

December 1, 2015

Ordinance Committee
of the City of Eastlake, Ohio
Councilmember Ken Hoefle, Committee Chairman
khoefle@eastlakeohio.com

Dear Chairman Hoefle:

A lease agreement between the City of Eastlake and the American-Croatian Lodge ("ACL") is presently before your Committee for review. The written record of recent public meetings indicates that the lease agreement is for the purpose of building and operating new recreational fields and facilities (e.g., soccer fields) on City property located adjacent to the City's community center. The following are my concerns, questions and comments related to the present proposal.

1. ACL's for-profit status requires special consideration.

A number of agreements exist between the City and non-profit corporations for the lease and/or operation of public property lands and buildings. For example, the City leases its community center to the Eastlake Police Activities League and its public pool to the local YMCA. Generally, the City enters into these lease agreements and requires only one-dollar in consideration annually, so long as the tenant maintains the property and covers all insurance and utility expenses.

The present proposal, however, is significantly different than previous ones. First, the ACL appears to be organized as a for-profit corporation according to the Ohio Secretary of State's website. Second, the ACL would likely not be responsible financially for any utility or maintenance costs. Third, the ACL would likely make substantial physical alterations to the City's property. In view of these stark differences, I request that this Committee consider the following suggestions and comments.

A. *The City should solicit and consider additional proposals and input.*

The City might advertise a request for proposals to other local organizations that might have an interest in recreation or park development in the City. Moreover, the City should contact the representatives of the Eastlake Recreation Advisory Committee for comments to be entered into the public record so that Residents can be confident that no other recreation organization had concerns with the present proposal. Reaching out first to other organizations and community partners for input guarantees that the ACL proposal was selected not only because it was the first, but also because it was the best use of the property and value to the City.

If the ACL remains the only organization interested in pursuing the development of the Central Park area, then the City should nonetheless attempt to find the best possible use for the public property.

B. The City should consider more than one Dollar as consideration.

Since a draft copy of the lease agreement was never released to the public after request, the exact terms and amount of financial consideration is currently unknown. However, since the public property in question is practically unimproved land, one Dollar annually may be improper consideration. The City should consider alternative payment plan, preferably after the ACL explains in detail the number and types of events it plans to hold at the public property location.

In lieu of additional monetary consideration, the ACL could offer the City and its non-profit partner organizations the use of the ACL parking lot for occasional public events. Due to the ACL's prime location and visibility near the corner of S.R. 91 and Lakeshore Boulevard, the ACL parking lot location represents an ideal place to host small events open the public, such as a weekend winter holiday market event or a summer farmers market.

Additionally, the City could ask for a utility easement along the ACL's property border that connects the City's community center property with the public right-of-way along Lakeshore Boulevard. High-speed, gigabit fiber optic internet cable runs along the length of Roberts Road but does not presently extend to Lakeshore Boulevard west of Erie Road. At some future time, fiber optic cable could be buried from Roberts Road along the City's community center property and the ACL's property and reach Lakeshore Boulevard, bringing a substantial portion of the Lakeshore Boulevard corridor improved internet connectivity and adding a critical element for further economic development in the City.

I am also concerned with the ACL's development proposal because the ACL has failed to install sidewalks along its existing property on Lakeshore Boulevard. Each of the ACL's adjacent property owners have sidewalks, and ACL's lack of sidewalks is an undue and potentially dangerous burden on pedestrians and bicyclists who frequently use the S.R. 91 walk/bike path and continue their journeys along Lakeshore Boulevard. This Committee should include a provision requiring the ACL to install sidewalks along Lakeshore Boulevard to protect pedestrians and bicyclists. Furthermore, the Committee should include another provision requiring walking paths and bike racks around the new recreational fields and facilities to ensure that pedestrians and bicyclists are not further disconnected from public parks and amenities.

Finally, the City could simply sell the property out-right, especially considering the amount of permanent physical development proposed and the issue of determining appropriate compensation to the City for the use of the property.

C. Development and use must comply with the public interest.

No details have been provided in public meetings that describe exactly how the construction or use of the proposed recreational fields and facilities would be managed to serve the public interest. Will the ACL or its members privately profit from the proposed agreement? Will the City, school teams, local community groups and residents be allowed to use the new recreational fields and facilities throughout the year at reasonable times with reasonable frequency, or will

ACL be allowed to impose burdensome time and use restrictions that effectively limit use of the new recreational fields and facilities for the ACL's benefit?

2. The proposed plans to build recreational fields and facilities in the proposed location likely requires permits and further consideration by the Planning Commission and the public.

The proposed development area is approximately seven acres of public property (parcels 34A014O000140 and 34A014O000560) west of the City's community center and south of the ACL's property, and appears to be zoned as S-1 (per the 2008 zoning map provided on the City's website). Chapter 1145.02(b)(1) does not include recreational facilities as a permitted use in S-1 zones. Chapter 1145.02(b)(3) lists recreational facilities as a conditional use in S-1 zones. If this Committee decides to move forward with this proposal then the Committee should require that the City and/or ACL obtain a conditional use permit as a condition of the lease agreement.

Referral of this proposed development to the Planning Commission is probably necessary since, at minimum, decisions regarding site development and public access need to be addressed. Some relevant questions include:

- Will the new development significantly increase non-residential traffic on Roberts Road, or would this added traffic be more appropriately routed along Lakeshore Boulevard?
- Will users of any new recreational fields and facilities be required to park only in the community center parking lots, or will users also be allowed to use parking space presently available on ACL property?
- Will the ACL be permanently responsible for the long-term maintenance of the new recreational fields and facilities?
- Will additional signage be required for the new recreational fields and facilities? If so, where will this signage be located?
- Will night-time lighting be added to the property, and if so, what hours will any night-time lighting be permitted?
- If the City chose to terminate the lease agreement with the ACL in the future, will the City owe the ACL compensation for its development of City property?

I ask that this Committee add these comments to the public record, and sincerely appreciate the opportunity to voice their concerns.

Respectfully submitted,

Angelo Trivisonno
34186 Waldmer Drive (Ward 3)

cc:

Mayor Dennis Morley <dmorley@eastlakeohio.com>
Councilmembers D'Ambrosio <dambrosio@eastlakeohio.com>, Quinn-Hopkins
<cquinn-hopkins@eastlakeohio.com> and Evers <kevers@eastlakeohio.com>
Clerk of Council Tracy Simons <tsimons@eastlakeohio.com>