

**The Village of Oakwood  
RECORDS COMMISSION**

**Agenda  
April 26, 2022  
6:45 p.m.**

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**Committee Members:**

**Gary V. Gottschalk – Mayor**

**Jim Climer – Law Director**

**Christine Morgan – Clerk of Council**

**Johnnie A. Warren – Council President**

**Brian L. Thompson – Finance Director**

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1. Call Meeting to Order
  2. Roll Call
  3. Review documents to be destroyed (if any)
  4. Adjournment

Christine Morgan  
Clerk of Council - Village of Oakwood

**CERTIFICATE OF RECORDS DISPOSAL (RC-3) – Part 2**

Location	Number of cases	Percentage of cases
...	...	...

*[Signature]*

[illegible]

THIS IS AN  
IN PERSON  
MEETING

VILLAGE OF OAKWOOD  
COUNCIL MEETING  
April 26, 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	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 March 3, 2022, Public Meeting

Motion to approve the minutes from the April 12, 2022, Council meeting

5. Presentation to the Director of Phe'Be Foundation-Sharron Murphy-Williams

6. Correspondence from Clerk

7. 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

8. 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*

9. Legislation

Res 2022-27

Introduced by Mayor &

Council as a whole

1<sup>st</sup> Reading

A RESOLUTION OF CONDOLENCE TO THE FAMILY OF GRACE BYRD

Res 2022-28

Introduced by Mayor &

Council as a whole

1<sup>st</sup> Reading

A RESOLUTION AUTHORIZING THE VILLAGE OF OAKWOOD TO BECOME A POWER A CLEAN FUTURE OHIO COMMUNITY AND TO ADOPT A GOAL TO REDUCE GREENHOUSE GAS EMISSIONS WITHIN THE VILLAGE

Res 2022-29

Introduced by Mayor &  
Council as a whole  
1st Reading

A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT  
NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY  
GRANT(S)

Ord 2022-30

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

AN ORDINANCE ALLOWING THE MAYOR TO SIGN A MEMORANDUM OF  
UNDERSTAND BETWEEN THE CUYAHOGA COUNTY BOARD OF HEALTH AND THE  
VILLAGE OF OAKWOOD AUTHORITY CONSENTING TO PROVIDE PHASE II  
STORMWATER SERVICES IN 2022-2025 AND DECLARING AN EMERGENCY

Res 2022-31

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

A RESOLUTION RECOGNIZING MAY1-7, 2022, AS THE 53<sup>RD</sup> ANNUAL  
PROFESSIONAL MUNICIPAL CLERKS WEEK

Ord 2022-32

Introduced by Mayor &  
and Council as whole  
1st Reading

AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL  
PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC  
INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THOSE PARCELS  
REQUIRING THE OWNERS OF THE IMPROVEMENTS THEREON TO MAKE SERVICE  
PAYMENTS IN LIEU OF TAXES, ESTABLISHING THE WMO MUNICIPAL PUBLIC  
IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH  
SERVICE PAYMENTS, AND DECLARING AN EMERGENCY

## **10. Adjournment**

**VILLAGE OF OAKWOOD  
WORK SESSION  
AGENDA  
April 26, 2022**

1. Call Meeting to order
2. Discussion by Mayor and Department Heads of matters to be brought to the attention of Council if present.
3. Questions of Mayor and Department Heads concerning Legislation or potential Legislation to be considered at future Council meetings.
4. Discussion of items of draft Legislation or potential Legislation to be considered at future Council meetings.

*Legislation: Fiscal Officers Certificate Present*

**Ord 2021-WS-05**

Introduced 1-29-2021 by  
Mayor & Council as a whole  
2021-09 Moved to WS 2-23-21

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF AN EXTERIOR  
HOME REPAIR ASSISTANCE PROGRAM FOR SINGLE FAMILY PROPERTIES  
LOCATED IN THE VILLAGE

**Ord 2021-WS-26**

Moved to WS 10/26/2021  
Ord 2021-70 w/ Planning

AN ORDINANCE ENACTING REGULATIONS OF ELECTRONIC DIGITAL  
BILLBOARD SIGNS LOCATED IN THE VILLAGE OF OAKWOOD

**Ord 2021-WS-27**

Moved to WS 10/26/2021  
Ord 2021-71 w/ Planning

AN AMENDED ORDINANCE ENACTING SEVERAL CHANGES TO OAKWOOD  
VILLAGE CODIFIED ORDINANCES RELATED TO THE REGULATIONS OF SIGNS  
LOCATED WITHIN OAKWOOD VILLAGE

New Resident Packets Procedure

Municipal Complex      Hardin

Disaster Recovery Plan      Hardin

Human Resources      Hardin

Five-Year Plan      Hardin

Employee Service Awards (every five years)

Council Committee Assignments

5. Matters Deemed Appropriate
6. Adjournment

VILLAGE OF OAKWOOD  
PUBLIC MEETING  
March 3, 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  
Daniel Marinucci-Building  
Ed Hren-Engineer

ABSENT

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

Pledge of Allegiance and attendance taken.

**Mayor introducing Council and the following: Paul Herdeg, Director of Development for County Executive, Armond Budish; Camille Billups, Senior Director of Project Management for Team NEO; Kevin Callahan, Senior Manager and Partner at Premier Development; Deacon Watkins representing Mount Zion.**

**Mayor:** OV residents in the last 24 hours have witnessed an unfeathered media publishing of a premature story. Only IF Village Council approves the development agreement with Kroger, would Kroger be creating a fulfillment center in OV. Ohio's Tax Credit authority in Columbus, yesterday granted Kroger a major tax incentive to develop in NE Ohio versus Pittsburgh, PA. Kroger released a press release at that meeting entitled, "Kroger Fulfillment Network expands with a facility in the Cleveland region." No mention of OV. I am going to turn this over to Camille for a few minutes to more explain on this at the same time, I will be handing out the press release that was made by Kroger where there was no mention of OV despite what you are hearing in the media.

**Camille Billups:** I have had the opportunity to work with Kroger on this expansion opportunity over the last few months. We have been trying to make the business case of why they should choose Ohio versus PA. The process has been a really good one because they are a really great company. **\*unknown speaker-inaudible comment\*** **Billups:** We have been making the case why Ohio and that is a big part of what Team NEO has. The tax credit authority meeting is a pretty standard meeting for approving a job creation tax credit. I want to stress that the approval does not mean that the company has made a final location decision. I have example working in this field for about 13 years in which a company has gone all the way to the approval process but an agreement or contract has not been signed. They do this as an overall due diligence analysis and it's critical that they approval here. And also tonight, in front of Council, this goes into their overall analysis why they would choose here over another location. To be very frank, if the tax credit authority doesn't happen and the Council does not approve, this will probably not happen in Ohio. Not even in OV. That's me being very transparent. If you have any questions about the process, I am here to answer them. I'd love to take that opportunity. I am going to make the case about why Ohio. I was just on the phone about why they should choose Ohio because they have other options. **Mayor:** Kroger is proposing to build a state-of-the-art fulfillment center. One of 25 in the United States in OV. By transforming the grocery retail experience, this project will have a far-reaching impact on Cuyahoga County and NE Ohio. It will also have a tremendous influence on OV including a project investment of over \$110 million and a job creation target of 400 associates with an annual payroll of \$18 million. The company is also supporting a \$1 million donations over 20 years introducing OV youth to cutting edge automation, artificial intelligence and robotics. **(Referring to displayed image)** This is the project site, and we'll soon turn this over to Kroger. Here is 271 on the top, Alexander and Macedonia and here sits the building itself which will be about 270,000 sq ft and about 48 ft high and with accoutrements about 56 ft. **(New displayed image showing site plan of the building)**. If it was just the mound, you would see the building. We have more than the mound; 20 ft high evergreens. They will not be shade trees where leaves fall in the wintertime so you can see this. Notice this line where it takes you well above that building. You will not see this building on either Macedonia Road or Alexander. With that, I will turn this over to Chris Piper, the engineer for this project.

**Chris Piper:** I am with Kroger facility engineering, based in Louisville, KY. I have been involved with this project for 4-6 months now. Mayor has done a really great job explaining to you the high level of what we are proposing to bring to your community. As he mentioned, you have an over 200,000 sq ft building roughly centered on the property (referring to displayed image). In many ways, this is a warehouse facility but it's an advanced warehouse facility full of robotic automation. It will not only service the community of Cleveland, but reaching out to a larger radius; Pittsburgh, Columbus and all the areas that want groceries brought to their homes. As the Mayor has mentioned, we have followed the guidance of what the Mayor and your Council have developed and the vision for the property over the last several years. We are coming to this property, if you will have us, to bring you what you have already envisioned us doing here. We are not here to change the vision or the intent of the property. We are here to work with you and be a part of your community. There has been a lot of discussion about the mound. I think that is of a lot of interest to everybody. You have a mound there currently. We are going to maintain that. We are going to extend it. There is currently an open area in the north. We are going to extend that mound. The mound currently changes direction on the south around some of the existing houses. We will be clearing that out to make use of that land and extending the mound to the south. We are going to continue that mound in similar form to what you have now, and we are going to landscape that. It's going to be aesthetic and yes there is going to be a screen. That mound is going to provide a lot of benefit to us. There's been a lot of discussion about noise and about sound. We understand this. **Unknown resident:** 'BEEP BEEP BEEP BEEP' **Piper:** One, you are not going to hear that (reference to the beep sound made) **Unknown resident:** Can you guarantee that? **Piper:** I can guarantee we don't have backup alarms on the vans. **\*multiple voices posing questions\*** **Piper:** I am going to take a step back. I don't think we are at the stage to answer broad questions. I apologize to everyone. I think the Mayor has a structure he wants to follow here. **Mayor:** The procedure will be, Kroger will have their presentation, Ed Hren will have his presentation, I have a little to say and then the Council President will open this up for all your questions. Warren providing instruction to residents. Morgan adding additional instructions. **Piper:** On that topic of sound and I know it is of concern. The current arrangement is a very large open field. I imagine who lives close to facility is hearing noise off the interstate from time to time. I am telling you that I am here to stop that but I can tell you that the building I am here to build, is going to block a lot of that sound. We expect the effect is going to be a reduction in the level of noise you receive definitely coming off the interstate. So, between the building and the mound, we are going to have screening of the building. You won't see it. We have posterboards up here for everyone to see at the end of the meeting. One of them is this site line exhibit which shows the nature of the building. We have people that we hire. Professionals. I hire others that are better at this than I am. They know how to study these things. They do the geometries. We will work closely with the Village to ensure that what we proposed to build here which we have a proposal here conceptually. There will be many, many, many drawings prepared for this project. Your team will review those, and they will keep us accountable. We have the building elevations. (referring to site plan). These are the vans. This will give you a vision of what the building looks like. This the height of the building we would be bringing, and this is the nature of the vans (new pic). **Mayor:** One thing on the vans. They are 4 wheelers. They are refrigerated. They may smaller than some people's pickup trucks. **Piper: (back to site plan).** Clearly, you all have been talking about this. Truck traffic will be coming off of Alexander. We have an access road to the west side. That will be coming down to our facility. No traffic will be coming in or out of Macedonia. All our tractors and trailers will be on the backside (southside). The eastside will be out van walk and our van doors (building). There is not a lot of active movement. This is largely van parking and staging. The vans will load off these docks and then park before they head out with their daily deliveries. And employee parking is to the northside. These are your big picture components of it. The office itself will be here in this northern quadrant. There has been a lot of discussion as to what happens inside. So, yes, there are absolutely robots inside this facility. That is a big part of what we are doing here. But the robots work for us. We expect to have over 400 employees at peak inside this facility. A combination of those who move groceries in and out of the robotic components. Our drivers, our tractor operators and office management. Despite the robots, this is an employee centered facility. This a Kroger corporate promise. We are an employee driven company. The aesthetics inside the building we don't a slide of, but these are inviting spaces. We have an intent here to retain talent. For anyone who doesn't really deal with employee rollover, it's terrible for a business. We don't want to have employees come and go; we want employees who come and stay. That is the to success. This facility is employee centered. We want you or your family members and your friends to come work for us and enjoy the stay. And we, those of us that built it, are proud it is an employee centered facility. The boards that you see up here (referring to displays) represent years of work and we take pride in that. We will be around when it is time for questions. **Mayor:** One more question you can answer. What about the 18 wheelers? Where are they going? **Piper:** We did touch on that briefly. Not in terms of 18 wheelers but what I called the tractor traffic. They are going to come in from the west down to the back and be localized on the southside.

They do not sit and idle. They usually back a trailer up to the door; we open the door, and they turn the engines off. This is not a heavy trucking facility. **Mayor:** One thing on the vans is that they are new vans. The exhaust and emissions will be less than the Amazon trucks. Now to the operations manager, Josh.

**Josh Wiffler:** I am with Kroger as the network strategy project manager. I will discuss some of the operational metrics. I am not going to get into much detail but to paint a picture of this will work. As a reminder, 270,000 sq ft facility; approximately 400 employees. 200 employees will be warehouse and administrative staff and 200 employees will be fleet staff. We will have a van fleet of approximately 100 to 120. It's primarily busy from 6am to 2pm and at 2pm to 10pm. The busiest it will be about 6am-8am when the drivers are coming in and the vans are heading out. At 2pm when the shifts roll over and then about 10-12pm with majority of the drivers rolling back in or heading back out. One of the positives is you stay away from the 6am-8am and the 5pm-6pm. That works well with getting groceries to customers. **Mayor:** One of the positives of the van drivers. At least \$20/hr and no CDL. **Wiffler:** Great point Mayor. So, the van drivers do not need a CDL. You don't want to think of them as drivers but as customer service staff. The way the deliveries work is the bags will come to your house. There is a device the drivers have as they can execute any returns and make sure you are satisfied, and they head back to deliveries. Again, approximately 100-120 van fleet and the vans are typically parked here (**referring to image**). These are the van docks. There is refrigeration on the vans. We do not idle the van. We plug them in to power to save idle time. The refrigeration units are small; the noise is not immense. (**referring to image**) The question of how many there are. So, I have some rough numbers. Any numbers that I talk about is after "full ramp", which means from "go live". This in about 2 years after we break ground to 100% when the building is being used at its full potential. That is about a 3-year ramp. These numbers I talk about are in the future as demand increases, as the building is built down and as the teams are built down. It's not day one but is a slower ramp until we get to this point. The approximation for inbound (**product coming in to stock the facility**) is about 1 truck per hour from approximately 7am to 5pm. When you think about distribution centers and trucks coming and going, this is not going to be that. **Mayor:** This is the 18 wheelers. **Unknown resident:** How are the 18 wheelers getting out? **Wiffler:** We will answer all the questions when we are done but I will humor this one pic. They will come in and out in between 'plan west' (**referring to site image**). We will talk about that in more detail. That is the inbound tractor trailers and semis. There is going to be outbound at full capacity. The Mayor talked about different cities we will be delivering. This facility will utilize the hub and spoke method. This will be considered the hub (**referring to image**) and there will be spokes in other cities. None of them are finalized but let's use an example. Pittsburgh: An example would be an order is picked at this site, it is loaded on a semi and then sent to the spoke (which is Pittsburgh) and then cross loaded into delivery vans for deliveries. Those 'spoke' tractor trailers will leave between 1am and 4am. Again, with our tractor trailers, once they are backed up, they are shut down and not started again until they are loaded and heading out at the entrance/exit the west (**pointing to image**). At full ramp, that will be approximately 3-4 per hour for that time period. And the other hours would be 9am-12pm, there will be about 3-4 per hour also. Those are the 2 busy times in regard to the tractor trailers leaving the site at full ramp. From the operational perspective, that is what I wanted to cover. There are lulls in between those each of those 8 hour shifts when the vans are out and there is nothing happening externally, but inside is pretty busy. **Mayor:** On the vans, there is no beeping when they are backing up.

**Ed Hren:** We have been working on reviewing this site with Premier Development team for almost 4 years. When we look at sites, and although it's the responsibility of the developer, we look at utilities, grading and drainage, etc. The location relative to utilities and plenty of water. We have 30-inch water main on Macedonia; we have a 12 (inch) on Macedonia; we have a 12 (inch) on Alexander. Electricity, there is a variety of wires on Alexander Road and plenty of communications. We looked at the sanitary sewers. It is on the cusp of 2 different sanitary sewer systems so there is plenty of capacity. In respect of storm water, all development that occur within the Village in the last 10-12 years, are required to provide storm water management which actually reduces the amount of water that leaves the site. The big issue we looked at was traffic that would be generated at this location. Before Kroger proposed this site, we worked with the Premier Development team to have traffic impact study which ran from along Alexander to Macedonia Road across 271 all the way to Medusa. With that, we try to assume the worst-case scenario. For the purpose of this development of 28 acres, we assumed that there was going to be approximately 400,000 sq ft of manufacturing and warehouse space and 300,000 sq ft of office space. It's a big facility. Theoretically that would have fit on 28 acres and would have generated a lot of traffic. With that, we did a model of the corridor that ran from Medusa in the west (**referring to image**) all the way over to Macedonia Road. We estimated the volume of traffic that would be generated by a facility (400,000 sq ft manufacturing/300,000 sq ft office space) and we determined that based on the modeling, we determined that it would take an additional 600 trips in what we call the AM peak hour. It's the number of additional generated trips in one hour.



In the evening, that number was around 714 trips. Even with that number of trips, we determined that placing a signal at the intersection of Alexander and Fair Oaks, we would not negatively impact the traffic in this area. We used what we called 'level of service.' Currently it is a level of service B or C, and it would remain that with the installation of a traffic signals. By placing the signal at this location, there would be no negative impact on the traffic at this area. **Mayor:** No tax payors' money on this. Let's thank Executive Budish and Development Director Herdeg, as well as Team NEO for covering that entire cost which will be about \$300,000. **Hren:** And we also have to thank the Ohio Public Works Commission. They are contributing about \$750,000 to this project. With that, before Kroger was on the scene, we worked with Premier Development and the Village Council to apply to the Ohio Public Works Commission (OPWC) for a reconfiguration of this intersection which would include lining it up with the driveway that Kroger is going to have. We will be placing a signal at this intersection. We will also be resurfacing this entire stretch of Fair Oaks from Alexander Road to where it hits the Broadway ramp from 271. That's a project that we are working on right now. We are working on the design. We expect to break ground by July 1<sup>st</sup> of this year, and we expect to have that completed by the end of this construction season. As the Mayor indicated, that is all being funded by outside agencies. This signal here (referring to image) to make this the most sufficient signal possible, will actually be coordinated with the signal at South Oak Leaf Road and Alexander. There will be no backup of traffic across the bridge. The other thing is we are currently we have applied to the OPWC to also resurface the marginal road-Oak Leaf Road-on the west side of 271. We are actually being considered for that funding. We will find out more in May of this year. In the future, we are looking to working with outside agencies to secure additional funding to provide an extra turn lane starting at the Oak Leaf oval, near WM and extending all the way to Alexander Road. That would allow for additional traffic to be handled there. So, there is a lot of improvements that are being made. But the most important one for the purpose of this meeting is assure you that the placement of this signal at the intersection of Alexander and Fair Oaks, will prevent any type of negative impact to the traffic that currently exists at that location. **Mayor:** One last point on vehicular traffic, and that is, other than making deliveries to the residents in OV, those vans will not be on the residential streets as well. They will be taking either Fair Oaks or Oak Leaf to get in or out and then getting back on 271. Other than deliveries to residents, you won't see any of these vans on residential streets. How's OV going to benefit? The Kroger people have guaranteed a payroll of \$18 million per year beginning in the 3<sup>rd</sup> year through the 15<sup>th</sup> year. That translate to income tax revenue of \$450,000 a year. Robots are not taking over. If the payroll is \$10 million or \$15 million, they are making up that shortfall. This is guaranteed to OV. What a magnanimous gesture by Kroger. Additionally, from this building, on the TIF, we will be getting back \$165,000 a year. So, the total from the 3<sup>rd</sup> to the 15<sup>th</sup> year, is \$615,000 a year to OV. By far, the largest amount. Nearly double the of the next company in OV. Guaranteed. This will continue to make OV at least the 4<sup>th</sup> lowest property tax in the county. Another component I was excited about is the carrying over of our education program and our summer camp. We have been able to unleash the creativity in our youth by having the types of classes and curriculum that they have been able to take advantage of over 10 years. Up to now, it had been 8-year-old to about 14-year-old. Now, we are going to concentrate on the 10<sup>th</sup> graders, 11<sup>th</sup> graders and 12<sup>th</sup> graders because of what's going on in schools. That is where we are going to concentrate on and stress on the areas that are going to be in demand in terms of careers in the next 3, 5 or 7 years. The public schools are not cutting it. That is why more interest in the private and the catholic schools. We found a big difference in what is going on in our classes. Some of the classes that we are running tying in with the Cuya Community Math website that is best nationally, we have *designing your own apps, robotics and electrical workshop*, all tying in with Google. What is interesting about Google is you can travel anywhere in the world and be where you want to be. We will have to students studying where they are going and narrating on where they been. But in addition, math. We have a lot of different courses in this one curriculum. We have them tying with UH so they can be seeing the career opportunities in hospitals. It is time for the schools for allowing for students interested in the fields to be going out there and see the opportunities that are available. This will all be different than what you are seeing in the public schools. **(displaying images of students)**. Again, remember that Kroger will be providing about \$1 million over 20 years for us to keep these glasses going. Right now, we are using Mount Zion for some of their facilities over there.

**Warren:** Instructions to residents for questions portion. **Resident 1: \*inaudible name\*** I have 2 questions. One of my granddaughters is 7 now and we couldn't qualify for the camp last year. Now that she is turning 8, we are really excited about coming to the camp. So, am I hearing that the camp will not be extended to little ones anymore? **Mayor:** It will be both. **Resident 1:** With people living in OV, will they have priority in terms of hiring? **Mayor:** WE would like to invite on of the people who are here today who will be involved in hiring particularly the van driving jobs but also the other jobs at the site. Right off the bat, you are looking at 50 jobs for van driving with no CDL. You will eventually have 120-150 (vans) but also 100-150 working in the facility itself. Our Council President will assist Kroger in hiring. **Resident 2-Pat**

**Rogers** question for Ed Hren: When I was looking at the traffic study, you are going to have traffic going down Fair Oaks but then have traffic trying to get off 271 right there as they head up to Broadway. Then the traffic from Kroger is going to have to turn to cross the bridge to head south. How is that going to impact? **Hren:** After I completed, I should have clarified the difference between the volume of traffic that we are looking at. The Kroger facility is 270,000 sq ft as opposed to 700,000 sq ft of the mythical development that we placed in there for the traffic study. As indicated, we always use the worst-case scenario. There you roughly have a factor of 2 ½:1 so you would assume the difference in trip generation would be similar. I worked through those numbers with Josh (Kroger). We went through the actual vehicles that once this is fully functional will be exiting or entering that facility. As a summary, it starts about 4am. You get about 22 vehicles in there between 5:30-6. Between 6-7 you get 100 drivers show up with their personal vehicles. Then between 6:30-8, they have 100 vans exiting the facility. Two things I want to point out. One, that is a peak of about 100 vehicles per hour. So, there is a difference with a factor of 6 or 7 between what we estimated in this traffic study. So, just the sheer volume of vehicle in what we assumed in the traffic study versus what will be generated is significantly different. The other thing that is important to recognize is typically your peak AM hour is usually the 8-9 o'clock hour. A lot of these trips that are generated at this facility is actually before that. The peak numbers, 100 drivers (employee) and 100 vans leaving, all happen before 8 o'clock. So, with that not only is the impact less than what was anticipated, the time that this impact occurs is before the peak hour. There will be no problem with the intersection traffic. **Rogers:** I guess we will see. **Hren:** Realistically, we know when we have the peak hours. We drive in every day. 8-9 is usually when you have the peak jams and by that time most of the traffic is in or out of this site. Not only modeling, but intuition would tell me that there is not going to be a problem.

**Resident 2-Dave Schuster:** I am a Ward 4 resident. They had a special election back for all this a couple years ago. We were told it was going to be office space. This is not office space. I don't know how many people are here from other wards, but they had a special election for us. And it passed. We were told no noise, no this, no that. I admire Kroger for what they are doing but this is not what we voted on and this is not what we passed. I think we are being misrepresented and I am sorry for being the troublemaker. **Warren:** You are not being the troublemaker. You are a resident that has the right to speak. The reason we are here is that this was proposed to us just as early as you found out about it and it was contrary to what the intent was for the rezoning of that site. But what we anticipated was office buildings. This is why we insisted on having this public hearing, so that any resident that has any issues or concerns could speak. There was no intent on deception at all and I can guarantee you that from me or anybody else here. It was anticipated that there would be offices and that is why we supported it. We do know that there has been a transition of employment since COVID and this is what the Mayor is explaining to us that the theory was entertained with this Kroger development was contrary to what the original intent of what the zoning was for. **Mayor:** The idea of office buildings was pre COVID. Clearly, you see a radical decreased interest in office space in NE OH in general. From what was promised, the key was revenue. How can you argue with \$18 million in guaranteed money which generates into \$615,000 a year to OV per year from the 3<sup>rd</sup> to the 15<sup>th</sup> year? We assured them there are not going to be tax increases. The promise was no traffic to enter that site off of Macedonia. What if you had had housing there like we may have had? The people of Macedonia would not have like 40 houses there with all the traffic going in and out. The other thought was a church. Imagine that as well. You have to have a vision when things change to go with that vision. You have to change with the times. **Resident 2:** I want to get a permit. I want to put up a house. I am going to build a restaurant. What are you going to tell me? You can't do that because I told you I was going to put up a house. You told us you were going to put up office space. **Mayor:** On that property, absolutely. I am going to give you an example. The property taxes that OV would collect on 41 homes on that site at \$165,000 a home, they wouldn't be higher because of 271. However, the \$165,000, you know what the property tax is to OV? \$8,000 a year. Not \$615,000 a year. **\*inaudible-multiple voices\*** So, times change and you have to change with the times or be left.

**Resident 3-Pat Malone:** Mayor, you have done good things, but this is wrong. I want to let all the residents here that are in Ward 4, our Council representative cannot vote on this. She has no vote. She cannot talk about this. I know this is a state law, but why couldn't get someone to sit in her place and represent us? Is that also against the law, Law Director? **Climer:** There is no provision in place to replace a sitting Council member midterm. That is the reason why there is no one sitting in her place. With that said, the remainder of Council is here to represent the Village as a whole. **Warren:** Not only that, most of these council members if you get to the end, we will not have any more response to this than any of the residents that raised their hand. So, having a person instead of our councilperson, Mrs. Davis, to sit up here, but everybody here has a right to speak with the exception of her. **Resident 3:** I apologize, I may have used the wrong term; replaced. I just meant someone to sit up there and represent us. But I guess that is against the law. I live on Drake which

comes right by Fair Oaks. We have put up with dirt, dust, noise, all kinds of stuff from 271 and now we are going to do this with these trucks. Tractor trailers make noise. I don't care how much concrete or whatever you are going to pour will replace that. But I hope it is very soon because driving down Fair Oaks is like driving down a mine field. You cannot go fast. You are going to lose a tire. Like I said, Mayor, you have done good things but this is just wrong. You have gone from houses to offices and now to this. And you didn't even let your council know until the last minute. I was at the meeting when you said we have this on board. You couldn't tell us what it was; who it was. Everything was so secret. It sounded very underhanded. **Mayor:** It was a legitimate question. The point was until I could get the guarantee from Kroger, I couldn't promote this. Only then could I bring it out to the public. **Resident 3:** But what about your council members? **Unknown resident:** It was on the news yesterday. **Mayor:** And we answered that. It was some of the media jumped on **\*inaudible-spoke over\***. This isn't a done deal until the council makes the decision. **Resident 3:** Thank you, Mayor. And what about the trees and everything to block the noise from us? Is that still in the making? **Mayor:** It will continue on this spring as you have seen it. You have seen in on Macedonia and Broadway. **Resident 3:** I don't care about Macedonia. **\*inaudible-multiple voices.**

**Resident 4: \*inaudible name-multiple voices continued\*** Ward 5 resident. The 18 wheelers. There is a factory on Free Avenue, every morning about 6 o'clock, those semis back in there. I am up, thank goodness. I cannot say everyone on the street is up but you can hear those 18 wheelers right away. They will have more 18 wheelers coming down Oak Leaf and that noise will be there. We have also the freeway noise. You hear everything in those houses. Trees are not going to stop that noise. You need something that is going to reflect that noise off of the street. **Mayor:** She is talking about Linear Logistics who used to be where Maines was. They have more 18 wheelers than there is going to be with Kroger. **Resident 4:** We are talking about Free Avenue and the people that are going to be in front of the warehouse and on the side of the warehouse. **Mayor:** There are going to be some plans in the next 30 days. There will be an announcement of what we are going to do with Free and Wright in the backyards of those both facing Interstate McBee and Oak Leaf. **Resident 4:** The other thing was when they voted for the building to be put back there, you put a scare in the people saying that if they didn't do that, we would have to start paying the trash and everything. Years ago, we voted if that recycling place came in there, they could not charge us for trash. Next thing you did was raise the taxes a quarter percent. **Mayor:** The WM deal was long before I was.... **Resident 4:** But it's still on the law books so you can't use that threat to people. And then the people jumped saying they aren't going to be paying for this, so they voted for it. Because of that recycling place, the rodents are so bad. They will be at the Kroger building. Rodents smell stuff and they come from wherever. **\*inaudible-multiple voices\*** **Mayor:** Like I said, you are going to see a big change with the landscaping and mounding over there. But secondly, let's thank Paul with Executive Budish and Team NEO because we are applying for a grant this summer for Oak Leaf. First, we have to do Fair Oaks. **Resident 4:** What about North Lane.... **Warren: \*interrupting\*** This special meeting is only for the Kroger development. **Resident 4:** This is the Kroger development because they are going to use Oak Leaf and they are talking about putting something on North Lane too. Because I guess the excess traffic will be coming into Wright and Free Avenue. **Mayor:** No North Lane opening. I don't know where that came from. **Resident 4:** You had I colored on the picture. **Mayor:** Just leave your name and phone number here and I will answer some of those for you.

**Resident 5-Shirley Stevens:** I love the crowd out here and I know there is somebody here representing every Ward. Because if we voted on that office building, then we should vote on Kroger. I am an accountant. Numbers mean nothing to me. I know when you say your going to give me \$100 million trillion, I know it's an estimate. You give a number with the intention on changing it. Nobody is trying to give money away. It costs money to operate. You have costs. Those numbers are not etched in stone. That's why you try to get as many numbers in the plan as possible. It's a fact. I want to know if all these numbers are in stone. Because at the last meeting I was at, things were being bunched around and pushed around. Everything was changing, changing, changing. I wanted to know is it in the agreement? What's going to be put in? You don't pass the agreement and then put it in. You put it in first and then you pass. **Mayor:** It's in the agreement. **Resident 5:** All I am asking is that you treat us fairly. Because in Ward 4 and in my ward, Ward 2, I do not have the time to do the calling. And the people that I did call knew nothing about it. Then, they want to know, where is the office building? That is their question? This that was passed out, they didn't know what it was. Just treat us fairly. Let us vote on things. That's the American way. **Mayor:** I am wanting to underscore; it is in the agreement. That's why I couldn't come before the people or council until I have a guarantee from Kroger.

**Resident 6-Amy Maddox:** Earlier, it was mentioned that we are not going to see this at all from Macedonia or Alexander. My question revolves around the wooded lots that extend around Alexander to this property that was completely torn

down. It was mentioned in the last meeting we had that you are going to be putting trees back up. But specifically, are filling that entire lot or you just lining it with trees? Because if you line it, you are still going to see all the way back to that building? **Mayor:** That is a good point, and you will not be able to see that building. It's not just being line. And in fact, Kroger is not going to be responsible for that. Premier will be responsible for relandscaping the former Yarrowborough property which everything was torn down. I hear what you are saying. You will not see the building from that property which is wide open.

**Resident 6-Malinda Hart:** I would mention that most of us have received a notice from the Board of Revision stating that our property evaluation is going up, therefore, our taxes are going up. I happened to have printed off the exact agreement that Kroger is making with OV. Everything they are offering is very beautiful. Did I read this contract to say that this company is going to have a tax exemption of 75% of the appraised value of their property for 15 years? Which means whatever their property is worth, they are only going to pay 25% of the value of the taxes for 15 years. This would explain why they can enter into all these programs because they are going to be saving a bundle of money. And the fact that they are going to put \$1 million dollars in 20 years into something that is only \$50,000 a year, they are saving more than that on taxes. Did I read the contract correctly that they have a 75% tax exemption on the appraised value of the property for 15 years? That is my question. **Resident 5:** Let the Council answer that. **Mayor:** The answer is yes. **Warren:** Let the Mayor.... **Resident 5:** I want the Council to answer that question. **Warren:** You don't call this meeting. **Resident 5:** I want the Council to answer that because at the last meeting I didn't feel like you were up to your job. I want Council to answer that. **Warren:** Mayor, please answer. **Mayor:** The answer is yes to that. The 25% that is left is the balance that would be going to the county. But again, OV get about 6% of that and the schools get 66% and the county total is 33%. But your answer on the CRA is 75% for 15 years.

**Resident 7-Mr. Brown:** I am directly across from the landfill. They have trucks in and out at 3 o'clock in the morning. I am awake by then. But there is very little noise we get from the landfill. If somebody gets to hammering on stuff and it disturbs me, I call them. It quiets down immediately. So, you're speaking on the tractor trailers. What are we going to do? Are we going to sit here going back and forth or are we going to do something to increase the monies coming into the Village? Thank you.

**Resident 8-Jessica White:** I have a couple of questions. First, I was surprised to hear about the 75% tax abatement. Another thing, you keep saying 3-15 years. What about the first 3 years? They won't have to pay any taxes? **Mayor:** No, they won't have a payroll of \$18 million. It is not fair to be penalizing them as they are working their way up. So, the first year might be \$10 million; the second year may be \$14 million. The 3<sup>rd</sup> year, they have to be up at \$18 million or they make up that difference. **Resident 8:** From what I am understanding, this is a done deal number one. We can sit here and ask all the questions in the world, it's done. Number 2, I just noticed that Ed Hren said something about Alexander. I didn't know Alexander had storm sewers. Ed Hren, do we have storm sewers on Alexander? No, we don't. Believe me I lived through it to know, and I have a back problem to testify about. So, when this building goes up, all that storm water is going to back up and get on Alexander Road. Is that a question I should be asking? Because there have been dozens of times where I have been in my basement where I got tired of waiting for you people to get me out of water. If this builds up, that water has to come somewhere. Correct? If you block it with all this dirt, where is it going? **Hren:** I can appreciate where you live. You say there are no storm sewers, and I will take you at your word. But you have to understand, this is Alexander Road here (referring to image). The topography of this site slopes toward 480. Two things I want to point out. None of this drains to Alexander. **Resident 8:** You sure? Because if you put a mound up, that water is not going to get past that mound. **Hren:** There is no mound. The mound is on Macedonia Road. This all drains this way, comes down here. This site, everything drains to 271/480. Secondly, I told you about our storm water management ordinance. When a site like this is developed, we take all the water and we run it into a basin. They are not ponds. What happens is all these hard surfaces where the water would run off, there would be a lot of water if we didn't catch it. So, what we do is we build these basins. The water goes in there, it sits in there and it drains slowly. **Resident 8:** One question for the Mayor. I agree with you about Montgomery Ward. That used to be one of my favorite stores. Kroger was too, but it didn't last.

**Resident 9-Sharron Murphy-Williams:** I probably live the furthest from the track. I live in Ward 2 but I am an OV resident and what vexes OV, vexes me. I am telling you in all that I heard, that 75% took me for pause. But I didn't stop. Any time a resident feels the deal is done, then my Council, my Mayor, you weren't fair to us. Because we should never feel like the deal has been made on our behalf until we discuss what our behalf might be. So, that's my point. The time is

relative, I get up in the morning and the busses are traffic. What does the trucks do with the school busses at 7 or 8 o'clock? That's kind of peak time for most of the businesspeople I know. We are jumping on 271; we are trying to get on Forbes; we are trying to get wherever. So, peak time for who is this based on? And I will say, never believe there won't be a traffic jam. We know coming across our freeways, those trucks can't make those right turns or left turn. Only widening so you don't crash my car. Those are the kind of challenges I see that we could have and the only thing I can say is, let me know that is a possibility and omit telling me it won't happen. Because when it does, then you lose your credibility with me. **Mayor:** It's interesting that Dr. David Jeremiah, a famous national pastor. What a profound statement he made when he said, "Beware of good intentions." Legitimate question but remember that the majority of that traffic coming out of that site is not going to be in residential areas. It's going to be on Fair Oaks and Oak Leaf coming in and out of OV other than deliveries so there should be no problems for school busses. Additionally, regarding Forbes Road, we are going to be having a no trucks enforcement with a sign on Solon Road going south on Richmond and we are going to have a no trucks enforcement sign on Forbes Road at Richmond Road so nobody will be going west in addition to what we are doing on Alexander Road. That should answer two of those questions for you. But honestly, the impact study was not done by our own engineers. It was done by a traffic survey company they hired out. The impact was very clear. A lot less vehicular traffic from this site.

**Resident 10-Debbie Havilan:** I live on Macedonia and my question is to Council. I am in possession of a ward map when the original zoning was done. When that was done in Ward 4, right about here (referring to displayed image), is what is called a paper road. It's dedicated and was intended to be used by residential homes when they were built. By dedicated, I mean that someone wants to open it up, they can open it up. So, I would like to know, what is happening to South Lane? Because to me, that is access to this property. **Mayor:** She is right with that, but it is no longer in existence. It can't be used. In the development agreement, it's very clear, there is no use on Macedonia Road to enter this site.

**Resident 10:** My neighbor spoke to me when you went house to house about what was going to be built here. And they told me in such detail that you must have sat in that house 40-45 minutes to get those votes. And what this gentleman said is true; you did not tell us it was going to be something like this. I am going to ask Council to please look into South Lane. Make sure it is undedicated and removed because I don't want to see this kind of traffic coming out on our road. The other question I had, was this lady talked about another area of Alexander that was cleared. This is just ingress and egress in and out. There is no other road? **Mayor:** No. **Resident 10:** Then why was it cleared like that? **Mayor:** Initially for 2 reasons. At first it was thought to be used for emergencies and then when Premier still had it, they were looking wanting to lease a stormwater management only. That was it. No longer was it being considered. But as importantly, your first question, it was dedicated and meant for that. Ed Hren will answer that question. It no longer exists; it will never happen. **Resident 10:** I have the map that says so and I have talked to Council people that have never heard of it before. **Climer:** South Lane has been vacated. It is no longer.... **Resident 10:** Can you send that to me in writing? **Warren:** We can have the Council Clerk send that if she has your number. **Resident 10:** I'm not done. I agree with the fact when our Ward voted for this. The whole community could have said this, but Ward 4 said no, then we could have stopped it. My neighbors didn't want to do that because they believed what they have been told. That's a very important part of what is happening here. Question 2: I grew up in a food establishment. My father had a diner, and I am very familiar with rodent problems around food. I am letting our Council know there could be severe rodent problems on an operation like this. And if you don't believe me, please check out Shaker Square. Find out what happened there. Their rodent problem got so bad; they are considering wiping out the whole square because they can't get rid of them. So, I would like to know what the Village will do to ensure that from us. **Hren:** I want to confirm what the Law Director said, South Lane has been vacated and it is filed with the Cuyahoga County Recorder.

**Resident 11: Lynn Alston (or Auston) 7478 Painter Road.** My street runs about 100 feet from Fair Oaks. I am the first house from Alexander. We have to listen to those garbage trucks every day at 3am. They hit these holes and it sounds like explosions every day. We have regular traffic: cars and semis. And now we are going to have more semis? That's ridiculous. I am reminding you I am a resident. You said there is no residential area where trucks will be allowed. Well, right there on Fair Oaks. Okay, we only have 7 houses on our street but we are still residents. I was here in 1992 when you ran for Mayor. That's why I call you Gary. The second item is, I work for a food distributor company in Macedonia. We have 100 people there; 50 of them are truck drivers. We have 15-20 trucks that are dispatched everyday at 10pm. Once the trucks leave, it's one right after the other till 2-3 in the morning. Where are the trucks going to get fueled? All those vans that you claim are there, are they taking regular fuel? How are they going to get fueled? My other point is, my company is a food distributor. **\*inaudible-speaking too close too microphone\***. They come in weekly to take care of rodent problems. You have 2 **\*inaudible-speaking too close too microphone\***. That's what I want to know

about. **Mayor:** I couldn't understand what the question was but I cannot underscore again; there will be very few semis over the day and the times they are concentrating coming in and out of here. There is going to be a big difference when Fair Oaks is resurfaced so you won't hear all the vehicle going over the potholes. That will be starting in July and before the end of the year, we are applying for a grant for Oak Leaf. That will make a big difference. **Resident 11:** Is Painter Road going to be included in that? **Mayor:** Ed, is there going to be a stormwater situation over there on Painter where we are putting in water for sanitary? **Hren:** No. We are looking at a couple different areas where we are going to extend the sanitary sewer that hasn't been etched in stone. **Mayor:** Remember at one time, I asked the people on Painter if they were interested in the walls and they weren't. **Resident 11:** That was years ago. **\*inaudible-several voices\***

**Resident 12-Tom Kormanec 23307 Alexander Road:** I just had a couple of questions. I was at the meeting last Tuesday and you guys were supposed to get an updated version of they new agreement was going to read because there were a lot of problems. Have you received that? **(no verbal answer heard-but answer is believed to be yes)** **Resident 12:** Okay, so my second question is how would I obtain an updated agreement? I am Ward 4 resident, and I am going to keep this real brief. But when we had the opportunity to talk about issue 54, it was guaranteed that it was result in \$10 million in income and tax revenue over the next 10 years. None of that has happened. The new traffic signal on Alexander and Fair Oaks was supposed to be paid for by the developer. That never happened. I don't have a mound in my backyard and my backyard butts the property. So, I would like to know where that mound is coming from if the Kroger thing does process. And not to be greedy as a Ward 4 resident, as part of issue 54, it was guaranteed \$135,000 a year for 5 years to the residents of Ward 4 for exterior home repairs. And that got canceled last year. **Mayor:** Because there was no more revenue coming in. **Resident 12:** But that's not what we voted for. **Mayor:** You have to have income coming in to support that. **Resident 12:** The promise should have been made. And then the last point I would like to bring up is that there was a blueprint of what was voted on. To my count, there were 8 properties or portions of properties that have been acquired passed the voting on issue 54. That stuff doesn't get grandfathered in. That needs voted on. So, all your site maps that you have here, those are not valid. They are not what residents voted on. **Mayor:** It only counts the 3 that were taken down on South Macedonia and the 4 that were taken down to allow for the entrance and exit of the project site from 271. **Resident 12:** No, there were 2 that were next to 271. So, the other two to equal were not part of issue 54. **Mayor:** One of which was a drug house. **Resident 12:** And the vacant lot; this must be the neighbor that I never had the opportunity to meet that live on Alexander Road, talking about the clear-cut woods. That was not part of issue 54. That was purchased after issue 54 was passed. I guess you have the right to clear cut it if you own the property, but that doesn't count for anything anymore. That's not part of the map. **Mayor:** That is being corrected by being relandscaped. **Resident 12:** And I sold a strip of my property in the back to make it easier because I like Premier Development and I like you. That does not become part of the new site plan without the vote by the people. Because that is not what the people voted for. **Mayor:** Those 4 lots have to be rezoned by the people. But Kroger is not using those lots. Premier would like to have another development. But the key is, the open lot you are talking about is going to rezone with \$75,000 allocated to making it right. Plus, you are not going to see the building in the back. **Resident 12:** And I think Council should get the updated and total version before they vote. **Mayor:** And they will. **Resident 12:** And I think the residents should have access to that whether you have to go online or whether if you live in Ward 4, it should be mailed to you so that you can contact the Council people and they can speak for ya. That's all. **Mayor,** you do a fantastic job for this Village, but this one is not working.

**Resident 13-Francis Pickett 7456 Oakhill Road:** I live in Ward 3. My husband and I have lived in the Village for 55 years. I have 3 questions. I received a green flyer on my mailbox, and I did not understand it. It was not written clearly. What was the emergency? I still don't understand what the emergency is or was. **\*inaudible-multiple voices\***...were supposed to abandon their project. I wish you had said that in the flyer. **Unknown resident:** They changed. **Resident 13:** When? So, what happens if Kroger has problems, and they are gone in 2-3 years? How do we know they are going to make it for sure? We don't know that. Some of us lose our children. We don't know they are going to grow up. **Mayor:** Again from (years) 3-15, they have guaranteed to the State of Ohio that they will be here at least 11 themselves. **Resident 13:** And is the Village going to have a vote on this particular project? Because if it was going to come forward, I think the residents should be entitled to vote on the whole thing.

**Resident 14-Tom Jones 7549 Macedonia Road:** I am your new neighbor. I just closed on a house on Macedonia Road right across the street from those trees and wall they are putting up. I gave my earnest money and 2 days later I see them drilling across the street. I closed a couple of days ago and so this is all brand new to me. This all looks good if that's the picture. As long as no traffic is coming down that road, that's what I want it to be. Looks like a very good thing. Do you

know what the decibel units are going to be? **Wiffler:** I don't the number of decibels in pocket. The van reefer units are much smaller and they are much quieter. **Resident 14:** Are they run by diesel? **Wiffler:** They are electric. **Resident 14:** Then, we're good. **Wiffler:** Just to clarify, the reefer units are electric units. They run either on engine power or they can run stand alone when they are hooked into the power cable. They are not horrendously loud. **Resident 14:** Will these units be staged? **Wiffler:** They will but not for long periods of time and that is when they are plugged in for an hour at the most. **Piper:** As time goes on, it's going to be blocked out more. We are going to extend the mound but as Josh said, the vans are on power. We will have stand alone power stations out in the parking lot to power those reefer units. The engine will not be running. That is the side it is facing (referring to display image). **Resident 14:** I am not unhappy, but these people have a lot of other issues with other people.

**Resident 15-Nicole Goode North Lane:** Someone clarify for me. I heard \$1 million donation but where does that go to and I want to know was that connected to our summer activities. And what is the data to support the gain for Bedford City Schools. My next question, is there an impact study on rodents? In your other hubs, what was done and what is the plan for prevention and follow-up? **Mayor:** On the question about the money coming in every year-the \$50,000-that goes the recreation department and then it goes to the summer camp. 20% at the most would go toward scholarships and the other 80% would be devoted towards the programs for our younger people as well as not the older youth. Not only that, Interstate McBee will be giving us about \$200,000 over the next 10 years for the same summer camp program. You are going to see this gain momentum as more parents are realizing in order to leave a legacy for their kids, the U.S. public schools are just not cutting it. This is going to be a great enhancement and we are looking forward to implementing it. Regarding the rodents, as we are dealing with WM now, we are going to absolutely insist that all the 10 doors have to be closed with the exception of when it is operating.

**Resident 16-Ben Sizemore 25091 Garden Road:** How is your place doing down in Plain City (Kroger Hub) right before you get into Columbus? All these people don't want to be run over. They just want to be treated fairly. We have a great Council. All we are asking is to be treated like human beings and that is all we want. Just be straight with these people.

**Resident 17-Ryan Sanders 7371 Oak Hill Road:** What needs to happen to make this a public vote so the residents could vote directly...? **\*inaudible-speaker faded\*** **Climer:** There is no provision that I am aware of to make this a public vote. It is a matter of municipal contract, and I am not sure there is a public provision for public vote. **Resident 17:** How are you reaching out to your individual wards and see how they want to vote on this? **Warren:** Just to let you know, the voting component on this has already passed. Unfortunately, we were not issued all of the facts of the agreement and as of today, still don't. So, I am not in the position to do anything even though my position is trying to feel out the residents because like I said, a lot of the stuff that unfolded was a much news to us as it was to you guys. That's why I insisted that we have a public meeting just to discuss this specific project. It was to see how the residents feel so they could express their concerns about this project. I won't insult anybody to say that you have already made up your mind. **\*inaudible-someone knocked speaker off the table and it was banging on something\*** There is no vote or potential vote until we do out diligence to look at the agreement. At that point, we will have a greater understanding of what needs to be done or what should be done.

**Resident 18-Joan Sanders 26344 Morninglory Lane:** My problem is when we voted for this, we voted on the rezoning to be for office buildings or warehouse. And if that changed, shouldn't we be reconstructing this zoning because I didn't vote for that. **Warren:** This isn't about rezoning. The rezoning was done back in November. **Resident 18:** Then what did we vote for? **Warren:** You voted to allow the development to change the zoning from residential to general business. This is why we supported the changing of the zoning the create the revenue so that we could move forward in the future. **Resident 18:** And that is what we voted for. But this is not what we voted for and if we didn't vote for this somebody should have come to use and let us know there was another proposal. **Williams:** I think what is not being clarified is when you voted, you voted to include light industrial. So, because it included light industrial, it allowed for this project but it was not what you thought was going. But it did include light industrial which is not being clarified. **Resident 18:** Okay, I didn't know it was light industrial. **Williams:** It included office buildings and light industrial, so it allowed for something like this to happen. **Resident 10:** This is in reference to the 18 wheelers. Your little guys there are cute, and I know they will be zipping around a lot but your business operates 24/7. Am I correct? **Wiffler:** We consider it 23/7 but the bulk of the operations are what I talked about earlier with roughly 6am-10pm with 2 different shifts within there. The 23/7 operation is internal picking. There is maintenance so it's not dock operations or yard operations. **Resident 10:** So, I want to know more about the 18 wheelers and when they are coming and going and the frequency of



them coming and going. Clearly, your trucks, according to what you are telling us, which you have to understand we were told things before as you can see. But the 18 wheelers have the beep beep beep. I don't want to live like that all night long. I know that much of your traffic coming in the with the semis would be in the middle of the night cause it's a 24/7 operation. **Wiffler:** So, could you summarize the question you are asking? **Resident 10:** When do the semis come with the deliveries? **Wiffler:** During the day, deliveries are roughly 7am-5pm; about 1 truck per hour roughly. Then when we open a spoke-when I talked about the hub and spoke combination-that could be... **\*inaudible-coughing near mic\***...departing the facility at approximately 1am-4pm at full ramp and again at approximately 9am-12pm. **Resident 10:** So, what is happening between 12pm-6am? **Resident 2:** They are coming into the business to get ready to get unloaded. That's what's going on. **Resident 10:** What is going on between 12am and 6am? **Resident 2:** She wants to know if you have an inbound driver coming in with a refrigerated trailer? We are not worried about Kroger's equipment. That's quiet or whatever. We are talking about the independents coming in with the long back with the noisy a\*\* units. I worked on them for a lot of years. They are loud and that's why I'm loud because I have a certain amount of hearing loss because of them. That's what I think a lot of people here want to know. They are not worried about Kroger small stuff. They are worried about the independents coming in and you're saying 1 an hour? You guys have a 270,000-foot warehouse that.... **Wiffler:** Let me clarify that. So, this is a fulfillment center, not a distribution center. What I mean by that is that these are customer picks so our days on hand is 3-4 at the most; not 30. There are not full truckloads of strawberries coming in. These are multi-sku trailers coming in with small quantities. 12-15 baskets of strawberries next to 12-15 cantaloupes. Everything coming in is Kroger stuff from Delaware. These are Kroger drivers and are not independent people coming in. There may be some direct store deliveries, but that will be the Doritos truck maybe and we have minimized those as much as possible. **Piper:** Think of these like several stores in one building rather than a distribution center. **Resident 10:** So, it's not a 24/7 operation then if nothing is happening from midnight to 6am. I am not finding out what is happening then. Are the robots working? I don't know. **Wiffler:** Let me finish here because I may have butchered the am/pm explanation. From 1am-4am, there will be vehicles leaving the facility-18 wheelers-going to the spoke. Once at full ramp, it could be upwards of 3-4 per hour, not 18 an hour. There are some 1am-4am operations. **Resident 10:** So, we are having a lot of movement and it's not the little guys (vans). Just so we know. **Resident 8:** So, just to clarify, from 1am-4am is when we will hear the beeping from the semis, correct? **Wiffler:** My understanding is the vans do not have the back up alarms and the trucks I cannot say for sure, but we will look into it. **Resident 8:** So, yes. With the small vehicles and the building in general, there going to using a lot of electricity and power. Where is the specifically is this power coming from? Where are you connecting to the power grid? **Piper:** It will come down Alexander to our access road is the current intent. **(showing on image display)** Most utilities will come down our access road to the facility. Our primary electricity is anticipated on the freeway side. Our primary and our backup generators will be facing the interstate. **Resident 8:** So, your whole building is going to be powered by that one corner of the building? **Piper:** It will come through that main electrical switch gear on the side. **Resident 8:** There is no chance that anything will be coming through any other part of that building? And you potentially have to connect to any other power lines off of Alexander. It's just from what you need coming down that driveway. **Piper:** That is the current intent both primary and secondary. And we will have onsite backup generation. **Resident 8:** And if that plan changes, are we going to be notified or are you just going to do it. **Piper:** The electrical utilities are part of the primary design that is submitted before we even begin construction. Once we submit those plans to the city to Ed Hren and Dan Marinucci and they approve them, we are not making a change that substantial to those plans without stopping and starting over. Primary utility is a substantial, critical component of the site. We are not just going the change it. **Resident 8:** So, we don't get any say on those primary plans? **Piper:** Your building officials do but it does not go to you. **Warren:** They do not submit plans to the residents for approval for where they get their utilities. **Resident 8:** When you do put in your primary plans and you change your mind from now until then, and you decided "oh that is right next to my house. We want to run electrical through there..." I am not going to get notified before it gets approved? You are going to approve it and do what you want. **Piper:** That is the process of your building department is for your building department to speak to you. But I don't get to make that change without resubmitting back to Ed and Dan. **\*inaudible-multiple voices\*** **Warren:** Any and all plans will be reviewed by the building department. The number one thing is that we make sure no plans offer any discomfort to the residents in our community. We have hundreds of millions of dollars invested in OV in the last 20 years. The businesses coming into OV thought we were a desirable community to come here. They are not the ones a lot of us want but all I am saying is the location for the service is partly dictated by CEI as well as the engineers. So, the Illuminating Company will have to tell them where the service is to derive from. **Resident 8:** So, they say that it needs to come down that line, then that is going into the plan? **Warren:** If it affects a resident, then we counteract to say we need to get it at this location as an alternative. **Resident 8:** I get it. So, if there are changes, they can do what they want basically. **Piper:** I wouldn't go that far. There are constraints. **\*inaudible-multiple voices\*** **Piper:** If I was told



that I had to bring power down this lane, it will be buried. It will not be overhead. Secondly, it's going to be difficult for me to do this anyway because there are wetlands in this area and I cannot disturb that. **Resident 8:** Then it will no longer get to be a sound barrier for it.

**Unknown speaker:** Debbie asked about 24/7. I want to know about 24/7, 365. The warehouse I worked for worked every holiday and I want to know if you are going to be opened on Christmas (she named all holidays). **Wiffler:** I don't have that information. I will have to find it and get it to Mayor and Council.

**Resident 19-Jim Schade 7647 Macedonia Road:** I've lived here 50 years. You folks don't understand. Drive through Walton Hills, Glenwillow and OV. Sam's Club. Those are pretty much 24/7 businesses and you guys don't even know it. There are tractor trailers going in and out of Sam's all night. People yards butt that. They don't complain because it's quiet. The trucking industry has totally changed just like the pandemic. This originally was for offices, yes. But did they have the variable when they passed it to have it because it's a closed building. Those that have been here a long time, if you have ever been to a stamping plant with the oil fumes in the air, that was going on for 70 years. I can see it from my house. And look at the differences in the Village now. The farm was kind of a mess for a long time. It's getting better. The different departments are constantly monitoring all the time. The rodents, the noises, etc. You know how noisy the freeway is. We will always hear railroad tracks because it's so loud. But with the trucks and stuff, we have that all around us. Drive through the different communities. They all have it and half of our businesses are 24/7. So, to think the noises, the doors are closed. It's food processing. They aren't going to be bringing in box cars bringing fresh fruit rolling around. This will be mostly packaged fruit. Sam's club is package fruit. They aren't going to be sorting it out. They are not going to see what is spoiled. It's packaged because it's home delivery. That's what everybody buys now.

**\*inaudible-several people speaking\***

**MOTION TO ADJOURN by Gaither; Seconded by Davis**

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

**Meeting adjourned: 8:22pm**

Adopted \_\_\_\_\_

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

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

**VILLAGE OF OAKWOOD**  
**COUNCIL MEETING MINUTES**  
**April 12, 2022**

**ATTENDED**

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

Gary V. Gottschalk-Mayor  
Tom Haba-Service  
Daniel Marinucci-Building  
Jim Climer-Law Director  
Brian Thompson-Finance

**ABSENT**

Ed Hren-Engineer  
Carlean Perez-Recreation  
Jim Schade-Fire  
Mark Garratt-Police

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**Meeting opened approximately 6:00 by Gaither**  
Pledge of Allegiance and attendance taken.

**\*No recorded minutes. President notes did include the following:**

**Motion to approve the minutes from the March 21, 2022, Spec. Finance Meeting by Hardin; Seconded by Gaither**  
**VOTE YES:** Warren, Gaither, Hardin, Matlock, Davis

**Motion to approve the minutes from the March 12, 2022, Special Work Session by Hardin; Seconded by Gaither**  
**VOTE YES:** Warren, Gaither, Hardin, Davis, Matlock

**Motion to approve the minutes from March 22, 2022, Council Meeting by Hardin; Seconded by Davis**  
**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock, Davis

**Motion to approve the minutes from the March 27, 2022, Spec Finance Meeting by Matlock; Seconded by Hardin**  
**VOTE YES:** Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

**MOTIONS PASSED**

**Presentation from CLEAN FUTURE OHIO** discussed the following:

- 1) The purpose and mission behind Power a Clean Future Ohio (PCFO)
- 2) How they work with communities that join the to achieve their sustainability, carbon emission reduction, renewable energy and energy efficiency goals
- 3) What free technical resources are available to city/village/township staff upon joining PCFO
- 4) What it takes for communities to join PCFO formally (it is free but involves a resolution from council)

**Representatives from Waste Management appeared to discuss new improvements to facility and legislation.**

**Law Director:** Introduced Edmond Jaber who is the new associate with MR&R working with Mr. Climer in place of Ami Imbrogno. They are coordinating to prepare the opt-out legislation for the recent state fireworks law.

**Residents who spoke included:**

**Dave Schuster 25628 Garden Road Re: Trailer**

**SeMia Bray 6100 Richmond Road (PCFO)**

**Pat Malone 22796 Drake Road**

**Sylvia Johnson from Bedford Branch of Cuyahoga County Public Library** provided flyers regarding the upcoming Food Distribution at the various branches and technology assistance.

**Bernice Butler**

**Legislation:**

Ord 2022-24

Introduced by Mayor &

Council as a whole

3/22/2022 2022-WS-3

2nd Reading

AN AMENDED 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

**MOTION TO SUSPEND by Gaither; Seconded by Davis**

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

**MOTION TO ADOPT by Davis; Seconded by Callender**

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

**MOTIONS PASSED**

Res 2022-26

Introduced by Mayor &

Council as a whole

1st Reading

A RESOLUTION IN SUPPORT OF WIRED 2 WORK

**MOTION TO SUSPEND by Hardin; Seconded by Matlock**

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

**MOTION TO ADOPT by Hardin; Seconded by Callender**

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

**MOTIONS PASSED**

**MOTION TO ADJOURN by Hardin; Seconded by Gaither**

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

**MEETING ADJOURNED**

Adopted \_\_\_\_\_

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

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

## RESOLUTION 2022-27

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**A RESOLUTION OF CONDOLENCE TO THE FAMILY OF  
GRACE BYRD**

**WHEREAS** forever remembered as an Earthly angel, Grace Byrd earned her Heavenly wings on April 5, 2022, and was gloriously reunited with her husband, Eddie, son Eddie, Jr. and siblings Charles, Jr., Lucille, Estelle, Norman, Evelyn and Margaret; and

**WHEREAS** Grace was born on May 5, 1938, in Cottageville, South Carolina to the late Charlie and Lila Johnson; and

**WHEREAS** in addition to receiving her secondary education in Charleston, South Carolina, Grace would meet her true love, Eddie L Byrd. The couple would marry and move to Cleveland, Ohio a short time later; and

**WHEREAS** she worked for many years at J and L Steel Mill in Cleveland. Grace would retire as one of the first hired female steel workers with the company; and,

**WHEREAS** early in life, she began her walk with Christ. Grace was a faithful church member at East Side Christian Reform Church in Warrensville, Ohio, before she and her husband fell ill; and

**WHEREAS** Grace was a gifted gospel singer throughout Charleston, South Carolina. She brought her talents to Cleveland where she continued to sing with her sister, Elizabeth Dobrski; and

**WHEREAS** she was not only regarded for her singing, but she was an avid baker, a garage sale novice and a dedicated family member having helped raise many family members; and

**WHEREAS** Grace's memory will long be cherished by her two siblings: Corien Ackles and Elizabeth Dobrski; four grandchildren: Crystal White, Glynis Byrd, Gloria Byrd and Gerroy Bryd; eleven grandchildren, seven great-grandchildren and a host of nieces, nephews, cousins and friends.

**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 Grace Byrd, 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 Grace Byrd.

**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. 2022-27 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. 2021-27 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: \_\_\_\_\_

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GRACE BYRD**



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Mayor Gary V. Gottschalk

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Council President Johnnie A. Warren

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Council-at-Large Elaine Y. Gaither

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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

## **RESOLUTION 2022-28**

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

### **A RESOLUTION AUTHORIZING THE VILLAGE OF OAKWOOD TO BECOME A POWER A CLEAN FUTURE OHIO COMMUNITY AND TO ADOPT A GOAL TO REDUCE GREENHOUSE GAS EMISSIONS WITHIN THE VILLAGE**

**WHEREAS**, climate changes have been observed in Ohio and have the potential to negatively impact local, regional and state economies; infrastructure development; habitat; ecological communities, including native fish and wildlife populations; spread invasive species and exotic diseases; reduce drinking water supplies and recreational opportunities; and pose flooding, drought and health threats to our citizens; and

**WHEREAS**, uncertainty in energy prices and the transition away from fossil fuel energy sources present new challenges and opportunities to both the Village of Oakwood and to the economic health of its citizens and businesses; and

**WHEREAS**, *Power a Clean Future Ohio* (hereinafter “PCFO”) is an expansive, diverse coalition engaging with cities and local governments across the State of Ohio to build a clean future for our communities, and empowers local leaders with tools and resources to create carbon reduction plans and implement them in ways that are achievable, measurable, equitable, and economical; and,

**WHEREAS**, local governments have the unique opportunity to address and achieve energy and climate issues, provide an opportunity to move toward energy self-reliance and develop greater community resiliency and quality of life by providing environmentally healthy and cheaper-to-operate public buildings; encourage new economic development and local jobs; and support local renewable energy production; and,

**WHEREAS**, PCFO assists in facilitating technical assistance for the implementation of these carbon reduction policies by providing cost-effective sustainable development strategies in the following four categories: (1) Renewable Energy; (2) Energy Efficiency; (3) Transportation Electrification; and (4) Land Use.

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

**SECTION 1.** The Village of Oakwood agrees to participate in PCFO program that offers a free, voluntary continuous improvement framework which develops a roadmap during Fiscal Year 2022 for the Village to achieve its goal of reducing greenhouse gas emissions by 50% by 2030 and to proactively seek input from the community in developing or promoting this plan.

**SECTION 2.** The Village of Oakwood will provide feedback once a year on how well PCFO is serving the village’s needs and the village will claim credit for working at its own pace to implement any policies from two of the PCFO policy categories that will result in carbon emission reductions, cost savings and quality of life improvements.



**SECTION 3.** This Resolution 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, 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. 2022-28 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. 2022-28 was duly posted on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, 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: \_\_\_\_\_

**ORDINANCE NO. 2022-30**

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN ORDINANCE ALLOWING THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN THE CUYAHOGA COUNTY BOARD OF HEALTH AND THE VILLAGE OF OAKWOOD AUTHORITY CONSENTING TO PROVIDE PHASE II STORMWATER SERVICES IN 2022-2055 AND DECLARING AN EMERGENCY**

**WHEREAS**, the Cuyahoga County Board of Health (“CCBH”) is committed to improving the water quality in Cuyahoga County and protecting the health of the residents within its jurisdiction; and

**WHEREAS**, in response to the implementation of the U.S. EPA’s Phase II Stormwater Regulations on March 10, 2003, CCBH developed its Stormwater Management Program to assist municipalities in Cuyahoga County and Northeast Ohio in creating their stormwater management plans and meeting their required stormwater management goals; and

**WHEREAS**, each municipality within Northeast Ohio has been issued an MS4 permit by the Ohio EPA which requires each municipality to perform specific functions related to inspecting and monitoring stormwater within the municipality; and

**WHEREAS**, the Northeast Ohio Regional Sewer District (“The District”), pursuant to the authority of Ohio Revised Code Chapter 6119 adopted Title V-Stormwater Management Code as part of the District’s Code of Regulations (“Title V”) and is authorized to provide and contract for overall Stormwater Management of the Regional Stormwater System within the jurisdiction of NEORSD; and

**WHEREAS**, Title V requires NEORSD, on behalf of the municipalities within its jurisdictions to provide planning, financing, design, improvement, construction, inspection, monitoring, maintenance, operation and regulation for the proper handling of stormwater runoff and the development and provision of technical support information and services to member municipalities; and

**WHEREAS**, Section 5.50502 of Title V requires the District to provide Phase II stormwater regulations support services to member communities of the District with Ohio EPA’s NPDES General Permit for Municipal Separate Storm Sewer Systems for Minimum Control Measures (MCMs) #1, #2, #3 and #6; and

**WHEREAS**, recently the District passed resolution 332.21 authorizing an agreement with the CCBH for services in support of NEORSD member communities; compliance with the Ohio EPA’s NPDES General Permit for Municipal Separate Storm Sewer Systems; and

**WHEREAS**, pursuant to the agreement between CCBH and NEORSD, the District recognizes CCBH as a service provider for the implementation of Minimum Control Measure (MCM) #3: Illicit Discharge Detection and Elimination (IDDE) programming and MCM #6: Pollution Prevention/Good Housekeeping for Municipal Operations; and

**WHEREAS**, in order for CCBH to provide the above-described services to municipalities within the NEORSD jurisdictions, CCBH must contract with those municipalities that are part of the NEORSD jurisdiction in order to obtain consent and authority to perform these services; and

**WHEREAS**, the Village has the authority to grant consent and authority to CCBH for the purpose of performing the services outlined herein; and

**WHEREAS**, both parties desire to enter a Memorandum of Understanding (MOU), a copy of which is attached hereto and incorporated as Exhibit "A", for the purposes outlined herein.

**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 MOU between the CCBH and the Village of Oakwood is hereby approved and the Mayor is authorized to execute same substantially in the form attached hereto and incorporated herein as Exhibit "A".

**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 is to permit the Village to take advantage of no-cost Phase II Stormwater services provided by the Cuyahoga County Board of Health for the years 2022-2025, the approval of which is time sensitive and 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. 2022-30 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. 2022-30 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: \_\_\_\_\_

**EXHIBIT A**  
**MEMORANDUM OF UNDERSTANDING**

**CUYAHOGA COUNTY BOARD OF HEALTH AND THE VILLAGE OF  
OAKWOOD AUTHORITY AND CONSENT TO PROVIDE  
PHASE II STORMWATER SERVICES IN 2022 - 2025**

This Memorandum of Understanding ("MOU") is entered into by and between The Cuyahoga County Board of Health ("CCBH") and The Village of Oakwood ("Village"), both separate political subdivisions of the State of Ohio.

WHEREAS: The Cuyahoga County Board of Health is committed to improving the water quality in Cuyahoga County and protecting the health of the residents within its jurisdiction; and

WHEREAS: In response to the implementation of the US EPA's Phase II Stormwater Regulations on March 10, 2003, CCBH developed its Stormwater Management Program to assist municipalities in Cuyahoga County and Northeast Ohio in creating their stormwater management plans and meeting their required stormwater management goals; and

WHEREAS: Each municipality within Northeast Ohio has been issued an MS4 permit by the Ohio EPA which requires each municipality to perform specific functions related to inspecting and monitoring stormwater within the municipality; and

WHEREAS: The Northeast Ohio Regional Sewer District ("The District"), pursuant to the authority of Ohio Revised Code Chapter 6119 adopted Title V - Stormwater Management Code as part of the District's Code of Regulations ("Title V") and is authorized to provide and contract for overall Stormwater Management of the Regional Stormwater System within the jurisdiction of NEORSD; and

WHEREAS: Title V requires NEORSD, on behalf of the municipalities within its jurisdiction to provide planning, financing, design, improvement, construction, inspection, monitoring, maintenance, operation, and regulation for the proper handling of stormwater runoff and the development and provision of technical support information and services to member municipalities; and

WHEREAS: Section 5.0502 of Title V requires the District to provide Phase II stormwater regulation support services to member communities of the District with Ohio EPA's NPDES General Permit for Municipal Separate Storm Sewer Systems for Minimum Control Measures (MCMs) #1, #2, #3, and #6; and

WHEREAS: Recently, the District passed resolution 332-21 authorizing an agreement with the CCBH for services in support of NEORSD member communities' compliance with the Ohio EPA's NPDES General Permit for Municipal Separate Storm Sewer Systems; and

WHEREAS: Pursuant to the agreement between CCBH and NEORSD, the District recognizes CCBH as a service provider for the implementation of Minimum Control Measure (MCM) #3: Illicit Discharge Detection and Elimination (IDDE) programming and MCM #6: Pollution Prevention/Good Housekeeping for Municipal Operations; and

WHEREAS: In order for CCBH to provide the above described services to municipalities within the NEORSJ jurisdiction, CCBH must contract with those municipalities that are part of the NEORSJ jurisdiction in order to obtain consent and authority to perform these services; and

WHEREAS: Village has authority to grant consent and authority to CCBH for the purposes of performing the services outlined herein; and

WHEREAS: Both parties desire to enter this MOU agreement for the purposes outlined herein.

**Now therefore, in consideration of the mutual promises and conditions set forth herein, BOARD and the VILLAGE (each, a "Party" and collectively, the "Parties") agree as follows:**

#### **A. PROJECT DESCRIPTION**

CCBH and the Village have identified the need for the following described project:

- The implementation of Minimum Control Measure (MCM) #3: Illicit Discharge Detection and Elimination (IDDE) and MCM #6: Pollution Prevention/Good Housekeeping for Municipal Operations programming;

#### **B. SCOPE OF WORK**

1. The Board will monitor the Village's designated Municipal Separate Stormwater System (MS4) outfall locations during a dry weather period (a minimum of 72 hours with no rain event) and sample all flowing outfall locations that are within the District's RSMP area for E. coli, during the 2022, 2023, 2024, and 2025 report periods.
2. The Board will provide an annual training presentation related to Good Housekeeping/Pollution Prevention for Municipal Operations for the community's employees on various best management practices. This will be coordinated with the community during the 2022, 2023, 2024, and 2025 report periods.
3. The Board will conduct an annual site inspection of the community's municipal operation facilities in 2022, 2023, 2024, and 2025 and provide a completed report.
4. The Board will provide the Village an annual summary of the work that was performed as it relates to Minimum Control Measure (MCM) #3: Illicit Discharge Detection and Elimination and MCM #6: Good Housekeeping/Pollution Prevention for Municipal Operations to be included in the Village's Phase II Stormwater Annual report to the Ohio EPA.
5. The Village will provide aid in opening storm sewer manholes where and when deemed necessary for the purpose of sample collections.

#### **C. CONSENT STATEMENT**

Being in the public interest, The Village of Oakwood hereby gives consent to CCBH to complete the above described project.

#### **D. COOPERATION STATEMENT**

The Village of Oakwood shall cooperate with CCBH in the above described project as follows:

1. Provide maps, assistance and/or direction for CCBH to obtain access and/or samples for testing purposes;
2. The Village will provide aid in opening storm sewer manholes where and when needed.

#### **E. COMPENSATION.**

The Village shall have no obligation to pay the Board for the Scope of Work or services performed identified in Section B.

#### **F. INDEPENDENT CONTRACTOR.**

The Board is performing its duties and obligations under this Agreement as an independent contractor and is not an agent or employee of the Village. The Board shall be responsible for its negligent acts or omissions and the negligent acts or omissions of its employees, officers, or directors, to the extent allowable by law. The entire cost and expense of these services will be provided by NEORS to CCBH. No financial participation will be required by The Village of Oakwood.

#### **G. EFFECT OF ELECTRONIC SIGNATURE**

By entering into this Agreement, the parties agree that this transaction may be conducted by electronic means, including, without limitation, that all documents requiring signatures by the parties may be executed by electronic means, and that the electronic signatures affixed by the authorized representatives of the parties shall have the same legal effect as if the signatures were manually affixed to a paper version of the documents. The parties also agree to be bound by the provisions of Chapter 1306 of the Ohio Revised Code as it pertains to electronic transactions.

#### **H. TERM AND TERMINATION**

The term of this Agreement shall begin on \_\_\_\_\_ and shall end on December 31, 2025, unless extended by the parties by agreement in writing. Either party may cancel this Agreement, for cause, with sixty (60) days written notice to the other party of such intent, when either the progress or results achieved under this Agreement is unacceptable to either party. Prior to cancellation of this Agreement, a meeting will be held by the parties to discuss issues of concern and seek resolution. If this Agreement is canceled by the parties prior to completion, the Board, within twenty (20) days, shall submit a certified final progress report if a percentage of work is completed by the date of cancellation. The Village will pay the Board for the work completed as certified in this statement, subject to the provisions of this Agreement.

#### **I. MISCELLANEOUS TERMS**

a. Waivers and Amendments. The waiver by either Party of any provision of this MOU on any occasion and upon any particular circumstance shall not operate as a waiver of such provision of this MOU on any other occasion or upon any other circumstance. This MOU may be modified or amended only via a writing signed by both Parties.

b. Assignment. Neither Party shall have the right to assign this MOU to any third party. Any such attempted assignment will be null and void.

c. Complete Agreement; Integration. This MOU contains the complete understanding of the Parties with respect to the subject matter hereof and supersedes all other agreements, understandings, communications and promises of any kind, whether oral or written, between the Parties with respect to such subject matter.

d. Compliance with Laws. The Parties will comply with all applicable laws and regulations in performing their obligations hereunder. When taking actions (or failing to act) in any way relating to this MOU, neither Party shall unlawfully discriminate on the basis of race, sex, pregnancy, religion, disability, age, national origin, or color.

e. No Third Party Beneficiaries. This MOU does not and is not intended to confer any rights or remedies upon any party other than the Village and CCBH.

f. Notices. All notices required or permitted under this MOU shall be given in writing by courier or reputable overnight delivery services, or by certified mail, return receipt requested, at the Party's address first set forth above, on behalf of the Village, an additional copy shall be forwarded to the District. Such notices shall be effective when received.

IN WITNESS WHEREOF, authorized representatives of the parties to this CONTRACT, indicating their party's approval of the terms herein, have signed as of the dates set forth below.

**FOR THE BOARD:**

Approved as to form.

\_\_\_\_\_  
Terrence Allan  
Health Commissioner

\_\_\_\_\_  
Thomas P. O'Donnell  
CCBH General Counsel

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

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

**FOR THE VILLAGE OF OAKWOOD:**

Approved as to form.

\_\_\_\_\_  
Gary V. Gottschalk,  
Mayor, Village of Oakwood

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

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

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



RESOLUTION NO. 2022-29

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT  
NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED  
COMMUNITY GRANT(S)**

**WHEREAS**, the Village of Oakwood, Ohio (the "MUNICIPALITY") is a member of the Northeast Ohio Public Energy Council ("NOPEC") and is eligible for one or more NOPEC Energized Community Grant(s) for 2022 ("NEC Grant(s)") as provided for in the NEC Grant Program guidelines; and

**WHEREAS**, the MUNICIPALITY wishes to enter into a Grant Agreement with NOPEC, Inc. in the form attached to this Resolution to receive one or more NEC Grant(s) for 2022, and to authorize the Mayor to execute the Grant Agreement with NOPEC, Inc. in the form attached.

**NOW, THEREFORE**, be it resolved by the Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio that:

**SECTION 1.** This Council of the MUNICIPALITY (the "Council") finds and determines that it is in the best interest of the MUNICIPALITY to accept the NEC Grant(s) for 2022, and authorizes the Mayor to execute the Grant Agreement and any agreements with NOPEC, Inc. as may be necessary and appropriate for obtaining financial assistance and further upon the recommendation of the Village Engineer, and approved as to form by the Village Law Director, in accordance with all authority granted to and limitations upon the Village Director of Finance.

**SECTION 2.** This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this Council, and that all deliberations of this Council and of any committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Village's Charter and Codified Ordinances and Section 121.2 of the Ohio Revised Code.

**SECTION 3.** This Resolution 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 Resolution shall be in full force and effect immediately upon its adoption by 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, President of Council

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

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

\_\_\_\_\_  
Mayor – Gary V Gottschalk

Approved as to legal form:

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

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

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

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. 2022-29 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. 2022-29 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: \_\_\_\_\_



## **NOPEC Energized Community (NEC) Grant 2022 Program Policies**

NOPEC, Inc. and NextEra Energy have established the NOPEC Energized Community Grant Program, which provides grants to existing NOPEC member electric and gas communities. Existing member communities are defined as those with metered accounts enrolled in NOPEC's electric and/or gas aggregation during the previous calendar year. The new grant program year will begin on January 1, 2022, with the primary goal of providing funds to help communities implement energy savings or energy infrastructure measures.

NEC grants are intended to be used by member communities primarily for energy related projects. Member communities will be permitted, on a case-by-case basis, to use grants for purposes other than energy efficiency or energy infrastructure improvements.

The policies governing the grant program have been approved by the Board of Directors. The Economic Development Director (EDD) will have oversight and day-to-day management responsibility for the program.

**Deadlines:** NOPEC member communities that wish to accept the grant award must have a completed and approved profile by June 30, 2022. Any grant funds not accepted, with an approved community profile by June 30, 2022, will be returned to the grant pool. Grant funds must be drawn down via disbursement request by November 30, 2024. Funds not drawn down by that date will be returned to the grant pool.

**Eligibility and Notification:** Existing NOPEC member communities enrolled in both gas and electric on January 1 will be paid cash grants at the rate of [\$4] per enrolled account for gas and [\$6] per enrolled account for electric per year. Existing NOPEC member communities enrolled in the gas program only will be paid cash grants at the rate of [\$3] per enrolled account. Existing NOPEC member communities enrolled in the electric program only will be paid cash grants at the rate of [\$5] per enrolled account. Enrolled accounts will be determined based on an average, using Q2 and Q3, of metered accounts of the previous calendar year. If an existing community was not enrolled for both quarters of the previous year, an average of the metered accounts enrolled for a minimum of three consecutive months will be applied. The minimum grant amount will not be less than \$250.00 for all eligible communities.

Member counties and regional council of governments (COG) will also receive grants based on the communities and programs enrolled through the county or COG

membership. Grants will be calculated using the same averaging method as the community grants. County and regional COG members will receive [\$1.50] for gas and [\$2] for electric, per enrolled account per year, in communities enrolled for both programs, and [\$.50] for gas or [\$1.00] for electric, in communities enrolled for a single aggregation program.

The Chief Elected Official and the Chief Financial Official of member communities, regional COG and counties will be notified by letter in January of the grant amount available for its use. Each community must enter into a grant agreement, if required, with NOPEC, Inc. Each year, the community must pass legislation accepting the grant and identifying the position (with person currently holding that position) authorized to conduct on-line program activities on behalf of the community. All grant activities, including the profile and disbursement request processes, will be completed and submitted online.

Processing: The first step for the NEC grant program is creating a community profile in the on-line grant program for a new community. All communities will need to create a new online profile in 2022 in the new grant platform.

As part of the profile, all communities will upload a pdf file of the legislation approved by the member community accepting the NEC grant and upload a pdf file of executed Grant Agreement. The deadline to accept the grant and upload the required documents for the profile step is June 30, 2022. Any grant funds not accepted with an approved community profile will be returned to the grant pool.

Communities must complete disbursement requests to draw down their accepted NEC Grant funds. New requests will be reviewed on an ongoing basis. Appropriate supporting documents (e.g., invoices, AIA forms, or receipts) must be attached. All disbursement requests must be submitted electronically in the grant system.

Staff will review each request to determine if it meets the criteria and formally approve each project funded. Communities may begin the work during the review process but it does not guarantee funding approval. Work that is determined to be emergencies, based on immediate health and/or safety issues, may be eligible to begin without formal approval.

Eligible uses include those that reduce electric and/or gas utility consumption through facility improvements and/or implementing infrastructure improvements. Examples include interior and exterior lighting, windows and doors, insulation, HVAC, geothermal and solar. Streetlights and traffic lights are also eligible, if a demonstrated utility savings to the community will result. Examples of ineligible projects would include vehicles or equipment (other than an emergency generator) that are powered by gasoline or diesel, and do not reduce utility costs. Project examples for eligible energy infrastructure include natural gas filling stations, electric vehicle charging stations and emergency generators. Installing power to a facility such as a gazebo or baseball field are other examples of eligible energy infrastructure.

In addition to the projects listed above, communities may use grant funds for the lease or purchase costs of plug-in electric vehicles.

Grants may also be used to benefit commercial properties. Options include covering the cost of energy audits or set-up costs for establishing an Energy Special Improvement District. Programs benefitting residents are also eligible. Providing residents LED light bulbs or establishing a residential energy audit program funded by the NEC grant program are two examples.

Multi-jurisdictional uses are eligible. Each community must request its own grant funds for a multi-jurisdictional use. . Non-NOPEC members may be part of a multi-jurisdictional use but will not be eligible for any grant funds from NOPEC.

If a community completed work that meets the eligibility requirements within the previous calendar year it may submit that project for the grant.

If a member community conducts an energy audit for the proposed work, audit costs may be defrayed with grant funds. The audit must be performed by a credentialed professional.

Once the request is reviewed and approved, the community will receive written confirmation. Each approved request will become an exhibit to the Grant Agreement.

Project Completion and Funds Disbursement: Communities are responsible for contracting all work to be completed for community-owned facilities or work, in accordance with local requirements, with qualified professionals. Disbursements will be made until funds have been depleted.. All disbursements will be made by Automatic Clearing House (ACH) process to an account designated by the community. All requests for disbursements for the 2022 grant year must be submitted by November 30, 2024.

This is not a reimbursement grant, i.e., communities are not required to pay the invoice prior to submitting it for a grant disbursement. Communities create the Disbursement Request(s) with appropriate supporting documents submitted on-line. Appropriate supporting documents include invoices or AIA forms for work completed, or signed contracts that specify an advance prior to the start of the project. Quotes or proposals are not acceptable documents for Disbursement Requests.

The EDD will review all disbursement requests and submit them for processing to the NOPEC CFO. All disbursements are approved by the Executive Director or other authorized person. NOPEC will close out a community's grant when all grant funds have been disbursed or any remaining funds are returned to the grant pool.

Reports: Communities using grant funds for energy efficiency projects will submit an annual report to NOPEC for two years following project completion, if the project is

selected for measurement and verification. The report will provide information on the energy saved (measured by units and dollars) in the previous year resulting from that project. This report will be prepared by a third-party consultant contracted by NOPEC, Inc. The community will agree to authorize NOPEC to provide the appropriate utility account information for the designated project site to the consultant for the purpose of completing the annual reports.

The EDD will track all open grants and provide periodic status reports to the NOPEC Executive Director and to both the NOPEC and NOPEC, Inc. Boards of Directors. Reports will include the number of communities with open grants available and the total funds disbursed to date.

All determinations made by NOPEC, Inc. and NOPEC in administering the NEC Grant Program shall be final, conclusive, and binding on all grant recipients.



# Energized Community (NEC) Grant

The **NOPEC Energized Community (NEC) Grant Program** provides grants to NOPEC member communities for energy-related projects. Established by NOPEC Inc. and NextEra Energy, the primary goal of providing funds is to help implement energy savings or energy infrastructure measures.



## Ideas for 2022 Grant Projects

Grants can be used for government, residential, and commercial properties. Here are some examples of what you can use with your grant dollars:

- **NEW** Lease or purchase of plug-in electric vehicles
- Traffic signal upgrades
- Energy-efficient windows
- Solar-powered LED stop signs
- Energy-efficient air conditioner
- Electrical upgrades
- Generators
- Door replacement
- LED lighting upgrades
- Service garage insulation
- Energy-efficient metal roof system
- Installation of radius ceiling fans
- Energy efficient kitchen appliances

## Secure Your Grant Dollars

**Step 1:** Submit Profile — Due by June 30th

- A. Accept funds by passing community legislation
- B. Complete grant agreement

**Step 2:** Draw Funds — Due by September 30th, 2024

- A. Submit disbursement requests

**NEW** No applications required!

## Questions?

Contact Jessica Renner, NOPEC Loan and Grant Associate, at [grants@nopecinc.org](mailto:grants@nopecinc.org).

**ORDINANCE NO. 2022-30**

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN ORDINANCE ALLOWING THE MAYOR TO SIGN A MEMORANDUM OF UNDERSTANDING BETWEEN THE CUYAHOGA COUNTY BOARD OF HEALTH AND THE VILLAGE OF OAKWOOD AUTHORITY CONSENTING TO PROVIDE PHASE II STORMWATER SERVICES IN 2022-2025 AND DECLARING AN EMERGENCY**

**WHEREAS**, the Cuyahoga County Board of Health (“CCBH”) is committed to improving the water quality in Cuyahoga County and protecting the health of the residents within its jurisdiction; and

**WHEREAS**, in response to the implementation of the U.S. EPA’s Phase II Stormwater Regulations on March 10, 2003, CCBH developed its Stormwater Management Program to assist municipalities in Cuyahoga County and Northeast Ohio in creating their stormwater management plans and meeting their required stormwater management goals; and

**WHEREAS**, each municipality within Northeast Ohio has been issued an MS4 permit by the Ohio EPA which requires each municipality to perform specific functions related to inspecting and monitoring stormwater within the municipality; and

**WHEREAS**, the Northeast Ohio Regional Sewer District (“The District”), pursuant to the authority of Ohio Revised Code Chapter 6119 adopted Title V-Stormwater Management Code as part of the District’s Code of Regulations (“Title V”) and is authorized to provide and contract for overall Stormwater Management of the Regional Stormwater System within the jurisdiction of NEORSD; and

**WHEREAS**, Title V requires NEORSD, on behalf of the municipalities within its jurisdictions to provide planning, financing, design, improvement, construction, inspection, monitoring, maintenance, operation and regulation for the proper handling of stormwater runoff and the development and provision of technical support information and services to member municipalities; and

**WHEREAS**, Section 5.50502 of Title V requires the District to provide Phase II stormwater regulations support services to member communities of the District with Ohio EPA’s NPDES General Permit for Municipal Separate Storm Sewer Systems for Minimum Control Measures (MCMs) #1, #2, #3 and #6; and

**WHEREAS**, recently the District passed resolution 332.21 authorizing an agreement with the CCBH for services in support of NEORSD member communities; compliance with the Ohio EPA’s NPDES General Permit for Municipal Separate Storm Sewer Systems; and

**WHEREAS**, pursuant to the agreement between CCBH and NEORSD, the District recognizes CCBH as a service provider for the implementation of Minimum Control Measure (MCM) #3: Illicit Discharge Detection and Elimination (IDDE) programming and MCM #6: Pollution Prevention/Good Housekeeping for Municipal Operations; and

**WHEREAS**, in order for CCBH to provide the above-described services to municipalities within the NEORSD jurisdictions, CCBH must contract with those municipalities that are part of the NEORSD jurisdiction in order to obtain consent and authority to perform these services; and

**WHEREAS**, the Village has the authority to grant consent and authority to CCBH for the purpose of performing the services outlined herein; and



**WHEREAS**, both parties desire to enter a Memorandum of Understanding (MOU), a copy of which is attached hereto and incorporated as Exhibit "A", for the purposes outlined herein.

**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 MOU between the CCBH and the Village of Oakwood is hereby approved and the Mayor is authorized to execute same substantially in the form attached hereto and incorporated herein as Exhibit "A".

**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 is to permit the Village to take advantage of no-cost Phase II Stormwater services provided by the Cuyahoga County Board of Health for the years 2022-2025, the approval of which is time sensitive and 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. 2022-30 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. 2022-30 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: \_\_\_\_\_

**EXHIBIT A**  
**MEMORANDUM OF UNDERSTANDING**

**CUYAHOGA COUNTY BOARD OF HEALTH AND THE VILLAGE OF  
OAKWOOD AUTHORITY AND CONSENT TO PROVIDE  
PHASE II STORMWATER SERVICES IN 2022 - 2025**

This Memorandum of Understanding ("MOU") is entered into by and between The Cuyahoga County Board of Health ("CCBH") and The Village of Oakwood ("Village"), both separate political subdivisions of the State of Ohio.

- WHEREAS: The Cuyahoga County Board of Health is committed to improving the water quality in Cuyahoga County and protecting the health of the residents within its jurisdiction; and
- WHEREAS: In response to the implementation of the US EPA's Phase II Stormwater Regulations on March 10, 2003, CCBH developed its Stormwater Management Program to assist municipalities in Cuyahoga County and Northeast Ohio in creating their stormwater management plans and meeting their required stormwater management goals; and
- WHEREAS: Each municipality within Northeast Ohio has been issued an MS4 permit by the Ohio EPA which requires each municipality to perform specific functions related to inspecting and monitoring stormwater within the municipality; and
- WHEREAS: The Northeast Ohio Regional Sewer District ("The District"), pursuant to the authority of Ohio Revised Code Chapter 6119 adopted Title V - Stormwater Management Code as part of the District's Code of Regulations ("Title V") and is authorized to provide and contract for overall Stormwater Management of the Regional Stormwater System within the jurisdiction of NEORSD; and
- WHEREAS: Title V requires NEORSD, on behalf of the municipalities within its jurisdiction to provide planning, financing, design, improvement, construction, inspection, monitoring, maintenance, operation, and regulation for the proper handling of stormwater runoff and the development and provision of technical support information and services to member municipalities; and
- WHEREAS: Section 5.0502 of Title V requires the District to provide Phase II stormwater regulation support services to member communities of the District with Ohio EPA's NPDES General Permit for Municipal Separate Storm Sewer Systems for Minimum Control Measures (MCMs) #1, #2, #3, and #6; and
- WHEREAS: Recently, the District passed resolution 332-21 authorizing an agreement with the CCBH for services in support of NEORSD member communities' compliance with the Ohio EPA's NPDES General Permit for Municipal Separate Storm Sewer Systems; and
- WHEREAS: Pursuant to the agreement between CCBH and NEORSD, the District recognizes CCBH as a service provider for the implementation of Minimum Control Measure (MCM) #3: Illicit Discharge Detection and Elimination (IDDE) programming and MCM #6: Pollution Prevention/Good Housekeeping for Municipal Operations; and

WHEREAS: In order for CCBH to provide the above described services to municipalities within the NEORSD jurisdiction, CCBH must contract with those municipalities that are part of the NEORSD jurisdiction in order to obtain consent and authority to perform these services; and

WHEREAS: Village has authority to grant consent and authority to CCBH for the purposes of performing the services outlined herein; and

WHEREAS: Both parties desire to enter this MOU agreement for the purposes outlined herein.

**Now therefore, in consideration of the mutual promises and conditions set forth herein, BOARD and the VILLAGE (each, a "Party" and collectively, the "Parties") agree as follows:**

#### **A. PROJECT DESCRIPTION**

CCBH and the Village have identified the need for the following described project:

- The implementation of Minimum Control Measure (MCM) #3: Illicit Discharge Detection and Elimination (IDDE) and MCM #6: Pollution Prevention/Good Housekeeping for Municipal Operations programming;

#### **B. SCOPE OF WORK**

1. The Board will monitor the Village's designated Municipal Separate Stormwater System (MS4) outfall locations during a dry weather period (a minimum of 72 hours with no rain event) and sample all flowing outfall locations that are within the District's RSMP area for E. coli, during the 2022, 2023, 2024, and 2025 report periods.
2. The Board will provide an annual training presentation related to Good Housekeeping/Pollution Prevention for Municipal Operations for the community's employees on various best management practices. This will be coordinated with the community during the 2022, 2023, 2024, and 2025 report periods.
3. The Board will conduct an annual site inspection of the community's municipal operation facilities in 2022, 2023, 2024, and 2025 and provide a completed report.
4. The Board will provide the Village an annual summary of the work that was performed as it relates to Minimum Control Measure (MCM) #3: Illicit Discharge Detection and Elimination and MCM #6: Good Housekeeping/Pollution Prevention for Municipal Operations to be included in the Village's Phase II Stormwater Annual report to the Ohio EPA.
5. The Village will provide aid in opening storm sewer manholes where and when deemed necessary for the purpose of sample collections.

#### **C. CONSENT STATEMENT**

Being in the public interest, The Village of Oakwood hereby gives consent to CCBH to complete the above described project.

#### **D. COOPERATION STATEMENT**

The Village of Oakwood shall cooperate with CCBH in the above described project as follows:

1. Provide maps, assistance and/or direction for CCBH to obtain access and/or samples for testing purposes;
2. The Village will provide aid in opening storm sewer manholes where and when needed.

#### **E. COMPENSATION.**

The Village shall have no obligation to pay the Board for the Scope of Work or services performed identified in Section B.

#### **F. INDEPENDENT CONTRACTOR.**

The Board is performing its duties and obligations under this Agreement as an independent contractor and is not an agent or employee of the Village. The Board shall be responsible for its negligent acts or omissions and the negligent acts or omissions of its employees, officers, or directors, to the extent allowable by law. The entire cost and expense of these services will be provided by NEORS to CCBH. No financial participation will be required by The Village of Oakwood.

#### **G. EFFECT OF ELECTRONIC SIGNATURE**

By entering into this Agreement, the parties agree that this transaction may be conducted by electronic means, including, without limitation, that all documents requiring signatures by the parties may be executed by electronic means, and that the electronic signatures affixed by the authorized representatives of the parties shall have the same legal effect as if the signatures were manually affixed to a paper version of the documents. The parties also agree to be bound by the provisions of Chapter 1306 of the Ohio Revised Code as it pertains to electronic transactions.

#### **H. TERM AND TERMINATION**

The term of this Agreement shall begin on \_\_\_\_\_ and shall end on December 31, 2025, unless extended by the parties by agreement in writing. Either party may cancel this Agreement, for cause, with sixty (60) days written notice to the other party of such intent, when either the progress or results achieved under this Agreement is unacceptable to either party. Prior to cancellation of this Agreement, a meeting will be held by the parties to discuss issues of concern and seek resolution. If this Agreement is canceled by the parties prior to completion, the Board, within twenty (20) days, shall submit a certified final progress report if a percentage of work is completed by the date of cancellation. The Village will pay the Board for the work completed as certified in this statement, subject to the provisions of this Agreement.

#### **I. MISCELLANEOUS TERMS**

a. Waivers and Amendments. The waiver by either Party of any provision of this MOU on any occasion and upon any particular circumstance shall not operate as a waiver of such provision of this MOU on any other occasion or upon any other circumstance. This MOU may be modified or amended only via a writing signed by both Parties.

b. Assignment. Neither Party shall have the right to assign this MOU to any third party. Any such attempted assignment will be null and void.

c. Complete Agreement; Integration. This MOU contains the complete understanding of the Parties with respect to the subject matter hereof and supersedes all other agreements, understandings, communications and promises of any kind, whether oral or written, between the Parties with respect to such subject matter.

d. Compliance with Laws. The Parties will comply with all applicable laws and regulations in performing their obligations hereunder. When taking actions (or failing to act) in any way relating to this MOU, neither Party shall unlawfully discriminate on the basis of race, sex, pregnancy, religion, disability, age, national origin, or color.

e. No Third Party Beneficiaries. This MOU does not and is not intended to confer any rights or remedies upon any party other than the Village and CCBH.

f. Notices. All notices required or permitted under this MOU shall be given in writing by courier or reputable overnight delivery services, or by certified mail, return receipt requested, at the Party's address first set forth above, on behalf of the Village, an additional copy shall be forwarded to the District. Such notices shall be effective when received.

IN WITNESS WHEREOF, authorized representatives of the parties to this CONTRACT, indicating their party's approval of the terms herein, have signed as of the dates set forth below.

**FOR THE BOARD:**

Approved as to form.

\_\_\_\_\_  
Terrence Allan  
Health Commissioner

\_\_\_\_\_  
Thomas P. O'Donnell  
CCBH General Counsel

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

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

**FOR THE VILLAGE OF OAKWOOD:**

Approved as to form.

\_\_\_\_\_  
Gary V. Gottschalk,  
Mayor, Village of Oakwood

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

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

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

**RESOLUTION 2022-31**

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**A RESOLUTION RECOGNIZING MAY 1-MAY 7, 2022, AS THE 53<sup>RD</sup> ANNUAL  
PROFESSIONAL MUNICIPAL CLERKS WEEK**

**WHEREAS**, the Office of Professional Municipal Clerk, a time honored and vital part of local government, exists throughout the world; and

**WHEREAS**, the Office of Professional Municipal Clerk is the oldest among public servants; and

**WHEREAS**, the Office of Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels; and

**WHEREAS**, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all; and

**WHEREAS**, the Professional Municipal Clerk serves as the information center on functions of local government and community; and

**WHEREAS**, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meeting of their state, provincial, county, and international professional organizations; and

**WHEREAS**, it is most appropriate that we recognize the accomplishments of the Office of the Professional Municipal Clerk.

**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 and the Oakwood Village Council hereby recognized the week of May 1-7, 2022 as the 53<sup>rd</sup> Annual Municipal Clerks Week

**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. 2022-31 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. 2022-31 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. 2022-32

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN ORDINANCE DECLARING IMPROVEMENTS TO CERTAIN PARCELS OF REAL PROPERTY TO BE A PUBLIC PURPOSE, DESCRIBING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE TO BENEFIT THOSE PARCELS, REQUIRING THE OWNERS OF THE IMPROVEMENTS THEREON TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, ESTABLISHING THE WMO MUNICIPAL PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF SUCH SERVICE PAYMENTS, AND DECLARING AN EMERGENCY**

**WHEREAS**, Ohio Revised Code Sections 5709.40(B), 5709.42 and 5709.43 (the “Act”) provide that Council of the Village of Oakwood, Ohio may describe Public Infrastructure Improvements (“Public Improvements”) to be made which benefit certain parcels, declare Improvements (as defined in Revised Code Section 5709.40(A)) with respect to such parcels of real property located in the Village to be a public purpose, thereby exempting those Improvements from real property taxation for a period of time, provide for the making of service payments in lieu of taxes by the owners of such Improvements, and establish a municipal public improvement tax increment equivalent fund into which such service payments shall be deposited; and

**WHEREAS**, the Public Improvements are generally described in Exhibit A hereto and will directly benefit certain parcels of real property located within the Village; and

**WHEREAS**, the Village wishes to declare one hundred percent (100%) of the Improvements, as defined by Section 5709.40(A) of the Revised Code, to be a public purpose, thereby wholly exempting the Improvements from real property taxation; and

**WHEREAS**, the Village has determined that it is necessary and appropriate and in the best interests of the Village to provide for service payments in lieu of taxes pursuant to Section 5709.42 of the Ohio Revised Code; and

**WHEREAS**, the Public Improvements will directly benefit several parcels of real property located in the Village (the “Properties”), the Permanent Parcel Numbers of which are listed in Exhibit B attached hereto and incorporated by reference herein; and

**WHEREAS**, notice of the above described property tax exemptions has been transmitted to the Board of Education of the Bedford City School District (the “School District”) pursuant to Ohio Revised Code Sections 5709.40 and 5709.83:

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

**SECTION 1.** The Public Improvements described in Exhibit A hereto and anticipated to be made by the Village are hereby designated Public Improvements that directly benefit, or that

once made, will directly benefit the Properties which are set forth in Exhibit B hereto and which are described in Exhibit C incorporated herein.

**SECTION 2.** Pursuant to and in accordance with the provisions of Ohio Revised Code Section 5709.40(B), Council hereby finds and determines the one hundred percent (100%) of the increase in the assessed value of the Properties that would first appear on the tax list and duplicate of real and public utility property after the effective date of this Ordinance (which increase in assessed value is herein referred to as the "Improvements" as defined in Section 5709.40(A)) is a public purpose, and one hundred percent (100%) of said Improvement is hereby declared to be a public purpose for a period of thirty (30) years and exempt from taxation commencing with the tax year in which an Improvement first appears on the tax list and duplicate of real and public utility property and that begins after the effective date of this Ordinance and ending on the earlier of (1) the date the Improvements have been exempted from taxation for a period of thirty (30) years or (2) the date on which the Village has collected into the Fund established in Section 4 hereof a total amount sufficient to pay those costs of the Public Improvements authorized in Section 4 hereof which are to be paid from that fund.

**SECTION 3.** As provided in Section 5709.42 of the Revised Code, the Owners of the Improvements are hereby required to, and shall make, Service Payments in lieu of taxes to the Cuyahoga County Treasurer semiannually, on or before the date on which real property taxes would otherwise be due and payable for the Improvements. In accordance with Section 5709.42 of the Revised Code, the Cuyahoga County Treasurer shall distribute a portion of the Service Payments directly to the School District in an amount equal to the property tax payments the School District would have received had the Improvements not been exempted under this Ordinance. The Service Payments when distributed to the Village by the Cuyahoga County Treasurer shall be deposited in the WMO Municipal Public Improvement Tax Increment Equivalent Fund by Section 4 hereof. Council hereby authorizes and directs the Mayor, Finance Director, Law Director, and other appropriate officers of the Village, to provide such information and certifications, to sign and deliver any necessary property tax exemption applications and execute and deliver or accept delivery of such instruments, as are necessary and incidental to obtaining the exemptions, and to make such arrangements as are necessary and proper for payment of said service payments in lieu of taxes.

**SECTION 4.** Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Ohio Revised Code, the WMO Municipal Public Improvement Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited all of the Service Payments in lieu of taxes distributed to the Village with respect to the Improvements on the Properties or on behalf of the Cuyahoga County Treasurer as provided in Section 5709.42 of the Ohio Revised Code, and hereby provides that all of the moneys deposited in the Fund shall be used solely for the following purposes:

- (i) To pay any and all direct and indirect costs of the Public Improvements, including to reimburse the Village for any such costs incurred; and
- (ii) To pay the interest on and principal of bonds or notes, including refunding bonds or notes, or other loans, issued by the Village to finance those costs of the Public

Improvements provided in clause (i) above until such notes or bonds are paid in full.

The Fund shall remain in existence so long as such Service Payments are collected and used for the aforesaid purposes, after which said Fund shall be dissolved in accordance with said Section 5709.43.

**SECTION 5.** Pursuant to Section 5709.40 of the Ohio Revised Code, the Clerk of the Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen (15) days after its passage. On or before March 31 of each year that the exemption set forth in Section 2 hereof remains in effect, the Finance Director or other authorized officer of this Village shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.40 of the Ohio Revised Code.

**SECTION 6.** The Clerk of Council shall post copies of this Ordinance as provided by the Charter and Codified Ordinances of the Village.

**SECTION 7.** 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 the immediate necessity of providing funding for the Public Improvements so that such Public Improvements be constructed on a timely basis for the benefit of the environment and the residents of the Village and Northeast Ohio, 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 -     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 by the Charter and Codified Ordinances of the Village .

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

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

## **EXHIBIT A**

### **The Public Infrastructure Improvements**

#### **DESCRIPTION OF THE PUBLIC IMPROVEMENTS**

The Public Improvements consist of the construction of public streets, streetscape, utilities (including but not limited storm water drainage, sanitary sewerage and water facilities), street and intersection improvements, bridges, pedestrian bridges, off-street public parking facilities, and utility connections, all in and around the Project Site, including, as necessary, dredging, grading, draining, paving, resurfacing, sidewalks, curbs, landscaping and fire hydrants, and installing street lighting and traffic control devices, the acquisition and construction of public parks, including the acquisition of real property or interests therein and any demolition and environmental remediation if necessary in connection with all of those public improvements.

The Public Improvements also include the construction of or improvements to any other public streets, utilities or other public facilities, including but not limited to cultural facilities, in and around the property or serving the exempted Properties, including land acquisition and installation and construction of utilities and all other necessary appurtenances, as well as related capital equipment purchases.

All of the above-mentioned Public Improvements are hereby determined to be Public Infrastructure Improvements (as defined in Revised Code Section 5709.40) and will benefit certain parcels of real property as set forth in Ordinance No. 2022 - \_\_\_\_\_. All of the above-mentioned Public Improvements are anticipated to be made, subject to further approval by Council.

## **EXHIBIT B**

All of the following properties located within the Village:

795-50-016

795-15-043

795-15-042

795-15-041

EAST CT

DIVISION ST

VEBER  
PARK DR

8

WRIGHT AVE

FREE AVE

BROADWAY AVE

NORTH LN

480

271

71

180

FAIROAKS RD

OAKLEAF  
OVAL

ALEXANDER RD

VEDUSA  
RD