

THIS IS AN  
IN PERSON  
MEETING

VILLAGE OF OAKWOOD  
COUNCIL MEETING  
March 22, 2022  
7:00 p.m.  
AGENDA

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1. **Call Meeting to Order**

2. **Pledge of Allegiance**

3. **Roll Call**

Council President	Johnnie A. Warren	Mayor	Gary V. Gottschalk
Council-At-Large	Elaine Y. Gaither	Law Director	James Climer
Ward 1 Councilman	Chris C. Callender	Finance Director	Brian L. Thompson
Ward 2 Councilperson	Eloise Hardin	Service Director	Tom Haba
Ward 3 Councilperson	Paggie Matlock	Chief of Fire	Jim Schade
Ward 4 Councilperson	Mary Davis	Police Chief	Mark Garratt
Ward 5 Councilperson	Candace S. Williams	Building Inspector	Daniel Marinucci
		Engineer	Ed Hren
		Recreation Director	Carlean Perez

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4. **MINUTES** – Motion to approve the minutes from the February 23, 2022, Special Meeting  
Motion to approve the minutes from the March 7, 2022, Special Council Meeting

5. **Correspondence from Clerk**

6. **Departmental Reports**

MAYOR - GARY GOTTSCHALK  
LAW DIRECTOR – JAMES CLIMER  
FINANCE DIRECTOR – BRIAN THOMPSON  
SERVICE DIRECTOR - TOM HABA  
ENGINEER REPORT- ED HREN

FIRE CHIEF - JIM SCHADE  
BUILDING INSPECTOR – DANIEL MARINUCCI  
HOUSING INSPECTOR – N / A  
POLICE CHIEF – MARK GARRATT  
RECREATION DIRECTOR – CARLEAN PEREZ

7. **Floor Open for Comments from Village Residents** on meeting agenda and comments in general *Village residents, please state your name, address, and the subject you wish to discuss for the record. Please limit your comments to five (5) minutes. Thank you! Please sign-in to speak*

8. **Legislation**

Ord 2022-8

Introduced by Mayor &  
Council as a whole  
3<sup>rd</sup> Reading

AN EMERGENCY ORDINANCE CONFIRMING THE APPOINTMENT OF THE LAW  
DIRECTOR AND FIXING THE COMPENSATION OF THE DIRECTOR OF LAW AND  
ASSISTANTS TO THE DIRECTOR OF LAW

Ord 2022-15

Introduced by Mayor &  
Council as a whole  
2<sup>nd</sup> Reading

AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A  
CONTRACT WITH CHAGRIN VALLEY ENGINEERING, LTD., AND SETTING FOR THE  
COMPENSATION AND FUNCTIONS OF THE VILLAGE ENGINEER AND THIS FIRM

Res 2022-20

Introduced by Mayor &  
Council as a whole  
1<sup>st</sup> Reading

A RESOLUTION DECLARING THE MONTH OF APRIL AS CHILD ABUSE AWARENESS MONTH

Res 2022-21

Introduced by Mayor &  
Council as a whole  
1<sup>st</sup> Reading

A RESOLUTION OF CONDOLENCE TO THE FAMILY OF WANDA COLLINS-SMITH

Ord 2022-22

Introduced by Mayor &  
Council as a whole  
1<sup>st</sup> Reading

AN ORDINANCE AUTHORIZING PARTICIPATION IN THE ODAOT ROAD SALT CONTRACTS AWARDED IN 2022 AND DECLARING AN EMERGENCY

Ord 2022-23

Introduced by Mayor &  
Council as a whole  
WS 2022-WS-2  
1<sup>st</sup> Reading

AN EMERGENCY ORDINANCE AUTHORIZING THE VILLAGE ENGINEER TO PREPARE PLANS AND SPECIFICATIONS AND TO ADVERTISE FOR BIDS FOR THE RESURFACING OF SOLON ROAD FROM THE WEST CORPORATION LIMIT TO RICHMOND ROAD

Ord 2022-24

Introduced by Mayor &  
Council as a whole  
3/22/2022

AN EMERGENCY ORDINANCE DETERMINING THAT THE OPERATION OF A SINGLE STREAM RECYCLING BUSINESS FOR THE RECOVERY OF RECYCLABLE MATERIALS INCLUDING ALUMINUM, CARDBOARD, AND OTHER MATERIALS THAT ARE PROCESSED AND PLACED INTO THE SUPPLY CHAIN FOR THE PRODUCTION OF METALS, PLASTICS, TEXTILES AND OTHER PRODUCTS IS SIMILAR TO PERMITTED USES IN THE I-2 PRODUCTION-DISTRIBUTION DISTRICT AND SHOULD BE ADDED AS A PERMITTED USE IN SAID DISTRICT

1<sup>st</sup> Read

Pending moved  
from WS

9. Adjournment

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

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**Meeting opened at 7:00 by Warren**

Pledge of Allegiance and attendance taken.

Ord 2022-11

Introduced by Mayor &  
Council as a whole

1<sup>st</sup> 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 AND 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 9<sup>th</sup> 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 3<sup>rd</sup> 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 3<sup>rd</sup> reading. **Mayor:** I am confused here. Again, I am asking for a 1<sup>st</sup> 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

1<sup>st</sup> 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 \_\_\_\_\_

\_\_\_\_\_  
Christine Morgan, Clerk of Council

\_\_\_\_\_  
Johnnie Warren, Council President

VILLAGE OF OAKWOOD  
SPECIAL COUNCIL MEETING MINUTES  
March 7, 2022

ATTENDED

Johnnie A Warren – Council President  
Chris Callender-Ward 1 (Late)  
Eloise Hardin-Ward 2  
Paggie Matlock-Ward 3  
Mary Davis-Ward 4  
Candace Williams-Ward 5

Gary V. Gottschalk-Mayor  
Jim Climer-Law Director  
James Schade-Fire

ABSENT

Elaine Gaither-Council-At-Large

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SEE CONTRACT AGREEMENTS TO FOLLOW

**Meeting opened at 6:00 by Warren**

Pledge of Allegiance and attendance taken.

**Motion to remove 2022-11 from the table by Matlock; Seconded by Callender**

**VOTE YES:** Warren, Callender, Matlock **VOTE NO:** Hardin, Williams **ABSTAINED:** Davis

\*Discussion amongst members regarding the on and off tabling of ordinances.

Ord 2022-11

Introduced by Mayor &  
Council as a whole  
2<sup>nd</sup> 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 AND EMERGENCY

**Hardin:** Can we go through it paragraph by paragraph and if anybody has any questions, we can keep going? **Warren:** Let's start with the development agreement (Exhibit A). **Hardin:** Are you saying everything on here in Parcel 1 or is everything on here being developed? **Climer:** No. This simply shows the site. And the site is Parcel H which you see in the middle. **Hardin:** Let's get right to the point. Are there any parcels on here that are not part of the Kroger development? **Climer:** Yes, Parcel I and Parcels E, F, G, and the parcels that you see on the northeast corner. **Williams:** And Parcels A, B to the left of the picture.... **Climer:** They are part of it. You will see on the line that divide them, there a little "c". That means they have been consolidated with Parcel H. **Williams:** So, Parcel H is including A, B and whatever this part of land next to it as well? **Climer:** Yes. **Hardin:** Why is it cut out there? **Climer:** These were purchased at different points. Parcel H is predominately the Garsik (sp) Farm. These were additional lots that were bought from other owners and consolidated with Parcel H. **Williams:** So, H, A, B and this unmarked parcel is all part of Kroger and not Premier? **Climer:** Correct. **Hardin:** Where is Premier? **Climer:** I believe they are around Parcel I. **Williams:** And that includes E, F, G and D? **Climer:** No. Those remain private residence. **Williams:** So, this is a little confusing because there is Parcel I around this bend. Is this in like a "C" shape? **Climer:** It is. **Williams:** So, Parcel I is all theirs and you have E, F, G in the middle of that. **Climer:** And those remain private residences. **Hardin:** Shuffle Ford Subdivision, Sublot 2.... **Climer:** Yes, those lots were purchased by Premier that go along with Parcel I. Sublots 1, 2 and ¼ of 3. **Warren:** What other questions? **Hardin:** When we had the legislation and we went to the people regarding the zoning change, was everything here a part that change that they voted on? **Climer:** As I recall, there were 2 sets of rezoning. One was Parcel H and the second was essentially Parcel I and the 3 parcels in the lower right-hand corner. Parcels A, B and the unnamed parcels. **Hardin:** And that was specified in the vote of the people. **Climer:** Correct. There were 2 rezoning requests. Some of the land was purchased subsequently and added to the project. **Hardin:** Now we are saying this will not be a part of the Kroger project, right? I am looking at I. **Climer:** Correct, that is not. **Hardin:** But originally, it was one of two pieces that was voted on, is that right? **Climer:** Yes. It remains in the hands of Premier. **Warren:** Premier was the owners of the land at the time of rezoning. What they did was subdivide the part that Kroger wanted. **Williams:** So, by leaving this out, there is likely a future project that could also take place that is not

being discussed here within Parcel I. **Climer:** There is some possibility of that but nothing has been proposed. **Mayor:** But it wouldn't be Kroger. That would be Premier. It will have to go to the people and ask to rezone those 4 residential lots. Premier is interested in that, but there's a process that the lots have to be sold and rezoned. Kroger has nothing to do with those lots. **Williams:** If Kroger has nothing to do with those lots and that is the parcel directly located next to Mary Davis' mother's which is why she can't vote, and the Kroger parcel is in another area, why is not able to vote if that is with Premier and we are voting on Kroger? **Climer:** Because the Ethic Commission opinion that I stated to everybody is that when you have a piece of property that adjoins another piece of property that is up for development, that in its own way such as close relative, (brother, sister or parent) and it affects the value of that property, then the person on council has a conflict. **Williams:** But we are voting on Kroger.... **Mayor:** She has already received \$18,000. **Davis:** She received \$15,667. **Hardin:** And the keyword here is 'adjacent.' **Climer:** Correct. **Williams:** So, I noticed that the opinion you sent was from 1998. Did we discuss this specific situation and get a new opinion or did we go off of something that was previously established? **Climer:** It was something that was previously established only. When lawyers look for opinions, they look for cases that are similar that have the same principals in them. You can't just go ask the Court for an opinion usually. They look for similar cases that have similar facts and similar issues and refer to that for guidance. **Williams:** And this is from the Ohio Ethics Commission, right? **Climer:** Correct. **Williams:** And they don't issue opinions on matters like.... What's the process for them to issue an opinion? **Climer:** The Ohio Ethics Commission can issue an advisory opinion which Courts don't usually do. You need to write them a letter, ask for their opinion and it takes quite a while. But if you have one that already provides guidance, you can assume they are going to decide the same thing. **Williams:** I thought that we had given them specific circumstance and got an opinion until I re-reviewed it and saw we were just looking at a similar case. **Climer:** I was operating off a similar case. **Warren:** Is everybody satisfied with what they read in Exhibit A? **Williams:** I'm not. In the Premier agreement, did we not have a specific rendering or drawing like we saw in the public hearing in the agreement so we would know what it looked like when they constructed it? **Warren:** Should have been in those red folders. **Williams:** But if it is not attached as an exhibit to this, how do we know what they are going to construct? **Climer:** Don't quote me, but I believe it's a drawing similar to this (shows pic). **Warren:** But there was a building picture that was presented to give you an idea of what the building would look like. **Climer:** I am not sure it was part of the actual development agreement. **Warren:** No, but it was the building that was approved by zoning and planning. **Williams:** But there is no description of the construction of the building: which way is the building going to face; where the entrances are going to be specifically in the agreement and there is no drawing. How do we know it's not going to change? We saw at the public hearing the actual drawing and my question is why isn't that drawing affixed to the agreement? **Climer:** Because that plan for the construction is not fully completed it and it has to comply with zoning and building ordinances. **Williams:** So, my question will be how do we have confidence in what is going to be built, which way it's going to face and those types of things? I didn't notice them within the wording of the agreement. **Warren:** Well, actually what happens is what we are approving is the agreement between the Village of Oakwood and Kroger's development. As far the building, the construction and everything, it's been submitted but we haven't had-during the time we have been on council-ever had anything more than the picture of the building or the renderings of the building that we've received. We have never had site plans or anything ever since I have been in Oakwood. When we passed an ordinance or pass anything related to it, we are not the ones that dictate the configurations or anything. That's the job of planning.... **Williams:** I am not looking to dictate. My question is just how we know what we saw.... This project has changed a few times. How do we know we are getting what we saw? Even with the last project with Premier, at first it was 3 buildings; we got a drawing for that. At some point it changed and became different looking buildings. How do we know without a drawing...? **Warren:** We can ask for a rendering by the next meeting because there is no completed drawings. **Williams:** What did we see at the public hearing? **Warren:** You saw a rendering. Just like everybody in other communities, you see a rendering of the building. Nobody goes to full scale drawings.... **Williams:** I don't think you are understanding what I am saying. I have never seen that drawing as a council person. That's what I'm saying. I saw it on screen. I have never received it. It will be different for me to look at it. I have never had it. **Warren:** I didn't know that. The drawing is one thing. Let's stick with the agreement first because there are things in the agreement.... **Williams:** Well, it says Exhibit A which is in this project site which caused me to ask. **Warren:** Let me just move forward. Doesn't anyone have any issues with the recitals in item A? **(no comment)** **Climer:** In answer to your question, Ms. Williams, there are no schematics attached to the Premier development agreement. **Williams:** My comment is simply we saw the drawings. I was only asking to see the same drawings we saw at the public hearing. I think that was a very simple request. **Mayor:** That you should have right with you. But understand at the same time, the building may be slightly shifted. They are taking core samples of the land. You have wetland, etc. issues to be dealt with as well. So, nothing is final until after they go through the procedure of a storm water management plan to satisfy as well as the Army Corp with the wetlands. But none of that is probably where

the building is however. Understand, there are those issues that need to deal with and that's what they will be doing before they have a final plan to submit. All of our buildings here have gone through the same process. **Warren:** Now that you have seen the building, does anyone have any questions as it relates to Exhibit A; the one that says 'Recitals?' Any have any plans relating to A, B, C, D or E? **Hardin:** CRAs are referred to just this one building? **Mayor:** There is the one building and additionally there's a vehicle wash and a small gas station. We are opening up an idea. It may be on the Premier property. They are going to have 25 of these establishments in the United States and whether they are using 500 robots or 1,000 robots, they are all coming out of England. It would be nice to be able to have that company in England to manufacture the ones that are going to be used in the United States here and in Oakwood Village. **Hardin:** Let's stick with where we are because the question is regarding the CRAs, we are not going to extend these same CRAs to.... **Mayor:** Absolutely! Are you kidding? Absolutely. **Hardin:** But it's not in this agreement. **Mayor:** There probably isn't anything on this piece of property without it getting rezoned for any additional building on this property. All I am saying is don't start getting involved with CRAs because believe me, this Village has prospered because of it and so has.... **Warren:** The answer to your question is the CRA is for the whole site and then they subdivide that site. Meaning that they took a piece of that land and proposed to sell it to Kroger. But the CRA was for the entire site that was owned by Premier. Premier took a piece of that site and proposed to sell it to Kroger. The CRA would be on that entire site. So, whatever Kroger does, they get the CRA and whatever subsequent development will get the CRA because it's been approved for the entire site. **Hardin:** Once we approve the CRA and the TIF for what we are looking at right now. When all of these other things happen, the clock starts again. They are not part of the original or are they? **Mayor:** No they have to go through their own process. They are not keen themselves on this idea and I haven't spoke to Ocado in London. But there isn't any room on the current site at the 28 acres to be putting that building. **Williams:** However, if they did find space, they would not have to come back to Council to build another building? **Mayor:** Oh no, they have to. First of all, by not being on this site, they are looking at an adjoining piece of property.... **Warren:** The question is, will they have to come back to Council if Premier decides to build on their site, whatever they own. Even if it was a carwash. Would they have to come to Council to get the approval? **Mayor:** Yes. **Williams:** And that is the same for the 28 acres that Kroger will have if they build? **Hardin:** The answer is yes. **Mayor:** At this point the only thing that can be done on that site itself, the vehicle wash and the vehicle getting fuel. That's it. **Hardin:** Where is that operation broken down the in agreement? (Carwash or filling station). **Climer:** They need to apply for a permit for those. **Hardin:** This is the Mayor saying this what has to happen. **Warren:** It was in there. **\*inaudible-multiple voices\*** **Climer:** The description of that is they have the authority to apply for accessory buildings but they have not yet done so. **Williams:** Where is that in the documents since we are discussing it? **Climer:** I don't think it specifically lists it in the documents. There is mention of accessory buildings, but they have to comply with the Code. **Hardin:** If you want to move to (Exhibit) B because I have real questions there. **Warren:** Does anybody have questions on (Exhibit) A? **(none)** **Warren:** The one thing I said in Article 1: *'The Company is considering constructing or causing to be constructed on the Project Site the Building. In addition, Company may construct or cause the construction of additional buildings as part of the Development, to the extent deemed economically viable by Company and determined by the Village to be in compliance with the Village codes, rules and regulations.'* **Hardin:** *'If the Company elects to proceed with the Project, the Company shall be responsible for and undertake the construction and landscaping of additional mounding in the areas described in Exhibit C....'* So, we know that they are going to do that and be responsible for covering the entire front. **Climer:** Correct. **Hardin:** *'The Company agrees that it will not utilize Macedonia Road to access the site at any time without prior written consent....'* Mayor, we talked about that. **Climer:** They agreed strike the *'...without prior written consent....'* **Hardin:** Thanks, Mr. Mayor. Then it says, *'The Company acknowledges that economic development incentives will not be available through the Village for any expansion to the north side of the Project Site.'* What are they talking about here? **Climer:** It would be the residences near the corner of Alexander and Macedonia. **Mayor: (with pic)** Here is Macedonia. You were first talking about the issue with the landscaping here. This is what is currently looks like with a gaping hole on the mound itself. All that will be done in 2022 as well as an "L" shape to make sure the backyard is screened as well. That will be occurring right in here. We are talking about these 4 homes in here and those homes would not be going to Kroger for development. **Hardin:** That's the north side. **Mayor:** Yes. These homes cannot be used for the Kroger site to be developed. They are residential homes. **Hardin:** So, unless it is confidential, Premier has not approached anything here. **Mayor:** No and they wouldn't. Nothing is going to happen here. The only homes we are talking about are right here. **Hardin:** The Section 1.02 *'Job Creation. As described in Section 2.01, the Company will endeavor to create approximately Eighteen Million Dollars (\$18,000,000) per year in annual payroll in the Village within three years after the Development is completed.'* I thought we were guaranteed. What does 'endeavor' mean? **Mayor:** So, in other words they are saying they are going to assure they are going to have a payroll of \$18 million. Not in the first 2 years, but if there is a shortfall, from year 3-15, they have to make up the difference in that year. If in fact they fail to do

that, they will be given notice and they have 90 days. If they don't, we strip them of the incentives and we will actually be getting more than what it would have been if they were getting the incentives. So, we will be taking away their 75% CRA. **Hardin:** Where is that written? **Climer:** Section 2.01. **Warren:** *'The Shortfall Payment shall be equal to the difference between \$450,000 and the amount of income tax revenue received by the Village for that calendar year from the Development.'* **Hardin:** *'...is less than \$18,000,000 for any calendar year beginning with the third (3rd) calendar year after the Development is completed, the Village may terminate...'* **Mayor:** And to make it more incredible, that is the gold standard. Let's also say this; once they start building their building, we can use this agreement as collateral from the bank for a major loan. That's how solid this is in terms of once this document is signed and Council approves....

**Hardin:** Guaranteed money in the bank. **Mayor:** Guaranteed as collateral for wanting to have a loan of \$1 million to be doing something. This baby will be worth \$615,000 a year from the 3<sup>rd</sup> to the 15<sup>th</sup> year based on an appraisal of the building for \$25 million. They are planning to spend \$50-\$55 million on the building. But because there is so much technology in it, the County will probably only appraise it for \$30-\$35 million. We are being conservative and using the \$25 million. So, even at \$25 million, we will still be getting the amount of \$165,000 from the property tax on that building in addition to the payroll of \$18 million at 2.5%. That's \$450,000. So, \$450,000 for the building and the payroll and \$165,000 for the TIF for the building, that's your \$615,000 from the 3<sup>rd</sup> year to the 15<sup>th</sup> year. And that's how that reads. Now incredibly if they renege, what we would be getting from the 3<sup>rd</sup> to the 15<sup>th</sup> year is \$911,000. **Hardin:** They mentioned incentivizing. One resident asked will residents have priority in hiring. Mayor, if you recall, that provision is in a lot.... But we never know. No one ever follows up. **Mayor:** I think this will have a little higher profile with the project. **\*inaudible-council person talked over Mayor\*** Other companies have it. It's too bad. Swift Filters will be expanding again on Forbes Road. **Hardin:** We do not have anything in place to my knowledge over the years, to verify these employment figures, pro or con. **Mayor:** Once a year, that is reported to Council. WE have to report to the County their percentages of hiring. We have provided that to Council. I don't think we have in the last 2 years, but it was pre-COVID. We should ask the Clerk to ask the administration for it every year. That's another issue. If that is the issue, I would like something in place; I think he mentioned your name (Matlock). **Matlock:** **\*inaudible-two voices\*** ...on the interviewing board for candidates who are going to.... **Hardin:** You are aware of this situation. **Matlock:** No, I am not. I just heard it at that one meeting. But then again, I'll just go back on that. For a company of that size, is there some way to put a percentage? Because they are going to go with the best qualified. Then, there has to be some type of criteria that they would have to meet in order to get at this company. Is there anyway to add that? Like a certain percentage of our residents can be hired at this facility or is this something.... **Mayor:** Let's use the wording that we have in these exhibits. It's pretty good language but rather than.... **Warren:** OV residents should receive some time of priority consideration for hiring. Qualified OV residents. **\*inaudible-multiple voices\*** **Williams:** ...this says job consideration. It doesn't talk about job fairs. It just says it will bring in \$18 million. I see the resident's point. I would like to see something specifically in the agreement that our residents will be hired at some percentage. **Warren:** What I am saying is we could mention OV residents will get some priority consideration for hiring. You can't say to someone to hire this person and they don't have the skillset. You can hand people money. You got to have some type of skills. **Matlock:** You can't drive a van without a license. **\*inaudible-multiple voices\*** **Matlock:** You can't answer a phone without customer service. **Williams:** **\*inaudible-spoke over\*** **Warren:** I know that, but we already said is what we propose is that qualified OV residents will get priority consideration for hiring. You can't put a percentage on there. **Hardin:** If it ain't written, it ain't happening. That's why I am taking this position. This is a wonderful project if we get what we want out of this. You got the Federal Government, you got the County, you got the State. Everybody in the world is all excited and this is a great thing. But we want to make sure we get what we're asking for. And it has to be in writing. So, back to the question. Whether it happens or not, it has to be in writing.... **\*inaudible-multiple voices\*** ...I agree. We can vote on a percentage, but it has to be in writing. **Mayor:** Christine, pull out Thermos for the job creation tax credit. **Hardin:** And what is the committee review? What is that about? **Mayor:** I will recommend that a member of Council will be part of the interview process and that should be the Council President. **Hardin:** I want it in writing. Mr. Law Director? In writing. **Climer:** Yes. **Hardin:** We worked hard and long the last 3 days looking at this agreement. **Warren:** Any other questions as it relates to 2.02 (2.01 was being discussed) in Article II? (none). Is that okay with you Ms. Williams? **Williams:** I would like to see the wording. **Hardin:** Section 1.03. **Williams:** Previously in 1.03, Premier was covering landscape, signalization, etc. I see it keeps referring to OV for some of these costs (**Sec 1.04 Cost of Improvements**). Why are we now assuming costs and if so, how much is that for us in terms of landscaping and the signalization? And it says something about the roadways being rededicated back to OV. So, then will we be responsible for the upkeep of the roadways? **Climer:** That is the same as the Premier agreement. It's a dedicated roadway. **Williams:** But not the landscaping and signalization. **Climer:** The signalization is OV cost as is the synchronization of the signalization. The engineer has grants for that and he has communicated that between the grants that OV has, it's on

its own. And the ones that Kroger has that we share in, the entire cost should be covered. **Williams:** What does “should be” look like? Could something fall through? Is there a grant that is not necessarily...? **Climer:** He indicated that in the absolute worst case, OV out of pocket would be \$100,000. And that is if everything fell through. **Mayor:** Let me say this and we will get back to that. Nondiscrimination hiring. *‘By executing this agreement, The Company commits to following non-discriminatory hiring practices acknowledging that no applicant may be denied employment on the basis of race, color, religion, sex, gender identity, national origin, ancestry, age, disability, creed, status as disabled or Vietnam-era veteran, or any other characteristic protected by applicable law. The Company further agrees to use good-faith efforts in giving hiring preferences to Oakwood Village residents provided that they are otherwise qualified for the position under consideration.’* That was the language satisfactory for what you are asking for. **Hardin:** There are two things that I would like to talk about tonight. The gentleman that came before Council that said the all the mature trees were taken down. And you said that you have what you need to replenish those out back. I would like to have it in writing that the **\*inaudible word\*** that is needed to give him the sanctuary that he can enjoy; that he paid for. Whoever is going to bear the costs, I would like it in the agreement that we will refurbish that man’s property. **\*inaudible-multiple voices\*** **Mayor:** The Yarrowborough property is being relandscaped. **Davis:** Mrs. Maddox talked. The property to the right of her is owned by Premier where they cut down the trees and took everything down. **\*inaudible-multiple voices\*** **Hardin:** I walked back there. He deserves to have that restored. **Mayor:** That is being restored by Premier and they are spending \$75,000 to do it. **Hardin:** Is it in a written agreement? **Mayor:** We got rid of the Premier agreement, so we have to do that with Premier. **Hardin:** That’s why I said what I did. When we get to the cancelation, I’d like that have that written in. If we are going to cancel the deal, that and one other thing. **Climer:** The alternative is they are proposing a replacement development agreement. I haven’t addressed that with them yet. But that may be an appropriate place to put that. **Hardin:** Well, I am not going to cancel it if we don’t get what we need. **Warren:** We will add that to the Premier. The other issue? **(discussions with residents about planning commission meeting notes. Do not have, so did not include communication.)** **Hardin:** The other thing is that can be worked out. **Warren:** Just for the record, this is a binding commitment if planning had it in there. But it isn’t binding if it was part of the minutes and part of the presentation. It’s documented. We will have it added to the Premier agreement to carry forward on that agreement. What was the other? **Hardin:** When we entered into the exterior maintenance program to incentivize work, we used \$80,000 out of the general fund, correct? **Mayor:** Yes. **Hardin:** I’d like for that to be replaced because we will have to wait until this is developed. We had an agreement with Premier that gave us those projections. **Mayor:** It still isn’t going to come in until its actual development going on and there hasn’t been. We were assuming, this was before the Kroger thing came up, they were anticipating something happening a year and a half ago. That’s why we started the program. We had to stop it and we spent \$85,000 in expenditure up till now and it’s stopped until actual money being generated from what’s going to be there. That’s when it starts. **Hardin:** So, it’s our fault as a community for spending that money in advance of the project? **Mayor:** Come on. It was done in good faith **\*inaudible-multiple voices\*** and again, COVID and things changed. **Warren:** The question is will the village get reimbursed for the \$80,000, Eloise? **Hardin:** The fact that we spent the money in advance because we thought we would have it. So, if you are saying as a council and an administration, shame on us. **Mayor:** This was pre-COVID. Once COVID hit, everything stopped. **Hardin:** It was just a suggestion. I am asking if that can be included and if they don’t want to give it to us, that’s what we did. So, we spent it. **Mayor:** So, who will be giving it to us? **Williams:** Premier. It was Premier’s project, right? **Hardin:** That’s what I thought, and it was spent contingent on monies coming in. **Williams:** If you are saying that Premier has another deal coming in then it should be included. **Hardin:** It’s just a thought. **Warren:** It can be put in Premier’s exit. **Hardin:** As you can tell, I have been thinking through this. If I get these things, you got my vote. Other than that, it’s a no. And I don’t think it’s a lot. This project is awesome. The president brought up and good point. You have done some awesome things and to me that was the reason I supported you. This is our exit out of here. And I want to make sure I support you and it’s something that we can be proud of. I don’t think we are asking a whole lot, but I think we are getting a lot. **Warren:** I think we put it in the Premier agreement, and we let Premier, and Kroger work it out between each other. **Climer:** There is no obligation for them to reimburse us \$80,000 and that may be a difficult sell. **Mayor:** That will be a level over years and that would be a part of that. **Warren:** But landscaping is for sure. **Hardin:** This is the wish list. And I don’t think it will be hard. The fleet of the little vans, the company has control over their ingress and egress out of the Village. I want something in writing that the fleet will only use that one route in and out. Cannot turn right or left. I need them to handle their business, get on the freeway and head out. **Mayor:** That is very clear. We are looking at putting a calming island on the right of the exit from that site. Or actually going east on Alexander and having one lane. Because the on the gentleman that lived on Alexander was noticing-and we noticed too-that you are getting cars with the two lanes going through that stop sign. Another one is right behind them, and they are going to go with them. We have been monitoring that and it has been a problem. We care not to have another stop light there. The answer to doing this is just



what we are seeing with Swift in Forbes Road is putting a calming island in. It really slows things down. Other than delivering to a resident, none of these vans are taking Fair Oaks out and Oak Leaf back in. **Hardin:** There is no advantage to going left or right. But I want it in the agreement please. To use that road in and out of the Village.

**Williams:** But that's not what you just said. You said if they have to deliver, they will. **Mayor:** Of course, if there is a delivery to someone's home, they are going to take Alexander. These are 4 wheel vans. **Hardin:** If they have a deliver in the Village.... **Williams:** But I am serious. Why would they put that in the agreement if they have to go into the Village?

**Warren:** I don't see no sense in putting that in the agreement. **Climer:** The specific reason they located there was highway access. **Warren:** And the roads are exclusively ingress and egress to that property is them anyway. **Williams:** Will you just clarify because in the public hearing we said they would not go into the neighborhoods. **Warren:** If they have deliveries in OV.... **Williams:** If you don't explain the project, you have got to answer questions. **Mayor:** If they are making a delivery, they are going on Forbes, they are going to go through the Village. **Williams:** That's not what they said in the public hearing because I had a resident ask me that. It just said they will not go left or right. That was what was said. **Warren:** In the hearing we were at, it was said that they are going straight out the Village and the only time that you will see their vans in the Village is if they were doing local deliveries. It was said at our hearing. I don't know about anything else. **Hardin:** That was said I don't see why we cannot ask the company to adhere to it. **Warren:** You don't all of that in an agreement. There is one thing to have an agreement but there is another thing when you are protecting the residents.... **Hardin:** Why would they not protect the residents from the traffic pattern? **Warren:** First of all, they have one way in and one way out. **\*inaudible-multiple voices\*** **Matlock:** ...any type of deliveries to this area. And honestly, to me you have a lot of senior citizens now or a lot of people that use this InstaCart. You are going to have a lot of individuals who are going to.... **Hardin:** I did not say do not deliver to our people in the community. **Mayor:** Okay this is Paul --- Director of.... **Speaker:** **\*beginning inaudible\*** We have a preliminary report within the County that you have every right to do that. You may hear directly from the County executives later. Just wanted to give you a heads up. Of course, we don't do your local law making but assume that you have the correct laws on your books. But there is no objection from the County side if that's what you want to do. **Mayor:** Therefore again, you are not going to see any 18 wheelers or box trucks going through OV from this project. **Hardin:** I would like to make a public statement. I have dealt with the Mayor, talked with the Mayor and he has been more than accommodating as I had concerns about the semis. So, that's a disclosure. I will ask one more thing. Could you please and have it put in writing and that is my last request. You promised her (Pat Malone) to satisfy the people in Ward 4 that is taking this on; can you please put the mound up that we promised her with the trees? **Mayor:** I talked to Ed Hren. Here is the problem on Drake (**showing pic**). Here is Alexander. The problem is there is a gulley right there. What we could do, is we could mound the first few lots here. Normally when you have a wall go up, the street runs parallel to the vehicular road. But in this case, it does not. It is perpendicular. It is so bad, until it gets resurfaced, all you are hearing is noise. So, it will be an improvement. But I talked with Ed and he doesn't think much can be done. But we can do something. We can landscape the first 2 or 3 houses on each side. **Hardin:** The mound won't help her? **Mayor:** Well, we can put a mound in her yard, although the problem is the gulley. It's a wetland. It goes down and you can't be throwing dirt in there. That's the problem. We will do what we can. At the same time, what we are going to do, here is Alexander. We are certainly going to make is presentable for people making a lefthand turn here for people going on Fair Oaks. Right now, there is nothing. **Hardin:** And if you moves you to fix it up because you are sending people over there. **Williams:** But what we are there is absolutely zero options to inhibit sound in that area? **Mayor:** Ed has worked for 17 communities. Tomorrow, take a ride down Fair Oaks and you are going to notice at Drake, there is nothing but a gulley there. It's unfortunate because you can't throw dirt on there. It's a wetland. **Davis:** Can we put pipes in there and cover it? **Mayor:** As I said, we would do something. I don't want to make a promise and not deliver. I was thinking we could do more than I was hoping for but we can't do it. But we will do something to satisfy those first few houses. She is about the 4<sup>th</sup> house down, but we can do the first 3 or 4. **Williams:** I think my question is, if you are talking the first 3 or 4, is that helping the sound? That's what she's getting at. **Mayor:** Because of that situation, normally when you see walls going up, the ground is usually much higher to begin with which is a help as well. In this case, it is low and then it's the gulley which is unfortunate. **Hardin:** Nothing to put the wall on. **Mayor:** yeah. **Williams:** And on the freeway, there is nothing? **Davis:** Bedford Heights has that wall. Is that for sound? **Mayor:** But notice on that, even the ground is higher. Either that road is running parallel to 271 or it's much higher to begin with. **Hardin:** Has the State looked at this? **Mayor:** Ed has been doing this. He is a pro on noise and what can hinder the noise, but he says there is a problem. I don't like to hear that either. I told Pat as well we want to do something. So, we are going to do something. It will make a difference once this road is fixed. We will look at High Road too. **Hardin:** I am going to say it again; I want it in writing that there will be improvements on those streets to allow those people to live with what may be about to happen. **Mayor:** You will have something in writing from my office. We have delivered and not just done the talk. **Williams:** I have a question. It says, '...if



*construction of the Project does not commence by December 31, 2024....* ' Since we were just in that situation, it looked like or some residents stated it looks like some type of drilling is going on. Is that Kroger already doing something?

**Mayor:** That is Kroger checking out the land. **Warren:** Just to let you know, what they do is they have to drill core samples to see and they have an engineer firm to determine the compaction ability in those the low bearing compacity of the soil. So, they do this in certain areas so they know how to design the building. Or what they need to do to enhance the soil. They may have to bring in stone. They may have to do compaction. They drill to see how the structural integrity of the soil can carry to load of the building. **Williams:** So, Premier went in and removed trees, etc., if this project doesn't commence, whatever happens until 2024, is there some provision in here for them to restore it back.

**Warren:** That will have to be between Premier and Kroger. Because Kroger is buying the land from Premier. **Mayor:** Kroger is absolutely committed to putting that mound up in 2022 on Macedonia. So, we're talking about the area on Alexander that's an opening that has to be corrected. **Williams:** I think you misunderstand my question. Kroger is who we are trying to approve. If this gets approved and they do not do construction by 2024, then that's it, it's a done deal.

**Warren:** Right. **Williams:** Whatever they've done or disturbed or removed, is there a provision in here where we are not talking about what we are talking about with Premier right now. Can they go back and fix trees? Is that in here this time? **Climer:** The purpose of that clause is to make sure that they don't buy the property and then decide they are not going to proceed, and it sits there empty. If they don't begin construction by the end of 2024, they are obliged to market the property to somebody who will. But in terms of disturbances to the land, they are just like any other landowner, they have certain obligations under our Code not to maintain a nuisance specifically saying, 'if you move some dirt, you have to put it back.' That's governed like any landowner. **Mayor:** But Jim in this case, they agreed on the mounding on Macedonia Road to do it in 2022 regardless of whether they are starting in '23 or '24. **Williams:** *\*inaudible-multiple voices\** ...are we just going to have an area that looks the way it does is my point. Where is the provision for that if they don't come through in 2024?

**Climer:** You heard what the Mayor said and that.... **Mayor:** They are signing an agreement which spells out in 2022 they have to do what they said they were going to do on Macedonia Road flat out. Now regarding Premier on this place on Alexander, that's our thing with them....

**Williams:** I wasn't going in to that far.... **Mayor:** This is good whether they start in '24 or not, in '22 they have to not only put up the new mounding, but there is also work to be done fertilizing and things like that on the existing mound. **Warren:** IS that in the agreement?

**Mayor:** Yes. **Climer:** It's Exhibit C. C is there obligation to finish the mounding and details are going to be in a side agreement. **Warren:** *'Existing mounding along Macedonia Rd. shall be extended both north and south to the Project Site boundary. The additions and any modifications shall be compatible....'* If this is Exhibit C, it will be very easy to just add into this wording. Now this is Exhibit C: *'Existing mounding along Macedonia Rd. shall be extended both north and south to the Project Site boundary. The additions and any modifications shall be compatible with the design and purpose of the original mounding and landscaping of same.'* We can just add the provision that they guarantee to continue the mounding, like you said they were going to do, and we can add that right in here to say that mounding will be completed by *\*inaudible-multiple voices\** **Mayor:** I don't think it has been put in here yet the dealing particularly with the north side of the existing mounds as well as maintaining the mounding that already exists. I wasn't going to be as keen on the south side until '23. But clearly this big gaping hole on Macedonia on the north as well as the existing mound will be dealt with in 2022. **Climer:** This is a late addition. This is being addressed in a side agreement. And we are working that as quickly as we can. **Hardin:** But I think this meeting is perfect if he is trying to make this happen. Tonight, you heard what the request is so, you are agreeing that the year 2022, the mound is going to be completed. So, the next time we see this that agreement and those dates will be in Exhibit C. **Climer:** I am not sure we can get it in there by....

**Williams:** That's what I am concerned about. When you say a side agreement, you want us to approve this as is and trust that we are going to get what we want after it's approved. **Climer:** I said, the details on the mounding were a late addition. I have been trying to get it added to this. I don't know that we can get that done by tomorrow. **Warren:** What we could do is let them know that if we don't get it added to Exhibit C, then we are not going to move on it until it's done. *\*inaudible-multiple voices\** **Williams:** To further that, is Exhibit C the total cost of Kroger? And then do we assume any landscaping costs at any point and time with these mounds? **Hardin:** Yes, after 5 years. He has been saying that all along. **Williams:** And do you recall, is that the same in Premier? **Climer:** It is. **Williams:** 1.04 says, *'The Village will use best efforts to apply for grants from the Ohio Department of Transportation, JobsOhio and other sources (i) as to the Roadway (as defined in Exhibit B), up to the sum of \$91,050,000 and (ii) covering the cost of the signalization (estimated to be \$125,000 to \$150,000), which grants are intended to partially pay for costs of the Public Improvements, provided that the Village shall have no responsibility to pay all or any portion of such Roadway or signalization costs if grants are not awarded.'* Then who does the cost default to? **Climer:** That is an error in the sentence about the Village shall have no responsibility to pay for all or any portion of the roadway.... This error was discovered yesterday. We are responsible for the signalization, but we already have the grants in hand. So, it's the discussion that I had with Mr. Hren. The

sentence that says, ‘...the Village shall have no responsibility to pay all or any portion of such Roadway...’ is correct. The incorrect part is, ‘...or signalization costs....’ **Williams:** So, ii? (2) It has i or ii beside it (1) (2). **\*inaudible-multiple voices over law director\* Warren:** ‘...covering the cost of the signalization (estimated to be \$125,000 to \$150,000), which grants are intended to partially pay for costs of the Public Improvements, provided that the Village shall have no responsibility to pay all or any portion of such Roadway or signalization costs if grants are not awarded.’ **\*inaudible-multiple voices\* Climer:** Start at ‘...provided that the...’ should be ‘...Village shall have no responsibility to pay all or any portion of such Roadway if grants are not awarded.’ **Warren:** He is removing ‘...or signalization....’ **Williams:** ‘To the extent not covered by a grant(s), Company shall be responsible for payment of all remaining costs of the Roadway.’ **Climer:** That is Kroger. Kroger is the “Company.” They are responsible for the roadway whether grants are awarded or not. **Williams:** It doesn’t read like that. **Climer:** If you look at Exhibit B, ‘...to be designed and constructed by the Company at its cost to Village standards pursuant to an agreed-upon inspection protocol....’ That means that the Company pays for the road, grants or not. And the Company is Kroger. **Williams:** And you are saying some of these changes that you just caught will not be ready by tomorrow? **Climer:** No, that will be. **Hardin:** Okay, ‘signalization and realignment of Fair Oaks Road at Alexander Road adjacent to the Project Site entrance; to be completed by December 31, 2023; to be designed and constructed by Village at the Village’s cost as reduced by....’ Do we have any idea what this will cost is? **Climer:** Ed Hren gave me the cost and there is a grant in hand for that. That is what we talked about before. We have a combination of grants OV has on its own and the grants that are in hand that Kroger has obtained. Between those two, he believes the cost will be offset and the absolute worst case if nothing comes through from the Kroger grants is \$100,000. **Warren:** ‘A zoning certificate and all other necessary governmental approvals allowing the use of buildings for the purpose of receiving and reloading of groceries and other goods transported to and from the Project Site by motor vehicles, including trailers, as well as a gasoline station, a service station, a repair shop operated in conjunction with that use, and parking for at least: 25 tractor units, 35 trailers, 250 delivery vans, 500 personal vehicles.’ **Williams:** This goes into liability insurance, and I had a question asked of me. Somewhere in here is says that the certificate will be provided electronically or something. Is there some legal issue about them giving us the certificate and whether it’s transmitted...? **Climer:** No, it’s not. **Williams:** Like a web-based memorandum of insurance evidence or something like that? **Climer:** It is not at all unusual to receive certificates of insurance from another company that they got insurance and your name is an additional insured. The rules of evidence prove that copies are as admissible as the original unless somebody can show some reason that it has been forged. So, there is no issue with it being a web-based copy. And I think that is referring to if they elect to be self-insured; if they can show a net worth of \$50 million, they can be self-insured. Otherwise, they provide a certificate of insurance. **Warren:** Any other question? **Williams:** (Re: section 2.02 (d)) There was a question asked of a resident at the public hearing regarding the sizes of the vehicles. They just kept talking about deliver vans. But there is 25 tractor units, 35 trailers in the agreement. Do we know the size of those? **Warren:** This is just saying what the tractor and trailer units are. **Mayor:** That’s not what was said at the actual meeting from the operation office. They were talking about 13 to possibly 18. It may be full blast at the beginning. Right, they were talking 250 vans, 500 employees and there isn’t hearing that with the trailers at all. First of all, it’s good that they are going around the I-271 side and not going around the back of the building. But I am not hearing anything about 30 trailers. **Climer:** It refers to parking. Parking. Not operation of that. This is referring to the parking. **Warren:** ‘A zoning certificate... approvals allowing the use of buildings for the purpose of receiving and reloading of groceries...to and from the Project Site by motor vehicles, including trailers, as well as a gasoline station...,’ and then they just identified those things. **Williams:** Are you saying they are going to be parked there and never move? **Climer:** No, I’m not saying that at all. I’m saying this doesn’t refer to the number in and out. It refers to the amount of parking spaces.... **Warren:** In other words, he’s basically saying that parking design is to accommodate those vehicles. **Williams:** My question was, do we know the size of the 25 tractor units, 35 trailers. Do we know the size? **Mayor:** 52 feet. It’s normally what you see.... **Resident Sizemore:** What I ask them to do is to go over and see a sample of Giant Eagle that has that place right there on the corner of Richmond Road. You can drive around back and see how they got their whole set up. It’s exactly how they are going to set that up over here. And you would see the 58 footers (depending on cargo).... **Mayor:**...or 53 footers. Just on the bridge on Broadway crossing from the west side to the east side, in 3 minutes and this was around 9:30 in the morning, there was 7 18 wheelers. All you do is go to Linear Logistics and you can see them all pile up over there. **Warren:** In other words, this is designed to accommodate the number of vehicles. There is no guarantee that how many vehicles there will be. **Williams:** The question that is being asked is the size of the tractor trailers, so 53 feet? **Warren:** The trailers are usually the length and can be various sizes. **\*inaudible-multiple voices\*** Those trailers are going to be pulled off that route and right to the interstate. Trailers are just there parked 90% of the time. The only time the trailer is moved is when it’s loaded and taken off or when it is backed into the bay to be loaded. Tractors are smaller. **Hardin: (Section 4.04)** ‘Village and Company agree that,

following completion of the Public Improvements, (a) Company shall maintain the roadways which are located on the Project Site until such time as the roadways are dedicated to the Village....' Is that procedural? Are we ever going to dedicate that street? **Mayor:** You mean the road entering the site? Like we have done with it was Mount Zion or Thermal Fischer, all those have been dedicated. As well as the road going to the hotel. **Williams:** I missed a question on 3.01 regarding '...not later than thirty (30) days after application for permits....' I thought our planning commission only meets once a month. So, is 30 days a sufficient time frame? **Mayor:** We can have special meetings. **Climer:** It is reviewed by the building department. **Warren:** 'The Village shall cause timely review of all Plans and Specifications and shall issue its decisions not later than thirty (30) days after application for permits have been made by Company.' It's obligating the Village to receive, act on it and process it right away. **Climer:** These are building plans that have been assured by Mr. Marinucci and Mr. Hren that this is doable. **\*inaudible-multiple voices\*** **Warren:** It doesn't go through planning because it has already been through. This is just to get the permit. They wouldn't have been able to apply for it had it not gone through planning. **Williams:** Do we know when the roadway will be dedicated to the Village? **Climer:** When it's completed and when Mr. Hren approves it. **Williams:** And it's scheduled to be completed prior to the project starting? **Climer:** I don't think there is a specific date. **Williams:** So, they get a 75% tax abatement but at some point, we become responsible for roadways, drainage, the trails, landscaping. **Climer:** The trails are ours. They are creating them and paying for it on the public right of way. **Williams:** So, even with the tax abatement, we will still incur cost of maintaining? **Climer:** Yes. **Warren:** Any questions? **Hardin:** So, regarding scholarships, can we say that is going to happen? **Davis:** Is it already in the contract? **Mayor:** Yes, we will be getting \$20,000 as soon as the building is up. Starting next year in 2023, it will be coming out for 10 years. **Warren:** Interstate McBee will be specific to scholarships. **Mayor:** My suggestion with Kroger would be 80% camp and 20% scholarships. **Hardin:** Let's write it. What we are asking, will you write it up for us? **Climer:** Yes. **Davis:** 80% for youth program and 20% scholarships. (Same conversations again with the landscaping. Not retyping.) **Williams:** I have some random questions to be answered. How did you arrive at the 5 years for them covering the irrigation and the landscaping or maintenance, but the tax abatement is for 30 years? **Mayor:** Tax abatement is for 15 years; the TIF is for another 15 years. That's what they put together. I thought it was fair enough. **Williams:** '...before the end of calendar year 2028, a second structure is completed to handle robotic research....' **Mayor:** They can't put that building in those 28 acres. They would have to expand going south. Or they could be doing it on the Premier property if that would happen and there is no guarantee because that's the 4 houses. The people would have to sell their homes and at the same time it would have to be rezoned. I didn't know how much land they were taking to begin with so I included that as a potential because I was looking at this Ocada thing with the robots. **Williams:** Is there any reason it remains in the agreement if it's not being done? **Mayor:** It would have to be approved by council anyway. We can leave it in there. If Ocada wants to put up a 2,000 square foot building, that could happen. But there is no room for a 10,000 square foot building in that lot. **Warren:** I think we should leave it in there. It's not going to make a difference one way or the other. If they want to expand or add anything else, they have to come to council first. They have to go to planning and you have 30 days to review what planning says. **\*inaudible-multiple voices\*** **Council poled 3-2 with Williams and Harding opposing. Leaving in agreement.** **Williams:** In the public meeting, a resident asked if there was an impact study done on rodents which was not answered. Was there an impact study done or not? **Warren:** No. **Williams:** There is no study. A resident asked about the details regarding the gassing station. What does that look like and where they are going to put it? **Mayor:** (Showing pic) It's going to be in the lower lefthand corner. **Williams:** Is that the fleet wash area? **Mayor:** I think it's nearby. They were very small.

Ord 2022-12  
Introduced by Mayor &  
Council as a whole  
2<sup>nd</sup> 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

**Motion to remove 2022-12 from table by Callender; Seconded by Matlock**

**VOTE YES:** Warren, Callender, Matlock, Williams **VOTE NO:** Hardin **ABSTAINED:** Davis

**Warren:** This is the termination if Kroger passes. The question asked is if there is still property owned by Premier, why are we terminating, and the answer is it is isolated to this area being developed. **Climer:** It would have to be negotiated if they moved forward with the other project. **Williams:** What does the February 11<sup>th</sup> date refer to? **Climer:** That is when Premier entered into the agreement with Oakwood. The property was sold back to them, and we entered into the development agreement. **Warren:** Remember when we bought the land and put up the million dollars? The land

belonged to OV. Then after they got the grant, then we sold it back to them. That was last year. **Warren:** Remember on this one the addition of the restoration of the landscaping.

**MOTION TO ADJOURN by Callender; Seconded by Matlock**  
**VOTE YES:** Warren, Callender, Hardin, Matlock, Davis, Williams  
**MEETING ADJOURNED: 8:35pm**

Adopted \_\_\_\_\_

\_\_\_\_\_  
Christine Morgan, Clerk of Council

\_\_\_\_\_  
Johnnie Warren, Council President

ORDINANCE NO. 2022-8

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN EMERGENCY ORDINANCE CONFIRMING THE APPOINTMENT OF THE LAW DIRECTOR AND FIXING THE COMPENSATION OF THE DIRECTOR OF LAW AND ASSISTANTS TO THE DIRECTOR OF LAW**

**WHEREAS**, pursuant to the Village Charter, the Mayor has the authority to appoint the Director of Law for the Village subject to the confirmation of Council; and

**WHEREAS**, Council has determined that the Mayor's appointment should be confirmed as he meets all qualifications as set forth in the Village Charter for such position:

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio that:

**SECTION 1.** The Mayor's appointment of James A. Climer as the Director of Law for the Village of Oakwood be and the same is hereby confirmed commencing the effective date of this Ordinance and ending December 31, 2023.

**SECTION 2.** The Law Director and his firm shall fulfill the duties of the office of Director of Law and the compensation of the Law Director and the members of his firm shall not be subject to the Public Employees Retirement System.

**SECTION 3.** The compensation of the Director of Law for legal services provided by him and his law firm and for the performance of the duties and functions of his office as set forth in the Charter shall be as follows:

(a) One Hundred Eighty-Nine Dollars (\$189.00) per hour for attendance at all regular meetings of Council, attendance at various Council work sessions when requested, drafting Resolutions, Ordinances, and legal opinions, and advice and counsel to the Council and Village officials. The sum paid out under this section shall not exceed Seventy-Four Thousand Dollars (\$74,000.00) per year without prior authorization of Council.

(b) For representational matters involving plan reviews, rezonings, variances, and so on, said Director of Law shall be paid at the rate of One Hundred Eighty-Five Dollars (\$189.00) per hour payable as services are rendered out of a fund established by the applicant for such plan reviews, rezonings, variances, etc.

(c) For representation on all matters for the Village or its officials, including all matters which go before the Common Pleas Court for this County or any other county, and all civil and criminal matters, or for legal representation in any higher court of this State or of the United States, said Director of Law shall be paid at the rate of One Hundred Eighty-Nine Dollars (\$189.00) per hour, payable monthly as services are rendered. The total sum paid out in fees under this section shall not exceed Ten Thousand Dollars (\$10,000.00) per year without prior authorization of Council. All legal

ORDINANCE NO. 2022-8

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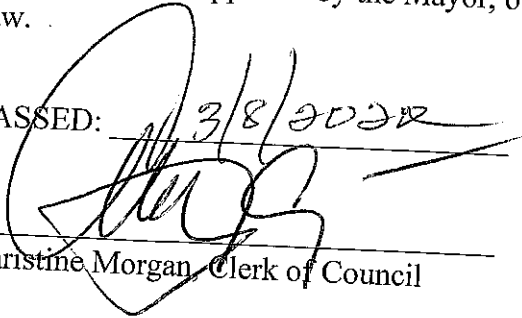
(b) For representational matters involving plan reviews, rezonings, variances, and so on, said Director of Law shall be paid at the rate of One Hundred Eighty-Five Dollars (\$189.00) per hour payable as services are rendered out of a fund established by the applicant for such plan reviews, rezonings, variances, etc.

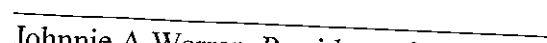
(c) For representation on all matters for the Village or its officials, including all matters which go before the Common Pleas Court for this County or any other county, and all civil and criminal matters, or for legal representation in any higher court of this State or of the United States, said Director of Law shall be paid at the rate of One Hundred Eighty-Nine Dollars (\$189.00) per hour, payable monthly as services are rendered. The total sum paid out in fees under this section shall not exceed Ten Thousand Dollars (\$10,000.00) per year without prior authorization of Council. All legal

services provided to any Board or Commission of the Village by the Law Director or his law firm shall be charged against the appropriation for the Board or Commission and not deducted from the amount stated herein.

**SECTION 4.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village, the reason for the emergency being that the same relates to the daily operation of a municipal department and the ability or provide uninterrupted services to the citizens of the Village, therefore, provided it receives two thirds (2/3) of the vote of all members of Council elected thereto, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED:

  
Christine Morgan, Clerk of Council

  
Johnnie A Warren, President of Council

Presented to the

Mayor \_\_\_\_\_

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

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2022-8 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

**POSTING CERTIFICATE**

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2022-8 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, and will remain posted for a period of fifteen (15) days thereafter in as provided by the Village Charter.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

DATED: \_\_\_\_\_



ORDINANCE NO. 2022-15

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CHAGRIN VALLEY ENGINEERING LTD. AND SETTING FOR THE COMPENSATION AND FUNCTIONS OF THE VILLAGE ENGINEER AND HIS FIRM**

**WHEREAS** the Oakwood Village Council passed Ordinance 2020-04 concerning the compensation of the Village Engineer on or about February 11, 2020; and

**WHEREAS** the compensation of the Engineer provided for him and his firm and for the performance of the duties and functions of his office are set forth in Exhibit A; and

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio that:

**SECTION 1.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village, the reason for the emergency being that the same relates to the daily operation of a municipal department, therefore, provided it receives two-thirds (2/3) of the vote of all members of Council elected thereto, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Johnnie A. Warren, President of Council

\_\_\_\_\_  
Christine Morgan, Clerk of Council

Presented to the  
Mayor \_\_\_\_\_

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

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2022-15 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

### **POSTING CERTIFICATE**

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2022-15 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, and will remain posted for a period of fifteen (15) days thereafter in the Council Chambers and in not less than five (5) of the most public places in the municipality as determined by the Council of the said Village.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

DATED: \_\_\_\_\_

**Exhibit A**

**CONTRACT FOR THE PROVISION OF  
MUNICIPAL ENGINEERING CONSULTING SERVICES  
TO THE VILLAGE OF OAKWOOD, OHIO**

This agreement is set between the Village of Oakwood and Chagrin Valley Engineering, Ltd., for the provision of Municipal Engineering Consulting Services.

**Section 1.** Edward J. Hren, P.E. (hereinafter referred to as "Engineer") and Matthew M. Jones, P.E. (hereinafter referred to as "Assistant Engineer", duly licensed as a Professional Engineers, in conjunction with Chagrin Valley Engineering, Ltd., (hereafter referred to as "CVE") are hereby designated as the Consulting Municipal Engineer and Assistant Consulting Municipal Engineer for the Village of Oakwood, Ohio for a term beginning upon execution of this agreement and thereafter at the pleasure of the Mayor, upon the terms, provisions and conditions thereafter set forth herein and ratified by the Village Council. The Engineer(s) in conjunction with CVE staff shall perform such services and be compensated for services rendered to the Village as follows:

- a) Preparation of necessary plans, profiles, specifications and estimates of cost for such public improvements as may be authorized by the Mayor and/or Council to prepare;
- b) Supervise and serve as representative of the Village of Oakwood in the execution of those public works projects for which the Engineer is authorized by Mayor and/or Village Council to so act;
- c) As authorized by the Mayor and/or Village Council, supervise and direct construction inspectors and such inspectors shall report to and receive their instructions from the Engineer, relative to the improvements covered in paragraphs (a) and (b) hereof;
- d) Upon appropriate authorization, furnish to the Mayor and/or Council plans, specifications and estimates of cost for such improvements for the guidance of this Mayor and/or Council and for the information and guidance of contractors dealing with the Village of Oakwood;
- e) Prepare applications for grant programs which are available for public improvement projects;
- f) Review plans of private, commercial and residential developments and advise the Mayor and Council on the plans;
- g) Review lot plans for new residential homes and check final lot grades when requested by the Oakwood Building Department to verify consistency with the approved lot plan;
- h) Act in conjunction with the Oakwood Mayor and Service Director on matters related to the Village of Oakwood's interests relative to the Cuyahoga County Department of Public Works Sewer Service Agreement, and the NEORSO Southerly Wastewater Treatment Plant, Bedford Heights Wastewater Treatment Plant, and the Cleveland Water Department on matters concerning sanitary sewage treatment and provision of a potable water supply;
- i) Act in conjunction with the Oakwood Mayor and Service Director on matters related to the Village of Oakwood's Ohio EPA National Pollutant Discharge Elimination System (Phase II) requirements;

j) Make and deliver to the Mayor and/or this Council regular reports of the progress of improvements under the Engineer's charge, stating conditions of same, including any changes in construction costs and/or engineering costs, together with any other matters of interest desired by the Mayor and/or this Council. All plans and specifications shall be the property of the Village of Oakwood;

k) Be in charge of engineering and other work to be furnished hereunder as the same may be authorized by Council, with the right and obligation of calling upon any of the personnel and facilities of its firm as needed from time to time in the performances of said work; and

**Section 2.** The Engineer and the Assistant Engineer, in conjunction with CVE, shall furnish services to this Village, as required by the Village, through the Village Council or its designee, including the following services covered by the compensation as described below in this section. Services involving the use of additional CVE staff members shall be compensated as described with Section 3 of this agreement:

a) Act as a technical consultant and advisor on engineering matters referred to them by the Mayor or by the City Council, and Administrative Departments upon direction of the Mayor.

b) Act as a technical consultant and advisor on engineering matters referred to them by the Mayor or by the Village Council related to the Village of Oakwood's interests associated with the NEORSO Southerly Wastewater Treatment Plant, the Bedford Heights Wastewater Treatment Plant, and the Cleveland Water Department, and attend meetings related thereto as requested.

c) Advise the Mayor in matters relating to resident's problems pertaining to engineering as they may relate to public sewers, public water supplies, drainage patterns and building grades.

d) Assist the Mayor, the Planning Commission, the Chief Building Official, the Service Department and other municipal departments, boards or commissions, as directed, on municipal engineering and National Flood Insurance Program matters.

e) Attend Council meetings and other meetings as requested by the Mayor and/or Village Council. The monthly retainer amounts presented below in this section is based upon the attendance of the Engineer at Planning Commission meetings and Council Work Session meetings only when requested.

f) Preparation of preliminary sketches and estimates, concerning the advisability of proceeding with public improvements such as pavement improvements, sanitary sewer systems, storm water collection, water distribution, or other infrastructure improvements contemplated by the Mayor and Council.

g) Prepare applications for grants pertaining to public improvements requiring the services of the Village Engineer, Ohio Public Works Commission funding requests, inventory updating and disbursement requests concerning Federal or State funded projects.

h) Perform such other duties as is normally required of Consulting Municipal Engineers not requiring the use of additional staff members such as field crews, etc.

Chagrin Valley Engineering, Ltd., shall receive as compensation for the services described in Section 2 hereof, an annual retainer in the sum of Twenty-Four Thousand Dollars (\$24,000.00), prorated and commencing with the first pay period after execution of this agreement, payable in bi-weekly installments

to Edward J. Hren, P.E. and subject to payroll and Public Employee Retirement System withholding taxes. In addition, Chagrin Valley Engineering, Ltd., shall also receive as compensation for the services described in Section 2 hereof, an annual retainer in the sum of Ten Thousand Dollars (\$10,000.00), prorated and commencing with the first pay period after execution of this agreement, payable in bi-weekly installments to Matthew M. Jones, P.E. and subject to payroll and Public Employee Retirement System withholding taxes.

**Section 3.** For services in connection with the construction of public improvements as described above, Chagrin Valley Engineering, Ltd., shall receive compensation as a percentage of the actual cost of construction of all improvements authorized by Council and under its control. The percentage paid shall be as follows:

#### **Projects – Schedule 1**

Sanitary sewer projects including new installations, repairs, rehabilitation and other sanitary sewer related projects. Street projects including complete pavement replacement and/or widening. Projects which are financed in whole, or in part, by either Cuyahoga County, the Ohio Public Works Commission or the Northeast Ohio Regional Sewer District shall be paid per the Hourly Rates regardless of the Cost of Construction.

#### **Fees – Schedule 1**

<u><b>COST OF CONSTRUCTION</b></u>			<u><b>FEE</b></u>
\$ 0	-	\$250,000	Hourly
\$ 250,001	-	\$500,000	10% of \$250,000.00 plus 7.6% of the amount over \$250,000
\$ 500,001	-	\$1,000,000	8.7% of \$500,000.00 plus 6.3% of the amount over \$500,000
\$1,000,001	-	\$5,000,000	7.5% of \$1,000,000.00 plus 6.1% of the amount over \$1,000,000

#### **Projects – Schedule 2**

All public improvement projects other than sanitary sewer and street projects as described in Schedule 1 Projects.

#### **Fees – Schedule 2**

<u><b>COST OF CONSTRUCTION</b></u>			<u><b>FEE</b></u>
\$ 0	-	\$250,000	Hourly
\$ 250,001	-	\$500,000	9% of \$250,000.00 plus 5.4% of the amount over \$250,000
\$ 500,001	-	\$1,000,000	7.2% of \$500,000.00 plus 5.2% of the amount over \$500,000
\$1,000,001	-	\$5,000,000	6.2% of \$1,000,000.00 plus 5.1% of the amount over \$1,000,000

The fees provided in this subsection shall cover engineering services including complete detailed plans and specifications, preparation of monthly and final estimates for contractor's payments and providing an Engineer for construction management to administer the construction contract. The above schedule of fees does not cover various supplementary services. Supplemental services not included within the presented fee schedule are, but not limited to: wetland delineations, stream quality assessments, preparation and acquisition of U.S. Army Corps of Engineers / Ohio Environmental Protection Agency wetland or stream fill permits, property, boundary, or right-of-way surveys, topographic surveys, profile surveys, grade stakes for construction, inspection of construction, shop, mill, field, or laboratory inspection of materials, cost of test borings, or other subsurface exploration, traffic studies, or calculations of special assessments. These supplementary services may be provided by Chagrin Valley Engineering, Ltd. on an hourly basis in accordance with the schedule of rates hereinafter set forth below or upon invoice submitted by the entity providing such supplemental services.

Chagrin Valley Engineering, Ltd. shall be entitled to progress payments in proportion to services performed on monthly basis. Upon authorization by Village Council and until bids are taken and contracts awarded, compensation shall be determined by the following percentages and the Engineer's estimated construction cost. As the work is constructed, Chagrin Valley Engineering, Ltd. shall receive additional compensation equal to the balance of the fee based upon a percentage of the certificates of payment to the contractor, provided said payment is authorized by Village Council. As soon as the final certificate of payment to the contractor is issued, any adjustment shall be made so the total fee shall be a sum equal to the schedule percentage. The compensation for basic services shall be based upon the following percentages of the total fee attributable to various phases of the work:

- |                                 |     |
|---------------------------------|-----|
| 1. Preliminary Report Phase     | 15% |
| 2. Preliminary Design Phase     | 20% |
| 3. Final Design Phase           | 35% |
| 4. Bidding or Negotiating Phase | 10% |
| 5. Construction Phase           | 20% |

In the event proceedings for work are abandoned or postponed and then revived and actively pressed either by this or by a succeeding Council within five (5) years of the date of said abandonment or postponement, Chagrin Valley Engineering, Ltd. shall credit against the total compensation the payment previously made hereunder, providing that Chagrin Valley Engineering, Ltd. is at that time employed by this or by a succeeding Council to provide Municipal Engineering Consulting Services. In the event of the revival of a project within the time frame specified above, Chagrin Valley Engineering, Ltd. could, at its discretion, elect to negotiate additional fees with the Village of Oakwood. Additional fees would address conditions that have incurred solely because of changes in existing conditions since the abandonment or postponement of the project, or design parameters that have been established by governmental review and approval after such delay.

Engineering charges for federally funded work must be in accordance with Federal Regulations and are set and approved as part of the funding procedure, and therefore are not part of this document.

**HOURLY RATE SCHEDULE:** For additional services for which the Engineer or Assistant Engineer shall have been authorized to prepare material or work not let by Contract or for the performance of any of the following tasks:

- Special Surveys
- Preparation of Reports
- Preparation of Special Assessments

- Field Elevation Checks of Walks, Basements, Sewers, etc.
- Storm Water Management Inventory Assistance
- Storm Water Drainage: Plan / Calculation Review
- Erosion and Sediment Control: Plan Review / Site Inspections
- Sanitary "Tap-In" Reviews and Fee Determinations
- Residential / Commercial / Industrial Site Plan and or Subdivision Review
- Survey Plat Review
- Development / Implementation of Ohio EPA National Pollutant Discharge Elimination System (Phase II) Storm Water Management Program
- Preparation / Maintenance of Geographical Information Systems

Compensation shall be made based on time spent by the Engineer or his employees and associates at the rates set forth in the following schedule of hourly rates, plus reimbursable expenses.

Engineer - Partner	\$103.00 per hour
Engineer – Associate	\$97.00 per hour
Engineer	\$92.00 per hour
Traffic Engineer- P.E., PTOE	\$145.00 per hour
Contract Administrator	\$76.00 per hour
Stormwater Coordinator	\$80.00 per hour
Stormwater Technician	\$73.00 per hour
Water Quality Scientist	\$84.00 per hour
Professional Surveyor	\$84.00 per hour
CAD Designer	\$90.00 per hour
Geo. Info. Sys. (GIS) Tech.	\$86.00 per hour
Clerical	\$36.00 per hour
1 Man Survey Field Crew w/GPS	\$120.00 per hour
2 Man Survey Field Crew	\$134.00 per hour
3 Man Survey Field Crew	\$146.00 per hour
Environmental Scientist	\$90.00 per hour
Wetland Technician	\$75.00 per hour
Construction Observer*	\$55.00 per hour

\*Construction Observation shall be subject to two hours minimum per day and a 1.5 times overtime rate beyond 8 hours per day unless a shortened work week (four 10-hour days for example) is approved by the Consulting Municipal Engineer in advance.

Prints, Materials, Supplies and Services provided or performed by others at Cost.

**Section 4.** The Consulting Municipal Engineer and Assistant Consulting Municipal Engineer as provided for in Section 1 agree that for the duration of their employment by this Municipality neither they nor any member of CVE or employee thereof, will accept any private engineering or surveying work that requires their review and/or approval unless such work is approved by the Mayor and Council; however, work for Federal, State, County or Regional Governments is not prohibited.

**Section 5.** CVE shall maintain Professional Liability Insurance in the Amount of \$2,000,000 and provide the Village with a Certificate naming the Village as an additional insured during the period this Ordinance is in effect.

**Section 6.** Documents and Files: All engineering documents and project files, both printed and digital, created for the purposes serving the Village of Oakwood shall be the property of the Village of Oakwood.

**Section 7.** The contract provided herein with CVE may be terminated by either party on thirty (30) days advance written notice to the other, provided that such determination shall not affect the duty of the Consulting Municipal Engineer or Chagrin Valley Engineering, Ltd., to render service, nor the obligation of the Village to pay for such service rendered, before the effective date of termination.

\_\_\_\_\_  
Edward J. Hren, P.E., Partner,    Date  
Chagrin Valley Engineering, Ltd.

\_\_\_\_\_  
Matthew M. Jones, P.E., Partner    Date  
Chagrin Valley Engineering, Ltd.

Accepted this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by the Village of Oakwood, Ohio, pursuant to Ordinance of Council No. **2022-** adopted on the \_\_\_\_\_, 2022.

BY: \_\_\_\_\_  
Gary V. Gottschalk, Mayor  
Village of Oakwood, Ohio

Attest:

\_\_\_\_\_  
Christine Morgan, Clerk of Council

The legal form of the within instrument is hereby approved.

\_\_\_\_\_  
James A. Climer, Director of Law

\_\_\_\_\_  
Date



## RESOLUTION NO. 2022-20

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**A RESOLUTION DECLARING THE MONTH OF APRIL AS CHILD ABUSE AWARENESS MONTH**

**WHEREAS** Child Abuse Prevention Month was created in 1983 to recognize the importance of families and communities; working together to prevent child abuse and neglect and to promote the social and emotional well-being of children; and

**WHEREAS** every child has the right to grow and mature in a safe, secure, and supportive environment which is free from violence, victimization, and neglect; and,

**WHEREAS** child abuse and neglect can come in many forms including verbal, emotional, physical, sexual and exploitation that affects the health of the child, as well as their well-being as adults; and,

**WHEREAS** the long-term effects of childhood trauma can result in medical, mental, and psychosocial conditions that can shorten a person's lifespan and impact an entire community by way of violence and crime; and,

**WHEREAS** data shows that an average of 700,000 children are abused annually in the United States leading to a lifetime of economic costs for child maltreatment ranging from \$124 to \$585 billion according to the Centers for Disease Control and Prevention; and,

**WHEREAS** Oakwood Village recognizes the impact of bringing awareness to this issue and asks all residents to be a hero to a child-if you see something, say something.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio that:

**SECTION 1.** That Oakwood Village Council hereby recognizes April as Child Abuse Awareness Month.

**SECTION 2.** This Resolution shall take effect from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Johnnie A. Warren, President of Council

\_\_\_\_\_  
Christine Morgan, Clerk of Council

Presented to the  
Mayor \_\_\_\_\_

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

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that the foregoing Resolution No. 2022-20 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

### **POSTING CERTIFICATE**

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that Resolution No. 2022-20 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, and will remain posted for a period of fifteen (15) days thereafter as provided by the Oakwood Village Charter.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

DATED: \_\_\_\_\_

**RESOLUTION 2022-21****INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE****A RESOLUTION OF CONDOLENCE TO THE FAMILY OF  
WANDA COLLINS-SMITH**

**WHEREAS** “When we lose someone we love, we must learn not to live without them but to live with the love they left behind.” Wanda Collins-Smith gained her angelic wings on March 8, 2022; and

**WHEREAS** Wanda was born on August 16, 1943, in Mounds, Illinois and was the “near baby” of 9 siblings; and

**WHEREAS** her family would head to Cleveland, Ohio in the early 1960s where she would attend school; and

**WHEREAS** Wanda would meet the love of her life at the racetrack in Cleveland. Melvin Smith approached her to offer her the losing tickets. When asking why she would want the losing tickets, she looked up and found him to be cute. As with all men, the way to their heart is through their stomach. She made chili for him, and he was instantly hooked for the next 40+ years; and,

**WHEREAS** in mid-1990, the couple would move into a newly built home on Buckthorn Road in Oakwood Village where they joyously raised their children; Donald (deceased), Sabrina, Reggie and Ronnie; and

**WHEREAS** Wanda worked hard for many years to raise her family. She would retire from All-State after 25 years of service; and

**WHEREAS** one of her passions was traveling. She took to the air and traveled the world. But no place on Earth compared to her mamma’s home back in Mounds, Illinois; and

**WHEREAS** to know Wanda was to love her and her cooking. She always made extra for anyone who wanted to come and devour her savory meals. And while eating, she always had her ballgames on as she was an enthusiastic fan of the Cleveland Browns and her beloved Cleveland Indians.

**WHEREAS** Wanda’s gracious and loving spirit will be missed by Melvin, Sabrina, Reggie and Ronnie. However, those who will miss her and her love the most will be her 20 grandchildren and 12 great-grandchildren.

**NOW THEREFORE LET IT BE RESOLVED THAT** by the Village of Oakwood, County of Cuyahoga, and State of Ohio, that:

**SECTION 1.** The Village Council and Mayor wish to express their most sincere condolences to the family of Wanda Collins-Smith and hope the fond memories of such a fine, caring person comforts them in their loss.

**SECTION 2.** The Clerk is hereby authorized to present a copy of this resolution to the family of Wanda Collins-Smith.

**SECTION 3.** This Resolution shall be in full force and effect immediately upon its adoption by this Council and approved by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Christine Morgan, Clerk of Council

\_\_\_\_\_  
Johnnie A. Warren, Council President

Presented to the  
Mayor:

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

\_\_\_\_\_  
Mayor, Gary V Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Resolution No. 2022-21 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

### POSTING CERTIFICATE

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that the foregoing Resolution No. 2021-21 was duly posted on the \_\_\_\_ day of \_\_\_\_\_, 2022, and will remain posted for a period of fifteen (15) days thereafter as provided in the Village Charter.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

DATED: \_\_\_\_\_

**A RESOLUTION OF CONDOLENCE TO THE FAMILY OF  
WANDA COLLINS-SMITH**



**WHEREAS** “When we lose someone we love, we must learn not to live without them but to live with the love they left behind.” Wanda Collins-Smith gained her angelic wings on March 8, 2022; and

**WHEREAS** Wanda was born on August 16, 1943, in Mounds, Illinois and was the “near baby” of 9 siblings; and

**WHEREAS** her family would head to Cleveland, Ohio in the early 1960s where she attended school; and

**WHEREAS** Wanda would meet the love of her life at the racetrack in Cleveland. Melvin Smith approached her to offer her the losing tickets. When asking why she would want the losing tickets, she looked up and found him to be cute. As with all men, the way to their heart is through their stomach. She made chili for him, and he was instantly hooked for the next 40+ years; and,

**WHEREAS** in mid-1990, the couple would move into a newly built home on Buckthorn Road in Oakwood Village where they joyously raised their children; Donald (deceased), Sabrina, Reggie and Ronnie; and

**WHEREAS** Wanda worked hard for many years to raise her family. She would retire from All-State after 25 years of service; and

**WHEREAS** one of her passions was traveling. She took to the air and traveled the world. But no place on Earth compared to her momma’s home back in Mounds, Illinois; and

**WHEREAS** to know Wanda was to love her and her cooking. She always made extra for anyone who wanted to come and devour her savory meals. And while eating, she always had her ballgames on as she was an enthusiastic fan of the Cleveland Browns and her beloved Cleveland Indians.

**WHEREAS** Wanda’s gracious and loving spirit will be missed by Melvin, Sabrina, Reggie and Ronnie. However, those who will miss her and her love the most will be her 20 grandchildren and 12 great-grandchildren.

**NOW THEREFORE LET IT BE RESOLVED THAT** by the Village of Oakwood, County of Cuyahoga, and State of Ohio, that:

**SECTION 1.** The Village Council and Mayor wish to express their most sincere condolences to the family of Wanda Collins-Smith and hope the fond memories of such a fine, caring person comforts them in their loss.

**SECTION 2.** The Clerk is hereby authorized to present a copy of this resolution to the family of Wanda Collins-Smith.

**SECTION 3.** This Resolution shall be in full force and effect immediately upon its adoption by this Council and approved by the Mayor, otherwise from and after the earliest period allowed by law.

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Council President Johnnie A. Warren

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Councilperson Ward 1 Chris Callender

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Councilperson Ward 2 Eloise Hardin

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Councilperson Ward 3 Paggie C. Matlock

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Councilperson Ward 4 Mary Davis

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Councilperson Ward 5 Candace Williams

ORDINANCE NO. 2022-22

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN ORDINANCE AUTHORIZING PARTICIPATION IN THE ODOT ROAD SALT  
CONTRACTS AWARDED IN 2022 AND DECLARING AN EMERGENCY**

**WHEREAS**, the Village of Oakwood, Cuyahoga County, (hereinafter referred to as the “Political Subdivision”) hereby submits this written agreement to participate in the Ohio Department of Transportation’s (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01 (B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

- a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Political Subdivision hereby acknowledges that upon the Director of ODOT’s signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and
- c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision’s participation in the road salt contract; and
- d. The Political Subdivision’s electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier (600 tons) at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its **electronically submitted** salt quantities from its awarded salt supplier during the contract’s effective period; and
- f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and
- g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 29, 2022 **by 5:00 p.m.** The written, emailed request to rescind this participation agreement must be received by ODOT Office of Contract Sales, Purchasing Section email: [Contracts.Purchasing@dot.ohio.gov](mailto:Contracts.Purchasing@dot.ohio.gov) by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision’s participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for the failure to receive a Political Subdivision’s participation agreement and/or a Political Subdivision’s request to rescind its participation agreement.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio that:

**SECTION 1.** The foregoing participation agreement for the ODOT road salt contract is hereby approved, funding is hereby provided and the foregoing terms and conditions regarding participation in the ODOT salt contract are hereby approved.

**SECTION 2.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village, the reason for the emergency being that the same relates to the daily operation of a municipal department, therefore, provided it receives two-thirds ( $\frac{2}{3}$ ) of the vote of all members of Council elected thereto, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Johnnie A. Warren, President of Council

\_\_\_\_\_  
Christine Morgan, Clerk of Council

Presented to the  
Mayor

\_\_\_\_\_

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

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2022-22 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Christine Morgan, Clerk of Council



**POSTING CERTIFICATE**

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2022-22 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, and will remain posted for a period of fifteen (15) days thereafter in as provided by the Village Charter.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

DATED: \_\_\_\_\_

**RESOLUTION AUTHORIZING PARTICIPATION  
IN THE ODOT ROAD SALT CONTRACTS AWARDED IN 2022**

**WHEREAS**, the (OAKWOOD VILLAGE, CUYAHOGA COUNTY) (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT road salt contract:

a. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and

b. The Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and

c. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the road salt contract; and

d. The Political Subdivision's electronic order for Sodium Chloride (Road Salt) will be the amount the Political Subdivision agrees to purchase from its awarded salt supplier (600 TONS) at the delivered bid price per ton awarded by the Director of ODOT; and

e. The Political Subdivision hereby agrees to purchase a minimum of 90% of its electronically **submitted** salt quantities from its awarded salt supplier during the contract's effective period; and

f. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT salt contract; and

g. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 29 by 5:00 p.m. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: [Contracts.Purchasing@dot.ohio.gov](mailto:Contracts.Purchasing@dot.ohio.gov) by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

**NOW, THEREFORE**, be it ordained by the following authorized person(s) that this participation agreement for the ODOT road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the above terms and conditions regarding participation on the ODOT salt contract:

_____	(Authorized Signature)	_____	Approval Date
_____	(Authorized Signature)	_____	Approval Date
_____	(Authorized Signature)	_____	Approval Date
_____	(Authorized Signature)	_____	Approval Date
_____	(Authorized Signature)	_____	Approval Date

**THIS RESOLUTION MUST BE UPLOADED TO THE SALT PARTICIPATION WEBSITE BY NO LATER THAN APRIL 29,**

**2022.**

ORDINANCE NO. 2022-23

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN EMERGENCY ORDINANCE AUTHORIZING THE  
VILLAGE ENGINEER TO PREPARE PLANS AND  
SPECIFICATIONS AND TO ADVERTISE FOR BIDS, FOR  
THE RESURFACING OF SOLON ROAD FROM THE WEST  
CORPORATION LIMIT TO RICHMOND ROAD**

**WHEREAS** it has been determined by Village Council that it desires to proceed with the Solon Road Resurfacing Project to promote the health, safety and welfare of the residents of this community; and

**WHEREAS** the Cuyahoga County Department of Public Works had awarded the Village of Oakwood a grant in the amount of \$145,000.00 for the partial funding of the Solon Road Resurfacing Project; and

**WHEREAS**, on April 27, 2021, by Ordinance 2021-27, Council authorized and directed the Mayor to enter into a Cooperation Agreement with Cuyahoga County for the Solon Road Resurfacing Project; and

**WHEREAS** the Cooperation Agreement with Cuyahoga County requires the Village of Oakwood to prepare plans and specifications, advertise for bids, and provide construction administration for the Solon Road Resurfacing Project; and

**WHEREAS** on September 28, 2021, by Ordinance 2021-64, Council authorized and directed the Mayor and the Village Engineer to submit an application to secure partial funding for the Solon Road Resurfacing Project from the District One Public Works Integrating Committee; and

**WHEREAS** the District One Public Works Integrating Committee has informed the Mayor and the Village Engineer that the application for funds for the Solon Road Resurfacing Project will be forwarded to the Ohio Public Works Commission for consideration of funding under the Small Government Program; and

**WHEREAS** the Ohio Public Works Commission Small Government Program will place a strong emphasis on the readiness to proceed of the Solon Road Resurfacing Project when considering the partial funding of the project; and

**WHEREAS**, the Village Engineer has informed the Mayor and Council that preliminary plans and cost estimates for the Solon Road Resurfacing Project were completed as part of the District One Public Works Integrating Committee funding application and that the final plans and specifications can be completed and submitted to the Ohio Public Works Commission Small Government Program Administrator prior to the scoring of the funding application (the "cure deadline") which will maximize the project score; and

**WHEREAS** it is therefore necessary to authorize the Village Engineer to complete the preparation of final plans and specifications for such project and to advertise for bids for contract for the above stated purposes.

**NOW THEREFORE, BE IT ORDAINED** by the Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio that:

**SECTION 1.** The Engineer be and is hereby authorized and directed to prepare final plans and specifications for the Solon Road Resurfacing Project, and to advertise for bids for the pursuant to partial funding being provided by the Ohio Public Works Commission Small Government Program. Such plans and specifications shall be placed on file with the Village of Oakwood prior to advertising for bids. Upon receipt of the bids, the Mayor shall provide all members of Council with a bid tabulation summary for each bidder prior to the Board of Control awarding any contract for the matters described in Section 1 hereof in accordance with the provisions contained in Ordinance 1994-80.

**SECTION 2.** Council hereby appropriates a sum not to exceed Three Hundred Thirty Thousand Dollars (\$330,000.00) for the purposes provided in Section 1 hereof. The Director of Finance be and is hereby authorized and directed to issue vouchers in the amounts and for the purposes as expressed in Section 1 hereof upon the award of contracts pursuant to Board of Control approval, said amounts to be charged to the SCMR Fund.

**SECTION 3.** This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village, the reason for the emergency being that the same relates to the daily operation of a municipal department, therefore, provided it receives two-thirds (2/3) of the vote of all members of Council elected thereto, said Ordinance shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Johnnie A. Warren, President of Council

\_\_\_\_\_  
Christine Morgan, Clerk of Council

Presented to the  
Mayor \_\_\_\_\_

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

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2022-23 was duly and regularly passed by this Council at the meeting held on the \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

### **POSTING CERTIFICATE**

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that the foregoing Resolution No. 2022-23 was duly posted on the \_\_\_\_ day of \_\_\_\_\_, 2022, and will remain posted for a period of fifteen (15) days thereafter as provided in the Village Charter.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

DATED: \_\_\_\_\_



Waste Management **WM**, North America's largest environmental services company, with a commitment to the environment and to Oakwood Village by doing the right thing(s) the right way, will make

### A Capital Investment of \$26.0 Million in Oakwood including:

- A needed expansion apart from the transfer station to separate the recycling bale storage from 7,000 to 32,000 square feet
- Plastic in the recyclables can be a serious fire hazard. Installation of fire suppression equipment and heat cameras will be required for fire safety and pollution control.
- An additional estimated 40 new career positions will be added to the existing 5 to manage the processing and recovery
- The cost of state-of-the-art equipment for fire suppression will be \$ 19.0 Mil.
- The amount of solid waste entering the transfer station at any time will never be more than the permitted amount agreed to with the Cuyahoga County Board of Health in 1995.
- The appearance of the exterior of the center will be attractively updated.
- The four exterior doors facing Oakleaf Rd currently inoperable will be repaired, and along with the other six doors, will be closed daily in the future when hauling ceases.
- The northern property line facing the new Interstate Mc-Bee facility and the backyards of residents of North Lane in Ward 5 will be heavily landscaped.

WGS

ORDINANCE NO. 2022-WS-3

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN EMERGENCY ORDINANCE DETERMINING THAT THE  
OPERATION OF A SINGLE STREAM RECYCLING BUSINESS FOR  
THE RECOVERY OF RECYCLABLE MATERIALS INCLUDING  
ALUMINUM, CARDBOARD AND OTHER MATERIALS THAT ARE  
PROCESSED AND PLACED INTO THE SUPPLY CHAIN FOR THE  
PRODUCTION OF METALS, PLASTICS, TEXTILES AND OTHER  
PRODUCTS IS SIMILAR TO PERMITTED USES IN THE I-2  
PRODUCTON-DISTRIBUTION DISTRICT AND SHOULD BE ADDED  
AS A PERMITTED USE IN SAID DISTRICT**

**WHEREAS**, Chambers Waste Systems of Ohio d/b/a Waste Management, Inc., a longstanding business in the Village, has applied for permits to erect a 32,025 square foot addition to its present operation on Oak Leaf Oval as more fully described in Exhibit A attached hereto and incorporated herein; and,

**WHEREAS**, said addition is for purposes of operating a single stream recycling facility for the recovery of materials including aluminum, plastics, cardboard and other materials that are processed and placed into the supply chain for the production of metals, plastics, textiles and other products as more fully described in Exhibit B attached hereto and incorporated herein; and,

**WHEREAS**, the Planning Commission, as evidenced by the minutes attached hereto and incorporated herein as Exhibit C, has determined pursuant to Oakwood Codified Ordinances Chapter 1193 that the operation of a single stream recycling facility for the recovery of materials including aluminum, plastics, cardboard and other materials that are processed and placed into the supply chain for the production of metals, plastics, textiles and other products constitutes a similar use to the permitted uses in the I-2 Production-Distribution District; and,

**WHEREAS**, CO Section 1193.02 authorizes Council to consider and approve the Planning Commission's recommendation;

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio that:

**SECTION 1:** The Council of the Village of Oakwood hereby adopts and approves the recommendation of the Planning Commission and determines that the following constitutes a similar use to the permitted uses in the I-2 Production-Distribution District and should be added to said uses:

The operation of a recycling facility for the recovery of materials including aluminum, plastics, cardboard, and other materials that are processed and placed into the supply chain for the production of metals, plastics, textiles and other products.

products.

SECTION 2: The Clerk of Council is hereby instructed to certify this Ordinance to the Codifier to publish the revisions stated herein in accordance with CO Section 1193.02.

SECTION 3: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the inhabitants of the Village of Oakwood being that the foregoing expansion is urgently needed and of considerable economic and environmental benefit to the residents of the Village and the Northeast Ohio area and therefore this Ordinance shall take effect and be in force immediately upon its adoption and approval by the Mayor provided it receives at least five affirmative votes of the members of Council; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

PASSED: \_\_\_\_\_

\_\_\_\_\_  
Johnnie A Warren, President of Council

\_\_\_\_\_  
Christine Morgan, Clerk of Council

Presented to the  
Mayor \_\_\_\_\_

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

\_\_\_\_\_  
Mayor, Gary V. Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2022-    was duly and regularly passed by this Council at the meeting held on the    day of   , 2022- .



\_\_\_\_\_  
Christine Morgan, Clerk of Council

**POSTING CERTIFICATE**

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2022-    was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, and will remain posted for a period of fifteen (15) days thereafter as provided in the Village Charter and Ordinances.

\_\_\_\_\_  
Christine Morgan, Clerk of Council

DATED: \_\_\_\_\_



## VILLAGE OF OAKWOOD

### PLANNING COMMISSION

#### MEETING MINUTES

.....  
**MEETING DATE:** MARCH 7, 2022

**TIME OF MEETING:** 7:00 P.M. MEETING

**PLACE OF MEETING:** OAKWOOD VILLAGE – FIRE DEPARTMENT

**PRESENT:** Rand Broadstreet - Chairperson  
Peter Duffy  
Malinda Harp  
Joel Hladky (*Temporary PC Member*)  
Ross Cirincione - Assistant Law Director  
Mayor Gary Gottschalk

**ABSENT:** Tracy Moore

The Meeting was called to order at approximately 7:00 P.M. by Rand Broadstreet, Chairperson.

**OLD BUSINESS:** **CONTRACTOR: CAMPBELL CONSTRUCTION,**  
**CASE # PC21-126: MR. DAVID AULGER**  
**WASTE MANAGEMENT: MS. BETTY TRIMPER AND**  
**MR. VINCE CRAWFORD**  
**OWNER: CHAMBERS WASTE SYSTEMS OF OHIO**  
**DBA: WASTE MANAGEMENT, MR. AARON JOHNSON**  
**7450 OAKLEAF OVAL, OAKWOOD VILLAGE, OH**  
**44146 PP #795-50-016** Mr. Aulger is coming before the  
Planning Commission to request approval to erect a 32,025-sq.  
ft. addition to the existing building. (Section 1101 & 1140 of  
the Codified Ordinance)

**MOTION TO REMOVE FROM TABLE CASE # PC21-126:** was made by Peter Duffy,  
seconded by Malinda Harp and upon roll call the **MOTION PASSED** unanimously.

*Nikki Choupka is setting up Zoom capabilities due to the fact that there is one  
representative from Waste Management who will be attending this meeting remotely.*

**Mr. Cirincione:** There are several representatives here tonight from Waste Management.

***Swearing In of Representative Vince Crawford by Ross Cirincione:***

**Mr. Vince Crawford, Public Sector Representative for Waste Management:** “Do you solemnly swear that the testimony and evidence you will present to the Planning Commission & Architectural Board of Review you give tonight will be the truth, the whole truth, and nothing but the truth so help you God?” **Mr. Crawford:** I do.

***Swearing In of Representative David Aulger, Campbell Construction by Ross***

***Cirincione:*** “Do you solemnly swear that the testimony and evidence you will present to the Planning Commission & Architectural Board of Review you give tonight will be the truth, the whole truth, and nothing but the truth so help you God?” **Mr. Aulger:** I do.

***Swearing In of Representative Betty Trimper, Waste Management by Ross***

***Cirincione:*** “Do you solemnly swear that the testimony and evidence you will present to the Planning Commission & Architectural Board of Review you give tonight will be the truth, the whole truth, and nothing but the truth so help you God?” **Ms. Trimper:** I do.

***Swearing In of Representative Gregory Spinos, Argo Navis Assets LLC by Ross***

***Cirincione:*** “Do you solemnly swear that the testimony and evidence you will present to the Planning Commission & Architectural Board of Review you give tonight will be the truth, the whole truth, and nothing but the truth so help you God?” **Mr. Spinos:** I do.

**Mr. Crawford, Waste Management:** I have worked with Waste Management for 20 years and I have worked with the Village of Oakwood for a long time.

Tonight, I have with me **Betty Trimper, Area Manager for Waste Management Recycling Collections & Sorting, David Aulger, Campbell Construction Representative**, (who will be constructing the building) and on Zoom, **Johann Chandler, Facility Engineer**.

We have been working with Mayor Gottschalk and his administration for quite a few months to provide the best insight and overview of what our proposal is for. At this time, I will provide a high-level overview of what the facility expansion will be and if you have questions, myself and the facility representatives will address them.

Our current facility is the transfer station and the recycling facility, which would be the backside of the whole building and the recycling facility. That section of 7,000-sq. ft. is currently where we store the bales we make. We make bales of cardboard, aluminum and plastic. That gets shipped out to be made into new product; whether it's a new aluminum can, or a new milk bottle, that's what those recyclables are used for.

With the addition going up to 32,000-sq. ft. that would allow us more storage for that material. Our goal is to bring in new updated machinery. The current machinery that we have for the recycling is very old, and is not as functional.

The current machinery we have in place is incapable of extracting all the recyclables as the new updated 2022 version is able to do. This would be a big investment on our part. It would cost us about 26 million dollars to put into the facility itself.

David Aulger brought with him some beautiful renderings of what the proposed building addition would look like. We will make it look better all the way around. This addition will also bring in new jobs. We hope to have 40 new employees working on the recycling portion to extract more material and do a better job of recycling. We need that extra footprint for bale storage and shipping as trucks come in and out.

The renderings will show that we are planning to put in more trees and landscaping around all the sides of the facility, and on the northern and back side of the facility as well. There are also a ton of trees on the I-271 side.

**Mrs. Jackie McDonald, ABR Member:** There is a residential area right behind that and if there's going to be just a few scattered trees, the residents will not be happy with that. It would have to be heavily landscaped in that area. What type of trees will you be putting in?

**Mr. David Aulger, Campbell Construction:** We are proposing to put in Austrian Pines.

**Ms. Patricia Christian, ABR Chairperson:** We would also like to know how many trees you are putting in?

**Mr. Cirincione:** Any landscaping should be submitted to our landscape architect for approval so that we can be assured there will be sufficient coverage to give that property a nice border. Even if people have objections now to the way it looks, you can remove those objections by putting in adequate screening with adequate plantings.

**Ms. Betty Trimper, Waste Management:** We have been very upfront with the Mayor and let him know we would work with him for what would meet Oakwood's needs to landscape that northern side.

**Mr. Crawford:** What the residents will see when the addition is complete will be a much prettier building than what they are looking at today, if they can even see through the proposed trees. We're not raising the building any higher.

**Mrs. McDonald:** Okay, but the building is going to be extended beyond where it is right now? Is that correct?

**Mr. Crawford:** The building is still on the same footprint. As far as the expansion goes, the building itself is the same square size from end to end, so what somebody sees is not going to change; it will just look better.

**Ms. Christian:** Can I ask about all the rubbish we get on the road where the building is? I go up and down that road, and I think: "Oh my God, what do people from out of town who go down that road think of Oakwood?" They see all the papers and cans from the rubbish area. I'm ashamed of that. We live in Oakwood Village and we're proud of this place. To be honest, you guys don't pick that rubbish up very often.

**Mr. Crawford:** In the winter, it is more difficult to maintain, but we have crews that go out every day to pick up litter. We make sure they have it documented, and the Fire Chief may be able to speak on that as well because he has asked us about that in the past to make sure our crews are out there doing that.

We are proud to be in Oakwood Village as well. Waste Management is an environmental solution provider. We want to do more recycling and less waste. This proposed addition to this facility will process more of the recyclables versus having more waste. Now that doesn't mean that we're going to stop cleaning up; that's part of our daily landscaping. If we need to put in more trees, we'll do that. That is one of the things we discussed extensively with the mayor. Mayor Gottschalk was very adamant that we have the right amount of landscape. Additional landscape can be added.

**Ms. Christian:** The rubbish also creates a rodent problem. Residents live around there and that is very close to them and the rodent problem makes them afraid. Do you have some kind of animal control?

**Ms. Trimper:** Yes, we have rodent control processes in place that will stay in place. The addition is related to the recycling side only. It's not about bringing in more trash; it's about having a more efficient operation. Concerns about the debris and recycling will allow us to efficiently process and keep material moving and not have a stock pile of material and debris around the neighborhood.

As a company, we are required to have rodent control. That is not going to stop regardless of the recycling center. Every one of our facilities has that protocol, not just the one in Oakwood Village.

**Mr. Crawford:** One of the other big additions to this proposed facility that will be very important is a piece of equipment that will cost half a million dollars. It is a fire suppression system that will be monitored 24/7 by a company. If something were to happen at the facility, there would be someone who would be able to visually see where that fire suppression needs to go to in the facility. It is a state-of-the-art piece of equipment. At this point, we would like to show renderings of what the proposed building will look like.

**Mr. Duffy:** Mr. Crawford our Village Engineer, Ed Hren, sent out a last-minute letter and documents regarding this case. Did you receive them and if so, do you have any questions?

**Mr. Crawford:** Yes, I received them. He basically said that everything looked to be in order, and I don't have any questions regarding the letter.

***Project Overview Renderings***

**Mr. Aulger:** *(Refer to drawings on colored site plan)* This is our colored site plan. North is shown by the direction arrow on the drawing. Oak Leaf Oval and Oak Leaf Road are shown on the bottom of the north drawing. The existing facility is in the tan color in the center of the property. The 7,000-sq. ft. existing portion of the property that Vince Crawford mentioned earlier is also shown, and that is represented by the dash and rectangle. That is being removed and replaced with the 32,000-sq. ft. addition.

Most of the existing pavement that you see to the east side of the property will remain. To the west side of the property, we are adding a vehicular access drive, four (4) truck docks on the west side of the building and then additional employee parking along the south side of the addition. The trees that Vince mentioned will go along the north property line.

I counted 63 trees spaced in a double staggered row pattern except for the area where the existing pavement gets close to the property line. My understanding is that the trees along Oakleaf Oval are Austrian Pines. We want to keep with the existing landscape architecture and use that same species of tree along this edge.

The adjacent property to the north is zoned I-2 as well as the adjacent property to the west. In checking with the current zoning map, there are two additional properties to the north that are also zoned I-2 before there is the residential property the Commission mentioned.

The floor plan of the proposed addition is shown on the drawings. The area and the addition there is not in color but has a lot of lines on it that shows what is existing, what is new and what is being demolished. What is of more importance are the esthetic views of the structure. The north elevation is what would be viewed from the property adjacent to the north. From this line on would be the existing building. From this line to the left is the new addition. It is a pre-engineered metal building structure. It will have an 8-foot-high concrete abuse wall all the way around that will be painted green. The metal building siding will be white with green bands painted on it. As part of the beautification and enhancement of the existing building that Vince already mentioned, we will be repairing the existing materials on the existing building, and then painting the green accents that you see here as well as the brand "Waste Management" logo in their corporate colors of green and yellow.

On the bottom of the drawing, is the west elevation, and again the full-length concrete abuse wall, pre-engineered metal building siding and standing seamed metal roof. The eave elevation is 36-feet high and will rise at a 1/12 slope to where it meets the existing building, but that slope continues to where you see it on the site drawing. That elevation is approximately 53.8-inches, which is less than the zoning ordinance maximum of 55-inches, so we have not exceeded that requirement.

The south elevation shows a line heading east out of the existing building and heading west is the new addition. Once again, we will repair the existing materials, painting them and improve the esthetics. Corporate branding will be added to that elevation, and the green painted stripe goes around the building. The east elevation faces the highway, and there is probably 200-feet of woods between the building and the highway.

**Ms. Harp:** A person who is looking east to west would not be able to see the addition, correct?

**Mr. Aulger:** That is correct.

**Ms. Harp:** So, from the west elevation that faces the residential area of North Lane, would they be able to see anything?

**Mr. Aulger:** They would see a newer nicer looking building.

**Ms. Harp:** How far are the property lines on North Lane from the area that will have the single line of trees?

**Mr. Aulger:** It's hard to ascertain on my phone what that dimension is. The property line to the west is 240-feet to our building. The corner of that property is probably 600-feet to our property.

**Ms. Harp:** I'm only interested in how this facility is going to impact the residents of North Lane whose back yards abut your property.

**Mr. Aulger:** Those properties on North Lane do not abut this property.

**Ms. Harp:** What is in between there?

**Mr. Aulger:** There are two other properties that are also industrially zoned. *(Referring to drawing)* The corner property is 600-feet from there to there, and is another 1,200-feet from here to this residential property you're talking about. Right now, that property is being developed by another developer. So, there will be another building in between the row of trees and that residential property.

**Ms. Harp:** That makes it clearer.

**Mayor Gottschalk:** Mr. Chairman, if I might make a comment. *(Referring to the power lines and Interstate McBee)* It's difficult at this point to know exactly how we're going to landscape it, but the addition is going to look much nicer than what it was. Good landscaping will probably be on the Interstate McBee property where they won't have to deal with the power lines. In addition, we're going to get an easement on the back yards of the homes on North Lane to be able to landscape those. Also, we are going to apply for what is called a TIF. With that, we will receive money every year that would have been going to the County in property taxes coming back to Oakwood Village.

We're going to designate how we're going to use it other than what Waste Management is doing with screening the north side of their building on the Interstate McBee Property. I care about the back yards on North Lane as well as the entrances on Wright & Free Avenues that can be dressed up as well. We're looking from the County to receive probably about 35 or 40,000 dollars a year coming in for about 15 years. Not only are we counting on Waste Management to do what they're doing, but in addition, those doors are being closed when operations are done at the end of the day, correct?

**Ms. Trimper:** That's correct. Operations usually end by 5:30 or 6:00 P.M. at the latest.

**Mayor Gottschalk:** Most of those ten doors at Waste Management are never closed. Four of those doors are never closed because they weren't operational in the first place.

**Ms. Harp:** Mr. Aulger I appreciate that you stated that the North side of this facility does not abut North Lane resident's back yards because there is 1,200-sq. ft. that is being developed by another company. Is that correct?

**Mr. Aulger:** Yes, that's correct and Interstate McBee is the name of the company.

**Mayor Gottschalk:** It's up to the resident's themselves to give us an easement to use their back yards if they want the screening.

**Mrs. McDonald:** Are those residents aware that they would have to give up their back yard for easement screening?

**Mayor Gottschalk:** No, the residents are not aware of that. We first have to see if this gets passed. With ABR, this would be approved contingent on once the plans are put together. In terms of Interstate McBee, they received a half-million dollar grant just to rehab that land. Now we will be able to decide how to best be able to screen at least the building before we even get to the back yards of the people. That will be known within that next three months. This issue will come back before you within the next month and a half.

**Ms. Christian:** I questioned the idea of the Waste Management trucks [spilling recyclables] out of the trucks especially on the side streets. They should clean that up more.

**Mayor Gottschalk:** Twice a week I expect Waste Management to go down Oak Leaf Road to pick up anything that has been thrown out of those trucks. I had a problem with this when I thought they were expanding to solid waste, but it's recyclables only. Actually, they will be packed and stacked better, so there will be less truck traffic than more.

**Mr. Cirincione:** What impact will the expansion of recyclables on site there have on traffic with trucks coming in and out of there?



**Mr. Crawford:** Since these are recyclables, the truck traffic entering and existing off Oakleaf Road is completely separate from our employee and pedestrian parking lot. We don't anticipate that there will be any change as far as the industrial zoning of the traffic flow. We don't need a new road or expansion of anything. Essentially, we have two types of recycling right now. Some of those materials that come to that facility get shipped to Akron to get recycled in Akron at a different facility. So those materials we're sending out in trucks are shipped in more frequent loads because they are of a lighter material which would be processed, baled and shipped to its end destination. That means there will be fewer trucks transporting that material outside the facility at that point.

There should be no impact on traffic. Where the distribution center is on Oakleaf Oval, you see the distribution trucks parked on the side of the road all the time. Our trucks are always on our property and are never parked on the road and would not impact any of the trucks entering or existing the facility.

**Mr. Hladky:** So, the doors on the existing building will be repaired and will be operational as well as the doors of the facility?

**Mr. Crawford:** Yes. We continuously repair the doors. Unfortunately, getting the parts for the doors has been one of our biggest hang ups. Those are 40-foot doors, and we have one door that is on order. A brand-new door cost \$40,000.00 but it will be fully operational. As of right now we have eight doors that are working.

**Ms. Trimper:** You may be referring to the north side doors. Today, those doors are not operational. Those doors are all getting replaced. As far as the whole outside upgrade to make one uniform look, all doors will look the same, and all doors will be operational and closed at the end of the day.

**Mr. Hladky:** As you drive down Oakleaf Road, you can see inside and there is an odor that comes out of the building. I think with the doors closed that should help the situation.

**Mr. Broadstreet:** Are there any other questions?

**Ms. Harp:** Ed Hren's letter of March 7, 2022 in order to approve the application suggests that we invoke Chapter 1193 for like and similar use. Was it appropriate that it used the wording "originally" and we're going to change it to "promoting"? (*inaudible*)

**Mr. Cirincione:** There was a question of whether or not it was non-conforming. However, when Jim Climer and I looked at the Code Section 1193, this would be permissible as a separate use if the Planning Commission finds that it is a like and similar use to the manufacturing aspect of putting together the bales of plastics and other recyclables. If it were to be approved it would be approved as a like and similar use under Chapter 1193 in product distribution which is regulated by Chapter 1173.

**MOTION TO APPROVE CASE # PC21-126: CONTINGENT UPON COMPLIANCE WITH LETTER DATED MARCH 7, 2022 FROM VILLAGE ENGINEER, EDWARD HREN AS A LIKE & SIMILAR USE IS APPROVED BY THIS PLANNING COMMISSION PURSUANT TO THE REQUIREMENTS OF CHAPTER 1173 & CHAPTER 1193 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF OAKWOOD AND LANDSCAPE SCREENING & CLEAN UP OF THE PREMISES was made by Peter Duffy, seconded by Malinda Harp and upon roll call the MOTION PASSED unanimously.**

1. There will also be a tenant sign at that location: Open Systems of Cleveland. They would have the same type of sign letters; 1/2-inch-thick acrylic letters, stud mounted to the wall and will be installed on the north east side of the elevation on their side of the building with the same dark green color as those of Chagrin Valley Engineering. That sign would be 14-sq. ft.

2. Chagrin Valley Engineering wanted four directional ground signs. The first sign will be located immediately inside the entrance off Forbes Road. It will be installed on the island of the property that separates the CVE parking lot from the Open Systems parking lot. They want to put a directional sign in the middle of that island.

That sign will be made of poly-carb, which is a 1/2-inch, 3-ply plastic material and will be "V" carved into that material and will be attached to a 7-ft. 4 X 4 PVC white post that will be imbedded into the ground approximately 36-inches.

3. Next is a directional main ground sign made of the same material; a poly- carb white/black/white material. It will be "V" carved with borders to it as well, and will be on attached to a 7-ft. 2 X 2 PVC white post that will be imbedded into the ground approximately 36-inches. That will let customers to this location know where the main entrance to their building and office is. All these signs are single sided.
- 4/5. There are two other signs; the same material with the same type of posts except these are smaller - 18" X 18" (2.25-sq. ft). One sign is for "employees only" and a directional arrow directing guests to use the main entrance to the right side of the building.
6. This sign will be made of the same material as the others with the same posts, 18" X 18" and shows Chagrin Valley Engineering. The border and letters are all "V" carved directly into the sign which allows the black to show three.

This is good material. It doesn't rot or rust, and it can't be vandalized. It is a great material.

**MOTION TO APPROVE CASE # PC21-101:** was made by Peter Duffy, seconded by Malinda Harp and upon roll call the **MOTION PASSED** unanimously.

**CASE # PC22-102:**           **APPLICANT: ADVANCED SIGN, MR. GABRIEL BARTLETT  
LEVIN FURNITURE, MR. SCOTT FRAZIER  
BUSINESS OWNER: T HAWTHORNE VALLEY OH LLC  
23100 Broadway Avenue, Oakwood Village, OH 44146  
PP #795-05-002**

**Mr. Scott Frazier, Levin Furniture Operations Director:** I have been with Levin Furniture for 39 years. Our store currently has red letters on the front façade that shows Levin Furniture. On the western end of the building is a two-dimensional tower. On the northern plane we want to put "Levin Furniture" and on the southern plane we want to put "Levin Mattress" which faces the freeway heading south. As you go down Broadway Avenue, we have the Hawthorne Valley marquis. Currently there is a white panel with red letters that says Levin Furniture. We want to reverse that to a red background with white font letters that will show "Levin Furniture & Mattress".

**Mr. Duffy:** What size is that sign?

**Mr. Gabriel Bartlett, Advanced Sign:** That marquis is currently 107.75-inches in height and 36.37-width.

**Mr. Frazier:** We're not changing the current footprint of anything. The current facades are red and we're changing that to white. The marquis monument will be changed from a white background to a red background.

**Mr. Cirincione:** So, it's going to be the same area then?

**Mr. Frazier:** That's correct. We're not taking up any more space sign wise. The sign that is there now is old neon technology, and we're fighting to keep it on and I would like to keep it illuminated so the neighborhood looks nice. So, we're updating to all LED technology.

**Ms. Harp:** So, the sign on Broadway Avenue is illuminated?

**Mr. Frazier:** I believe it's illuminated from above. The whole monument is illuminated and the panels are within a metal frame and are bolted together.

**Ms. Harp:** None of the sizes are changing, you're just changing colors?

**Mr. Frazier:** Correct. Actually, the Levin Furniture & Mattress sign on the front will be a little smaller because we had to drop the font size down in order to accommodate the two words, "furniture and mattress".

**MOTION TO APPROVE CASE # PC21-102:** was made by **Peter Duffy**, seconded by **Joel Hladky** and upon roll call the **MOTION PASSED** unanimously.

**CASE # PC22-103:**       **ARGO NAVIS ASSETS LLC - MR. GREGORY SPINOS**  
7375 Macedonia Road, Oakwood Village, OH 44146  
PP #795-19-041

**Mr. Spinós:** Myself and my wife Megan are the actual owners of the business. My construction company is the one that occupies the building. We've been working with Mayor Gottschalk and the Village of Oakwood for the last two years. We have also been working with Ed Hren, Oakwood Village Engineer for the past month to come up with a proposal for preliminary approval for the proposed site plan.

The site plan changed a little bit over the last week because of the discussion we had with Ed Hren and Mayor Gottschalk. The building is going to stay in the same place, but will move away from the R-1 which is to the south. It will move a couple of feet forward. The footprint is going to be a little bigger; from 3,200-sq. ft. to 3,600-sq. ft. but because of the age of the building, there have been subsequent codes that have changed and will require a few variances. That was my discussion with Ed Hren.

So today, we have brought all the information about the building, the building layout, what the site would look like, our parking, and where we're going to load everything. Basically, it's the same building with the doors all oriented away from RF-1 towards the General Business District. That was the suggestion that we were given. I'm not particular as to the building's orientation, I'm more interested in the building's utility. If it works better for the community on the residential side, then I'm perfectly fine with that.

**Mr. Broadstreet:** Do I understand correctly that you are doing this in two different colors of steel?

**Mr. Spinos:** Yes, that is correct.

**Mr. Broadstreet:** Did anyone in the Village bother to mention to you about constructing this in split-face block?

**Mr. Spinos:** Mayor Gottschalk, Ed Hren and myself had a discussion about that. They said that would be something I would have to have a variance for. It would be a pre-engineered all steel building. The building would be constructed with very good steel siding. It will not turn in to anything that would look horrible over the years.

These are the same buildings that are approved in Dade County for high winds, and the same materials used for world head quarters' buildings that build firestones, and use them on a regular basis. Across the front of the building, with the door placement, there would only be a couple of feet of area. That is the discussion I had with Mayor Gottschalk and I would have to discuss getting a variance for that with the Zoning Board.

**Mr. Broadstreet:** Between the Planning Commission & ABR, we have had a fairly hard and fast rule for about 25 years that any building seen from Broadway Avenue would have to be built at least a third of the way up with split face block.

**Mr. Spinos:** I was not aware of that hard fast rule. Is that something that I would be able to discuss and get a variance on, or is there just no way around it?

**Mr. Broadstreet:** We haven't changed our minds about that in 25 years.

**Mr. Spinos:** So, does it have to be split-face block? The design of the building is actually for slab on grade. The design that you're talking about would probably raise the price \$50,000.00.

**Mr. Broadstreet:** I understand that, but we live here and we will have to look at it long after you're gone.

**Mr. Spinos:** I think it would be a very attractive building.

**Mr. Broadstreet:** I'm sure you do think it would be a very attractive building, and no you don't like the idea of having to pay \$50,000.00 more.

**Mr. Spinos:** So, is the north elevation the side that would have to have split-face block?

**Mr. Broadstreet:** Whatever elevation is visible from Macedonia Road and from Broadway Avenue would have to have split-face block.

**Mr. Spinos:** So, that would be two sides; the north side and the west side.

**Mr. Broadstreet:** If your south elevation would be visible from Macedonia Road, the only side that would be exempt would be the east side.

**Mr. Spinos:** Something for consideration, it being up against R-1 just going through the Code and seeing what your landscaping and screening requirements are, there will be screening up against the south side between the actual building that's there and the Residential R-1.

Also, during my discussion with Mayor Gottschalk, this would be a property that he would go after a TIF for. That type of money might be available to do some additional improvements on a regular basis to maintain it and to even add some other things like landscape or anything else that would have to go across the front.

**Mr. Broadstreet:** I understand what you're saying, however landscape comes and goes.

**Mr. Duffy:** What is our resolve? Is this something we should consider tabling? I believe what we're hung up on is the split-faced block.

**Mr. Broadstreet:** If that's what the Planning Commission wants to do.

**Mr. Spinos:** I'm willing to look into it to see what the additional materials would cost. It's just that the footer changes. The footer you're talking about would be for a traditional building. My proposed building is all supported on the frame itself, up and over. Around the perimeter there isn't any support. All the support is held by the skeleton, so putting that on there would just be an esthetic.

**Mr. Broadstreet:** I understand that entirely, and the esthetic is what were looking for.

**Mr. Spinos:** There's other options that can be attached directly to the building to give it the look, but it won't be split-face block.

**Mr. Broadstreet:** Well, if you want to come up with some other ideas you can do that.

**Mr. Cirincione:** If I can make a suggestion. This all came together pretty recently. There were some changes that were made recently, and I know there are a lot of conditions to Ed Hren's March 7<sup>th</sup> letter which require variances. What I suggest is to table this case to give you an opportunity to see what other options there are so that you and the Planning Commission can come up with some kind of compromise that would satisfy both you and the Planning Commission as a whole.

**Mr. Spinos:** I'm for that. The only thing I'm pressed with right now is the rising cost and price of all the commodities needed to build the building. In addition to that is the interest rate which is now going up. When I first looked at this, the interest rate was around 5%. Now it's around 5-1/4% or 5-75% which could kill the whole deal. Time is of the essence right now for me.

**Mr. Broadstreet:** We could have a special meeting for you so that you don't have to wait another 30 days.

**Mr. Spinos:** That would be great.

**Mr. Duffy:** I would like to make a motion that we table this case until such time as Mr. Spinos is able to present to the Planning Commission other options that would satisfy both himself and the Planning Commission.

**Mr. Spinos:** So, you would like to see samples of wainscoting for 1/3<sup>rd</sup> of the way up on the building?

**Mr. Broadstreet:** Yes.

**Mr. Cirincione:** It would also be advantageous for the applicant to get with Ed Hren and the Building Department to see if structurally there is something that can be accomplished that would meet both the Planning Commission and the applicants needs and requirements regarding this building.

**Mr. Spinos:** I do have a product in mind that could be attached to the building for esthetic purposes. I can send that information directly to Ed Hren for his feedback. I would like a preliminary authorization to go ahead with the site plan and the building so that I can start making the purchases I need to make.

**MOTION TO TABLE CASE # PC21-103:** was made by **Peter Duffy**, seconded by **Rand Broadstreet** and upon roll call the **MOTION PASSED** unanimously.

**MOTION TO APPROVE REGULAR PLANNING COMMISSION MINUTES FOR JANUARY 3, 2022** was made by **Peter Duffy**, and seconded by **Malinda Harp** and upon roll call the **MOTION PASSED** unanimously.

**Mr. Duffy:** The Mayor wanted us to give our input on the "Electronic Digital Billboard Sign Ordinance" he handed out. Does anyone have any input on it?

**Mr. Cirincione:** I was going to suggest that if anyone has any questions or comments, you can write them down and the Law Department can address those and try to have answers at the next meeting.

**Mr. Duffy:** So, this comes to us for our consideration and then goes to the Council and Mayor?

**Mr. Cirincione:** Yes.

**OTHER MATTERS FOR DISCUSSION:**

***Question from Joel Hladky regarding his temporary employment as a Planning Commission Member:***

**Mr. Hladky:** I have a question. I was appointed as a temporary member of the Planning Commission for three months. According to those terms, this is my third month. What should I do from this point on?

**Mr. Cirincione:** I'll talk to the Law Director and the Mayor and see what the next step is for you and get back with you.

**Mr. Hladky:** Okay.

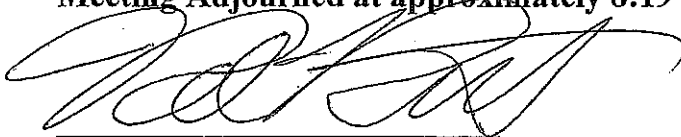
***Comment from Fire Chief Shade Regarding Tonight's Planning Commission Meeting:***

**Fire Chief Shade:** I appreciate how the Planning Commission handled everything when Waste Management was here tonight. It's nice when you have these meetings and they are looking to do improvements to their building. However, your comments about some of things they are doing that have gradually fallen to the wayside like smells, recyclable debris and not closing the doors on their property needs to be brought to their attention.

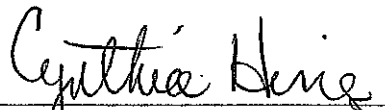
There are food businesses in that area and then there is Waste Management. Nobody wants the garbage there from that place, but the residents like it when we pick it up. Not that we really want that stuff over there but we're stuck with it. At least they're going to do more with the recycling and improve their facility to do things more efficiently. There were 30 fires there last year, which happened inside the piles of debris. So, thank you very much for considering this because that helps the Fire Department do our job.

**MOTION TO ADJOURN MEETING** was made by **Peter Duffy**, seconded by **Rand Broadstreet** and upon roll call the **MOTION PASSED** unanimously.

**Meeting Adjourned at approximately 8:19 P.M.**



**Rand Broadstreet**  
Chairperson



**Cynthia Hines**  
Recording Secretary



## Exhibit B

**To: Village of Oakwood Planning Commission**  
**From: WM of Ohio, Inc.**  
**Date: March 7, 2022**  
**Re: PC21-126 – Request for Approval to erect an addition to existing building at**  
**7450 Oak Leaf Oval, Oakwood Village, OH 44146**

### NARRATIVE

WM of Ohio, Inc. (the “Applicant”) seeks to construct an addition to its existing building located at 7450 Oak Leaf Oval, Oakwood, OH (the “Property”). The contemplated construction will include the demolition of approximately 7,000 square feet of the existing building and then the addition of 32,025 square feet, with a total addition area of approximately 25,025 square feet.

Applicant has successfully been operating a recycling processing center, including sorting and baling commercial and residential recycling materials at the Property since 1990.

Applicant seeks to continue its existing operations but also to include the “Material Recovery Facility of the Future” (“MRF”) which is a next generation recycling facility with cutting edge recyclables processing technologies, including optical sorters and advanced screening (the “Intended Use”). The new MRF design maximizes outbound quality production and distribution of recyclable products, helping to create a more sustainable recycling program to serve the community.

Applicant has over three decades of experience in creating and implementing single stream recycling production initiatives. Applicant was the first major company to focus on residential single stream recycling. The program has greatly increased the recycling rates, recovering as much as three times the amount of recyclable materials. Single stream recycling is made possible through the use of various mechanized screens and optical sorting technologies. Applicant continues to advance in the area of single-stream recycling, with efforts to make these programs easy and cost effective for residential and commercial accounts.

As part of this, Applicant is forging new processing technologies for production and distribution of end products such as aluminum bales, cardboard bales and plastic bales. Applicant’s operations experts and engineers have collaborated with American and international experts in material separation, image recognition technology, advanced screen technology, high speed baling technology, and other separating and cleaning techniques to continuously improve the efficiency and processing capabilities of its MRFs. Through its municipal partnerships, green technologies, and community education, Applicant has introduced and promoted innovative recycling and diversion methods to residential and commercial customers throughout the Country and this is the proposed program that Applicant intends to implement on the Property as part of the requested approval sought herein.

Applicant is committed to improving recycling using the aforementioned techniques and the expansion of its building is necessary in order to accomplish this.

## **PLAN COMMISSION APPROVAL REQUESTED**

The Property is zoned I-2 Production-Distribution District and Applicant is seeking clarification and/or addition to the list of permitted uses in the I-2 District in accordance with Chapter 1193.01 of the Oakwood Village Code of Ordinances (the "Code") to accommodate the proposed Intended Use of the Property. The I-2 Production-Distribution District allows for a wide range of the most intense industrial uses within the Oakwood Village including but not limited to metal production, clothing and textile production, plastics production, printing, wood and concrete production. Accessory to these heavy industrial uses are maintenance and storage facilities, off-street parking and loading, incineration facilities, and open yard storage in rear yards and screened side yards.

Applicant's proposed Intended Use is compatible with the existing uses in the I-2 and meets the standards set forth in Sec. 1193.01 of the Code to be considered a Similar Use as follows:

A. Such building or use is in keeping with or similar to other permitted buildings or uses in the district in which it is proposed.

- The Intended Use of the Property aligns with the existing uses of the Property and, while it does expand the facility on the Property, the Intended Use of the Property will now include additional recycling efficiencies which is in keeping with the existing use of the Property. Further, other permitted uses in the I-2 District are heavy industrial uses that are far more intense and potentially impactful to the surrounding neighborhood, including metal production and plastics production.

- Other buildings in the immediately surrounding neighborhood include a heavy machinery company, a metal production company, a tire shop, and a logistics company with many large trucks. The proposed Intended Use is compatible with these other uses in the surrounding area, all of which are allowed within the I-2 District.

B. Such a building or use is not listed in any other classification of permitted buildings or uses.

- The Intended Use is not a defined allowed use within the I-1 District, or any of the less intense Commercial or Residential Districts in the Village. The I-2 District is the heaviest industrial district in the Village and as such it is the proper district for the Intended Use.

C. Such a building or use is more appropriate to, and conforms more closely to the basic characteristics of the classification to which it is to be added than to any other classification.

- The characteristics of the I-2 District are intended to accommodate heavy industrial users. The purposes of the I-2 District are to provide an appropriate district for research, development and production of goods to serve the community, promote employment and strengthen the economy of the community; to provide for uses which do not create objectionable influences; to provide density regulations to control any objectionable influences that may be created; and to prohibit the storage of explosives and flammable gases, solids and

liquids as a main use. The Intended Use will meet all of the basic characteristics of the I-2 District in that it will provide a service to the community in the handling and processing of recyclable materials. It will create employment opportunities. It will not create any objectional influences that are not controlled by the density and use regulations contained in the Code and it will not allow for the storage of any explosive or flammable materials.

D. Such building or use does not create dangers to health and safety, and does not create offensive noise, vibration, dust, heat, smoke, odor, glare or other objectionable influences to an extent greater than the other uses listed in the classification to which it is to be added.

- The proposed Intended Use will not create any health or safety dangers. No offensive noise, vibration, dust, heat, smoke, odor, glare or anything else that might be considered objectionable will be created by the Intended Use.

E. Such a building or use does not generate traffic to a greater extent than the other uses listed in the classification to which it is to be added.

- The proposed Intended Use will not create any greater traffic than is existing in the industrial area at the present time. Nor will it create greater traffic than would be allowed for any other use allowed in the I-2 District. Rather, the Intended Use is proposed in order to create efficiencies in operations as opposed to additional handling and traffic.

Applicant further acknowledges that the Plan Commission must also consider the standards and criteria of Section 1139.11 of the Code in its review of applications. Accordingly, Applicant offers the following information for consideration:

1. The site plan shows a proper relationship does exist between thoroughfares, service roads, driveways and parking areas to encourage pedestrian and vehicular traffic safety.

- Employee parking for Applicant's Property is located off of a driveway on Oak Leaf Oval. Truck traffic for Applicant's Property enters and exits the site from Oak Leaf Road and is completely separated from the employee parking area so that pedestrian and vehicular traffic safety are met.

2. All proposed development features, including the principal buildings, open space, service roads, driveways and parking areas are so located and related as to minimize the possibility of any adverse effects upon adjacent development.

- Applicant is surrounded to the north south and west by other industrial users. To the east of the Property is Highway 271, which is a major thoroughfare in the greater area. Applicant has positioned the proposed addition to the existing building in such a way so that any possible effects on adjacent development are minimized. Applicant is working with a local landscaping company to add additional landscaping and screening along all four sides of the Property to ensure that any possible effects of the building addition are minimized.

3. The site plan includes adequate provision for screening of parking areas, service areas and active recreation areas from surrounding property by landscaping and/or ornamental walls or fences.

- Applicant's proposed site plan includes landscaping and screening so that all parking and service areas are adequately screened from surrounding properties. As stated above, Applicant is working with a local landscaping company to add landscaping and screening on all four sides of the Property.

4. Grading and surface drainage provisions, as well as public water supply and sewerage collection, are reviewed and approved by the Municipal Engineer.

- Applicant has had initial discussions with the Municipal Engineer and intends to fully comply with all grading and surface drainage requirements as well as all public water supply and sewerage collection requirements.

5. The design and construction standards of all private streets, driveways and parking areas are to be built in accordance with the standards established by the Municipal Engineer and ordinances of the Municipality.

- Applicant has had initial discussions with the Municipal Engineer and intends to fully comply with all design and construction standards and ordinances for driveways and parking areas.

6. The architectural design of all structures shall be harmonious with the design and relationship of the adjacent development in terms of building height, mass, texture, line, pattern and character.

- The proposed design of the building addition is harmonious with the existing building. The height of the addition matches the height of the existing building. The proposed building materials match the existing building. The architectural design is intended to provide the entire Property with an updated and modern finish that will be harmonious with the design and relationship of the neighborhood.

7. Building location and placement should be developed with consideration given to minimize removal of trees and change of topography.

- Applicant has considered the proposed building addition location and placement carefully and has considered existing trees and topography in siting the proposed addition. Applicant believes that it has minimized the removal of trees and any change of topography in designing the proposed placement of the building addition.

8. On-site circulation shall be designed to make possible adequate fire and police protection.

- Applicant has had initial discussions with the Village administration and will comply with requirements for adequate access for fire and police protection.

9. In large parking area, visual relief shall be provided through the use of tree planting and landscaping dividers, islands and walkways.

- All parking is linear and adjacent to the building and as such landscaping dividers and islands are not applicable.

10. The provision of ancillary buildings to the principal use, signs and all other development features shall be related to the overall proposed development and in keeping with the surrounding environment.

- The proposed new building addition will match the existing building and the proposed renovations will update and modernize the entire building. There is only one principal building on the Property and there are no ancillary buildings. Any signage and all other development features will be consistent with the Code and will be in keeping with the surrounding neighborhood.

Applicant believes that it has satisfied all of the required criteria for the Oakwood Planning Commission to determine that the Intended Use is a Similar Use as required by the Oakwood Village Code of Ordinances such that a building permit for the proposed building addition can be issued. Should you have any questions or require additional information regarding any of the information contained herein, Applicant is available to provide further response.

Exhibit A



VILLAGE OF OAKWOOD

24800 Broadway Ave., Oakwood Village, Ohio 44146

Tel: 440-232-9980 Fax: 440-232-5874

PLANNING BOARD OF REVIEW APPLICATION  
ARCHITECTURAL BOARD OF REVIEW APPLICATION

PC CASE # PC- 21-126

DATE OF MEETING: 12/6/21

7:00 P.M.

ABR CASE # ABR- 21-14

\*\*\* PLEASE TYPE OR PRINT LEGIBLY \*\*\*

Property Address for review: 7450 OAK LEAF OVAL

Oakwood Village, Ohio 44146

Company / Applicant Name-

(Appearing before the Board)

WASTE MANAGEMENT

Phone # 440-786-1300

Cell# —

Fax# —

Email: —

PP# 795-50016

PROPERTY OWNER?

YES / NO

AGENT?

YES / NO

NEW BUILDING?

YES / NO (ADDITION)

Property Owner Name CHAMBERS WASTE SYSTEMS OF OHIO

Address OAK LEAF OVAL

Phone 440-786-1300

City / State / Zip OAKWOOD OHIO 44146

Proposed project / use / improvements:

32,025 SF ADDITION TO THE EXISTING BUILDING

Total square footage of new project: 32,025 SF

All Persons with an Interest in Property: (this section must be signed by every company or individual with any property interest in the property) The undersigned agree that the above-listed applicant may appear before the Commission for the purpose of acting as their agent consent to the filing of this application.

Aaron Johnson

Printed Name

Aaron Johnson

Signature

Printed Name

Signature

Printed Name

Signature

250.00

DEPOSIT RECEIVED

Daniel A. Bulger

APPLICANT SIGNATURE

Applicant Submittals:

FOR COMMISSION USE ONLY

Referrals to Professionals:

- \* Existing Conditions/Vicinity Map
- \* Topographic Survey
- \* Plat/Boundary Survey
- \* Tree Preservation Plan
- \* Plans/Drawings
- \* Landscape Plan
- \* Storm Water Pollution Prevention Plan (SWPPP)

Architect  
Engineer  
Law Director  
Landscape  
Other

Date

Report Received

NOTE: IF YOU ARE UNABLE TO ATTEND THIS MEETING, PLEASE NOTIFY THE BOARD SECRETARY @ 440-232-9980 IMMEDIATELY TO BE RESCHEDULED.

# OAKWOOD VILLAGE ARCHITECTURAL BOARD OF REVIEW

LIST THE TYPE, MANUFACTURER, FINISH & COLOR FOR ALL  
APPLICABLE ITEMS LISTED BELOW

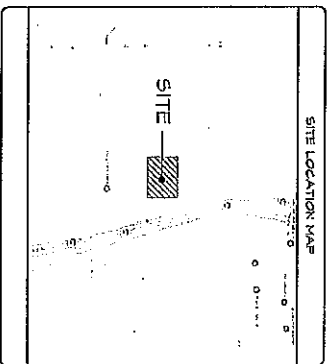
Project Address: 7450 OAK LEAF OVAL  
OAKWOOD VILLAGE, OHIO, 44146

ROOFING	<u>BUTLER ALZINC GALVANIZED STEEL</u>
EXTERIOR TRIM	<u>BUTLER COOL EMERALD GREEN</u>
GUTTERS/DOWNSPOUTS	<u>GUTTER - BUTLER COOL EMERALD GREEN</u> <u>DOWNSPOUTS - BUTLER COOL SOLAR WHITE</u>
SIDING	<u>BUTLER - COOL SOLAR WHITE</u>
BRICK	<u>N/A</u>
STONE/STUCCO	<u>N/A</u>
DECK/PORCH	<u>N/A</u>
FENCES/WALLS	<u>N/A</u>
WINDOWS	<u>N/A</u>
SKYLIGHTS	<u>N/A</u>
GARAGE DOORS	<u>WAYNE DALTON - WHITE</u>

THIS FORM MUST ACCOMPANY YOUR APPLICATION FOR ABR APPROVAL

DRAWING INDEX	
CORR. SHEET	
SITE PLAN - PROPOSED	MS-1
SITE PLAN - PROPOSED	MS-2
SITE PLAN - PROPOSED	MS-3
SITE PLAN - PROPOSED	MS-4
SITE PLAN - PROPOSED	MS-5
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SITE PLAN - PROPOSED	MS-100

CODE 1 REGULATORY DATA - 2017 OHIO BUILDING CODE (OBC)	
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# PLANNING BOARD OF REVIEW SUBMITTAL A DESIGN/BUILD ADDITION PROJECT FOR: **WASTE MANAGEMENT, INC.** 7450 OAK LEAF OVAL, OAKWOOD, OHIO 44146

**Campbell**

CONSTRUCTION

CONSTRUCTION SERVICES

CONSTRUCTION MANAGEMENT

FACILITIES MAINTENANCE

DESIGN-BUILD SPECIALISTS • SINCE 1953

1159 BLANCHLEVILLE RD., WOOSTER, OH 44691 330/262-5186


1 PARK CENTRE DR., WADSWORTH, OH 44281 330/336-8786

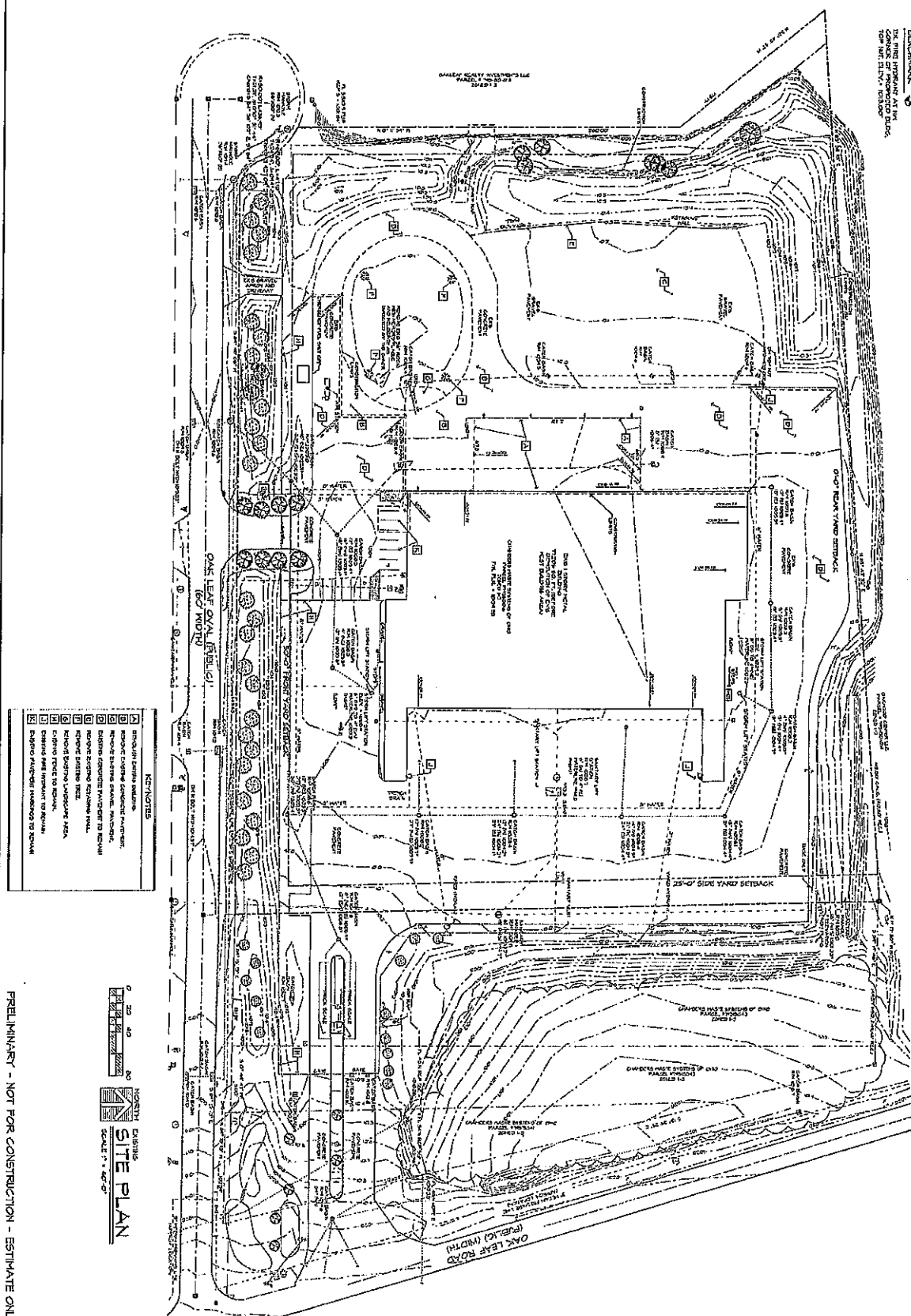
WWW.CAMPBELL-CONSTRUCTION.COM

AN EQUAL OPPORTUNITY EMPLOYER





LOT SIZE 4.727 ACRES  
BENCHMARK   
EX. FIRE HYDRANT AT NW  
CORNER OF PROPOSED DIDS.  
TOW. NAT. HWY. 101.300'



PRELIMINARY - NOT FOR CONSTRUCTION - ESTIMATE ONLY

SD-1

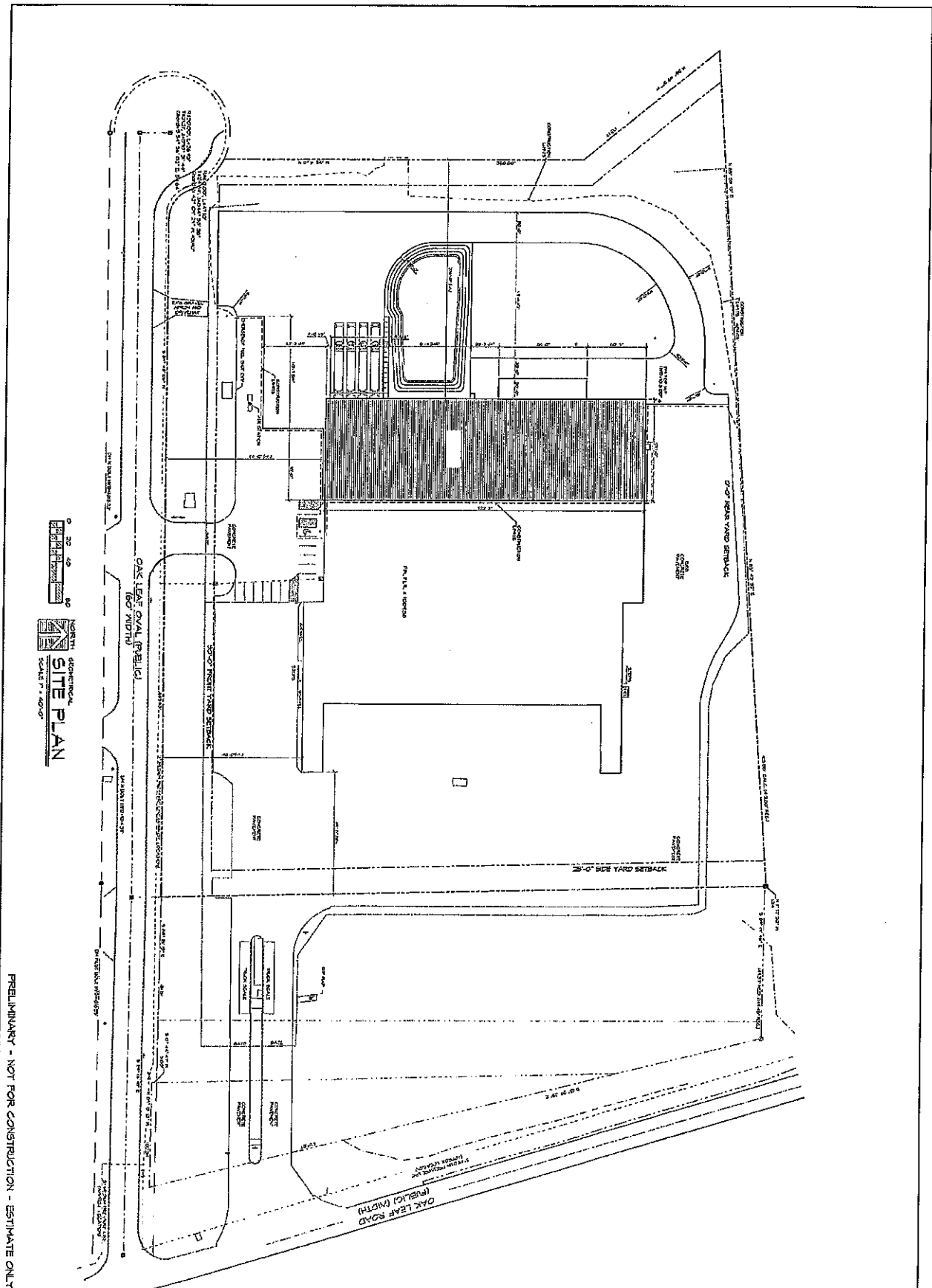
NEW ADDITION FOR:  
WASTE MANAGEMENT  
7450 OAK LEAF OVAL  
OAKWOOD, OHIO 44146

**Campbell**  
CONSTRUCTION

**CONSTRUCTION SERVICES**  
**CONSTRUCTION MANAGEMENT**  
**FACILITIES MAINTENANCE**  
**DESIGN-BUILD SPECIALISTS • SINCE 1959**

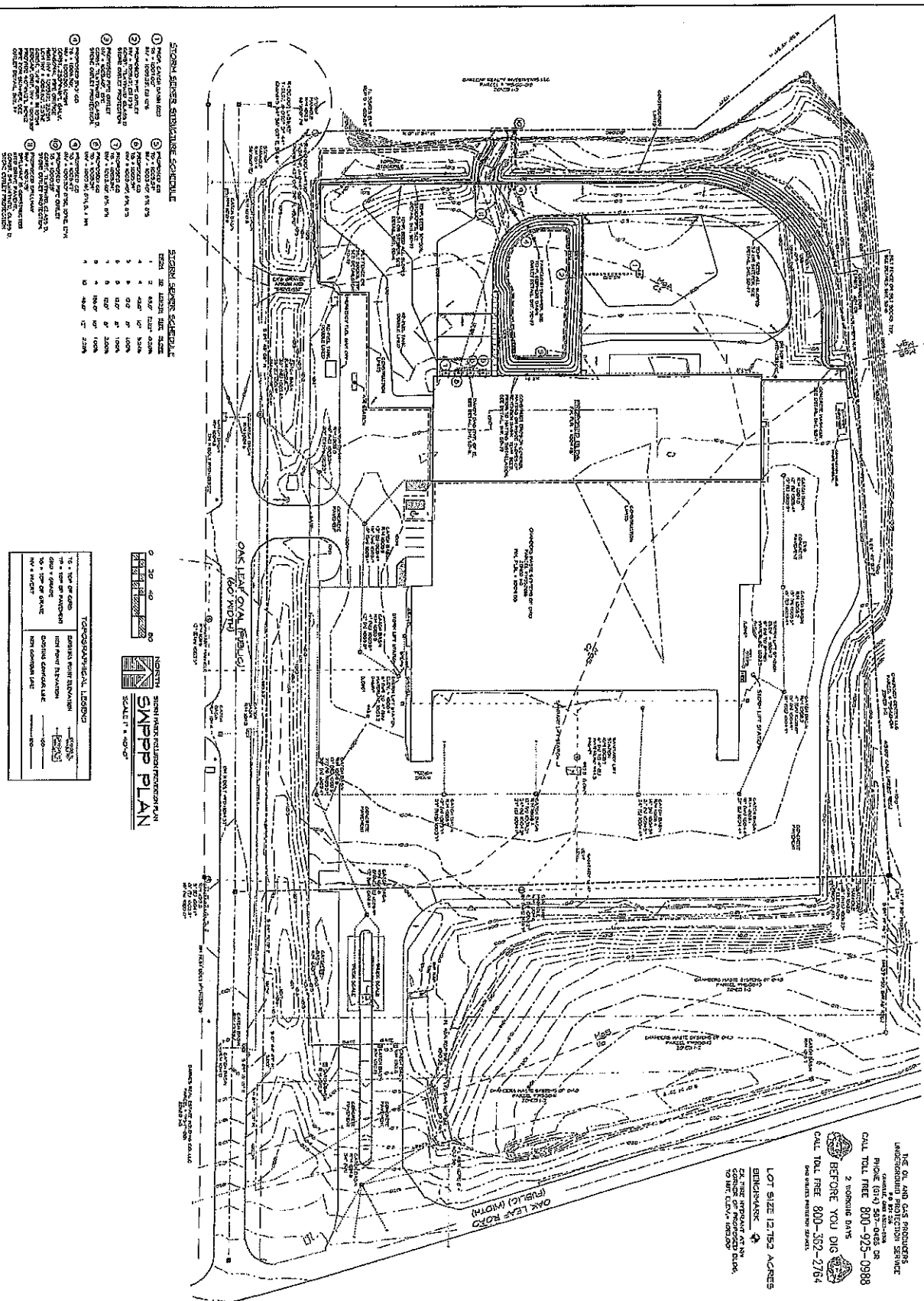


930/262-5188  
930/336-6786





<p><b>SD-4</b></p>	<p>DATE: 11/10/2014</p> <p>BY: [Signature]</p>	<p>NEW ADDITION FOR: WASTE MANAGEMENT 7450 OAK LEAF OVAL OAKWOOD, OHIO 44146</p>	<p><b>Campbell</b> CONSTRUCTION</p> <p>1159 BLACHLEYVILLE RD WOOSTER, OH 44691 1 PARK CENTRE DR WADSWORTH, OH 44281</p>	<p>CONSTRUCTION SERVICES CONSTRUCTION MANAGEMENT FACILITIES MAINTENANCE</p> <p>DESIGN-BUILD SPECIALISTS • SINCE 1959</p> <p>530/282-5195 330/356-6766</p>
	<p>PROJECT NO: 11-000000</p> <p>DATE: 11/10/2014</p>	<p>PROJECT NO: 11-000000</p> <p>DATE: 11/10/2014</p>	<p>PROJECT NO: 11-000000</p> <p>DATE: 11/10/2014</p>	<p>PROJECT NO: 11-000000</p> <p>DATE: 11/10/2014</p>





**THE OIL AND GAS PRODUCERS'**  
**UNDISCOUNTED PROTECTION SERVICE**  
P.O. BOX 206  
GAINESVILLE, TEXAS 32611-0206  
PHONE (313) 587-0485 OR  
CALL TOLL FREE 800-925-0988

 **BEFORE YOU DIG** 

2 WORKING DAYS  
CALL TOLL FREE 800-362-2764  
OIL GASES PROTECTORS' SERVICE

LOT SIZE 12.752 ACRES  
BENCHMARK 

24. THE PROPOSED NEW  
CORNER OF PROPOSED DRIVE  
TO RT. 111, ELEV. = 1013.00'

**Campbell**  
CONSTRUCTION

1159 BLACHLEYVILLE RD WOOSTER, OH 44691  
1 PARK CENTRE DR WADSWORTH, OH 44281

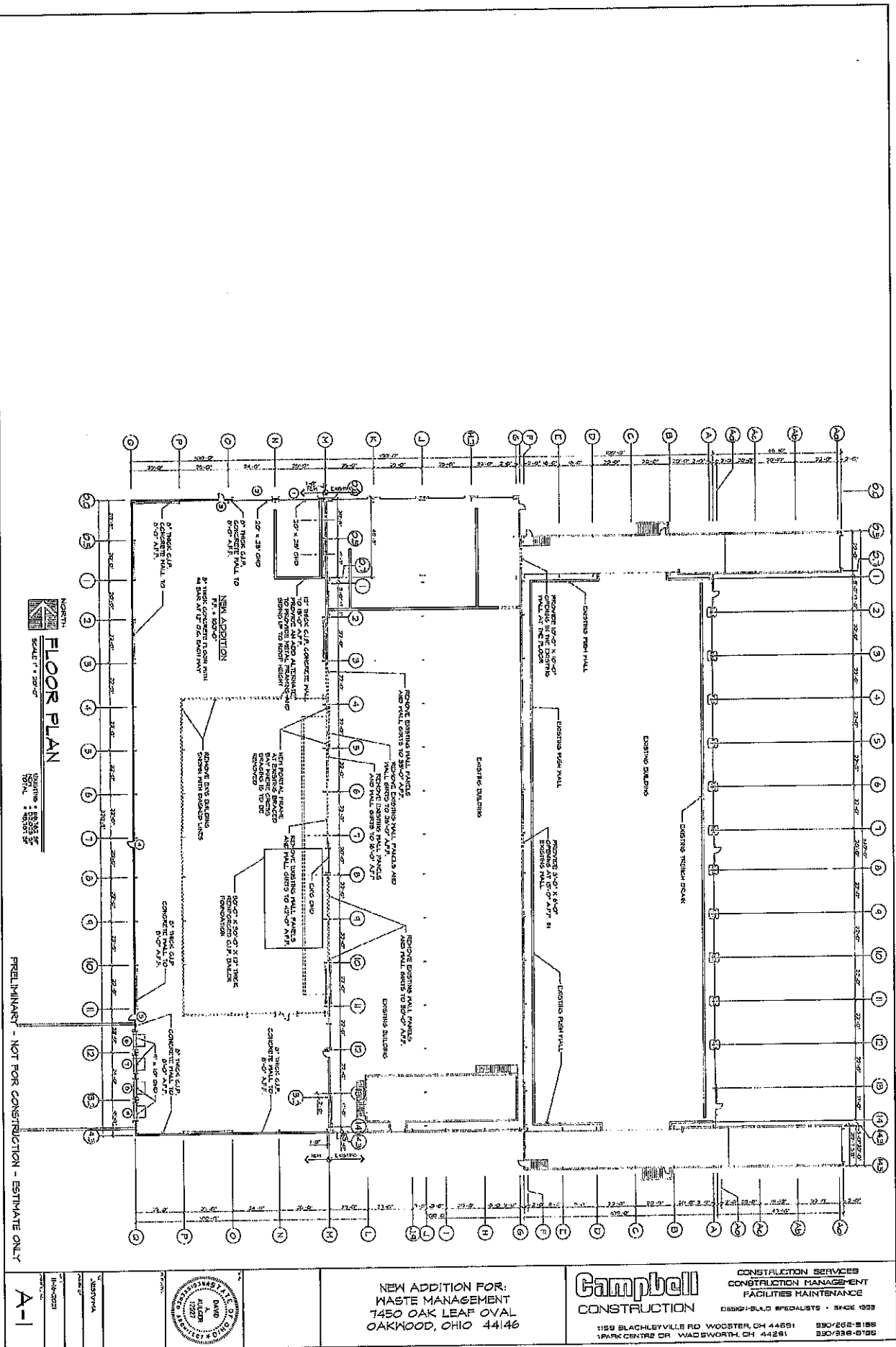
CONSTRUCTION SERVICES  
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FACILITIES MAINTENANCE  
DESIGN-BUILD SPECIALISTS • SINCE 1953

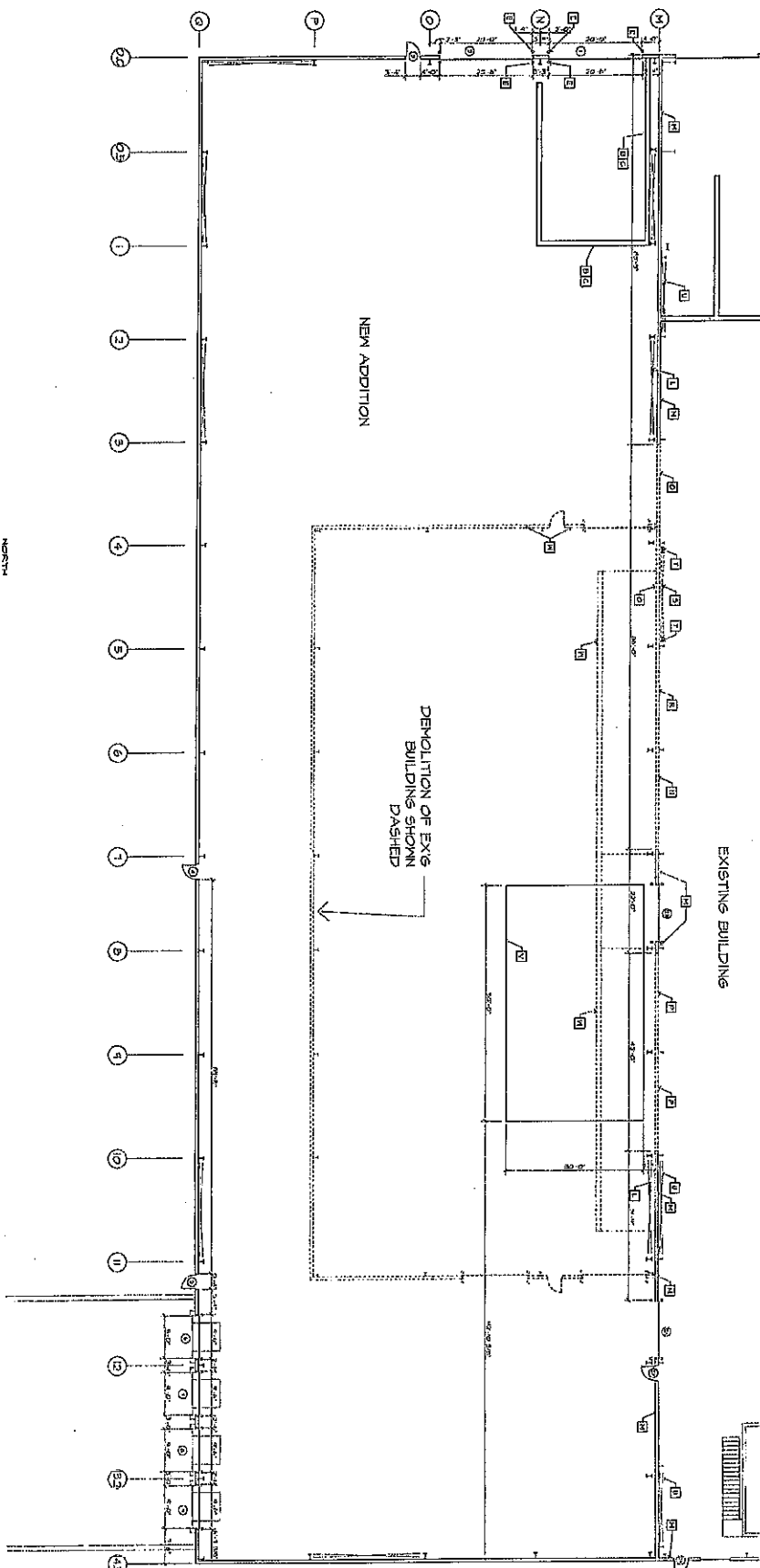
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NEW ADDITION FOR:  
WASTE MANAGEMENT  
7450 OAK LEAF OVAL  
OAKWOOD, OHIO 44146



SD-10





- 1) **QUESTION**
- 2) **ANSWER**
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- 100) **ANSWER**

- [illegible]

1. What is the purpose of the document?
2. What is the main idea or thesis statement?
3. What are the key points or arguments made?
4. What evidence or examples are provided to support the arguments?
5. What is the conclusion or final statement?
6. What are the implications or recommendations?
7. What is the overall tone or style of the document?
8. What is the author's background or expertise?
9. What is the date and location of the document?
10. What is the title of the document?

PRELIMINARY - NOT FOR CONSTRUCTION - ESTIMATE ONLY

A-2

NEW ADDITION FOR:  
WASTE MANAGEMENT  
7450 OAK LEAF OVAL  
OAKWOOD, OHIO 44146

**Campbell**  
CONSTRUCTION

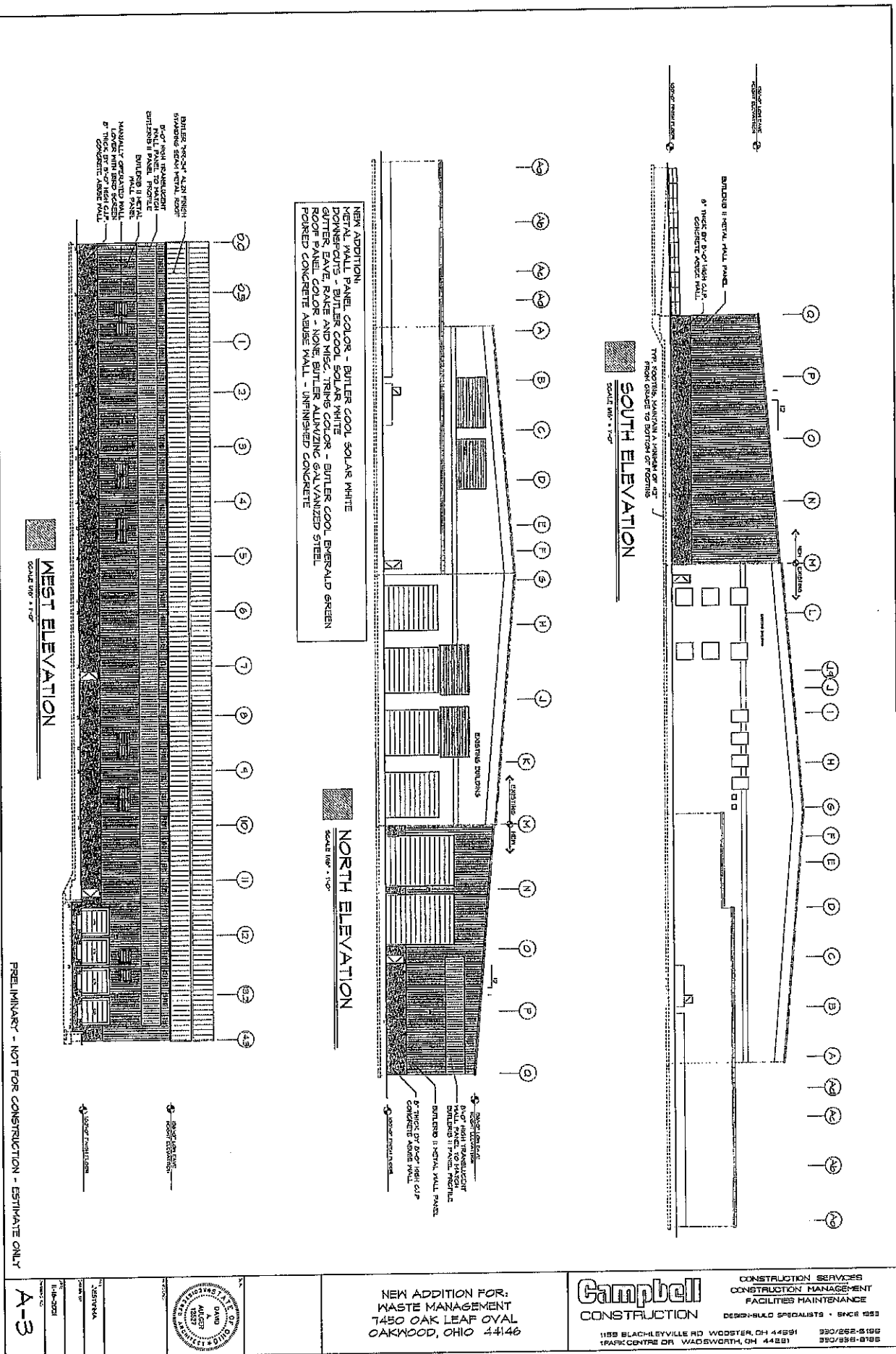
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