

**VILLAGE OF OAKWOOD
COUNCIL MEETING MINUTES
January 26, 2021**

ATTENDED

Johnnie A Warren III, Council President	Gary Gottschalk-Mayor
Elaine Gaither-Council-at-large	Jim Climer-Law
Chris Callender – Ward 1*	Brian Thompson-Finance
Eloise Hardin – Ward 2	Daniel Marinucci – CBO
Melanie Sanders – Ward 3	Tom Haba - Service
Patricia Rogers – Ward 4	Chief Garratt-Police
Candace Williams – Ward 5	
ABSENT: James Schade-Fire Chief Carlean Perez-Recreation *= <u>Late Arrival</u>	Ed Hren – Engineer

Meeting opened 7:03 by Warren.
Pledge of Allegiance and attendance taken.

Minutes

Motion to approve minutes of January 12, 2021 HRLMC made by Hardin seconded by Rogers.
VOTE: YES: Hardin, Sanders, Rogers, Williams Abstain: Warren, Gaither
Motion Passed

Motion to approve minutes of January 12, 2021 regular Council minutes made by Hardin seconded by Williams.
VOTE: YES: Hardin, Sanders, Rogers, Williams Abstain: Warren, Gaither
Motion Passed

Motion to approve Special Council minutes of January 20, 2021 made by Gaither seconded by Rogers.
VOTE: YES: Warren, Gaither, Hardin, Rogers, Abstain: Sanders, Williams
Motion Passed

Motion to approve minutes of January 21, 2021 special Council minutes made by Gaither seconded by Sanders.
VOTE: YES: Warren, Gaither, Hardin, Sanders, Rogers Abstain: Williams
Motion Passed.

Departmental Reports

Police-Garratt: I reported eight months ago we had our preliminary certification from the Ohio Collaborative Board. As of January 21, 2021, I am proud to say we have achieved our final certification set forth voluntarily throughout the State through the Ohio Governor’s Office and several other boards which makes up the Policing Board – the Ohio Collaborative Police Advisory Board. We achieved our final certificate. With Covid it was more challenging, but I am proud to say we are certified under that board. **Warren:** Congratulations. **Williams:** What does that mean for our Village?
Garratt: This board was set forth to a high standard ensuring trainings are up to date. This task force includes 24 members representing the Governor, Legislature, Attorney General, Supreme Court, local Law Enforcement, organized labor, communities, faith-based communities, municipalities, and prosecuting attorneys. The community can rest assured our Police Dept. follows the standards and is up to date on all training currently voluntary but eventually will be mandated. It shows your Police Dept. is up to snuff. Being we are registered through the State with the final certificate of the Ohio Collaborative Board should make you proud. As you know, I am very much involved the Police and the Officers being involved in the community. This is a huge accomplishment for us. It shows we care about the community and work with the community. **Williams:** I just want to be clear.

Law-Climer: We have several pieces of legislation coming up in the next week or two on Premier and Interstate McBee.

Building-Marinucci: Council received an email from Mary Davis. Since that time, Engineering, Legal and my office have had a joint conference regarding the appropriate course of action. I spoke to the owner today regarding those issues. I am requesting, along with Ed Hren, having a survey of what was done. I provided names of surveyors for Empire Tree. Hren we get that information it will be turned over to the Engineer. **Hardin** asked about it. **Marinucci:** It is for Mary Davis. It is an issue in which work was performed by Empire Tree. **Warren:** They put in a parking lot. **Marinucci:** A draining system too. **Warren** asked about the plans and specifications. **Marinucci:** They have not been approved. It will go through Ed Hren. **Warren:** They are doing that after the fact, am I correct? **Marinucci:** Yes. **Warren:** What is our position especially with a commercial job to that extent, to remedy for compliance and penalties for doing the job without a permit. No one can confirm they put in the proper base. **Marinucci:** This is not a black and white issue. The Village has been involved since the beginning. The Service Dept. and Ed Hren in the early stages of it. **Warren:** What does that have to do with pulling the permit? **Marinucci:** They did not pull a permit. **Warren:** What does that have to do with them not presenting plans and specifications. The Village doesn't even have the right to exempt their own requirements. **Rogers:** Ed Hren was not part of it from the beginning. **Warren** asked the Law Director to comment. **Climer:** They can be cited for improper construction and a stop work order can be put into place. **Warren:** Can you research that and send us an email tomorrow concerning the penalties for non-compliance of not pulling a permit and not presenting plans and specifications? **Climer:** I will do that. **Warren:** If there are fines and penalties. The next question is how we confirm compliance to our codes and ordinances after it is already done. This would not be an issue if they had done that and Ms. Davis would not be a victim of the owner of that tree service putting in the parking lot, not having proper support, grading, walls, excavation; we have to look into these things. **Williams:** I never saw anything on this if it was addressed to all of Council. **Rogers:** No, it was not addressed to all of Council. **Marinucci:** That project started and every time it rained the area flooded out. The owner put together a drawing and submitted it. He invested \$15-\$20,000 of his money to drain that whole area. There are three properties which abut his property. Mary Davis is on the right; I don't know the owner of the middle property or the left. The middle property takes the bulk of the square footage. By him putting that drain in with the concurrence of our Service Dept. it drains the whole area. Those three property owners are receiving a benefit of their rear yards by him draining them. **Warren:** That is good for him to drain it but the elevation of his property cannot encroach onto the adjacent properties. I had a long conversation with Ed Hren. Mr. Hren said he would have had to put that drain in anyway, but he never presented plans. Unless he presented plans by a certified Engineer will he be able to evaluate the drainage of that parking lot, compliance with the side and rear yards. The construction is already in and we do not know how much base he put in the parking lot and a top course he installed. We must figure out how to ensure he is compliant in all these items. We cannot give accolades for noncompliance of our codes and ordinances. There is no gratification or accolades to anyone who breaks our codes or does not comply. Inadvertently the drainage of that property would have resulted in those adjacent properties receiving water anyway. **Marinucci:** He represented he will put in topsoil, plant grass, and clean up the whole area in a discussion I had with him. **Hardin:** Why was this brought to Council. **Warren:** He was giving a report because a resident complained about the business, her neighbor, allegedly encroached on her property and cut trees down. The bottom line is the guy put in a parking lot and never submitted plans for it. He just put it in. **Hardin:** There isn't anything being asked of us. **Warren:** Correct. **Marinucci:** That is based upon the meeting with the Law Director and Engineer regarding the requirements and what is expected of the owner. I told the owner the requirements and passed that by Ed Hren. So, everyone should be on the same page. The information given is short, Ed will not approve it.

Service-Haba: On Martin Luther King Day we had a couple glitches on rubbish pick up. Most of the Village should have the large recycling cans now with yellow lids. If any do not have one within the next month, give me their address and we will check into it. **Rogers:** They have not been delivered in Ward 4 yet. **Hardin:** They did one side of each street in Ward 2; Lynbrook and Dennisport and the one whole side of Forbes. **Haba:** I will call him this week. **Rogers:** I haven't seen any in Ward 4. **Callender:** Thank you for the continued removal of trees. **Haba:** The Mayor asked us, and we took 9-10 truck loads out. The guys got poison ivy breakout. **Mayor:** No wonder the Service Dept. isn't talking to me.

Finance-Thompson: From our Finance meeting tonight, we looked at the 2020 end of the year. We started out the year with \$498,000 ending 2020 with \$558,000. Although we are not out of the woods, we will reconvene and move forward with our 2021 budget.

Mayoral Report-Mayor: With great reservation, I have no report. **Hardin:** Thank you for completing our work with the Human Resource Committee. Thank you for the methodology used to move through it quickly and smoothly. I look forward to the final product. Thank you for your assistance. We couldn't have done it without you and your firm. **Climer:** It is not often I hear that.

Legislation

Ord. 2021-03

Premier CRA

Introduced 1-19-2021 by

Mayor & Council as a whole

3rd reading

AN EMERGENCY ORDINANCE DETERMINING THE PERIOD OF TAX EXEMPTION FOR AN IMPROVEMENT TO REAL PROPERTY OWNED BY PREMIER OAKWOOD, LLC. LOCATED IN OAKWOOD COMMUNITY REINVESTMENT AREA NO. 1 AND AUTHORIZING THE MAYOR TO ENTER INTO A MUNICIPAL REVENUE SHARING AGREEMENT WITH THE BOARD OF EDUCATION OF THE BEDFORD CITY SCHOOL DISTRICT

Motion to adopt made by Rogers seconded by Callender

VOTE: YES: Warren, Gaither, Callender, Hardin, Sanders, Rogers, Williams

Motion Passed

Ord 2021-04

Premier TIF

Introduced 1-19-2021 by

Mayor & Council as a whole

3rd Reading

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS WITHIN THE VILLAGE TO BE A PUBLIC PURPOSE, EXEMPTING THE IMPROVEMENTS TO SUCH PARCELS FROM REAL PROPERTY TAXATION FOR A PERIOD OF THIRTY YEARS, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BEDFORD CITY SCHOOL DISTRICT REGARDING SUCH EXEMPTION REQUIRING THE OWNERS OF SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES ESTABLISHING AN URBAN REDEVELOPMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.41, 5709.42, AND 5709.43, AND DECLARING AN EMERGENCY

Climer: I ask this to be tabled because there are some late additions to the property by the Developer which should be included in this TIF. This form of TIF requires Oakwood to be in the chain of title at some point prior to the passing of the TIF. We expect those to be completed, unfortunately they are not. **Hardin:** We will amend this after it is given back to us then move it forward? **Climer:** I don't believe we have to amend it for the additional parcels. However, we have to wait for those properties to be included in the chain of title prior to passage. We understand that will take place within the next week or two. **Williams:** This is only a formality of the title? **Climer:** Correct. **Williams:** Do we have specific tenants and specific contracts with numbers? **Mayor:** Not like Interstate McBee. I am meeting with two companies, one from out of state within the next week and a half. We are looking to have the first 200,000 sq. ft. building begin within the next 1 ½ weeks. The goal is to get this moving toward with a \$40 million payroll by year six. They are now buying additional land, that is the reason for the hold up. These two companies each are looking at 200,000-250,000 sq. ft. buildings. It is important to say the land is back in the hands of Premier. I can't name the names. These are substantial companies, the biggest yet to look at Oakwood. **Williams:** Are you targeting companies that can meet that revenue? How do we arrive at the numbers if we don't have specific contracts? **Mayor:** Without them owning the land, it is amazing we have two companies looking at a payroll the size of \$11-\$15 million. This is without serious promoting yet. McBee is one single entity. **Williams** asked him to clarify the information in his packet. On one of these the landscaping maintenance is \$125,000 including labor and materials. **Mayor:** After five years, when the planting material is more settled and they are still paying for the watering of the material, we would just replace material that may be dead. **Williams:** We will cover the cost of the labor and materials after

five years? **Mayor:** Yes. It won't be more than \$15-\$20,000/year. **Williams:** The Janet Kinney donation is after they reach a certain revenue. **Mayor:** We will receive those funds this coming year; \$40,000 total. We are looking for one building being up by the end of the year. The only caveat by the end of the sixth year by 2026, if their buildings are not full, instead of 100%, we would get 85% donation. **Williams:** For 2020 we did receive, or we will in 2021. **Mayor:** We received \$20,000 in 2020 and \$40,000 in 2021. **Warren:** The ordinance makes reference to the various parcel numbers as exhibit A. If they are adding more parcels to that development shouldn't those be included in exhibit A. **Mayor:** The answer to that is, that little portion will not be TIF property. **Climer:** I understand those parcels are part of the ordinance but those transfers just didn't happen by the time the ordinance was drafted. **Mayor:** A TIF wouldn't matter on the smaller parcels.

Motion to table made by Gaither seconded by Sanders

VOTE: YES: Warren, Gaither, Callender, Hardin, Sanders, Rogers, Williams

Ordinance Tabled

Ord 2021-05
Oakwood Ctr LLC-McBee
Introduced 1-19-2021 by
Mayor & Council as a whole
3rd Reading

AN EMERGENCY ORDINANCE DETERMINING THE PERIOD OF TAX EXEMPTION FOR AN IMPROVEMENT TO REAL PROPERTY OWNED BY OAKWOOD CENTER, LLC. LOCATED IN OAKWOOD COMMUNITY REINVESTMENT AREA NO. 1 AND AUTHORIZING THE MAYOR TO ENTER INTO A MUNICIPAL INCOME TAX REVENUE SHARING AGREEMENT WITH THE BOARD OF EDUCATION OF THE BEDFORD CITY SCHOOL DISTRICT

Climer: A few corrections had to be made to the Agenda. **Mayor:** The one is a TIF and the other is a CRA. **Warren:** They are both referenced as work session items. **Hardin:** For clarification purposes can we just remove the 'ws' and move forward. **Climer:** We need to clear that up. This is 2021-05. **Warren** read 2021-05 as the correct heading. **Climer:** Correct, that is the CRA. It should be numbered 2021-05. **Clerk:** I really need backup on reviewing the agenda prior to it going out. That hasn't happened although I send it out prior to the agenda for feedback. What is correct is what was attached. **Hardin:** We have it correct in our packet. Thank you. **Climer** read the ordinance into the record as it appears above. **Warren:** The second meeting we had on January 20th was correct. When it was prepared the incorrect ordinance was inserted on today's agenda. We already went through two readings on the 20th and 21st. The actual ordinance is the one we discussed at those meetings. **Hardin:** Are we back on track with 2021-05. **Climer:** Correct, we are.

Motion to adopt made by Hardin seconded by Gaither.

VOTE: YES: Warren, Gaither, Callender, Hardin, Sanders, Rogers, Williams

Ord 2021-06
Oakwood Ctr LLC-McBee
Introduced 1-19-2021 by
Mayor & Council as a whole
2nd Reading

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS WITHIN THE VILLAGE TO BE A PUBLIC PURPOSE, EXEMPTING THE IMPROVEMENTS TO SUCH PARCELS FROM REAL PROPERTY TAXATION FOR A PERIOD OF THIRTY YEARS, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BOARD OF EDUCATION OF THE BEDFORD CITY SCHOOL DISTRICT REGARDING SUCH EXEMPTION, REQUIRING THE OWNERS OF SUCH PARCELS TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING AN URBAN REDEVELOPMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS PURSUANT TO OHIO REVISED CODE SECTIONS 5709.41, 5709.42, AND 5709.43, AND DECLARING AN EMERGENCY

Climer: I ask this be tabled. We anticipated the property be in the hands of Interstate McBee and transferred to the Village by now, but this hasn't occurred. We do not want to jump the gun on the TIF.

Motion to table made by Gaither seconded by Rogers

VOTE: YES: Warren, Gaither, Callender, Hardin, Sanders, Williams

Ordinance Tabled

Williams: What are we reading here? **Climer:** The heading needed to be read three times, we read the correct heading. **Williams:** Thank you. About the Interstate McBee project, will North Lane have a tree line? **Mayor:** There will be landscaping similar to Macedonia to make it look nicer. No building will be on that property, only parking. **Williams:** Are there studies for contaminants or soil clean up? **Mayor:** They have been very clean. They just don't have any room where they are now for growth. That is why they have to relocate.

MOTION TO ADJOURN made by Callender seconded by Williams.

YES VOTES: Warren, Gaither, Callender, Hardin, Sanders, Rogers

Adjourned 8:00 pm

Adopted _____

Debra L. Hladky, Clerk of Council

Johnnie Warren, Council President

VILLAGE OF OAKWOOD
COUNCIL WORK SESSION MINUTES
 January 26, 2021

ATTENDED

Johnnie A Warren III, Council President	Gary Gottschalk-Mayor
Elaine Gaither-Council-at-large	Jim Climer-Law
Chris Callender – Ward 1*	Brian Thompson-Finance
Eloise Hardin – Ward 2	Daniel Marinucci – CBO
Melanie Sanders – Ward 3	Tom Haba - Service
Patricia Rogers – Ward 4	Chief Garratt-Police
Candace Williams – Ward 5	
ABSENT: James Schade-Fire Chief Carlean Perez-Recreation *= <u>Late Arrival</u>	Ed Hren – Engineer

Meeting opened by Warren at 8:00 pm

Fiscal Officers Certificate Present

Ord 2020-WS-06 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$165,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING REAL ESTATE FOR VILLAGE PURPOSES AND DECLARING AN EMERGENCY

Tabled

Ord 2021-WS-05 AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF AN EXTERIOR HOME REPAIR ASSISTANCE PROGRAM FOR SINGLE FAMILY PROPERTIES LOCATED IN THE VILLAGE

Mayor: This is before Council for discussion. **Hardin:** My objective is these numbers have some equity as it relates to the Village. I understand priorities. Do we have the same program extended to the remainder of the Village? The numbers submitted total the single-family dwellings. Did members of Council receive the study completed per the ordinance? **Warren** asked about it. **Mayor:** The Engineer’s study. **Climer:** That was the study which was done for the new CRA. **Hardin** asked if Council received a copy of that. It is germane to that study. Some parts of the Village were built earlier in the Village. The age of our structures comes into play in the amount offered in each Ward. The percentages of single-family homes are there. We added the percentage in Ward 4 as 25%. Is that correct? **Mayor:** Yes. **Warren:** I see the percentages of the Wards, but I see no further detail. **Climer:** The percentages listed in the ordinance is the Ward percentage compared to the other four Wards participating in the Village-wide program, not the entire Village. **Warren:** I guess the percentages were taken from a mathematical process as it relates to the Village. The disparity in each Ward is based on what? **Mayor:** The number of homes in that Ward vs the total number of homes in the affected area in the four Wards. In Ward 1, there are 258 divided by 932. Ward 2 would be 253 divided by 932 and so forth. That is how the percentages came out which is 27% to Ward 1, 25% to Ward 2, 23% to Ward 3 and 15% to Ward 5 based on homes which are in-fact owner occupied. As it turns out, after the entire program, the number of homes affected, if in fact each took the maximum of \$3,000 per home, it would be the same percentage. Some Wards have less homes than others. **Williams:** Is it necessary to proportion these percentages to the Wards?

Councilwoman Hardin mentioned some homes are much older in some Wards than others. I am not necessarily in agreement with the apportioning of the numbers. I see the idea behind it, but the percentages don't necessarily work factoring in the age of the homes. These numbers, as far as the expenditures of \$990,000, is far better than what we started with. It is still a huge disparity between approving \$650,000 for one Ward and \$990,000 for the other 4 Wards. **Warren:** It was all incorporated as part of the agreement with the Developer to provide those funds. That was a deal between the Developer, the Village, and residents of Ward 4 because Ward 4 residents were solely impacted by that development. **Williams:** They are not solely impacted but are you saying the Developer will pay those amounts for Ward 4? **Warren:** Is not that correct Mayor? **Mayor:** Not on the Exterior Maintenance Program. That will be coming from the revenue. **Warren:** In this program it is not coming from a special allocated revenue source. It is coming from the General Fund. **Hardin:** Correct. **Warren:** It still maxes out to \$3,000 per household. You are saying some homes are in far more disrepair than others, but this is simply a supplemental grant. If improvement is for \$10,000, the reimbursement grant is still only \$3,000 from the Village. I mentioned this in my newsletters and talked to others about it. We have other agencies we have been dealing with and referring residents to which allows them to receive a partial grant, but they are required to contribute a certain percentage of the cost of the work. This will work very well with CHS and other programs. This will simply supplement. **Williams:** Is Brian on the call? No response. Can you tell me. I need clarification. When we get income from these projects, that money goes into a specific fund, but it is still the Village income, correct? **Mayor:** The net proceeds of the McBee project will be in its own line item. **Williams:** Is the money from Premier Development in its own line item? **Mayor:** That is going into the General Fund. **Williams:** So, when we expend the funds for Ward 4, that is coming from the General Fund. **Mayor:** No, but you have to have at least the net income from the businesses from that project site. Both these projects will be funded by the businesses on the project site themselves. **Williams:** So, there are specific line items, is that what you are saying? **Mayor:** As an example, Ward 4 in 2021, there is no company, there are no businesses so there will be no proceeds for the Ward 4 Exterior Maintenance Program in 2021. That is why we waited until 2024 for the proceeds for the Interstate-McBee Project. That is why it can go on for eight years. **Williams:** Those funds go into a special line item. **Mayor:** The Finance Director can have a special line item for these projects. **Warren:** Council will have to appropriate based on the budget for those specific projects. We will approve funds. **Williams:** That is why I needed clarification. We haven't determined that specific place, correct? **Mayor:** Correct. **Warren:** It is General Fund appropriated in a special line item. If this money comes into fruition, we will have an appropriation. The Mayor and Finance Director will propose the program. Council will either approve or disapprove the amount of the program. It will be specific to those programs with its own line item. The money is from the General Fund. **Williams:** I don't know if Section 3 is necessary. If we say we are approving \$80,000 a year, are we saying we have to make sure only 20% of Ward 1 and 35% of Ward 2 gets that. Is it necessary to do that? **Mayor:** At least for the first few years we will use the factor of the age of the homes then re-evaluate it and amend it down the road. This is the best way to divide the funds. By the way, Interstate McBee is guaranteeing a start up payroll of \$6 million which means \$150,000 minus expenses with a guaranteed net of \$80,000 at least the first three years before you no longer have to pay Cleveland which gives us \$150,000 annually. At that time, maybe one Ward shows more aging than another. Regarding the Ward 4 program, in the years 2019 and 2020, only 37 applications were made. **Hardin:** We can think about this. I ask we don't move it to the agenda yet. There are a couple things. Is it relevant to assign a particular exterior repair to a project? The truth of the matter is, Premier is going to generate millions of dollars which will benefit all the Village. **Mayor:** Remember, you need a source to have the program. This is the source to begin with. **Warren:** We can always set up a program in theory for the future with contingency revenue. If another business goes out of business or leaves the Village which exceeds that of these projects, we are not going to be able to move forward with it anyway. **Williams:** That is the point Ms. Hardin, and I are trying to make. You keep talking

about it in terms of tying it to a project. All that matters is the money is going to come into the Village in the General Fund. Do we have the ability to extend that amount? **Mayor:** That is again, why we want to have a source. We needed a second project to justify it. **Warren:** We need to at least get the information and build the way the project is going to go. If there is a disparity among Wards allocation, we can work all that out. When we are ready to move forward in 2024, we move forward. **Williams** asked the Mayor to explain what he meant by being careful with Premier monies. **Mayor:** Yes. As Council President was saying, there could be other companies leaving. I want to assure the Councilmembers we want to support this project for the rest of the Village, there could be a source. We can't count on Premier as a source. There are all kinds of dynamics happening. Covid could be around another year causing us not to increase our revenues. This made sense. At least you can count on this in 2024. You can't count on any money from Premier. There are other things happening in Oakwood. If we get another project, we can look at that. Our Finance Director indicated we had a shortfall of \$800,000 of which \$500,000 was net income. We hope to overcome at least 50% of that pretty quickly. However, we have to be careful at this point. As Council President said, you have to justify the expenditure. Interstate McBee could justify it, Premier could not. **Hardin:** The theory is correct and that is the rationale to set up the program. My point is you can't spend what you don't have. In the legislation you tie the program with the specific line item. It isn't tied to a line item; it is the General Fund. Can we afford to do any of this and when? **Mayor:** By tying it with new money, it could be used as a source. We wanted Premier to go into the General Fund otherwise, there could be other problems. Using this line item would be an excellent and justifiable source.

Ord 2021-WS-06 AN ORDINANCE AMENDING ORDINANCE 2019-22 AUTHORIZING THE ESTABLISHMENT OF AN EXTERIOR HOME REPAIR ASSISTANCE PROGRAM FOR SINGLE FAMILY PROPERTIES LOCATED IN WARD 4

Ord 2021-WS-07 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROJECT DEVELOPMENT AGREEMENT WITH PREMIER OAKWOOD LLC AND DECLARING AN EMERGENCY

Warren: We had to wait until the School Board passed their legislation? **Mayor:** Yes. **Hardin:** This is the last leg required by Council, correct? **Mayor:** Now it is between us and the entity itself. We already touched on these items. There are four items in the development agreement. The commitment to construct three buildings, they wanted to put up two. I advocated for three. Oakwood would give up the TIF proceeds if they hit the \$40 million payroll within six years in 2026. That is why they are buying extra land. It is to our advantage to get collections from the income tax rather than TIF because the monies are much greater. We gave them a carrot trying to get to the goal. My conservative estimate is \$32 million after seven years. Interstate McBee is \$10 million and they will never get to it within five years. The distribution of the TIF proceeds have been covered in the handout. With respect to Premier we are getting 35% for the first 15 years and 50% on the next 15 years. Interstate McBee we are getting 25% on the first 15 and 50% on the second 15 years. Included is the right for me to reject anybody they are bringing in on the Premier Development when I test the company out for the tax credit. We don't want to just bring in companies, we want companies with payroll. Lastly the donations for the Bedford School Board for both Premier and McBee. Also, we are donating two pieces of property of ours at a value of \$31,200 for both of them which are about .86 of an acre and another three parcels with no value from the County since those are located by the railroad tracks with a total acreage of less than 3 acres totaling \$31,200. That covers the development agreements. **Williams** asked about donations and landscaping maintenance. It says \$20,000 for 2020, \$20,000 for 2021, \$25,000 for 2022 and \$30,000 for 2023-2039. Is that

how you came to \$40,000 for this year? Are these separate amounts? It also says \$20,000 for the youth program. Is this a total of \$40,000? **Mayor:** Yes. **Williams:** For landscaping maintenance, the Developer pays water costs for the entire life of this. **Mayor:** Yes, which will be substantial which covers a lot of land irrigation.

Motion to move the 2021-WS-07 legislation to the next regular agenda by Hardin seconded by Gaither YES-Warren, Gaither, Callender, Hardin, Sanders, Rogers, Williams

Ord 2021-WS-08 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROJECT DEVELOPMENT AGREEMENT WITH INTERSTATE-MCBEE LLC AND DECLARING AN EMERGENCY

Mayor: I touched on this when I went through the points.

Motion to move the 2021-WS-08 legislation to the next regular agenda by Rogers seconded by Hardin YES-Warren, Gaither, Callender, Hardin, Sanders, Rogers, Williams

Mayor: If we are having an emergency reading, we can't wait another 1 ½ months. Can we have meetings Wednesday, Thursday and Friday unless Council wishes to have these read along with the TIF legislation and approve them under an emergency. What is Council's pleasure? I would like to have these resolved by the end of the week. Two of the companies need answers sooner than later. We hope to have dirt moving on the Premier project within 1-2 weeks. Before that, we will have our \$1 million back. **Williams:** Dirt can't be moved until something happens with the title correct? **Mayor:** We are going to make sure that is done by Friday. It is as important to them as it is to us. I don't expect the two smaller parcels to have a TIF. Isn't it nice we aren't spending \$2.6 million to buy the property from McBee, but only for \$1? **Williams:** I was just wondering. We are having these pop-up meetings and tabling this legislation because something wasn't ready. Are we 100% sure this chain of title will be resolved by Friday. Do you have a confirmation of that Law Director? **Mayor:** That is a reasonable question. I will have an answer by tomorrow. **Warren:** The contingency is unless we can get Ms. Williams question answered, Council can put this on the special Council meeting. Nothing requires us to pass under suspension if we aren't satisfied or have the answers we want. **Williams:** I just want to make sure the titles are ready. **Warren:** Reviewing this legislation will not impact the closing of the deal. We can go ahead and act on the legislation. My point is, as a result, we can move it to the regular agenda. We can have a special meeting and if it is on the agenda, we can have a first reading if we don't get the information we want. We can then have a second meeting; it will then be the second reading. It doesn't hurt moving the legislation forward. **Hardin:** Right. I understand. We can still deal with these even if the other two aren't ready. **Warren:** Correct. **Mayor:** If you have that information are you prepared to vote on an emergency. **Williams:** I am prepared to vote no matter what. The only way I get a confirmation of a special meeting is via email. As a Councilperson I need to be aware and prepared to be at a special meeting. If someone would call. Sometimes I am not getting notice to be there because I may not check my email that day. I ask for better coordination when we call special meetings. **Warren:** We all get emails for the regular meetings. All of us got the emails. **Williams:** We all know about the regular meetings Johnnie. **Warren:** The first special meeting wasn't until Thursday. After two days I read my emails at least every other day. We will set up the first special meeting before we leave so everyone will know. **Williams:** That has nothing to do with my comment. I would appreciate a call so I can be present. **Warren:** Can you call for a special meeting? **Clerk:** Yes. **Hardin:** What are you saying are we doing one meeting on Friday? **Mayor:** We can have one on Thursday if we aren't ready we won't have it, we will just

cancel it. We will have one on Thursday and one on Friday. **Warren:** Ok. **Hardin:** Is that ok with the rest of Council. **Climer** (returned to the call after technical difficulty): Chances are, Premier will be ready by Friday, worst Monday, or Tuesday. It is unlikely we will have the McBee property transferred by then but there is nothing to stop us from approving the development agreement. **Mayor:** That would be good. **Warren:** We will have a special meeting with all four items on the agenda. If the information isn't ready, they will just be tabled. We can have first reading on Thursday if items aren't ready, then on Friday, second reading if items aren't ready. **Climer:** Correct. **Warren:** It will not require five minutes for a first reading. **Clerk:** The meeting is Thursday. Will it just be the two items on that agenda? **Warren:** All four items are to be on the special meeting. We don't want to have to add the other two. **Clerk:** The other two are tabled so are they moving to the next meeting as tabled? **Warren:** They will move to the special meeting as tabled. **Climer:** That is fine.

Fouche Proposed Property Purchase/Consolidation

Hardin asked about the Fouche matter. **Mayor:** We are ready to address it as the next item. Joe Fouche came to me. He owns some property on Northam which is not buildable since the frontage is only 40 feet. He can do some consolidation and put up a house for his mother who currently lives in Oakwood in a two-story house. For health reasons she would be better in a one-story house. He wants to buy two properties (referring Council to the map handout). It is parcels 104 and 105, which are Village parcels. That would be consolidated with parcels up to 109. He would put the house on 109 and 108 with the driveway off Blackburn on an easement for a driveway only. That would be the entrance of this property since Northam ends at 096. We worked on a deed restriction for single-family residential only. The size of the house would be at least 3,000 sq. ft if not 4,000. A swimming pool is also proposed. If ownership changed, it would still be zoned only single-family dwelling. The Law Director looked into this to ensure it is possible and to ensure to protect the interests of the Village. Parcels 105 and 104 were taxed at a market value a month ago of about \$12-\$15,000. Then suddenly, they changed it to \$50,000. There is no justification to this. There isn't a street there or development there. **Warren** asked if it is valued at \$50,000 each. **Mayor:** No, total. However, I can submit to you on Alexander Road at the Premier site, one undeveloped lot is 1.9 acres, and, on each side, there are houses. The value of that undeveloped lot with a street equipped with water, sewer and natural gas is valued at \$10,600. **Hardin:** This is unreasonable. **Mayor:** Exactly. I don't know why the County did that. There isn't even a road to get to this property and no houses on either side. These parcels by themselves are 40 ft wide. You have to have 90' wide lot to put a house up. You would need at least one other lot to put a house up if you have just those two lots. I'd like to have Joe at the next meeting to confirm what we are talking about and moving it from the Work Session to the first reading. The first question is what you will charge for lots 104 and 105. I will have that document on Alexander Road to review. The acreage on these two lots is a little less than ½ acre on both. I will give you an example of an empty lot which is 2 acres and is valued at \$10,600. **Williams:** We are creating this drive from Blackburn because there is no street. That will become a permanent drive. **Mayor:** That is a good question. If in fact down the road some of the other sites will be developed, but I don't see that happening. If that is the case, they would have to vacate that easement. **Williams:** Where would the access be from that point if that were to happen? **Mayor:** We would have to extend Northam as far as it could go. The extension at Northam where it is now to Mr. Fouche's property to 104 would cost about \$120,000. **Hardin:** He is paying for that himself. **Mayor:** I don't know the cost of the driveway to the easement. It can't be a whole lot; it will just be a simple driveway to his property on Northam on the right-of-way. **Hardin:** It is at his expense. **Mayor:** Yes, exactly. **Williams:** In case someone were to build on that parcel he would have to extend it down to his property. **Climer:** Northam is the right-of-way right now. Nothing is built on it. If the Village or another Developer would decide to build a road on that right-of-way, it would pass Mr. Fouche's property, the person putting in the street would serve his house as well. **Williams:** Thank you. What are you asking of us? **Mayor:** What you want to charge for parcels 104 and

105 and if anything, 131 where he is putting the driveway which is an undeveloped lot. It isn't buildable anyway, that will be an extension of Blackburn. If you go down there, you will see what I mean. **Warren:** We need to determine the value of 104 and 105 and what would be a reasonable for those two parcels. The other issue is to make sure we expeditiously move this reading to our Special Agenda and pass it under suspension. **Williams:** These three parcels are Village owned and not part of any land banks. **Warren:** They are land banked by being Village owned. **Climer:** We can pass the sale of land by suspension of the rules but not by emergency measure per the Charter. It also requires a referral to the Planning Commission for report and recommendation. **Hardin:** Do we refer it then have a price? **Warren:** We have to have a price first. **Climer:** Yes, to finalize the contract. We would propose an ordinance to approve the contract for the sale and refer it to Planning Commission. It isn't to say it can't happen quickly, but this is a step which must be taken to have a valid title. **Warren:** When is the Planning Commission meeting? **Mayor:** The first Monday of the month. I like the Chairman's idea of having this on the Special Agenda Friday and Council coming up with a price. I will show you the verification of the land price on Alexander. If we can't catch it on that day, maybe within a week. **Williams:** Can someone supply us what the Cuyahoga County mandate is for parcels in Oakwood and can we have transactions from property sales within the last five years for the amounts? **Mayor:** You will get County records on the value of the property on Alexander from Ed Hren and these two parcels on Northam. **Williams:** Does that include land bank property costs? **Mayor:** It is market value. **Climer:** I can get the tax duplicate and information from the Fiscal Officer's website on these two parcels which will include land values since there is no building on it. **Warren:** We don't have to go through them. The County only assesses the value. **Williams:** I am asking for us to come to an amount. Do we have anything that lists what properties cost from the County land bank; any transactions we have done in the last five years for adjoining parcels to residents. What have we sold them for? **Climer:** We have sold a number of them. **Warren:** Why can't we just give her that information. **Climer:** It was pieces of land. **Williams:** What can we use to gauge that by. **Warren:** We don't have a lot to gauge. **Williams:** That is the information I am asking for. **Warren:** I said we didn't have a lot to gauge. Moving forward we can get the Councilperson the price of comparable 40' lots which were sold from the Village. We should have that by Friday. **Mayor:** Every one of those had streets. **Warren:** I understand. That is a base mark we can work from. She is asking for the information which is only fair we provide it. It doesn't dictate but gives an idea. **Williams:** This is not our regular job of evaluating land. I want an idea as to how we set that cost. **Warren:** I agree. I understand, I proposed to put this on the Special meeting. **Hardin:** I think he said you can but just not pass it under emergency. **Climer:** That is correct. It can be on the Agenda for a Special meeting. I suggest we will need a Special meeting of the Planning Commission for Premier and Interstate-McBee. Fouche's can be on that agenda also. **Warren:** I was suggesting putting it on the Special meeting. Debbie have the Fouche ordinance on the Special meeting on Friday and we will have it on the next week's agenda. **Clerk:** Ok. **Warren:** You are saying the Planning Commission has to meet on all three issues. **Climer:** Yes. We pass a resolution referring it to the Planning Commission with the ordinance approving the contract attached to it. They give their approval or not and it comes back to us as an ordinance. **Warren:** We will have it on the Special meeting. We must have three readings, don't we? **Climer:** Not on a resolution. **Warren:** We still must pass it once we agree to the sale. We can have the other items on Thursday and on Friday. **Hardin:** Mercifully. **Warren** asked the Law Director for information on land sales of similar lots that sold in the last five years to Council. Can you follow up on that Debbie? **Clerk:** Yes. **Climer:** I will attempt to get some comparables too. **Warren:** That is what I said.

Motion to adjourn made by Callender seconded by Hardin

VOTE: YES: Warren, Gaither, Callender, Hardin, Rogers, Williams

Adjourned at 9:08pm

Minutes approved _____

Johnnie Warren, Council President

Debra L. Hladky, Clerk of Council

DRAFT