

The Community Development Committee held a meeting on **Monday, June 26th, 2023** beginning at 6:00 P.M.

CD MEMBERS PRESENT: Committee Chair Callahan, Mitchell, Oswald, Schneider, Lipian

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

OTHER COUNCIL MEMBERS PRESENT: Corbin and Simmons

OTHERS PRESENT: Law Director Deery, Mayor Whitfield, Safety Service Dir Lundy, Asst Dir Calvert, Asst. Dir Williams, Finance Dir Pileski, Asst. Fin. Dir. Farrell, Parks Dir Reardon, Eng. McKillips, WWPC Supt Korzan

1. Approval of the Community Development Meeting Minutes ~ May 8th, 2023.

Council member Mitchell moved Mr. Schneider seconded to approve the minutes.

2. The matter of Elyria Community Partnership (ECP) holding their 2023 Third Thursday Events in Ely Square. Referred By: Parks Director Reardon

Dir. Reardon stated the matter was approved by the Parks Board at the May meeting. Dir. Reardon requested to hold the Third Thursday events in Ely Square. The first one was on June 15th, the location was changed to inside St. Mary's Hall due to the weather. The remaining events are scheduled for July 20th and August 17th.

Law Dir. Deery confirmed with Parks Dir. Reardon that an emergency clause is requested. Dir. Reardon confirmed, yes.

Moved by Mr. Schneider, seconded by Mr. Oswald to consider the matter of an ordinance authorizing the use of Ely Square to be used for the Third Thursdays summer events.

MOTION CARRIED

COMMITTEE REPORT WRITTEN

3. The matter of Elyria Community Partnership (ECP) holding their 2023 Farmer's Markets in Ely Square.

Referred By: Parks Director Reardon

Dir. Reardon explained the matter of holding the Farmer's Market in Ely Square every Saturday from June 24th through September 9th also passed Parks Board on May 11th. Emergency clause is requested. Ms. Mitchell inquired about insurance coverage in the past with organizations using Ely Square. Dir. Reardon confirmed the current organization would have insurance as well and is transitioning the market from the old group to the ECP.

Mr. Oswald moved, Mr. Schneider seconded to consider the matter of an ordinance authorizing the approval for the Elyria Community Partnership to hold seasonal farmers market in Ely Square for the 2023 season.

MOTION CARRIED

COMMITTEE REPORT WRITTEN

4. The matter of an Annexation of State of Ohio Property located in Elyria Township on State Route 113.

Referred By: Engineer McKillips

Eng. McKillips expressed that the request for authorization to petition te County Commissioners to annex seven parcels on State route 113, beginning at West Ridge Road westward. The property is owned by the State of Ohio. Engineer McKillips explained that she and Asst. Law Director Breunig have been in contact in with the Department of Administrative Services of the State of Ohio. Authorization has been provided by the Ohio Department of Transportation to move forward with preparing the petition for annexation.

The reason for the annexation is the new subdivision, Ridgewater subdivision. Ridgewater has entrance that leads out to State Route 113. There is an additional entrance located off of Fowl Rd. Eng. McKillips explained that the developer of the subdivision submitted a permit to Ohio Department of Transportation to create the entrance and the permit was denied. The developer appealed the denial and it was denied again due to access existed off of Fowl Rd. After additional discussion with ODOT, (Ohio Department of Transportation) it was determined that if the city of Elyria owned the parcels they would not have to request a permit. Seven state owned parcels are requested for annexation.

Council member Oswald asked does the annexation change the homeowners status, or is the property that is requested for annexation not part of the current homeowner's?

Engineer McKillips explained that the annexation would not affect any private owned properties. Council member Oswald asked if there would be a monetary exchange for the annexed parcels. Engineer McKillips responded, no.

Council member Mitchell expressed that she believes the exit as designed would create a mess. She believes it will be a high accident area.

Council member Davis asked if a traffic study had been conducted from the distance of the light to White House Artesian Springs.

Engineer McKillips explained that at the time of plat discussion at planning commission, a traffic study was not requested, however a study could be requested.

Council member Schneider stated with the size of the development it is recommended that a second entrance and exit exits out of the subdivision, with three hundred houses being developed. Council member Schneider stated the Fowl Rd. Exit cannot be the only exit out of the subdivision.

Engineer McKillips confirmed that is correct, in addition the last phase would provide a connection from Potomac into the existing subdivision.

Mrs. Mitchell asked for confirmation of the city taking ownership of the state property.

Engineer McKillips confirmed the state of Ohio was going to give the parcels to the city.

Law Director Deery, confirmed the State of Ohio is in agreement with the city of Elyria's petition to annex the parcels.

Council member Mitchell expressed that was not what she heard in the explanation from Engineer McKillips.. She understood the permit and appeal were both denied.

Law Director Deery explained the denial was the developers request to have access.

Council member Mitchell asked for confirmation if the city of Elyria was going to proceed?

Law Director Deery explained the question would require a response from Engineering. Engineer McKillips explained the rules of the State of Ohio are that it is not permissible to have an entrance within a quarter mile of a traffic signal on a state route.

Council member Mitchell asked for clarification of the entrance/ exit, if it would exist between State Route 113, West Ridge and Oberlin Road.

Engineer McKillips responded it would be near White House Artesian Springs.

Law Director Deery stated the clerk's office would place the map up on the screen for visibility of the distance for further discussion.

Council member Mitchell expressed she's aware of the exact location and still has concern for the traffic. She stated her concern is for left turns being made out of the development and the potential of accidents and that consideration of the residents safety should be made.

Council member Schneider asked should a problem arise, is there a possibility of making the exit a right in/ right out only.

Council member Cerra asked if the creation of the intersection would be similar to the existing Clemens intersection?

Engineer McKillips confirmed yes.

Chair Callahan asked, after seeing the map, if there were any other questions.

Mr. Lipian asked Engineer McKillips what her thoughts were regarding safety.

Engineer McKillips responded that if the development is built out completely, consideration should be given to the idea of the developer putting in a turn lane on 113. She does state however without having a traffic study conducted she is not certain. Engineer McKillips provided additional information regarding Safety services and explained the access from 113 is more efficient opposed to coming down West Ridge Rd. onto Fowl Rd.

Council member Lipian requested confirmation from Engineer McKillips that if the matter moved forward today, her previous statement would make accessibility off of 113 safer for safety services.

Engineer McKillips confirmed yes.

Council member Mitchell stated that she lives in the area and drives in the area often, she requested confirmation of the road already being established.

Engineer McKillips confirmed yes.

Council member Oswald asked if Fire Chief Pronesti could confirm if it would be best to access the development from 113 or would it matter.

Chief Pronesti explained it would depend on if he were at the firehouse off of 57, he would access 113. For others they would choose the route of Leo Bullocks to West Ridge. Finance Director Pileski stated that he believed that road was already established.

Mr. Oswald asked if this moves forward, would there be an option for a turning lane?

Law Director Deery explained that the matter before the committee is to authorize the petition for annexation by city for the property.

Mary Siwierka - 119 Fresno Court- Mrs. Siwierka asked if the roadway was more than 750 feet to a dead end? Engineer McKillips confirmed, yes. Mrs. Siwierka stated that what she understood is that the developer had already poured concrete on property that he did not own. Planning Commission approved the matter on property that the city did not own. She stated that she agreed with Council member Mitchell that there is no way to exit the development and make a left turn. The idea of a right in, right out turn may be viable.

Mayor Whitfield stated that he was concerned with the overall safety.

Council member Mitchell stated that her point of contention is that the State of Ohio has responded no twice.

Chair Callahan stated that he is very uncomfortable with the idea of moving forward.

Council member Cerra stated that if he if the stat has to take a stance the possibility of the stance could be similar to that of Commons area.

Law Director Deery provided the committee with the confirmation that the State of Ohio has agreed to the annexation of the parcels.

Mr. Lipian asked if they vote today, all is being asked is annexation for the State of Ohio? Dir Deery said correct and the petition will go to the County Commissioners.

Mrs. Mitchell said that Ohio already said no. How does that work?

Mr. Callahan said he is uncomfortable with this.

Mr. Cerra said it's evident that Ohio isn't going to be proactive and only reactive after there's a problem. They don't plan on taking any action.

Mrs. Mitchell said this is the States property and we're going to take it anyway.

Dir Deery said that Ohio has agreed to this annexation. They will be seeding this property to Elyria should this be a successful petition but they are in agreement to giving up the property.

Mr. Lipian asked who is the ultimate decision making authority on whether the petition or request gets approved or denied?

Dir Deery said the decision making authority is the Lorain County Board of Commissioners, based on the fact that both parties as long as parties are in agreement on Ohio giving up the parcels and Elyria obtaining the parcels. ORC 709.16 states there are limited reasons that the County Commissioners could deny the petition. The legal term is 'petition' and in agreement that the current owner (Ohio) and the would be owner (Elyria) there are limited reasons that the board could deny the request. (It is a request in terms of a petition).

Mayor Whitfield said with Ohio Dept of Transportation denying the original request, is it

possible that maybe they denied it because it's not a safe access point onto Rt 113?

Engineer McKillips said it was denied because it doesn't meet their criteria which is the distance away from the intersection, which per their regulations is has to be a quarter of a mile away from an intersection.

Mayor Whitfield said it's the City's responsibility to come up with some ways to mitigate safety if we're to go down this route. It's a common sense concern.

Law Dir Deery said ORC 709.16 A and D (which our petition would be filed under), if the only territory to be annexed is contiguous territory owned by the State and Dir of Admin Services of the State has filed a written consent to the granting of the annexation with the board of the County Commissioners, the Board, by Resolution shall grant the annexation, (there is no discretion for them to do otherwise), the annexation shall be complete upon the entry upon the Journal of the Board of Resolution granting the annexation. Barring a flaw in the petition, the annexation shall be granted by the commissioners in due time.

Engineer McKillips said PC or Engineering could have requested a traffic study. She isn't aware if these concerns were brought up at that time, perhaps a different layout could've been put in place. Maybe put a sign 'no left turn'. The developer will accommodate.

Mr. Schneider said there are 325 house and you don't want to have them all accessed through Fowl Road. There has to be a secondary access.

Councilman Tollett asked if this would effect the JED Agreement?

Eng McKillips said No.

Mr. Tollett asked if there is a conflict that Mr. Lipian works for the County Commissioners?

Law Dir Deery said she doesn't know the specifics of Mr. Lipian's day job. She would expect for him or anyone else who may have a conflict to make that determination and if needed to recuse himself or herself.

Mrs. Mitchell said that from the moment this development was proposed that it was going to go all the way back to Rt 113, that was the plan all along. She's not against the road, she's against it coming to Rt 113 to make that left, her concern is for the safety.

Engineering did know it was going to Rt 113, thru PC process, there were no issues, it wasn't until the developer went to get the permit is when it was an issue.

Chair Callahan said there were no other questions and he read the committee report and asked for a motion:

Motion was made by Mr. Schneider and second by Mrs. Mitchell to authorize an ordinance for the 'said' annexation agreement.

AYE = Schneider, NAY(s) = Mitchell, Oswald, Lipian, Callahan

MATTER PASSES AS MINORITY REPORT [MINORITY REPORT WRITTEN]

There was nothing else for Community Development Committee and Chair asked for a motion to Adjourn:

**Motion moved by Mr. Schneider and seconded by Mr. Oswald to adjourn the Community Development portion of this evening's meeting at 6:50 P.M.
MOTION CARRIED**

The evening's meetings continued with The Finance Committee which began at 7:00 P.M.

*Respectfully Submitted by,
Colleen Rosado, Secretary/Administrative Assistant*

RLP/ and CMR