading rule. The motion carried and the rule was suspended.

AYES - 9

Moved by Mrs. Springowski, supported by Mr. Dimacchia, to pass the ordinance. Messrs Dimacchia, Springowski, Henley, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0

None. The motion carried and the ordinance passed.

Ordinance No. 111-21

c.) Introduced by Ms. Moon, an ordinance waiving \$500 in permit fees for Family & Community Services Inc., for the expansion of the Valor Home project located at 205 W. 21 Street.

Moved by Ms. Moon, supported by Mrs. Carter, to suspend the statutory three reading rule. The motion carried and the rule was suspended.

REMARKS:

COUNCILWOMAN MOON: I think this is very good and I really appreciate this. The work being done in this building is all volunteer work from different agencies and also from different locals. I had the opportunity to be there and I appreciate this effort. It is a very good cause and the building will be beautiful. They have one building on the east side for the women and now they want to recognize ladies that served our country as well.

COUNCILWOMAN CARTER: Yes, I just want to confirm that the reason for the waiver is due to a grant.

BHP DIRECTOR UPTON: Yes. The Federal Home Loan Bank of Cincinnati is a grant making agency. There are competitive points for certain scoring and one of them is the demonstration of support from the city and the way in which they evidenced that demonstration is by waiving at least \$500 of permit fee. This is in support of a grant application.

COUNCILWOMAN MOON: Is this in the first, fifth or third ward?

BHP DIRECTOR UPTON: It is in the fifth ward. There is a separate part of the project on 17th Street, 1005-1007 17th Street. I think that is the third ward or second ward.

Moved by Ms. Moon, supported by Mrs. Carter, to pass the ordinance.

AYES - 9

Messrs Dimacchia, Springowski, Henley, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0

None. The ordinance passed unanimously.

Ordinance No. 112-21

d.) Introduced by Mr. Carrion, an ordinance authorizing the City of Lorain to enter into a Community Reinvestment Area Tax Abatement Agreement with Vermilion Shores LLC and declaring an emergency.

Moved by Mr. Carrion, supported by Mrs. Springowski, to suspend the statutory three reading rule. The rule was suspended and the motion carried.

Moved by Mr. Carrion, supported by Mrs. Springowski, to amend by substituting the existing Exhibit A with the revised version. The motion carried.

REMARKS:

COUNCILMEMBER THORNSBERRY: I think this is a perfect use of a CRA. I am excited to see what this group is going to do with this. I would also like to ask that we be emailed on other similar projects. I have a Sandy Springs TIF we have been waiting on for a very long time. There are others in the works as well. Glad to see this coming through but it seems some of the others are coming very slowly; I would like to get an update on those as well.

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

AYES - 9

Messrs Dimacchia, Springowski, Henley, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0

None. The ordinance passed unanimously.

Ordinance No. 113-21

e.) Introduced by Mr. Thornsberry, an ordinance amending Ord. No. 47-18 and 48-18 as amended, in Section 1.1 Vacation Hours Earned, Section 2 Longevity Payments, Section 4 Holidays Observed and adding new Section 1.5 COVID Incentive Time for all classified and unclassified non-bargaining

employees and all managers and professional employees of the City of Lorain, Ohio.

Moved by Mr. Thornsberry, supported by Mrs. Springowski, to suspend the statutory three reading rule. The rule was suspended and the motion carried.

REMARKS:

COUNCILMAN THORNSBERRY: I think we got pretty much everything in here but there is still an issue with life insurance that we were not able to get through on this one. I would like the Clerk to continue working with the administration to try to get that down for us right away. Secondly, I feel like we went through this issue three months ago and as a council we were trying to put together a comprehensive plan, a co-facilitated committee that was going to study a long term solution for non-bargaining and managers. Again, we are here three months later and we doing another band aid. I don't know about my colleagues but I am fed up with doing band aids. We were told at that meeting that the administration was going to put a comprehensive plan together. We have heard nothing about this plan coming together or nothing of meetings, or nothing of a salary study, etc., that we mentioned three months ago. Again, we are at that point where we want to stop doing this band aid approach with these groups of our employees and we want a comprehensive solution. I would love to work with the administration on creating that comprehensive solution. Thank you.

COUNCILMEMBER ARGENTI: This longevity thing is coming back and I just ran some quick numbers. I really don't think we fully comprehend what is going to happen with this longevity long term. The wording says the longevity will become part of the employees' base pay continuously over the years. With that, I ran some quick unscientific numbers but an employee earning \$50,000, in their ninth year of service, that longevity will be \$5,000, or their eleventh year of service. In the fifteenth year of service, that will go to \$10,817 and that person's base salary will have gone from \$50,000 to \$88,000 roughly and will continue to compound. We have a lot of employees with 20+ years of experience on the job. This whole thing is unsustainable because we have several employees earning over \$100,000, not from this group in particular but just overall. I think we need to revisit that just for kicks. A person earning \$100,000, from year 9 – 15, will go from \$100,000 to \$176,000 base pay. I think that is something we need to talk about. I would like to send this to committee to discuss this. I do not think this is sustainable.

LAW DIRECTOR RILEY: There has been an endless stream of conversation about the longevity provisions that appeared in the CBA and are now before in this legislation. I think those of us in the executive branch of government agree. I have counseled with the treasurer and auditor about this that these are not compounding on the base salary. They are payments that occur each year in the amount otherwise specified based upon the length of service; they don't add to the base and then compound the next year. If that is not clear in the ordinance as it is proposed to council then I think perhaps council should consider an amendment to make it more clear. That is my opinion and I have offered it the administration and other elected officials and I don't think there is any disagreement amongst about the fact that it does not compound as was suggested but rather is simply a payment in that year in the amount of the base salary previously set by ordinance by council. For instance, if there was a employee who would be paid \$50,000, and in their 11th year of service they are entitled to additional 10% on that base salary, they would receive \$5,000 in that year and \$5,000 in the next year, etc., it would not be compounded. If that is unclear, I would like to offer a clarification. I did not want there to be misimpression about how I interpret the ordinance and how the longevity is applied to the base salaries set by compensating authority. Remember many years ago, perhaps some of you worked here, I issued an opinion regarding who it is that is the compensating authority. Council is not the compensating authority for all city employees. The Judges are also compensating authorities to an extent as is the Clerk of Court for some employees designated as such by statute. For the vast majority of city

employees, Council is the compensating authority. You would know what you are paying your employees based upon your ordinances setting the salaries of the CBA's which you approve and then the longevity would be a multiplier on that base, not a compounding effect with regard to the base increasing year in and year out for purposes of longevity.

COUNCILMEMBER SHAWVER: Just to be clear, I think I heard you say this but based on your interpretation, the wording in all three of the CBA's that we approved reflects this as well, correct?

LAW DIRECTOR RILEY: Yes, that is my impression; I do not have the CBA's in front of me. I have indicated to the elected officials that in my opinion, this ordinance particularly does not have a compounding affect on the base salaries.

COUNCILMEMBER ARGENTI: I am not seeing it is compounding but it states right in the ordinance that longevity payments shall be made a part of employee's base rate of pay based upon their continuous length of service. Based on that, the \$50,000 gets the ten percent and the following year, their base pay is \$55,000 not including any other incentive and that will collect the eleven percent. It may be semantics here but compounding it becomes part of the base salary. Am I reading that wrong?

LAW DIRECTOR RILEY: It certainly can be read that way. If the councilman feels there is a need of a clarification, I would offer that you make such clarification. There is a sentence that appears to be subsequent to that which refers to the FLSA, these are matters which have the subject of countless discussions at City Hall amongst us who are responsible for these matters. FLSA is a law that governs overtime. This is intended to say is that it is added to base salary for purposes of calculating overtime in the event overtime is earned by an employee. There is case law at the federal level, which I have shared with the administration, which indicates there can be no modification by a CBA or a local or state governmental legislative body to otherwise alter the effects of the FLSA. The FLSA governs and provides that for the purposes of computing overtime, longevity is to be added to the base salary. In this provision that you are reading, that subsequent sentence is a clarifier which may not be clear to those who have not had reason to study these matters that the purpose of adding it the base salaries for the calculation of overtime. That is what that sentence is intended to mean.

COUNCILMEMBER ARGENTI: So that person earnings \$50,000 in year nine gets the ten percent increase and in year ten, is that longevity payment based on \$50,000 or \$55,000?

LAW DIRECTOR RILEY: It is based on \$50,000.

COUNCILMEMBER ARGENTI: Okay, I misinterpreted then.

MAYOR BRADLEY: We need to amend the holidays, it should be twelve (12) holidays because we added General Election day, it needs to be changed from 11 to 12.

COUNCILMEMBER SPRINGOWSKI: Point of Order. You currently have a motion to send to committee on the floor, it was not properly seconded. At this point I would ask that you ask Mr. Argenti to rescind that motion or follow through for asking for a second on the motion.

PRESIDENT ARREDONDO: There is a motion on the floor to send this matter to committee. Is there support?

COUNCILMEMBER SPRINGOWSKI: I support

Messrs. Dimacchia, Springowski, Henley and Argenti.

Messrs. Carter, Moon, Carrion, Shawver, Thornsberry. The motion to refer to committee was defeated.

Moved by Mr. Thornsberry, supported by Mrs. Springowski, to amend Page 3 by changing the holiday to a quantity of twelve (12). The motion carried.

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

Messrs. Dimacchia, Henley, Carter, Moon, Carrion, Shawver, Thornsberry.

AYES - 4

NAYS - 5

AYES - 7

LORAIN CITY COUNCIL REGULAR MEETING - COUNCIL CHAMBER, LORAIN, OH, JULY 6, 2021

NAYS - 2

Messrs. Springowski and Argenti. The ordinance passed.

Ordinance No. 114-21

f.) Introduced by Mr. Thornsberry, an ordinance authorizing the Mayor to submit applications to the Ohio Public Works Commission (OPWC) Integrating Committee for year 2023 funding, (Round 36) for the replacement or rehabilitation of certain roadways within in the City of Lorain and declaring an emergency.

Moved by Mr. Thornsberry, supported by Mr. Shawver, to suspend the statutory three reading rule. The motion carried and the rule was suspended.

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

AYES - 9

Messrs. Dimacchia, Springowski, Henley, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0

None. The ordinance passed.

Ordinance No. 115-21

g.) Introduced by Mrs. Springowski, an ordinance authorizing the Lorain City Clerk of Council to enter into an agreement with SuperPrinter Inc. for printing services, distribution, mailings, etc. of the proposed Lorain City Charter document to each elector who voted in the last General Election and declaring an emergency.

Moved by Mrs. Springowski, supported by Mr. Thornsberry, to suspend the statutory three reading rule. The motion carried and rule was suspended.

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

AYES - 9

Messrs Dimacchia, Springowski, Henley, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0

None. The ordinance passed unanimously.

Ordinance No. 116-21

h.) Introduced by Mrs. Springowski, an ordinance appropriating money for current expenses and other expenditures of the City of Lorain, State of Ohio, as passed by budget Ord. No. 181-20, beginning January 1, 2021 and ending December 31, 2021 and declaring an emergency.

Moved by Mrs. Springowski, supported by Mr. Shawver, to suspend the statutory three reading rule. The motion carried and rule was suspended.

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

AYES - 9

Messrs Dimacchia, Springowski, Henley, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0

None. The ordinance passed unanimously.

LEGISLATION – SECOND READING: (None)

LEGISLATION - THIRD READING: (None)

COMMITTEE CALLS: Clerk Greer reminded members of the upcoming Public Hearings will be held in person on Monday, July 12, 2021 @ 5:30 in the council chamber to discuss the application to rezone 6075 Middle Ridge from B-2 to R-3 (Deluca's property) for a Residential Social Services Facility (ZCA-8-2021). Following will be an additional public hearing on the Downtown Outdoor Refreshment Areas (DORA) application in the Council Chamber.

MISCELLANEOUS CONCERNS FROM COUNCIL:

REMARKS: COUNCILMAN SHAWVER: To Director Upton or the Mayor, please provide me with an update with what is going on at Westgate Plaza?

MAYOR BRADLEY: I really don't know. I know they screwed up when they took down the building and now they have a mess. I see there is more equipment over there which I would hope means more demolition. I will check on that.

EXECUTIVE SESSION:

LORAIN CITY COUNCIL REGULAR MEETING - COUNCIL CHAMBER, LORAIN, OH, JULY 6, 2021

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

AYES – 9

Messrs. Dimacchia, Springowski, Henley, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.

NAYS - 0

None. The motion carried and the body recessed into executive Session at 6:44 p.m.

President Arredondo reconvened the regular meeting at 7:30 p.m. All nine members were present.

ADJOURNMENT

Moved by Mr. Thornsberry, supported by Mrs. Springowski, to adjourn the meeting. The motion carried unanimously and the meeting adjourned at 7:32p.m.



Clerk of Council

PRESIDENT OF COUNCIL

Accepted: August 9, 2021