

Monday, August 24,

20

The Bainbridge Township Board of Trustees met in regular session at the Bainbridge Town Hall on August 24, 2020. Those present were Trustees Mr. Jeffrey Markley, Mrs. Lorrie Benza, and Mrs. Kristina O'Brien, and Fiscal Officer Mrs. Janice Sugarman. The meeting was also broadcast remotely through Zoom. Mrs. O'Brien presided and called the meeting to order at 6:01 P.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), Pending Litigation per Ohio Revised Code Section 121.22(G)(3), and Economic Development Assistance per Ohio Revised Code Section 121.22(G)(8).

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

The trustees recessed their meeting at 6:01 P.M. in order to go into executive session.

Mr. Tom FitzSimmons was invited into the executive session at 6:02 P.M. and left at 6:55 P.M.

Mrs. Karen Endres was invited into the executive session at 6:34 P.M. and left at 6:59 P.M.

The trustees returned from executive session, after considering the employment and compensation of public employees, pending litigation, and economic development assistance and reconvened their regular meeting at 7:04 P.M. and everyone stood and recited the Pledge of Allegiance.

#### CHANGES TO THE AGENDA

None.

#### MINUTES APPROVAL

Mr. Markley moved to approve the minutes of the trustees' August 10, 2020 regular meeting as written.

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

#### DEPARTMENTAL REPORTS

##### POLICE DEPARTMENT

Chief Jon Bokovitz presented the police department report for the month of July 2020. He reported that the annual golf outing was last week to benefit the Safety Town program which will be in its 47<sup>th</sup> year next year. The golf outing was a great success. Police calls were down in July due to less socializing, but OVI's and shoplifting numbers are up. He updated the trustees on a court case where the detective bureau worked very hard and got a conviction. He also mentioned that the Steri-mist machine works very well in disinfecting the police cars and police station. The complete police report is attached to and becomes a permanent part of these minutes.

##### FIRE DEPARTMENT

Assistant Chief Bill Lovell presented the fire department report for the month of July 2020. He reported that fire and EMS calls were down for the month due to less people out and mingling. The Weils was the destination with the most calls, and most transports were taken to Hillcrest Hospital. The complete fire report is attached to and becomes a permanent part of these minutes.

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ZONING DEPARTMENT

Mrs. Karen Endres presented the zoning department report for the month of July 2020. The receipts for the month of July were \$5,125.00 with 32 total permits issued and two new home starts. She reported that the vocational students from Geauga Job and Family Services will be returning to work in the township very soon. She has a new agreement that will need to be signed this year. Mr. Markley asked about the new pizza place next door. Assistant Chief Lovell responded that it is expected to open in September. Mrs. Endres mentioned that Chipotle is having some wood rot issues, so there may be some changes to the building elevations. The complete zoning report is attached to and becomes a permanent part of these minutes.

PUBLIC COMMENTS

None.

FIRE DEPARTMENT – NEW BUSINESSLeave of Absence Request

Mr. Markley made a motion to approve the leave of absence request from Firefighter Nicholas Zagorski from October 1, 2020 through December 31, 2020 due to a family issue per the recommendation of the fire chief.

Mrs. Benza seconded the motion that passed unanimously.

SERVICE DEPARTMENT – OLD BUSINESSResolution 08242020-A Authorizing Sale of Dump Truck

Mr. Markley made a motion to approve Resolution 08242020-A authorizing the sale of the 2007 5-ton dump truck (VIN#1HTWDAAR98J633204) to the Geauga County Engineer's office and authorizing the chair of the board of trustees to sign the purchase agreement per the recommendation of the service director.

Mrs. Benza seconded the motion that passed unanimously.

SERVICE DEPARTMENT – NEW BUSINESSRequest to Accept Playground Donations

The trustees were in general agreement to accept the donations of \$500.00 from Dana and Sean McIvor and \$50.00 from Kathleen and Charles Fitzgerald in accordance with ORC 505.10, and with extreme gratitude for the donations which will be used towards the proposed playground at River Road Park.

Passive Park

The trustees will discuss this issue at a later date when more information is received and reviewed.

Request for Rental Fee Waiver

Mr. Markley made a motion to approve the rental fee waiver request for the Centerville Mills Dining Hall for a memorial reception held on August 11, 2020 in the amount of \$280.00 per the recommendation of the service director. A building attendant fee of \$60.00 would also be waived.

Mrs. Benza seconded the motion that passed unanimously.

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Request for Rental Fee Waiver – Timber Trail HOA

Mr. Markley made a motion to approve the rental fee waiver request from the Timber Trail HOA for the Burns-Lindow Building for their annual meeting on October 6, 2020 in the amount of \$105.00 per the recommendation of the service director.

Mrs. Benza seconded the motion that passed unanimously.

TOWN HALL – OLD BUSINESSTelework Policy

The trustees will give the proposed policy to legal counsel for review.

Cell Tower Proposal

The trustees will review other cell tower agreements and gather additional information before making their decision. This item will move to Pending on the agenda.

TOWN HALL – NEW BUSINESSVacation Time Payout

Mr. Markley made a motion to approve the one-time exception to the township's Personnel Policy Manual and allow employees to cash out two weeks of vacation at the end of the 2020 fiscal year in response to the constraints on using vacation time during the quarantine months of the pandemic.

Mrs. Benza seconded the motion that passed unanimously.

Website Functionality Approval

The trustees were in general agreement to allow the chair to initial and sign the design and functionality outline for the proposed website that was previously approved.

Letter of Support – Geauga Soil and Water Conservation District

The trustees were in general agreement with Mr. Markley's letter of support for Geauga Soil and Water Conservation District's "Well Educated: A Deeper Look at Groundwater and Well Maintenance" proposal submitted to Dominion Energy and the Western Reserve Land Conservancy Grant Review Committee.

JEDD

Mr. Markley made a motion to set the trustees' public hearing concerning the joint economic development district contract for Monday, September 28, 2020 at 7:30 P.M. relative to the proposed JEDD agreement with the City of Aurora, and authorize that notice of the required public hearing be duly advertised as required by ORC 715.70 and to execute any document related to or required for said hearing.

Mrs. Benza seconded the motion that passed unanimously.

ZONING DEPARTMENT – NEW BUSINESSPublic Hearing for Zoning Amendment Z-2020-4

Mr. Markley made a motion to recess this regular meeting at 7:31 P.M. and call to order this public hearing to consider Z-2020-4. Legal notice of this public hearing was published in the News Herald Daily paper on August 14, 2020. Additionally, the proposed zoning amendment Z-2020-4 has been available for public examination and review at the Township Fiscal Office from 8:30 a.m. to 3:00 p.m. from August 14, 2020 through today, August 24, 2020.

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Mrs. Benza seconded the motion that passed unanimously.

Public Hearing: Z-2020-4 proposes to amend by rezoning or redistricting properties 02-262000, 16832 Chillicothe Road by Signature Square of Bainbridge, LLC, and 02-261900, Chillicothe Road by Signature Square of Bainbridge, LLC. The present zoning classification of property named in the proposed amendment is R-3A Rural Residential District. The proposed zoning classification of property named in the proposed amendment is CB Convenience Business District.

Mrs. O'Brien called for comments in favor of the amendment. Mr. Ted Otero spoke in favor of the proposed zoning amendment.

Mrs. O'Brien called for comments against the amendment. Mr. Paul Mele of 8385 Tulip Lane spoke against the proposed zoning amendment.

A complete transcription of the public hearing for proposed zoning amendment Z-2020-4 is attached to and becomes a permanent part of these minutes.

The trustees recessed the public hearing at 8:41 P.M. and it will be continued to September 14, 2020.

#### FISCAL OFFICE - NEW BUSINESS

##### Resolution to Certify Tax Levies

Mrs. Sugarman reported that the 2021 budget was passed at the Budget Commission Hearing on August 17, 2020.

Mr. Markley made a motion to adopt the resolution 08242020-B accepting the amounts and rates determined by the Geauga County Budget Commission and certifying them to the County Auditor, thereby allowing the approved rates of levy on the township Tax Duplicate as delineated in the attached Schedule A and B.

Mrs. Benza seconded the motion that passed unanimously.

#### PURCHASE ORDER APPROVALS

Mr. Markley made a motion to approve the purchase orders listed below as submitted by the Fiscal Officer.

Mrs. Benza seconded the motion that passed unanimously.

##### Purchase Order Request List

1. Peloton Interactive, Inc. – Exercise Bike - \$3,257.50 (Fire)
2. Fire-Catt, LLC – Hose Testing - \$3,568.00 (Fire)
3. Clover Electric -, Inc. – First Line Surge Protector - \$4,433.83 (Police)

#### INVOICE APPROVALS

Mr. Markley made a motion to approve the invoices listed below as submitted by the Fiscal Officer.

Mrs. Benza seconded the motion that passed unanimously.

##### Invoices

1. Geauga County ADP – IT Expenses - \$3,876.09 (Police)
2. Geauga County ADP – IT Expenses - \$3,429.90 (Fire)
3. Littler – Legal Fees - \$175.00 (General)

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BLANKET CERTIFICATE RENEWALS/APPROVALS

Mr. Markley made a motion to approve the blanket certificate listed below as submitted by the Fiscal Officer.

Mrs. Benza seconded the motion that passed unanimously.

Blanket Certificates

- 1. Police – Tools and Equipment - \$3,000.00
- 2. Police – Other Expenses - \$3,000.00
- 3. Road and Bridge – Supplies and Materials - \$5,000.00
- 4. Road and Bridges – Repairs and Maintenance - \$15,000.00

Checks Dated August 11, 2020, 2020 through August 24, 2020

The trustees examined and signed checks and invoices August 11, 2020 through August 24, 2020 consisting of warrants #35109 through #35206 in the amount of \$91,591.95.

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

CORRESPONDENCE

- 1. Letter from Andrea Pollock of Chagrin Falls Park Community Center thanking the township employees of the service department for helping with cleanup in the park.
- 2. Geauga County Planning Commission: Final Plat – Stoneridge Of Geauga Phase 11
- 3. Geauga County Planning Commission: Final Plat – Dalebrook Estates Sublot 7&8

PUBLIC INTERACTION

None.

LATE ADDITIONS

None.

Since there was no further business to come before this regular meeting of the Bainbridge Township Board of Trustees, the meeting was adjourned at 9:03 P.M.

Respectfully Submitted,

Janice S. Sugarman,  
Fiscal Officer, Bainbridge Township

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Date

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\_\_\_\_\_  
Date

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\_\_\_\_\_  
Date

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

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

## PUBLIC HEARING

### PROPOSED ZONING AMENDMENT Z-2020-4

Mr. Markley moved to recess the regular meeting and open the public hearing at 7:30 P.M. and noted that the public hearing was duly advertised in the News Herald on August 14, 2020 and the proposed amendment has been available for public examination and review at the township's Fiscal Office from 8:30 AM to 3:00 P.M. from August 14, 2020 to August 24, 2020.

Proposed Zoning Amendment Z-2020-4 proposes to amend by rezoning or redistricting properties, Parcel Number 02-262000 known also as 16832 Chillicothe Road by Signature Square of Bainbridge, LLC and Parcel Number 02-262900 Chillicothe Road by Signature Square of Bainbridge, LLC. The present classification of the property named in the proposed amendment is R-3A Rural Residential District and the proposed zoning classification of property named in the proposed amendment is CB (Convenience Business) District.

Mrs. Benza seconded the motion.

Vote: Mrs. Benza, aye; Mr. Markley, aye; Mrs. O'Brien, aye.

Mrs. O'Brien solicited comments in favor of the amendment.

Mr. Ted Otero and Mrs. Kelly Otero of Otero Signatures and applicants and Mr. Jared Flynn, Attorney for the applicants were present in person.

Mr. Otero stated that they are excited to be here and he and his wife Mrs. Kelly Otero are here representing the properties at Signature Square. He gave a Power Point presentation to present the proposed zoning amendment. He said he wanted to rehash why they are asking for a rezoning. He said the adjacent properties to the north and the east are zoned convenience business currently, Dunkin Donuts as well is a commercial property, across Rt. 306 as well as Discount Drug. He said they do have an agreement with Dalebrook like they had discussed in the past and he thinks the Board of Trustees have had a chance to review it and it has been a long process, permitting convenience business as well as the commercial development and they also gave Dalebrook certain uses and deed restrictions on the property to make sure that it can't be developed into something that they are not looking for as well as buffers and setbacks to protect their property. He said it is as you know one of the busiest intersections in Geauga County, 27,000 cars pass through that intersection on a daily basis and the property is currently vacant, there were two homes on the property and they are currently in for consolidation with Geauga County. He said there were two homes on the property, one was burnt down and he thinks one was torn down and then the Bainbridge Land Use Plan indicates that it is a good condition for commercial development as well as the 208 Water Quality Management Plan indicates for future consideration for extension of water and sewer. He said they did do a traffic study that showed that the traffic flow does improve

with the multiple ways in and out egress and ingress from the property and then they did a residential impact study as well that showed that there is no impact to the neighboring residents. He said in the Zoning Commission they also agreed to allow Bainbridge Township to have similar deed restrictions and be a party to with similar deed restrictions as the same thing that Dalebrook agreed. He said those are the items that they brought forth before as well as to the Zoning Commission. He referred to the next slide and said he wanted to walk through it because it has been a long process of how they got here and what brings them in front of you today so around April of 2017 after about six months of studying the property, studying the history of the property, talking to the stakeholders and the adjacent property owners, Dunkin Donuts, Key Bank as well as the property owner to the south, they decided to purchase the property around April 2017. He said at that point they started to come up with preliminary designs, different site plans to figure out what they felt was the best use of the property and in February of 2019 they met with the Dalebrook homeowners' association members and that was their first meeting with them, they had their first meeting in March with the homeowners, it was a mixed review of seeing the property for the first time and seeing the design for the first time which he thinks is outstanding, they didn't have all of the homeowners there but they had a good number of them and it was a mixed review. He said they wanted to know more on traffic, traffic was their biggest concern as well as what it is going to their property values so they did do the traffic study and the residential impact study on May 28<sup>th</sup> and they met with the Bainbridge Trustees at that point for some guidance and then they presented the traffic study and the residential impact study to the homeowners at Centerville Mills over there and they had a much bigger turnout. He said again, it was received pretty favorably in his opinion with some concerns which they knew what a lot of those were and then they had a final meeting about six months after that last meeting, they had a final meeting with the Dalebrook Homeowners' Association to get the final terms and agreements for Dalebrook and recorded Dalebrook's agreement. He said they were at a second Board of Trustees meeting to discuss the CB application that was on May 11, 2020, they had unanimous approval from the Geauga County Planning Commission on June 9, 2020 and on July 28, 2020 the Bainbridge Zoning Commission unanimously recommended for approval to the trustees. He said on August 21, 2020 they submitted the lot consolidation to Geauga County and they found out today that the map was approved by the map department and they have to go September 10, 2020 for the lot consolidation. He said they have a meeting with Key Bank and before they bought this property he thought it was very important to have Key Bank and Dunkin Donuts to solve some of the problems as well as to have them involved so from day one they were meeting with Mary Ellen Walters from Key Bank, she is the Corporate Real Estate Transaction Manager and Bruce Danko is the Senior Architect for Key Bank Corporate Real Estate in town and they have been very receptive from day one on this project, obviously they want to see how they are going to proceed forward and he thinks kind of looking back and seeing their results and their focus on this project without wavering on their design and what their intentions are. He said the terms have been generally agreed upon, they are very excited about this project, the legal descriptions have been created and the formal plat has been created, now we have to go through their legal review process also but in general the basic terms are the easement as illustrated on the next slide you will see the easement for ingress and egress, the utilities are allowed to pass through the easement, Signature Square will take care of calculating any additional pavement and storm water management through their detention pond if

they don't have one and then create a two lane exit into E. Washington and they have been looking at different ways to make sure they don't lose any parking and that type of thing and then maintenance between Key Bank and maybe that is not important today and the optional parking which zoning wanted them to call "optional", they are okay with that, they actually see that as a benefit and that will be done through the final construction drawings if it is needed. He referred to the next slide to show what they have as far as easements, the easement is over here, this is the additional parking that zoning wanted to be called "optional" and then this is the road that is going through there, basically it is from their current curve over to their west property line. He said on the next slide and referred to Branded Realty that manages the Bainbridge Dunkin Donuts, terms have been agreed upon over there and we are very excited about the process so again an easement is created for an ingress and egress between our properties, utilities are allowed to be on the easement even though this is very small swath between our properties for the Dunkin Donuts side of things and then Signature Square again because storm water needs to be managed based on grades and stuff like that Signature Square will handle that on our property and then adjusting the Dunkin Donuts entrance to be a right-in, left-in and a right-out moving onto Chillicothe Road causing people to either go through the Key Bank exit if they want to go north on Rt. 306 or they could come onto our property and sit in the third lane to go north on Rt. 306.

Mr. Markley asked if they always considered the left-in on that site or was it always a right-in and right-out.

Mr. Otero said a right-in, left-in is important to Dunkin Donuts because you don't want to deter people, people will not drive past this property, they turn around and come back and he doesn't want to deter people from coming into his property, so he doesn't think that based on that extension of that turning lane etc., he doesn't think that is the biggest issue right now, the biggest issue is wanting to go out of there and go left.

Mr. Markley said there is that one and not there is also that he didn't notice before a right-in coming in from the north heading south. It is being backed up almost to the intersection, they are pulling into the gas station and going onto the shoulder and back up that way.

Mr. Otero said the additional pavement that is going to be on our property and he thinks with signage going multiple different directions. He referred to the next slide and said the easements are a little hard to see but it is this swath of land right down here right between our properties.

Mr. Markley said this is the Dunkin Donuts site right here and there is an easement along this curb lane.

Mr. Otero said yes and they didn't want to limit it to just these two swaths.

Mr. Markley said and the people that come out of Dunkin Donuts into your property are going to have the right to be able to travel all the way back to Key Bank.



Mr. Otero said yes and if they are at the drive-thru they could circle around and go out the back side here and then go down the other way, there are so many different ways. He referred to the next slide and said we were just talking about their community with ODOT so initially we obviously knew that it is very important to have ODOT communications so in March of 2019 they started to talk to Joe P... from ODOT, they had additional communication in February of 2020, he retired since then, they submitted their MR 505 application on May 18<sup>th</sup> and they also sent the traffic study to Keri Welsh on May 26<sup>th</sup> and received additional communications from Keri on July 9<sup>th</sup> asking to have the formal easements from Key Bank and Dunkin Donuts which they are very close to having filed and then we will send those once they are recorded and they are not able to issue any sort of permit or approval or anything until we have the formal construction drawings ready for construction.

Mr. Markley said he is looking at this cross-easement between Key Bank and Dunkin and you and asked is that how it works.

Mr. Otero said no, there is a cross-easement between Key Bank and us and Dunkin Donuts, there is no cross-easement from Dunkin Donuts, people will go out the back side. He said all of their garbage and everything is there, it would be very difficult.

Mr. Markley asked Mr. Otero if he needs anything on his end so that people from his shop can go to Dunkin Donuts, does that have to happen on that direction.

Mr. Otero said they have two of them. He referred to the next slide and said it just shows the existing property. He said the property here is where the easement to Key Bank will happen and obviously this property right here is where our transition happens. He referred to the next slide and he said they want to improve the architecture on that corner, bring something state of the art, he is not going to bore them with the video and so forth that they did in the past but our result and our design will stay the same, it is going to stay the same, they will have final tweaks with their base tenants and so forth that will be in there.

Mr. Bill Lovell, Assistant Fire Chief asked how many square feet.

Mr. Otero said between 15,000 to 18,000 sq. ft. and most importantly their space is the main reason for this entire process. He referred to the next slide and said here is the site plan and here is the additional parking, we did talk to Cliff Hershman and just as an option in discussing with Key Bank they agreed that it is really not any of his business as far as their agreements but they are open to that, they specified that they are open to that and are excited about that but not necessarily part of the agreement that he could be a party to so their agreement is here and through here and then the lanes going on that side and then this is where Dunkin Donuts would have a pass through here and this will probably wind up at the end of the day getting a little more narrow and the final site plan, they will have to figure that out as they move forward making sure that the traffic flow is going to work in that direction for everyone, good for everyone.

Mr. Markley said the entrance, as defined right now, because you are not taking a left, he doesn't believe you are talking a left into here.

Mr. Otero said what he has discussed as what he did before, he has two in but then only one out to cut that pass through out of there.

Mrs. Benza asked are we talking Dunkin, is that what you are talking about.

Mrs. O'Brien said she is looking at the Zoning Commission minutes and the documents we were given and it does say right-in, right-out only.

Mr. Otero said right, he would like to have that, right now he has got a full access entrance and he is willing to reduce it, he wants to reduce it, he just doesn't want to prevent people from coming into Dunkin Donuts.

Mr. Markley said that was a conditional use and it was approved for a period of time, there was no left turn out and after a year they came back to the Board of Zoning Appeals and then that sign was removed. He said how it all happened he is not really sure, there was a sign across the street.

Mr. Otero said he mentioned it too, there was a no left out he said that is fine, two in it was told to me no left out so he wants to follow his agreement so two ingress and one in over here and then up here as shown on the map here is two lanes out and one in, it would be extended to the left, in this case to the left of the current entrance there is plenty of room there and there is plenty of room on the site for that.

Mr. Markley asked Mr. Otero if there are any lane adjustments that he is aware of right now with your preliminary conversations with the county or with ODOT, just the extension of the turn, that is it.

Mr. Otero said that is it.

Mr. Markley said no ingress/egress lane or widening.

Mr. Otero said no, not as far as any of the recommendations. He said right now it is just extending that turn lane down.

Mrs. O'Brien said down to your driveway.

Mr. Otero said yes.

Mrs. O'Brien said she read in the minutes that ODOT will not agree to your curb cut for that driveway until you have that nailed down, is that correct.

Mr. Otero said he doesn't know if they have that from ODOT and again he thinks it is part of this agreement though that we have here as well and basically it will be the same width all the way down, right now the pavement is pretty much there, so you are not changing lights, you are not changing any of that. He said we may move a fire hydrant here or there so we will see how that falls in.

Mrs. O'Brien said with Dunkin Donuts now you are saying, because in the documents it is right-in and right-out so now you are saying that they are looking for right and left in, right out only.

Mr. Otero said yes because he was aware that he was allowed to do that, it was part of his originally agreement.

Mrs. O'Brien asked how do you eliminate the left out.

Mr. Markley said left in.

Mrs. O'Brien said it says right-in, right-out only.

Mrs. Benza said right.

Mrs. O'Brien said correct but we are not saying that any longer.

Mr. Otero said he doesn't want to deter people from coming in.

Mrs. O'Brien said you don't want a left out.

Mr. Otero said no left out.

Mrs. O'Brien asked how is that being accomplished.

Mr. Otero asked physically.

Mrs. O'Brien yes.

Mr. Otero said if you are heading north you are allowed to come across and turn into only one lane and then the other lane, there is going to be directional signage, right in and only a right out.

Mrs. O'Brien said that little island is going to be there.

Mr. Otero said it has to be there.

Mr. Lovell asked where the restaurant is going to be in relationship to the structure.

Mr. Otero said they don't know but right now it is sitting right here and again they are willing to design the property with at least them and two others that are coming in for sure.

Mr. Lovell asked did you say 15,000 sq. ft.

Mr. Otero said 18,000 sq. ft.

Mr. Lovell said you will have sprinklers and alarms for sure.

Mr. Otero said depending on the final drawings. He said the landscaping plans show the mound back here and the row of trees that the HOA wanted to have over here, there probably will be a mixture of evergreens as well.

Mr. Markley said the neighbors that would be affected are right along this line here as you go up here, are there homes on this side too.

Mr. Otero said there are two back there.

Mr. Markley said so those are the backyards.

Mr. Otero said the closest property is Discount Drug which is 45' and the primary focus is our state of the art design center that is what we want to accomplish, we really want to put a foothold in Bainbridge, we love this community, the school district, our kids our here, it is fantastic. He said they really want to bring their architecture to that area and inspire better development and smarter and better architecture and then their development, there is nothing wrong with it but we don't want a laundromat and Subways and that type of thing, it will be a high-end boutique development that complements each other with dining, retail and professional use mixes and then they feel it is the best use for the land, they feel that it will improve the overall traffic so they think it is a great time to do this, not counting COVID and like he said earlier they stayed focused and kept their eye on the ball, they listened to all of the guidance that everyone has given them and they tried to make adjustments but at the same time stay focused and keeping their mission the same and he wants to ask for your support, he thinks it is going to be a great thing for the community. He submitted a hard copy of the presentation to Mrs. Sugarman for the minutes.

Mrs. O'Brien asked if there is anyone else in favor of the amendment.

There were none.

Mrs. O'Brien solicited comments against the amendment.

Mr. Paul Mele of 8385 Tulip Lane, Dalebrook Estates asked how the zoning department can allow these people to come in and take two residential lots that belong into the development and convert them over to commercial business. He said this really sets a bad precedent for all of the other places that are in Bainbridge. He said these people came in and they strong-armed us, Dalebrook, to make it seem like it was hunky-dory type thing and we love them and they love us, we did not want this, they had threatened to sue not only the association but every homeowner in Dalebrook Estates and while Mr. Flynn said in the zoning meeting that well that was not really their intent and we would not do that, if you have somebody threaten to sue you you are going to take it seriously whether he meant it or not you are going to take it seriously and we don't have the kind of money to fight these people so it was not really wanted, we did not want to do this but we were strong-armed into changing the deed restrictions and he thinks this was really sad that Bainbridge Township can go ahead and take residential properties like this and convert them over. He said there are plenty of other properties in Bainbridge to use, Mr. Otero has his heart set on this thing, he knows darn well that there were deed restrictions when he bought it but he intended to use lawsuits to get around it in order to get what he wants. He said he also is disguising this eliminating traffic, well it is not going to eliminate traffic, it is going to cause more problems, you can put in all the no left turns and no u-turns and everything that you want, we have a no u-turn on Tulip Lane as you come in, people u-turn all of the time and there is no enforcement from Bainbridge Township on anything with that and people completely ignore it, he guarantees it when things back up at 5:00 on E. Washington Street people are going to cut through and make their way behind the property and onto Rt. 306 and then you are going to have those people that right-turn only out of Dunkin Donuts who are not going to obey that because they are going to turn left, you are still going have the same sorts of problems that you have there. He said on the weekends they have a real traffic issue up here and sometimes in just trying to get out of the development and Mr. Otero is going to add all this new business up there and that is just going to add to the traffic coming down Rt. 306 and it is going to make it harder for us to be able to get out of our development.

Mrs. O'Brien thanked Mr. Mele and asked if there is anyone else that wants to make a comment against the amendment. She said she has some concerns, the board reviewed some documentation and some questions came up and she doesn't have the answers as of yet so she can't come to an informed decision as of today, for herself. She said she would like to see the hearing not be closed this evening just so we have a little more time.

Mr. Otero asked what issue came up.

Mrs. Otero asked what else do they need.

Mrs. O'Brien said they haven't exhausted all of their research yet on the information we received.

Mr. Flynn said if you could be more specific he thinks he can address the open items, if one is on the contract zoning he can certainly address that tonight.



Mrs. O'Brien said they still have to do their own.

Mr. Markley said we should recognize that the Zoning Commission has shared a number of comments relative to their public hearing and those have been shared a couple of times so it is our understanding based on what we are reading in the Zoning Commission minutes, both unofficial and official minutes there are some of the concerns that were articulated at the meeting. There were some residents like Mr. Mele speak out and that was helpful and you apparently responded to those comments. He said there are some concerns they articulated relative to architectural control, you have to speak to that a little bit as to where you and he thinks there were also come concerns obviously about traffic relative to the county and ODOT so you are moving through with easements and those are the types of things that are going to be absolutely necessary to comply with what the Zoning Commission requested. He said regarding the homeowners' association there is a little bit of history that was shared at the previous meeting and he thinks it would be helpful to get that on record as to what that history was relative to the legitimacy of any deed restrictions to begin with, where you guys took it and also the opportunity for residents to either be involved or not involved in the discussion of the project because he only saw really one name appeared on the Zoning Commission and he sat through all of those and it was Mr. Cooper so Mr. Mele is a new name for him on this one.

Mrs. Benza said in reviewing the minutes from our Zoning Commission public hearing there was also introduced in addition to agreed Declaration of Covenants, Agreements and Restrictions with the homeowners there were a set proposed for the township as well so she thinks this is what Mrs. O'Brien is talking about, we need some guidance on that, we've gotten some advice and we do know that this approach was used over in Chester Township for a rezoning, it is the same approach so we are trying to kind of work our way through it, she thinks that Mrs. O'Brien is absolutely right, we will probably want some additional guidance on whether these were thoroughly discussed at the public hearing.

Mr. Markley said you are absolutely beginning to or getting close to addressing all of these points, you are moving down the road where the township trustees could actually make an informed decision, you vetted it through the Zoning Commission and they have asked for specific things, you were finalizing those points so that we can then address the concerns.

Mr. Flynn said that is a lot and that is fine, he will try to check them off as we go. He said first Mr. Otero put together a presentation of where we were, where we started and where we are today, we have gone through many meetings with first the HOA and then all of the interested parties prior to the rezoning and now we have gone through the proper channels. He said they received a County Planning Commission recommendation and received a Zoning Commission recommendation. He said the Zoning Commission recommendation carries with it some conditions which they have every right to do and how do you put conditions into play, you need some sort of something to put those conditions into play so that is why we have these deed restrictions. He said the deed restrictions mirror what we agreed to with the HOA but they added ARB because that was something the Zoning Commission said, this township doesn't have an

ARB department, they don't have ARB reviews so what we agreed to do was, okay, we will give you some reviews and it was conditioned upon the township developing ARB in the future which he thinks they are studying right now so that falls in line so that was an addition. He said outside of that there were very few conditions and every condition in his opinion and he believes they addressed in those deed restrictions which they presented to the township so every step they have met with people, the stakeholders, every step they have addressed any concerns. He said with respect to the homeowners' association he understands where Mr. Mele may feel like he had no choice. He said quite frankly if we want to sue we could sue, that is the prerogative of Mr. Ted Otero. He said the reason that each of the homeowners might need to be sued is because the association was defunct, they no longer had an HOA that was registered with the State of Ohio and we found that out in negotiating with them and so the question came up, what do you do, well we would have to sue each of the homeowners if we wanted to change the deed restrictions.

Mr. Markley asked because they had an interest on the property.

Mr. Flynn said because they had an interest on the property and it wasn't meant to be threatening, it was just the reality of the situation. He said since that time the HOA is now formed, registered through the State of Ohio and we agreed to terms that actually protect all of the homeowners, they recognize the issue with these couple lots, they are abandoned, they look terrible, they are an eyesore, they are lowering property values for the residents and the reality is there is going to be no single family homes built on those two properties, look up and down Rt. 306, they are not deep lots, no one is building homes on a main thoroughfare next to an intersection, especially one that might have some traffic issues. He said those lots have to have multiple drives, two at least coming out and that is a worst case scenario than what is being proposed here at least for the homeowners that would be trying to build there. He said the rezoning stands on its own, there are tons of reasons why these two lots need to be rezoned to CB, first of all, right across the street, recently rezoned as CB. He said part of it is CB and part of it is POD, rezoned to office, so right across from where this building will be is CB, farther down and farther south was rezoned to office, to the north it is obviously CB so right there it tells you something. He said if you notice where Mr. Otero put the proposed building with all of the buffering, it is to keep it close and in line with the commercial property right across the street, this is creating a buffer, it is protecting the residents to the south which should prevent any creep of commercial down that road. He said again, this is a high traffic area, it is not conducive to single family homes, it is a vacant parcel, like he said before, no one is going to be able to construct a single family home, at least nothing that is going to be pleasing to anyone in the township. He said the HOA deed restrictions, what they did is protect all of the neighboring homes, you can see it from the site plan, the buffering, screening, lights.

Mr. Otero said and the types of businesses that are allowed to be there so no pawn shops and we are not just putting a strip there, maybe it is okay somewhere else but it is not going to be okay on my property and at the end of the day deed restrictions or not, this thing is fantastic for Bainbridge, it is going to be great for Bainbridge, the architecture is going to be great and if you've seen what we have done other places and residential etc. this is thing is going to be high caliber

and we feel very confident and others have felt this way because the Bainbridge Land Use Plan, it said this is a good place, it is a good condition for commercial development. He said the 208 plan said it is an area under future consideration for expansion for water and sewers for commercial development and the traffic impact study that we got, we all know there is a traffic issue. He said the addition of this property won't increase the traffic to a measurable amount but because of the easements, the letters of support and the easements that are being drafted right now with Dunkin Donuts and Key Bank there is a significant improvement to the traffic there and the wait times.

Mr. Markley said and this is documented by a traffic engineer, correct but it is not verified yet by ODOT.

Mr. Otero said they reviewed but they didn't get anything formal until they have the site plan with the building size and the patterns.

Mr. Markley asked how the county engineer is weighing in on this, have they at all yet at this point.

Mr. Otero said he doesn't believe so.

Mr. Markley said because of egress onto Washington Street.

Mr. Flynn said we are here for rezoning and he thinks we are getting the cart before the horse on some of these issues and then the things he is checking off here are the reasons to rezone. He said certainly the engineer is going to have a say, ODOT is going to have a say, everything we received has been very favorable, the County Planning Commission reviewed it, they went through the checklist, very favorable, no conditions requested and so the last part was they did a residential impact study and the residential impact study was for the HOA and that all came back saying this is going to have a good impact on the residents, again these are vacant lots, its overgrown and there is no chance of development outside of something along what we are proposing here.

Mr. Otero said and additional tax revenue for the schools so those lots are not producing anything, this is going to produce some substantial tax amounts to the school district without adding any additional kids.

Mr. Flynn said because they presented deed restrictions which essentially mirror the HOA and the reason the Zoning Commission asked us to do that is because they realized in our conversations with them that the Dalebrook HOA allowed its registration to go defunct and they weren't keeping up on things so they said they would really like it for the township to be able to enforce these in the event that that happens down the road 30 years from now so we discussed providing them deed restrictions that mirror them and then with conditions that they wanted on the property we included those into the deed restrictions and there has been a question about contract zoning versus conditions, you can have conditions, the township can make conditions, the Zoning Commission can make conditions as part of a rezoning, that is not necessarily contract zoning. He



said contract zoning in Ohio, in a couple of cases and it becomes the issue and the distinguishing feature of contract zoning is you can't bargain away your legislative power and that is the key in Ohio, there is a case in Cuyahoga County that said that but there is also a later case in Shaker Heights out of Cuyahoga County that addressed the same issue and there were deed restrictions in place and the deed restrictions were agreed to by a property owner and the court indicated that the fact that those deed restrictions were agreed to by the property owner did create a contract zoning situation. He said in that case there were deed restrictions, rezoning and the question before the court was due to a variance and a site plan issue.

Mr. Markley asked would the BZA do that.

Mr. Flynn said it was that the ruling that went forward but they approved rezoning and it was never appealed though, there was a rezoning with deed restrictions so it went from single family and then they applied for variances that had some height issues so they then appealed and there was a challenge on the height from the variance but the court ruled on the rezoning and he thinks you have a copy of the case but he thinks that is the case on point in Ohio, there is not a lot of case law, that is the closest one on point. He said it deals with deed restrictions, it deals with the question of contract zoning and again conditions are fine but you can't give up or argue away your rights and he doesn't think they are that in the least here because we are giving you ARB control but we are also saying but if you come in ARB here that is going to take over, we are not taking away any of your rights, we are just putting on some restrictions that which the township and homeowners and everyone else in Bainbridge should be thrilled.

Mr. Markley said that would be the key in making sure that not only Dalebrook is enforced but to the resident's point and he heard this from Mr. Cooper too that if they don't have the funding or the resources they are not going to challenge that regardless of what happens so it would really be up to the township to challenge any that we can see so he thinks the key for the board is to make sure and understand that those deed restrictions are applicable and given that the Zoning Commission has asked for those as part of their thought process we need to consider them and no disrespect at all, he would like to make sure that what you guys are saying is absolutely correct, you are right, this is a rezoning, so once we do Convenience Business, even though you put in deed restrictions that these uses wouldn't go in there the very next day, a laundromat could conceivably be built there because the zoning allows for it.

Mr. Otero said it doesn't say that no laundromat can be there but.

Mr. Markley said he wants to be mindful that in taking that step or taking that leap it can't be a leap of faith, it has to be a leap secured by knowledge that you have solidified your position, he thinks you are taking all of the steps, you are just not quite there yet but you are getting there.

Mr. Otero said what we are arguing here is this the best use for this property, right and that is kind of the whole thing and you can go back to Michael Cooper, Michael Cooper came up to him very agreeable and very cordially at the last homeowners' meeting and he even gave him a

note card and he wrote on the note card three or four things that are his biggest concerns and he knows he said different things at different meetings, but he also said he is concerned about these things and it is stapled to the front of his folder and we will talk to him about those things as this process goes forward and he will make sure that those things for him, especially since his house is right there, is taken care of.

Mr. Markley said he is not trying to point him out but other than tonight's meeting he was the only resident that has spoken up and he gives him credit and Mr. Mele.

Mr. Otero said we had that conversation to share his concerns and he assured him and again that handwritten note is right there in his folder.

Mr. Flynn said as they have been here a number of times, he thinks they have done everything that has been asked of them, Mr. and Mrs. Otero have done absolutely everything, they have talked to every stakeholder and got every approval and checked all of the boxes.

Mr. Otero said the hope would be to move forward and start construction drawings and make sure we can get it done next year, that is the goal, if we delay this longer.

Mr. Flynn said from a legal standpoint, the document we presented, it doesn't need the township to sign off, we are giving the authority, we could file that tomorrow morning, it is got conditions and ultimately the township can enforce those if it wants, we don't need the township to sign off on that voluntarily.

Mrs. Benza said they had asked that they should sign off on it.

Mrs. O'Brien said accept those bounds.

Mr. Flynn said it would be accepted or it could be rezoned with these in place, we could file this tomorrow and you would have 20 days from today to approve, disapprove or modify and we could do that. He said in that if you read those deed restrictions if any one clause isn't enforced the rest of the document of course won't be so if for whatever reason and he can't think of anything that wouldn't be enforceable because if we are talking about a contract zoning standpoint these are all near everything that is allowable but the ARB is not enforceable but everything else is and how does property not get rezoned because of architectural review and at the end of the day architectural review has nothing to do with the zoning, this is something we are voluntarily giving to you so you are saying it is a leap of faith for you but you are also saying this is the best shot you got.

Mr. Markley said the leap of faith comment was tied more to the primary concern that this site has for any rezoning to CB which is traffic, to introduce more average daily trips on that corner could be concerning or is concerning right and all of us at this meeting have acknowledged that there will be traffic problems or there are limitations placed upon Dunkin Donuts what the Board of Zoning Appeals has the authority to do and they could revisit that based on these conversations

tonight but that is not where we are headed, we are headed to something that is very appealing, you shared with the videos and your vision and your vision is very sound for this corner, he thinks it could make a lot of sense, that said, he needs to address the number one concern in his mind which is the traffic, he has to be able to deal with that, seeing that three or four times a day because he travels that all of the time so it is so much less about the architecture, so much less about making sure you have an easement with Key Bank or whatever, if your business just had a driveway onto Route 306 and that was it because you had no other connections to any other roads, what would that look like today.

Mr. Otero said that is not what they are proposing.

Mr. Markley said he knows it is not but if that is all they were considering on the zoning side of it, if none of these agreements were in place and rezoned it CB that is what you would have as a driveway and whether ODOT would grant you another curb cut or whatever that is what we would have to realize so please understand from our perspective that we have to see from those lenses first even you are proposing a whole lot.

Mr. Otero said they are not proposing they are close to being agreed upon and the other stakeholders that are around Key Bank, Dunkin Donuts, even Discount Drug they want to see that happen for their benefit and these are all great options.

Mr. Markley said and hopefully become reality as this project moves forward. He said he would say that he did have a conversation with Keri Welsh from ODOT about several projects underway and they seem to be a little busy right now with projects and it is a good thing, she told him that they are going to be engaging an intersection study or something along those lines and he is not sure if you or your engineer knows that but they are looking to engage something. He said he asked her how long that is going to take and she said they are probably several weeks away from completing that, he does not know what that means to your particular time but he thinks that conversation needs to be had and we need to understand what that means in conjunction with yourself, he thinks that is important. He said he is not saying that this has to go well into the end of the year kind of thing, we should have that conversation with Keri and figure out what is she talking about here, it is some kind of analysis, interchange study, something like that.

Mrs. O'Brien asked if she connected it to this project specifically.

Mr. Markley said what she said was you know that there are traffic problems up there and they started talking about some other projects that they have pending and then she said now onto the other project, the Otero project. He said we are very familiar with that and that we had a public hearing scheduled for Monday and she said recognize that ODOT is looking at the intersection, that is an intersection of concern for ODOT and has been for awhile and they are looking at what to do. He said he asked if that meant turning lanes, ingress/egress, what does that mean, different signalization and she said it could be any or all of those things that ODOT might need to do.

Mr. Otero said wouldn't it be good to have his project move forward.

Mr. Markley said it would be fantastic but not only your side but maybe across the street on the other side whether that curb cut right across the street from you makes sense. He said the other thing is the county is planning a major repaving project from Rt. 306 north and Washington east to west from the Chagrin line to the Auburn line so these are major projects that are going to happen and if there are traffic modifications that need to be made on these roads they are going to do those before the paving project begun to move this forward because of the projects that the county has articulated for 2021.

Mr. Otero said he still does not know how that necessarily impacts his project.

Mr. Markley said it impacts our decision as to whether or not to rezone something from residential which would be a low intensity traffic use to CB at a higher intensity use.

Mr. Otero said right.

Mr. Markley said that is all we can consider at this point.

Mr. Otero asked are two houses going to be built on that property or is one house going to be built on that property, it is not going to realistically happen.

Mr. Flynn said they provided a traffic study and it was an incremental increase without the changes.

Mr. Otero said all of the numbers are there.

Mr. Flynn said it was very small and the wait times are substantially less and when we take action it will alleviate that, we have seen no other traffic study or anyone else at this point to say we are going to cause traffic because we provided those restrictions in the deed restrictions, the limitations on the property. He said you mentioned across the street got rezoned, office and commercial and those border the residential now that obviously is going to require more traffic and everything else, he doesn't know if there are any conditions on those properties.

Mr. Markley said that was at least 15 or 20 years ago, it has been a long time and nothing has happened, he doesn't know if it is because of the intersection issue or not but it is a great point to make that we need to consider that house and the rezoning there, what is going on across the street on the property you currently are in and the property you would like to move to. He said this commentary is no way denigrating to the nature of the project, you know he was speaking as very supportive but this public hearing allows us the opportunity to talk with you and by continuing it we could continue it in two weeks or we could continue it two months but it just gives us the opportunity to vet out the concerns that the Zoning Commission had, to vet out the concerns that the residents have and we have heard now from two residents and we have noise, light trespass,

traffic is the number one concern, what you do with the architecture is important but it is not driving the decision to rezone or not rezone property. He asked Mr. Otero if he understands his perspective on it.

Mr. Otero said yes.

Mr. Markley said this is just a public hearing, all we are looking for is the opportunity to get some of these facts confirmed, from ODOT, from whether or not our prosecutor's office or what you provided, we can feel confident that we are not making any mistakes in our decision making because that is important, not in any way denigrating what you have done thus far or diminishing what you have done thus far because you've done everything he thinks people have asked of you from Dalebrook all the way up to the Zoning Commission. He said we are not asking for anything new tonight.

Mr. Otero said he doesn't know how you are going to get that information out of ODOT unless we are going to wait for their study to be done which could be two weeks or six months, two years, that only delays getting construction drawings going, we want to be able to get this going.

Mr. Markley said you have been patient since 2017, he gets that.

Mr. Otero said they haven't been in a rush but now we are at the point where we really do want to get started so he is moving over to Dunkin Donuts so there is a time limit involved with that.

Mr. Markley said he was trying to figure out why your sign was there.

Mr. Otero said he is moving to a portion of Dunkin Donuts, the 2,400 sq. ft. back there because they will be so close to that property.

Mr. Markley said he is going to speak for himself, he is not looking for anything new from what the Zoning Commission has already suggested, he thinks you were cooperative.

Mr. Otero said he really thinks that things will get improved through the site plan and working with ODOT further but they can't work with ODOT necessarily further until we take these construction drawings and have a full blown site plan with the grading and detention ponds and all of those things, if it is not rezoned it doesn't make sense to move those drawings forward other than what we have done.

Mr. Markley said it may be enough and you had mentioned storm water, that is through Soil and Water so he is sure they are probably comfortable with what you have engineered thus far, ODOT understands the nature of your potentially seven tenants and UCMS are pretty familiar with traffic studies that ODOT reviewed.



Mr. Otero said the idea is that they wouldn't be going back to ODOT until we know the tenants and we will know what their traffic pattern is going to be per day, we know kind of what ours is per day so all of that will be sorted out but without rezoning it and getting it moving forward to be able to attract those tenants and attract those investors that are waiting and calling him and he just thinks it needs to get sorted out so he can come back to the board when we bring this back because it has to come back in front of Ms. Endres and as long as it looks similar to what we have done size wise etc. but at least at that point it is going to have real names on there, real names of who is going to be in there.

Mr. Markley said when you had mentioned and Keri verified that they had received the traffic study what they had analyzed at this point so they still need to spend a little time on that. He said our meetings are every two weeks so if the board decides to continue it for two weeks for, like he said it could longer, but it doesn't necessarily need to go longer if those questions have been answered and he is happy to work with Keri, she said she would reach out to him again to accommodate a Zoom meeting. He said they have other projects the board is working on so.

Mrs. O'Brien said to rap this up, we are looking at the Declaration of Covenants that you provided and then Mr. Markley said he was speaking with Keri with ODOT, she doesn't know how much they can do because they don't have the construction drawings and asked if she is aware of that double stack northbound left turn only.

Mr. Markley said no they never got into details.

Mrs. O'Brien said she is assuming you (Mr. Otero) are already working on certain things because you said you have the consolidation together so we know that aspect.

Mr. Otero said September 10<sup>th</sup> is the meeting.

Mrs. O'Brien said okay, will that be the ingress/egress documentation, is it right on there, with Key Bank, how solid is that.

Mr. Otero said very, they have the documents in their hand and they are reviewing it. He said the terms are agreed upon, just the legalese.

Mrs. O'Brien said okay, final touch up, it is not a question that it is clearly in the step, that is going to happen.

Mr. Otero said the Key Bank drive is going to happen, Dunkin Donuts is going to happen and the Key Bank drive is going to happen.

Mrs. O'Brien said in the comments you have a right-in and right-out so we still have to tweak this a bit also, because it is not a right-in, right-out anymore for Dunkin so it just the little

things like that she thinks we need our time to figure out where we are and again the basis behind it.

Mr. Markley said they need the county prosecutor's opinion.

Mr. Flynn asked if that is something that can be shared with us.

Mr. Markley said he will refer it to Mrs. Benza, she knows better than he does.

Mrs. Benza said she wouldn't have any problem sharing it.

Mr. Flynn said he could supply and asked if this is on the contract zoning issue.

Mrs. Benza said it is just the advice about whether the deed restrictions are enforceable, you were asking for a review.

Mrs. O'Brien said she thinks we have talked a lot and she thinks at this time we can motion to continue or whatnot and she knows we all need some time to digest what we just found out in the last two days and that is where she is.

Mr. Markley said the board needs to have that comfort level before we rezone to CB, convenience business use on that property formerly residential, not only does our residents have concerns and there are trustee concerns relative to traffic.

Mrs. Benza asked if we are talking about continuing this to next meeting on September 14<sup>th</sup>.

Mr. Markley said yes, it is not that far away.

Mrs. O'Brien said no, not at all.

The board of trustees were in agreement to continue the public on September 14<sup>th</sup> at 7:30 P.M.

**Payment Listing**

8/11/2020 to 8/24/2020

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
34923	07/10/2020	07/10/2020	AW	Goodyear Tire & Rubber Co.	\$116.69 *	V
34923	08/12/2020	08/12/2020	AW	Goodyear Tire & Rubber Co.	-\$116.69	V
35109	08/11/2020	08/11/2020	AW	GEAUGA COUNTY ADP BOARD	\$1,734.46	O
35110	08/11/2020	08/11/2020	AW	LITTLER MENDELSON,P.C.	\$625.00	O
35111	08/11/2020	08/11/2020	AW	SHELLY MATERIALS	\$2,681.56	O
35112	08/11/2020	08/11/2020	AW	Phillip Anders	\$695.86	O
35113	08/11/2020	08/11/2020	AW	Singerman, Mills, Desberg & Kauntz Co., L.P./	\$6,430.26	O
35114	08/11/2020	08/11/2020	AW	CUYAHOGA COMMUNITY COLLEGE	\$3,000.00	O
35115	08/11/2020	08/11/2020	AW	Allied Corporation	\$384.64	O
35116	08/11/2020	08/11/2020	AW	GEAUGA COUNTY ADP BOARD	\$820.14	O
35117	08/11/2020	08/11/2020	AW	TIME WARNER CABLE	\$2,400.00	O
35118	08/11/2020	08/11/2020	AW	On The Other Side	\$1,782.40	O
35119	08/11/2020	08/11/2020	AW	CHAGRIN VALLEY AUTO PARTS-NAPA	\$13.28	O
35120	08/11/2020	08/11/2020	AW	Select Security	\$348.30	O
35121	08/11/2020	08/11/2020	AW	MARS ELECTRIC CO.	\$191.86	O
35122	08/11/2020	08/11/2020	AW	Automatic Garage Door Co.	\$240.00	O
35123	08/11/2020	08/11/2020	AW	SHERWIN-WILLIAMS	\$197.60	O
35124	08/11/2020	08/11/2020	AW	CINTAS CENTRALIZED AR	\$304.77	O
35125	08/11/2020	08/11/2020	AW	CHAGRIN PET & GARDEN SUPPLY, INC.	\$208.59	O
35126	08/11/2020	08/11/2020	AW	SiteOne Landscape Supply	\$204.52	O
35127	08/11/2020	08/11/2020	AW	OHIO CAT	\$183.35	O
35128	08/11/2020	08/11/2020	AW	AUBURN PIPE & PLUMBERS SUPPLY	\$405.90	O
35129	08/11/2020	08/11/2020	AW	SHI INTERNATIONAL CORP.	\$397.83	O
35130	08/11/2020	08/11/2020	AW	CLEVELAND PLUMBING SUPPLY COMPAN	\$1,500.00	O
35131	08/11/2020	08/11/2020	AW	J.F.D. LANDSCAPING, INC.	\$8,971.09	O
35132	08/12/2020	08/12/2020	AW	Goodyear Tire & Rubber Co.	\$116.69	O
35133	08/12/2020	08/12/2020	AW	HIGHWAY GARAGE, INC.	\$253.84	O
35134	08/12/2020	08/12/2020	RW	CHAGRIN RIVER WATERSHED PARTNERS	\$402.50	O
35135	08/12/2020	08/12/2020	RW	Gayle M Kall	\$350.00	O
35136	08/12/2020	08/12/2020	RW	Auburn Bainbridge Joint Recreation Board	\$290.00	O
35137	08/13/2020	08/13/2020	AW	Solon Ace Hardware	\$72.00	O
35138	08/13/2020	08/13/2020	AW	PenCo Industrial Supply, Inc.	\$49.00	O
35139	08/13/2020	08/13/2020	AW	COMPU-FAX SYSTEMS	\$244.60	O
35140	08/13/2020	08/13/2020	AW	ACTIVE PLUMBING SUPPLY CO.	\$63.48	O
35141	08/13/2020	08/13/2020	AW	CHAGRIN PET & GARDEN SUPPLY, INC.	\$8,783.88	O
35142	08/13/2020	08/13/2020	AW	CHAGRIN VALLEY AUTO PARTS-NAPA	\$148.08	O
35143	08/13/2020	08/13/2020	AW	CINTAS CENTRALIZED AR	\$304.77	O
35144	08/13/2020	08/13/2020	AW	MCMASTER CARR SUPPLY COMPANY	\$74.61	O
35145	08/13/2020	08/13/2020	AW	SHERWIN-WILLIAMS	\$197.60	O
35146	08/13/2020	08/13/2020	AW	ULLMAN OIL, INC.	\$9,510.54	O
35147	08/14/2020	08/14/2020	AW	MERITECH	\$35.14	O
35148	08/14/2020	08/14/2020	AW	PenCo Industrial Supply, Inc.	\$608.15	O
35149	08/14/2020	08/14/2020	AW	AUBURN PIPE & PLUMBERS SUPPLY	\$37.60	O
35150	08/14/2020	08/14/2020	AW	OHIO PEACE OFFICER TRAINING ACADEM	\$50.00	O
35151	08/17/2020	08/17/2020	AW	MOTOROLA SOLUTIONS, INC.	\$1,031.25	O
35152	08/18/2020	08/18/2020	AW	MURPHY TRACTOR & EQUIPMENT COMPA	\$5,318.00	O



**Payment Listing**

8/11/2020 to 8/24/2020

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
35153	08/18/2020	08/18/2020	AW	CHAGRIN PET & GARDEN SUPPLY, INC.	\$72.96	O
35154	08/18/2020	08/18/2020	AW	CHAGRIN VALLEY AUTO PARTS-NAPA	\$38.76	O
35155	08/18/2020	08/18/2020	AW	CLEVELAND VICON	\$614.00	O
35156	08/18/2020	08/18/2020	AW	SUNRISE SPRINGS WATER CO.	\$79.25	O
35157	08/18/2020	08/18/2020	AW	WESTERN RESERVE OFFICE SUPPLY	\$15.00	O
35158	08/18/2020	08/18/2020	SW	Skipped Warrants 35158 to 35158 Series 2	\$0.00	V
35159	08/18/2020	08/18/2020	RW	Jan Shergalis	\$350.00	O
35160	08/18/2020	08/18/2020	AW	TIME WARNER CABLE	\$6.39	O
35161	08/18/2020	08/18/2020	AW	SiteOne Landscape Supply	\$39.30	O
35162	08/18/2020	08/18/2020	AW	CINTAS CENTRALIZED AR	\$42.80	O
35163	08/18/2020	08/18/2020	AW	SUNRISE SPRINGS WATER CO.	\$54.50	O
35164	08/18/2020	08/18/2020	AW	Harrington Industrial Plastics LLC	\$61.10	O
35165	08/18/2020	08/18/2020	AW	JOSEPH TOMAYKO	\$75.00	O
35166	08/18/2020	08/18/2020	AW	VERIZON WIRELESS	\$80.02	O
35167	08/18/2020	08/18/2020	AW	MCMASTER CARR SUPPLY COMPANY	\$112.24	O
35168	08/18/2020	08/18/2020	AW	Select Security	\$86.82	O
35169	08/18/2020	08/18/2020	AW	STAPLES BUSINESS ADVANTAGE	\$234.42	O
35170	08/18/2020	08/18/2020	AW	TWINSBURG DEVELOPMENT CORP.	\$135.00	O
35171	08/18/2020	08/18/2020	AW	LAKE HEALTH	\$164.00	O
35172	08/18/2020	08/18/2020	AW	MERITECH	\$208.70	O
35173	08/18/2020	08/18/2020	AW	WOLF CREEK CO.	\$286.09	O
35174	08/18/2020	08/18/2020	AW	ULINE	\$228.48	O
35175	08/18/2020	08/18/2020	AW	Amazon Capital Services	\$386.91	O
35176	08/18/2020	08/18/2020	AW	University Hospitals Occupational Health	\$860.00	O
35177	08/18/2020	08/18/2020	AW	SHI INTERNATIONAL CORP.	\$531.30	O
35178	08/18/2020	08/18/2020	AW	GEAUGA COUNTY DEPT. OF WATER RESC	\$836.04	O
35179	08/18/2020	08/18/2020	AW	Wright Heating and Air Conditioning, Inc.	\$1,850.48	O
35180	08/18/2020	08/18/2020	AW	CONCORD ROAD EQUIPMENT MFG., INC.	\$958.20	O
35181	08/18/2020	08/18/2020	AW	COLONY HARDWARE CORPORATION	\$1,099.00	O
35182	08/18/2020	08/18/2020	AW	Dell Marketing LP	\$2,408.90	O
35183	08/18/2020	08/18/2020	AW	Tomi Environmental Solutions, Inc.	\$3,244.39	O
35184	08/20/2020	08/20/2020	AW	CINTAS CENTRALIZED AR	\$42.80	V
35184	08/20/2020	08/20/2020	AW	CINTAS CENTRALIZED AR	-\$42.80	V
35185	08/20/2020	08/20/2020	AW	TIME WARNER CABLE	\$79.99	V
35185	08/20/2020	08/20/2020	AW	TIME WARNER CABLE	-\$79.99	V
35186	08/20/2020	08/20/2020	AW	HIGHWAY GARAGE, INC.	\$827.96	V
35186	08/20/2020	08/20/2020	AW	HIGHWAY GARAGE, INC.	-\$827.96	V
35187	08/20/2020	08/20/2020	AW	JAMES RILEY	\$1,257.70	V
35187	08/20/2020	08/20/2020	AW	JAMES RILEY	-\$1,257.70	V
35188	08/20/2020	08/20/2020	AW	CINTAS CENTRALIZED AR	\$42.80	O
35189	08/20/2020	08/20/2020	AW	TIME WARNER CABLE	\$79.99	O
35190	08/20/2020	08/20/2020	AW	HIGHWAY GARAGE, INC.	\$827.96	O
35191	08/20/2020	08/20/2020	AW	JAMES RILEY	\$1,257.70	O
35192	08/20/2020	08/20/2020	AW	Best Technology Systems	\$8,950.00	O
35193	08/24/2020	08/24/2020	AW	Auburn Heating Plumbing & Air Conditioning	\$395.00	O
35194	08/24/2020	08/24/2020	RW	Kim E. Brosius	\$350.00	O

**Payment Listing**

8/11/2020 to 8/24/2020

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
35195	08/24/2020	08/24/2020	AW	SUNRISE SPRINGS WATER CO.	\$79.00	O
35196	08/24/2020	08/24/2020	AW	E & H Hardware Group, LLC	\$17.99	O
35197	08/24/2020	08/24/2020	AW	CINTAS CENTRALIZED AR	\$491.17	O
35198	08/24/2020	08/24/2020	AW	SiteOne Landscape Supply	\$480.56	O
35199	08/24/2020	08/24/2020	AW	Liberty Ford Aurora	\$245.34	O
35200	08/24/2020	08/24/2020	AW	KOKOSING MATERIALS INC.	\$981.18	O
35201	08/24/2020	08/24/2020	AW	CHAGRIN VALLEY AUTO PARTS-NAPA	\$23.09	O
35202	08/24/2020	08/24/2020	AW	MARS ELECTRIC CO.	\$116.70	O
35203	08/24/2020	08/24/2020	AW	ACTIVE PLUMBING SUPPLY CO.	\$13.29	O
35204	08/24/2020	08/24/2020	AW	Harrington Industrial Plastics LLC	\$33.68	O
35205	08/24/2020	08/24/2020	AW	EGREK ELECTRIC, INC.	\$325.00	O
35206	08/24/2020	08/24/2020	AW	National Recreation and Park Association	\$175.00	O
Total Payments:					\$91,591.95	
Total Conversion Vouchers:					\$0.00	
Total Less Conversion Vouchers:					\$91,591.95	

Type: AM - Accounting Manual Warrant, AW - Accounting Warrant, IM - Investment Manual Warrant, IW - Investment Warrant, PM - Payroll Manual Warrant, PR - Payroll Warrant, RW - Reduction of Receipt Warrant, SW - Skipped Warrant, WH - Withholding Warrant, WM - Withholding Manual, WS - Special Warrant, CH - Electronic Payment Advice, IL - Investment Loss, EP - Payroll EFT Voucher, CV - Payroll Conversion Voucher, SV - Payroll Special Voucher, EW - Withholding Voucher, POS ADJ - Positive Adjustment, NEG ADJ - Negative Adjustment, POS REAL - Positive Reallocation, NEG REAL - Negative Reallocation

Status: O - Outstanding, C - Cleared, V - Voided, B - Batch

\* Asterisked amounts are not included in report totals. These transactions occurred outside the reported date range but are listed for reference.

**RESOLUTION AUTHORIZING THE SALE OF A  
2007 5--TON INTERNATIONAL TRUCK**  
Resolution 08242020-A

WHEREAS, the Bainbridge Township Board of Trustees ("Board") is the owner of a 2007 5-Ton International Truck (VIN #: 1HTWDAAR98J633204) and attached plow and appurtenances ("Truck"); and

WHEREAS, the Board wishes to sell the Truck to the Geauga County Engineer's Office/Gauga County Board of Commissioners ("Engineer's Office") pursuant to R.C. 505.101 in its "AS-IS" condition for fair market value per the recommendation of the service director; and

WHEREAS, the Board has determined that the fair market value of the Truck is \$40,000; and

WHEREAS, the Engineer's Office has appropriated the funds for purchase, or the funds were previously appropriated/encumbered for such a purpose.

NOW THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Bainbridge Township, Geauga County, Ohio, that:

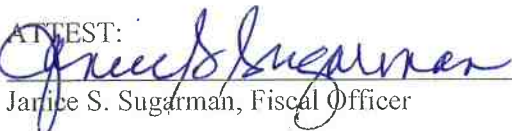
SECTION 1. This Board finds and determines that it is in the best interest of Bainbridge Township to sell the Truck "AS-IS" and free of any warranties, whatsoever, to the Geauga County Engineer's Office for the fair market value of \$40,000 and authorizes the Board to execute the sale to the Engineer's Office.

SECTION 2. The Township Fiscal Officer is directed to send a copy of this Resolution to the Engineer's Office.

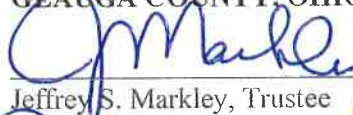
SECTION 3. It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including, without limitation, Section 121.22 of the Revised Code.

SECTION 4. This Resolution shall take effect and be in force from and after the date of its adoption.


Adopted: August 24, 2020

ATTEST:   
Jarice S. Sugarman, Fiscal Officer

**BOARD OF TRUSTEES  
BAINBRIDGE TOWNSHIP  
GEAUGA COUNTY, OHIO**

  
Jeffrey S. Markley, Trustee

  
Lorrie A. Benza, Trustee

  
Kristina O'Brien, Trustee

Original

Tax Year 2020 ( 2021 Collection Year)

**<sup>1</sup>RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE  
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES AND  
CERTIFYING THEM TO THE COUNTY AUDITOR**

(BOARD OF TOWNSHIP TRUSTEES)

Revised Code, Secs. 5705.34, 5705.35

The Board of Trustees of Bainbridge Township, Geauga County, Ohio, met in Regular session on the  
24<sup>th</sup> day of August, 2020 at the office of \_\_\_\_\_  
(Regular or Special)

with the following members present:

Mr. Jeff Markley  
Mrs. Lorrie Benza  
Mrs. Kristina O'Brien

Mr. Markley moved the adoption of the following Resolution:

RESOLVED, By the Board of Trustees of Bainbridge Township, Geauga County, Ohio, in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing on January 1st, 2021; and

WHEREAS, The Budget Commission of Geauga County, Ohio, has certified its action thereon to this Board together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board, and what part thereof is without, and what part within the ten mill tax limitation; therefore, be it

RESOLVED, By the Board of Trustees of Bainbridge Township, Geauga County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said Township the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

SCHEDULE A SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY TAX APPROVED BY BUDGET COMMISSION, AND COUNTY AUDITORS ESTIMATED TAX RATES										
FUND	Amount to Be Derived from Levies Inside 10 Mill Limitation				Amount Approved by Budget Commission Outside 10 Mill Limitation				County Auditor's Estimate of Tax Rate to Be Levied	
									Inside 10 Mill Limit	Outside 10 Mill Limit
	Column I				Column II				III	IV
General Fund		826	811	00					1.50	
Road and Bridge Levy Fund		826	811	00	2	242	824	00	1.50	5.00
Police Levy Fund					3	837	908	00		12.25
Fire Levy Fund					2	337	396	00		7.35
Fire and Emergency Levy Fund										
Fund										
Fund										
Fund										
TOTAL	1	653	622	00	8	418	128	00	3.00	24.60



<p align="center"><b>SCHEDULE B</b>  <b>LEVIES OUTSIDE 10 MILL LIMITATION, EXCLUSIVE OF DEBT LEVIES</b></p>					
FUND	Maximum Rate Authorized to Be Levied	County Auditor's Estimate of Yield of Levy <small>(Carry to Schedule A, Column II)</small>			
General Fund: Levy authorized by voters on not to exceed _____ years					
General Fund: Levy authorized by voters on March 15, 2016 Police not to exceed <u>Continuing</u> years	2.00	1	061	995	00
General Fund: Levy authorized by voters on November 8, 2011 Fire Levy not to exceed <u>continuing</u> years	1.85		977	981	00
1996 Road and Bridge Fund: Levy authorized by voters on November 3, 2015 not to exceed <u>5</u> years	2.00		758	180	00
2004 Road and Bridge Fund: Levy authorized by voters on November 6, 2018 not to exceed <u>5</u> years	1.00		494	125	00
2005 Road and Bridge Fund: Levy authorized by voters on November 5, 2019 not to exceed <u>5</u> years	2.00		990	519	00
2007 Police Levy Fund: Levy authorized by voters on November 6, 2007 not to exceed <u>continuing</u> years	1.25		660	798	00
1976 Police Levy Fund: Levy authorized by voters on November 3, 1981 not to exceed <u>Continuing</u> years	2.00		278	367	00
1983 Police Levy Fund: Levy authorized by voters on November 8, 1983 not to exceed <u>Continuing</u> years	1.50		337	504	00
1985 Police Levy Fund: Levy authorized by voters on November 5, 1985 not to exceed <u>Continuing</u> years	2.00		450	699	00
1976 Fire Levy Fund: Levy authorized by voters on November 2, 1982 not to exceed <u>Continuing</u> years	1.50		208	775	00
1977 Fire Levy Fund: Levy authorized by voters on November 2, 1982 not to exceed <u>Continuing</u> years	0.50		69	591	00
1988 Fire Levy Fund: Levy authorized by voters on May 3, 1988 not to exceed <u>Continuing</u> years	2.00		517	520	00
1995 Fire Levy authorized by voters on November 7, 1995 not to exceed <u>Continuing</u> years	1.50		563	529	00
1990 Police Levy Fund: Levy authorized by voters on May 8, 1990 not to exceed <u>Continuing</u> years	2.50		650	110	00
1998 Police Fund: Levy authorized by voters on November 3, 1998 not to exceed <u>Continuing</u> years	1.00		398	435	00

and be it further

RESOLVED, That the Fiscal Officer of this Board be and is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

Mrs. Benza seconded the Resolution and the roll being called upon its adoption the vote resulted as follows:

Mr. Markley

Mrs. Benza

Mrs. O'Brien

AYE

AYE

AYE

Adopted the 24<sup>th</sup> day of AUGUST, 2020.

Fiscal Officer of the Board of Township Trustees of

Bainbridge Township


Geauga County, Ohio

CERTIFICATE OF COPY  
ORIGINAL ON FILE

The State of Ohio Geauga County, ss.

I, JANICE S. SUGARMAN, Fiscal Officer of the Board of Township Trustees of Bainbridge Township in said County, and in whose custody the Files and Records of said Board are required by the Laws of the State of Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original now on file with said Board, that the foregoing has been compared by me with said original document, and that the same is a true and correct copy thereof.

WITNESS my signature, this 24<sup>th</sup> day of AUGUST, 2020.

  
Fiscal Officer of the Board of Township Trustees of  
Bainbridge Township  
Gauga County, Ohio

<sup>1</sup> A copy of this Resolution must be certified to the County Auditor before the first day of October, or at such later date as may be approved by the Department of Taxation of Ohio.

No. \_\_\_\_\_

BOARD OF TOWNSHIP TRUSTEES,  
Bainbridge Township,  
Gauga County, Ohio

RESOLUTION  
ACCEPTING THE AMOUNTS AND RATES AS  
DETERMINED BY THE BUDGET COMMISSION  
AND AUTHORIZING THE NECESSARY TAX  
LEVIES AND CERTIFYING THEM TO THE  
COUNTY AUTITOR.

(Board of Township Trustees)

Adopted \_\_\_\_\_

Township Fiscal Officer

Filed \_\_\_\_\_

County Auditor

By \_\_\_\_\_

Deputy Auditor

# Signature Square

08/24/20





## Reasons for Proposed Zoning Amendment

- ▶ Adjacent properties to the North and East are zoned convenience business
- ▶ Agreement with Dalebrook Estates Subdivision to permit rezoning to convenience business and commercial development
- ▶ Dalebrook agreement provides deed restrictions with prohibited uses, screening, buffers, and setbacks
- ▶ The property is located on one of the busiest intersections in Geauga County
- ▶ The property is currently vacant
- ▶ Bainbridge Twp land use plan indicates the property as good conditions for commercial development
- ▶ 208 Water Quality management plan indicates the property for future consideration for extension of water and sewer
- ▶ Traffic Study conducted shows proposed development improves traffic congestion
- ▶ Residential Impact study conducted indicates no adverse impact on neighboring residential properties
- ▶ Agreed to make Bainbridge Twp. a party to similar recorded deed restrictions as the Dalebrook agreement

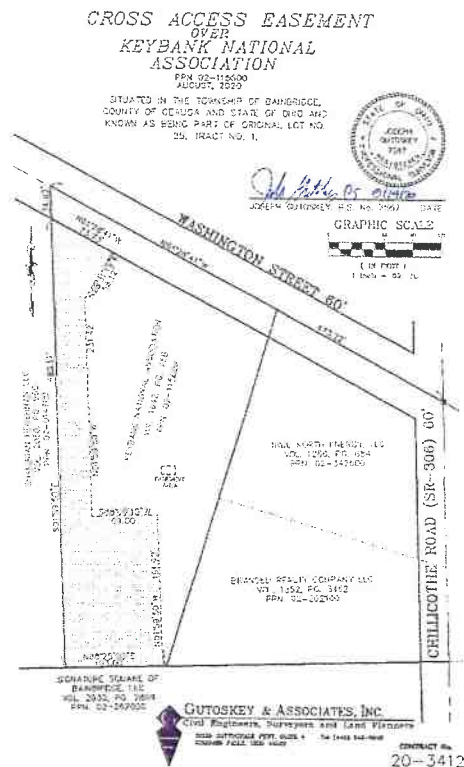
## HOW WE GOT HERE

- ▶ 4.21.17 Purchased the Signature Square property
- ▶ 2.2.19 First Dalebrook HOA committee meeting
- ▶ 3.9.19 First Dalebrook homeowner meeting at Burns Lindow House to introduce project
- ▶ 5.28.19 Traffic Study and Residential Impact Study Completed
- ▶ 5.28.19 First meeting with Bainbridge Trustee's
- ▶ 8.26.19 Homeowner's presentation with Traffic and Residential Impact Study
- ▶ 1.18.20 Final meeting with Dalebrook HOA before recorded document
- ▶ 5.8.20 Recorded Dalebrook agreement
- ▶ 5.11.20 Second meeting with Trustee's to discuss CB application submittal
- ▶ 6.9.20 Geauga County planning commission unanimously approves
- ▶ 7.28.20 Bainbridge Zoning Commission public hearing, received unanimous recommendation for approval.  
Agreed to record similar deed restrictions naming Bainbridge Township as a party to.
- ▶ 8.21.20 Submitted lot consolidation application to Geauga County Planning Commission 9-10-20 meeting

# KeyBank Easement Presentation

- ▶ Met with Mary Ellen Walters, KeyBank Corporate Real Estate Transaction Manager and Bruce Danko Senior Architect – KeyBank Corporate Real Estate on 8.7.20
- ▶ Terms have been agreed upon and formal documentation and legal descriptions have been created and are in for review.
- ▶ Basic Terms:
  - ▶ Easement as illustrated below which will allow for egress and ingress between properties
  - ▶ Utilities allowed within the easement
  - ▶ Signature Square to account for any storm water management within their retention pond
  - ▶ Creation of a two-lane exit onto East Washington
  - ▶ Maintenance to be a pro-rata share
  - ▶ Optional parking to be allowable within the easement upon completion of construction drawings

# KeyBank Easement Legal and Plat



## LEGAL DESCRIPTION

### KEYBANK CROSS ACCESS EASEMENT

SITUATED IN THE TOWNSHIP OF BAINBRIDGE, COUNTY OF GEauga AND STATE OF OHIO AND KNOWN AS BEING PART OF ORIGINAL BAINBRIDGE TOWNSHIP LOT NO. 25, TRACT 1, AND IS FURTHER BOUNDED AND DESCRIBED AS FOLLOWS,

BEGINNING AT 1" IRON PIN FOUND IN A MONUMENT BOX AT THE CENTERLINE INTERSECTION OF WASHINGTON STREET (60 FEET WIDE) WITH THE CENTERLINE OF CHILlicothe ROAD (STATE ROUTE 306) (60 FEET WIDE);

THENCE NORTH 81° 26' 41" WEST, ALONG SAID WASHINGTON STREET CENTERLINE, 478.22 FEET TO A POINT AT THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED TO SHANNAN HERSHMAN, LLC BY DEED RECORDED IN VOLUME 2000, PAGE 002 OF GEauga COUNTY RECORDS (PPN 02-914700);

THENCE SOUTH 01° 59' 50" EAST, ALONG THE EAST LINE OF SAID SHANNAN HERSHMAN, LLC, 34.82 FEET TO A POINT IN THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF SAID WASHINGTON STREET AND THE PRINCIPAL PLACE OF BEGINNING OF THE EASEMENT HEREIN INTENDED TO BE DESCRIBED;

- COURSE I** THENCE CONTINUING SOUTH 01° 59' 50" EAST, ALONG THE EAST LINE OF SAID SHANNAN HERSHMAN, LLC, 493.11 FEET TO A POINT AT THE SOUTHEAST CORNER THEREOF AND FURTHER BEING IN THE NORTH LINE OF A PARCEL OF LAND CONVEYED TO SIGNATURE SQUARE OF BAINBRIDGE, LLC BY DEED RECORDED IN VOLUME 2000, PAGE 2895 OF GEauga COUNTY RECORDS (PPN 02-202000);
- COURSE II** THENCE NORTH 50° 25' 05" EAST, ALONG THE NORTH LINE OF SAID SIGNATURE SQUARE OF BAINBRIDGE, LLC, 103.00 FEET TO A POINT;
- COURSE III** THENCE NORTH 01° 50' 50" WEST, 161.02 FEET TO A POINT;
- COURSE IV** THENCE SOUTH 88° 00' 10" WEST, 59.00 FEET TO A POINT;
- COURSE V** THENCE NORTH 01° 50' 50" WEST, 231.42 FEET TO A POINT;
- COURSE VI** THENCE NORTH 20° 31' 49" EAST, 55.12 FEET TO A POINT IN THE SOUTHWESTERLY LINE OF SAID WASHINGTON STREET;

# Dunkin Donuts Easement Presentation

- ▶ Met with Ken Bloom of Branded Realty Company LLC, owner and operator of Bainbridge Dunkin Donuts
- ▶ Terms have been agreed upon and formal documentation and legal descriptions have been created and are in for review.
- ▶ Basic Terms:
  - ▶ Easement as illustrated below which will allow for egress and ingress between properties
  - ▶ Utilities allowed within the easement
  - ▶ Signature Square to account for any storm water management for the additional parking within their retention pond
  - ▶ Adjustment of the current Dunkin Donuts entrance to be a right-in/left-in and a right out only onto Chillicothe Road
  - ▶ Creation of additional parking on Dunkin Donuts property

# Dunkin Donut Easement Legal and Plat

## CROSS ACCESS EASEMENT

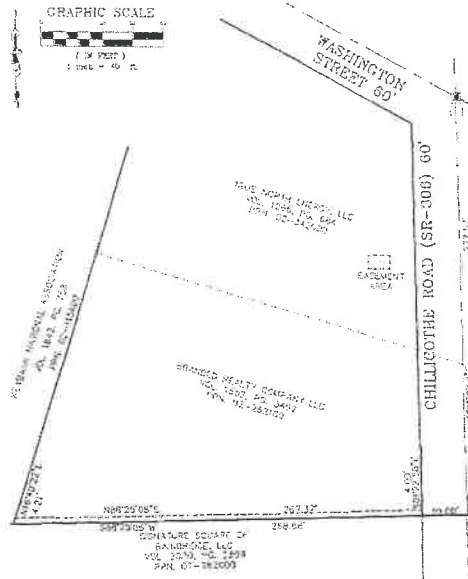
OVER  
BRANDED REALTY  
COMPANY, LLC

PPN 02-262003  
AUGUST, 2020

SITUATED IN THE TOWNSHIP OF BAINBRIDGE, COUNTY OF GEauga AND STATE OF OHIO AND KNOWN AS BEING PART OF ORIGINAL LOT NO. 25, TRACT NO. 1,

JOSEPH G. GUTOSKEY, S.S. No. 7587 DATE

GRAPHIC SCALE  
1 INCH = 40 FT.



GUTOSKEY & ASSOCIATES, INC.  
Civil Engineers, Surveyors and Land Planners

1400 LUTHERVILLE PLAZA, SUITE 100 DAYTON, OHIO 45424-1400  
CONTACT: (937) 233-1100 FAX: (937) 233-1101

CONTRACT NO.  
20-3412

## LEGAL DESCRIPTION

### BRANDED REALTY COMPANY CROSS ACCESS EASEMENT

SITUATED IN THE TOWNSHIP OF BAINBRIDGE, COUNTY OF GEauga AND STATE OF OHIO AND KNOWN AS BEING PART OF ORIGINAL BAINBRIDGE TOWNSHIP LOT NO. 25, TRACT 1, AND IS FURTHER BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT 1" IRON PIN FOUND IN A MONUMENT BOX AT THE CENTERLINE INTERSECTION OF WASHINGTON STREET (60 FEET WIDE) WITH THE CENTERLINE OF CHILICOTHE ROAD (STATE ROUTE 306) (60 FEET WIDE);

THENCE SOUTH 91° 22' 58" EAST, ALONG SAID CHILICOTHE ROAD CENTERLINE, 271.57 FEET TO A POINT AT THE NORTHEAST CORNER OF A PARCEL OF LAND CONVEYED TO SIGNATURE SQUARE OF BAINBRIDGE, LLC BY DEED RECORDED IN VOLUME 2020, PAGE 2509 OF GEauga COUNTY RECORDS (PPN 02-262003);

THENCE SOUTH 88° 25' 05" WEST, ALONG THE NORTH LINE OF SAID SIGNATURE SQUARE OF BAINBRIDGE, LLC, 30.00 FEET TO A POINT IN THE WEST RIGHT-OF-WAY LINE OF SAID CHILICOTHE ROAD AND THE PRINCIPAL PLACE OF BEGINNING OF THE EASEMENT HEREIN INTENDED TO BE DESCRIBED;

COURSE I: THENCE CONTINUING SOUTH 88° 25' 05" WEST, ALONG THE NORTH LINE OF SAID SIGNATURE SQUARE OF BAINBRIDGE, LLC, 258.68 FEET TO A POINT AT THE SOUTHEAST CORNER OF A PARCEL OF LAND CONVEYED TO KEYBANK NATIONAL ASSOCIATION BY DEED RECORDED IN VOLUME 1842, PAGE 738 OF GEauga COUNTY RECORDS (PPN 02-115000);

COURSE II: THENCE NORTH 16° 49' 22" EAST, ALONG THE EAST LINE OF SAID KEYBANK NATIONAL ASSOCIATION, 4.21 FEET TO A POINT;

COURSE III: THENCE NORTH 88° 25' 05" EAST, 267.37 FEET TO A POINT IN THE WEST RIGHT-OF-WAY LINE OF SAID CHILICOTHE ROAD;

COURSE IV: THENCE SOUTH 91° 22' 58" EAST, 4.00 FEET TO A POINT AT THE PRINCIPAL PLACE OF BEGINNING OF SAID EASEMENT, AS CALCULATED AND DESCRIBED IN AUGUST, 2020 BY JOSEPH GUTOSKEY, P.S. THAT, BE THE SAME MORE OR LESS, BUT SUBJECT TO ALL LEGAL HIGHWAYS. BEARINGS USED HEREIN ARE BASED ON STATE PLANE COORDINATES, OHIO NORTH ZONE 3401, NAD 83 (CORS 2011).



JOSEPH GUTOSKEY  
8/19/20



## ODOT Communication

- ▶ Reached out to Jill Powers from ODOT on 3.13.19
- ▶ Additional Communication with Jill Powers on 2.17.20 (Jill has since retired)
- ▶ Submitted ODOT MR505 Application on 5.18.20
- ▶ TMS Traffic Study sent to Keri Welch from ODOT 5.26.20
- ▶ Received Email from Keri Welch regarding the cross-access easement on 7.9.20
- ▶ Will need to send the cross-access easements to Keri Welch once filed and recorded
- ▶ ODOT will need a final construction siteplan before issuing a permit

# EXISTING PROPERTY







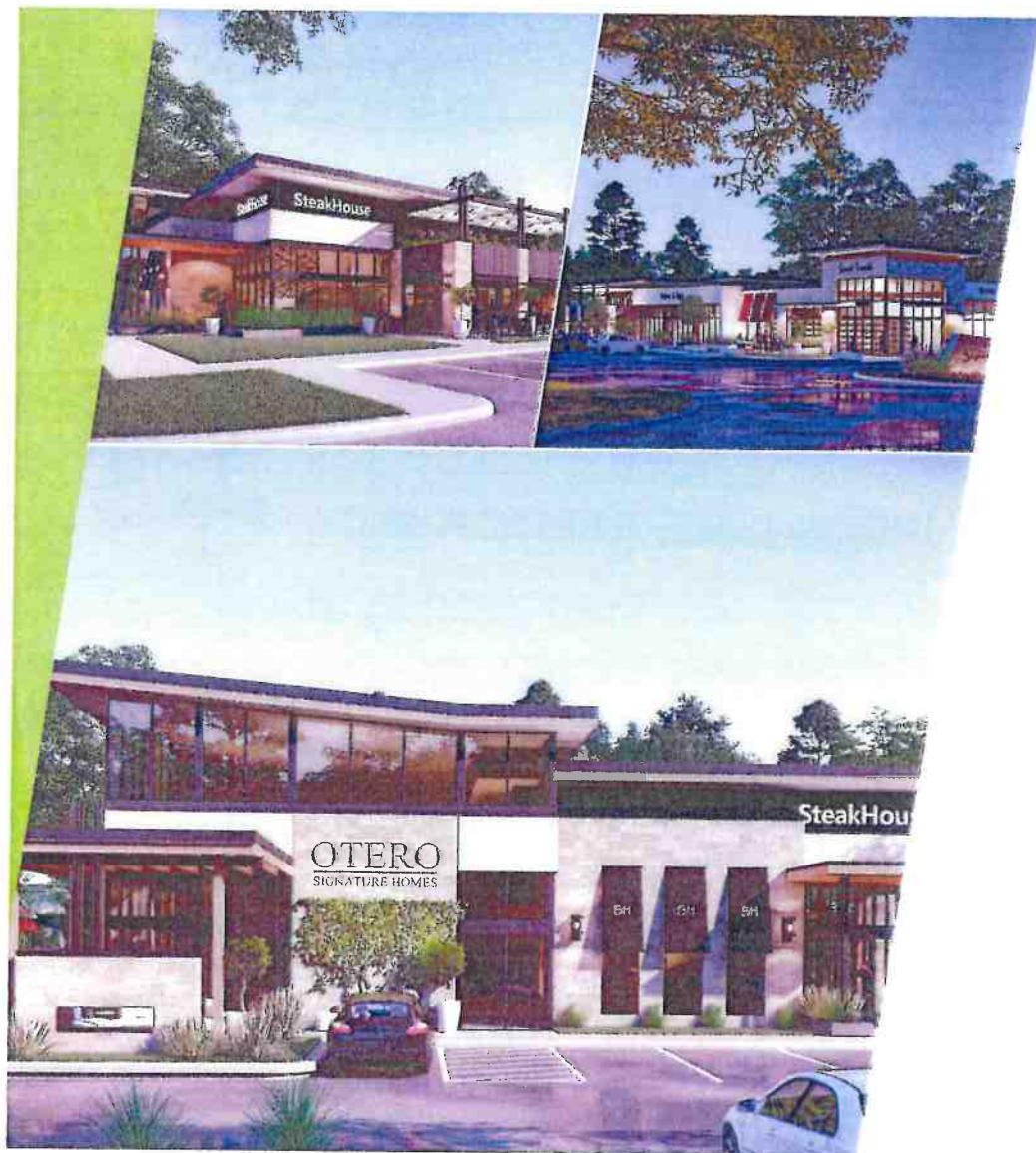
## WHAT WILL IT BE?

- ▶ State of the art Otero Signature Homes Design Center
- ▶ Enhancement to the Bainbridge Commercial Architecture
- ▶ High-end boutique development with complimentary dining, retail and professional use
- ▶ Best possible use of land and brings improvement to the overall traffic flow

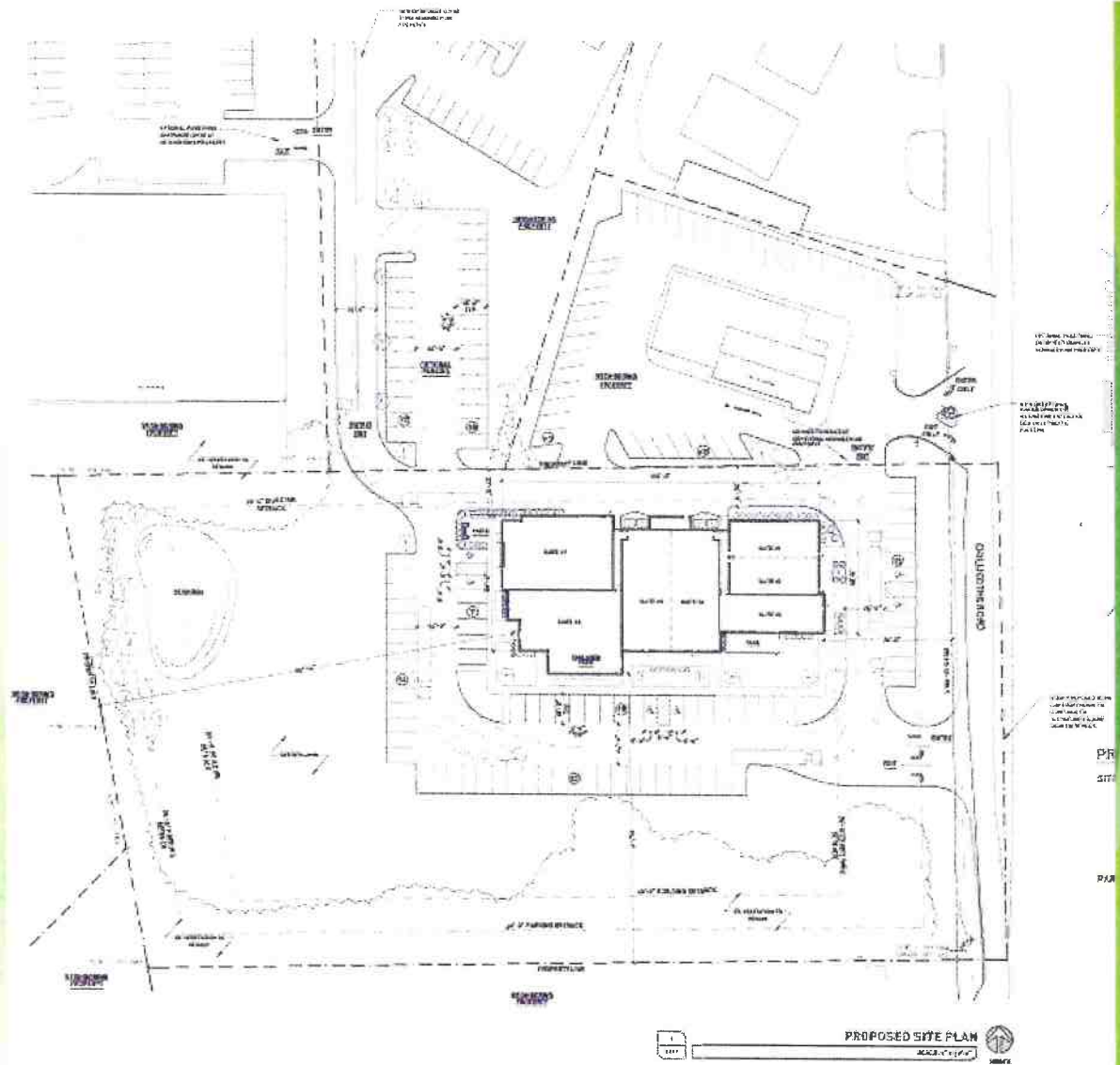
**Right Design** —————> **Right Time**

**We are Asking for Your Support!**

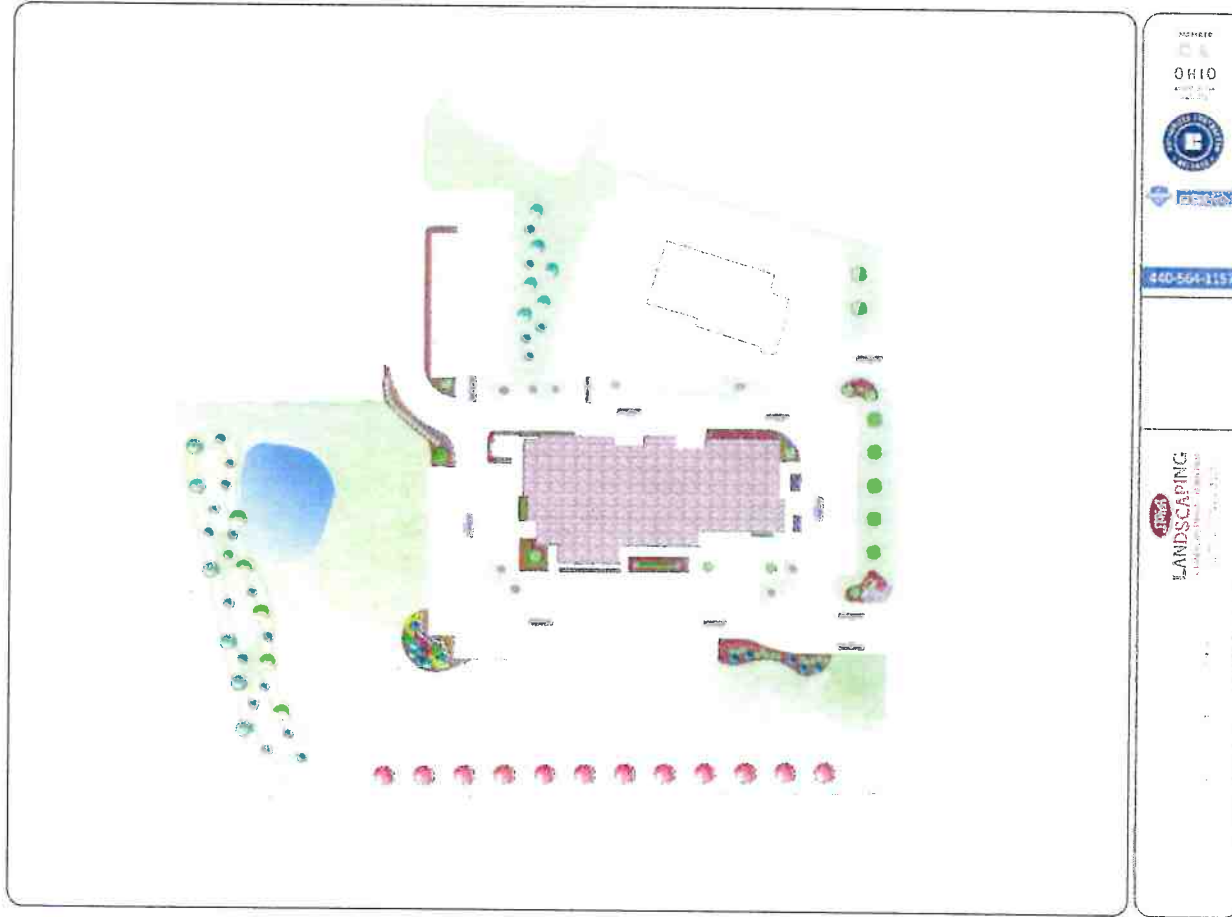




Q & A



# LANDSCAPING PLAN





THANK YOU



8559 Washington Street  
Chagrin Falls, OH 44023





## BAINBRIDGE TOWNSHIP FIRE

17822 Chillicothe Rd  
Chagrin Falls, OH 44023

Lou Ann Metz, OFE  
Fire Chief

Office: 440-543-9873

Fax: 440-543-9091

July 2020

TYPE	July	% OF CALLS	2020 YTD	2019 YTD	CHANGE	%
EMS Calls	109	70.78%	744	761	17	2.23%
Fire Calls	45	29.22%	283	302	19	6.29%
Total Calls	154	100%	1027	1063	36	3.39%
Manpower Pages	13	n/a	59	91	32	35.16%
*Overlapping Calls	32	n/a	192	363	171	47.11%

### EMS BREAKDOWN

Resident	YTD	Non-Resident	*YTD	Transport	*YTD	Non-transport	*YTD
				81	455	36	193
					61.16		33.03%

### HIGHER VOLUME FACILITIES

Facility	July	%	*YTD	%
Prompt Care	2	1.83%	21	2.82%
The Weils	12	11.00%	87	11.68%
South Franklin	1	0.91%	12	1.61%
Total	15	13.76%	120	16.12%

### TRANSPORT FACILITIES

Facility	July	%	*YTD	%
Hillcrest	51	62.96%	264	58.02%
Ahuja	20	24.69%	128	28.13%
Geauga	8	9.88%	53	11.65%
Others	2	2.47%	10	2.20%
	81	100%	455	100.00%

**Bainbridge Township Police Department**  
**Law Enforcement Incidents**  
**July 2020**

<b>FBI NIBRS Group A Offenses</b>		<b>FBI NIBRS Group B Offenses</b>	
Arson	0	Bad Checks	0
Assault Offenses	1	Curfew/ Loitering / Vagrancy	0
Bribery	0	Disorderly Conduct	5
Burglary / Breaking & Entering	0	Driving Under the Influence	3
Child Abuse	0	Drunkenness	1
Criminal Damage /Vandalism	3	Family Offenses - Non Violent	6
Domestic Violence	0	Harassment / Menacing	5
Drug Offenses	1	Liquor Law Violations	0
Embezzlement	0	Runaway / Unruly Juveniles	0
Extortion / Blackmail	0	Trespass	4
Fraud Offenses	11	Voyeurism	1
Gambling Offenses	0	All other arrestable offenses	1
Homicide Offenses	0	<b>Total Group B Offenses</b>	<b>26</b>
Kidnapping / Abduction	0		
Larceny / Theft - Petty	15	<b>Other Incidents</b>	
Larceny / Theft - Grand	2	911 problem	8
Motor Vehicle Theft /Unauth Use	0	Animal Complaints	29
Pornography / Obscene Material	0	Assist Fire Department	97
Prostitution Offenses	0	Assist other Agency	24
Receiving Stolen Property	0	Citizen Assist	43
Robbery	0	Citizen Dispute	4
Sex Offenses - Forcible	1	Dead Body Found	0
Sex Offenses - Non forcible	1	Disturbances	18
Weapons Law Violations	1	False Alarm - Business	21
<b>Total Group A Offenses</b>	<b>36</b>	False Alarm - Residence	19
		Info Report	12
		Juvenile Complaint	3
		Lost / Found Property	7
		Miscellaneous	226
		Missing Persons	1
		Property Damage (accidental)	6
		Suicidal Person	1
		Suspicious Person / Vehicle	69
		Traffic Accidents	39
		Traffic Complaints	78
		Traffic Stops	86
		Vehicle Lockouts	0
		Warrant Service	1
		<b>Total Other Incidents</b>	<b>792</b>
<b>Three Year Comparison</b>		<b>Total Incidents July 2020</b>	<b>854</b>
July 2020	854		
July 2019	1053	<b>Total Incidents TYD 2020</b>	<b>8096</b>
July 2018	1266		

**BAINBRIDGE TOWNSHIP POLICE DEPARTMENT  
MONTHLY ACTIVITY REPORT - JULY 2020**

OFFICERS	LAW INCIDENTS	ARRESTS - FELONY	ARRESTS - MIS.	TRAFFIC CITATIONS	WARNING CITATIONS	M/M CITATIONS
CHIEF BOKOVITZ	1					
LT. WEIR	1					
DET. SGT. DREGER	1					
SGT. BODOVETZ	3					
SGT. CHICKOS	3			1		
SGT. WEINER	20					
DET. SMITH	1	1				
DET. DENT			1			
PTL. BLASKO	4		1	1		1
PTL. BOYLES	36					
PTL. DEBLAEY						
PTL. DISANTO	85	2	2	7		1
PTL. FREW	92					
PTL. GREGORIN						
PTL. LACIVITA	69	2	4	15		1
PTL. LAWRENCE	22		2			
PTL. LUKAS, A.	118	1	3	12		1
PTL. LUKAS, J.	63		3	5		3
PTL. PATETE	22					
PTL. PONIKVAR	46			1		
PTL. POWESKI	30	1	1	3		
PTL. REARDON	19					
PTL. SOEDER	77			1		
PTL. TUMA	42			1		
PTL. TYMOSZCZUK	96		4	5		2
<b>MONTHLY TOTAL</b>	851	7	21	52	0	9
<b>TOTAL YEAR TO DATE</b>	8068	38	135	346	0	45

RECORDS CLERK	LAW INCIDENTS
DOWNES, L.	1
FLETCHER, L.	
GRECEK, G.	2
<b>MONTHLY TOTAL</b>	3
<b>TOTAL YEAR TO DATE</b>	28

<b>RECORDS ACTIVITY</b>	<b>JUL 2020</b>	<b>YTD</b>
INCOMING PHONE CALLS	1155	6690
REPORT FEES	\$3.15	\$36.16
HOUSE CHECKS	180	3632

**For the month of July, 2020**

Approved by: Chit Joshi



# Bainbridge Township Monthly Permit Report

07/01/2020 - 07/31/2020

Permit Date	Bainbridge Permit #	Permit Type	Description	Applicant Name	Total Fees	Parcel #	Parcel Address	Zoning	Subdivision
7/23/2020	16728	Above Ground Pool	27' round above ground pool	Angela Puzzo	\$50.00	02-106120	9412 Taylor May Road	R-5-A	
7/21/2020	16712	Above Ground Pool	18' x 33' above ground pool	Janet Flanagan	\$50.00	02-417500	9536 Washington Street	R-5-A	
7/20/2020	16683	Above Ground Pool	24' round above ground pool and 12' x 12' deck	Anthony Thomson	\$100.00	02-237600	8390 Treetower Drive	R-3-A	Twilea Park
7/23/2020	16716	Accessory Residential Building	18' x 35' accessory building on 9' high deck	Danny Andrich	\$100.00	02-421183	8190 Silica Ridge	R-3-A	Canyon Lakes
7/20/2020	16717	Accessory Residential Building	16' x 16' pavilion	Norman Boden	\$100.00	02-033340	18366 Snyder Road	R-5-A	
7/6/2020	16701	Accessory Residential Building	10' x 12' shed	Jolene Shankweiler	\$100.00	02-256020	8697 Beacon Hill Drive	R-3-A	Beacon Hill
7/2/2020	16695	Accessory Residential Building	10' x 12' shed	James Yamsek	\$100.00	02-377700	8866 Taylor May Road	R-3-A	
7/1/2020	16555	Accessory Residential Building	30' x 40' detached garage	Joe & Mrunali Walter	\$100.00	02-262226	7959 Pettibone Road	R-3-A	
7/20/2020	16715	Comm Alteration	Interior alterations for Otero Homes	Otero Signature Homes	\$200.00	02-262100	16816 Chillicothe Rd.	C-B	

Permit Date	Bainbridge Permit #	Permit Type	Description	Applicant Name	Total Fees	Parcel #	Parcel Address	Zoning	Subdivision
7/7/2020	16699	Comm Alteration	Interior alterations for new beauty salon	Monarch Const/Mark Kotoch	\$200.00	02-419428	8584(B) Washington Street	C-B	
7/21/2020	16726	Deck	31' x 46' Deck around pool	Janet Flanagan	\$50.00	02-417500	9536 Washington Street	R-5-A	
7/23/2020	16727	Fence	Two 24' long 4' high fence sections	Auburn Fence/Don Simpson	\$50.00	02-421139	8394 Pettibone Road	R-5-A	Stonridge of Geauga
7/10/2020	16705	Fence	154 lineal feet of fencing	Jessica at Precision Fence	\$50.00	02-420528	17380 Tall Tree Trail	R-5-A	Canyon Lakes
7/22/2020	16720	Letter of Exemption	Electric car charger installation	Positive Energy Electrical		02-271600	7045 Aurora Road	MUP	
7/23/2020	16725	New One Fam. Dwelling	New house with attached garage, drive & rear porch	Payne & Payne/Darrell Hershev	\$400.00	02-421423	8014 Canyon Ridge	R-3-A	Canyon Lake Colony
7/1/2020	16554	New One Fam. Dwelling	New house with attached garage, drive & front walk	Joe & Mrunali Walter	\$400.00	02-262226	7959 Pettibone Road	R-3-A	
7/28/2020	16731	Residential Addition	Home addition & drive expansion	Robert Dubovec	\$75.00	02-230740	9067 Old Meadow Drive	R-5-A	Old Meadow Estates
7/21/2020	16711	Residential Addition	10' x 14' home addition	Michael & Joan Soeder	\$75.00	02-063300	8737 Lake Forest Trail	R-3-A	Tanglewood
7/13/2020	16704	Residential Addition	19.5' x 22' screened deck/porch with hot tub	Courtney & Jeffrey Polcar	\$75.00	02-419914	8659 Chase Drive	R-3-A	Peppermill Chase
7/10/2020	16707	Residential Addition	10' x 12' Screened porch	William Fehrenbach	\$75.00	02-154400	16554 Jordan Gardner Oval	R-3-A	

Permit Date	Bainbridge Permit #	Permit Type	Description	Applicant Name	Total Fees	Parcel #	Parcel Address	Zoning	Subdivision
7/7/2020	16685	Residential Addition	18' x 28' porch addition & patio	Kimberly & Rodd Rottman	\$75.00	02-027630	17980 Birch Hill Drive	R-3-A	Pilgrim Village
7/30/2020	16735	Use/Commercial	Otero Homes - offices for custom home builder	Otero Signature Homes/Ted Otero	\$200.00	02-262100	16816 Chillicothe Rd.	C-B	
7/21/2020	16724	Use/Commercial	Piece Unique - retail sales	Andrea Siewiorek	\$200.00	02-334800	16771 Chillicothe Road	C-B	
7/20/2020	16713	Use/Commercial	Hair Salon and sale of hair products	Lea Freiberg	\$200.00	02-419428	8584 Washington Street	C-B	
7/7/2020	16503	Use/Commercial	Office and treatment facility for Beauty Confidential	Julia Hurt	\$200.00	02-243500	7181 Chagrin Road	L.I.R	
7/7/2020	16702	Use/Commercial	Pizzeria/Restaurant	Adam DiLauro	\$200.00	02-054600	17800 Chillicothe Road	C-B	
7/6/2020	16700	Use/Commercial	Retail sales of furniture & appliances	Sheely's Furniture & Appliance/James Elenz	\$200.00	02-420982	18813 North Market Place Drive	MUP	The Shops at Marketplace
7/30/2020	16722	Wall Sign	Otero Homes - 32.7 sq.' wall sign	A Sign Above/Jim Scherer	\$200.00	02-262100	16816 Chillicothe Rd.	C-B	
7/20/2020	16714	Wall Sign	"Bloom Salon" wall sign	Lea Freiberg & Tara Long	\$200.00	02-419428	8584 Washington Street	C-B	
7/7/2020	16703	Wall Sign	Sheely's wall sign	Brilliant Electric/Bob Kunzen	\$200.00	02-420982	18813 North Market Place Drive	MUP	The Shops at Marketplace

Permit Date	Bainbridge Permit #	Permit Type	Description	Applicant Name	Total Fees	Parcel #	Parcel Address	Zoning	Subdivision
7/7/2020	16697	Wall Sign	Pizzeria DiLauro 16' x 4' wall sign	Eyad Ali	\$200.00	02-054600	17800 Chillicothe Road	C-B	
7/6/2020	16698	Wall Sign	Tiffany DiLauro wall sign - 7.5' x 3.5'	Eyad Ali	\$200.00	02-054600	17800 Chillicothe Road	C-B	

**BAINBRIDGE TOWNSHIP NEW RESIDENCE  
TOTALS – JULY 2020**

**Receipts for July 2020 – \$5,125.00**

July 2020 – 2  
July 2019 – 0  
July 2018 – 2

Year to Date 2020 – 14  
Year to Date 2019 – 15  
Year to Date 2018 – 20

**BAINBRIDGE TOWNSHIP ZONING  
PERMIT TOTALS – JULY 2020**

July 2020 – 32  
July 2019 – 16  
July 2018 – 37

Year to Date 2020 – 134  
Year to Date 2019 – 147  
Year to Date 2018 – 154