

MINUTES COMMITTEE OF FULL COUNCIL MEETING

7: 28 p.m.

April 21, 2009

Pursuant to Codified Ordinance Section 111.01 (17) and ORC Section 121.22, notice of the following meeting was given on April 17, 2009:

Council Present: Mr. Ranally, Mr. Harrold, Mrs. Manning, Mr. Woodin, Mr. Carr, Mr. Fiala and Mr. Black

Others: Mayor Anderson, Law Director Wiles, Service Director Tomaselli, Assistant Fire Chief Cook, Assistant Police Chief Cooper, Parks and Recreation Director Katz, Finance Director Rogowski, Clerk Radebaugh, Lake County Gazette Reporter McMahon

CHAGRIN RIVER WALK

Council President Ranally explained that the Chagrin River Walk property is directly across from the Andrews Osborne School on Mentor Avenue. This property was sold by Andrews School to Marous Construction for a proposed commercial and multi-family development, but due to the present economy, they did not proceed with their original plans.

Mr. Ranally said that the city is concerned with the condition of the property – mounds of dirt, gravel and concrete material and the storage of heavy equipment. Chief Building Inspector Smith sent a violation notice to Chagrin River Walk, LLC on March 25, 2009, citing them for a violation of storm water regulations. A Storm Water Pollution Prevention Plan is required in the City's Codified Ordinances. A response from Mr. John Spear, Vintage Development, was received on April 14, 2009. Mr. Ranally asked Mayor Anderson for his comments regarding communication with them.

Mayor Anderson first gave background information regarding the proposed project. He explained that three years ago the project presented by Marous to the city was for retail stores on the bottom floor and office and apartments on the second and third floors, but they could not attract the retail components. A different plan in the second year still could not attract the national retailers. They looked at regional retailers in the third year, but that plan also did not work. On September 10, 2008, Mayor Anderson said he was told that another plan would be presented in mid-November. This plan would consist of one large office building in the back of the property and individual office buildings in the front. He met with Chip Marous two weeks ago and was told that this plan was not feasible at this time. Marketing studies are being done to determine what would be feasible.

Mayor Anderson said that since their plan had run out in December and there is no current plan, the property is currently considered a vacant lot. As a vacant lot they are not permitted to store material and equipment on the property. A plan needs to be submitted in thirty days or the materials will have to be moved. There are also six issues in the storm water plan that need to be addressed. Mr. Spear's letter indicated that they will do five of the six items. They

have asked that the city not make them reseed the entire property. They are also asking that the Planning Commission provide them with an extension of time for the development plan approval so that it is not considered vacant property. Mr. Spear's letter stated that they are proposing to submit a development plan by July 13, 2009. Mayor Anderson said that the Ohio EPA and the city's storm water plan require the property and the mounds to be reseeded, therefore they will be ordered to reseed. Mr. Smith will send a letter advising them what they need to do. Mayor Anderson said that the city will make the order but it may come down to the only one that can order them to do anything will be a judge.

Councilman Black asked if there is a daily penalty if they do not comply with the city's orders. Law Director Wiles explained the procedure to be taken through the court, asking for an injunction and asking the judge to order them to comply.

Councilman Carr read from the Codified Ordinances that the violation is a misdemeanor of the first degree. It states that each day's violation constitutes a separate offense. Mr. Wiles said we would have to set this up through the court for a penalty each day.

The Chagrin River Walk project will be discussed again before the meeting of May 5th.

ABANDONED PROPERTY AT 38878 MENTOR AVENUE

Council President Ranally referred to a letter sent by Chief Building Inspector Smith to the owner of property at 38878 Mentor Avenue declaring it a public nuisance and ordering the building to be razed or repaired.

Mayor Anderson explained that the owner has fifteen days to make a written appeal which gives him two more days since the date of the notice. He commented that this building has been in poor condition for over 20 years but there have never been any complaints. Now that new homes are being developed around this property, people are starting to complain. The owner can bring the building up to the outside maintenance standards by replacing windows and doors and painting or he can demolish it. He has until May 9th to begin to repair or demolish the building.

This property will be discussed before the meeting of May 5th.

The Committee of Full Council meeting adjourned at 7:50 p.m.

Date approved _____

Jerome P. Ranally, Chairman

Clerk of Council