

REGULAR MEETING -COUNCIL CHAMBER -CITY HALL BLDG * LORAIN OH, APRIL 7, 2008

President Joel Arredondo called the regular meeting to order at 6 p.m. Chaplain Eddie Edwards led Council in the Prayer and Pledge of Allegiance.

ROLL CALL:

PRESENT – 11 Messrs. Given, Fallis, Molnar, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.
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. Motion carried.

Moved by Mr. Given, supported by Mr. Schuster, to recess into Executive Session in accordance with ORC Section 121.22 G (3) to discuss pending and or imminent court action with the public body's attorney.

AYES – 11 Messrs. Given, Molnar, Fallis, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.
NAYS - 0 None. The regular meeting recessed at 6:03 p.m.

President Arredondo resumed the Chair and called the regular meeting back to order at 6:19 p.m. All eleven members were present.

CORRESPONDENCE FROM THE MAYOR: (none)

**CORRESPONDENCE FROM
BOARDS, COMMISSIONS, ETC.**

- 1.) Auditor's updated and final General Fund revenue estimate for 2008 was ordered receive and file without objection. Motion carried.
- 2.) Lorain City Planning Commission's letter dated April 2, 2008, recommending approval of revisions to the final development plan for The Gardens at Morningside Subdivisions No. 2 & 3 in Martin's Run.

REMARKS: MR. GIVEN: I wish to abstain from voting on items 2 through 4, due to a possible conflict of interest. Without objection, President Arredondo granted the request to abstain. Motion carried.

Moved by Mr. Snodgrass, supported by Mr. Edwards, to concur. Motion carried. (Mr. Given abstained.)

- 3.) Lorain City Planning Commission's letter dated April 2, 2008, recommending approval of revisions to the final development plan and revised units for The Courtyards at Martin's Run. Moved by Mr. Snodgrass, supported by Mr. Edwards, to concur. Motion carried. (Mr. Given abstained.)
- 4.) Lorain City Planning Commission's letter dated April 2, 2008, recommending approval of the revised layout and units for The Vineyards at Martin's Run. Moved by Mr. Snodgrass, supported by Mr. Edwards, to concur. Motion carried. (Mr. Given abstained.)

**CORRESPONDENCE FROM OTHER
GOVERNMENTAL AGENCIES:** (none)

**CORRESPONDENCE FROM
THE GENERAL PUBLIC:**

- 1.) CT Consultant's letter dated March 24, 2008, requesting the city evaluate the possibility of utilizing storm water utility funds to cover the cost of replacing infrastructure related to the storm sewer system for Project 15-S was ordered receive and file without objection. Motion carried.

COMMITTEE REPORTS:

STREETS & SIDEWALKS COMMITTEE: In the matter of a proposed ordinance authorizing an agreement with Berresford Brokerage to recycle and remove steel mill by-products from on the former RTI site, the committee recommends to refer legislation to Council for consideration.

STREETS & SIDEWALKS COMMITTEE: In the matter of discussions of a proposed ordinance amending Section 911.406 (c) of the Codified Ordinances permitting the usage of plastic piping, the committee recommends to refer legislation to Council for consideration.

Moved by Mr. Snodgrass, supported by Mr. Edwards, to concur with both items.
Motion carried.

**LEGISLATION –
FIRST READING:**

Resolution No. 21-08 a.) Introduced by Mr. Given, a resolution supporting Governor Strickland’s “Building Ohio Jobs” a 1.7 billion dollar job stimulus package.
Moved by Mr. Given, supported by Mr. Holcomb, to suspend the rule.
AYES – 11 Messrs. Fallis, Given, Molnar, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.
NAYS - 0 None. The rule was suspended.
AYES – 11 Moved by Mr. Given, supported by Mr. Holcomb, to pass the resolution.
NAYS - 0 Messrs. Fallis, Given, Molnar, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.
NAYS - 0 None. The resolution passed.

Resolution No. 22-08 b.) Introduced by Mrs. Molnar, a resolution supporting the Ohio Coalition for Responsible Lending’s Advocacy for fair and just lending practices by Payday Loan establishments in the State of Ohio, and urging the Ohio General Assembly to adopt legislation to protect all Ohio residents from unfair lending practices by establishing a rate cap for payday and small loan lending at an APR of 36% (thirty-six percent) and other measures to help break the cycle of chronic borrowing payday lending creates; for the Council of the City of Lorain, Ohio and declaring an emergency.
Moved by Mrs. Molnar, supported by Mr. Edwards, to suspend the rule.
AYES – 11 Messrs. Fallis, Given, Molnar, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.
NAYS - 0 None. The rule was suspended.
Moved by Mrs. Molnar, supported by Mr. Edwards, to pass the resolution.

REMARKS: MRS. MOLNAR: I read an article from the Governing Magazine, it states, “Attorney General Marc Dann has sued more than a dozen lenders and brokers he believes have deflated values as part of the largest financial scam in American history.” In other words, this is predatory lending, which we have discussed many time on this floor.

MR. FALLIS: It caps the loan rate at 36%, does anyone know what the state law is? This seems higher than what the state would allow.

LAW DIRECTOR PROVENZA: There is a bill pending right now with the General Assembly that is stalled, according the Plain Dealer staff. There is nothing on the books right now but the pending bill would cap it at 36%.

MRS. MOLNAR: The article stated it went as high as 40% for interest, which is quite high.
AYES – 11 Messrs. Fallis, Given, Molnar, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.
NAYS - 0 None. The resolution passed.

Resolution No. 23-08 c.) Introduced by Mr. Snodgrass, a resolution to declaring it necessary to improve Cooper Foster Park Road, from Oak Point Road, easterly 1100’ to the corporation line, as shown on the engineering drawings by constructing a Portland cement concrete pavement,

grading storm sewers, draining and curbing, together with the necessary appurtenances thereto and declaring an emergency.

Moved by Mr. Snodgrass, supported by Mr. Edwards, to suspend the rule.

AYES – 11 Messrs. Molnar, Fallis, Given, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.

NAYS - 0 None. The rule was suspended.

Moved by Mr. Snodgrass, supported by Mr. Edwards, to amend the resolution by deleting the last sentence in Section VII by inserting the following, “The petitioning owner of this project has waived the right to notice and appeal, therefore, the Clerk of Council shall not cause notice of the adoption of the resolution to be served.”

REMARKS: MR. FALLIS: In light of what is happening in Cleveland with the roads caving in because of problems with waterlines, has the city conducted an analysis to determine whether that would be an issue on this particular piece of property.

MAYOR KRASIENKO: We make sure before we begin any paving projects that we get an assessment from the utilities department on water/sewer lines that lie below any road so we won't have to dig it back up a month after paving it.

Motion to amend carried unanimously.

Moved by Mr. Snodgrass, supported by Mr. Edwards, to pass the resolution as amended.

REMARKS: MR. SNODGRASS: I wish to thank the administration and engineering department, we have been working on this project for at least a year and a half. I have been trying to remind the administration that the Cleveland Clinic is one of our highest taxpayers in our city. In fact, Mr. Urbanek provided me with some figures, last year for 2007, we received over \$414,000 of income tax withholdings. In addition, since the inception, the Clinic has paid over \$2.5 million in taxes. It is good to see that we are partnering up with the Cleveland Clinic, they have been a good corporate citizen and we have been able to pave quite a few roads with the tax revenues received. Now, they are coming to the table and will pay for a project over an assessment. They have been a good citizen and I wish to thank the Clinic for being here. I saw in Sunday's paper that they purchased a one and half million dollar new imaging machine. There are only three of those machines in this country. I hope that we will have a long-term relationship.

AYES – 11 Messrs. Molnar, Fallis, Given, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.

NAYS - 0 None. The resolution passed.

Ordinance No. 31-08 d.) Introduced by Mr. Fallis, an ordinance authorizing the Auditor to enter into a contract without competitive bid for the upgrade of specialized document imaging software currently owned by the City of Lorain.

Moved by Mr. Fallis, supported by Mr. Snodgrass, to suspend the rule.

AYES – 11 Messrs. Molnar, Fallis, Given, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.

NAYS - 0 None. The rule was suspended.

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

REMARKS: MR. FALLIS: In the Second whereas, it explains the software will be used for other departments. Can you tell what other departments that includes?

ANITA HARPER, CHIEF DEPUTY AUDITOR: Right now, the only department using this is the Clerk of Council office. We plan to extend it to the Treasurer's office, they are running out of space with all their paper returns they must keep on file. This would enable them to scan them in for easy retrieval. We are going from two users to fifteen users. The biggest part would be the Income Tax department. I am not sure who the other users would be but I think there are two or three others. The Mayor's Office, Safety/Service and our office also could use this system.

TREASURER URBANEK: I would invite anyone to come to my office and see the shelves and shelves of documents. We cannot throw anything away and this will make a huge difference. We looked at several other ways to do this and this would be the best for us. I urge you to approve this ordinance.

MR. FALLIS: Right now, we have one department using and two or three additional departments would be using it. Are users defined as people versus department?

MRS. HARPER: I believe so.

MR. FALLIS: We are paying \$31,000 and I wanted to know how many additional people would be using this.

CLERK GREER: This system, Fortis, is currently networked throughout City Hall and is for five users. They could be from any department. We presently have a five-user system and this would increase users to 15 maximum at any time.

MR. FALLIS: That is users per employee.

MRS. HARPER: Ron is a user and I can log on under his name and get ordinances, etc. It is the same set up and there is security involved at each level.

MR. FALLIS: Say we wanted to expand this to the fire department, etc. would that cost additional funds? Would that cost more money or is that based on the users.

MAYOR KRASIENKO: I had lengthy discussion about this with Mr. Mantini. There are two issues involved, the first is the additional licensing for the additional terminals but more than that is the additional space we will need on the server to hold all of that information. Scanning takes up a phenomenal amount of memory space. Along with the capital improvement, we have also budgeted under MIS Capital Improvement some additional storage space as well as a new AS400 server that would have ten times the memory we currently have. I agree, it should be illegal for us to buy another file cabinet. Everything we have, we should try to digitize as much as possible.

MR. FLORES: This is imaging software, is there a user license that accompanies that cost?

MRS. HARPER: I believe it comes with 15, 2-scan station users, 8 edit station users and five Fortis view station users.

AYES – 11 Messrs. Molnar, Fallis, Given, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.

NAYS - 0 None. The ordinance passed.

Ordinance No. 32-08 e.) Introduced by Mr. Snodgrass, an ordinance approving the revised final development plan for Subdivisions 4, 5 and 6 in Deerfield Estates.

Moved by Mr. Snodgrass, supported by Mr. Edwards, to suspend the rule.

AYES – 11 Messrs. Molnar, Fallis, Given, Szabo, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.

NAYS - 0 None. The rule was suspended.

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

AYES – 11 Messrs. Molnar, Fallis, Given, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.

NAYS - 0 None. The ordinance passed.

Proposed Ordinance f.) Introduced by Mr. Fallis, an ordinance repealing Lorain Codified Ordinance No. 93-93.

REMARKS: MR. FALLIS: The committee initially sent an ordinance to the administration and there was some question as to whether items in that ordinance were administrative or legislative. I wish to send this back to committee to make sure that we just have the legislative items in that ordinance.

Moved by Mr. Fallis, supported by Mr. Given, to refer the matter back to Finance & Claims Committee. Motion carried.

Ordinance No. 33-08 g.) Introduced by Mr. Silecky, an ordinance assessing the cost of abating nuisance by cutting noxious weeds during the year 2007 and declaring an emergency.

Moved by Mr. Silecky, supported by Mr. Schuster, to suspend the rule.

AYES – 11 Messrs. Messrs. Fallis, Given, Molnar, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.

NAYS - 0 None. The rule was suspended

Moved by Mr. Silecky, supported by Mr. Schuster, to pass the ordinance.

REMARKS: MRS. MOLNAR: If you are not able to contact the people who had the high weeds and they have accrued many expenses, do you put a lien against their property?

MAYOR KRASIENKO: That is what this ordinance does. Once we get the complaint, we can either mail them a notice or just post it on the property. We only need five days notice, which was changed a few years back by ordinance. We can just post the property and do not necessarily have to track down the owner. These are the individuals that did not comply. We cut it, send them a bill and if they don't pay the bill we assess them. This will be coming down every thirty to sixty days. Last year, they had much more success by assessing more often and we avoided the change in property ownership between the time we cut it and the time we assess the property.

MRS. MOLNAR: You still collect the money.

MAYOR: We try to collect first but once the lien is placed on the property, ultimately it cannot transfer until the liens are cleared. We will get some relatively sooner than others depending on when the property clears.

AYES – 11

Messrs. Messrs. Fallis, Given, Molnar, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.

NAYS - 0

None. The ordinance passed.

Ordinance No. 34-08

h.) Introduced by Mr. Edwards, an ordinance authorizing and approving the execution of a development agreement between the City of Lorain and Industrial Realty Group L.L.C. for the redevelopment of a commercial building in the City and declaring an emergency.

REMARKS: MRS. SZABO: As I read this, especially Mr. Gilcrest's letter, I have several questions about the building at 1530 Kansas Avenue. Is IRG not willing to buy this building from us? It states the city will demolish the building at Kansas Avenue, provide a loan of up to \$600,000. They will be leasing from the city the land at 1530 – they will lease from us for a parking lot. Do I understand that correctly?

MAYOR KRASIENKO: Yes.

MRS. SZABO: They did not want to purchase this from us.

MAYOR: That is part of our portion or contribution to the project. This has been a very complex deal to put together. We were at a disadvantage, as you know I made contact with Emerson Network Power in December after hearing rumors that they were looking to locate outside of Lorain. Once we met and saw the perimeters needed to meet their criteria, there was not a way the City of Lorain could meet the timelines nor the finance requirements nor the square footage costs they were requiring. We were fortunate enough to bring a partner in IRG to the table that helped facilitate the deal. For them to get involved, we had to step up and become a partner as well. Part of that was the contribution of that building and that space for parking as well as the forgivable loans. Everything is not completely finalized yet and that is why we wish to get this through to solidify the city's stance in making sure that Emerson stays in Lorain and we can meet our end of the deal to make this all come together. We have done things a little differently to make this happen because of the amount of equity we need to put into the project. You will notice ten percent of the income tax will get set aside to reimburse utilities for that building. They are not giving that up for free, we are making sure we make the whole in the end. There was an expense laid out for that building.

MRS. SZABO: What will the demolition cost? I understand and I want to see IRG come in, that is the First Ward and those buildings have been sitting vacant long enough. For those of us who have family members working at Emerson, Marconi, Lorain Products, etc. I agree something must be done. I understand that was part of the deal that we are going to demo it at our cost for a parking lot. What is housed in there now, where will they go?

MAYOR: We will find a temporary location for distribution to operate out of. We are working with Utility Director Timko to solidify a permanent solution that we were looking at anyways as far a consolidation. We will have temporary housing of that department.

To put this whole deal into perspective, they have 285 highly skilled, highly paid employees. Unfortunately, this company was looking to leave Lorain. It has been a

difficult transition for Emerson. When Marconi owned the former Lorain Products, they were decimated by a bad situation in the communications industry with the “World Com’s, etc.” We have an employer that brings in 285 jobs that brings in about \$300,000 + of income tax a year to this community. That is a vital employer, we were handed down a situation that we had to make the best of, and we are sitting here now with a way to keep them in town. We also found a partner that could help us do that. We can sit here and say IRG should pony-up more money or Emerson could, etc., but these are the best terms that we could negotiate. Honestly, IRG could walk away from this deal tomorrow and it would not phase them one bit. We would no longer have a project and more than likely, we would not have Emerson Network Power.

On the plus side, with IRG as a partner acquiring the rest of their facilities over there, IRG fills square footage space. It will not sit there empty as it currently does now. They will consolidate Emerson into one building and market the other four properties available. Our belief that will result in a net job increase as well as an income tax gain for the City of Lorain.

MRS. SZABO: I agree, they are taking on a major job over there. Those building have not been touched in a long time. I wanted to understand why they were not purchasing and demolishing for their parking lot and why we were.

MAYOR: It is part of our contribution to the project.

MR. HOLCOMB: What is the time line that this must be passed?

SERVICE DIRECTOR GILCHRIST: The short answer is now.

MR. HOLCOMB: Then I suggest we move into a Committee-of-the-Whole or we meet sometime later this week. We were just given the information just now and there are changes to the developer’s agreement.

SERVICE DIRECTOR GILCHRIST: The information provided just now was just a summary of what is already on there.

MR. HOLCOMB: I have not had the chance to read it; I don’t know that.

SERVICE DIRECTOR GILCHRIST: Point taken.

MR. HOLCOMB: The “Add to # 8 Development Agreement,” was in my box when I came in. I don’t know what the changes are on here or if they are highlighted.

CLERK GREER: That was the original development agreement that just came down late.

Moved by Mr. Holcomb, supported by Mr. Flore, to recess into a Committee-of-the-Whole.

MR. FLORES: Why is this an emergency, is there a deadline restriction.

SERVICE DIRECTOR GILCHRIST: Yes.

MRS. MOLNAR: Before I vote on this, I need to know from the administration and water department director where exactly you are relocating the water distribution. Maybe you can tell us before I vote on this. Remember when they were working in a bad situation and I brought that report to the Council floor. It was through the Safety Forces plan that we got the money to move them to Kansas Avenue. I want to know where they are going.

MR. GIVEN: Point of order, there is motion on the floor that has been seconded. I call for the question.

Motion to adjourn into a Committee-of-the-Whole carried unanimously.

President Pro Tem Edwards assumed the Chair at 6:52 p.m. and called the Committee-of-the-Whole to order.

CHAIRMAN EDWARDS: We have some questions pertaining to the agreement.

MR. HOLCOMB: One of the questions I have deals with the loan repayment on behalf of the City of \$75,000 a year from the General Fund. Where is that money coming from?

SERVICE DIRECTOR GILCHRIST: That is the additional revenue we would be getting – income tax revenue. For clarification, that loan amount is up to \$600,000 and not \$600,000.

MR. HOLCOMB: There is a possibility it could be lower and will not be set at the \$600,000 mark.

SERVICE DIRECTOR GILCHRIST: Absolutely not. At this time, we don't know the cost of the raising of the building and the paving of that parking lot.

MR. HOLCOMB: Section VII, deals with the reallocation of income taxes. I have never been a fan of these and I do know that I have voted on a few of these already and it irks me to do so. At the time they made sense but I am not quite sure what the point is of moving it into this UDAG Professional Services Account after the fact that the utility department is being reimbursed.

COMMUNITY DEVELOPMENT DIRECTOR PRUDOFF: The account is set up, as you are aware, the city has made an investment in itself with companies associated with IRG that are locating in the Ford Plant. We are assisting in covering costs of these companies moving into that plant. Similarly, this company has stepped in with the city (IRG) to acquire the entire campus. In doing so, they are going to invest upwards of \$5 to \$6 million in this development. They are buying this complex for \$2 million and will put two more million dollars into it. The money they are paying Emerson for the property is also going back in for renovations by Emerson. The deal is minimally \$4 million. Additionally, rather than us reimbursing these companies for their moving expenses, etc. as we are at Ford, what we are doing here is going to replace the roof on building "C" as well as the demolition of the Kansas Avenue utility building and then pave the 80,000 square foot site for parking at a price not to exceed \$2 per square foot for the parking for building "C." All of this will be bid out because the city will oversee the roof repair, the demo and also the repaving. The reason why we have been taking the 10%, with Council's support, the income tax, is to create a fund so in the future when companies like this come to the city for assistance, we are generating an economic development funds. At the present time, it is going into this account but nothing can be spent unless City Council passes a budget appropriating that money for specific uses. It will sit in there until that budget comes down to you and in each case, you will have oversight, along with the Mayor and Service Director, as to how this 10% is spent. The concern we have, and it was voiced many times by the Mayor and Service Director, is that we want to make sure the utility department is reimbursed for their upfront expenses. Likewise, what happened with IRG is Emerson said they would stay five years with two 3-year renewals but were only willing to pay \$5 per square foot, if not they were leaving. Everything you are looking at in terms of the financial structure of this deal was made to fit in under \$5 per square foot for the first five years. That is why you see the city's contribution as the Treasurer and Mayor stated, if we don't do this, while IRG is solidifying their financing and Emerson is looking for a clear sign from the city that we want them to stay. They would like to be in this building by September of this year. There is a lot of work that must be done. We are asking you to help us in moving forward and keeping a substantial company here in the form of Emerson. Secondly, equally as important, IRG will be looking to fill the remaining four buildings. If you look at the ordinance, we are taking a collateral position on the land we are leasing them. We are not giving that to them, that is the parking lot we are taking a collateral position behind the other buildings and we are getting a first position on the office building on "F" Street, which is a 90,000 square foot state-of-the-art office complex in modern condition. If in fact IRG leases or sells that, the city is in line to receive up to 20% of that sale or annual lease. That money will come back in to reimburse the city for its upfront cost as well as reimburse the utility department for their contribution. I hope I answered your questions. These are the actions we will have to take to secure companies that are here as well as attract companies coming into our community. It serves no purpose to provide benefits, as we are to attract companies to the Ford Plant if we don't stabilize and support the companies that are here. They are equally as important to us. This is the 7th largest contributor to our income tax. We hope Emerson will see the wisdom in a new building that has \$5 million plus in investment in it, to stay and expand. They want to be in this building by September.

MR. HOLCOMB: Back to my original question regarding UDAG, Professional Services Fund.

MR. PRUDOFF: That is just a temporary account.

MR. HOLCOMB: I understand, why haven't we set that fund up yet? We don't know what the revenues are that are coming in to appropriate them later on for the things you discussed.

MR. PRUDOFF: We did try to set it up and it was put back in committee. Now, with the new administration, we will be coming down to create a master capital improvement project fund account. We have been working with several members of Council to shape that account so we can bring it to you, to the Federal Programs Committee, and create that master account. Any money that is in there will be moved over when we create the master account. We have to get this going now and it must have an agreement, I can assure you that the Service Director does not want Community Development to slice off any additional funds that could go to the city.

MR. HOLCOMB: The development agreement refers to TIF repeatedly throughout that entire first page and yet we are not necessarily setting up a TIF area.

MR. PRUDOFF: This will be an incentive district. There will be TIF ordinance coming down to you. Council will be establishing a TIF district and those funds will be utilized by Council for public infrastructure improvements in areas such as this. Again, you will be making that decision with City Council.

MR. HOLCOMB: Why is it in the development agreement ahead of time if we have not discussed it yet? We have not decided that and this is telling them that we have.

MR. PRUDOFF: We have talked with them stating subject to Council approval, it would behoove us to set up a TIF program here because if there are any additional real estate taxes generated from these projects, the city will avail themselves of those funds to be used for public infrastructure. You have to start now and let the company know because they are the ones that will be paying. This is a triple-net lease at \$5 sq. foot plus real estate taxes, insurance and utilities. This lets the company know what we are doing and prepares the agreement so their attorneys can review it. Council has passed many of these and we have entered into many but it gives Council the edge of being able to secure the additional real estate taxes being created by this project and assign those to public infrastructure. For examples, at one point, Emerson was asking for an area off Iowa Avenue and some assistance in creating a through street. They put that on hold because it didn't fit into the financing scheme. If we get TIF and Council approves it, we can go forward and make these additional improvements. These are the improvements that Council needs to consider when we are trying to entice companies to stay here and yet secure the additional funding areas that will not cause a problem with our General Fund and provide that revenue through TIF.

MR. HOLCOMB: I understand the concept of using it for the public infrastructure to entice businesses, what I don't like is when we have to have document that say the Council will just go ahead and rubber stamp this and TIF it no matter what. In the future, if we can refrain from making decisions for us, which would be greatly appreciated because this isn't the first time things like this have happened.

MR. PRUDOFF: We will try, this is a work in progress, we were just trying to get this all down to you. I appreciate your assistance, and we will keep working with you to refine our efforts in this area.

SERVICE DIRECTOR GILCHRIST: A few things and I am sure this is obvious but job retention is a little different than job creation. I am trying to explain a little why things may come down last minute. In this particular case, I can't speak for all cases, but in this case, why things may come down last minute and why we are offering a building is because we don't have any cash to offer. So, we offer whatever we have. When a company says they are about to leave, we go into job retention mode. We look into our coffers to see what we do have available to come up with some program to keep a company here. That is one of the reasons why you may see things like legislation coming down for a TIF, we are working last minute in an effort to try to retain a company. This also explains why we need

some sort of fund to start capitalizing some money and in the event the next time we have to retain a company or we want to reach out and create or help expand a company, we have something to offer. Maybe next time we won't have a building to offer in an effort to try to keep a company. Not to say that is the end all or the answer you wanted to hear, but it is an attempt to try to explain why we are doing things like offering to raze a building, pave a parking lot, to bring things down last minute. The information you received today was just a recap to try to make it easier for you to see the key points this development agreement is offering. This is job retention, this company is asking what we are going to do for them because the surrounding community will do this – or we are leaving. This is our effort to try to save 285 jobs.

MR. FALLIS: On this sheet regarding Job Creation/Retention Program. Under maximum amount, it looks like the city is providing a \$600,000 forgivable loan under item A and under interest rate it shows 4.25%, etc. We are paying someone \$75,000 a year for ten years, please explain those items.

MR. PRUDOFF: \$600,000 at 4.25%, the money is coming out of the city's business revolving loan fund. It is by ordinance and by nature of where the money comes from, through the federal government, the money is loaned out under rules and regulations that Council has passed and the federal government has established. That is up to \$600,000, at 4.25% for ten years and it includes the 1.5% servicing fee and upfront costs for recording documents and creation and title searches, placing liens, etc. That all equates out to \$75,000 per year for ten years.

MR. GILCHRIST: I wish to comment on Mrs. Molnar's question about the temporary building. I can assure you and my utilities department head will concur, but any temporary location will be much better than the existing one they are in right now. This is not a prestige building and they are already working with scraps.

MRS. MOLNAR: When will you notify Council of the new location.

MR. GILCHRIST: I am working now diligently to try to find a sufficient location. Keep in mind, this is all part of a bigger plan. We don't want to move when the overall desire is to combine these departments to save money. We are trying to find a win/win solution to accommodate the utilities department on a temporary and long-term move as well. As soon as we get that information, we will inform Council of our progress.

MRS. MOLNAR: In the meantime, this department must continue working.

MR. GILCHRIST: It is happening as we speak and that move will happen and not preclude that department from operating.

MR. SNODGRASS: What will the demolition costs be?

MR. GILCHRIST: We don't and I have contacted a company and the reason why it is up to \$600,000, is that we still have to submit bids to get a price. I am looking at a company to come down and tear it down for the salvage costs. So, we may just be paying for the paving of the parking lot.

MR. SNODGRASS: It states that we will allocate 10% of municipal income taxes resulting from the project. How much do we anticipate in income tax? Is it the \$340,000 they are paying currently?

MR. PRUDOFF: The \$75,000 pays back the revolving loan fund for the up to \$600,000 or it might be less than \$75,000 if it comes in less. The 10% is based on the \$340,000 - \$350,000 in city income taxes the city receives from this company. That 10% would approximate \$34,000 - \$35,000 per year.

MR. SNODGRASS: It says the remaining funds from this project go to UDAG?

MR. PRUDOFF: After you reimburse, after that, 10% comes in and reimburses the utility department for their expense, then any remaining balance at this point would go into that account. We actually brought down to Council some time ago to create a special account and Council did not. I think you can see the wisdom now that we will again come back to you and set up that special account. I think you understand a little better now what it is. 10% of the income tax from this company, around \$35,000 will go into that special account. We will move it from the UDAG account but we just don't have that account created right now and we had to put it somewhere. It will be transferred to an account you

will create and then you will have to appropriate the use of those funds on a case-by-case basis.

MR. SNODGRASS: We are looking at \$35,000 and the remainder of that will go back into the General Fund. The way this cover letter reads, it is confusing. I wanted to make sure that was not the case.

MR. PRUDOFF: The 10% is merely that of the amount collected. The \$75,000 will come out of the General Fund to reimbursing the revolving loan fund for up to \$600,000. That \$75,000 may be less based upon the actual cost and bids.

MR. FLORES: In the fifth "Whereas" it states, "Whereas an emergency exists in the usual daily operations of the city in that it is immediately necessary to approve the development agreement." In Section 9, this ordinance is declared to be an emergency measure necessary, can we pass without it being an emergency. Can we omit those two sections and still pass this ordinance?

MR. PRUDOFF: That will delay going out for bids and everything else for thirty days. That will cause some problems because they want to be in there in September. I ask you to keep that emergency clause in because we actually have to bid out our work and that is advertisement. The emergency is to work in tandem with IRG to get this agreement signed and to advertise for bids for the demo, repaving and roof. We are pushing the envelope time wise and an emergency truly exists. The company itself is watching. They have contracts and they are looking for us to meet their period as well. This also goes in line with the fact that IRG has time constraints. They have to borrow upwards of \$2 to \$3 million from the State of Ohio as well as come in with their own personal financial resources through a conventional banking source. All of this has to fit together. When it comes to development, this is a puzzle that has to fit together simultaneously to make things happen. I would ask you to please keep the emergency clause.

MR. SCHUSTER: For the relocation of the Utilities Department, have they looked at the old Gaylord Building on the corner of West 21st and Elyria Avenue?

MR. GILCHRIST: I don't know if we have or not. I know we are looking at every available building that is out there.

MR. SCHUSTER: There is plenty of property there. There is a lot of space in that building. It is centrally located in the middle of the city. I would think that would be very useable and friendly to the Utilities Department.

MR. GILCHRIST: My biggest concern is for the equipment fitting inside of the building but point taken.

MR. SCHUSTER: That building is huge and waiting to be used.

MR. GIVEN: Although members of Council have various questions on the topic, we all need to realize that moving this legislation forward this evening is going to secure 250 families with their jobs in this area. The city cannot sustain another blow in losing another major employer. Although there maybe concerns about one small thing here or there, we all need to realize that, we need to be as flexible as possible in terms of putting agreements before companies. Emerson has seen hard times just as everybody else has these days. I think it's our obligation to do what we can to move it forward. If this were U.S. Steel or Ford, we would be climbing over ourselves trying to save it. At the appropriate time, I would make the motion that we move this back to Council and move the legislation forward.

TREASURER URBANEK: Mr. Prudoff, this 10 %...I think you need to do something to keep this company. You are talking about putting this 10 % in a pool with Camaco, Kohls and Home Depot that you have already taken 10 %. Is that correct?

COMMUNITY DEVELOPMENT DIRECTOR PRUDOFF: That is correct. We need to create that special account that the Service Director was talking about.

MR. SCHRULL: Mark Schrull, Water Distribution Superintendent. I just want you to know that I support this in keeping jobs in Lorain. I support the mayor and the Administration's efforts to keep those jobs here. I met with Mr. Gilchrist the other day. He toured my building and I think he has a good understanding of what we do there. He has promised to take care of us. Right now, water is traveling through the waterways and that is what we take care of. I take their word and I think you should move forward.

MR. EDWARDS: There is a lot of legislation in this agreement. One thing is that we have to have an understanding and some trust in this Administration. One of the main things we are trying to do is keep jobs in this city. Everything in this ordinance might not be to my pleasing but overall part of the ordinance really addresses the bigger portion, which are 250+ jobs that we are going to be able to keep here. We have to remember that we are not an island unto ourselves. Every city in this county and outside of this county would like to address the issue to get this company to come there. We are working with what we have. We don't have a lot of money. We have what we have. We are working to try to make this work. I hope that we can keep them here and maybe it will entice other people to come to this area. I think this is an opportunity to give this Administration and Mr. Gilchrist a chance to bring a deal to the table. Let see if we can make this work and make it fit. It's not going to be perfect but the main thing is that we are going to keep 250+ people here in this city and those tax dollars are going to come to our tax department at the end of the year.

SERVICE DIRECTOR GILCHRIST: I just want to make sure that this 10 % doesn't become a point of contention. This 10 % is the Administration's way of attempting to be proactive. It's not "if", it's "when" another company says, "We are going to leave." It is our job to try to keep them here. We may not have a building that we can throw in the pot. Obviously, the state feels it's important; they are kicking in \$2 million. We need to have something via a pool of funds or capital improvement projects that we decide we are going to do for job retention, creation and job expansion. It's an attempt to be proactive.

MRS. SZABO: I ask that you do past this tonight. In the first ward, we have suffered with Marconi and Emerson closing those plants. It would be wonderful to see more progress on the eastside. I do ask that you pass this tonight.

MR. HOLCOMB: We all want to save jobs, especially the ones that have been here for as long as that company has and been good neighbors to us. We want to do what we can to bring new jobs for this community and actually change the face of that whole neighborhood over there between that and the industrial park. I am in favor of doing this project as it is stated; it's the technicalities that do matter and unfortunately, we do have to deal with those. I am not saying that I am going to oppose certain aspects of this because they rather irk me with what we do. This pool of funds issue has been brought up and I know why it still hasn't been out of committee. It isn't necessarily that this Council doesn't agree that we need to have it, it's because of what was being thrown into the mix of that pool and the fact that we also have an obligation (as stated in the nearly 12-hours of budget hearings that we held) to barely change anything except for mistakes, that we have a deficit of \$1.8 million by the end of this year. We can't just ignore the fact that the money is not there and we are going to divert 10 % here and 5 % there so we can do projects when in the end we will never be able to maintain those projects (new road, new sidewalk or plant one tree) because the city is going to end up in default anyway so you won't have to have the money there anyway. We have to discuss issues in here whether it's as small as 10 % of what portion of the money is coming from or if it's the whole deal in general. I would like to have this go to Council so we can save the 285 jobs.

MR. EDWARDS: We ask that Council pass this ordinance.

There being no further discussion, the Committee-of-the-whole recessed.

President Arredondo resumed the Chair at 7:25 p.m. All eleven members were present.

- Moved by Mr. Edwards, supported by Mr. Given, to suspend the rule.
- AYES - 11 Messrs. Fallis, Molnar, Given, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.
- NAYS - 0 None. The rule was suspended.
- Moved by Mr. Edwards, supported by Mr. Given, to pass the ordinance.
- AYES - 11 Messrs. Fallis, Molnar, Given, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.
- NAYS - 0 None. The ordinance passed.

- Proposed Ordinance i.) Introduced by Mr. Edwards, an ordinance authorizing and approving the execution of a development agreement between the City of Lorain and CVS, 3353 Ohio for the development of a retail-shopping plaza in the City and declaring an emergency.
Moved by Mr. Edwards, supported by Mr. Given, to refer to Federal Programs committee. Motion carried.
- Ordinance No. 35-08 j.) Introduced by Mr. Edwards, an ordinance authorizing the Service Director to enter into a business note, loan agreement, mortgage and related documents to Industrial Realty Group, L.L.C., or its assignee IRG, for the purpose of redeveloping a building including the site improvements to retain Emerson Network Power within the City of Lorain and declaring an emergency.
Moved by Mr. Edwards, supported by Mr. Flores, waive the 72-hour rule add insert the corrected replacement ordinance. Motion carried.
Moved by Mr. Edwards, supported by Mr. Flores, to suspend the rule.
AYES - 11 Messrs. Fallis, Molnar, Given, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.
NAYS - 0 None. The rule was suspended.
Moved by Mr. Edwards, supported by Mr. Flores, to pass the ordinance.
AYES - 11 Messrs. Fallis, Molnar, Given, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.
NAYS - 0 None. The ordinance passed.
- Ordinance No. 36-08 k.) Introduced by Mr. Edwards, an ordinance authorizing the Service Director to enter into a business loan agreement with Prime Industries to provide additional working capital for the retention and expansion of its business loan through its EDA Title IX revolving loan fund and declaring an emergency.
Moved by Mr. Edwards, supported by Mr. Given, to suspend the rule.
AYES - 11 Messrs. Fallis, Molnar, Given, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.
NAYS - 0 None. The rule was suspended.
Moved by Mr. Edwards, supported by Mr. Given, to pass the ordinance.
AYES - 11 Messrs. Fallis, Molnar, Given, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.
NAYS - 0 None. The ordinance passed.
- Ordinance No. 37-08 l.) Introduced by Mr. Snodgrass, an ordinance determining to proceed with the improvement of Cooper Foster Park Road extending from Oak Point Road to approximately 1100' easterly, to the corporation line and declaring an emergency.
Moved by Mr. Snodgrass, supported by Mr. Edwards, to suspend the rule.
AYES - 11 Messrs. Fallis, Molnar, Given, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.
NAYS - 0 None. The rule was suspended.
REMARKS: CLERK GREER: Mr. Snodgrass, I think we need an amendment to authorize the insertion of some information in this ordinance in Sections 2 and 5. There are blanks that must be amended by inserting the resolution number and the adoption date.
Moved by Mr. Snodgrass, supported by Mr. Edwards to amend ordinance by inserting the resolution number and date of passage. Motion carried.
Moved by Mr. Snodgrass, supported by Mr. Given, to pass the ordinance, as amended.
AYES - 11 Messrs. Fallis, Molnar, Given, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.
NAYS - 0 None. The ordinance passed.
- Proposed Ordinance m.) Introduced by Mr. Given, an ordinance amending section 911.406 (c) of the Codified Ordinances of the City of Lorain, Ohio.

REGULAR MEETING -COUNCIL CHAMBER -CITY HALL BLDG * LORAIN OH, APRIL 7, 2008

REMARKS: MR. GIVEN: The Utilities Director is doing further research with the State of Ohio as well as the American Water Works Association and has asked that we put this off for another couple of weeks.

MR. SNODGRASS: I believe at our committee meeting, I had requested a listing of all the local communities or subdivisions that are utilizing this PEX pipe that we had been discussing. I haven't received anything from the Utilities Director. I asked for this about two weeks ago.

Moved by Mr. Given, supported by Mr. Snodgrass, to refer to Third Reading.
Motion carried.

Proposed Ordinance n.) Introduced by Mr. Snodgrass, an ordinance authorizing the Safety/Service Director of the City of Lorain, Ohio to enter into an agreement with Berresford Brokerage for recycling and removal of steel mill by-products on the former RTI Land Brownfield site.

Moved by Mr. Snodgrass, supported by Mr. Flores, to suspend the rule.

AYES - 11 Messrs. Fallis, Molnar, Given, Szabo, Flores, Howard, Schuster, Edwards, Holcomb, Silecky, Snodgrass.

NAYS - 0 None. The rule was suspended.

REMARKS: MR. SNODGRASS: I would like to amend this as outlined in the letter from Mr. Timko in Sections 1.10(d), 1.101(a), 1.10(c).

MR. GIVEN: I move this be sent to committee. Mr. Timko is working under the direction of Mr. Edwards and new information was brought forth today. I think it needs to be discussed further.

Moved by Mr. Given, supported by Mrs. Molnar, to refer to Streets & Sidewalks committee. Motion carried.

COMMITTEE CALLS:

CLERK GREER announced public hearings were scheduled for Monday, April 21, 2008, beginning at 6:00 p.m. to discuss an application to rezone 336 Oberlin Avenue, from R-3 to B-1 and an application to rezone property on the southwest corner of East 30th Street and Caroline from R-3 to B-2 to allow for expansions.

MR. FALLIS: I would like to request a committee call for the Finance & Claims Committee for next Monday to discuss a permanent solution for our pothole situation. I would like to invite the Administration, Engineering Department, Water Department and Finance & Claims Committee.

CLERK GREER: Mr. Fallis, I believe there was a memo in your box to call a CRA Tax Incentive Committee for next Monday.

MR. FALLIS: Please add that to the agenda.

CLERK GREER: What time would you like that?

MR. FALLIS: 6:00 p.m.

MR. SNODGRASS: I would like to call a committee meeting for the Berresford Company for next week.

CLERK GREER: Following Finance & Claims?

MR. SNODGRASS: Yes.

MR. EDWARDS: Mr. Fallis, you called a meeting in regards to the potholes. How is the Administration going to come down with a plan?

MR. FALLIS: I don't know if through Council rules we can do a joint committee. I think that would be appropriate to have the Streets & Sidewalks and Finance & Claims Committee to jointly participate in this. This is a very costly project. It will involve finances significantly. It certainly needs to have the input from the Streets & Sidewalks Committee. Can we do that?

CLERK GREER: Absolutely.

MR. FALLIS: Mr. Snodgrass, would that be agreeable to you?

MR. SNODGRASS: Yes. Is the Administration prepared to present any type of plan?

MR. GILCHRIST: The Administration is there to offer any suggestions that we have. I think it would be a good idea to discuss. I don't know what comprehensive plan we can bring down at that time.

MR. FALLIS: I am not suggesting that the Administration would have a comprehensive plan at this point. I just want to get into dialogue to address a very long-term situation that the city has had for a very long time. It's going to take a lot of time and effort to come up with a permanent solution. I think there is enough brain power in this city that we can come up with a comprehensive plan; start with ideas and move forward and have all the departments involved in that discussion. I would say come up with some general ideas in terms of how we are able to go forward with this in a positive manner. I am not looking for any answers at all; just to start a dialogue. It's going to take a lot of time and effort. We know what the problem is. If the public has any positive ideas for us, we would certainly welcome your input. Is that fair to the Administration?

MR. GILCHRIST: Absolutely.

**MISCELLANEOUS CONCERNS
FROM COUNCIL:**

MAYOR KRASIENKO: I just want to do bring you up to speed. I'm sure all of you have gotten as many calls as we have on the seventh floor regarding the fuel surcharge increase that Allied Waste put on their bill recently. We are going through the contract section by section. We are not exactly sure where they feel they have the authority to add the fuel surcharge. There is some talk from Allied Waste regarding state legislation that was passed that allows them to put fuel surcharges onto the bill just like almost every company out there is doing now. What we are also doing is looking at other avenues within that contract to be able to recoup some of that money or be able to get them to reduce the cost. As a reminder, we are operating on a contract that was passed back in 1997. That has been a rolling contract from year to year and this year that contract will go out for bids. In the mean time, we were supposed to possibly get rebates based on our amount of recyclables. We are asking them to provide their Solid Waste audits that they are supposed to send to us every other month, that to the best of my knowledge have never come to the city. We are talking to them about either reducing or eliminating that fuel surcharge. As you know, in October 2006 as well as 2007, they increased their rates. In 2007, they cited additional costs in workers compensation, health care and fuel cost. They didn't add a fuel surcharge there. They rolled it into the base rate. We are challenging whether the 2007 rate should have been rolled into a fuel surcharge if that actually is what it was. Just so you know, we are trying to tear the contract apart section by section to see what kind of leverage we have. We are operating on a contract that was signed back in 1997.

MRS. SZABO: I have no comments at this time.

MR. FLORES: I take pictures of my potholes. As Mr. Shawver will attest, I have to-date about 190 photos (not all potholes). What I have learned in doing that is that the potholes 100 through 108 (started taking pictures about 2 months ago) have still not been patched. Potholes 1 through 10...I am not here to chastise the Street Department or condemn the Administration. I am here to point out what I find. Potholes 1 through 10 have busted out and need re-patching. What I am seeing is a cycle of the potholes and the patches that we have. We are thinking that there is a plan that we want to hear from the Administration a plan on how we can look for some lost revenue to try to come up with a plan to not so much resurface the street (it will only last 1-2 yrs) but come up with a plan where we can completely resurface the street from sidewalk to sidewalk and hopefully it will last 15-20 years as opposed to resurfacing a street. I know that there are many people are suffering. In the last two weeks, I have had to hear people ask when the city is going to fix the potholes. Maybe we can get a local author to write a book, "The Pothole Conspiracy Theory," and try to see if we can get some income on the sale of those books or maybe the next time we give free massages at City Hall, we can give free front-end alignments. I would really like to come back with a plan. We are a pothole patch city. I would like to hear more from the Administration addressing the pothole problem. If you go down

Washington Avenue and 6th Street...If you have to go to the library, you would think you were driving a low rider with hydraulics because you are going to be hopping up and down; it's bad.

MR. ARREDONDO: Are all these photos just in your ward?

MR. FLORES: We could have a pothole contest. Yes, they are just in the Second Ward. I bet in any other two combinations of wards that the Second Ward has you beat for potholes.

MR. SHAWVER: Mr. Flores, when you and I took a ride, we called and had potholes fixed on sixth and Washington fixed immediately. That was the fourth time they were done this year there. The unfortunate thing is as we try telling people, until we are able to get hot patch out...cold patch is a temporary fix. What we have run into is that no sooner that we get the cold patch in and get snow again the plows push it out. Even after you and I went out that day and had the area by the library fixed, the cars pulled it right back out because it wouldn't stay. I know we are asking to be patient but we have to wait until we can get around the 15th of this month (once the frost is done) we will start bringing out the hot patch. At that time, we will talk to Mr. Camera and try to complete sectioned areas and repair them properly until we can get the funds to strip and do the roads completely. Until we get the hot patch...I get calls every day. You have the best collection of pictures I have seen in my life. I don't enjoy looking at them but you have the best collection.

MR. HOWARD: I spent four to five hours with Mr. Shawver about a week and a half ago going through the Third Ward, identifying all the areas of concern from my ward and I appreciate his time and effort in doing that. It was after 5:00 p.m. and he didn't let me go home until we were done going up and down every street. I commend him for that and his efforts. I also want to thank Mr. Timko for taking time out of his Sunday to take me over to the U.S. Steel area to look at the area for the new site for the new wastewater treatment plant (300 acres). It's going to be an incredible project once we get that going. I want to thank those two men for their due diligence and hard work after hours.

MR. SCHUSTER: The intersection at Tower Boulevard and Falbo...if we can get that attended to because that is a high traffic area and I have seen several cars with the gravel actually slide right in the middle of the inner section; someone is going to get hit there. A school bus just about got it the other day because a truck was going way to fast and slid right into the middle of the inner section when a school bus was right there. If we can get that attended to as soon as possible, I would appreciate that. In addition, have you seen on Tower Boulevard the chunks of curbs that have been torn up by the snowplows? My son had to go the other day and get a piece (about 8 feet long) that somebody had thrown out into the street. My son put it back up on the grass. If we can get them old pieces of concrete out of there before we do have another problem with a car hitting that if it were thrown back into the road would be appreciated. Mr. Shawver, I spoke to you about Cooper Foster and I did have that conversation yesterday with Mr. Carney, so, if we can incorporate that with Mr. Camera as far as getting that work done, I would be more than willing to help you with that as well. I appreciate you going in talking with the Coopersacks (?) about the issue at the end of their driveway. I would like to thank the Mayor for meeting me today at the end of Dayton at the church. They were very pleased that you took time to be there. If we can address that situation it would be appreciated. We talked briefly on Washington Avenue. Do we have a timeframe? Every day I am being flagged down. Can I have an answer to tell some of these people? Is there an approximate timeframe?

MAYOR: We are meeting with Mr. Camera next week. He is putting together a plan to address the needs on Oberlin Avenue as well as Washington. There are a couple other roads that Council brought up to us and we are going to try to do the best that we can to address those but some of those concrete streets we need to do some repairs on so that when the funds become available from NOACA we have a concrete base there that we can address that in a more permanent fashion.

MR. SCHUSTER: We are addressing it so; hopefully sometime soon they will see some work being done?

MAYOR: We feel it is something that has to be done this year.

MR. SCHUSTER: The Tower and Falbo intersection is a high traffic area and I would like to see something done before someone gets hurt.

MR. EDWARDS: Mayor, you were here when they built those houses on Oakdale. The contractor put up a bond to pave that street. I don't know whatever happened to that because they let him build those houses because he put up the bond to pave that road. When I was a council member over there we were fighting and trying to get something done because one-half of the street was in the Mr. Urbanek's ward and the other half was in my ward. In talking with some of the homeowners and some of the old timers...there was a bond presented to the city to pave that street. He put up about five or six new houses over there and there was a bond involved with that.

MAYOR: Are you speaking of Oakdale or Dayton Avenue.

MR. EDWARDS: I'm sorry it's Dayton Avenue. There are many new homes over there and maybe we can come up with something to get the street paved because it's bad. I would also like to thank Mr. Shawver because we took a ride in my area. I've seen a couple of things that have changed. Would you give me an update every two weeks of what is happening out there; who has been cited. Like with Mr. Timko, we took a two-hour bumpy ride. Mr. Timko has done a good job over there because that is a big project to undertake and do a lot of research. By us looking at what he has given us tonight, this does not mean that we are going to turn this down. We just want to go through it, digest it and sit down with him because there maybe some things we may need to critique a little bit. I think that project is well on its way. I think some positive things are going to come of it and it's definitely going to help this City.

MR. SHAWVER: On Dayton Avenue, Mr. McGannon is working on petitions for Lexington, 38th Street and Dayton. They said they sent out petitions years ago but they had no idea where they were. The residents we have talked with are all willing to pay their portions until they find out what that is and then we may have a stumbling block. They are working on that right now to get the petitions ready for there. Where you and I rode, I send down to Nancy every week the exact sheets that the Building Department has been working on (who they have cited).

CLERK GREER: I scan them in and I email them to everyone. If you would like a hard copy, let me know and I will put them in your box.

MR. HOLCOMB: I know that you have stated down the line if we re-do roads that you are double-checking with the Utilities Department to make sure there is no problems. Some of those roads were to be started last year. I believe a contractor should be coming out first thing this spring but if you can double-check those first. I have a couple in my ward that was supposed to be started and haven't yet. Camden and 39th Street is supposed to be repaved (the signs are up) but they didn't start. Can you let me know when the contractor is supposed to come out? We have to wait for asphalt to be available but is there some kind of rough estimate of a timeframe on that.

MR. SILECKY: Mr. Shawver, a couple of month's back we talked about the traffic congestion situation at the ball field. I see they widened the skirt out a little on Meister Road. What other items are we doing to facilitate with that traffic congestion there?

MR. SHAWVER: I have not gotten anything back from the Police Department back yet. When I first spoke with them you and I spoke about trying to either block off one area, change the routing so that we wouldn't have the traffic going through there and tearing up the field but they didn't like that. They haven't come back with a new proposal. I will approach them again to find out what they want to do with the traffic flow going through that area. When we have a little league game it is horrible.

MR. SILECKY: Exactly. That season is now starting up. Can you please put a little more pressure on them? If there is anything that I can do to help, please let me know. I would like to set up a time in the near future so we can go out in the seventh ward.

MR. SNODGRASS: Everybody is aware of the pothole situation that we have had. We have been doing a good job in getting those filled. However, we also don't want to lose this...we are starting the rainy season. We have entire patches being pulled out and are

thrown into our sewers and so forth. Do we have any plans or the program for the upcoming season to clean out ditches and maintaining that so we don't start flooding?

MAYOR: We have already been meeting with trying to get some of our more notorious ditches that consistently overflow their banks cleaned out. We are meeting with the county engineer, Ken Carney. We have a team together that are coming up with an approach to address those issues that have been ignored for decades.

MR. SNODGRASS: Are we sending some of our city crews out because there are many leaves left over from the fall?

MAYOR: Yes. We have already started the street sweepers when the temperature gets above to when we can hit them already. As part of Pride Day, we are going to try to do something to where someone on every street goes out and cleans up the catch basin; it will give us a little head start on the rainy season to keep from backing the streets up just from clogged sewer grades.

MR. SNODGRASS: I know we sent to committee tonight about the Willow Hardware site. I talked to the developer of CVS and as he stated they are building a 12,000 plus a 3,000 square foot facility there but concerning to me is that they are vacating a 15,000 square foot facility across the street. Has the Administration taken any approaches to try to help fill that void?

MAYOR: We are working on a plan now where we are adding a spot to our website. We are going to start giving some free advertising to available commercial properties throughout the city that are presentable. We will work with properties that we own or properties that developers or individuals own, to help market them. As you know, so much is done online now and we think it's something that we need to add to our website. We have talked to Mr. Mantini and they actually already have a shelf set up, we need to provide them with the properties description and contact. We are going to make sure that we are going to include Lorain Plaza as one of those on our website.

MR. SNODGRASS: So, are we going to pick up the phone and call the owners of the plaza? I am concerned and don't want it to turn into some other areas that we have had in the past.

MAYOR: I have spoken with the property manager before and we will stay in constant contact.

MRS. MOLNAR: Last year, I followed the Street Department when they were crack sealing the entire 31st Street...I am not going to sit here and pretend that I understand everything about materials used in crack sealing. I know the men did a good job but Mr. Shawver, can you drive down 31st Street? The crack sealing has pulled apart and has become holes. I try to take the back roads to the eastside and went down Access road, it is bad. I cannot understand why they didn't do that when they were putting in the new sewer; they left a big gap there. That is making the entrance onto Henderson Avenue across the bridge bad. I would appreciate very much if you get onto that.

MR. GIVEN: About the Building Department, are we still operating on a complaints only basis or are we doing any sort of actual "sweeps" through town?

SAFETY DIRECTOR DORE: We are doing some sweeps. If you like, I can forward you some sweep material. They do send me some database material that they give me periodically.

MR. GIVEN: For a while, we had two inspectors that were out there that Council specifically approved hiring strictly for building code maintenance; it had nothing to do with new construction or anything else. I know that has since been disbanded. There have been some employee issues and have gone onto other departments. Who is handling these now?

SAFETY DIRECTOR DORE: The city has been divided into quadrants (four or five) but they are all out doing sweeps as time permits between other inspections. I can get that information to you also. I can show you the areas and who's responsible for those areas.

MR. GIVEN: I would like to see the map and who's responsible because it's frustrating as you drive through town and see the same thing repeatedly but no one is forcing the property owners to clean it up.

SAFETY DIRECTOR DORE: I will be glad to get that down to you right away.

MR. GIVEN: I would appreciate it if the Administration would reach out to the county... a gentleman that runs the EMA with regards to the Windsor Property... I know the city didn't get funding for the acquisition of the homes along Windsor Court but he told me he was going to put us in again for the next round of funding. As long as we keep at it, we should hopefully be successful one day. I want to make sure that he knows that this Administration is on board with that plan to get that cleaned up and help the homeowners out.

I would like to call a Committee of a Whole Meeting for April 28, 2008, to have the Police Chief come down and address Council about what is going on in the Police Department. Every day I have homeowners or residents come forward and ask me what is going on downtown. It's bad enough that we are 60 days from all hell breaking loose with the kids getting out of school and all the trouble they are normally going to get into besides the fact that it's going to be warm and every drug transaction is going to take place on the corners but now we have to worry about police officers or lack of leadership in that area. I think Mr. Rivera needs to come before Council, as well as the public, and start explaining what is going on with regards to his department, what kind of changes he is planning on putting into affect and when the residents can start feeling safe about the Police Department again. This is uncomfortable topic for me to bring up however; every time I turn around someone is hitting me with a question. Different employees of that department are violating not only their own codes but the city ordinances that are before them as well. I think it has to stop and start bringing some honor to that department that it has had in the past. On the 28th of this month, I want to have a meeting here.

CLERK GREER: Do you wish to have an Executive Session on that matter?

MR. GIVEN: I will leave it up to the Chief as to how he wasn't to address it because it is an employee matter.

CLERK GREER: We would have to do that during a special call.

MR. GIVEN: We can talk in Executive Sessions if he wants to go into exact plans. I think he needs to step forward in front of this Council and the public and address the fact that we are letting the residents down with the service that we are providing. The residents are not feeling comfortable with their own Police Department. As painful as it is, it needs to be done.

LAW DIRECTOR PROVENZA: We have some pending litigation right now. The litigation right now is some wrongdoing on the part of some Lorain police officers. I think it is advisable, to eliminate the possibility of those matters being discussed openly, for there to be an Executive Session regarding matters involving pending or imminent court litigation involving the Lorain Police Department. Since there are allegations of the overall (?) of corruption alleged to exist in the Lorain Police Department, within the context of the Executive Session is where we need to deal with that matter.

MR. GIVEN: Based upon that, I will leave it up to the Police Chief on how he wants to deal with it and how he wishes to address this Council. There is a lack of trust on the streets that needs to be addressed as well. I understand the fact that we don't want to have someone come forward who has filed suit against the city and make a big scene that evening however; the Police Department as a whole, needs to address what is going on and come down to this Council. He can do it privately but I think he needs to do something through the media to address it to the public. As the legislative body, we cannot cover for the management of that department right now. I have no problem calling an Executive Session but I want it to go on record because Council has the authority to pull the department head forward, ask open questions on the floor of this Council and they have to answer them. He can do any way that he wants but within the next three weeks or so, I would like to see some answers.

MR. FALLIS: Mrs. Harper, can you check with Mr. Ron Mantini and let City Council and the Administration know when we will have the first quarter revenue and expense numbers as compared to budget so we can schedule a meeting for that?

MR. HARPER: Anita Harper. It usually takes about two weeks after the end of the month before we get all of the reports in to post the revenue. We should have it within the next week or so.

MR. FALLIS: Can you have Mr. Mantini call me when that is available?

MRS. HARPER: Absolutely.

MR. FALLIS: I will go ahead and schedule a meeting pursuant to when he calls me. I think we passed some significant legislation today relative to the Emerson Electric project. I know the mayor, service director were proactive. I want to thank them for that as well as the principals of Emerson Electric for partnering with the City of Lorain.

MR. HOLCOMB: If it would help to facilitate the meeting with the Police Department, instead of having to call a Special Call in order to vote on a committee of the whole, I would be willing to hold a committee meeting on the 28th because that would be a fourth Monday; it would require a Special Call in order for us to have that type of committee. Otherwise, if you want to do it in at a Special Call on the 21st would be fine.

Moved by Mr. Given, supported by Mrs. Szabo, to adjourn. There being no further comments, the meeting adjourned at 8:15 p.m.

President of Council

Clerk of Council