

The Community Development Committee held a meeting on **Monday, March 13th, 2023** beginning at 6:00 P.M.

CD MEMBERS PRESENT: Committee Chair Callahan, Mitchell, Oswald, Schneider Absent: Lipian (Chair Callahan said he was contacted by Mr. Lipian that he would not be able to attend this evening's meeting due to his Military Reserve commitments).

FINANCE MEMBERS PRESENT: Committee Chair Stewart, Tollett, Cerra, Davis and Schneider

OTHER COUNCIL MEMBERS PRESENT: Corbin and Simmons

OTHERS PRESENT: Asst. Law Director Breunig, Safety Service Dir Lundy, Asst. Dir Williams, Finance Dirs. Pileski and Farrell, Engineer McKillips, Building Official Farkas, Fire Chief Pronesti, Police Chief Pelko, HR Dir Yousefi, Public Works Sup. Conner

1. Approval of the Joint Committee Meeting Minutes ~ February 27th, 2023

Motion made by Mrs. Mitchell and seconded by Mr. Oswald to approve the 'said' meeting minutes.

2. The matter of a Rezoning request for 300 4th St. from Business Downtown District to Residential Multi Household Low Density District.

Referred By: Keystone Recovery Group

This Matter was Denied by Planning Commission on February 7th.

Attorney for the Applicant is RJ Budway who will speak on behalf of his client.

Attorney RJ Budway, 5505 Detroit Road, Sheffield Village. He's been retained by Mr.

Hammond regarding this matter. He met with Mr. Hammond and they've agreed that there are a number of items that they need address prior to discussing this matter with the committee. He's asking for the matter be table to April 24th, 2023 so that they can work with the Law Dept and the Building Dept and they will need to file some additional filings in order to get this property rezone the way they would like it.

Chair Callahan thanked Attorney Budway and he said this would be the second time they would table this matter. He asked Attorney Budway if he is reasonably sure that they would be able to address the committee on the 24th of April?

Attorney Budway said yes.

Chair Callahan said this matter is Tabled to April 24th, 2023 at 6:00 P.M.

3. The matter of creating a new City Committee, titled The Diversity, Equity and Inclusion Committee, (DEI Committee).

Referred By: HR Director Yousefi

HR Dir Yousefi said she had created a draft ordinance to create the City of Elyria Diversity, Equity and Inclusion Committee. She would like to move it forward with this committee and have it become formalized.

Mr. Oswald said he doesn't know a lot about this. He thought the City is already an Equal Opportunity Employer and he thought those matters were being taken care of when a new employee gets hired in? Why do we need this board?

HR Yousefi said this is a very difficult topic and it runs very deep in some people. The City's policies and practices go along with EEOC, but we can always do better. She thought this would be an opportunity to do some education with employees which would be helpful. Not necessarily EEOC topics, but all kinds of diverse topics. It's very necessary.

Mr. Stewart asked how many are on this committee and where and when are meetings held?

Dir Yousefi said there are currently 10 members. Meetings are held in the City Hall 3rd Floor Conference Room.

Mr. Stewart asked when they will move forward with communications with the City and the employees?

Dir Yousefi said they have already started to do some things for the employees. The committee sponsored an employee picnic last summer which included a speaker. As the committee develops more and offers more training programs, there will be more communication.

Mr. Stewart asked if there is a request for monies for this?

Dir Yousefi said yes, there is a DEI line in the HR Budget in the amount of \$16,000 for education.

Asst Dir Breunig said he's looking at the proposed legislation and he's curious as to who is supposed to comprise this committee and how they're selected and chosen? If we're going to codify this he will need to know what the mechanics of this will look like and how it will move forward. Will it be administrative appointments, council appointments?

Dir Yousefi said it's self-appointed so those who volunteer to be on the committee and the 10 people who are already on the committee will decide who else they would choose to be a part of it.

Dir Breunig asked if they are basing that on any criteria, will there be specific criteria set forth in this ordinance?

Dir Yousefi said the criteria is that if someone is interested in serving, they may join. She said she has another document that gives additional information that talks about the time frames of members and staggering terms.

Dir Breunig said he's happy they've addressed terms, but he's more curious as to how the initial appointment of members looks like and who has the say over that. There will need to be some mechanism down the road. If eight people suddenly resign from the committee, how will they be replaced?

Dir Yousefi said that's something she can address and add those items and bring back to the committee.

Mr. Tollett asked Dir Yousefi if she's certified in diversity and inclusion?

Dir Yousefi said she is not certified in that, but, she does have a senior professional certification for human resources from the HRCIA Academy.

Mr. Tollett asked what the \$16,000 is for?

Dir Yousefi said that will be used for educational programs. They have a manager meeting coming up on April 25th and they will have a speaker talk on implicit bias. The cost is for lunches and to pay speakers. They may have other events later in the year.

Mr. Mitchell asked if these programs are for the members or any employees?

Dir Yousefi said it will be City wide and it will take place in Council Chambers.

Mr. Williams said part of this is in response to a presentation by Janine Donaldson and City Council passed a resolution which declared Racism a Public Health Crisis in the City of Elyria. And it was professionally encouraged that cities and municipalities and businesses to develop this as an advocacy component within an organization, so that systemic bias and other issues around diversity are being addressed. And making sure there is a welcoming environment in the workplace. Being self-educated and open to bringing in people to help us in terms of that culture. These committee members are volunteers from the city who believe in a healthy culture. It was important that they are part of that and for something to be permeated throughout the city. It was also important that this not be a committee of the administration. So maybe this can go to the Law Dept and get it tightened up see where there may be some loopholes and then come forth with something that is a bit tighter. He commends Ms. Yousefi on the work she and the committee have done.

Mr. Oswald asked if this will be mandatory for every employee?

Dir Yousefi said they will try to get everyone, employees and council involved. She said she did work with Dir Deery on this.

Chair Callahan said they will table this matter for now until they are ready to bring it back to committee.

4. The matter of yearly or bi-yearly Inspections to take place on Commercial Buildings to keep up with the integrity of the City's older buildings.

Referred By: Council Member Oswald - Ward 4 [Discussion Only]

Mr. Oswald said in the last 10 years there have been issues with some of the older buildings in the downtown area. Issues like bricks falling off, walls caving in. At one time there was something in place where the Building Dept was doing inspections and that stopped. Since then, the only time a building would get checked was if the fire department was called to the location and reported an issue to the Building Dept. Recently there have been issues with buildings and there has been more conversation about this. Buildings are falling apart and no one is checking to make sure they are okay. Something should be done to stay on top of it. Maybe we need to implement some kind of program to work with the owners of these buildings. He wondered why the Building Dept. isn't on top of the problems.

Building Official Farkas said he will address the concern of the inspections. The last time a systematic of the downtown area was completed was in 2006. And it was not well received at that time. Inspections were only exterior. Building owners did not want inspectors inside the buildings because they couldn't trip over one violation to go look at another violation. With the exterior inspections, it created a tidal wave people saying, why are they being picked on.

From the records there were some compliance. He thinks a resurgence of that could be possible. But the Building Dept. is grossly understaffed with the amount of work that is currently going on. If he does assign a property maintenance inspector to the downtown area, he will also piggyback a construction inspector and there will be more eyes on it and each one can look into different books. They would have to do a blanket notification via mail to the building owners. They would have to pick an area in downtown; specific streets. The notification would have to be fair and consistent. Once they process those violations to the court system, his hands are tied and he becomes a reporter to the courts, as to whether that property owner is complying or not in compliance. Once it's in the court's hands, Official Farkas said, he is powerless. If a call is received saying that they are not doing their job, the response is 'it's in court'. Unfortunately, his department needs help to get these projects moving accordingly. His department has a backlog of cases that are unresolved.

Mr. Oswald said he understands that the legal process tends to take a long time. He thinks we have to figure out a legal way that we can speed up the process. Maybe they can take the age of some of these buildings into consideration.

Official Farkas said unfortunately the building's age is irrelevant, it could be only a year old and it could be tagged with graffiti, broken windows, missing siding, so it could be suffering property maintenance concerns. If they do a systematic and to be consistent, they would inspect each and every building and site accordingly.

Chief Pronesti said he appreciates this topic being brought up. With what took place at the Suzin L's building, there was no indication that the façade was going to fall to the street. Elyria is an older town; the buildings are old. A one-hundred year old building will be affected by gravity, he concurs with Mr. Farkas that this takes staffing and sometimes those issues just aren't visible. You can look at a building and not necessarily see any problems. The back wall of that parapet at Suzin L's had a sealant applied to it, which was the right thing to do because of the freezing and thawing, you have to protect that wall. If someone inspected that roof, they wouldn't have seen any cracks, there was no indication that there was a problem. It was just gravity and time. There were strong winds that day and there are going to be times when no one can predict what will happen. From a fire stand point there are several vacant buildings that they try to find the owner's of so they can get access to get into the building to do an inspection and they have had no luck with some of those buildings. One of those buildings is the old store that was once the Style Center on Broad St., that building has been vacant for 40 years or more. They cannot get in there to do any inspections.

Mrs. Mitchell said she agrees with Mr. Farkas, about once it goes to court. They are working on something that has been two or three years and it's still in the courts. The courts don't report to us, they're working on it. She asked Chief if it's correct that the City cannot go into a building without the owner's permission, is that correct?

Official Farkas said short of an inspection warrant, very akin to a search warrant, there has to be probable cause in order for a warrant. He has to tell the judge that they think this and that is taking place in this building. Without that he is powerless. If the owner signs a consent form he can go in, but some owners have said you can only look at a certain violation and he cannot look at anything other than what he was given permission to look at. The judicial system works, but it is extremely slow and in short of it being imminent danger. The only time either the Building Dept or the Fire Dept can act is when it could be endangering public life.

Asst Dir Breunig added how the court system works in this process and the court system is useful to a point, but treating them as criminal violations is problematic and flawed. The remedy for a criminal violation is going to be a fine or jail time.

The city is limited to dealing with these as misdemeanors, so you're looking at a low dollar amount on a fine and it's usually less than what the cost of repairs will be. We do what we can, the results are not what would be expected out of it. The inspector can only do exterior inspections, if there is probable cause and gets additional information from those exterior inspections, he might be able to convince the judge to give him more. He wants to remind everyone of what realistic expectations should be for a project like this.

They can look at what's on the books, maybe tweaking what's on the books and maybe look at alternative solutions.

Mr. Farkas relayed to Mr. Oswald and the committee that they are more than welcome to pull up the data of all the cases they have documented that have hit a brick wall. It's a vicious cycle.

Mr. Tollett reminded the committee about the Shane Furniture building which had been condemned for many years. There was 10 feet of water in the basement for years and it was rotting and could've crumbled down and cause damage and injury to anyone who was near it. And it took years for the City to finally get it torn down and we were fighting with an estate.

Asst Dir Breunig said the Shane Building situation was a little different, there was a 'Repair or Demolish' notice issued. Most are not at that point and hopefully won't ever be at that point.

Official Farkas said Dir Breunig is correct, they get such a different scale of severity. They get complaints where someone will say, just go look at it, but, they have to have just cause and specific in regards to filing a complaint.

Mrs. Mitchell said to Mr. Farkas that she appreciates him and his staff. She said she knows that she bugs him with complaints.

Mr. Oswald said this is good discussion. This wasn't brought up to say the Building Dept isn't doing a good job, council, courts aren't doing a good job, it's not that. We're all trying but, he thinks we can all do better with more conversation and try to come up with some ideas.

Mrs. Davis said we're hitting the court with a brick wall. She thinks that council members should be able go have communication with the Building Dept and the Courts. We should all be able to get together and discuss these issues. It shouldn't take 2 years to get something done.

Mr. Farkas agrees with Mrs. Davis. He feels what's missing is the pride in ownership that has seemed to have slipped away. It shouldn't be the building department to say to the owner you have to fix it, the owner should want to take care of their building and should fix it. He's had repeat offenders say to him, it's cheaper to go to court, than it is to fix it.

Chair Callahan said it's always good to review these things from time to time and this evening's discussions have been very good.

He thanked Mr. Oswald for bringing this to the table and we'll place the matter in 'Pending Items' for now.

Mr. Oswald wanted to let the committee that Geoff Westerfield from ODNR spoke at the Town Hall Meeting on Tuesday, March 7th. He discussed the issue of the over population of deer in the City. There were a lot of good questions and answers and discussion. This was the first discussion on this topic since 2011.

They don't have all the solutions of how to fix the problem.

The meeting minutes will be distributed to everyone and he will bring the matter back as a referral to be assigned to the Community Development Committee at a later date.

Chair Callahan asked for a motion to adjourn.

**Motion moved by Mr. Oswald and seconded by Mrs. Mitchell to adjourn the Community Development portion of this evening's meetings.
The meeting adjourned at 6:45 P.M.
MOTION CARRIED**

The evening's meetings continued with The Finance Committee.

Respectfully Submitted by,

Colleen Rosado, Secretary/Administrative Assistant