

LORAIN CITY COUNCIL REGULAR MEETING - COUNCIL CHAMBER, LORAIN, OH, JULY 19, 2021

President ProTempore Mary Springowski called the regular meeting to order at 6:06 p.m. Chaplain Mitchell Fallis led Council in the prayer and President Arredondo led the pledge.

ROLL CALL:

PRESENT - 11 Messrs. Fallis, Dimacchia, Springowski, Henley, McFarland, Carter, Argenti, Moon, Carrion, Shawver, and Thornsberry.
ABSENT - 0 None. (President of Council Joel Arredondo was absent.)

Moved by Mrs. Carter, supported by Mr. Dimacchia, to excuse the absent member. The motion carried unanimously.

DISPOSITION OF THE MINUTES:

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

CORRESPONDENCE AND/OR COMMUNICATIONS FROM THE MAYOR:

REMARKS: MAYOR BRADLEY: I would like to remind everyone that this Saturday, July 24th at noon, we will have the dedication of Sergeant Samuel L. Felton Jr. at Central Park. It should be a nice presentation from military; four honor guards are scheduled to be there. We put a flag pole in Central Park and I think that was done today. Congresswoman Marcy Kaptur has indicated that she will be presented and present a flag that was flown over the White House. She will present it to Sam's family and his brother will raise the flag at the park. It will be a very nice ceremony. The Lorain County Veterans' group is providing money for hot dogs and hamburgers to be served after the event. I encourage you all to attend. It will be at noon at Central Park.

CORRESPONDENCE FROM DIRECTORS, BOARDS AND COMMISSIONS, ETC.:

a.) Treasurer Soto's submission of the second quarter income tax receipts report (April 1, 2021 through June 30, 2021), and it includes the police and road repair levies allocation. The total collections were \$8,388,407.35. Moved by Mr. Fallis, supported by Mrs. Carter, to receive and file the report. The motion carried unanimously.

b.) Auditor Shawver's submission of the year to date revenue and expenditure reports through June 30, 2021. Moved by Mr. Fallis, supported by Mrs. Carter to receive and file. The motion carried unanimously.

c.) Correspondence from Councilman Fallis dated July 14, 2021, regarding the application to rezone 6075 Middle Ridge Road and the possible non-compliance issue with Section 11.06 (4) of the Planning & Zoning Code which limits the number of residents to 12. The proposed RSSF goal was stated to have 70 – 80 tenants.

REMARKS: COUNCILMEMBER FALLIS: It appears this particular rezoning will not be in compliance due to the number of residents that would be in that facility. It would be in excess of twelve. I was reminded by Mrs. Greer, that we do not have a mechanism in place to just withdraw the application. If members of council deem it appropriate, which they should, to vote this ordinance down, that would be the appropriate way to legislatively to make sure we are not approving something that is really not in compliance with the laws. I wanted to explain that to everyone. I was confused on this matter earlier this week as well.

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

d.) Correspondence from the Lorain City Planning Commission recommending approval of the application to rezone ten parcels of land known as 3956 Globe Ave. from I-1 Industrial to R-3 Residential, ZCA-9-2021, Todd Hall is the applicant. A public hearing has been scheduled for Monday, August 23, 2021 @ 5:30 p.m. to discuss this matter. Moved by Mr. Fallis, supported by Mr. Dimacchia, to receive and file. The motion carried unanimously.

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e.) Correspondence from the Lorain City Planning Commission recommending approval of the application to rezone PPN 02-01-003-168-006 from B-2 to R-3 and PPN 02-01-003-168-036 from B-2 to R-3, 205 W. 21 Street and the adjoining rear lot. ZCA-10-2021, Family & Community Services is the applicant. A public hearing has been scheduled for Monday, August 23, 2021 @ 5:30 p.m. Moved by Mr. Dimacchia, supported by Mr. Fallis, to receive and file. The motion carried unanimously.

f.) Correspondence from the Lorain City Planning Commission recommending approval of the application to rezone 2100 Reid Avenue, PPN 02-01-003-167-017, from B-2 to R-3 Residential, Family & Community Services is the applicant, ZCA-11-2021. A public hearing will be held on August 23, 2021 @ 5:30 p.m. Moved by Mr. Fallis, supported by Mrs. Carter, to receive and file. The motion carried unanimously.

g.) Correspondence from the Lorain City Planning Commission dated July 14, 2021, recommending approval of the application to rezone 3 parcels @ 1657 Broadway, from I-1 to I-1, ZCA-12-2021, Vermilion Shores LLC is the applicant. A public hearing has been scheduled for Monday, August 23, 2021 @ 5:30 p.m. Moved by Mr. Dimacchia, supported by Mr. Shawver, to receive and file. The motion carried.

*** CLERK GREER announced a request to waive the rules and add the Petition to Vacate Regina Ave., to the agenda for consideration. Moved by Mr. Shawver, supported by Mrs. Carter, to waive the rule and add the item to the agenda. The motion carried unanimously.*

h.) Petition to Vacate Regina Ave. (60 ft. in width) from the south line of sublots 123 and 303 of the Falbo Subdivision northerly a distance of 20 ft. was submitted and certified by City Engineer Vandersommen on July 16, 2021. A public hearing on this matter has been scheduled for Monday, August 23, 2021 commencing at 5 p.m. Moved by Mrs. Carter, supported by Mr. Dimacchia, to receive and file. The motion carried.

CORRESPONDENCE FROM OTHER GOVERNMENTAL AGENCIES:

a.) Ohio Department of Liquor Control's notification of a stock ownership transfer for Game On at 301 Broadway in Lorain, Ohio. Moved by Mr. McFarland, supported by Mr. Fallis, to authorize the Clerk to notify the board that no complaints have been received.

REMARKS: COUNCILMEMBER CARRION: Just wondered, in the past the Mayor stated there had been some issues over at Game On. There was a subsequent meeting that was to take place. Are there any updates that we can know as a Council that the matters in that area have improved? It would be pertinent to this application.

MAYOR BRADLEY: The complaints pertained to the parking garage and not so much Game On as they have their own security. We talked to Ms. Reddy at the hotel and advised her that the lights were not being turned on in the garage or they had opaque coverings and we asked her to remove those. It appears that there is proper lighting now in the lower level of the garage. Our police did conduct some surveillance of that area and made one arrest that I am aware of someone who was speeding through the parking garage. It turned out the passenger had a warrant and the person in the car had a weapon that he was not authorized to have and they made an arrest. Other than that, I have heard no other serious complaints regarding Game On or that parking garage since that time.

COUNCILMEMBER DIMACCHIA: Not to belabor the issue but is the hotel responsible for that garage? I understand the lighting is better but that garage; a lot of things can go wrong down there after hours when people leave Game On. Is the hotel prepared to add additional security on their behalf since Game On really is not responsible for that garage or will that fall on LPD?

MAYOR BRADLEY: She understands that she is responsible for that garage and that she has to make sure there is security in that garage for people that are not only at Game On but also staying at the hotel. She understands that if she

doesn't provide a safe atmosphere at the hotel, that it would affect her business. As a matter of fact, I think it did affect her business because Bob Early from Rockin-on-the-River cancelled a bunch of rooms that he had reserved for the acts over there because of the situation. We are hoping that it is improving over there. It appeared there were a lot of people staying at the hotel this weekend especially Saturday night. I spoke with the Chief this morning and asked if there were any problems regarding the concert or any problems that we should be aware of regarding that area. He indicated that not that he knew of. It appears it is being addressed.

There being no further discussion, the motion carried unanimously.

b.) Ohio Department of Liquor Control's notification of a new D1, D2, D3, D3A permit for Black River Provisions LLC d/b/a Broadway Mary's Burger Joint @ 939 Broadway Avenue, Lorain, Ohio. Moved by Mr. McFarland, supported by Mr. Fallis, to authorize the clerk to notify the board that no complaints have been received. The motion carried unanimously.

CORRESPONDENCE FROM THE GENERAL PUBLIC:

a.) Notice of the Bradley Dash – Journal Jog, to be held on August 8, 2021. The race begins at 9 a.m. and 3k walk begins at 9:04 at Black River Landing. Moved by Mr. Fallis, supported by Mr. Dimacchia to receive and file. The motion carried unanimously.

b.) A petition submitted by citizens on July 12, 2021, opposing the proposal to covert the former DeLuca's Place Prison Half-Way House. The petition contains approximately 94 signatures. Moved by Mr. Fallis, supported by Mr. Dimacchia, to receive and file. The motion carried unanimously.

c.) A petition submitted by the citizens on July 12, 2021, opposing the application to rezone 6075 Middle Ridge Road from B-2 to R-3 Residential Social Service Facility, ZCA-8-2021. It contains approximately 176 signatures. Moved by Mr. Fallis, supported by Mr. Dimacchia to receive and file. The motion carried unanimously (Clerk Greer noted the missing page 9 of the petition was submitted and received today.)

d.) Email correspondence from Char Lup dated July 13, 2021, urging Council to deny the application to rezone 6075 Middle Ridge Road for a Residential Social Services Facility. Moved by Mr. Dimacchia, supported by Mr. Fallis, to receive and file. The motion carried.

e.) Correspondence from Brother Steven Gerard regarding proposed changes to the language in the proposed Lorain City Charter preamble as outlined in the attached Revision C and a petition on July 13, 2021 containing approximately 380 signatures and another was submitted July 19, 2021, containing an additional 303 signatures for a total of 683. All members do have copies of the correspondence. He requested an opportunity to address the body. Moved by Mr. Fallis, supported by Ms. Moon, to receive and file the two groups of signature petitions and to allow Mr. Brother Steven Gerard speak tonight for two minutes. The motion carried unanimously.

REMARKS: LAY BROTHER STEVEN GERARD SIDLOVSKY, voting address is 1109 W. 8th Street, Lorain, Ohio. I am delighted to continue to monitor the Lorain Charter. I have travelled all the way from Florida to do this. In front of you is copies of the language of the preamble covenant that was never voted on by the Lorain Charter Commission. We now have over 680 of citizens who speak requesting that the wonderful Council lovingly guide the Lorain Charter Commission to now vote on the new preamble covenant language and I will read it aloud:

We the people of the City of Lorain, Ohio, in order to obtain and secure the benefits of Home Rules powers under the constitution of the State of Ohio, do hereby adopt this charter for the government of the City of Lorain. through this Charter, with divine guidance for equality to all, we express our beliefs and

convey our trust so that its concept shall long endure in perpetuity with regard to creation, personhood, birth and without regard to age, race, color, sex, marital status, disability, handicap, religion, ancestry or national origin.

I am delighted to let you know that this is just a follow up the patriotic prayer rally that we had on July 3rd over at Veteran Memorial Park. You have that copy in front of you. In that, in paragraph 4 that we are now leaning in a new direction of Lorain becoming the International Personhood City. We brought our bibles at that time as we did outside here too. I am encouraging everyone to do some reading. The American Covenant has now announced nationally, it is published by Marshall Foster, the Untold Story. Our founding fathers established covenants, even in the Mayflower contact. Our Declaration of Independence is an exact example of our loving covenant with God with our loving Creator. If you have any questions, I would be happy to answer them. Thank you for your great love of this City of Lorain. Please lovingly guide the Lorain Charter Commission to now establish a special session to vote on this new preamble covenant language because we have quite a few citizens who desire to be in the actual charter.

PRESIDENT PRO TEMPORE SPRINGOWSKI: We do have the Chairperson of the Charter Commission here. Mrs. Soto do you wish to speak? If not we just continue on.

MRS. SOTO declined to speak at this time.

COUNCILMEMBER FALLIS: I have some comments on the preamble. I would like to clear up some grave misunderstandings on the understanding of and the use of separate of Church and State. Most people in America understand it that the church should not be involved in the state affairs. But when this was brought forth by our founding fathers, their intention was that the state would not be involved in the church but not that the church would not be involved in the state. When the Roman Empire was established, Constantine said the religion of the Christianity. Our founding fathers did not want that because that is a personal decision made by each person in their own mind and heart. They did not want the government to tell in America, our citizens what kind of religion they wanted. They wanted to give them the freedom of choice. I would like to give you two reasons how our founding fathers put these concepts into application. If we look at our pledge, it says, 'our nation as established under God' everything that our nation has is under God. If you look at the dollar bill, it says 'in God we trust'. Our founding fathers did not exclude God in the government at all. If you look at the judicial system in America, it is based upon tenants that are in the bible. I think that the word of God says it acknowledge the Lord in all ways and he will direct thy pass. If we have that preamble of acknowledging our creator in our city government, I think we set ourselves up for divine intervention and divine prosperity. So I appreciate Brother Steve coming forward with this petition. I would respectfully ask the Charter Commission respectfully consider adding this language today. If they chose not to do it, that is fine but I think it should be brought up again in two years when we have our discussions on changes. I think this is a very significant event, probably the most significant event that we could ever take as a city council in our city quite frankly. Thank you for the time afforded to me to express my understanding of this misunderstood conception our nation.

PRESIDENT PRO TEM SPRINGOWSKI: As long as you also understand that this is a term that was coined by Thomas Jefferson and the concept was promoted by philosophers and they would also use the bible verse, 'render unto Caesar what is Caesars.' This is under the province of the Charter Commission. It would be my suggestion if you want the Charter Commission to consider adding that preamble to the charter, then at such a time you would have proper correspondence to the Charter Commission. We cannot do anything with it here

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at City Council as we do not govern the Charter at this time. I encourage you to send a request into the Charter Commission and have a paper trail.

PUBLIC COMMENT: Clerk Greer advised ten individuals have signed up to speak during this portion of the meeting.

THOMAS SPRINGOWSKI, 2122 E. Skyline Drive, Lorain, OH (Cul-de-sac on Regina Ave.)

REMARKS: MR. SPRINGOWSKI: I wanted to speak on the proposed driveway/street or whatever they have in mind at Horizon Schools. They want come through a street that has been dead-ended or cul-de-sac, etc. for 62 years. I know that because I lived there for a better part of those years. There used to be a drain sewer there that they covered over and raised the ground about a foot. The reason for it was that the vegetation, grass, etc. would absorb it like wetlands. By putting in a driveway, you will have a great flood. These rains we had the other day would probably flood basements along that street. They already have access roads on Washington Avenue, Tower Blvd. and Falbo. Years ago, they had many students and over 100 faculty, janitors, etc., and they saw no need to open that avenue. Now, all of a sudden they want to put an access for the administration at that school. I think it is a K-12 there and most of those kids do not drive. It would be for the administration so they could get easy in/easy out access. The people that we talked to on that street had bought property there assuming that it would stay another 62 year dead end because they have children that play there – kick ball, etc. This school is so interested in spending, they already committed to ask _____ two years ago and all of a sudden they are running it down our throat even though we petitioned and asked them for consideration. They refuse to talk to us about anything. They are in debt to the school system and take students away from our Lorain Public Schools and arrearages on their taxes to the tune of \$142,000. Thank you.

MINDY SHAWVER, 3345 Regina Ave. Lorain, Ohio. (dead-end -Regina)

REMARKS: I just bought my house at Regina Ave. in November assuming it is a dead end street. All of a sudden I get a letter in the mail from the Horizon school and they are saying they are going to put a driveway in and that is has already been approved by City Council and they did not have to obtain a permit. All the ordinances that I read and read and read, I never knew the City of Lorain had so many ordinances and in those ordinances, it states that if you are going to come off of an abutting city street that you have to have a permit for a driveway. I even talked to Jack Bradley over this and hesitated that he spoke with someone from the city and they were allowed to do a driveway and that we didn't have anything to say about it as long as it didn't have any cement in the front. Well cement and asphalt is about the same thing. He told me they were going to put an asphalt driveway in. I didn't quite understand that but I don't know if anyone has driven by Horizon Science Academy, it is a disgusting mess. Their yard is about this high, their fence line is horrendous. I don't think they every string trimmed; they do not pick any of their trash up, they have a mound and I live in the last house on this street, they have a mound of sticks and branches that stands probably 40 feet x 15 feet. The thing they use to do

the football games on is dilapidated and has a hole in the roof and is falling down and they actually want us to let them have another place that they will just trash and never take care of? Their drive has weeds growing up a foot and a half. I just don't understand that the City would actually approve this. Please go by and look at it. It looks horrible. How can they maintain a new entrance when they cannot maintain their whole entire property? They still do have access on Washington, Tower and from Falbo, etc.

DEBRA MACUR, 6125 Lake Avenue (DeLuca's Rezoning)

REMARKS: Should there be another request for the rezoning of DeLuca's I would like to say that we strongly support the idea of creating a welcoming place for those who have been incarcerated. I think we most agree that we are a better community when we hold our hand out and support rather than raise our hand in anger. We are protesting firmly and deeply protesting is the proposed location of the center. The purpose of zoning is to establish defined areas of use for commercial and industrial purposes. These areas are established through careful and deliberate planning; they contribute and shape the development of our community. Our sense of where we live follows the planned lines and boundaries of our zoning maps until they form a common and shared sense of home. They are not just lines on a map, subject to change on a whim, or as a favor. They are lines that define our lives, lines we take for granted and not out of a sense of privilege but from a sense of permanence and stability. To change a long established use there should be long and deliberate consideration of these factors beginning with why. Why here and why now? Why not somewhere else that has already been suitable zoned for the proposed purpose? As elected leaders and representatives, you are in a position to do the right thing and you alone can show the proponents that you will not be first to break the promise our zoning code makes. We have come to rely on the certain charm and safety of our neighborhoods. We have worked so hard to build our life savings and dreams for a better future into the rising values of our homes, values that depend on the continued unbroken zoning lines and established boundaries of our community. We are asking you as neighbor's friends, fellow homeowners and fellow citizens to vote 'no' on any further proposed facility to be located at this area not zoned for such a purpose. One final question, would any of you vote yes to rezone the land if it was located close to your home? If the answer to that is no, your vote this evening or whenever is clear. Don't vote in favor in this change; it is wrong for our neighborhoods, wrong for our sense of community and wrong for our bonds for fellow residents and it will have negative consequences for years to come. Please do the right thing.

DAVE RODGERS, 3286 Regina Avenue. (Regina Avenue)

REMARKS: I am Reverend Dave Rodgers. I just want to say that two years ago Horizon approached us and the neighbors were all against it for them to open up Regina Avenue. As Tom stated, it has been 62 years. We thought it was a done deal two years ago when they dropped it. We went and heard what they had to say, and they listened to what we had to say and the next thing we know, we get these letters in the mail stating that they are going to open our street up. I don't want our street opened and neither

does any of the residents that live on Regina from Meister to the end of the street. Everyone signed papers; I gave our councilwoman a copy of it. She knows and Mary you know, Mitch you have been in my home. We want our street to remain a dead end. Why open something now that has been closed for 62 years. Why cause us the headaches and possibly the problems later on if it goes through of my basement flooding which has never flooded since 1959. I want you to know that we want our street to remain closed. I want Horizon to prosper but I want them to do it the right way. They already have three ways of getting in and out. When it was Lorain Catholic, with 1600 students, 100+ faculty, plus bingo night plus the football games, they never needed more than the exits that they had then. Why change now?

SHARON LEWIS, 3318 Regina Avenue, Lorain, Ohio (Regina Ave.)

REMARKS: I was born and raised in that area on Chris Avenue and that street has been closed since I was a kid. For them to want to open it for a handful of people to make our lives miserable, I just don't think it is fair. I ride my bike back there, all they have to do is open that gate on Washington, mow the grass and you are there. Instead of doing the simple right thing, as Reverend stated, we had a meeting two years ago and all voiced our opinion. We do not want our street opened. They continue. When I approached the Assistant Principal about a month and a half ago, all of sudden they started cutting trees down and I walked up there and asked what they were doing. He pretty much put his hand up and said he didn't want to talk about it and walked away, which I thought was pretty disrespectful. This is my neighborhood and my street, we pay taxes and I thought that was not right. Bottom line is, it has always been a closed street and before when it was Lorain Catholic I lived there with my parents and there was never an issue. Why all of a sudden are there issues now?

JACK LEWIS, 3318 Regina Ave., Lorain, Ohio (Regina Avenue)

REMARKS: I pretty much wanted to say what everyone said. My name is Jack Lewis, 3318 Regina. We moved there thinking this would be the last place we would have to move. We wanted to spend the rest of our days there because it is a dead end street and quite. Now they want to open up the street, they say they want to open it for the faculty to come in and out but we know how things change. Next thing you know, everyone will be going through there buses, etc. We have a lot of older people that live on that street. We don't want it open. We are going to fight it until the end. If I have to lay down in the street, I might do that. Thank you.

RICH HUTMAN, 42000 Debra Drive, (Deluca Rezoning).

REMARKS: Originally we were told that this would not be a lock down facility; the clients could come and go as they please. But there are no sidewalks in the Deluca area so invariably they will be looking for shortcuts to go the stores or any services nearby when they don't want to wait for whatever transportation they are supposed to be provided. They will take short cuts through the neighbors' properties to get to those services on N. Ridge Road and that is going to lead to problems. We don't believe that is a very good area for such a facility. On behalf of our residents, the township

trustees respectfully ask that you deny any application to house this facility at the DeLuca property.

TIA HILTON, 220 Rosewood Ct., Amherst, Ohio (Deluca Rezoning)

REMARKS: First off, I want to echo Tom's statement that Horizon got an almost \$900,000, PPP Loan but they have not paid their taxes. Just in case you are not aware, federal pay.org. Mr. Washington got a PPP Loan for agricultural business. I am just saying you can look it up. Also, I wanted to talk to Rey really quick. You are always getting on me for the way that I talk. I get why you do it sometime but your Council President caught me in the parking lot the last meeting.

REMARKS: COUNCILWOMAN SPRINGOWSKI: Tia, I understand but that has to be a private conversation between.... This is public comment and you said it was about DeLucas.

REMARKS: TIA HILTON: This is about the Deluca meeting and him telling people to shut up. He is an elected official and that is not right. What is good for the goose is good for the gander. If Tony Giardini cannot even fill out the paperwork correctly for the Deluca zoning application, how does anyone think he is going to run a halfway house?

COUNCILMEMBER SPRINGOWSKI: First of all, he is only the landlord and was never going to be running the program. Part of the council rules are that we refrain from any personal comments and keep things on topic. We discuss issues and not personalities.

TIA HILTON: Your council president was telling citizens to shut up; that is not nice.

COUNCILMEMBER SPRINGOWSKI: Duly noted and thank you for that.

GARON PETTY, 3728 Ivanhoe, Lorain, Ohio (Deluca Rezoning).

REMARKS: Thank you for living in Lorain. I was not going to say anything tonight but I got a request from Mr. Donovan to speak on this rezoning. How does the zoning board or commission rubber stamp these things without knowing what their own ordinances are? Is there any procedure for discipline for these people? If it was supposed to have been an I-2, Industrial instead of a Residential from business, how do they do that? Was it caught because many people complained about this so they looked up the ordinance or was it just going to be shoved through?

COUNCILMEMBER SPRINGOWSKI: That is something that would be referred to the administration. Whoever helped them with filing out the permit, when they did that and then with the zoning board, I believe those are volunteer positions? So of course, there would be no recourse for disciplinary action against them. What can you do, take them out back and put them in a time out? I do understand your concerns and I am glad you brought it up and made it part of the record. It can be in there for future reference that we may need to relook at our policy and make it more robust.

GARON PETTY: Brother Steve and Brother Fallis talking about changing the preamble to the charter. January 26th I asked the charter members to repeat their oath and they would not even do that. How are they going to change the preamble to bring God into it? The oath states, they will be impartial, so help me God. That is the oath right there, don't they stick to the oath? You don't need all this other stuff in here. One more thing about

Deluca's, if these people would have had better defense lawyers, they would not be in jail in the first place. Thank you.

PAUL SPRINGOWSKI, 3317 Regina Ave., Lorain, Ohio (Regina Ave)

REMARKS: As the youngest resident on Regina Avenue, I have really enjoyed the dead end nature of the street. It is fun to see generations transition from old to young. There are some young families who have two or four year olds that love riding around in kiddie cars in the street. It is nice that is a good, safe place for them to grow up as it was for me. It is a beautiful neighborhood, I love to sit on the porch and watch the sun set, and you name it. All of my life, I loved trains. A few years back I wanted to put a railroad through the street but my neighbors didn't like that so I had to listen to them. There is an obligation really to be a good neighbor there. It feels good to be a good neighbor. Generations have much more seniority on that street than Horizon. I just don't think that the neighborhood that unanimously does not want this through street to have to be subject to whatever a private entity wants. Especially when they are not in rights with their obligations through taxes and whatnot. Looking forward into my future, I hope that we could preserve the street as it is. Thanks.

COMMITTEE REPORTS: (none)

LEGISLATION – FIRST READING:

Proposed Resolution a.) Introduced by Mr. Fallis, a resolution offering to pick up all or part of the voluntary contributions through a payroll deduction from members of the bargaining units in the police and fire department to purchase service credit and declaring an emergency.

Moved by Mr. Fallis, supported by Mr. Dimacchia, to refer the matter to the Finance Committee for further clarification. The motion carried unanimously.

Resolution No. 30-21 b.) Introduced by Mr. Fallis, a resolution concurring with the expenditure of \$50,000, of American Rescue Plan Act (ARPA) in the City of Lorain, and declaring an emergency.

Moved by Mr. Fallis, supported by Mr. Shawver, 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: MAYOR BRADLEY: Nancy Greer has made a request that we replace the seating for the spectators. She stated it was difficult to clean those seats because they are so old that they actually shred. It is dangerous because springs and coils are popping through the cloth. We felt that we may have a resurgence of the virus this fall based upon some of the data that we have been receiving. We thought it would be a good idea to use some of the money to replace these seats and be proactive. The contract is only good until the end of the month. So, we put that in there and we wish to replace all the seating for \$20,000. Lorain City Schools are having a return safety back to school event. We want to encourage students to come back to school this fall and feel safe. We will be in touch with Lorain County Public Health to have a vaccination clinic there to provide vaccinations to any students or parents who want to get vaccinated. I think it is a good event for our community and it does encourage students to get back to school after what they had to deal with last year. The third thing is el Centro; they also do a mobile vaccination program where they buy back packs for children and again in the 44055 area where we have had the lowest number of people vaccinated in our city. We hope through this program, it will encourage people to not only bring their

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children and get the backpacks but also to get vaccinated. I think these are allowable expenses under the treasurer guidelines and I think it is a good thing for the City of Lorain to support.

COUNCILMEMBER FALLIS: I think these expenditures really improve the welfare of our city and I would encourage my fellow councilmembers to support this resolution.

Moved by Mr. Fallis, supported by Mr. Shawver, to pass the resolution.

AYES – 10

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

NAYS - 1

Mr. Thornsberry. The resolution passed.

Ordinance No. 117-21

c.) Introduced by Mr. Fallis, an ordinance submitting the question to the electors of the City of Lorain Ohio for their approval or rejection at the General Election to be held within the City of Lorain on November 2, 2021, whether a Charter framed by the Lorain City Charter Commission that was elected on November 3, 2020, shall be adopted and become effective on January 1, 2022 and declaring an emergency.

Moved by Mr. Fallis, supported by Mr. Carrionr, 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: I would like to make a motion to amend this ordinance by substitution with the revised version received.

COUNCILMEMBER CARRION: I support.

CLERK GREER announced the only change was in the emergency clause language.

AYES – 11

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

NAYS - 0

None. The motion to amend carried by substitution.

REMARKS: MAYOR BRADLEY: I would like an opinion from our law director as to whether or not council has the authority to amend the Charter that was voted by the Charter Commission. That is the Charter Commission's responsibility to submit a charter to the voters of the City of Lorain so we don't believe that this amendment is proper.

LAW DIRECTOR RILEY: It is my understanding that we are not voting on anything that is substitutive, even the preamble to the proposed charter but rather the language to place the charter on the ballot. We are not voting on the proposed amendment that was offered the preamble by Brother Steven. We are not acting on that. We are simply and I spoke with Nancy earlier today, we are clarifying the language that will place the charter on the ballot for consideration by the voters on November 2, 2021 in the General Election.

CLERK GREER read the revised Section IV: 'That this ordinance is hereby declared to be emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Lorain for the reason that a certified copy of this ordinance upon its passage must be submitted to the Lorain County Board of Elections by August 31, 2021, in order for the matter to be placed on the November 2, 2021, General Election ballot provided it receives the affirmative vote of two-thirds of all members elected to City Council and it shall take effect and be in force from and after the earliest period allowed by law.'

MAYOR BRADLEY: Apologies, I misunderstood.

COUNCILMEMBER ARGENTI: To address Brother Steven's suggestion, I am in total agreement with that myself personally. But I have a fear that the use of the terms "divine guidance and creation" would invite interference from certain organizations – ACLU perhaps...

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COUNCILMEMBER SPRINGOWSKI: Mr. Argenti, we are not voting to change anything with the proposed charter, we are merely voting whether or not we are going to put it on the ballot for the people to decide to vote on it. That is solely the position of the Charter Commission.

AYES - 8
NAYS - 3

Moved by Mr. Fallis, supported by Mr. Carrion, to pass the ordinance as amended. Messrs. Fallis, Springowski, Henley, McFarland, Carter, Moon, Carrion, Shawver. Messrs. Dimacchia, Argenti, Thornsberry. The ordinance passed.

Ordinance No. 118-21

d.) Introduced by Mr. McFarland, an ordinance authorizing the Director of Public Safety/Service Director of the City of Lorain, Ohio, to make an application to the State of Ohio in accordance with ORC 4301.82, to expand the boundaries of the existing Designated Outdoor Refreshment Area within the City of Lorain, Ohio.

AYES – 11

Moved by Mr. McFarland, supported by Mr. Shawver, to suspend the statutory three reading rule.

NAYS - 0

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

REMARKS:

None. The rule was suspended.

COUNCILMEMBER HENLEY: I have some concerns and have heard from some of my residents regarding the inclusion of the park area. We do not allow alcohol in any of the other city parks. To have Veterans Park included in this DORA area comes as a bit of a surprise. I have concerns about that. If we don't allow drinking in other public parks, why are we allowing it here? We are going against our own rules.

MAYOR BRADLEY: There have been occasions when people have gotten special permission to have alcoholic beverages in that particular park. The group that is Main Street Lorain indicated that they might in the future want to have an event at that park that might involve alcohol. We included it but it would not be included as far as people being allowed to drink in the park because there is no drinking in that park unless there was some type of special permission. I believe the international festival may have had an event in the Veterans Park where there was alcohol involved. That is the reason that it is included.

COUNCILMEMBER CARTER: Have we contacted First Student to find out if there are any bus stops on the corners of these areas?

CHIEF OF STAFF SOTO: I received your email and from Mrs. Henley. I did respond back that I would be checking on that but was not sure that would be complete by tonight's meeting. I will be waiting on their response for that matter. These areas are within the businesses and it is what you all requested at the public hearing to kind of scale back on the west side of Broadway and that is what was done. It was also recommended by the police department.

COUNCILMEMBER CARTER: Depending upon the outcome of this, that we suggest to First Student that they carve out those group stops should there be any in that area and move them to a different location. They have the software and the ability to do that.

COUNCILMEMBER CARRION: As I see the actual boundaries being expanded to cover additional areas downtown, have we had any type of feedback from police in terms of security? I know in the past, it always appeared that the area near the public library was a hot spot for folks that were in that area. My question boils back down to our needs for security city-wide and the need to hire more police officers. I just wanted to know what kind of study had been done. Has there been any communication with police and some of those businesses to give us some feedback of what we have seen over the last 12, 14 or 18 months in that area without the ability for folks to consume alcoholic drinks in a walking area. Any time we place an officer in that area, which means an officer that will not be sent to another part of the city. Has that conversation taken place?

CHIEF OF STAFF SOTO: Yes, LPD had been contacted and we are actually working with them. Again, during the last public comment period, they did raise

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the question about why everything was to Reid Avenue. I did speak with Councilman McFarland who actually was the driving force behind here. He did not have any issue with listening to what the police and other members of council had suggested. If you look at the map at 6th Street by the library, it does not go that far, it stops at the Elks at the request of LPD. We tried to include what Mr. McFarland was asking of us, that was including those restaurants that were within the downtown area. Based on what the police department recommended, that is how we scaled it down. Also, to answer your question regarding to the past twelve months, LPD has not shared anything if they did have any type of statistics for the past twelve months as you asked.

COUNCILMEMBER MCFARLAND: As part of your monthly meetings as written in the review and dissolution paragraph, do you have the ability to assess the boundary expansion and come back to council with either a revised DORA to be removing parcels from the DORA or adding parcels? My question is focused on if we do see a problem area. In your monthly meetings, can you come back with that parcel removed to adjust those boundaries?

CHIEF OF STAFF SOTO: Speaking with Assistant Law Director Zaleski, part of the mechanism to adjust that is that the Chief of Police has the authority to suspend the DORA at any moment he deems that public safety is at risk and/or causes a nuisance. The mayor does have a weekly meeting and the Chief of Police is there and attends. I think the mayor mentioned earlier that he does speak with the Chief not only on Monday's but often and he is very good on updating us whenever there is any kind of spike in crime or whatever it may be that is going on throughout the city. There is that mechanism in there is built in to allow the Chief of Police, based on complaints or based on the calls for service, etc.

COUNCILMEMBER MCFARLAND: I just wanted to make sure because at the initial meeting, we discussed the Police Chief having that authority and I didn't see it explicitly written within the application and I may have missed it.

Moved by Mr. McFarland, supported by Mr. Shawver, to amend the legislation by adding Exhibit B, which is the revised map, created by the Police Chief and the Administration.

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

NAYS - 0 None. The motion to amend by including the map as Exhibit B carried.

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

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

NAYS - 0 None. The ordinance passed.

Proposed Ordinance e.) Introduced by Mrs. Springowski, an ordinance adopting the recommendation of the City of Lorain Planning Commission to approve the request for reclassification of a parcel of real property assigned PPN 06-21-001-102-030 and commonly known as 6075 Middle Ridge Road, Lorain, Ohio, and more fully identified in Exhibits A & B attached hereto (ZCA-8-2021).

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

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

NAYS - 1 Mr. Fallis. The rule was suspended.

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

AYES – 0 None.

NAYS - 11 Messrs. Fallis, Dimacchia, Springowski, Henley, McFarland, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry. The ordinance was defeated.

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- Ordinance No. 119-21 f.) Introduced by Mrs. Springowski, an ordinance denying the recommendation of the City of Lorain Planning Commission to approve the application to reclassify property located at 6075 Middle Ridge Road, Lorain, Ohio from a B-2 General Business to an R-3 for Residential Social Service Facility. (ZCA-8-2021)
CLERK GREER noted that any ordinance which denies or modifies the recommendation of the commission shall require the concurrence of $\frac{3}{4}$ of the full membership of council (9).
Moved by Mrs. Springowski, supported by Mr. Shawver, 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. Shawver, 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. 120-21 g.) Introduced by Mr. Fallis, an ordinance amending Ord. No. 101-19, Section 2, defining funds, accounts for purpose of allocating utility costs reimbursements and declaring an emergency.
Moved by Mr. Fallis, supported by Mr. Carrion, 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 Mr. Fallis, supported by Mr. Carrion, 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. 121-21 h.) Introduced by Mrs. Carter, an ordinance authorizing and directing the safety/Service Director of the City of Lorain, to enter into a contract to procure park equipment from Midstates Recreation to enhance community parks and declaring an emergency.
Moved by Mrs. Carter, supported by Mr. Shawver, 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. Carter, supported by Mr. Shawver, 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. 122-21 i.) Introduced by Mr. Thornsberry, an ordinance amending Section 2 of Ord. 39-21 authorizing the Safety/Service Director to enter into an agreement with Sustainable Strategies DC S2/Hull & Associates for professional services related to securing state, federal and philanthropic funding for priority projects in the City of Lorain by increasing the existing dollar amount from \$72,000 to a new dollar amount of \$75,000.
Moved by Mr. Thornsberry, supported by Mr. Dimacchia, 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 Mr. Thornsberry, supported by Mr. Dimacchia, to pass the ordinance.

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

NAYS - 0 None. The ordinance passed.

Ordinance No. 123-21 j.) Introduced by Mrs. Springowski, an ordinance authorizing the Safety/Service Director to enter into a contract with Great Lakes Deconstruction Inc. for the demolition of 207 W. 31 St., 313 W. 10th Street, 413 Colorado Avenue, and 2236 Elyria Avenue and declaring an emergency.

Moved by Mrs. Springowski, supported by Mr. Shawver, 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 DIMACCHIA: I thought we went in a direction that our city was tearing down blighted properties. Is this a different project than that? If so, why are engaging another company to demo these properties unless it is a commercial building?

BHP DIRECTOR UPTON: These four structures were all subject to house fires that require special demolition methods and require special certification and our city workers do not possess. All four of these homes are burn houses and that is why we are contracting with a qualified firm to do this work.

COUNCILMEMBER SPRINGOWSKI: I would only ask that we please ascertain that when they do the demolition of these houses that they leave the site clean. We had quite a few people demolishing houses throughout prior administrations in the city that have just left a bunch of rubble behind them and one of those, in the case of St. Josephs. Since we are talking about demolition, has there been anything further on the St. Joe site?

BHP DIRECTOR UPTON: I am working with the administration and the law department in regards to that matter. Yes, there has been movement and we are working on it.

COUNCILMEMBER MOON: Mr. Upton, I have a house on Apple Avenue and it is next to 2372.

BHP DIRECTOR UPTON: Yes 2380 is out for bid right now. Bids will be received next Friday and there will another ordinance coming to council to authorize that engagement. There are nine houses, all of which contain asbestos and other hazardous materials that require a professional demo firm to come in.

COUNCILMEMBER MOON: It would be nice if you could let me know when they are doing this home.

COUNCILMEMBER CARRION: Looking at the bids that came in and it looks like Great Lakes Deconstruction is anywhere between \$30,000 to \$37,000 lower than the other two. Have we gone through the entire check list to assure that is not anything missing? At times with fire, you have asbestos containing materials and added environmental, specialty landfills that this would have to be taken to. I wanted to make sure that is all included.

BHP DIRECTOR UPTON: It is, Matt Kuznar who used to be the contract and prevailing wage administrator handled all of the bidding for all of the city is the person that did this bidding. Included in their contract was what is called “COD” Certificates of Disposal. Those will be required as proof of performance. We did reach out to the contractor and made sure he understood the scope of work. He was holding to that bid and confirmed both of those points. We have done a few houses with Great Lakes Deconstruction and they have always been very responsive and a good contractor to work with in previous rounds of bidding.

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

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

NAYS - 0 None. The ordinance passed.

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- Ordinance No. 124-21 k.) Introduced by Mrs. Springowski, an ordinance assessing the cost of abating nuisance by cutting noxious weeds during the 2021 calendar year and declaring an emergency.
Moved by Mrs. Springowski, supported by Mrs. Carter, 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 Mrs. Carter, 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. 125-21 l.) Introduced by Mrs. Springowski, an ordinance authorizing the Director of Public Safety/Service to lease the building at 1050 Reid Avenue, Lorain, Ohio, to Lorain County Community Action Agency (LCCAA) and declaring an emergency.
Moved by Mrs. Springowski, supported by Mr. McFarland, 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: I had a discussion with some of the folks that run the facility on Reid Avenue for LCCAA. They had an excellent track record since 1995. They provide great services to the youth of our city and I look forward to supporting the continued lease of this facility to a great asset.
Moved by Mrs. Springowski, supported by Mr. McFarland, 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. 126-21 m.) Introduced by Mrs. Springowski, an ordinance authorizing the Safety/Service Director of the City of Lorain, to advertise for bids for the sale of real property no longer needed for municipal purposes and declaring an emergency.
Moved by Mrs. Springowski, supported by Mr. McFarland, 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. McFarland, 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. 127-21 n.) Introduced by Mr. Fallis, ordinance appropriating money for current expenses and other expenditures of the City of Lorain, State of Ohio, as passed by budget Ord. 181-20, beginning January 1, 2021, and ending December 31, 2021 and declaring an emergency.
Moved by Mr. Fallis, supported by Mr. Dimacchia, 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 Mr. Fallis, supported by Mr. Dimacchia, to pass the ordinance.
AYES – 11 Messrs. Fallis, Dimacchia, Springowski, Henley, McFarland, Carter, Argenti, Moon, Carrion, Shawver, Thornsberry.
NAYS - 0 None. The ordinance passed.

LEGISLATION – SECOND READING: (None)

LEGISLATION - THIRD READING: (None)

COMMITTEE CALLS: Clerk Greer restated the upcoming Public Hearings will be held in person on Monday, **August 23, 2021** commencing with the Petition to Vacate Regina Avenue @ 5 p.m. followed by the following the additional four items: an application to rezone 3956 Globe, an application to rezone 205 W. 21 Street, and applications to rezone 2100 Reid Ave and 1657 Broadway Avenue.

Chairman Fallis called a Finance Committee meeting for July 26, 2021 @ 6 p.m. to discuss the resolution for pick up for bargaining units.

MISCELLANEOUS CONCERNS FROM COUNCIL:

REMARKS: **COUNCILMAN CARRION:** Recently, the city conducted a code sweep along 28th Street and Grove Avenue. I believe 40+ properties were cited and they had until July 9th to comply with those requirements. I would say about 85 – 90% of the folks did not do one single thing. I just want to make sure that we can follow this up whether through the proper action in court but we have to send the message. This is the point where we usually drop the ball; we go out and inspect and do code sweeps and send letters and go back and forth and things die off. I just want to make sure that entire corridor gets cleaned up and it is only fair to the groups that are there investing and working hard to keep their properties clean and the property values high and it is just a detriment to see folks continue to ignore anything that we have in place. Please stay on this and keep the pedal down and we do not take any steps back at all. So far, we have been making good strides in many areas but we need to continue with the mission and the plan.

The other comment is just an announcement that this Saturday, at Oakwood Park, we have been holding our summer concert series at the park. It started June 5th and will end August 28th and this Saturday will be finale for the Big Voice singing competition. We have three finalists that really are representative of Lorain at its best. They are amazing young folks that have tremendous skill. This Saturday, if you have not been out there, come to the park. It is a great community event and people are coming together and enjoying the park and it is something we have not seen in this way in South Lorain or at Oakwood Park in over 20 – 25 years. If you are free, stop on by and afterwards we do have a Rock and Roll 60's band.

COUNCILMEMBER MOON: The water problem between Toledo and Denver on E. 36th Street, and Denver and Clifton Avenue – E. 39th Street, I was just wondering what is going on with that. Please get back with me on this matter.

COUNCILMEMBER SHAWVER: To the Mayor or Law Director, I asked this at the last meeting and will continue to ask at every meeting, do we have an update on the eyesore that is Westgate Plaza?

LAW DIRECTOR RILEY: Assistant Law Director Resar is working on that. The matter is in litigation and there is a settlement as I understand it. I will have to talk with Ken tomorrow to get an absolute update as to where we are at. Perhaps the Administration knows more than I do but I am not personally handling it so I cannot give you an update tonight but I will call you tomorrow.

COUNCILMEMBER DIMACCHIA: Just a simple information request. Is it possible that he can send a communication out to council giving us a little update on that Regina Avenue process and an update on where we are now at the city-level so we have a better understanding of the situation.

COUNCILMEMBER SPRINGOWSKI: It is my understanding that because they were doing an asphalt driveway that they did not really need to come in for permits. We had numerous conversations with Mr. Vandersommen and the Law Department and this has been back and forth since 2019.

When the discussion first came up of possibly vacating that end of the street, which is why the petitions were sent out and duly signed and brought in on Friday morning and certified the same day for the 20 feet that the people it would abut their property. At that point, if the city is vacating the street, then there would be no access and it would stop well before it would reach the property that Horizon has.

COUNCILMEMBER DIMACCHIA: You are telling me that any person or business could connect to a city street without any kind of formal approval? I don't understand the situation. Whether it is asphalt or concrete, they are still connecting to a city-owned street. So, you are telling me anyone can do that. If I wanted to lay some asphalt and connect my back yard to a street to create another street, I can do that but I just have to tell the city that I am doing it? I am just trying to get a clear understanding. I apologize if I do not understand.

LAW DIRECTOR RILEY: I don't know whether or not you need a permit to put a driveway in. My understanding would be that yes you do need a permit. Whether that is a driveway from your house to the street or the back yard to the street if you are a commercial or industrial user. My general impression is and I don't have the code in front of me but yes, you need a permit to put a driveway in. Now the issues run deeper than that. At such point in time as we are going to discuss the issues in a broader fashion, I will offer some of the case law that we have been able to uncover and I did circulate to council and I think you all have it. It was a case issued by the Ohio Supreme Court. You would know what the issues are if you read the case. I know a public hearing is set for August 23rd and I indicated to your clerk that I would be prepared or have my staff prepared to discuss that case in more depth if council wishes to do that on August 23rd. As to the lesser issue of needing a permit; I would assume and I will check tomorrow and have Ken call you.

SAFETY/SERVICE DIRECTOR WASHINGTON: I stated to Councilperson Springowski that the city at this time, after conferring with the law department, that we would stay apart from that because of the ownership that the Horizon Academy had. At that point in time, I had given Mrs. Springowski the comment that this will come back to either Council or to the citizens to petition this from a legal matter. We had no position in this because of the position that Horizon has ownership of the property. With that, I will contact Director Vandersommen and present that information again to you Councilman Dimacchia so you can peruse that at your leisure.

COUNCILMEMBER THORNSBERRY: I wanted to let everyone know something very positive going on with some of our youth in our city right now. The Lorain 14U Hot Stove Baseball team, they are playing for the Regional Championship as we speak right now. They are actually tied 5-5 late in the game. If they do win their regionals and are in the final four for the state; that means they may be playing my team. We won our regional yesterday. Hopefully, one of our two teams can bring a state championship home to our city. All keep you all updated and cross your fingers and wish those boys luck!!

COUNCILMEMBER SPRINGOWSKI: Mr. Dimacchia, with regards to Regina, that is why we were out there and why I asked that it be placed on the agenda. I asked for the petition to vacate that property and why I asked a resolution be put in front of council so we can support those residents on that street. Washington Avenue, so that you know, is open and not gated. It has a wider entrance than the entrance at Regina would be. As you know, having been over at Lorain Catholic,

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coaching, etc., my children attended there. At no point did we ever need a separate driveway for the staff. There was a lot of staff back then and the lot was always full. Even on bingo, we would have 300 hundred people there; we never needed another access in. As a matter of fact, in the early 2000, they were not even using the Washington Street access. This is because some people decided they didn't want to wait in line on Falbo in the mornings. My suggestions is to set your alarm a little earlier and get there sooner so you don't have to wait in traffic Don't inconvenience the taxpaying citizens that live on that street and that are paying their property taxes and maintaining their properties.

ADJOURNMENT

Moved by Mr. Dimacchia, supported by Mr. Thornsberry, to adjourn the meeting. The motion carried unanimously and the meeting adjourned at 7:45 p.m.



Clerk of Council

PRESIDENT PRO- TEM OF COUNCIL

Accepted: August 9, 2021