

Friday, June 30,

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The Bainbridge Township Board of Trustees met in a special session at the Bainbridge Town Hall on Friday, June 30, 2017. Those present were Trustees Mrs. Lorrie Benza, Mr. Jeffrey Markley, and Mrs. Kristina O'Brien, and Mrs. Karoline Eutsey of the fiscal office took minutes. Mrs. O'Brien presided and called the meeting to order at 8:01 A.M.

#### EXECUTIVE SESSION

Mrs. O'Brien made a motion to go into executive session for the Employment and Compensation of Public Employees per Ohio Revised Code Section 121.22(G)(1).

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

The trustees returned from executive session, after considering the employment and compensation of public employees, and reconvened their meeting at 9:00 A.M. Mrs. O'Brien welcomed the brokerage team from Hanna Commercial: Tony Visconsi, Greg Slyman, and Sean Wall, as well as Duffield Milkie, Executive Vice President and General Counsel to Cedar Fair. She announced that this meeting was requested by the Hanna representatives.

Mr. Visconsi, Managing Director of Hanna Commercial Real Estate, stated that in the last three months there have been five potential buyers for the entire Geauga Lake Property not including the Meijer and Liberty Ford portions. The buyers are looking to use the property for offices, industrial, residential, and retail.

The current issue that Hanna Commercial has with selling the properties is that no JEDD has been agreed upon. The JEDD discussion with The City of Aurora came to a halt when the Township learned that there was logging being performed on the 44 acres that was set aside as a buffer between the park and the residents.

Mr. Milkie, General Counsel for Cedar Fair, stated that Cedar Fair did not give permission for logging on that property. Mr. Milkie believes that Mr. Woodall, the caretaker on the property, left the gate unlocked which allowed the loggers access to the property.

Mrs. Benza said she found it odd that Mr. Robin Wilson of Elk River had contacted the Bainbridge Zoning Inspector, looking for direction on whether township approval was needed for their logging activities if they did not have direction or approval from Cedar Fair. Mr. Milkie reiterated that Cedar Fair never entered into a logging contract with anyone for the parcel being discussed.

Liberty Ford on the Aurora side did, however, hire their own logging company.

Mrs. Benza asked Mr. Milkie if there were diagrams of the logged area. Mr. Milkie replied that no documents were provided. The only area that Cedar Fair intended to log was on the campground on the Aurora side. Mr. Milkie felt he has cooperated, did not allow the logging, and would like to move forward with the sale of the property.

Mrs. Benza questioned why Cedar Fair didn't contact Bainbridge Township after the logging occurred. The loggers and the residents contacted the township. Mr. Milkie stated that Cedar Fair called the logger to quit logging. However, in reality, it was the Bainbridge Township Police and the Zoning Inspector who went on site and had them stop.

The conversation then shifted to the topic of a proposed JEDD with Aurora. Mrs. Benza explained that procedurally a JEDD must be approved by a unanimous vote, after a public hearing. If the trustees were to have a 2-1 split vote, that would require that the issue be submitted to the public for vote at an election.

Mr. Milkie suggested that the most expedient way for sewer and water utilities to be provided to the Cedar Fair property was for the township to complete and take action on the proposed JEDD with Aurora. The trustees concurred that it would be the most expedient, but perhaps not the most beneficial.

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Mr. Mike Vary of 19070 Brewster Road suggested another meeting to take place to hear the residents' side of the logging incident. He believes that it is trespassing, and thinks that Cedar Fair should be acting on this matter. He inquired as to what the police report stated. He also inquired as to who ended up with the proceeds from the logging.

Mr. Markley responded that this case is currently with the Geauga County Prosecutors office and another meeting would be premature.

Mr. Milkie stated that he believes there is good communication between Cedar Fair and Bainbridge Township. Mr. Dennis Silvia of 18860 Geauga Lake Road said that he didn't feel Mr. Milkie was communicating well with Bainbridge Township. If there was good communication, then these things would not be happening. He would like to see the property kept up and not have an apocalyptic look. He would also like to see aesthetic benefits for the residents from the JEDD.

Mr. Ted Seliga of 8654 N. Spring Valley Drive inquired as to whether Aurora was the only source option for water and sewer. Could it the City of Solon provide the resources?

Mr. Markley responded that Aurora was the best source for sewer and water. In order for the property to use Solon we would have to work with NOACA and the EPA to change the service area. It would be a lengthy process. Another option would be for an applicant to provide their own sewer plant, but that is a very complicated process and may not be approved by the regulatory agencies. Water is not the issue. It's the sewer tie in that is the main issue.

Mr. Dan Henry of 18841 Geauga Lake Road commented on the illegal logging. The police came, stopped the logging, and the logging trucks hauled the logs off the property. Someone must have given them permission. Mrs. Benza agreed that the logs should have not left the property. Mr. Markley contacted the Chief of Police and had the logging halted. It will be unraveled through the judicial process.

Mrs. Jennifer Syx from In-Site suggested that Cedar Fair come up with a plan to remediate the site impacted by the logging operation. She also suggested working with the insurance company representing the logger. Mrs. Syx asked Hanna Commercial Real Estate how they plan on selling the property. It is her suggestion that they should review the cost of the site clean-up and then review their asking price. Bainbridge Township Zoning and In-Site are both receiving calls of interest on the property.

Mr. Markley explained that other than a JEDD, a TIFF, or a Geauga County CIC could be put in place. The township also discussed the possibility of purchasing the property from Cedar Fair.

Mr. Gil Myers of 7667 Chagrin Road asked if there was a plan with the City of Aurora for sewer and water in the JEDD agreement. Mr. Markley responded that a draft contract for the proposed JEDD, which addresses those utilities, has been revised by the Prosecutor's Office. He reiterated that the JEDD discussions came to a hard stop when the logging activities began.

Mrs. O'Brien discussed the process of how the JEDD would be voted on once an agreement is made.

The trustees recessed their special meeting at 10:45 A.M. in order to go into executive session.

Mrs. O'Brien made a motion to go into executive session for the purpose of economic assistance regarding the proposed JEDD per Ohio Revised Code Section 121.22(G)(8).

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

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Those invited into executive session at 10:46 A.M. were: Geauga County Assistant Prosecuting Attorneys Bridey Matheney and Sheila Salem; Bainbridge Township Zoning Inspector Karen Endres; Jennifer Syx of In-Site; Sean Wall, Greg Slyman, and Tony Visconsi of Hanna Commercial Real Estate; and Cedar Fair General Council Duffield Milkie.

The trustees returned from executive session after considering the requested economic assistance regarding the proposed JEDD and adjourned their special meeting at 11:03 A.M.

Respectfully Submitted,

Janice S. Sugarman,  
Fiscal Officer, Bainbridge Township

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Date

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Date

Minutes Read: \_\_\_\_\_

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