

**REGULAR MEETING – LORAIN CITY COUNCIL CHAMBER–CITY HALL BLDG – LORAIN, OH - MAY 18, 2015**

Lorain City Council President Joel Arredondo called the regular meeting of Lorain City Council to order at 6 p.m. Acting Chaplain Brian Gates led Council in the opening Prayer and the Pledge of Allegiance.

**ROLL CALL:**

PRESENT – 11 Messrs. Given, Koziura, DeTillio, Gates, Flores, Howard, Argenti, Edwards, Lucente, Faga and Thornsberry.

ABSENT - 0 None.

**DISPOSITION OF MINUTES:**

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

**CORRESPONDENCE/COMMUNICATIONS/REPORTS FROM THE MAYOR:**

- a.) Mayor's correspondence dated April 27, 2015, appointing Bradley Mullins to the Lorain Port Authority for an additional four year term commencing May 7 2015 and ending May 6, 2019. Moved by Mr. Given, supported by Mr. Edwards, to concur with the appointment. The motion carried unanimously.

REMARKS: MAYOR RITENAUER: Rocking on the River will debut on Friday at Black River Landing. Director Novak and I appeared on ESPN – WKRN last week talking about it. There seems to be a lot of excitement and they will have a number of cover bands that actually have members from the actual bands they are covering. Councilman Gates will be delighted that Jimmy Buffet's band will be here as well as others. It should be an exciting summer and we have many things planned. I hope everyone can attend as many of the concerts as possible.

**CORRESPONDENCE FROM DIRECTORS, BOARDS AND COMMISSIONS, ETC.:**

- a.) Assistant Law Director Webber's legal opinion advising Mr. Anthony Kocak's request to amend our Codified Ordinances by waiving the buyer's three-day right to cancel a home solicitation sale is prohibited per state laws. Moved by Mr. Given, supported by Mr. Edwards, to forward a copy of the opinion to Mr. Kocak and receive and file the correspondence. The motion carried.

**CORRESPONDENCE FROM OTHER GOVERNMENTAL AGENCIES:**

- a.) Ohio Department of Liquor Control's submission of 35% of licensing fees distributed which total \$2,975.35 deposited with the City Treasurer. Without objection, President Arredondo ordered to receive and file the correspondence. The motion carried.
- b.) Ohio Department of Liquor Control's notification of a D5, D6 transfer permit application from Dale's Sports Bar to Mug Shotz LLC d/b/a Mugshotz @ 3680 Pearl Avenue, Lorain, Ohio. Moved by Mr. Edwards, supported by Mr. Lucente, to authorize the Clerk to notify the board that no objections have been received. The motion carried unanimously.
- c.) Ohio Department of Liquor Control's notification of a C2, C2X transfer permit application from Shaker Oil to Convenient Food Mart @ 2221 E. 42<sup>nd</sup> Street, Lorain. Moved by Mr. Lucente, supported by Mr. Edwards, to authorize the Clerk to notify the board that no complaints have been received. The motion carried.
- d.) Ohio Department of Liquor Control's notification of a new D5 permit application for Emory Kay Burrows @ 1766 E. 28<sup>th</sup> Street, Lorain, Ohio. Moved by Mr. Edwards, supported by Mr. Lucente, to authorize the Clerk to notify the board that no complaints have been received. The motion carried.
- e.) Lorain County Solid Waste District's correspondence of the draft Solid Waste Management Plan Update, comment period and the upcoming public hearing scheduled for June 9, 2015, at 10:15 a.m. @ LC Administration Building – 4<sup>th</sup> Floor. The plan is available on the district's website and in their offices for view. Without objection, President Arredondo ordered to received and file the correspondence. The motion carried.

**CORRESPONDECE FROM THE GENERAL PUBLIC:**

- a.) Harrison Cultural Community Centre's correspondence advising of their annual Juneteenth Celebration will be held on Saturday, June 20, 2015, commencing with a parade at 11:30 a.m.

followed by family activities. Without objection, President Arredondo ordered to receive and file the correspondence.

- b.) First Energy’s letter of notification of the Black River-Johnson No. 2, 138 kV transmission line reconductor and structure replacement project as required by the Ohio Administrative Code. Without objection, President Arredondo ordered to receive and file the item. The motion carried.

**COMMITTEE REPORTS:**

JOINT: FINANCE & CLAIMS/STREETS & UTILITIES COMMITTEES:

In the matter of a proposed ordinance authorizing West Roofing Systems to perform roof replacement, etc., to the Black River WWTP through state purchasing, the committee recommends to refer the legislation to Council for passage.

Moved by Mr. Given, supported by Mr. Howard, to concur with the report. The motion carried.

**LEGISLATION – FIRST READING:**

Resolution No. 10-15 a.) Introduced by Mr. Lucente, a resolution supporting efforts to amend the United States Constitution to abolish corporate personhood and abolish the doctrine of money as speech.

Moved by Mr. Lucente, supported by Mr. Edwards, to suspend the statutory three reading rule.

AYES - 11 Messrs. Given, Koziura, DeTillio, Gates, Flores, Howard, Argenti, Edwards, Lucente, Faga and Thornsberry.

NAYS - 0 None. The rule was suspended.

REMARKS: COUNCILMAN LUCENTE: This is through the Constitution to stop the big money from buying politicians basically. That is how many things such as where General Motors and all of those deaths, etc. This would stop the big money from buying the politicians and getting legislation passed. There have been five cities; Lakewood is one and all were sent to our Clerk.

COUNCILMAN ARGENTI: Before we put our stamp on this, there is much more to this than first meets the eye. There are actually five proposed versions of this amendment from different groups, Move to Amend Democracy for All, etc., and are all suggested amendments. When the Supreme Court ruled on this, one of their main tenants was to give consumers and individuals’ recourse against corporations. If you remove that tenant of corporate personhood, it could open many legal channels where if an individual wanted to sue a corporation, they would have to go through the CEO, Board, shareholders, etc. If you read up on this matter, these are possible legal repercussions that could happen if it passes. With the basic purpose of it being for campaigning contributions, this would not ultimately serve that purpose and the repercussions that people are not anticipating.

COUNCILMAN KOZIURA: It seems to me that this simply addresses the issue of a corporation being equal and that this asks Congress to take a look at this matter. It is bad enough there is too much money in the system now and corporations are not people and that is what this about.

Moved by Mr. Lucente, supported by Mr. Edwards, to pass the resolution.

AYES - 10 Messrs. Given, Koziura, DeTillio, Gates, Flores, Howard, Edwards, Lucente, Faga and Thornsberry.

NAYS - 1 Mr. Argenti. The resolution passed.

Ordinance No. 57-15 b.) Introduced by Mr. Gates, an ordinance authorizing the Safety/Service Director of the City of Lorain, Ohio to convey the real estate described in Exhibits 1 and 2, attached hereto to the Lorain Port Authority and declaring an emergency.

Moved by Mr. Gates, supported by Mr. Given, to suspend the statutory three reading rule.

\*Councilman Faga requested to abstain from voting on this matter due to a possible conflict of interest.

Without objection, President Arredondo granted him permission to abstain on the matter. The motion carried.

AYES - 10 Messrs. Given, Koziura, DeTillio, Gates, Flores, Howard, Argenti, Edwards, Lucente and Thornsberry.

ABSTAIN– 1 Mr. Faga.

NAYS - 0 None. The rule was suspended.

REMARKS: COUNCILMAN GIVEN: I would like an explanation on this matter.

SAFETY/SERVICE DIRECTOR FOWLER: This has been on our agenda for quite some time. We recently were in negotiations with U.S. Steel. There is a landlocked parcel we refer to as “the bubble”. It is surrounded by the railroad tracks and it is incorporated in this exhibit as well as a triangular piece that is bifurcated by the road that is used to access our property. We are looking to transfer that property over to U.S. Steel for future development for their purposes.

Moved by Mr. Gates, supported by Mr. Given, to pass the ordinance.

AYES - 10 Messrs. Given, Koziura, DeTillio, Gates, Flores, Howard, Argenti, Edwards, Lucente and Thornsberry.

ABSTAIN- 1 Mr. Faga.

NAYS - 0 None. The ordinance passed.

Ordinance No. 58-15 c.) Introduced by Mr. Gates, an ordinance authorizing the Safety/Service Director of the City of Lorain, Ohio to convey the real estate described in Exhibit A, attached hereto to the Lorain Port Authority and declaring an emergency.

Moved by Mr. Gates, supported by Mr. Given, to suspend the statutory three reading rule.

\*Councilman Faga requested to abstain from voting on this matter due to a possible conflict of interest.

Without objection, President Arredondo granted him permission to abstain on the matter. The motion carried.

AYES - 10 Messrs. Given, Koziura, DeTillio, Gates, Flores, Howard, Argenti, Edwards, Lucente and Thornsberry.

ABSTAIN– 1 Mr. Faga.

NAYS - 0 None. The rule was suspended.

Moved by Mr. Gates, supported by Mr. Given, to pass the ordinance.

REMARKS: COUNCILMAN FLORES: Is there an intended purpose for this use?

MAYOR RITENAUER: As Director Fowler indicated, the property is landlocked and in terms of us, it is really of no use. We have been talking with U.S. Steel for some time now. I do not want to speculate on what they may or may not do but I will say this ultimately benefits what they are doing from a business standpoint and what they hope to do in the City of Lorain. To me, it is a way for us to assist them in continuing to be good corporate citizens in the City of Lorain. I think they have ideas about their business and what they want to see with their business and where they wish to take it. In acquiring these parcels, it will give them greater flexibility to do some things here in Lorain.

COUNCILMAN FLORES: The location is the one along the river in the diagram?

MAYOR RITENAUER: This is the one in front.

AYES - 10 Messrs. Given, Koziura, DeTillio, Gates, Flores, Howard, Argenti, Edwards, Lucente and Thornsberry.

ABSTAIN- 1 Mr. Faga.

NAYS - 0 None. The ordinance passed.

Ordinance No. 59-15 d.) Introduced by Mr. Howard, an ordinance authorizing the Director of Public Safety/Service of the City of Lorain, Ohio to receive and execute all necessary paperwork to accept and receive grant funding through the U.S. Department of Interior, Fish and Wildlife Services for the city’s Black River AOC Drum Removal and Restoration Project, Assessment and Design Phase and declaring an emergency.

Moved by Mr. Howard, supported by Mr. DeTillio, to suspend the statutory three reading rule.

AYES - 11 Messrs. Given, Koziura, DeTillio, Gates, Flores, Howard, Argenti, Edwards, Lucente, Faga and Thornsberry.

NAYS - 0 None. The rule was suspended.

Moved by Mr. Howard, supported by Mr. DeTillio, to pass the ordinance.

AYES - 11 Messrs. Given, Koziura, DeTillio, Gates, Flores, Howard, Argenti, Edwards, Lucente, Faga and Thornsberry.

NAYS - 0 None. The ordinance passed.

Ordinance No. 60-15 e.) Introduced by Mr. Given, an ordinance authorizing the issuance and sale of bonds, in a maximum principal amount of \$3,975,000, for the purpose of refunding certain outstanding bonds of the city originally issued to pay the costs of the City of Lorain’s Urban Renewal Project activities in

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the Riverfront Urban Renewal Plan area and to pay the costs of issuance for said bonds and declaring an emergency.

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

AYES - 11 Messrs. Given, Koziura, DeTillio, Gates, Flores, Howard, Argenti, Edwards, Lucente, Faga and Thornsberry

NAYS - 0 None. The rule was suspended.

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

AYES - 11 Messrs. Given, Koziura, DeTillio, Gates, Flores, Howard, Argenti, Edwards, Lucente, Faga and Thornsberry

NAYS - 0 None. The ordinance passed.

Ordinance No. 61-15 f.) Introduced by Mr. Given , an ordinance transferring funds for current expenses and other expenditures of the City of Lorain, State of Ohio, as passed by Ord. No. 38-15 beginning January 1, 2015 and ending December 31, 2015 and declaring an emergency.

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

AYES - 11 Messrs. Given, Koziura, DeTillio, Gates, Flores, Howard, Argenti, Edwards, Lucente, Faga and Thornsberry

NAYS - 0 None. The rule was suspended.

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

AYES - 11 Messrs. Given, Koziura, DeTillio, Gates, Flores, Howard, Argenti, Edwards, Lucente, Faga and Thornsberry

NAYS - 0 None. The ordinance passed.

Ordinance No. 62-15 g.) Introduced by Mr. Given, an ordinance appropriating funds for current expenses and other expenditures of the City of Lorain, State of Ohio as passed by Ordinance 38-15 beginning January 1, 2015 and ending December 31, 2015 and declaring an emergency.

Moved by Mr. Given, supported by Mr. Edwards, to suspend the statutory three reading rule.

AYES - 11 Messrs. Given, Koziura, DeTillio, Gates, Flores, Howard, Argenti, Edwards, Lucente, Faga and Thornsberry

NAYS - 0 None. The rule was suspended.

Moved by Mr. Given, supported by Mr. Edwards, to pass the ordinance

AYES - 11 Messrs. Given, Koziura, Detillio, Gates, Flores, Howard, Argenti, Edwards, Lucente, Faga and Thornsberry

NAYS - 0 None. The ordinance passed.

**LEGISLATION - SECOND READING:**

Ordinance No. 63-15 h.) Introduced by Mr. Howard, an ordinance authorizing the Director of Public Safety/Service of the City of Lorain, Ohio, to permit West Roofing Systems Inc. to perform roof replacement, repair and re-coating at the Black River Wastewater Treatment Facility through the State of Ohio cooperative purchasing program without bid and pursuant to the Ohio Revised Code Section 735.053 and declaring an emergency.

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

AYES - 11 Messrs. Given, Koziura, DeTillio, Gates, Flores, Howard, Argenti, Edwards, Lucente, Faga and Thornsberry

NAYS - 0 None. The rule was suspended.

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

AYES - 11 Messrs. Given, Koziura, Detillio, Gates, Flores, Howard, Argenti, Edwards, Lucente, Faga and Thornsberry

NAYS - 0 None. The ordinance passed.

**LEGISLATION – THIRD READING:** (none)

**COMMITTEE CALLS:** (none)

**MISCELLANEOUS CONCERNS FROM COUNCIL:**

REMARKS: COUNCILMAN LUCENTE: Can you please update us on the use of the Auxiliary Officers to issue property maintenance citations?

MAYOR RITENAUER: My understanding is that the citations have been ordered. We started with certain things they will be citing for. We are running into some issues as it relates to due process and identifying the person who owns the property. In some cases, we are using LPD, because they have actual police powers and have the ability to knock on a door and issue a citation and it is taken to a different level. We will continue to make our efforts to do that, Mr. Mason is not here but I know he has used LPD officers before and some of those officers that will be hired with the COPS grant. We will try to put some of those in the neighborhoods to be able to do those aesthetic things such as grass and trash. If you do have specific areas, you can always give them to us or Mr. Mason. Whatever tactic we have to use, we will try to tackle those as best as we can.

COUNCILMAN LUCENTE: I have one that I have been reporting repeatedly. They have had a car right in the middle of the front yard for over a year. They moved the Lincoln off the front yard and put it aside and moved another on the front yard. Even the mail carriers are stopping at my house and complaining. It is at 2803 Homewood and sits facing Norfolk but it has a Homewood Drive address. I invite the news reporters to come out and take a picture of it and the mail carriers are afraid to walk through there as the grass is over a foot deep. The vehicle has been parked there all winter and is still there. I spoke with Mr. Mason and I hope we can tow it out of there. It is deplorable and an eyesore.

PRESIDENT ARREDONDO: If Mr. Becker were still delivering mail he would not be afraid to go there.

Also, there was a notice in the Journal with Mr. Fowler's signature on it advising people about the concerns you had.

COUNCILMAN EDWARDS: They put a junkyard on Elyria Avenue and have new material there. They must plan to spread it out and use the right of way as a parking lot for their cars for sale. I wanted to warn you that it is coming. We went through this last year and I don't know if we can stop them or not. They are sitting at the edge of the road using the right-of-way for a parking lot; that is not good.

COUNCILMAN ARGENTI: I have a similar situation as Councilman Lucente on North/South Urban. It is very repetitious with disabled and unlicensed vehicles. There is one that has been there for over a year. This car is up on blocks and sits unlicensed and disabled. I would like to get a citation issued there if possible. There is one that looks as if someone is operating a mechanical shop out of there and has four to five cars at a time in the driveway. There are two residences there that are habitually a problem. The neighbors are getting quite frustrated.

COUNCILMAN FLORES: I spoke with Lorain County Sherriff and we discussed the possibility of an environmental fund. A few years back we created an Economic Development Fund established and I was thinking of all the problem areas we have where there has been excessive dumping, etc. I received calls from 9<sup>th</sup> and 10<sup>th</sup> street residents about the alley right of ways. They mentioned setting up cameras to try and catch those dumping debris. Because of the limited resources we have and the cost and manpower to try and clean up those areas, I thought that was a good idea to set up and establish an Environmental Fund to have clean up in those areas. We mentioned the enforcement of abandoned vehicles a while back. At 1233 W. Erie there are some vehicles and the mother is concerned because the children play behind the house and at 1235 ½, there is a house behind a house and behind that house are two vehicles with broken windows, etc. We are trying to garner ideas to set up an environmental fund to clean up certain areas.

COUNCILMAN GIVEN: I will jump on the bandwagon because I have a packet that we received November 25, 2013. At that time we were supposed to talk with the Planning & Zoning Board members. It is funny because I looked at one of the photos in there and it is of a house on Meister Road and it looks exactly the same today as it did then. I know I have spoken with Mr. Mason about this numerous times and he stated he was working with legal in terms of redrafting our boats, r.v. and trailer ordinances. I think it is time to start bringing this stuff down. Most of our residents are great people that honor the code and their neighbor but just like this house at 3922 Meister, from my understanding these are renters. You can see they have backed everything in (Jet Ski, (2) hot tubs, trailer, boat, etc.) so the building inspectors cannot see if things are licensed or not. We need to start cleaning up the neighborhoods. It is the people that don't care about their neighbors are the ones we

need to start hammering appropriately. Please have Mr. Mason give us an update with regards to the ordinance that is to be redrafted at the next meeting.

COUNCILMAN KOZIURA: I think the quality of life issue that has been around for awhile and I tried to address it way back when. The issue of cars and dumping, etc. and I saw Mr. Flores' picture in the paper today – he does good work himself and I have been to his ward and seen what he tries to do. It is a shame and an abomination that this has gone on so long. I would like to know what the fines are. Can we do anything about increasing them for those we catch dumping? We should be putting them in jail. For a tire, they pay them \$4 for a tire and they stated they allegedly give someone \$1 to go throw it someone's yard. That is insane. Someone should know what is going on out there if the lot keeps getting dumped on. Sometime people are afraid to say something and I understand that but this is one issue that we really need to crack down on in this city – junk cars, dumping and the condition of properties. The shiny apple looks good and you take a bite and the inside is rotten. The inside is rotten in this place and we need to do something about it.

**ADJOURNMENT:**

Moved by Mr. Given, supported by Mr. Faga, to adjourn the meeting. The motion carried and the meeting adjourned at approximately 6:45 p.m.

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CLERK OF COUNCIL

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PRESIDENT OF COUNCIL