

The COMMUNITY DEVELOPMENT COMMITTEE
held a Meeting on MONDAY, AUGUST 30TH, 2021
beginning at 6:00 P.M.

CD PRESENT: Chair Callahan, Cerra, Oswald, Jessie, Mitchell

FINANCE PRESENT: Chair Stewart, Tollett, Baird, Jessie, Davis

OTHERS PRESENT: Law Dir Deery, Mayor Whitfield, Safety Service Dir Brubaker, Asst. Safety Service Dir Williams, Finance Dir Pileski, Asst Finance Dir Farrell, Building Official Farkas, Engineer Schneider, WWPC Superintendent Korzan, Water Plant Superintendent Jacob, Asst Law Dir Breunig, HR Director Yousefi, Parks Director Reardon, CD Director Scott, CD Manager Almobayyed, CD Dept. Day, Judge Bennett, Councilperson Keys

1. Approval of the Regular CD Meeting Minutes ~ JULY 26th, 2021.

Motion made by Mr. Cerra, second by Mrs. Mitchell to approve the said meeting minutes.

2. The matter of a Dedication Plat for Reaser Pointe Crossing.

Referred by: Engineer Schneider

(This matter was passed by Elyria Planning Commission on August 16th with no conditions).

Engineer Schneider said this the plat for the new road that connects Chestnut Commons Drive to East Broad St. The construction is complete and was built to City standards. The road starts at Walmart and runs north to East Broad St. The road was built on a 60 foot right-a-way and is 32 feet wide and has signage and pavement markings on it. Today we're here to have the road accepted by Council so they can move forward with opening it. Chair Callahan asked for an update in regards to safety issue with this new road?

Law Dir Deery said she would be more than happy to fill in the gaps. For the record, when PC reviewed this on August 16th, Fire Marshall Gall had no conditions in his report. It was noted this project was completed to ODOT specs and City Standards. The PC Meeting Minutes were passed out with the Agenda.

Chair Callahan asked if anyone would like to speak?

Attorney David Cuppage who is representing Dan Reaser of DBR Commercial Realty, LLC spoke to the committee. He began by saying this road intersects and divides the property. He is here to request to this committee that they not accept the dedication and not accept the plat as dedicated and requests that this be tabled for further review. The developer does in fact have numerous concerns about dedicating this plat and opening this road. It is their contention that there areas in omission with the design of the road and the storm sewer public improvements, in general. They developer does have engineering studies that demonstrate that there is substantial flooding and storm water management design issues and that it's not working. The road design was made higher than necessary with a detrimental impact on the land to be developed and a detrimental impact on the roadway itself.

The road was built to final unapproved plans which the developer did not approve.

Law Dir Deery interrupted Attorney Cuppage to say that they are not going to litigate this matter in this public forum at this time. This matter is solely on the agenda to discuss dedicating these City owned parcels.

Attorney Cuppage said he wanted to restrict his comments to the safety issues that they believe are readily apparent with respect to the design of this roadway. The roadway is four to five elevated above the property and is causing substantial flooding.

Law Dir Deery interrupted to Attorney Cuppage once again and said there has been no evidence and again this is a matter for litigation and not for the matter of the dedication of these City owned parcels.

Attorney Cuppage said it's a matter for both. He said they have to go out to the property after a rain event. The argument is that if the flooding on the side of this property is not a safety issue to this administration, then they should say so. There is elevation issues, there are no guardrails, no lights. It is the developers contention that this does in fact create a safety issue. There are flooding issues and there is also issues with respect to the detention ponds. There's nothing protecting drivers if they would happen to swerve off the road from going into the retention ponds. All of these things do constitute safety issues and these matters should be considered. Attorney Cuppage said as far as he knows, there were no safety studies done by independent engineers that would evaluate the roadway for safety concern issues. He thinks the City was well aware of the issues that pertain to the safety issues that he's discussing. He thinks the City was aware of the stormwater management issues and the flooding. He would submit that flooding issues are public safety issues that should be considered. He feels that the City should take a little more time and study these issues with an independent third party neutral engineer and look at this from a safety perspective. They would also submit that their complaint and these reasons that the City ought to not dedicate this plat.

Chair Callahan asked if anyone would like to address these comments?

Mrs. Davis asked if Mr. Cuppage has any proof of these statements that he's making? Mr. Cuppage answered this question, but did not come up to the podium to speak and the answer was not audible.

Chair Callahan asked Law Dir Deery if these issues will be addressed at some time?

Dir Deery said the matter of the flooding issues on DBR's property are currently being litigated. The issues of the City parcels upon which this road in on went to PC on August 16th and these matters were discussed and evaluated by the PC members and our City Engineer and the City's consultants have weighed in on these concerns and they are confident that this road has been build according to safety and structural specifications from the Ohio Dept. Of Transportation as well as City internal requirements.

Motion was made by Mr. Cerra and second by Mrs. Mitchell to authorize the dedication of the 'said' plat.

MOTION CARRIED

COMMITTEE REPORT WRITTEN

**3. The matter of a Final Plat for 'Four Seasons at Chestnut Ridge' ~ Phase 3.
Referred by: Planning Commission Secretary Ballard
(This matter was passed by Elyria Planning Commission on April 6th and
Conditions have been met)**

Engineer Schneider said this is the final Phase for this sub-division 'Four Seasons at Chestnut Ridge'. The overall layout was approved by council some time ago. Phase 3 is a long cul-de-sac which goes toward the eastern portion toward N. Ridgeville. This was approved by Planning Commission. The original plat had the street name of a street which already exists in Elyria, which was Rosewood Dr. They were directed to change the name and a resident objected to that name and then another name was selected, which is now going to be called Single Oak. The development is almost completed and being built to the City's standards. There is an agreement and bond in place to cover any costs if they don't complete it to our standards. So, Mr. Schneider would ask for Council's approval of this final plat.

Mr. Oswald asked if there were any issues with the first two phases?

Engineer Schneider said there were minor issues, such as grading issues. They had to go back and redo some portions of the road where it cracked because they put an excavator on it which they shouldn't have allowed, things like that. But they are working with the City and will continue to do so. They also have another subdivision they will be building on the South side of town.

Motion was made by Mr. Cerra and second by Mrs. Mitchell to authorize the approval of the 'said' plat of Phase 3 of the 'said' subdivision.

MOTION CARRIED

COMMITTEE REPORT WRITTEN

**Chair Stewart Called Finance to order at for the
JOINT Meeting of Community Development and Finance Committees
at 6:24 P.M.**

**Mr. Jessie moved and Mr. Cerra seconded to adjourn the Community
Development Committee's portion the this evening's meetings at 7:55 P.M.
MOTION CARRIED**

This evening's meetings continued with Finance which began at 6:45 P.M.

Respectfully submitted by,

Colleen Rosado, Council Clerk Secretary

(Meeting was attended by Secretary Rosado and Meeting Minutes transcribed by Secretary Rosado)