

The COMMUNITY DEVELOPMENT COMMITTEE held a Meeting on MONDAY, SEPTEMBER 12TH, 2022 beginning at 6:00 P.M.

CD PRESENT: Vice- Chair Mitchell, Lipian, Oswald, Schneider,
FINANCE PRESENT: Chair Stewart, Cerra, Davis, Schneider ,Tollett
OTHERS PRESENT: Law Dir Deery, Safety Svc Dir Brubaker,
Asst Dir Williams, Asst Dir Calvert, Finance Dir Pileski, Asst Fin Dir Farrell,
Engineer McKillips, WWPC Supt Korzan, CD Mngr Almabayyed, Councilperson
Simmons, PW Supervisor Connor, WS Jacob, Police Chief Pelko

Prior to the start of the committee meeting being called to order, Vice Chair Mitchell expressed her heartfelt condolences to the family of the young man that lost his life on Monday September 12, 2022. Vice Chair shared although the circumstances are unknown, we do know that the young man was someone's child. Ms. Mitchell asked that thoughts and prayers be extended to the family members..

1. Approval of the Regular CD Meeting Minutes ~ August 29th, 2022.
Motion made by Mr. Oswald, second by Mr. Schneider to approve the committee meeting minutes as circulated.

2. The matter of accepting the dedication of certain lands, easements and right-of-way as provided in the Final Plat of Fieldstone Lakes Subdivision Phase 2.

Referred By: Planning Commission Clerk Ballard

*** Note: This matter was passed by Planning Commission on August 2nd with no conditions**

Tom Simon of Fieldstone Lake LTD- 2 Berea Common, Suite 1, Berea, OH 44017 introduced himself and provided a description of the public/private streets of the next phase of installment of Fieldstone Drive. Mr. Simon requested if three meeting could be avoided and the matter be heard as an emergency, if possible. Law Director Deery advised that a request to suspend rules could be made. Law Director Deery inquired of council clerk admin. if a public hearing was scheduled. If a public hearing is scheduled an emergency is not recommended.

Mr. Scnheider moved and Mr. Oswald seconded to recommend an ordinance to authorize the Final Plat of Fieldstone Lakes Subdivision Phase 2.

MOTION MADE COMMITTEE REPORT WRITTEN

3. The matter of request for fireworks permit/ violations, which could include a misdemeanor.

Referred By: Councilman Andrew Lipian (for discussion only)

The referral was submitted by Councilman Lipian, Vice Chair Mitchell referred to Mr. Lipian to lead the discussion. Mr. Lipian expressed the hot topic of fireworks being celebratory and also concerning all across the city. Residents have come tonight to express their concerns. Mr. Oswald stated that he is on agreement with creating a misdemeanor or high fine ordinance, however he is concerned with the level of enforcement of the ordinance. Mr. Oswald asked if the Police Chief could provide more insight on law enforcement. Police Chief Pelko addressed the committee to say that enforcement of the law would be consistent with how it normally is. Once a call is received, it's investigated, if a resident is caught committing an act, they are cited, if the investigation is unclear, a conversation is had and request to stop and desist. Mr.

Oswald inquired about minors and fireworks. Chief Pelko shared that if minors are cited, they are certified through juvenile court. In addition, child endangerment could be considered, there would be law office advisement. Law Director Deery added that the City of Elyria would not pass delinquency laws. Issues that are a matter of the state of Ohio, would remain state issues. Mr. Tollett added that he would like to see a complete ban on fireworks usage in the City of Elyria, possibly may be agreeable to the July 4th usage only. Vice Chair Mitchell expressed she thinks that all are in agreement, fireworks are acceptable on July 4th, however two to three months before the fourth and a month or so after becomes annoying. In addition when fireworks are being let off at two, three and four in the morning, when people have to get up for work, therein lies the problem. Mr. Cerra weighed in to say that even if fireworks were allowed, a reasonable cut-off time would need to be considered. He suggested eleven p.m., not one or two in the morning.

Comments from the lobby:

Bonnie Rembowski- 1012 Park Ave.- Ms. Rembowski shared that she has made several calls to a few council members requesting restrictions because of all the comments that were previously stated. In addition due to the impact of fireworks on animals. Ms. Rembowski explained that she is a dog walker, she further explained an incident where she was walking a dog at four in the afternoon, when fireworks went off, the dog was petrified and panicked, she fell over the dog and was injured. Ms. Rembowski provided signed letters of support from members of her community that are in agreement of requesting some kind of restrictions on fireworks.

JoAnne Spickler, Marilyn Hawk, Rosemary Nemeth, Larry Worden and Patricia and James Harsemma.

Mr. Tollett reminded Ms. Rembowski of another concern she expressed to him concerning veterans. Ms. Rembowski explained that one of the signed statements is from a neighbor who stated that the sound of fireworks on New Year's Eve and the fourth of July is a reminder of the past for veterans and the sound is mistaken for gunshots.

Henry C. Marsico- 219 Miami Ave.- Mr. Marsico introduced himself as a retired Elyria Police officer and county prosecutor office employee. Mr. Marsico stated that as a thirty-two resident of the city of Elyria, he has never witnessed anything so "horrendous" as what has transpired in the last two years. Mr. Marsico is a veteran affected by fireworks that have awakened him from his sleep at three in the morning. He described the situation as disorienting, as he awoke, not knowing where he was. In addition his pets are affected as well. Mr. Marsico explained that he has elderly neighbors on both sides of his home and none of them need to be subjected to the fireworks. He expressed that other cities have passed ordinances.

Tiffany Reedy- 113 Williams St.- Provided a suggestion for a fireworks permit that she is familiar from other states. The permit could generate revenue and potentially be a tracking source of who has obtained fireworks.

Vice Chair Mitchell suggested that the committee suggestions be submitted to the Law Director's office for legislation consideration.

4. The matter of a request to rezone the property at 1444 Lowell St. from Light Industrial to Heavy Industrial as requested by Beacon Sales Acquisition.

Referred By: Rene Jimenez of Beacon Sales Acquisition

** Note: This matter was passed by Planning Commission on September 6th with no conditions*

The applicant was not in attendance at the meeting. Item tabled until September 26, 2022

5. The matter of a request for Conditional Use Permit for a Medical Marijuana Facility at 914 Cleveland St.

Referred By: Diane Strauss CEO/Founder CREAM Apothecaries

** Note: This matter was passed by Planning Commission on September 6th with no conditions*

Diane Strauss- 914 Cleveland St.- Ms. Strauss explained that the provisional license from the State of Ohio has been obtained, however the request before the committee is for a conditional use permit from the City of Elyria. Ms. Strauss expressed she believes the Cleveland st. location is ideal. She understand there have been concern with the roll arena next door, however the state of Ohio requires specific security regulations and she assured the committee that youth would not be able to enter the facility, nor would youth be served , and described a man trap security system. In addition Ms. Strauss explained the State of Ohio regulates the amount of members purchases and how often they visit a dispensary. She explained the process for how product is received in the dispensary as well. Visitors with a medical card are permitted, they are not permitted to bring someone I the facility with them. Ms. Strauss states that her company will be putting in over two million in property improvements. Ms. Strauss explained the state of Ohio's initiative is to reduce the amount of illegal marijuana on the streets. Ms. Strauss explained all the uses for medical marijuana and the latest that is on the house floor presently, for youth with autism.

Mr. Oswald asked Ms. Mitchell is she could provide the committee with insight from her tour of the facility on Murray Ridge Rd. regarding the level of security. Ms. Mitchell explained that the building on Murray Ridge is not in comparison to the request of Ms. Strauss, as it is not a dispensary, it is a processing center. Ms. Mitchell explained the security aspect in regard to once you walk in, you have to be escorted out of the facility. Ms. Davis inquired about the possibility of a fence being built and is concerned of the location being near the roll arena. Ms. Strauss responded there are no plans to build a fence. Ms. Mitchell inquired if the bud would be dispensed. Ms. Strauss explained they dispense whatever the State of Ohio permits

Mr. Lipian inquired if Ms. Strauss could provide information on marijuana addiction compared to opioids. Ms. Strauss shared that she could provide information on addiction. Ms. Strauss explained that it has been proven marijuana does not have the addiction of alcohol and opioids. Mr. Tollett shared that the items sold in dispensary has not been approved by the food and drug administration.

Ms. Mitchell stated that marijauna was bad until it became profitable. Ms. Strauss confirmed the statement and explained that is the War on Drugs that people of color are serving jail time for the same crime that people are making money from.

Mr. Cerra stated that the City of Elyria previously approved a marijuana facility, the only concern for this facility is location and that he does not have concern with approving this request. Mr. Lipian asked if Chief Pelko could weigh in. Vice Chair Mitchell explained that a facility exist in the city. Chief Pelko echoed Vice Chair Mitchell, a marijuana facility is in existence in the city, there are not many calls to the facility, it is off the

radar. It is located in the industrial section of the city. Chief Pelko expressed his personal opinion in that the location would be better served near the industrial section. Chief Pelko offered to pull stats, and assured the committee that calls are minimal and that security is phenomenal.

Motion made by Mr. Schneider, seconded by Mr. Lipian to approve a Conditional Use Permit for a Medical Marijuana Facility at 914 Cleveland St.

MOTION MADE

COMMITTEE REPORT WRITTEN

6. The matter of a request of a Conditional Use Permit for a Type 'A' in home Child Care at 1712 Gulf Rd., Elyria.

Referred By: Rebekah Young of The Village Academy

** Note: This matter was passed by Planning Commission on September 6th with no conditions*

The applicant was not in attendance at the meeting. Item tabled until September 26, 2022

Vice Chair Mitchell asked Chair Stewart to call Finance Committee to order so they can begin the Joint CD/Finance Meeting at 6:43 P.M.

Vice Chair Mitchell asked for a motion to adjourn this evening's Community Development Committee Meeting.

Motion made by Mr. Cerra, seconded by Mr. Schneider to adjourn the Community Development Committee Meeting at 6:45 P.M.

MOTION CARRIED

RLP/