

Monday, April 27,

15

The Bainbridge Township Board of Trustees met in regular session at the Bainbridge Town Hall on April 27, 2015. Those present were trustees Mrs. Lorrie Sass Benza, Mr. Christopher Horn, Mr. Jeffrey S. Markley and Fiscal Officer Mrs. Janice S. Sugarman. Mr. Markley presided and called the meeting to order at 6:02 P.M.

EXECUTIVE SESSION

Mrs. Benza made a motion to go into executive session to discuss imminent court action, per Ohio Revised Code Section 121.22(G)(3).

Mr. Markley seconded the motion. Vote followed: Mrs. Benza, aye; Mr. Horn, aye; Mr. Markley, aye. Motion carried.

The trustees recessed their regular meeting at 6:03 P.M. in order to go into executive session.

Mrs. Janice Sugarman was invited into the executive session.

Bridey Matheney and Todd Hunt were invited into the executive session at 6:03 P.M. and left at 7:05 P.M.

The trustees returned from executive session, after discussing imminent court action, reconvening their regular meeting at 7:10 P.M.

CHANGES TO THE AGENDA

Late Addition – Service Department

Authorization for Illuminating Company to relocate overhead service conductors at 17800 Haskins Road.

MINUTES

Mrs. Benza moved to approve the minutes of the trustees' April 13, 2015 regular meeting as written.

Mr. Markley seconded the motion that was passed unanimously.

Mrs. Benza moved to approve the minutes of the trustees' April 14, 2015 special meeting as written.

Mr. Markley seconded the motion that was passed unanimously.

Mrs. Benza moved to approve the minutes of the trustees' April 16, 2015 special meeting as written.

Mr. Markley seconded the motion that was passed unanimously.

Mrs. Benza moved to approve the minutes of the trustees' April 20, 2015 special meeting as written.

Mr. Markley seconded the motion that was passed unanimously.

Monday, April 27,

15

DEPARTMENTAL REPORTSFIRE DEPARTMENT

Fire Chief Brian Phan presented the Fire Department Report for the month of March 2015.

He stated that permits are required for open burning and explained the Mobile Data Terminals or MDT's that are in all of the fire and police vehicles and is the system for all of Geauga County. All calls are generated and maintained in this system, times, addresses and any information that has been entered by dispatch and any special notes about each residence and business. Geauga County is still paying for the air cards on these but the township has to update the hardware. The fire department has eight of these and they are used throughout the entire call.

POLICE DEPARTMENT

Police Chief Jon Bokovitz presented the Police Department report for the month of March 2015.

He mentioned that the Fraud items on the report are mostly IRS scams. He explained what the Police Department does outside of arresting people and that is Shop with a Cop; Safety Town (this is the 40th year); Golf Outing (May 22nd); USO Collection (twice a year at Big Lots and Walmart); Women's Self Defense classes; Mentorship Program with the High School seniors; Ride-A-Longs; Homeowner Association meetings; coffee with seniors at S. Franklin Circle; two senior scholarships every year (part of their Golf Outing); DARE program; after DARE for ninth graders; school talks; canine demonstrations; tours; safety talks for scouts and car seat installations.

PUBLIC COMMENTS

None.

FIRE DEPARTMENT – OLD BUSINESSEvaluation of Proposals – Strategic Analysis of the Bainbridge Township Fire Department

Mr. Markley explained that six proposals were received but the evaluations have been narrowed down to three: Ohio Fire Chief's Association; Center for Public Safety Management and John D. Preur & Associates.

The trustees will invite the above three companies to attend a special trustees' meeting on May 18, 2015.

FIRE DEPARTMENT – NEW BUSINESSLeave of Absence

Mrs. Benza moved to accept the request by Firefighter Dave Horvath for a three month plus leave of absence without pay from April 17, 2015 to August 1, 2015 pursuant to the recommendation of the Fire Chief.

Mr. Markley seconded the motion that passed unanimously.

Monday, April 27,

15

Requesting Authorization to Dispose/Auction Obsolete Equipment No Longer Needed by the Township

Mrs. Benza moved to authorize the auction of the following items that are obsolete and no longer needed by the township on GovDeals.com: 1974-75 Vintage Cloth Hose Sections per the recommendation of the Fire Chief.

Mr. Horn seconded the motion that passed unanimously.

POLICE DEPARTMENT – NEW BUSINESS

Mobile Data Terminals

Mrs. Benza moved to authorize the Police Department to obtain quotes for 12 new MDT's not to exceed \$41,000.00 per the recommendation of the Police Chief.

Mr. Horn seconded the motion that passed unanimously.

SERVICE DEPARTMENT – OLD BUSINESS

Update on Restructuring Parks Department

The trustees held a discussion and tabled this item to the next regularly scheduled meeting to be held May 11, 2015.

KCE Field Use Policy

Mr. Markley reported that there is a cost structure that has been added to the formerly adopted KCE Field Use Policy

Mr. Horn moved to adopt the Fee Schedule associated with the KCE Field Usage Policy.

Mrs. Benza seconded the motion that passed unanimously.

SERVICE DEPARTMENT – NEW BUSINESS

Award Bid – The Asphalt Resurfacing of Various Roads in Bainbridge Township

Mr. Horn moved to award the bid for the Asphalt Resurfacing of Various Roads (Peppermill Chase and Amber Trail) to Chagrin Valley Paving in the amount of \$337,240.00 pursuant to the recommendation of the Geauga County Engineer and the Service Director.

Mrs. Benza seconded the motion that passed unanimously.

Requesting Authorization to Dispose/Auction Obsolete Equipment No Longer Needed by the Township

Mr. Horn moved to authorize the auction of the following items that are obsolete and no longer needed by the township on GovDeals.com: Muncie FYC-70 (70hp) Clutch Assembly #13602 for a Hydraulic PTO Pump per the recommendation of the Service Director.

Mrs. Benza seconded the motion that passed unanimously.

Monday, April 27,

15

Requesting Authorization to Dispose/Auction Obsolete Equipment No Longer Needed by the Township

Mr. Horn moved to authorize the auction of the following items that are obsolete and no longer needed by the township on GovDeals.com: six picnic benches from Centerville Mills Park per the recommendation of the Service Director.

Mrs. Benza seconded the motion that passed unanimously.

Requesting Authorization to Dispose/Auction Obsolete Equipment No Longer Needed by the Township

Mr. Horn moved to authorize the auction of the following items that are obsolete and no longer needed by the township on GovDeals.com: two sets of commercial double doors from the Fire Station per the recommendation of the Service Director.

Mrs. Benza seconded the motion that passed unanimously.

Requesting Authorization to Dispose/Auction Obsolete Equipment No Longer Needed by the Township

Mr. Horn moved to authorize the auction of the following items that are obsolete and no longer needed by the township on GovDeals.com: "20s" cabin from Centerville Mills Park per the recommendation of the Service Director.

Mrs. Benza seconded the motion that passed unanimously.

Requesting Authorization to Dispose/Auction Obsolete Equipment No Longer Needed by the Township

Mr. Horn moved to authorize the auction of the following items that are obsolete and no longer needed by the township on GovDeals.com: 40 wood stackable beds that make 20 bunk beds; 10 three drawer wooden dressers 20"d x 29"w x 31"h; 10 wooden padded chairs; 9 wood frame mirrors 28"w x 31"h one broken would have been ten – all above items are to be sold as sets to include 2 bunk beds, 1 dresser, 1 chair and one mirror; two small couches 4'4" long with two sets of cushions; one couch 6'4" long with three sets of cushions; one wood coffee table 17"h x 18"w x 34"L; one wood two door cabinet or can be used for TV stand 20"d x 33"h x 40"L – all above items to be sold as a set; 25" color TV – tube great picture with Memorex DVD player; one American four burner electric oven; one Kenmore refrigerator white 20cf; seven toilets floor mount; seven white enameled sinks with faucets wall mount; two white urinal wall mount with flush valves from Centerville Mills Park Lodge per the recommendation of the Service Director.

Mrs. Benza seconded the motion that passed unanimously.

Requesting Authorization to Dispose/Auction Obsolete Equipment No Longer Needed by the Township

Mr. Horn moved to authorize the auction of the following items that are obsolete and no longer needed by the township on GovDeals.com: one steel desk with wood top 30" x 60", 5 drawer with two locking shelf tops and keys included – each shelf has a back board and measures 13-1/2"d x 36"h x 66"L; four drawer file cabinet 18"w x 28"d x 52"h; one wood folding table top 30"w x 5'L; one steel two-door cabinet 18"d x 36"w x 6'6"h seven wheeled swivel chairs – 2 blue, 4 red, 1 green: two red sanitary chairs; one brown leather couch 7' with three cushions; one office table 30"w x 6'L; one small desk no drawers 24"w x 38"h x 5'L with desk top back and shelf from the office at Centerville Mills Park per the recommendation of the Service Director.

Mrs. Benza seconded the motion that passed unanimously.

Monday, April 27,

15

Tax Bill – Aurora Co-Op

Mr. Markley explained that the township received a notice of taxes due and a real estate tax bill from the Geauga County Auditor's Office relative to the Aurora Co-Op in the amount of \$13,673.38 for township property that has only recently been used exclusively by the Aurora Co-Op. The tax bill goes back to 2008 when it was originally leased and it has been added to the Real Estate Duplicate for 2014.

The board will make inquiries and investigate challenging this bill.

TOWN HALL – OLD BUSINESSLand Bank

Mr. Horn reported on the meeting with the Geauga County Auditor regarding the appraised values of the nine land bank parcels in Chagrin Falls Park subdivision. The county will report back to the township within ten days regarding its decision. The trustees discussed the appraised values, the Habitat for Humanity offer and the future of the Land Bank.

ZONING – NEW BUSINESSProposed Zoning Amendment Z-2015-1

Mr. Markley recessed the regular meeting at 8:01 P.M. and opened the public hearing at 8:03 P.M.

PUBLIC HEARING

Z-2015-1

Zoning Amendment Z-2015-1 (Rezoning from CR: Commercial Recreation to Mixed Use Planned Unit Development)

Mr. Markley explained the amendment and noted for the record that the legal advertisement for the public hearing had been duly advertised in the News Herald on April 17, 2015.

Mr. Markley summarized the amendment. There is a district in the township's existing zoning which is the Commercial Recreation District and it encompasses the area of Waterway carwash, the Home Depot area, Walmart, Dick's, the shopping centers on both sides of the street (Route 43/Aurora Road) as well as the Cedar Fair property all the way to the township/county line. It is a large triangle best identified by the dark green area on the zoning map and that is considered the township's commercial recreation district. The idea was developed many months ago, in excess of thirty months ago, to go through a rezoning effort and to look at what the opportunities were in that district and what the vision of the township might be consistent with the guide plan/land use thoughts etc. Ultimately by the recommendation of two consultants, Kendig Keast Collaborative and as part of the township's comprehensive zoning rewrite which is a very elaborate process and still not nearing completion, they also took on the mixed use zoning amendment as a separate project and when we realized that the comprehensive zoning rewrite was going to take too long to move this forward we enlisted the help of inSITE Advisory Group and our zoning commission to move this ahead so we could create a mixed use zoning district and amend our current zoning code to include this mixed use district effectively taking out the CR

Monday, April 27,

15

(Commercial Recreation) and putting in a mixed use district. It is a 131 page document, fairly comprehensive with tables, pictures and a lot of detail that page by page the zoning commission labored over and worked through the details with the assistance of inSITE Advisory Group. The public hearing tonight is basically for comments relative for the rezoning or against the rezoning.

Mr. Markley solicited comments for the amendment.

Mr. Steve Yingling, 8170 Carrington Place and zoning commission member stated that the zoning commission took this on as a separate piece of the comprehensive zoning rewrite for the entire township because we wanted to address it specifically in conjunction with some of the plans that are now approved by Aurora because those of you who are familiar with the land, the land doesn't stop right there in terms of its potential use, it goes over into Aurora and in conjunction with what they have approved we have developed language to change it to what we are calling a mixed use district. The Cedar Fair property, other than the water park has become the largest eyesore in Bainbridge Township because nothing is being done and nothing is being maintained. Cedar Fair has for years attempted to sell it and of course the real estate economy didn't really bring forth a lot of people so in conjunction with some of the things that Aurora elected to do so it would be in concert and not try to develop part of it one way and another part another way. What we proposed in this lengthy document is a mixed use district for lack of a detailed explanation he would say consider Crocker Park something where there is living, working, there is a variety of activities and restaurants. We kept the value of the lake in terms of setbacks so that it would preserve that asset for the township and for the use of the people who go into the mixed use zoning. It provides for townhomes, businesses on the lower level and for people to live on the upper level and you would see if you would view this document, it is probably a preview of what is going to come out with the comprehensive zoning rewrite and this will be folded into the comprehensive zoning rewrite, non-verbatim because the CZR basically is going to be a multi-linked interactive document. Our current zoning regulation is a three-ring binder with three holes and every time you want to change something or modify something you hope and pray that you have looked at every single page where every item that you want to change is referenced to see if you caught it. With the new one you will be able to click on it and it will tell you everywhere in the zoning resolution that particular term or idea exists so you can adjust accordingly. It is unlike our current zoning which has nothing but pretty much vague descriptions but in this mixed use district and you will also see in the upcoming CZR drawings, sketches, dimensions so that instead of just reading through verbally and trying to think what exactly does that setback mean, there are tables and drawings, there are sketches to try to guide you and it also provides for the opportunity for someone who is doing something, coming in and sitting down with the township and saying here is kind of what I want to do, not dictated by what it is but we are trying to basically formulate what they can do there so it is going to require some work with the developer in conjunction with the township to try to find a workable solution for both parties. We really don't see any need for additional large, empty buildings that currently exist on that property so it is a creative use, we feel that it is in conjunction with what Aurora wants to do so we are not at odds with them and he thinks that anybody who studies this will find that it will make for excellent future use of this property.

Monday, April 27,

15

Mrs. Benza stated that for anybody who may want to consider those comments, Mr. Yingling talked about what Aurora has done and she has mentioned it in a recent special meeting that the trustees had as well. Aurora is a municipality and in their charter they have a provision that requires them to update their master plan every five or ten years and that update goes out to a vote of the people and that was done a couple of years ago and as a result of the Aurora master plan update they also updated their development standards for what we call the Geauga Lake/Cedar Fair property that is located in Aurora so she thinks that is what Mr. Yingling is referencing.

Ms. Julie Anthony asked about the mixed zoning and is there a timeline to get it approved and how does it tie in with Meijer's desire to buy that property.

Mr. Yingling responded, that as many are aware, there is currently a moratorium on issuing of zoning permits. If we didn't have a Walmart or Home Depot, those are not permitted within the regulations that we are creating. He thinks as a township and while we don't see them specifically on the zoning board, people come to us and Gordmans is a prime example, they want to build this store but there are two empty ones beside you, why don't you use that, we have the old Flower Factory, why don't you use that but no, they want to build their own and so they do and we are now sitting there with very large empty facilities that apparently nobody wants to go in. He can't say if another generic big box went into this property that it might not suddenly see somebody else in there going out of business and we would be left with a fourth large empty box. This zoning code will basically open up opportunities for a multitude of things that doesn't require super huge large structures and the parking and the paving and he thinks that you will see with what will happen there a very significant improvement in the use of that property over what it currently is for sure or what it could be under the current zoning.

Mr. Markley stated that the board will use what Mr. Yingling just described as arguments supporting the reason for the mixed use district because normally we don't have this discussion in the for and against commentary because we have a discussion period after this, once the public hearing is closed. He just wants to augment that that was Mr. Yingling's supporting discussion points for this and we can talk a little bit about the time-line of this as well.

Mr. Markley solicited comments against the amendment.

Mr. Ted Seliga of N. Spring Valley Drive stated that he would like to express to the trustees that what Mr. Yingling has mentioned are the reasons he is against the zoning preventing or interfering with capitalism. The township is now dictating what type of businesses that are allowed in the township and we keep hearing the fact that we have big boxes which we are getting taxes from those big boxes, the people who own those big boxes are trying to rent them and he relates to the small boxes we have empty in the township also, so are we going to zone against small boxes going into that development so his point is he is against this type of zoning because in his opinion it is over stepping the bounds of government.

Mrs. Benza asked Mr. Seliga if he is against the mixed use concept all together.

Mr. Seliga said the mixed use concept is fine and he also thinks that the mixed use concept, in his opinion, that we should look more at the business part on our side rather than the housing and leave the housing and the apartments to the Aurora side of the lake and use ours for a more financial type of commercial development or industrial park which would allow business to come in and compete.

Monday, April 27,

15

Mr. Markley said so you are not really against zoning in general.

Mr. Seliga said no and nor mixed use.

Mr. Markley said you are against this zoning amendment today.

Mr. Seliga said where it was stated that we are looking at stopping certain businesses from coming in.

Mr. Markley said so it is the one aspect of this mixed use that you are marginally opposed to which was the elimination of the big box from the mixed use district.

Mr. Seliga said the ability for the land owner to sell his property to whom he chooses.

Mrs. Benza said if she understand what you (Mr. Seliga) is saying, you are opposed to the mixed use component as proposed to the extent that it also includes residential, you would exclude the residential but keep in the big box component.

Mr. Seliga said no, he is against excluding big boxes from the property. This whole philosophy for anything other than Cedar Fair he doesn't have an issue with, we are talking about as it applies to the Geauga Lake property.

Mrs. Benza said we are talking about the entire commercial recreation district.

Mr. Markley said everywhere in that green triangle. It includes a number of properties not just the Cedar Fair property. In this rezoning amendment it includes things that you are somewhat opposed to.

Mr. Seliga said no to regulating businesses who can come in.

Mr. Markley said in this particular case it is the big box retail that you don't agree with having it excluded in this mixed use.

Mr. Seliga said the township should not be specifically picking things.

Mrs. Benza said because of size.

Mr. Markley said to the extent that that is applicable you are also not in favor of this adding residential which right now cannot be built there because under CR you cannot build residential.

Mr. Seliga said he does not have an issue with that.

Mr. Markley said because residential is included in this that is okay.

Mr. Seliga said excluding businesses based on the size of the businesses.

Mrs. Benza said zoning does that all of the time.

Mr. Horn said he (Mr. Seliga) is opposed to the amendment because it excludes certain things.

Mr. Markley asked for any other comments against the rezoning amendment.

Monday, April 27,

15

Mr. Markley said he did want to share something, in the purpose statement for the Mixed Use Planned Unit Development and recognize that planned unit developments have been around since the seventies, Geauga County maybe has one or two, it is not a common thing in Geauga County, certainly Bainbridge doesn't have any.

Mr. Horn said that Bainbrook is a PUD.

Mr. Markley said the Planned Unit Development is in the Ohio Revised Code and allows for a number of flexible uses. He read the following purpose statement: "The purpose of the Bainbridge Township Mixed Use Planned Unit Development District is to promote the redevelopment of a formerly regionally significant tourist area and to protect the site's plentiful natural resources while maximizing compatibility and integration with adjacent jurisdictions and existing uses, for example the adjacent outdoor water park and residential areas. Bainbridge Township plans to provide flexibility in site design by creating opportunities for higher density, semi-urban residential housing and mixed-uses and to improve the overall tax base of the township. The mixed-use planned unit development district intends to promote integrated developments that are compatible with adjacent neighborhoods with access and internal circulation methods that are pedestrian-friendly. Within the MUP District, the zoning regulations need not be uniform, but may vary in order to accommodate unified development and to promote the public health, safety and morals. The foregoing proposed text is based on O.R.C. 519.021, Planned Unit Development." He said that is the stated purpose for this and Mr. Seliga brought up a concern relative to residential although his biggest concern is, and he (Mr. Markley) shared this with both the zoning commission and the zoning inspector, was just the ratios by which the residential component is calculated and it is difficult for him to visualize what that actually looks like on the site if it was developed according to the document, the ratio is a little different for him and he thinks that is the biggest challenge for him, trying to put together in his head or picture on that site the ratio as described in here and in fact when our planner came in for a previous meeting, he asked Kendig Keast about the mixed use district and the ratio of residential and he was a little loose with his response relative to that ratio and he said those are just numbers he threw in and if you want to change them you are totally able to do that and so he would think that that might be something that if we could either work on or discuss a little bit tonight but he would like to get a sense on how that ratio works, why it is in there and again he looks at that purpose statement specifically as it relates to the residential component and again it speaks to higher density, semi-urban residential housing and combining that with mixed uses so offices and retail and other things, he thinks the idea was that you can do townhomes, vertical homes, use of the lake and that kind of thing, homes or residential units, call them condominiums or whatever you wish above office and retail so it is consistent with other mixed use developments like Eaton or Easton in Columbus or First In Main or Crocker Park and others so the purpose statement seems to speak more to semi-urban housing and if he is reading the ratios right it provides for a certain percentage of single family detached which he is not entirely sure meets with the semi-urban component so that is probably his biggest concern relative to the Bainbridge side for development because Mr. Seliga again, seeing our side more commercial and more of the housing on the land in Aurora that seems to be more suitable for housing and having spoken with Aurora they seem to be quite comfortable with that over there so he is struggling with that ratio, just a hair.

Mrs. Benza said so she hears Mr. Markley say it might be good idea to gather some additional information.

Monday, April 27,

15

Mr. Markley said he would like to get some additional insight on that ratio from Kendig Keast and again he doesn't know the urgency and timing of the public hearing but we have a meeting every two weeks so we can continue the public as an option and when we get to some of the information it will allow the trustees to facilitate some of this and do it the right way.

Mr. Yingling referred to the 30-30-30-10.

Mr. Markley said it is 40% of a 100 acre minimum development option so 40 acres of that hundred it is either shall or maybe residential and he thinks it is a shall.

Mr. Yingling said we want some residential.

Mr. Markley said 40% would be residential with one-third of that 40 acres, 12 or 13 acres, would be single family so out of 100 acres there are 250 acres or so that provides for about 30 acres of single family plus or minus that could be out there and that is the number he is still challenged with especially if the Aurora side, from his conversations, is predominantly single family, it might make sense to change those numbers a little bit and tweak them to see if we can look for a little bit more of the semi-urban or urban type of housing which is the townhomes, the condos and even some of the attached and those can be done in various architectural styles. He asked if there were any thoughts on that.

Mr. Yingling said the zoning commission played with those a little bit and in that discussion nobody than Aurora is more suited for the single family, the free market will determine where the single family wants to go, if it is easier and for a better return to put it in Aurora they are going to put it in Aurora because if they put it in Bainbridge then they would have to accommodate the rest of it so the market will also dictate where the single family goes, we did not want to exclude single family in this area because of the nature of the mixed use that they wanted, live/work townhomes etc. Personally and professionally he does not see a lot of single family going in there, he thinks they will build single family on the Aurora side.

Mr. Markley asked what the harm would be to exclude single family altogether and either going with a 50 – 50 of that 40% and he is just throwing numbers out because we probably should do some metrics on this a little bit.

Mr. Yingling said he doesn't think there is harm that over the years and he has heard people say that the ACLU is going to come after Geauga County because they have large lot zoning and people with limited income cannot afford to build there so it has got to be unconstitutional and he wouldn't want to see that type of challenge coming at us in this area by taking out or severely limiting single family because he doesn't think these single families are going to be ridiculously expensive, he doesn't think they will be any more expensive in terms of being the least expensive new house that you could buy in Bainbridge, he doesn't see that happening so he thinks the free market is going to push the single family into Aurora and he does not think that we would want to as a township totally restrict single family, he doesn't want to see us opened up to that type of challenge, we know all that we have gotten challenged on previous things and that should not be one of them. We don't want 90-10-10, we don't want to exclude something, we want to provide a mix.

Monday, April 27,

15

Mr. Markley said it is his understanding that even after the public hearing is closed, we have twenty days with which to act on the zoning amendment and ultimately vote on it which then takes effect in 30 days so we effectively have upwards of 50 days before this takes effect. There were some other things and unfortunately Ms. Endres is not here, she had some tweaks to it as well, she wanted to add a few things, some minor revisions.

Mr. Yingling said when we pulled this language as it was originally proposed from the CZR of course we had to take things out because there were references to language that doesn't exist and sections and links and terminology that doesn't exist, we went over and over it and proof read it, we found spelling mistakes etc. Some sections were intentionally left blank because when we push it back into the comprehensive zoning resolution there will be sections there that refer to other things in the CZR that are not applicable.

Mr. Markley asked Mrs. Anthony if that answered some of her questions.

Mrs. Anthony said some references were made to deadlines and you mentioned who votes.

Mr. Markley explained that it is the three trustees, it is not an issue that goes on the ballot.

Mrs. Benza explained that procedurally once the public hearing is closed and we can close it tonight or continue it for a reasonable amount of time, once the public hearing is closed we have about twenty days within that period of time to make a decision to accept, to deny it or to modify it and once that decision is made by the board of trustees, that decision goes into effect thirty days after that decision is made unless there is what is called a referendum petition by the residents which would then go on the ballot for election.

Mr. Yingling said they have been frustrated from the time they started the CZR 30 months ago and with focus groups of people, they have been sort of surprised, amazed and even him being in the real estate business, wouldn't more people want to know what is going on or just ask questions.

Mrs. Benza said this is specific to the commercial recreation district but this is just part and parcel of the much larger comprehensive zoning rewrite that we are doing and at the time we started that more than 2-1/2 years ago we hosted what was called a citizens congress trying to seek input on what is important to you and she thinks we had eight and a number of people who were members of the zoning commission but as far as the public we had very few and she thinks Mr. Yingling is right, that was surprising that we didn't have more input.

Mr. Seliga said the part you brought up on percentages, did it say may or shall because it makes a big difference.

Mr. Yingling said in 5.1.203 it says shall, page 51.

Mr. Seliga said he is against shall, it should be may.

Mr. Markley said he is not necessarily opposed to that either.

Mr. Seliga said it allows you to consider different things.

Monday, April 27,

15

Mr. Markley said it is a mix, planned unit development shall be comprised of the following minimums, 30% residential, 30% non-residential, 30% vertical mixed use and 10% variable, that is the mixes of use and shall be comprised of those minimums. He asked where it breaks out the 40% of the hundred acres, where it says it shall be or may be 40%.

Ms. Jennifer Syx of inSITE Advisory Group stated that she would think that would be 40% and 30% with a 10% variable.

Mr. Yingling said it has to be a minimum of 100 acres (parcel).

Mr. Markley said the residential component for, it breaks up the residential further.

Ms. Syx said those are options, there are single family residential, townhouses, multi-family.

Mr. Horn said but the 30% doesn't have to be single family.

Ms. Syx said correct, it is a mixture of various residential housing.

Mr. Markley said he was led to believe for some reason that 40% plus a 10% variable was residential but of that 30%, 10% had to be single family, 10% had to be vertical and 10% had to be multi-family.

Mrs. Benza asked if we are looking for more revisions or just more familiarity with it.

Mr. Markley said some familiarity might bring forth some changes on the ratios because probably his biggest point was relative to single family on this site, that was largely his concern and he gets the fact that it is likely going to go elsewhere he just wanted to see where it was in writing and how it was dictated to a potential developer and that is essentially what they are looking at when they buy property is what can they do on this site and he thinks that familiarity would be helpful for him so maybe he can personally concentrate on this section to get a better sense of this in the next week or so.

Mr. Yingling said economically just traditional, stand-alone Ryan or Hovenian, they want a block and God Bless Aurora that they want all of this single family, God Bless them that for the past 10 to 15 years they almost allow any condo development that wanted to go in there and he has been amazed just to see how that has developed and that is what that community apparently wants and approves.

Mr. Markley asked if the zoning commission has had any dialog at all with the Kenston School District relative to their desire for additional residential.

Mr. Yingling said not specifically and he thinks maybe we didn't want a tight influence on what we suggested in here based on the schools because they would say they need more buildings and then close them down and that is a function on time and the economy. Here, not so much in Bainbridge but in Auburn there are a lot of single family building sites that have been there for almost 10 years that were not and could not be sold and the fact that the spec home builders, the private builders cannot get money. If you see Pulte buy something it is because they have their own money to put it all in and that is why Canyon Woods basically turned into half of it being Pulte. You had nice custom builders there but the economy went down and with the whole mortgage crisis they couldn't get money so there are a lot of builders he knows cannot come back because it has to be privately funded.

Monday, April 27,

15

Mr. Markley asked Ms. Syx if she has any comments to the work product that she put together and if she has any thoughts on what this does.

Ms. Syx replied that she is the president of inSITE Advisory Group and what we are creating here is an opportunity for long term housing and long term commercial property and it is new to the township and new to the county so what we are trying to do is create new development and we want to do it in a fashion where we are taking certain features of the township and obviously the lake is important, we want to create public access to the lake on the Aurora side and Bainbridge side and we want to promote a unified development so that when you are in the Geauga Lake district and you are floating back and forth between Aurora and Bainbridge you don't know that you have crossed one municipality into another so ultimately this will be the catalyst for development and we are creating a destination location so we are creating a variety of residential but also commercial uses so what we will see is waterfront dining, a large pedestrian access, maybe some smaller streets and some smaller units and for example apartments. When we say semi-urban we are not talking about high-rise multi-family, low income residential dwelling units, what we are talking about is smaller townhomes with first floor retail, maybe three stories, varied rooflines so you have got a nice community so that is why this is so important, we are creating a new street grid, we are creating recreation easements, we are creating shared parking, what we don't want to see is curb cut after curb cut, parking lot after parking lot so we are going to be looking at creating standards that will guide the development to create shared storm water best practices to create shared parking so we have some residential and some commercial but then we have certain parking areas that are busier during the day and mixing that a little bit with more night-life so we would have some restaurants so you have a nice balance, create off-street parking, create a trail system so it is bigger than just rewriting a zoning resolution, it is creating a brand new community so that is why it is so important we do it right.

Mr. Seliga said we have different philosophical beliefs on what that area of the township should be used for because you already have a community that has fantastic housing developments and whatever else and what we are lacking is income from commercial properties that if we look at that corner of our township which is isolated from the rest of the township and has basically been a commercial type area to start out with that for him that is the prime area to keep that development in because it has already been there and it leads to the commercial income. He doesn't disagree with having a philosophy of how great things could be because it is nice our township has done that already but there is a component that we are missing, we see using that shopping center and you might ask a person on the zoning board about the Meijer going in, where Meijer is going in in a development that has taken place where it draws in without having a plan for it. It is great to have a plan but keep in mind what is in relation to the rest of the township and what the potential is for financial income.

Mr. Markley said what he is hearing you (Mr. Seliga) say really is promoting the economic development opportunities on that corner.

Mr. Seliga said in Bainbridge Township and doesn't keep the philosophical plan in place because Aurora is doing that portion of it so we are not isolating our view, we are looking at the whole thing and we could keep the commercial aspect in our community and still meet that whole plan.

Mr. Markley said he doesn't know if there is anything in this zoning amendment that effectively precludes that perhaps other than some of the comments you made relative to the negative or big box or whatever.

Monday, April 27,

15

Mr. Yingling said there are different connotations to big box such as Walmart or Home Depot or maybe Meijer but with this new zoning you can build a 100,000 sq. ft. building which is not a small building but if Walmart didn't exist you couldn't put it in the mixed use.

Mrs. Benza said but to size it out we know that the Flower Factory building is 60,000 sq. ft.

Mr. Yingling said there are places for large structures in there and this mixed use plan can accommodate it and he is not so sure that another big box will draw the rest of the commercial stuff that we are promoting here because it is already here and has been for years zoned commercial recreation and all we have to do is drive by and look at what has not happened.

Mr. Seliga said the big point is we have had Cedar Fair there as an amusement park so the point is to keep it open for a specific purpose and not exclude things, not dictate what is going to go in and focus on the commercial aspect of it and let the economy take care of itself.

Mr. Markley said other than the restriction on big box and the shall on residential you are supportive of the mixed use.

Mr. Seliga said absolutely but not dictate, here is our plan, this is what it is going to look like, here is what you the developer can use the property for.

Mr. Markley said he doesn't know if he has the opportunity to comment as a resident but also as a planner and landscape architect to him master planning on large chunks of property that have the economic potential that you are describing is very important to a master plan because you want to make sure that you have your building envelopes set up that allow for property circulation so we don't end up with some of the things we have in our community which is numerous curb cuts, the traffic congestion issues, Giant Eagle, GetGo, trying to get into Tanglewood, people trying to zoom past so they can get around something that is turning left, there are a lot of conflicts created by numerous curb cuts and so circulation is very important.

Mr. Seliga said he doesn't disagree.

Mr. Markley said and seeing that on Rt. 43 he thinks is an important thing because there are some controlled access points along Rt. 43 even on the Bainbridge side and he likes that and Aurora will probably consider doing similar things relative to the curb cuts working with ODOT or whomever they have to work with so he thinks having some of those controls in place is important and whether it is consistent with your thoughts or not he thinks the master planning component starts to dictate both the pedestrian, the vehicular, the land use, the whole bit that keeps us from having a mess out there.

Mr. Seliga said he doesn't disagree with that but his point is, this is the development we want in there, this is what it is going to look like and they don't have any other alternative, but what you are saying he totally agrees with, but this is what you are going to build or else.

Mr. Markley said he doesn't think that actually happens in the master planning process, here is the area where those homes should go relative to businesses, so that you have a progression of use that doesn't conflict with each other, that is master planning.

Mr. Seliga said as long as it is open and allows for variations.

Monday, April 27,

15

Mr. Markley said that is the beauty of the PUD and that is actually the beauty of a single owner, single developer kind of process if you can achieve that rather than a piece-meal approach because what will likely happen is the sale of the most visible parcels which are along Rt. 43, you can say National City Bank, you could say a gas station, a mattress company, you could say any number of things, Chick-Fil-A, you could see those things popping up along the corridor and absent a master plan they will be the only things that happen because that is the visible frontage and the back is left for whatever might happen and that isn't consistent with what any of us want. You assume the best but you don't think about the rest. He asked for any other comments.

Mr. Markley stated that the public hearing will continue on May 11, 2015 at 8:00 P.M. at which point the trustees should have closure on the residential.

Mr. Yingling invited everyone to attend the Zoning Commission meeting tomorrow night (April 28, 2015) because the entire CZR is still being worked on. The entire zoning commission would like people to be aware of what is going on because for a couple of years we have been working in a bubble with very, very little give and take from the community and it would help us if we had that with the development state.

Mr. Markley said it is easier to draft with proactive comments as opposed to a draft on reactive.

The trustees were in general agreement to continue the public hearing to 8:00 P.M. on May 11, 2015.

The public hearing was recessed and the regular meeting was reconvened at 8:55 P.M.

Policy Guidelines for Exclusive Use Agreements re: Township Buildings

Mr. Markley reported that there has been a revision to the Exclusive Use Policy to effectively simplify it.

Mrs. Benza moved to adopt the Exclusive Use Policy for Township Buildings.

Mr. Markley seconded the motion that passed unanimously.

TOWN HALL – NEW BUSINESS

Geauga Growth Partnership Sponsorship – Annual Fee

The trustees discussed the different level of sponsorships. Mr. Horn explained that its goal is to promote business in Geauga County and has done a good job.

Mr. Markley moved to support the Geauga Growth Partnership with a \$1,000.00 donation.

Mr. Horn seconded the motion that passed unanimously.

Monday, April 27,

15

Resolution to Regulate Temporary Signs on Town Hall Property

Mr. Markley stated that this is an opportunity to work on signs on township property and this one specifically speaks to the town hall property. There are a number of different entities that use the town hall from the Blood Mobile to KCE's Swing Dance and other events where signage is placed. There was an issue last year during the November election with signs in the flower beds because there has not been a designated area. The resolution defines specific areas on either side of the road coming into town hall, not in the island, not in front of the permanent electronic sign, not in front of the fire station sign, in the grass area a couple of feet on either side within 10' of the curb in that zone and that is where they can put signs. The size was defined and consistent with signs that have already been put in place. It is tied to the town hall during an event only, not in landscape areas, only in areas that are specifically identified. The number of signs is not addressed in the resolution.

Mrs. Benza moved to adopt Resolution 04272015-A, a resolution to regulate temporary signs on town hall property.

Mr. Markley seconded the motion that passed unanimously.

This resolution will be forwarded to the Geauga County Board of Elections, Kenston Community Education, the American Red Cross Blood Mobile and others.

A copy of this resolution (04272015-A) is attached to and will become a permanent part of these minutes.

Township Entrance Signs

The trustees discussed the repair and replacement of the Township Entrance Signs. Mr. Horn will discuss this with Mr. Stanek.

Concert in Heritage Park

Mr. Horn reported that the Chagrin Valley Chamber of Commerce sponsors concerts in the park in Chagrin Falls Village and they are attempting to expand that to other communities so they communicated with him regarding holding a concert in Heritage Park. The bands are sponsored by a local business so there is no cost to the township, just an evening of music.

The trustees were in general agreement for Mr. Horn to contact the chamber to coordinate a concert at Heritage Park.

Solon-Geauga-Parkside Sewer and Water Agreement

Mr. Markley said this is in regards to the sale of the VFW property on Pettibone Road to Parkside Church to be used for the Truth for Life which fulfills their mission to teach the bible with clarity and relevance and is a broadcast ministry and communication center for Parkside Church. He explained the JEDD with the City of Solon.

The trustees discussed the agreement. It will be forward to the JEDD board and to the Geauga County Prosecutor's Office for review.

Monday, April 27,

15

ZONING – OLD BUSINESSRequest by Cedar Fair to Lift Zoning Moratorium

Mr. Markley explained that Cedar Fair's request is for the trustees to exempt Meijer from the zoning moratorium so that they can submit an application to develop the Meijer store on a portion of the Cedar Fair property. Numerous discussions have been held and the trustees have been working on opportunities for mutual cooperation.

Mrs. Benza noted that the trustees had a public discussion on April 13th, a special meeting both public and executive on April 16th and another, primarily executive with some public discussion on April 20th.

Mr. Markley noted that the trustees held an executive session today to discuss this topic.

Mrs. Benza stated that the township knew it was going to engage in a zoning update and back in November the township established a moratorium which is simply a hold on the submission of zoning applications while we were working on the zoning amendment. That was put in place in November and on February 23rd it was continued/extended for another 120 days. That moratorium is set to expire on June 23rd. The time parameters were discussed regarding the zoning amendment and once the public hearing is concluded and a decision made, that decision by the board of trustees would go into effect 30 days after it is acted upon, primarily adopted or modified unless there is a petition for a zoning referendum. The trustees have continued the public hearing to May 11th but if the trustees have the information and were to make a decision on the zoning amendment either to adopt or to modify and the decision is made on May 11th, 30 days after that would be June 10th. That is the time parameter as far as where the zoning amendment stands for the CR district and on where the current moratorium stands.

Mr. Markley stated that of the numerous conversations the trustees had probably the most productive conversation is one he had on Friday with the real estate manager for Meijer. They talked about a commitment that was made at one of the meetings that was if there was an opportunity to work with Meijer to facilitate the development of their store in conjunction with what we are trying to establish on the rest of the Cedar Fair site, the master plan component, if we could incorporate Meijer into that master plan, that would really go a long way in doing what we have been doing for the last thirty months with this process of rezoning. The conversation effectively talked about Meijer not being able to sit down and talk about their site plan etc. if we don't pass this resolution allowing them to process an application, and it doesn't guarantee they will get a zoning certificate from the township, it only allows them to put an application in which the moratorium presently excludes. We need to see that there are conditions in place before we just allow development under the Commercial Zoning because this rezoning effort that we have done has gone on for such a long time. There was a purpose long before Meijer came to the table so with respect to that any resolution that would allow the processing of an application, in this case Geauga Lake LLC, but basically specifically for the purposes of allowing for a zoning certificate to Meijer would be conditioned on certain things. Cedar Fair has asked that they have this in writing and they put together some language that has been subsequently modified. The township in return is asking for certain conditions relative to allowing the process of the application.

Mr. Markley read the resolution and conditions.

Mr. Horn moved to adopt the resolution.

Monday, April 27,

15

Mrs. Benza seconded the motion.

Vote: Mrs. Benza, aye; Mr. Horn, aye; Mr. Markley, aye.

A copy of this resolution (04272015-B) is attached to and will become a permanent part of these minutes.

FISCAL OFFICER – NEW BUSINESS

OhioCheckbook.com

Mrs. Sugarman explained the letter received from the Treasurer of Ohio, Josh Mandel regarding OhioCheckbook.com that posts the state's checkbook online and will do the same for local governments at no cost.

The trustees were in general agreement to support OhioCheckbook.com.

Requesting Authorization to Donate Obsolete Equipment

Mrs. Benza made a motion to declare the Canon ImageClass D860 copier in the Fiscal Office obsolete and no longer needed by the township.

Mr. Markley seconded the motion.

Vote: Mrs. Benza, aye; Mr. Horn, abstain; Mr. Markley, aye.

Mr. Markley moved that Pursuant to ORC 505.10A2b, the obsolete copier with a value of \$50 will be donated to the Bainbridge Area Food for Friends food pantry.

Mrs. Benza seconded the motion.

Vote: Mrs. Benza, aye; Mr. Horn, abstain; Mr. Markley, aye.

Super BC and Invoice Approval Discussion

Mrs. Sugarman asked for clarification because the approved Super BCs are not going to have a separate purchase order. The question is do the trustees still want to continue approving BC purchases in the amount of \$2,500 and above.

The trustees were in agreement to continue approving any BC purchases in the amount of \$2,500.00 and above.

Purchase Order Approval

Mr. Markley made a motion to approve the purchase order list (Items 2, 4, 5, 6, 7, 8, 9 and 10) as submitted by the Fiscal Officer.

Purchase Orders 1 and 3 were tabled.

Mrs. Benza seconded the motion that passed unanimously.

The list as presented is as follows:

Purchase Order Approval Requests

1. CareWorksComp-Workers' Comp Group Rating Program - \$12,412.00 (General)

Monday, April 27,

15

2. Ohio Bureau of Workers' Compensation – BWC Premium for 2015 - \$66,861.93 (General)
3. Geauga County Auditor – Real Estate Taxes for Aurora Co-op Preschool at Centerville Mills Park - \$13,673.38 (General)
4. Corridon Builders & Remodelers – Plumbing Work for Concession Stand at River Road Park - \$2,960.00 (General)
5. Restaurant Equippers – Equipment for Concession Stand at River Road Park - \$3,281.37 (General)
6. Bob Ross Auto Group – 2015 GMC 2500HD Pickup Truck 4x4 Extended Cab Short Bed for Parks Department (Vehicle Replacement) - \$29,541.50 (General)
7. FarmTek – 24' x 48" Freestanding Hoop Structure - \$8,822.60 (Roads)
8. VanCuren Services, Inc. – Removal of Dead Trees in the Township Right-of-way (64) - \$11,300.00 (Roads)
9. Warren Fire Equipment – Turn-Out Gear - \$11,000.00 (Fire)
10. Geauga Mechanical – Filters for Exhaust Fan – Range - \$5,740.00 (Police)

Invoice Approvals

Mr. Markley made a motion to approve Invoice 2 and as submitted by the Fiscal Officer.

Invoice 1 was tabled.

Mr. Horn seconded the motion that passed unanimously.

Invoice Approval

1. CareWorksComp – Workers' Comp Group Rating Program - \$12,412.00 (General)
2. Ohio Bureau of Workers' Compensation – BWC Premium for 2015 - \$66,861.93 (General)

LATE ADDITION

SERVICE DEPARTMENT - NEW

Request for The Illuminating Company to Relocate Existing Primary and Secondary Overhead Service Conductors at the Service Department (17800 Haskins Road)

Mr. Markley moved to authorize the Fiscal Office to issue a purchase order in the amount of \$13,419.95 to the Illuminating Company to relocate existing primary and secondary overhead service conductors per the recommendation of the Highway Superintendent.

Mrs. Benza seconded the motion that passed unanimously.

CHECKS DATED APRIL 14, 2015 THROUGH April 27, 2015

The trustees examined and signed checks and invoices dated April 14, 2015 through April 27, 2015 consisting of warrants 23025 through 23119 in the amount of \$221,446.23, including payroll from April 4, 2015 through April 17, 2015 in the amount of \$138,987.09.

NOTE: A register of said checks is attached to, and becomes a permanent part of these minutes.

Monday, April 27,

15

PUBLIC INTERACTION: QUESTION AND ANSWER

Mr. Henri Preuss asked if the moratorium was removed.

Mrs. Benza replied that the moratorium will still be in place, they are however carving out an exception so that Meijer can submit its zoning application.

Mr. Preuss referred to the proposed concert in Heritage Park and having the chamber contact Mr. Sfiligoj, the township Park Board chairman regarding events in the park. He also commended the fire department on the recent activity where wires were down on Bainbridge.

Mr. Ted Seliga asked if the trustees have any plans to actively manage the Land Bank and/or the disposition of the current land/properties in the Land Bank.

Mr. Markley responded yes they do, and those are two separate issues, one is managing the properties and one is deciding whether or not to be in the Land Bank business.

Mr. Seliga said he emphasizes an active process.

Mr. Markley replied yes, absolutely. He understands that a meeting will be held on Wednesday so there will be some discussion to be able to move forward and it will be discussed again on May 11th.

CORRESPONDENCE

Letter from Cindy Wojtasik. Re: Memorial Day Parade on Sunday, May 24, 2015.
Chagrin River Watershed Partners. Re: Annual meeting of members on Thursday, May 21st.

Geauga County Commissioners. Re: Resolution to release a 33% Load Limit on all county and township highways effective May 1, 2015.

Request from the Metro Health System. Re: Golf Outing.

Geauga County Public Library. Re: Thanking the township for the taxes received from the Montefiore Housing Corporation for tax year 2014.

Monday, April 27,

15

Since there was no further business to come before this meeting of the Bainbridge Township Board of Trustees, the meeting was adjourned 9:52 P.M.

Respectfully Submitted,

Janice S. Sugarman,
Fiscal Officer, Bainbridge Township

Date

Date

Date

Minutes Read: _____

Minutes Approved: _____