

VILLAGE OF OAKWOOD
SPECIAL COUNCIL MEETING MINUTES
February 23, 2022

ATTENDED

Johnnie A Warren – Council President
Elaine Gaither-Council-at-Large
Chris Callender-Ward 1
Eloise Hardin-Ward 2
Paggie Matlock-Ward 3
Mary Davis-Ward 4
Candace Williams-Ward 5

Gary V. Gottschalk-Mayor
Jim Climer-Law Director

ABSENT

Meeting opened at 7:00 by Warren

Pledge of Allegiance and attendance taken.

Ord 2022-11

Introduced by Mayor &
Council as a whole

1st Reading

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A PROJECT DEVELOPMENT AGREEMENT WITH KROGER FULFILLMENT NETWORK, INC., AND THE KROGER CO. (HEREINAFTER “THE COMPANY”) AND DECLARING AN EMERGENCY

Mayor: I rather respond to questions. **Warren:** We will only deal with it in motions. I will ask my Council members. Doesn't anyone have any questions or responses about this ordinance? **Hardin:** I think we should wait until we hear from the Mayor and the rest of Council. **Warren:** The thing is that we don't want to go too far in the first reading. We can get a motion to table or denying/accepting it or suspending the rules. **Mayor:** There are some real drawings, and I am sure some would like to see those. Maybe possibly having them at the community center on either the Thursday or the Friday to where we can actually have a presentation so they can see the pictures we are talking about. It's up to you and Council or how the residents would like to hear this. I think it's importance because of the misinformation coming out about these trucks, vans and 18-wheelers. **Williams:** Is that the drawing that is supposed to be in "Exhibit A"? **Mayor:** The vans and initially they are looking at 50-150 to maybe in 7-8 years, you could have 200. These are 4 wheelers. This are not 18 wheelers. The few 18 wheelers that are coming in to drop off the food supplies are using Oak Leaf and Fair Oaks. None of these trucks are ever going to be on residential streets or anywhere else in Oakwood. These are things that could be more easily explained when you are seeing the actual drawings. Just picture an Amazon truck and those are the vans that will be delivering food to people's homes. Again, they are coming in and out of Oakwood through Fair Oaks and Oak Leaf if you are familiar with that, which are parallel to 271. It gets them back on 271 to go wherever they have to go. **Williams:** Is that the drawing that is supposed to be on "Exhibit A"? **Climer:** It has not been provided yet. **Williams:** Is that the drawings he is referring to? Is there are a reason they are being withheld? **Warren:** First of all, this is what the issue is to me. Originally when this zoning was changed, it was zoning for a totally different type of business. **Climer:** There is a site drawing which is not right. **Warren:** The issue becomes-it's not how to build a roof. It's what was promised and what was delivered. The issue is too is the promise of revenue that if it is not memorialized in writing 100% that could be backed up which we could see every item that is irrevocable, alleged to \$600,000. Is it \$600,000 cash? My problem is he said it's for 13 years. But what happens after year 13? When you have an automated business and 68% of our revenue comes from payroll tax, then sophistication comes and evolves so it will be more automated and will be less people. With less people, there is less revenue. I am not looking at today. I am not looking at my service or any of us being here. I am looking at the future. My problem is that we made a commitment to the people in Ward 4 that if you support this and this is what you were going to do, and this is what is going to be delivered. Now all of sudden, it isn't what was supposed to be proposed and it isn't what is going to be delivered. To steer people that I am going to raise taxes because you have to raise taxes due to this one business, I don't see it happening. I think other businesses are eager to move into Oakwood Village. You can't tell me that the whole society is going to change to start working remotely in corporate America only. This pandemic changed the dynamic of all of our lives forever. What I

don't want to do is to say that the pandemic is going to rule our lives. We work around it and we work within it just like anything else we have.

Resident 1: Joann Foster 7619 Macedonia Road. I agree it's going to bring in revenue and it's great for the Village. I got with that. But I want to see the drawings of the building you intend on putting up. That's all. There shouldn't be an issue with that. **Williams:** That's what I have been asking for. Where are those drawings? **Resident 1:** Do you agree with that? **Mayor: *inaudible-multiple voices*** **Resident 1:** It should be for the Village itself and the people living by it. It should beautify our view and what we are going to see and not what the highway sees. Because I really don't care what a car sees when they go past. Number 1. Number 2 should help what we see as a view. It's our property and our living on what we see. **Mayor:** But that is the point of having the mound. **Resident 1:** But it's not just the mound. ***inaudible-multiple voices*** I have seen pictures and I have seen what they are talking about. I see there are going to put an 8-foot fence. I don't want to see that. **Mayor:** There is not going to be a fence. That's what their suggestion was, and we are not allowing that. There is no need for that. Here is the fact, although we should really have it on a big screen. **(showing picture)** Here is Macedonia. Here is the mound. If you follow eye level from just the mound, you will see the building. That's why we have trees and not with leaves. We are talking evergreens, so the leaves are not falling. You are looking at 20 feet. At 10 feet, you follow the view line. It's already above the building. At 20 feet, you are substantially above the building. There isn't any way you are going to see this building from Macedonia Road. **Resident 2: Patricia Ragle 7540 Macedonia Road.** What about on the other side? We live right next door. **Mayor: (showing pic)** This is Macedonia Road. There is opening there because of the wetlands. That's all going to be mounded as well and it's going to be a "L" shape, so you are not going to catch it either. That was the purpose of the mound. **Resident 2:** The wetlands are going to be ***inaudible-multiple voices*** **Mayor:** ... and the lighting is going to be such that it doesn't go this way, it goes straight down. The mound is an asset only because it keeps the noise down from 271 along with the wind. The alternative was and the reason the zoning was changed was very simple. You would have had 41 houses put there from home developers. Let's use an average of \$165,000 per house since this is next to 271. You aren't expecting \$200,000 or \$250,000 home. The property taxes Oakwood would receive from those 41 homes at \$165,000 is \$8,000 a year. **Resident 1:** I understand that. **Mayor:** That is the reason for having this other alternative. The other alternative was a church which would have brought in no revenue, and you would have had all the car traffic on Macedonia Road which you are going to avoid. **Warren:** For the record, there was no confirmed church. That is speculative of what the land could have been utilized for. **Mayor:** No, the ***inaudible-spoke over*** that owned the land can tell you that he had offers from residents, developers as well as a church. **Warren:** There was no church being built there ***inaudible-multiple voices***. The bottom line is in any Ward, if you promise something, we expect to deliver what we promise. And if we change it, this isn't the venue to change it. To go through all of these meetings and everything without coming straight and up front. The way it should have been done is that once you knew what you wanted to do, present it in front of the residents that chose to embrace our word that it was going to be a different type of business. Don't wait until you have everything set up and everything in a row and try to rush. Because I am not rushing at all about this issue. What we are going to do is that I am going to ask the members of Council that we would take both pieces of legislation and rather than suspending everything, we will table it and then have a hearing between meetings where the Mayor can make a presentation to the residents, let him make a full presentation. This isn't the venue to be doing this because this is a special meeting and all we are supposed to do is deal with the 2 items on the agenda. Even though we can open the floor for public comment. But if the Mayor decides he has a better presentation in the community center, we can table the legislation, reschedule a meeting for everyone to be in the community center and see what he's proposing. We will take questions because this is a special meeting. I will open the floor for public comment. **Resident 1:** One major I would like changed with this design. I see the bays where the semis are going to come in. They semis are going to face where you tore the 3 houses down and where they are going to unload their trucks. **Mayor:** No. **Resident 1:** That's the drawing I have right here. **Mayor:** How many semis were you being informed were going to be there? **Resident 1:** It didn't say how many semis but that's where the semis were going to unload. Then the trucks are going to pull around here-I have it all right here on the drawing. **Mayor:** Things have changed. As a matter of fact, as of last Thursday.... **Resident 1:** Let me know. I have the drawing right on here. Then the other cars are going to pull around, like the Amazon trucks, are going to come this way **(referring to the drawing on her phone)** which is on the side where my house is, and I am going to hear those trucks pull around here. Those headlights when the semis come around by the highway, all those headlights are going to come at my house. The trucks are going to come around like this **(referring again to drawing)**. When they get closer to my house, it's **(the mound)** is going to block. But when they are coming in, and coming this way, it will be facing my house and I am going to get all those headlights facing into my house no matter how high that mound is and I will see them. So, my recommendation is, put that around so all the little trucks come in off the highway; you can build that building higher. Put some glass up there and have that facing the highway. They will see

glass and those trucks can pull in over by the highway. Not by my house. Won't take nothing to flip flop that building. And if you want to look at the drawing, you can sir. It's right here.

Resident 3: Tom Kormanc 23307 Alexander Road. I'm right in the middle of this nightmare that is going in my backyard. Since 2017, I have every paper since 2017. Mr. Warren, I think you are right on point. I didn't vote originally for what has been passed. I lost. It was passed. These secret council meetings that were happening. I want it on record that council that sits here today was given an option in voting this change, so your name is attached to it. That's important to me. This isn't what was passed. It isn't from 2017 which was promised to me and it's in my backyard. What I see now, I used to be able to go in my backyard and it was peaceful. Now, when I look to the west, I see headlights from 271. When I look to the south, I see 480 headlights. When I look to the east, I see headlights. That's Macedonia Road. Everywhere I look, I see headlights. The noise that comes from 271 now. It used to be peaceful in my backyard. As I respect all you council people, I don't think that you should make the decision now on what was voted on. And especially the biggest thing that I want on record, I understand the Ward 4 council person is not allowed to vote. So, how can the whole Ward 4 where all this stuff is going on, not have a vote. I can call my council person and tell that person that I don't want you to vote for it. Then she tells me, "I can't vote." What sense does that make? Why have a council person if the whole Ward has no voice in what's happening? Please make sure that is on record. **Mayor:** Law director, would you care to respond? **Climer:** The basis for the advice is an opinion from the Ohio Ethics Commission that says a person that sits on a City Council who has a close relative who borders property that lines up for commercial development and will have an effect on that property, should not vote on that proposal. This is not me. This is the Ohio Ethics Commission which governs public officials. And I am happy to provide you with the copy of that decision if you want. **Resident 3:** I am asking the other council people to please keep that in mind with your decision whichever you make because you all represent your Ward or your At-Large bid that you duly have. Now imagine if you were in the opposite shoe and all your constituents were getting hold of you and telling you now, 'We don't want this. We've got to take this back to the people and figure something out' and told that you can say anything. You have no voice in this. That's not right. **Williams:** I would like to respond since the law director responded. As a Council, we did not make a decision and know this was happening. I don't want you to think that the Council misled you. We were getting many of these details as pretty much the residents were. **Resident 3:** I don't feel the Council has misled anybody. I don't even think that we should be sitting here tonight. That's my opinion. I am just a guy that goes to work everyday and goes home and is being affected by this whole thing. That's all. The original thing, I didn't want it in my backyard. I lost on that. And if the original thing and 4 years' worth of paperwork or more, I was okay with it. It didn't turn out my way. I lost. If it was going to happen back there, I was good with it. I will be the first to say, I am in construction. I worked with Premier Properties and Development. Oakwood Village; perfect job. That's the best development company to have if you are trying to do something large scale. A ton of work in places I have work and it's perfect. I'll give you an example. If you have an opportunity, go down old Route 8 through Northfield and where they built the new Old House Furniture on the east side of old Route 8 where they mounded it. Impeccable work from Premier Developers. So, Oakwood Village, you did perfect that way. Since that is all through, I don't know anything about Kroger. You guys don't know anything about Kroger. Let's be real here. To have a chance for the people to say their peace, you're doing a good job Council. And the Mayor, I'll tell you, you are doing a good job for Oakwood. This thing though, as it's going this way, nah. We can do better than that. We can. Let's get back to doing it the right way and it will all be good. **Warren:** I told that to a resident at our last council meeting before this. The Mayor has developed this Village and turned it around 180°. The Village has been thriving with his leadership of our community and has brought revenue in and brought the businesses in so let's not let one business or one issue outweigh all the growth and development and success that this Village has experienced with him being Mayor. I have been in development and construction all my life, so I understand it. And I understand the Mayor's frustration with having one business after another because for the last 3 years, he's been telling us and other council member, 'This business is coming. I can't tell you about them now but it's going to be great,' and then we don't hear anything. **Mayor:** That was a year and a half ago. Up until a year and a half ago, it was Project Crunch. Their looking at investing anywhere from \$110-\$120 million versus a \$1 million or \$10 million. They didn't want to have it disclosed in terms of deciding the sites of where this would be located. Finally, I was alerted to it, but I had to agree to confidentiality until they were ready to commit their name. That was finally done at the Zoning Board meeting back in November where they were finally satisfied and decided over Hudson and a few other major cities in Northeast Ohio. It was either Oakwood in Northeast Ohio or Pittsburgh in Pennsylvania. It was down to those two. The problem then was, I still couldn't talk with Council to be specific on all the points because they weren't agreeing on a few of the proposals I was making. The biggest one was payroll; returned to Oakwood. As much as this would have a far-reaching impact on Cleveland, we can't be selling our souls without first having Oakwood taken care of. They finally satisfied my requirements last Thursday. It's been long haul. It's been like a Chinese water torture back and forth. I would not give

up. Honestly, we probably best off doing at the community center where we have the screen. But the key was payroll. We talked about office buildings. COVID has changed all that. This was pre-COVID when I said office buildings. There were actually 3 points when we were getting this passed by the public. The first one was tax revenue. We certainly were not satisfied to see homes going in there or anything else. So, I was looking at a payroll of \$30 million with three different buildings being in there. The problem is with office buildings is very simple. Alone with the GEN Z culture which is people born from 1995 on, 2/3 of them now said they are never again interested in being in the workplace for more than half the week. But that isn't real issue is this; what is going to be happening with automation and digitalization? These jobs that are out there now, many of them will not be existing 3-5 years from now. IBM is a good example. Do you realize, despite being one of the biggest companies in the world, they do not have a human resources department anymore? Why? Because it is all automated. Don't need the people anymore. **Resident 3:** That's fine but let's not bring in the trucks and the noise and the gas stations. I got to reading this for a half an hour. In what I read, at future points, they are allowed to put in additional buildings as needed? I read that. **Mayor:** The point was I was offering that because care to have more revenue, but it wasn't going to be a very major building. Let's get back to this. With office buildings, clearly, people are not going.... ***inaudible-multiple voices*** **Resident 3:** ... an office building. Oakwood Village you have built into a very wonderful spot. **Mayor:** Yes. **Resident 3:** You offered them very wonderful things. I understand, the COVID thing mess a lot of things up for a lot of people for way too long. Let's just get the right thing in there. This is not the right thing for what we do in Oakwood. **Mayor:** Here is in fact the trucks/vans we are talking about (**shows picture**). These are 4-wheelers. They're new. They are not going to be like Amazon's that are 10-20 years old. These are new 4-wheel trucks that are refrigerated that will be making the deliveries. Much, much different. Automation and digitalization are going to be where there will never be a need for office buildings unless there are team groups meeting together. They are never going to be the same. Some of you are old enough to remember Montgomery Ward. That used to be the biggest retailer in the United States, but they didn't change with the times. Sears. Never changed with the times. Now what's happening is this; Macy's is a good example of upscale retail. They realized that with COVID, their stock prices plummeted to where they have to change. Your vision has to change. They are now going into e-commerce. They have to or they will be going out of business. That's one of our problems in Cuyahoga County. It's simple. Do you realize Cuyahoga County is the 9th biggest population loss of any county in the entire United States? They are fleeing the county because of the taxes that are already high. The problem with most of Cuyahoga County is it got over-retailed which is no longer bringing the money in. Now the alternative to this is you are going to have to have 2 light manufacturing operations with some office with it. And you're still going to have the trucks. We had a traffic study done by our engineers and a traffic study firm. They made a study for over 20 years out. A comparison between a 400,000 square foot light manufacturing warehouse and 3 100,000 square foot offices. More vehicular traffic and more noise with the offices. This was a major study. The key to making the changes on this was having a light on the other side of the bridge which would be synchronized with the light on the west side of the bridge. This would satisfy it. Remember, these vehicles coming in and out of here are using Fair Oaks and Oak Leaf. They are not going to be using Alexander. That is huge. The days of thinking that you're going to have 3 offices in there are over. What, are you going to wait 5-10 years? And consider this; Walton Hills now, its Ford Motor plant has been sold to 3 groups. Look at Glen Willow. You have buildings there that are 300,000-400,000 square feet. The developers there are talking anywhere from 4-7 300,000-400,000 square foot buildings with warehouse distribution. Where are all these trucks going? They have to cross Alexander to get to Fair Oaks. Who's going to pay for all the damage they are doing and what's going to be done when they are on Broadway to sync those lights as well? Look at all that expense. We are going to have to have some revenue. That's one of my biggest concerns is what's going to happen at Walton Hills. **Resident 3:** Can't they grab and go up through Solon from Glen Willow? **Mayor:** We are talking Walton Hills. When you go through Glen Willow you can see some of these large buildings. That's what's going to happen where Ford is. You are looking at 4-7 300,000-400,000 square foot buildings. **Warren:** But we don't know the number of people that will be in those buildings. **Resident 3:** Let me ask one more question since you know a lot more than I do. If I thought I read correctly, where before it was promised that there was never going to be an exit out to Macedonia. **Mayor:** Right. **Resident 3:** And if I read correctly, it said that there would not be an exit unless applied for by Kroger Company. **Mayor:** That's no longer. In fact, as of 2 weeks ago, they were still asking if it was possible because of the wetlands and not being able to get on that site earlier whether they could still use Macedonia Road as a temporary. We said 0. **Resident 2:** But it does say that in the thing that you put out to residents. **Mayor:** We are talking about the development agreement that is before Council right now. It prohibits the use of Macedonia Road as an entrance or exit. **Williams:** It does say with the prior written consent. It does not say no access. It goes on to say '...without the prior written consent....' **Climer:** It does say '...without the prior written consent...' but that's not going to happen. ***inaudible-many voices*** **Williams:** Why can't you remove '...without the prior written consent of the Village?' **Mayor:** Get it out of there. If that is how it reads, it's

out of there. There is absolutely zero chance of them ever using Macedonia Road for any entrance or exit from that site. Period. **Resident 3:** So, it's way too premature for Council to make.... **Warren:** It is. Because if you talk about taking things out of the agreement and putting things in and something just happen.... **Mayor:** This was just Thursday. **Warren:** What I am saying is just basically what you need to do is be sitting with Council and going over the development agreement and letting us know point by point what is going on. We are not going to rush in or acting on this until we know the full scope is the ins and outs. **Williams:** I have a question on every page. **Warren: *inaudible-council member talked over President***...as recently as Thursday, how are you going to change that, and you just told him to take something out today? We can't act on faith; we have to act on facts. **Resident 1:** And make it an ordinance so that this way when the Mayor is no longer our Mayor, it can no longer be changed. **Resident 4: Pat Malone 22796 Drake Road.** Mayor, I want to say this to you because I believe you screwed up. First you talked about the houses that might be built there, maybe. Then it went from the houses to the office buildings. You told the people in the area, and I was at that meeting that we were going to lose Northern Haserot and we were going to be out so many millions of dollars. Well, they're still there and I know you are going to tell me they are looking for places. **Mayor:** They are just looking. They are our far biggest company, and they bring in on tax revenue about \$300,000 and in net profits maybe about \$125,000. The other sites they are looking at, in the cities, this is only money to them. So, they will be offered an incentive of about 50% of what the revenue would be, they would be giving it back. Even if we got Northern Haserot to stay, I am still going to be out \$200,000. They still have to move where they're at because there is no room over there. **Resident 4:** In your actual statement, I know you mentioned 'million dollars'. And that scared everybody. To me, that is scare tactics. I'm sorry. They are still here and like everybody has been saying.... **Mayor:** They can't where they're at. Clearly, everybody can see that. **Resident 4:** Do you have a date when they're leaving? **Mayor:** I met with them 3 times in the last month and a half. We are looking at a site possibly in Mr. Tartabini's backyard. **Resident 4:** Are we going to be tearing down more houses on Macedonia Road? **Mayor:** No. That was made clear too, going north of the site. That is in the agreement that they cannot be taking any houses down north of that site to be using for development. **Resident 1:** Northern Haserot can have my property. I have 2 acres. **Resident 4:** You keep hitting on the fact that there will be no trucks going on Macedonia. They'll go down Fair Oaks. Well, guess who lives off Fair Oaks? Me. And I am going to hear all that. It's terrible the noise we hear. And I know you were going to get it redone. How long is that going to last? Now you are going to be having more trucks coming from.... What are they building at the Ford plant? **Mayor:** I can show you the article from the newspaper. They are looking 4-7 300,000-400,000 square foot buildings. **Resident 4:** No. I'm just saying. So, that is going to generate more truck traffic. **Mayor:** Absolutely it's going to generate more truck traffic. **Resident 4:** Okay, so here we are on Fair Oaks on the other side. We get all the traffic from the garbage containers; everything. It's terrible. **Mayor:** But Pat, other than... ***inaudible-multiple voices*** ... so you're not hearing the noise, it's parallel to 271. That's what they were meant for to begin with. That's why they were there. I didn't put them there, but you have to have them there to keep them away from the residential areas. **Resident 4:** Didn't I ask you a long time ago why we didn't get some kind of barrier walls. And you said, 'I asked....' **Mayor:** We proposed that to people on High Road and they didn't want them. **Resident 4:** What about Drake? What's the matter with Drake Road? **Mayor:** There are more homes on High that were affected so, I only asked them. **Resident 4:** How long ago was that, Mayor? **Mayor:** Years ago. **Resident 4:** Okay, well Macedonia has built up. We get a lot of cars. We get a lot of trucks. So, that wasn't taken into consideration I don't think. My last point is the last time I came to a meeting was when the gentleman from Kroger-which we didn't know who they were. I just don't think that's right where you as Council, we as members of Ward 4, we are not.... Confidentiality? Really? **Mayor:** They disclosed who they were at the BZA meeting. That's when they finally decided that Oakwood was going to be there site. **Resident 4:** Was that before or after you announced it all of us. **Mayor:** It was after. This was only the last month and a half. In fact, when you had the planning commission meeting here, they wouldn't disclose their names either. That was before the BZA meeting. **Resident 4:** You did a disservice to the residents of Ward 4 by not letting us know. You had 3 people sitting here and nobody would give their name. 'I can't say anything. It's confidentiality.' And that Crunch thing, what were we supposed to think? It's got to be done. **Mayor:** We had not made a decision. You are talking about a project that is \$110 to \$120 million. It's a little different than a company that has a million or two. They are not going to disclose themselves until they are satisfied with the decision of where they are going to be. **Resident 4:** And at the last minute, you hit your council with it. After everything was all talked out. How many of you knew ahead of time? I'm sorry Mary. You're not allowed to talk because the State says so. **Mayor:** It's fine to be saying that but don't be facetious. We are talking if she does this, she can be cited by the Board of Ethics. She is probably going to be in front of the Prosecutor and she's going to have to defend herself with an attorney. For just saying something. **Warren:** Our council member is a grown woman. If she chooses to talk, she will. If she chooses not to, she won't. And I am sure she won't. You don't have to talk about the litigation and all the other stuff because it is totally irrelevant to what we are talking about. **Resident 2:** Why isn't

there an alternate to fill in for her? **Williams:** What is relevant is that before we had full details, that decision was already made that she could not vote and contribute before any of us have full details. So, that is another aspect of this that makes it a very negative looking situation. **Warren:** The Mayor has made a request that we have a public hearing more or less because this thing cannot be a public hearing. We have a public hearing at the community center where he can have the screen and everything else and then at that point, you can ask all the questions that you want, and everybody can entertain the questions. It's going to be a while because this council has not seen the agreement. We have not got all the fact of the agreement because there is allegedly \$600,000 is guaranteed. Is it contingent on what? Can it be backed out? All these questions we are going to have to have answers. I would suggest to Council would you be agreeable to tabling these 2 pieces of legislation. We will arrange a public meeting and everybody and anybody in the Village could attend. Then we can discuss the pros and cons of this development. **Resident 4:** How much revenue are we going to get from the robots? How many people will actually be working as opposed to the work by the robots? **Mayor:** If you want me to explain that now or wait until we have.... **Williams:** When are we going to get this agreement? **Warren:** We have to have a meeting with the Mayor to go over this agreement. Because we are not going to move until we do and now we know that there are some amendments that have to be made that we have just written down that have to be stricken from it. **Mayor:** I have stricken a few words. It's not like it's going to be a major change. **Warren:** It will be a minor change. But whatever it is, we have got to see the agreement. We've got to see what the guarantees are for revenue. **Williams:** Is that going to be in front of the public when we go over it because some of them have read it? **Warren:** We are not going to have it in an executive session so we could have it in a public meeting. **Mayor:** That change can be done by tomorrow. **Williams:** That is not the only change, and you still haven't explained the agreement. I have a question on almost every page. **Mayor:** Unfortunately, you had just come back in town, and we didn't have a chance.... **Williams:** I know. You called me Monday. But that still would not have been enough time for me to digest all of this. **Resident 5 Shirley Stevens 7251 Lynbrook Drive.** I am just hearing about this. I heard a little about it. But for knowing any details or anything like that, I don't know, so I can't ask. But I do want to ask about that traffic because is used to work at Amazon. You may have little trucks taking it out, but you should see the trucks bringing it in. Second thing, I would like to make sure that all of Wards are going to be represented. When we were having our problems in Ward 2, Ward 4 was right there. We stood together strong as a community. **Warren:** The Council Clerk will advertise for the public hearing. **Resident 5:** And it has to be written in such a way, because sometimes we get those notices, we pitch them. We don't read them. I'll look at the picture. I want that flyer written in such a way. Because if you don't, I'll put one out, so people know they need to show up. Not that cutesy stuff. With Ford being sold and we are talking about bringing this traffic in here, it's not a cutesy thing from what we originally thought. **Hardin:** The reason why you see some people here from Ward 2 is because that's what we do. Just because it is not in your back yard, it will eventually affect you. Issues that I initially had, the Mayor has addressed as I perceived the traffic. But this is a whole Village issue. You can't just isolate it to Ward 4. So, when there is a public hearing, I will make very certain and the President will make certain, that everyone gets a flier. We will take your advice Ms. Stevens. It will be something that will get your attention. **Resident 6: Pat Rogers 25160 Stephen Road.** Who is paying for that traffic signal? **Mayor:** There is a \$950,000 grant from the County. **Warren:** But we are going to be paying for part of it, right? **Mayor:** That is the road; not the signalization. The grant is taking care of the signalization. It's about \$300,000. **Resident 5:** I thought it was said the city was paying \$224,000. **Mayor:** That's the road. The road to rehab Fair Oaks was about \$750,000. We got a grant for a quarter of a million and the half million is a 20-year loan with 0% interest. So, we will be paying \$20,000 for 20 years. **Warren:** The engineer quoted yesterday that the signalization was going to cost us \$50,000. You can check the record. **Mayor:** We are talking putting the signal up and then syncing it with.... **Warren:** We understand all that but that's what he said. **Resident 5:** I had just written down some notes from the planning commission meeting and I know everyone may already have all these details. This Kroger operation is a 24 hour a day/7 day a week/365 days a year operation. It's going to be butting residential property. They will have 400 employees arriving in shifts beginning at 3am. There will be 53 ft semi-tractor trailers delivering food to the facility beginning in the early morning hours and throughout the day. All this time, 1,000 robots will be filling orders in a metal panel building. And I don't know if they're noisy and I don't think any of us do. But I just wonder too, if the mounding is going to take care of any buffer. Because we do have mounding on Fair Oaks which certainly didn't help the people on High or Painter. **Mayor:** Don't compare the 10 ft mounding you... ***inaudible-multiple voices*** **Resident 5:** But we have a 50 ft building also. **Mayor:** It's going to be a 38 ft building and you are going to have accoutrements and things like air conditioners on the top. ***inaudible-multiple voices*** I showed you the drawing from Macedonia Road. You will not be able to see that building. **Resident 5:** But also too, the busiest time for them would be between 5am and 6am. **Mayor:** Now, it's more like 7am. **Resident 5:** That's what was stated by one of the Kroger people. **Mayor:** Like I said, things have evolved to where we are now looking at the peak hours for delivery will be getting out of there between 6:45am to 7:45am. **Warren:** Will that be in the

agreement, too? **Mayor:** If you care to have that in the agreement, we'll have that in the agreement. That's the way it has to be otherwise it doesn't function. That's exactly why they want to keep the issues with traffic congestion, this makes more sense that they are in and out of there before you have peak hours of 8-9am. This has been done. Two others are planning to do this and 20 cities in the United States. This is the 3rd one here. They clearly understand the semantics. You can't begin to imagine the hours that have been put in here to make sure this thing is going to work right. So, the peak hours are very clear. Between 6:45am and 7:45am. The earliest may be 6:30am. But Pat isn't wrong. Initially they were talking 5:30am. Now the latest when I talked to their operations managers, they are looking more at 6:45am to 7:45am. They are in and out of here before there are any problems affecting Oakwood at all. **Resident 5:** I couldn't resist bringing along this beautiful landscaping with the stream and everything that we're to have. **Mayor:** What's the problem with that? **Resident 5:** The stream. **Mayor:** There is not going to be a stream but there will be an all-purpose trail on the west side of Macedonia Road to Alexander. **Williams:** In the agreement, it does say 50 ft for the main building. Are you saying that number is incorrect? **Mayor:** That includes the accoutrements. The actual masonry of the building is actually only 38 ft. **Williams:** But it doesn't say that. It says allowing a building height.... **Mayor:** That was touched on the in BZA meeting as well. **Warren:** Isn't it customary that the Board of Zoning Appeal makes a decision that they forward it to Council for our review? (question to board member) I believe that has happened to in the past. But we never got that. So, Council never even had the opportunity to act on your decision. **Mayor:** That's not what I am hearing from the Council Clerk or the Board Secretary, Debbie Stoffl. They are saying they were sent by email and were not looked at. **Warren:** Well, we are not talking about emails. We are talking about putting it on the agenda and we never did put it on the agenda in the past. I can prove that to you or Debbie or anybody else. **Williams:** If we need to act on something, it shouldn't be a matter of us reviewing the minutes. That's a formal procedure. **Warren:** That was supposed to be put on the following agenda. **Williams:** We have to be given the heads up to put it on the agenda. **Mayor:** Pat Rogers was at that meeting. **Warren:** We are not talking about that. We are not dodging the issue. The issue is it was supposed to be brought to Council. Anytime it was BZA decision, it was given to Council. **Hardin:** Let's stop right there. The law director is sitting right there. **Climer:** I believe the Charter reads that the Council has the option to put it on their agenda. Having been notified, it is the Council that elects to do that. **Warren:** Well, it's been done by the law director and the Mayor historically. **Climer:** I can't speak to that. **Warren:** But I can bring you the information. That's neither here nor there. We are here. So, the issue becomes we are going to read it, we are going to set up a public hearing to discuss this, we are going to notify Village wide so everybody can have input and see what is being proposed. After that, we can have our 2 subsequent meetings to hear it or act on it. **Resident 3:** So, there is no meeting tomorrow? **Warren:** No there isn't. **Williams:** And Friday? **Mayor:** As a Mayor, I have the right and I will be asking for a meeting tomorrow. But there isn't going to be any vote on this project. **Warren:** I closed the floor. It's too senseless to have meetings when you are going to have a public meeting that is going to happen after the meeting. **Mayor:** No, there will be a public hearing before the 3rd reading. **Mayor:** I am confused here. Again, I am asking for a 1st reading. **Warren:** On ordinance 2022-11, he has read it. Can I get a motion to table?

Motion to table by Williams; Seconded by Hardin

VOTE YES: Warren, Gaither, Callender, Hardin, Matlock, Williams **Abstained:** Davis

Ord 2022-12
 Introduced by Mayor &
 Council as a whole
 1st Reading

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO AN
 ACKNOWLEDGEMENT OF TERMINATION OF THE PROJECT DEVELOPMENT
 AGREEMENT WITH PREMIER OAKWOOD, LLC., (HEREINAFTER "THE
 COMPANY") AND DECLARING AN EMERGENCY

Resident 5: Can I say something about that? It says here in this ordinance about reasonable landscape fees that we will releasing Premier from. We are going to need a good total of anything and everything the Village paid because they were supposed to be paying everything. That was my understanding. And also, what about all those trees that were taken down? **Mayor:** Premier is going to be responsible for that on the barren site on Alexander Road. **Resident 5:** What about the property next to the Voseckys? **Mayor:** That will be the responsibility of Kroger. **Climer:** If I could, I think I can answer it real quickly. Number 1, the termination agreement with Premier, is contingent upon the Kroger development agreement. So, if that doesn't happen that development agreement is still in place. Second of all, it provides for continuing obligations from Premier which are landscaping costs and professional fees occurring to the date the agreement is terminated. **Mayor:** I just think it is premature to have the Premier agreement being.... There is no point in letting that happen until the decision on Kroger. I don't see any point in having that decided. **Climer:** It will not be as contingent upon Kroger. **Williams:** But can it refer to point. Reasonable landscaping and professional fees are very

vague. Can that be detailed or can there be an exhibit to show what costs we are talking about? **Climer:** The professional fees have been calculated. We can get that. I can't speak to all landscape fees because I don't have that information. **Resident 5:** How are we going to determine what trees have been taken out? I mean you can't just replace them with 5 ft little fir trees. **Mayor:** The trees are right back there (**behind the PD**). ***inaudible-multiple voices*** In spring, they will be going back to Macedonia. **Resident 2:** Why were they taken down to begin with if you're just... **Mayor:** Some of those will be going to the open area on Macedonia Road and without the mounding taking place, that is why we brought them back here.

Motion to table by Williams; Seconded by Callender

VOTE YES: Warren, Gaither, Callender, Hardin, Matlock, Williams **Abstained:** Davis

Hardin: Mayor, when is the public hearing? **Mayor:** Let's have this thing as soon as possible. **Hardin:** You can't have it without notifying the whole Village. **Warren:** Thursday of next week.

MOTION TO ADJOURN by Davis; Seconded by Gaither

VOTE YES: Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

MEETING ADJOURNED: 8:10pm

Adopted

3/22/2022

Christine Morgan, Clerk of Council

Johnnie Warren
Johnnie Warren, Council President