

The North Royalton Planning Commission held a **Public Hearing** at the City Hall Council Chambers, 13834 Ridge Road, on **Wednesday, April 18, 2012**. The meeting was called to order by Chairman Don Willey at 7:01 pm.

Present: Chairman Don Willey, Mayor Stefanik, Tim Miller,  
Cheryl Hannan, Vince D'Agostino,  
City Engineer Mark Schmitzer, Development Director Tom Jordan  
Law Director Tom Kelly, Secretary Julie Broestl.

Don Willey: Okay. Being 7:01 we will begin the North Royalton Planning Commission meeting. Please stand for the Pledge of Allegiance.

The Pledge was recited by all.

Julie Broestl: I need a motion and a second to approve the minutes of April 4, 2012.

Moved by Don Willey, seconded by Tim Miller, **to approve the minutes of April 4, 2012.**

Don Willey: Call the roll.

Cheryl Hannan:	Yes
Tim Miller:	Yes
Vince D'Agostino:	Yes
Mayor Stefanik:	Yes
Don Willey:	Yes

**Yeas – all. Nays – none.**  
**Motion carried. (5-0)**

#### **Old Business:**

**Woodcroft Glen**, Royalton Road, GB and RMD Zoned. Woodcroft Glen Phase 2 Final Plat Approval.  
**Tabled. No Action.**

#### **New Business:**

**Ordinance No. 12-61:** An Ordinance accepting the dedication of 1,193 feet of Bentley Drive in the Worthington Subdivision Phase II, from Villas of Worthington LLC, and Declaring an Emergency.

Don Willey: Pat, would you like to come up, or your representative, and state your name and address and give an overview.

Pat Rakoci approached the microphone.

Pat Rakoci: Hi, my name is Pat Rakoci and I'm representing the owners of Villas at Worthington for Worthington Phase II, for the acceptance of the plat. I can answer any question that you may have.

Don Willey: Any questions from the commission? Anything from the Engineer.

Mark Schmitzer: Thank you Mr. Chairman. I just want to say that I believe everyone on the Commission got a copy of the punch list that we sent out. We did this yesterday with Pat. We looked at everything and some photos are attached showing the work that has been done. There are issues that we have that will be addressed. Over all they are very minor issues in comparison when you look at such a large subdivision along roads that we have. Those items are one thru six that are listed on here. In the past we have had the same situation with other phases that we've dedicated where the work is completed but there are some punch list items. I made a request that Pat get an estimate for a couple of the items that were approved by this commission and put on the final improvement plans which were pedestrian pathways within that phase and the associated parking lot for the park and the bridge that crosses the Biro ditch. I have received that estimate from Pat and I just wanted to make sure we had funds set aside for those improvements in an escrow account and we do have an escrow agreement with Pat and the bank in the City, so as long as those funds are there and they remain there until those improvements are done, I have no issues with making a recommendation to this commission to accept the dedication of this street.

Don Willey: What are the estimated costs of completion?

Mark Schmitzer: I don't know the exact number, it's \$82,000.00 and some change. For the bridge, the path, and the parking lot.

Pat Rakoci: \$82,000.00 is the Engineer's estimate that I received from our engineers today.

Don Willey: Okay. And how much is in the escrow account?

Pat Rakoci: I believe it was \$682,000.00 total. \$620,000.00, I'm sorry. That's not the total now. We've drawn down on it. But I will work with Mark to ensure that the \$82,000.00 are in that escrow and if they are not, we will get those funds in there immediately.

Don Willey: So, you don't know what the balance is now Pat?

Pat Rakoci: I don't.

Mark Schmitzer: We have had two or three draws as stipulated in the agreement that when certain portions of the work are done, if Pat approves it I go out and make sure I approve of it and then funds are released from the escrow account at that point. We haven't drawn the full balance down, I know that. But I don't know if there is \$82,000.00 in there.

Pat Rakoci: I think that there is probably more than that, but I will confirm that with you.

Don Willey: Should there not be are you going to bring in the balance?

Pat Rakoci: Yes. We would open up an escrow account just for that, whatever you prefer we will do that.

Don Willey: Probably the current escrow account is okay. As long as you're not commingling it with any other projects.

Pat Rakoci: No we are not.

Don Willey: To the Law Director, do you have any comments or questions?

Tom Kelly: No Mr. Chairman, thank you.

Don Willey: Thank you. To the Building Director? Anyone on the Commission?

Mayor Stefanik: Mr. Chairman.

Don Willey: Mr. Mayor

Mayor Stefanik: Just a question about the parking lot, is that going to be asphalt?

Pat Rakoci: Yes, that's what you require.

Mayor Stefanik: Then once everything gets built out does that get turned over to the homeowner's Association.

Pat Rakoci: Well, there is a section on plat that shows it will be donated to the City, I think three acres, and the balance of open space that will be something we need to work through. I think that John Coyne will be contacting you is that in the open space there are pathways there and the HOA doesn't want to be responsible for the reliability of maintain of the path, and it's private property basically when it is for public use.

Don Willey: So, do you want to give it to the City and have us maintain it?

Pat Rakoci: Well, there are a few different ways to work with it. I was going to work with your Law Director and my attorney. Somehow we will need a blanket easement on the open space where the City will be responsible for the liability and the maintenance of it. It will be for public use not just for the homeowners. Or, we could talk with the homeowners and just donate all 12 acres to the City. Those are some options. The ultimate goal we all have, is to have the path put in and have the park and so then the homeowner's are not responsible for the public path. I believe the HOA doesn't have sovereign immunity like the City does, and that is critical for public use for liability.

Don Willey: Mr. Kelly.

Tom Kelly: Mr. Jordan and I have had some discussion on this subject. Mr. Schmitzer and I briefly touched on it yesterday. I'm happy to work with Ms. Rakoci's attorney and work something out on that subject.

Don Willey: Thank you. Any other questions or comments, additions or deletions? So, based on the Engineer's recommendation...

Tom Jordan: Actually, I just have one question.

Don Willey: Sorry, we are out of time!

Laughter

Don Willey: No, no, go ahead.

Tom Jordan: Thanks. It's not within the dedication area, so the only public improvements we are accepting is the right-of-way. Am I correct?

Mark Schmitzer: Yes, that's correct.

Tom Jordan: So, the path and the parking lot currently are falling into the private side, on the HOA side currently.

Mark Schmitzer: They are part of the improvement plan and not part of the dedication. I just want to rest assure that we had funds so that was shown and approved would be built at some time in the future here. That funds are available because you are going to have houses built and if people were promised a pathway and it's not built because funds aren't there. This is no way tide to the dedication and not part of the improvement.

Tom Jordan: Mr. Kelly will work out the issues on maintenance of that in the future.

Don Willey: Liability, okay.

Tom Jordan: So, the City really as the dedication we are only accepting tonight, the responsibility of the right-of-way tonight. Those other issues are still out there.

Don Willey: Correct, as I understand it. Can I have a motion for approval of this?

Moved by Vince D'Agostino, seconded by Tim Miller to refer to Council **Ordinance No. 12-61: An Ordinance accepting the dedication of 1,193 feet of Bentley Drive in the Worthington Subdivision Phase II, from Villas of Worthington LLC, and Declaring an Emergency.**

Don Willey: Please call the roll.

- Vince D'Agostino: Yes
- Mayor Stefanik: Yes
- Cheryl Hannan: Yes
- Tim Miller: Yes
- Don Willey: Yes

**Ayes – all. Nays – none  
Motion carried. (5-0)**

Don Willey: Okay Pat.

Pat Rakoci: Then will this go to Council next?

Tom Kelly: Mr. Chairman.

Don Willey: Yes.

Tom Kelly: Yes, Pat, it should go to Council, but before I make a recommendation to Council to approve it, I need to talk to you and Mark Schmitzer about making sure that those escrow funds are all squared away. Thank you.

Don Willey: Any other comments?

Moved by Mayor Stefanik, second by Cheryl Hannan, **to adjourn the Planning Commission meeting of April 18, 2012.**

Don Willey: Please call the roll.

Vince D'Agostino: Yes  
Mayor Stefanik: Yes  
Cheryl Hannan: Yes  
Tim Miller: Yes  
Don Willey: Yes

**Ayes – all. Nays – none**  
**Motion carried. (5-0)**

**Approved:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Attest:** \_\_\_\_\_