

Thursday, October 20,

21

The Bainbridge Township Board of Trustees met in special session at the Bainbridge Town Hall on October 20, 2021 for the purpose of a public hearing. Those present were Trustees Mrs. Lorrie Benza, Mrs. Kristina O’Brien, and Mr. Jeffrey Markley. Mr. Markley presided and called the meeting to order at 6:05 P.M.

The transcript from the **Public Hearing re: Industrial Commercial Properties, LLC** is hereby adopted to serve as the meeting minutes. The transcript is attached to and becomes a permanent part of these minutes.

Since there was no further business to come before the Bainbridge Township Board of Trustees, the meeting was adjourned at 8:30 P.M.

Respectfully Submitted,

Janice S. Sugarman,
Fiscal Officer, Bainbridge Township

Date

Date

Date

Minutes Read: _____

Minutes Approved: _____

Industrial Commercial Properties LLC, et al. v. Bainbridge Township
Board of Trustees

SIGN-IN SHEET

Please print your name and address

Chris Caprette 18130 Greaves Lake Rd

St Rico 17345 Spruce Hill Ln.

Louise Hecker 7409 Pettibone Rd.

Laura Wendel 19101 Brewster Rd.

Barbara Neal 19121 Brewster Rd "


AFFIDAVIT OF PUBLICATION

The News-Herald
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Willoughby, Ohio 44094 • (440) 951-0000

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OCT 18 2021
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DEPT. _____

Bainbridge Township
17826 CHILLICOTHE RD
BAINBRIDGE TOWNSHIP, OH 44023

STATE OF OHIO, LAKE COUNTY, ss.

, being duly sworn, is the designated agent of the News-Herald, a newspaper printed and of general circulation in the Counties of Lake, Geauga, Ashtabula and other districts; and in compliance with sections 7.12 and 5721.1 of the revised code of the State of Ohio amended, effective September 14, 1957; that the attached notice was published.

Bainbridge Township

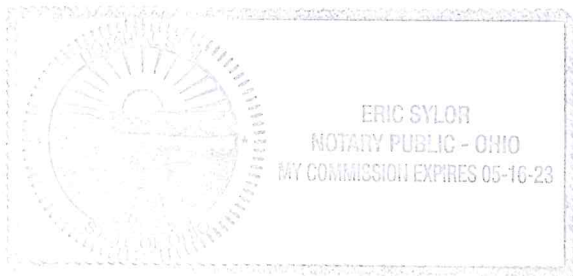
Published in the following edition(s):

The News-Herald Daily OH	10/05/21
news herald.com	10/05/21

Sworn to the subscribed before me this 10/06/21.



Notary Public, State of Ohio
Acting in Lake County



BAINBRIDGE TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING NOTICE

The Bainbridge Township Board of Trustees will hold a Special Meeting at 6:00 p.m. on October 20, 2021 at the Bainbridge Town Hall for the purposes of intending to meet and consider and take action on the proposed Master Consent Judgment Entry, in the case titled Industrial Commercial Properties LLC, et al. v. Bainbridge Township Board of Trustees, bearing case number 21M000337, pending in the Geauga County Court of Common Pleas. The Master Consent Entry affects the real property more fully described as permanent Parcel Numbers 02-125100, 02-126100, 02-323900, 02-125400, 02-126300, 02-125600, 02-125900, 02-324100, 02-126200, 02-126600, 02-126700, 02-125800, 02-126000, 02-323800, 02-324000, 02-324300, 02-125300, 02-420210, 02-126400, 02-125700, 02-323700, and 02-421449. The Master Consent Entry supplements the Consent Judgment Entry issued on October 27, 2020 in the case titled Industrial Commercial Properties, LLC v. Bainbridge Township Board of Trustees, bearing case number 20A000153, now consolidated with and administered under the other case and is a settlement of the consolidated cases to allow Industrial Commercial Properties, LLC and ICP Geauga Lake, LLC and their successors and assigns, to use the above described property for mixed uses in ways, size and location, subject to the conditions contained in the Master Consent Judgment Entry. In accordance with Section 505.07 of the Ohio Revised Code, copies of the proposed Master Consent Judgment Entry are available to the public at the Bainbridge Township Fiscal Officer's Office during normal business hours, which are from 8:00 a.m. to 4:00 p.m.

2233013/October 5, 2021

Advertisement Information

Client Id:	72239	Ad Id:	2233013
Class:	1201	PO:	
Total Units:	66	Cost:	\$155.95
Sort Description:	BAINBRIDGE TOWNSHIP BOARD OF TRUSTEE		

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The News-Herald

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10/04/21

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Account: 72239	Date: 10/04/21	Publication
Name:	Ad Date: 10/05/21	The News-Herald Daily OH, news-herald.com
Company: Bainbridge Township	Class: 1201	
Address: 17826 CHILLICOTHE RD BAINBRIDGE TOWNSHIP, OH 44023	Ad ID: 2233013	
Telephone: (440) 543-9871	Ad Taker: CRJPETTIT	
Description: BAINBRIDGE TOWNSHIP BOARD OF TRUSTEE	Sales Person: Jan Pettit (029352)	
	Words: 253	
	Lines: 32	
	Agate Lines: 66	
	Depth: 3.66	
	Inserts: 2	
	Blind Box:	
	Gross: \$155.95	
	Paid Amount: - \$0.00	
	Amount Due: \$155.95	

Ad sample

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2233013/October 5, 2021

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BAINBRIDGE TOWNSHIP BOARD OF TRUSTEES

PUBLIC HEARING

- - - - - :
 In Re: :
 Industrial Commercial :
 Properties, LLC :
 and :
 Bainbridge Township :
 - - - - - :

Transcript of proceedings before the
 Bainbridge Township Board of Trustees taken at
 Bainbridge Township Hall, 17826 Chillicothe Road,
 Bainbridge, Ohio, on Wednesday, October 20, 2021,
 commencing at 6:00 p.m.

APPEARANCES:

Jeffrey Markley, Township Trustee
 Lorrie Sass Benza, Township Trustee
 Kristina O'Brien, Township Trustee
 Thomas Fitzsimmons, Esq.
 - - -

1 PROCEEDINGS

2 MR. MARKLEY: Good evening,
3 everyone, and welcome to the special meeting
4 of the Bainbridge Township Board of
5 Trustees. We will go ahead and start.

6 MS. BENZA: Call to order at
7 6:05.

8 MR. MARKLEY: We'll call the
9 meeting to order, special meeting to order at
10 6:05. Then we will stand and say the Pledge
11 of Allegiance.

12 (Pledge of Allegiance.)

13 MR. MARKLEY: The purpose of this
14 meeting is to conduct a public hearing
15 relative to Geauga Lake. So if you are here
16 for the Otero project, you just missed it.
17 Folks in that meeting are in Geauga Lake, so
18 we're good now.

19 Welcome. We do have a plan that we are
20 going to follow this evening. We do have some
21 introductory comments as well to make.

22 We're in our special meeting. Now I
23 will recess the special meeting. Then we will
24 move to go into a public hearing for
25 Industrial Commercial Properties, LLC,

1 Plaintiff versus Bainbridge Township Board of
2 Trustees, Defendant. This is to review the
3 Master Consent Judgment Entry.

4 I would then move to go into public
5 hearing.

6 MS. BENZA: So moved.

7 MS. O'BRIEN: Second.

8 MS. BENZA: Aye.

9 MS. O'BRIEN: Aye.

10 MR. MARKLEY: Aye.

11 Now we can get into it. So we have the
12 introductory comments from all the Board
13 members. I guess grounds rules, if you want
14 to call it that. Then we will go from there.

15 At this point, this has been 10 years
16 in the making or more. We will get into the
17 timeline. There is a timeline on the back
18 wall if you haven't already seen it. It has
19 taken a tremendous amount of effort and
20 certainly there has been work from many
21 people, many, many people, many fronts, trying
22 to attack what is Geauga Lake and what could
23 Geauga Lake be in all these years and in these
24 meetings.

25 If you have read any of the papers,

1 read anything over the last handful of years,
2 you heard probably my passion for the history
3 of Geauga Lake, the nostalgia of Geauga Lake,
4 how I would like to see this project be
5 special, and not just a regular kind of
6 overall development that we might see
7 anywhere.

8 So that was very important to me as a
9 guiding principle in this process. I'm sure
10 many of you read it. What brings you here
11 tonight, I presume, is your interest not only
12 in the project itself, but maybe some of the
13 details. We will get right into the judgment
14 entry discussion. Then we will open it up to
15 public comment after our thoughts and
16 comments. Then we'll take it from there. Try
17 to answer your questions.

18 MS. BENZA: Give general
19 introductions first?

20 MR. MARKLEY: Yeah. I did that
21 the last one. Sorry about that. For those of
22 you that weren't here, I'll introduce all of
23 us here at the table.

24 Lorrie Sass Benza is a Trustee who is
25 not retiring, just not running for

1 re-election. There we go. Kristina O'Brien
2 is another Trustee. Jeff Markley, Trustee.
3 Tom Fitzsimmons, who is our special counsel
4 for not only this project, the Geauga Lake
5 project, but he was also representing us on
6 Signature Square, the Otero, which is the
7 Dunkin' Donuts, just south of the Dunkin'
8 Donuts property. Tom is very familiar with
9 land development, and he'll share a little bit
10 about himself later.

11 MS. BENZA: We all had homework
12 to do. So my homework was to put together the
13 timeline. As Jeff indicated that is posted on
14 the wall in the back. I'm going to go through
15 it.

16 I know a lot of people here remember
17 the park was closed 14 years ago. That time
18 sometimes gets lost. I'm going to try to hit
19 the high points as we go through that.

20 So 2007 Cedar Fair closes Geauga Lake
21 Amusement Park. From 2012 to 2020 Bainbridge
22 Township commits to and completes a
23 comprehensive update of the Bainbridge
24 Township Zoning Resolution. This thorough
25 process of comprehensive zoning rewrite, known

1 as CZR, utilizes services of three entities in
2 conjunction with the Township Zoning
3 Commission.

4 Kendig Keast Collaborative was a
5 company retained at the recommendation of the
6 Zoning Commission for broad base planning and
7 conceptual input.

8 InSite Advisory Group was retained for
9 more specific areas, including the abandoned
10 Geauga Lake property. There are numerous
11 public meetings, stakeholder discussions
12 specifically aimed at the Geauga Lake
13 property.

14 The Geauga County Planning Commission,
15 which reviews all township zoning
16 amendments, as required by Ohio Revised Code.

17 Summer of 2014, with input during the
18 CZR process and the realization that the
19 Geauga Lake property would never be used for
20 an amusement park again, the Township begins
21 the process to rezone the area from commercial
22 recreation to mixed use. That is a
23 live/work/play concept.

24 2015, the Township initiates the
25 rezoning to mixed use. Pursuant to the Ohio

1 Revised Code, this process requires three
2 parts: Review, discussion, and recommendation
3 by the Geauga County Planning Commission held
4 at a public meeting; public hearing by the
5 Township Zoning Commission after notice is
6 published and the amendment is available for
7 review and inspection by the public.

8 The Zoning Commission then makes a
9 recommendation to the Board of Trustees and a
10 public hearing by the Board of Trustees after
11 notice is published and the amendment is
12 available for review and inspection by the
13 public.

14 July of 2015 the property is rezoned to
15 mixed use. 2015 and 2016 Meijer expresses an
16 interest in purchasing from Cedar Fair and
17 building on a section of the property, but
18 sewer and water must be procured through
19 Aurora. Negotiations ensue, but no agreement
20 can be reached. Meijer withdraws its
21 interest.

22 Fall of 2016 Cedar Fair closes Wild
23 Water Kingdom.

24 The property then would sit fallow,
25 abandoned, overgrown, unkempt, and dangerous.

1 It drew numerous trespassers and encroachers.

2 Despite ideas and efforts to encourage
3 a master plan for development, Cedar Fair
4 would neither respond nor participate.

5 Summer and Fall of 2018 Bainbridge
6 embarks on discussions for a Tax Incremental
7 Financing plan. The Township hires legal
8 counsel to guide the process. Discussions are
9 had and notice given to both the Kenston
10 School District and the Auburn Career Center.

11 December 2018 Bainbridge approves a
12 10-year TIF resolution for the property
13 without objection by the affected school
14 district.

15 September 2019 Aurora approves a plan
16 for intensive primarily residential
17 development on the Aurora side of the
18 property.

19 Summer and Fall of 2019 Industrial
20 Commercial Properties, ICP, expresses an
21 interest in purchasing and developing the
22 property in Bainbridge. ICP is interested in
23 a mixed use development concept, but needs
24 several variances for their vision.

25 January of 2020 ICP appeared before the

1 Bainbridge Township Board of Zoning Appeals
2 asking for needed variances, but their
3 variance requests are denied. They proceed to
4 file an administrative appeal and later a
5 declaratory judgment lawsuit in the Geauga
6 County Court of Common Pleas.

7 February of 2020 until now, ICP and
8 Bainbridge Township engage in settlement
9 discussions concerning the administrative
10 appeal and the declaratory judgment lawsuits
11 relative to zoning issues.

12 Spring and Summer of 2020, discussions
13 with Aurora are renewed relative to the
14 establishment of a Joint Economic Development
15 District, known as JEDD, to enable the
16 extension of sewer and water utilities to the
17 property. Terms are agreed to, including
18 income tax sharing.

19 September of 2020 public hearing on the
20 JEDD agreement by the Board of Trustees after
21 notice is published and the proposed JEDD
22 agreement is available for review and
23 inspection by the public. The JEDD agreement
24 is approved without objection, becoming
25 effective in October of 2020.

1 October of 2020, a phase of the lawsuit
2 is settled following public notice and
3 approval at a public Trustee meeting that
4 allows Menards to proceed. All aspects of the
5 site plan were reviewed and approved by the
6 Township.

7 November 2020, in conjunction with
8 partial settlement, Bainbridge Township and
9 ICP issue a joint statement announcing a
10 partnership for the redevelopment of the
11 former Geauga Lake and Sea World properties.

12 February 2021 public information
13 session is held by the Bainbridge Trustees to
14 share with the public the status of
15 negotiation and vision for the redevelopment.
16 The meeting is both in person and broadcast on
17 Zoom.

18 September 2021 as a result of the
19 ongoing negotiations that began in February of
20 2020, proposed terms are finalized and
21 specified in a Master Consent Judgment Entry.

22 This brings us to October 2021, we're
23 having a public hearing on the proposed Master
24 Consent Judgment Entry by the Board of
25 Trustees after notice has been published and

1 the proposed agreement has been available for
2 review and inspection by the public.

3 The Trustees have recently become aware
4 of discussion about a Tax Increment Finances
5 resolution and how it relates to the overall
6 development.

7 So with that, I'm going to hand it off
8 to my colleague, Jeff Markley.

9 MR. MARKLEY: I would start by
10 saying I'm no expert on economic development.
11 What I have learned is coming over the course
12 of probably six, seven years of going to the
13 Ohio Township Association meetings. It's an
14 event that we have in January or February of
15 every year, except for last year. It gives us
16 the opportunity to attend basically three
17 days, I think that is right, of classes and
18 sessions, informative, otherwise. Could be
19 zoning, it could be police, it could be fire,
20 it could be any number of things.

21 I chose to attend every economic
22 development session I could, and then reached
23 out to experts from across the board, counting
24 heavily on several members of the county to
25 help me out.

1 One of them, Tracy Jemison, who used to
2 be the former County Auditor, started the
3 Geauga Growth Partnership. There is an
4 economic development that came up in Geauga
5 County. I think we're collaboratively, we're
6 trying to understand some of these tools that
7 are being used everywhere in Ohio. They are
8 everywhere in Ohio. Independence does use
9 them. Yes, I'm involved a little bit with
10 Independence. City of Akron has a plethora of
11 TIFs. Columbus has way more than whatever a
12 plethora is, way more than that.

13 So these TIFs are completely legitimate
14 and very much out there. Townships use them.
15 In fact, one of the ones I can think of is
16 Jackson Township down by Canton, and Canton
17 and the Hall of Fame development that is all
18 going down there, the Township is benefiting
19 from the development of that property by leaps
20 and bounds.

21 Tax Increment Financing is a public
22 financing tool. As I just mentioned, it's
23 available to townships and all local
24 governments to finance public infrastructure
25 improvements that support commercial

1 development.

2 The Geauga Lake TIF was established in
3 2018, as you heard, and was not negotiated
4 with current developer, or the original
5 property owner at the time, Cedar Fair prior
6 to establishing that.

7 It was set up as an economic
8 development tool with notice given to the
9 County Auditor, as well as the schools,
10 including Kenston Schools and the Auburn
11 Career Center.

12 The TIF is tied to each parcel of the
13 land in the defined district. So the boundary
14 drawn around the properties doesn't just
15 identify Geauga Lake, it's the whole triangle
16 over there.

17 The TIF works by allowing the increase
18 in assessed value, the increase in assessed
19 value of an improvement to real property to be
20 directed to the Township and deposited into a
21 TIF fund administered by the Township to be
22 used to pay for the construction of certain
23 improvements specified in the TIF legislation,
24 public improvements, per state law, a
25 necessity for eligibility.

1 taxes on the real property values existing
2 before the enactment of the TIF, was base
3 value, continue to be collected by all
4 parties, so school, township, and county and
5 distributed to the taxing entities that levied
6 them.

7 So there is a base value, the condition
8 that that property is today, whatever it's
9 generating in taxes, all of those taxing
10 entities receive 100 percent of those revenues
11 that they would ordinarily have been
12 receiving. This is the increase in value.

13 TIFs are authorized and created through
14 local TIF legislation, which we did in 2018.
15 Consistent with state law, the Township
16 created a TIF that will be 10 years in length,
17 75 percent exemption, with the understanding
18 that any higher exemption or longer term would
19 require the approval of the Kenston School
20 District Board of Education, as well as the
21 Auburn Career Center.

22 The developer may propose a TIF
23 agreement to allow the developer to pursue
24 bonds for infrastructure improvements. No
25 proposal has been made and any action to be

1 taken on any proposal will be done in a public
2 meeting.

3 So reiterating, we proposed, we created
4 TIF legislation to enact a TIF on the
5 property. We do not have a TIF agreement with
6 the developer, and we do not have a
7 reimbursement agreement with the school.

8 Those are things to be negotiated
9 coming up in the future, sooner rather than
10 later. But those are things that are not
11 done, other than skip the legislation. I hope
12 that's clear.

13 Misconception: Taxing units lose
14 revenues as a result of the TIF resolutions.
15 Not true. Taxing units in fact continue to
16 receive tax revenues from the base value, and
17 also benefit from resulting economic
18 development.

19 TIFs are a benefit to the Township
20 because they pay for the cost of public
21 infrastructure improvements needed to maintain
22 the sufficiency of public infrastructure in
23 the area, and encourage or enhance private
24 development for the benefit of the Township.
25 Property owners are sharing in the cost of

1 infrastructure improvements benefiting their
2 TIF district.

3 Furthermore, these investments relieve
4 pressure on the Township's general fund budget
5 and stimulate development or redevelopment
6 that would not occur without the TIF structure
7 being in place, including sidewalks, parks,
8 and lakefront improvements.

9 To be clear, again, the school receives
10 100 percent of the money it receives now as
11 those properties currently exist and as are
12 currently valued, which includes the entire
13 triangle of stores and restaurants I call west
14 of the railroad tracks. The north/south angle
15 over there kind of makes you crazy. Tracks
16 don't run true north and south. But it's
17 west, if you will, of the railroad tracks. So
18 100 percent of the value, base value of those
19 properties are continuing and will continue to
20 be received by the schools, library, health
21 district, county, and township.

22 For purposes of the -- the unsigned
23 flyers have gone out saying all that kind of
24 stuff. Recognize that a Menards and a Meijer
25 generates zero students. Menards is the first

1 project that was approved. And why I guess
2 this is a master consent, because we're
3 consolidating these judgment entries.

4 But those two big box stores will
5 generate zero students, just as restaurants
6 will, retail stores, and offices. They all
7 generate zero students. All tax revenue, with
8 no service responsibilities from the Kenston
9 School District. Big income, big taxes, no
10 school expenses.

11 Doesn't mean that we don't have to
12 service. We have police, fire, zoning
13 obligations. But from the school perspective,
14 stores and retail and commercial generate zero
15 students.

16 Then comes mixed residential, not
17 traditional single family like you see in
18 Aurora in the Pulte developments, not where
19 many of us live. Some of it will be rental.
20 Some of it would be ownership. Some of it
21 would be age restricted or age suggested.
22 Some of it that might accommodate families,
23 some might be one bedroom, some three bedroom,
24 maybe four bedroom. But a mix of residential
25 that accommodates empty nesters, young

1 professionals, as well as some families. A
2 mix.

3 We haven't seen, nor does the developer
4 know for certain what the market will be now,
5 10 years from now, or whatever. But we know
6 that in a mixed use development, it's
7 important that we have a mix of not only the
8 commercial, retail, office uses but that we
9 also have a mix of residential uses for a
10 mixed use development to be successful.
11 People live where they work, shop and are
12 entertained. This gives that opportunity in
13 what I call a very special district in our
14 community.

15 No development of this scope can be
16 completed without a public-private partnership
17 that involves public finance. Every major
18 development in the State of Ohio of this type
19 has involved a TIF, or other vehicle providing
20 public assistance. My whole purpose for the
21 TIF was to encourage redevelopment, and be
22 able to ensure the inclusion of certain public
23 improvements and amenities that the developer
24 would otherwise not be able to fully fund.

25 Let me reiterate this. This is what I

1 suggest to the Board after the seven or eight
2 years of classes, the economic development,
3 understanding of the process, that if we want
4 to make Geauga Lake a special location and not
5 just a typical development seen elsewhere in
6 the state and around the country, there are
7 going to be special things that we want to
8 see. We haven't defined all of those special
9 things, but there is a design guideline that
10 helps to speak to that. But in order to make
11 Geauga Lake special, we have to include those
12 certain things.

13 So this TIF is set up to do just that.
14 Public improvements, some access to the lake,
15 could be any number of things can be supported
16 by this TIF funding. Doesn't mean that the
17 developer isn't obligated to participate in
18 that. We certainly will hold them accountable
19 for contributing not only to what they have to
20 do in terms of roads and infrastructure,
21 sewer, water, that type, but then all these
22 other special amenities that we expect to see
23 there.

24 I mentioned a couple others; park
25 development, boat launch, boardwalks,

1 nostalgia, maybe even a museum. I've been
2 trying to sell a museum to this Board for a
3 long time, and nobody -- I won't say it. They
4 think it's a pipe dream, but let's see what
5 happens.

6 Things that would differentiate this
7 development, like I said before, which
8 includes big box stores, office, and retail,
9 housing in all other developments you see
10 every day, everywhere. Making something
11 special with the Geauga Lake legacy, that is
12 where I expect and want the TIF money to be
13 spent.

14 But this isn't the discussion for
15 tonight. The decision for tonight is whether
16 or not the Township should settle a legal
17 argument with the developer or let a judge in
18 Geauga County do it.

19 We can either be the decision makers in
20 this, with all of the input that we've
21 received both at public information session
22 meetings, comments. We've received a number
23 of emails. I went out and sought the blog
24 sites on Facebook and elsewhere where people
25 were lamenting the closing of Geauga Lake.

1 They were talking about the things that they
2 would like to see there in the future. I
3 found it fascinating that a lot of the ideas
4 that I am presenting to the Board and to the
5 developer were coming out of those blogs as
6 well. We learned also of a few other things
7 that we would consider.

8 Taking the passion that folks have for
9 Geauga Lake, my passion, I worked there when I
10 was 14, and 15, and 16, I would like to--
11 we're never going to recreate it, but I would
12 like to celebrate it existing. That is part
13 of what this project would mean to me and why
14 this TIF funding would do this, outside of
15 what the developer would ordinarily provide.
16 I would rather see the Township control the
17 outcome and not a judge in Geauga County.

18 Kristina?

19 MS. O'BRIEN: Thank you, Jeff.
20 Thank you, Lorrie for the timeline. Because
21 as you all see, we don't come here tonight
22 with just a few months' work. It's been a
23 long, long, long road. And as Jeff and Lorrie
24 both know, they've been at these seats longer
25 than I have. You talk about the blogs, talk

1 about the closing of Geauga Lake almost 14
2 years ago, and here we are today trying to
3 create something, a live, work, play in that
4 area.

5 So with that, Geauga Lake property has
6 been a focus for many residents and
7 non-residents who have a passion for what once
8 was. How many times have we gotten phone
9 calls from roller coaster enthusiasts hoping
10 to do that? We are doing the best we can
11 tonight.

12 In 2015 and 2016 there was an
13 excitement at the prospect that the area would
14 begin to come to life once again. You may
15 have seen the drone images or the videos of
16 the park as it has disintegrated into the
17 blighted area it remains today.

18 As Lorrie stated in the timeline, while
19 communication in 2015 and 2016 had broken
20 down, the Board remained committed to the
21 creation of an area that compliments the
22 Township with the growth of commerce, while
23 preserving the nostalgia of Geauga Lake by
24 integrating an area with a central place.

25 In 2017 Cedar Fair had brought on a new

1 commercial broker, and by all accounts they
2 were aggressively marketing the area. The
3 push brought residential development to Aurora
4 but nothing to the Bainbridge side.

5 Almost two years later ICP expressed
6 interest in developing the area. It took
7 another year for ICP to purchase the property.
8 Today the Board is holding this public hearing
9 to consider the consent judgment that sits
10 before us.

11 A lot has transpired in the last year.
12 Specifically the Board and all our staff and
13 departments worked countless hours to
14 establish parameters regarding the development
15 of the Geauga Lake site. We utilized, you
16 know, the Mixed Use Planned Unit Development
17 District as part of our guide.

18 The Board was focused on the area
19 becoming a destination. We were all looking
20 for amenities that would draw people to the
21 area to live, work, and play.

22 Of greatest concern was how the
23 development would grow, while not overwhelming
24 our safety services. The Board and staff
25 worked tirelessly on the design guidelines

1 that are incorporated into the judgment entry.
2 I hope you've all taken the opportunity to
3 review the guidelines. The prospect of
4 development incorporated into these guidelines
5 is exciting, but the road to get there was
6 long. We had concerns with building height,
7 density, uses, road configurations, and that's
8 just to name a few. Those are countless hours
9 of work and rework by many of us. There were
10 many iterations of the designs and
11 requirements. For the first residential
12 phase, we even required the developer to take
13 specs for our biggest fire truck and prove to
14 us that it could navigate and safely go
15 through the entire area.

16 The Board and ICP, and all countless
17 consultants and lawyers worked diligently for
18 almost two years to have the vision of the
19 area come to reality in a controlled and
20 specific way. We look forward to witnessing
21 the reactivation of the Geauga Lake area.

22 We've also had communications with
23 other groups, submittals, and approvals by a
24 number of other Geauga County and State of
25 Ohio agencies that have their own areas of

1 expertise. There was a traffic impact study
2 submitted to the County Engineer and ODOT.

3 A demolition plan for needed demolition
4 at the site was approved by the Geauga County
5 Soil and Water Conservation District.
6 Obviously it's a great concern to us that all
7 that is well taken care of, water.

8 The only public road planned for this
9 development, which is currently Big Dipper
10 Road, was submitted to the county. The
11 dedication plat was reviewed and approved by
12 the County Planning Commission, and
13 construction plans were approved by the Board
14 of County Commissioners.

15 Earlier in session a gentleman, and I
16 don't see him right now, he asked three
17 questions. One of them was what's the
18 benefit. Well, there are a lot of benefits
19 that the Township gets in this development.

20 We have a guaranteed mixed use
21 development in the face of a market heavily
22 favoring residential uses.

23 In residential, significant thought
24 went into how to maximize the value of the
25 development while minimizing the impact on

1 schools.

2 There is a maximum of units. There's a
3 limited number of for-rent units. There is a
4 required number of age-specific units
5 suggested, as Jeff stated.

6 The requirement that mixed use, we're
7 looking for a town center. We're looking for
8 that walkability. We want to spend our money
9 in Bainbridge and enjoy it. That's what we're
10 all looking for. Areas include residential to
11 support other uses. The out parcels, we have
12 a minimum to ensure support of the mixed use
13 design that is limited in the permissible
14 areas.

15 The town center, this was really
16 important to all of us. Areas need all uses
17 to promote walkability, foster gathering, and
18 recreation. Minimum amount of retail, minimum
19 amount of restaurants. Minimum and maximum
20 amount of residential. Construction of a
21 satellite service station for fire, including
22 either ownership or a 99-year lease or for the
23 land for \$1.

24 Lake-related amenities. A high quality
25 recreation trail, we call the Lake Loop,

1 around Geauga Lake, dedicated public use.
2 Hopefully insured and maintained by the
3 occupants' developer. Perpetual right of water
4 access, working on that. A public park
5 connected to the Lake Loop with a playground
6 and other active elements. Future
7 contribution of \$50,000 expansion of existing
8 amenity or new amenity, determined by the then
9 trustees.

10 The design guidelines are 178 pages.
11 They address design aesthetic, building
12 design, building materials, public
13 improvements, green space, density, safety,
14 and much more. It's a long document.

15 Annexation has always been a concern.
16 There is no annexation that will be allowed.
17 That's set now. We don't have to concern
18 ourselves with that.

19 We have underground utilities for
20 aesthetics, safety, and reliability.

21 Traffic improvements are per ODOT study
22 and recommendations.

23 The construction by the developer of
24 Big Dipper Road and the dedication of public
25 use.

1 The internal roads to be constructed to
2 Township and County standards but maintained
3 by the developer and the occupants.

4 Litigation was settled. The developer
5 paid the attorney's fees. It could go up to
6 \$75,000. To date it's 57.

7 And an agreement to comply with all
8 current and future safety standards determined
9 by the Bainbridge Fire Department. I think
10 there is a lot of benefits here, and I really
11 hope you all review the design guidelines and
12 the CJE as it's been in the fiscal office for
13 review. There is a lot in there. This didn't
14 happen in a vacuum, it happened over a long
15 amount of time.

16 With that, I'm going to pass it off to
17 Tom.

18 MR. FITZSIMMONS: Hello, everyone. I'm
19 Tom Fitzsimmons. I'm special counsel for the
20 Board of Trustees, both with respect to the
21 Geauga Lake development, as well as the Otero
22 matter which we heard earlier.

23 Just a quick background and why I'm
24 sitting here. I have kind of a unique
25 background in that I both represent townships

1 and currently represent Jackson Township,
2 which I did briefly as the Assistant Law
3 Director, but I also come from a developer
4 background where I spent 15 years working on
5 the developer side, seeing that perspective.

6 I've had a lot of chances to see
7 developments like this. I thought it was
8 helpful to give just a brief bit of a
9 characterization for how this has ended up,
10 and having a part in the negotiation for as
11 long as it's gone on, to give you a sense of
12 what the Trustees have gone through and gotten
13 on behalf of the Township.

14 I was engaged in January 2020, so we're
15 now 20 months, give or take, of discussions
16 with the developer. Those discussions are for
17 a Consent Judgment Entry. Let's be clear
18 about that. That is settlement of litigation.

19 So people wonder why the Township has
20 to be sued, or was sued in order to have a
21 discussion. The Township doesn't have to be
22 sued, the Township doesn't have to settle.
23 When the Township is sued, they have to go
24 through a discussion, like anybody else,
25 internally and say what happens if we don't

1 settle and we have a judge decide for us what
2 we are or are not going to do versus what
3 could we accomplish on our own if we reach a
4 settlement with the developer, and what sorts
5 of things could we get that we couldn't
6 otherwise get because of the structure of the
7 Township and how the Ohio Revised Code kind of
8 deals with Townships.

9 The big issue is here, if you go to a
10 judge, as Jeff said, the three people sitting
11 in front of you have little to no impact on
12 the decision and what happens on this
13 property. That's been a critical part.

14 Just to give you a sense of what has
15 gone on, 20 months of negotiations with the
16 developer, with the City of Aurora, with
17 countless outside agencies and entities.

18 The Joint Economic Development
19 Agreement, which was alluded to earlier, was
20 negotiated for five months and went through 19
21 drafts.

22 The Consent Judgment Entry that is
23 before the Board tonight for consideration was
24 negotiated for 12 months, 26 drafts. The
25 Township, it's important to realize, utilized

1 professionals in going through this. I don't
2 mean to be immodest, but I am a professional.
3 More importantly, the Planning and Zoning
4 staff, who do this every day, day in and day
5 out, and for all the outside parties that they
6 dealt with. This was a professional project
7 and a professional process.

8 I've been practicing and involved in
9 real estate development for 21 years. I've
10 dealt with over 40 governmental bodies for a
11 development like this. I can tell you without
12 exception this is the most comprehensive,
13 heavily negotiated agreement of this sort I've
14 ever seen. I put that up against Crocker
15 Park, a major, major development. All of you
16 know Crocker Park. This is a more difficult
17 process and a more heavily negotiated process.

18 By comparison, we set the Geauga Lake
19 design guidelines, which set out very specific
20 requirements and visions and guidelines.
21 There are 178 pages. Crocker Park, 61. Three
22 times the level of detail for what it is going
23 to look like compared to Crocker Park. This
24 is what this process has brought.

25 Much of it's done in connection with

1 the negotiation of settlement. Much of it
2 done and explained in public sessions. This
3 is not just kind of an easy the developer
4 comes in and says what they are going to do
5 and the Board steps aside. So I just wanted
6 to express from my prospective, having been
7 involved on both sides of this, I'm glad I was
8 on the Township side of this development and
9 not on the developer side, because I have very
10 seldom seen as much extracted in a deal for
11 the benefit of a township or city than the
12 Township has gotten here and with a partner
13 and the developer agreeing to that.

14 So that being said, I think we are
15 going to move now to the public comment
16 section. I just wanted to go through a few
17 ground rules.

18 As I said earlier, this meeting is to
19 consider approval of the Consent Judgment
20 Entry. That's it. The only thing in front of
21 the Board right now is approval of the Consent
22 Judgment Entry in settlement of litigation.

23 I know there has been a lot of talk of
24 late about Tax Increment Financing, what may
25 or may not happen, might or might not be

1 proposed. I have instructed the Trustees that
2 as no proposal with respect to the TIF at all
3 is before this Board, there's going to be no
4 conversation about that.

5 Everyone is going to have an
6 opportunity to talk. You certainly can say
7 whatever you like and offer whatever opinions.
8 But in terms of back and forth, or questions,
9 or dialogue with respect to Tax Increment
10 Financing, it's inappropriate at this stage
11 and I've instructed the Trustees to not engage
12 in that because it's not something before this
13 Board, not only at this meeting, but in any,
14 way, shape or form.

15 We have a TIF that was passed in 2018.
16 That's it. There is nothing else in
17 proposals.

18 What I would ask is that each person
19 wishing to address the Board, if you could
20 step up, please say your name and address.
21 Given the number of people we have here,
22 wanting to allow everyone to have as much time
23 as possible, allow as many people as possible
24 to speak, we're going to limit each person to
25 90 seconds. If it goes over a little bit as

1 questions are going back and forth, we'll try
2 to accommodate that, but, again, we're trying
3 to make sure as many people who want to have
4 the opportunity to speak can.

5 We understand that developer proposals
6 of this type can arouse strong emotions, and
7 can make people feel strongly, and we ask that
8 please, everyone, be courteous and respectful
9 and not disruptive. Respect everyone's
10 opinion, whether it is opinions up here or the
11 opinions of your fellow audience members. So
12 please, please maintain that kind of decorum.

13 I will indicate when each speaker's
14 time has ended and ask that you complete your
15 sentence or your question and then step aside
16 so the next speaker may approach.

17 Again, when you step up, please state
18 your name, your full name. We have a court
19 reporter here who is taking the official
20 record of the meeting. Please state your
21 name, spell your last name and list your
22 address.

23 So if anybody has any comments,
24 question, please feel free to approach the
25 podium.

1 MR. MARKLEY: I would also say,
2 given from the last public hearing that we
3 just had, I learned that it would be helpful
4 if you have kind of a list of questions, maybe
5 just go through that list of questions, I'll
6 try to write down and maybe count on
7 everybody's memory, and then you can sit down
8 and we can address those questions, and then
9 the next person can come up.

10 If there aren't a lot of comments from
11 a lot of people, then you are welcome to come
12 back up again and facilitate that.

13 Microphone is on. I would also say
14 don't be shy or bashful, bend that microphone,
15 point it to your mouth, get it to where it
16 needs to be so we can hear you.

17 MS. O'BRIEN: I just want to put
18 this into the record. The Trustees received a
19 letter from John Lateulere, who he submitted
20 this as he couldn't be here this evening to
21 submit it as a resident. Although full
22 disclosure, he is on our Zoning Commission.
23 This is as a resident. He is a resident in
24 River's Edge. He is a developer of rental
25 houses in eight states, an AICP certified land

1 planner with 20 years' experience and Zoning
2 Commission. I won't read it. It's lengthy.
3 He's supporting tonight's Consent Judgment
4 Entry. I have copies of them if anyone wants
5 to -- I want it to be in the minutes. Any
6 objection? No, okay.

7 MR. MARKLEY: Who would like to be
8 first? Don't be shy. Here we go.

9 MS. SCOTT: Good evening. My
10 name is Lisa Gold Scott. I reside at 8270
11 Timber Trail. I'm relatively close to the
12 development. I did have a chance to look at
13 the documents. Thank you for posting those
14 online. I appreciate all the work put in by
15 the Trustees and counsel. I myself work for
16 an inner ring suburb, very familiar with TIFs
17 and hear what you just said, counselor, about
18 how complicated this one is compared to
19 others, especially Crocker, gives me great
20 pause, and overall I fully support what
21 everyone's doing.

22 One of the items within the document,
23 it almost makes it sound as if the developer
24 can walk as they choose. I'm kind of curious
25 whether or not there is -- is it your intent

1 to have a development agreement with the
2 developer after -- assuming this gets adopted
3 -- so will there be that agreement between the
4 Township and the developer, or does the master
5 Consent Judgment Entry stand as the agreement
6 between the parties? Thank you.

7 MR. FITZSIMMONS: I alluded earlier to
8 the Ohio Revised Code, which I say looks
9 somewhat paternalistically on townships.
10 While I sit here and do a development
11 agreement with the developer, the Township is
12 not specifically permitted to do so by
13 code. So the only way to enable that is give
14 as part of litigation if township were to
15 decide to enter into settlement negotiations,
16 the Consent Judgment Entry is effectively the
17 development agreement.

18 To answer your direct question, there
19 is no obligation on this developer to develop.
20 There are obligations left and right and
21 hundreds of pages as to if they develop, what
22 they can and can't do. But there is no
23 guarantee as we sit here right now the
24 developer will develop. That being said, the
25 Trustees can speak to a lot of activities on

1 this development and a lot of proposals, I
2 think that is highly unlikely.

3 MR. MARKLEY: The only other thing
4 that I would comment on is with respect to
5 that is given the amount of energy I don't
6 expect anybody to walk away from this. That
7 said, we've had that conversation numbers of
8 times within the Board of Trustees what if
9 they choose to walk. What if the only thing
10 that we see there is a big box store and a
11 parking lot? Is that the legacy that we
12 expect to leave on that footprint?

13 For me, the answer is no. We have to
14 work to accommodate active development on this
15 site. Leaving it vacant, leaving it the way
16 it is was no way to leave it. That's why
17 we've been so aggressive in promoting some
18 form of development on the site.

19 MS. TREPAL: Good evening. Thank
20 you very much. Roberta Trepal, 8738 Carnes
21 Road in Bainbridge Township. I've lived here
22 over 35 years. If you recall a few months ago
23 there was an issue with the taxes for
24 increases for the schools. There are a lot of
25 seniors in this Township, as you probably

1 know, that there is an aging population in
2 Bainbridge Township. We are on limited income
3 now. We cannot go back to work and supplement
4 that income.

5 My question to you is, first of all,
6 what are we going to do with the seniors that
7 can no longer afford the increase in taxes
8 that are going to eventually have to come up
9 to supply the fire and police department
10 subsidies? They are going to be required to
11 maintain a proper healthy environment for
12 people to come and live in.

13 Number two, what are we going to do
14 with those children that do show up and do
15 come to the Kenston School District? Even if
16 it is a far fetched idea that we may have an
17 increase of 500 more students, we just had a
18 proposal that was shot down, what was it, 3 to
19 1 in the last one with the students we do have
20 that are increasing in population.

21 So the question is for seniors in this
22 community is where are you going to get those
23 taxes from? Is it going to fall on us again?
24 We put in our fair share, and we're tired of
25 more taxes, at least coming down the line.

1 We can't keep the lights on right now.
2 They always go out in this area, and you know
3 that for a fact. Over at Pettibone we can't
4 keep the lights on for God's sake. They have
5 been trying to buy a generator, which is
6 crazy.

7 So if we can't buy a generator, we
8 can't pay for more students, where are we
9 supposed to get the money from? I think that
10 is what seniors, like my friends and myself,
11 are concerned about because this does not look
12 good. We have empty stores on Washington
13 Street. This is not Akron/Canton. This is
14 not Columbus. This is a Township in Geauga
15 County and people moved out here for a reason,
16 and it wasn't to have that develop this way.
17 I'm sorry, and I don't see looking down the
18 line, where this development is going to bring
19 in anything other than more trouble, more
20 empty storefronts, and more taxes on people
21 who can't afford it. We're going to have to
22 move out of the homes that we established here
23 and built in this Township.

24 MR. MARKLEY: Let me address some
25 of what you said, just so -- at least ask a

1 question. As you know, I've been a Trustee
2 for 16 years. This is my 16th year. We've
3 done, I think, a really good job of mitigating
4 the levies that the Township puts out there;
5 police, fire and road. There are differences
6 between all those levies, but we've been, as
7 taxpayers ourselves, we're very focused on
8 minimizing the new levies and asking our
9 department heads through their budgeting
10 process, five-year plans and all that, to
11 extend the levies wherever they possibly can.
12 I don't know if you would agree or not, but
13 we've tried to do that. You haven't seen that
14 many levies from the Township in that time
15 frame that I've been here. There is a road
16 levy that has to be renewed every three years
17 but that's kind of what you are seeing.

18 Given that perspective, I would tell
19 you that the Geauga Lake district development
20 has to pay its own way. It's been our focus
21 from day one, from 2007 when it was an
22 amusement park that was huge and attracted 1.3
23 million annually to that area, with the all
24 the associated issues, traffic, crime,
25 whatever, closed down and left us with what

1 they left us with.

2 It didn't make any of us happy, but
3 that's where -- so we've got that 300 some
4 acres of vacant land that we had to deal with,
5 right?

6 I look at it from your perspective as
7 service costs versus revenue. I need to
8 understand each development as it comes before
9 us, and to understand the financial
10 obligations of that project.

11 So, for example we have Menards as the
12 first project in there. Again, zero students
13 contributing to the school system. Taxes
14 being provided by that when it ultimately gets
15 built.

16 The same for the only other big box
17 store proposed, which there isn't a contract
18 on but you have all heard the name a few years
19 ago and they might becoming back. Then we
20 have the multi family, the apartment complex,
21 market rate.

22 Those each have their own specific
23 service costs and they have their
24 revenues. So our focus has been to address
25 what the service costs are, what does it cost

1 police, what does it cost roads, what does it
2 cost fire to address that particular use in
3 that particular development, and then look at
4 the revenues. I wanted to share a very quick,
5 so not an analogy, but an example of what we
6 did.

7 There is a gentleman in the back who
8 helped me generate a spreadsheet when we were
9 looking at Meijer back in whatever timeline
10 that was, five, six years ago. We developed a
11 spreadsheet and that spreadsheet identified
12 all of the levies in the Township, everyone.
13 Police, fire, I think they have multiple
14 levies going back to the '70s. We also have
15 the road department and its levies. The
16 general fund, then the school, then the Auburn
17 Career Center. We created all those as
18 columns.

19 Then what we did was we did an example
20 of Walmart, and just took Walmart and what it
21 paid in taxes to the community. What I
22 learned was that it paid \$55,000 plus or
23 minus, I have to get the spreadsheet out to
24 refresh my memory, but \$55,000 to the police
25 department.

1 In return, the service costs could have
2 been as a much as one officer. The chief, you
3 know, we were talking about, can you generate
4 a report for all calls so I could get a sense
5 of that. A little too difficult to understand
6 that. But he said let's just use an officer a
7 year. Well, what does an officer a year cost,
8 with benefits and everything else? Just throw
9 \$100,000 at it. Well, we're in the hole
10 \$45,000 right off the bat on that service
11 cost, right? That doesn't work. The math
12 doesn't work.

13 With Menards -- sorry, with Meijer
14 being proposed and their loss prevention
15 policy, if something happens I'm going to call
16 the police, that's probably another police
17 officer. So that as a standalone project was
18 not going to work for me, which is part of the
19 reason Meijer wasn't there four, five years
20 ago.

21 However, Walmart is in with a whole
22 bunch of other development, right, the
23 marketplace, the restaurants, the Bob Evans,
24 McDonald's, all those other things. Those
25 don't rely very heavily on the police

1 department at all. Their total contribution
2 in taxes to the police department was
3 \$235,000. So the 55,000 that Walmart paid
4 that didn't cover the service costs, with the
5 \$235,000, the entire aggregate that the
6 development paid, more than covered that one
7 police officer. So it was the aggregate of
8 that development that made sense.

9 Roads, there are no private roads in
10 that development -- sorry, there are no public
11 roads in that development at all. It's all
12 gravy. All of that tax money to the road
13 department was gravy.

14 Fire department has fire inspections
15 and the occasional calls. But it's commercial
16 so, again, not very active. So probably more
17 gravy than not.

18 The point being, a master plan
19 community, with all the multiple uses makes
20 more sense than a single use like Meijer at
21 that time. So we are heavily focused on
22 service costs versus revenue. So I can say to
23 you and any of the seniors on fixed income or
24 anybody else that doesn't want to pay more
25 taxes, like myself, that I'm focused on that

1 development paying for itself and not being a
2 burden to us. That's what I'm focused on.

3 Another public comment.

4 MS. O'BRIEN: Can I just say one
5 comment? Someone is clicking a pen. Can you
6 please refrain. Okay. Please. Thank you,
7 Mr. Carson.

8 MR. MERSNIK: My name is Joe
9 Mersnik, 16973 Chillicothe Road. I'm
10 impressed with all the accolades this group is
11 given for the hard work, but you signed on for
12 this job. Nobody forced you. So it's
13 appreciated.

14 I'm going to focus on one issue only,
15 and it falls back and ties into the issue of
16 impact. I will give one example, and that is
17 cost of children in school systems. You did
18 not talk about that. I've not seen any
19 financial impact covering those kind of issues
20 in anything published by what your
21 organization has done. But let's say
22 typically it's \$14,000 a year per student, and
23 that development only has 100 students. Are
24 we talking about \$1,400,000?

25 MR. MARKLEY: If the 14 is right,

1 yes.

2 MR. MERSNIK: Okay. Let's take 12,
3 are we talking \$1,200,000?

4 MR. MARKLEY: Sure.

5 MR. MERSNIK: That is probably an
6 underestimate. Multiply it by 3, let's say,
7 the projection. The question is -- excuse me.
8 The question is just an academic one. Will
9 there be tax revenue from this development to
10 cover that cost? Of course not. People
11 living in Kenyon Lakes, who have children
12 going to school (inaudible).

13 My point is, how are you going to make
14 that up when a woman just spoke over here that
15 can't afford to live in this community because
16 the taxes keep going up. The taxes keep going
17 up because you keep supporting growth for
18 growth's sake and sentimental reasons and
19 nostalgic Geauga Lake, which I worked there
20 too, by the way. So what do we do about it,
21 there it is.

22 MR. FITZSIMMONS: Thank you.

23 MR. MARKLEY: Right in the front,
24 you were ready to come up.

1 Bartlett, 18591 Geauga Lake Road. I've lived
2 there almost 30 years. I'm the gal that runs
3 on the road every single day. I wrote a
4 letter in the Spring. And I guess one of the
5 basic question comes down to, it doesn't
6 appear that there is much of anything we can
7 do to keep this from coming. So if we're here
8 tonight to decide whether or not we want to
9 push this into a judgment, a judge, or whether
10 we want to keep it here, I would guess that
11 most of us probably want to keep it here. But
12 I also think that most of us are probably just
13 appalled at a four-story apartment building
14 and are appalled at right now what goes on on
15 Gauga Lake Road, other than my compliments to
16 the road department as far as what they've
17 done as far as there. But you see by the time
18 you reach my house, people now can hit 100
19 miles an hour. There is louder motorcycles.

20 So I'm concerned about roads. You
21 can't even pass two trucks. I don't care
22 whether they are putting little roads into
23 this development. People are going to use
24 either Aurora Road, Pettibone, or Gauga Lake,
25 and I right now -- or Brewster. Oh my God,

1 that's like scary what is going on overthere,
2 by the way. I mean if I owned over there, I
3 would be freaking. What can I say.

4 I want to know if the TIF, which I know
5 nothing about --

6 MR. FITZSIMMONS: I'm sorry, you've run
7 out of time. Thank you.

8 MS. BARTLETT: Can we guarantee
9 we're not going to have Section 8 housing? I
10 mean who controls TIF? Right now I think you
11 guys are so unpopular in what you are
12 doing. Sorry. Arrest me.

13 MR. MARKLEY: You might get a
14 chance to come on back.

15 MS. BARTLETT: That's okay. I'm
16 telling you right now --

17 MR. MARKLEY: This gentleman.

18 MR. CLOSSIN: I don't have anything
19 to say right now because you guys don't want
20 to listen.

21 MR. MARKLEY: Okay. Thank you.
22 Another public comment.

23 MR. DUNCAN: My name is Richard
24 Duncan. I spoke to Lorrie a couple weeks ago.
25 Jeff emailed me last night.

1 MR. MARKLEY: Mr. Duncan, do you
2 mind stating your address?

3 MR. DUNCAN: 1101 East Boulevard.
4 I'm concerned of the spillover affects to our
5 community. I studied a lot of documents. I
6 came here and got them from the Zoning
7 Inspector. The Zoning Board of Appeals I
8 believe made a proper decision in denying.

9 I studied the court cases in Geauga
10 County Court. I think there is a very little
11 chance that the developer could win this. I'm
12 the plaintiff in the Duncan/Factor case back
13 in 1986. I've been studying these things for
14 35 years. So I think the Township residents
15 have a good, justified case here.

16 We came across Ohio Revised Code
17 505.07. Don't you believe this is a way to
18 circumvent the Township wishes?

19 Secondly, if you do approve it, I think
20 the Township residents could have the power or
21 they do have the power to vote out the next
22 trustee if they approve it. Thank you.

23 MR. MARKLEY: Or the power to
24 re-elect. Just saying. Go ahead.

25 MR. TREPAL: My name is Norm

1 Trepal. I live at 8738 Carnes Road. Been a
2 Township resident for 35 years. When I listen
3 tonight, I wanted to question, I think,
4 Mr. Markley, you were saying right now the
5 property, even as it sits, generates a value
6 and pays property tax. But you seem to have
7 drawn a line there for future development.
8 When more things are built on that property,
9 the value goes up. So once you get above the
10 current property value, do we get those people
11 or residents, or businesses to pay their taxes
12 for them?

13 MR. MARKLEY: I'm happy to address
14 this. It's just kind of an understanding of
15 the process. Sir, the base value of whatever
16 the property tax is, is paid 100 percent to
17 all the taxing entities. Any improvements
18 made on those properties then starts that TIF,
19 which is state driven. So that is in the Ohio
20 Revised Code defines how that TIF operates.

21 This is that 75 percent we talked about
22 10-year TIF. We're not going to get too far
23 into the weeds on it, but recognize that the
24 difference in value from that base value where
25 everybody's receiving 100 percent, to whatever

1 the improved value is, that difference is what
2 goes into the TIF fund, that difference at the
3 rates prescribed under the TIF agreement,
4 which has not been generated or asked for yet,
5 or the what do we call the -- not restitution,
6 but reimbursement agreement with the school,
7 which we have not gotten into with the School
8 Board yet. So both of those documents have
9 yet to be produced. Haven't really been
10 discussed at any length.

11 But this is the opportunity to talk
12 about finances once we start to see what
13 projects, be it Menards, be it Meijer, be it
14 vision, what those projects would generate in
15 terms of revenue, what the future revenue
16 expenses will be.

17 And to somebody else's point, the
18 service costs. I want to understand the
19 service costs associated with those uses. So
20 100 percent of face value, 75 percent of that
21 increase in value is what goes in the TIF
22 fund. So the schools, the libraries, all
23 those other entities, taxing entities receive
24 25 percent of the new money, new revenue
25 generated from that economic development, and

1 they are made whole.

2 MS. BENZA: Right. But I also
3 want to add, yes, everybody in the development
4 continues to pay the taxes.

5 MR. MARKLEY: Yes, there is no tax
6 abatement.

7 MS. BENZA: This is not a tax
8 abatement in any way. So, yes, they do pay
9 their full taxes, of course.

10 MR. MARKLEY: A lot of the folks
11 there don't even -- I would say that all of
12 the folks there, be it businesses or
13 otherwise, don't skip a beat relative to the
14 tax due sent to their businesses, residences,
15 whatever. They just pay their taxes. The
16 work is done at the auditor's office and our
17 fiscal office to separate those tax revenue
18 funds, separating it from the base line to the
19 increase in value. That heavy lifting is done
20 by the County Auditor's office and our office.

21 MR. FITZSIMMONS: Not to sound like a
22 broken record, but, again, TIF is in place
23 since 2018. There is nothing proposed, both
24 in terms of activating that TIF, or any
25 modification of that TIF in any way, shape, or

1 form. So while Jeff's explaining the general
2 concept of the TIF, there's nothing before the
3 Board with respect to the TIF at all. This is
4 with respect to settling this litigation.

5 MR. MARKLEY: Other public
6 comments? Step to the mic, sir.

7 MR. LANZA: Frank Lanza. I live
8 at 7738 East Washington Street. I've been a
9 business owner here since 1974, and I've lived
10 here since 1981.

11 Since we're on the subject of taxes, I
12 would like to know what percentage of the
13 taxes does each entity get? Does the school
14 get what percent? Does the police get what
15 percent? What percent does the fire and roads
16 get?

17 I know for a fact that the school gets
18 60 percent of all the taxes that we pay. I
19 don't know how much the fire department gets,
20 what percentage. The police department I
21 believe is about 22 percent. I'm not sure
22 about those percentages.

23 But when you are talking about the
24 revenue collected and where the money goes and
25 the services that are provided by the

1 Township, we want to know how much of our tax
2 money is going to provide the services from
3 the roads, the fire, and the police, as well
4 as the schools. Does anybody know what those
5 percentages are or am I off?

6 MR. MARKLEY: Frank, you can
7 actually go to the Auditor's office website
8 and go to the real estate section of that,
9 type in your address. Then you can see what
10 I'm paying. It is like a pie. Tells you how
11 much of the pie goes to each of the entities.
12 I think the last time I checked it's 23 cents
13 of a dollar goes to the Township, which is
14 spread out across the road, the fire, and the
15 police, and the general fund, I believe.

16 MS. BENZA: So I've got this. So
17 the school from our tax structure here in
18 Bainbridge, with the taxes we pay, the school
19 received 56.87 percent. The County receives
20 16.89 percent. The Township receives 23.08
21 percent. And the library gets 3.15 percent.

22 So with the Township, the 23 percent,
23 23 cents of every dollar that comes to the
24 Township is then further broken down to our
25 general fund, our roads and bridge fund,

1 police and fire. So that 23 cents is then
2 broken down according to the levies that you
3 all approve.

4 MR. LANZA: So all the services
5 that you were taking about comes out of that
6 23 cents?

7 MR. BENZA: Right.

8 MR. LANZA: Okay, I just wondered
9 what that was. I wasn't sure of those
10 percentages.

11 MS. BENZA: Kristina is right, if
12 any of you go to Realink Geauga, the County
13 Auditor's website, you can plug in your
14 address at Realink Geauga, and there is a
15 great service on there, there is tax details.
16 If you scroll to the bottom of that, it says,
17 see where your tax dollars go, there is
18 actually a pie chart that breaks it all down
19 that way. Very helpful.

20 MR. LANZA: Thank you.

21 MS. O'NEILL: Hi, I'm Lori O'Neill.
22 I live at 8861 Tanglewood Trail. I have a
23 question for you just to get a little
24 perspective. So you said that the TIF was
25 approved in 2018, and it's for 10 years. So

1 it will expire in 2028.

2 MR. MARKLEY: That's not exactly
3 how it works. Go ahead and ask.

4 MS. O'NEILL: What I wanted to get
5 a flavor for essentially is that if I'm
6 understanding the TIF correctly, the increase
7 in value generated by the development over its
8 current base value today becomes like the TIF
9 money, for purposes of talking, and some
10 percentage of that will be more heavily
11 diverted, if you will, to help defray the cost
12 of developing the property, public roads, the
13 increase need for fire, police, et cetera.
14 Because you've recognized there is increased
15 need, therefore, you're covering it with some
16 of those TIF dollars. Am I understanding that
17 correctly? Some of it? Okay. Maybe not.
18 Sorry.

19 MR. MARKLEY: That's okay.

20 MS. O'NEILL: But my point becomes
21 too, the development itself is going to take a
22 period of years. It's not like there is
23 instantly 500 houses and thousands of people
24 have overrun our community. To develop 500
25 homes in any development takes an awful long

1 time. So I think that it would behoove us to
2 sort of back up a little bit, understand that
3 it takes time to do that.

4 The primary focus of the development
5 initially is going to be the commercial retail
6 side of that development. It's going to begin
7 generating income for our community. So I
8 think it is less of a threat than maybe some
9 people are feeling as if it is.

10 Secondly, developers, owners of rental
11 properties also pay taxes. Part of that is
12 their real estate taxes. Those taxes are
13 still distributed the same way, whether there
14 is some additional students or not.

15 So I think that maybe there is just a
16 general misunderstanding of how things get
17 funded and also what really will happen over
18 time as some of those residences are built
19 out.

20 MR. MARKLEY: Let me address some
21 of that. The TIF is actually considered a
22 springing TIF. So I believe that when shovel
23 hits the ground, that starts on that
24 particular property. As I said at the
25 beginning, this is a parcel by parcel process.

1 The Menards, let's say, for example
2 that starts first, then that starts in 2022.
3 The TIF starts at that point, in 2022. The
4 rest are sitting there, ready but have not
5 sprung yet.

6 MS. O'NEILL: Okay, so when the
7 shovel hits the dirt it triggers.

8 MR. MARKLEY: On a parcel, that
9 TIF begins on that parcel.

10 MS. O'NEILL: Increase the value of
11 that.

12 MR. MARKLEY: If there is an
13 increase in value of \$50,000 or more. It's
14 whatever the property has been re-appraised.

15 MR. FITZSIMMONS: Just to be clear,
16 it's not when construction starts, it's
17 construction completion and the increased
18 value is assessed. Then the 10 years --

19 MS. O'NEILL: I was trying to
20 understand it.

21 MR. MARKLEY: Occupancy permit.
22 What I don't really know is whether or not
23 it's at the time of reevaluation. If the
24 auditor then has to revalue the property from
25 the blank slate to something that is improved

1 value, at that point it does trigger then.

2 MR. FITZSIMMONS: I don't know.

3 MR. MARKLEY: I don't know either.

4 These are the details we don't know, but we
5 don't need to know tonight. That's not really
6 the issue.

7 MS. O'NEILL: But I think people
8 need to understand that perspective because it
9 helps.

10 MR. MARKLEY: Sure. No, I don't
11 disagree.

12 AUDIENCE MEMBER: The 50,000, I didn't
13 hear what you said about the 50,000.

14 MR. MARKLEY: I know we've got
15 rules. I will address that real quick. The
16 50,000 is an increase in value of \$50,000 or
17 more. It's a threshold. If there are
18 improvements that are under \$50,000, then the
19 TIF doesn't kick in.

20 Regarding the service costs, you asked
21 something about that, that the TIF would help
22 pay for some of those service costs. What I
23 would say, just off the cuff, is I think that
24 would be fiscally irresponsible for this Board
25 to approve a development that could cost more

1 in service than what the taxes are that they
2 would pay on a regular basis. The TIF is just
3 a number that sits aside for a 10-year period
4 of time. Those are funds set for capital
5 improvement projects.

6 MS. O'NEILL: In something I read
7 it sounded as if it could always fund
8 increased use of police and fire services
9 because of the development. That's all. My
10 misunderstanding.

11 MR. MARKLEY: That's okay. From
12 my perspective, I think that would be fiscally
13 irresponsible to do that, because your TIF
14 runs out, then you're stuck with all the
15 service costs. That is not the right way to
16 approve a development. They would have to be
17 able to pay for themselves, no different than
18 a residential neighborhood builds somewhere
19 else, or a store down the street.

20 MR. FITZSIMMONS: For this type of TIF,
21 the only thing that the money can be spent for
22 are public improvements. That has a defined
23 term. There is very clear case law on what --

24 MR. MARKLEY: We're not buying
25 equipment, we're not paying man hours.

1 MR. FITZSIMMONS: Even if they were to
2 decide they wanted to use it for services, it
3 can't be. It needs to be for actual public
4 improvement.

5 MS. O'NEILL: Okay. Great. Thank
6 you.

7 MS. BENZA: Let's try, if it's
8 okay to speak one person at a time. We have a
9 court reporter who is trying to get this
10 clearly on the record, because that will serve
11 as our minutes. So when we start stepping on
12 one another's words and talking over one
13 another, it gets very difficult. Thank you.

14 MR. MARKLEY: This gentleman over
15 here would like to speak, then back over here.

16 MR. SMITH: My name is Wayne
17 Smith, 19121 Cascade Court in Hermitage. I
18 guess my question is, you've got these
19 renderings over here on the wall, is that site
20 plan etched in stone, or is that somewhat
21 negotiable? The reason I said that is because
22 if you notice over along Brewster Road, you
23 have entertainment on both sides.

24 MR. MARKLEY: Yes, on this side of
25 Depot, yes.

1 MR. SMITH: That seems to me a
2 little bit backwards that you are talking
3 entertainment way in the back corner there,
4 which may have the most impact on Brewster
5 Road and Depot Road. Ingress and egress could
6 be a problem.

7 MR. MARKLEY: I appreciate that.
8 To answer your question, yes, that is a master
9 plan. The idea behind a master plan was to
10 incorporate something in the Judgment Entry
11 that would provide guidance for this Board and
12 future Boards as that development progresses.
13 It is not etched in stone. We do have the
14 ability to manage that if both sides agree to
15 a change, right? But it gives us a roadmap.
16 We needed something to send to the court to be
17 able to say, look, this is the guide that we
18 would like to use. So we're able to kind of
19 calculate the amount of area for office, or
20 commercial, or retail, or residential. That's
21 the best guess in 2021 in today's marketplace.

22 We know that there is a couple of
23 properties that are either sold, or on the
24 verge of being sold, or developed. Menards
25 was the publicized one, right. So we know

1 that that's etched in stone. From a land
2 planning prospective, 43 is a very visible
3 corridor. So that is probably the most highly
4 sought after, right? As you work your way
5 around, the rest of the development that
6 accent that mixed use.

7 MR. SMITH: Well, all roads with
8 the exception of Route 43 southbound are
9 two-lane roads.

10 MR. MARKLEY: Yes, that's correct.
11 That's absolutely right.

12 MR. SMITH: Thank you very much.

13 MR. MARKLEY: We're mindful of
14 traffic and impacts for sure on that.

15 MR. LENNON: Good evening. David
16 Lennon, 19025 Brewster Road. Been there about
17 43 years now. My concern is traffic patterns
18 on Brewster and Geauga Lake Road. Old roads,
19 culverts. Is anybody looking into it? I see
20 much more traffic now that Pulte is in, as
21 well I've seen a car carrier go down Brewster
22 Road obviously heading to Liberty. So that's
23 a major concern for safety, grandkids, little
24 kids.

25 MR. MARKLEY: Thank you for

1 pointing that out. We didn't know car
2 carriers were going down there too.

3 MR. LENNON: A lot of construction
4 equipment. One time I saw a car carrier.
5 There is still no listing of the bridge, what
6 the weight limit is.

7 MR. MARKLEY: That falls to the
8 Road Department and Geauga County Engineer.

9 MR. LENNON: I wrote to the Geauga
10 County Engineer and never heard back.

11 MR. MARKLEY: Okay, we can speak to
12 that a little bit in that those entities are
13 the ones responsible. We made a request to
14 have them look at the weight limits, look at
15 sight alignments, sight view. For example,
16 the one thing that we've talked about
17 incessantly in our discussions of traffic and
18 impacts are the sight lines with the railroad
19 and recognizing that that is troublesome. As
20 well as the Geauga Lake tight and an odd turn
21 as you get onto Depot. Those both have to be
22 modified. They absolutely, not just because
23 of this development, but because it makes more
24 sense. I think recently there are sections of
25 that railroad that are now -- have been sold,

1 which means, which tells us that that is an
2 abandoned railroad.

3 I believe the City of Solon is trying
4 to acquire not only the section in Solon, but
5 also the area in Bainbridge as part of a
6 master plan for their purposes. We're going
7 to feel comfortable being able to plane that
8 down, and get a better line of sight, and
9 better access to that intersection. But we
10 don't have a design for that at this point.
11 We're actually thinking about it.

12 MS. BENZA: We have actually on
13 record what is called a resolution of
14 convenience and necessity, which will start
15 the project for the County Engineer to look at
16 that, to clean up both intersections, Geauga
17 Lake and Depot and Brewster and Depot, to
18 adjust that line of sight to correct the
19 safety issues there.

20 You said you contacted the County
21 Engineer?

22 MR. LENNON: I wrote them an
23 email.

24 MS. BENZA: Do you have that?

25 MR. LENNON: I have to look, see

1 what the address was.

2 MS. BENZA: I'll find out.

3 MR. MARKLEY: The only thing that
4 I learned a long time ago was that the County,
5 I don't know if we have to request it or have
6 to pay for it, would actually do borings or
7 core samples of the road to help determine the
8 weigh limit, if we specifically ask for that.
9 And that would give us the profiles, road
10 conditions.

11 MR. LENNON: I tried to look up
12 the history of Brewster Road and Geauga Lake
13 Road. I know they are rather old. They are
14 not designed for the traffic they are seeing
15 today. It's only going to get worse.

16 MR. MARKLEY: Again, I just throw
17 this back, what was it like when Geauga Lake
18 and Sea World were in full operation.

19 MR. LENNON: We saw it but it was
20 mostly employees that came down Brewster Road.
21 People from Cleveland or other areas, they
22 came up 43, or 306, or Pettibone.

23 MR. MARKLEY: I moved here 30 years
24 ago, I remember the line on 306, it was like
25 this is what I'm moving into.

1 MR. LENNON: You knew certain
2 dates, don't go.

3 MR. MARKLEY: But 306 was backed up
4 all the way down to, I think, to Pettibone.

5 MR. LENNON: Never went on
6 weekends.

7 MR. MARKLEY: Thank you. Thank you
8 for your comments.

9 MS. TREPAL: Roberta Trepal again,
10 8738 Carnes Road, Bainbridge Township. I just
11 want to add, what makes you feel that these
12 folks are good faith actors? They've already
13 sued us. If we do sign off on this, how
14 confident are you -- because you already said
15 they don't have to develop what you are
16 proposing, they can drop the ball, and they
17 could sue us again, and say, no, we're going
18 to do it our way. How much are we going to be
19 left holding the ball? How much are the
20 residents going to have any say in this once
21 it's signed off? Are we going to be in
22 constant litigation. Are we -- unfortunately,
23 Counselor, I love you, but \$57,000 is a lot of
24 money. So are we going to be in constant
25 litigation forever because I don't feel that

1 they are good faith actors if they're already
2 suing us before the fact.

3 MR. FITZSIMMONS: To answer a couple of
4 questions. One, when this case is settled,
5 they will not legally be able to sue again.
6 These developers will not be able to sue
7 again.

8 MS. TREPAL: That makes me feel
9 better? No.

10 MR. FITZSIMMONS: That's kind of a
11 procedural question. That's the lawyer side
12 of me. The developer side of me, if you were
13 to look into ICP and its projects, it has a
14 long history of successful projects and is
15 actually taking more and more initiative in
16 northeast Ohio in doing developments. So this
17 is not a --

18 MS. TREPAL: But how many times
19 are they suing the places they develop?

20 MS. FITZSIMMONS: What I wanted to
21 explain, and I think I alluded to that
22 earlier, is that is a specific thing because
23 of the Township and because of the way the
24 Ohio Revised Code address it. Instead of
25 being able to go to a city, the City of

1 Aurora, and say, we would like to develop,
2 your code doesn't allow it, please let's
3 negotiate.

4 For whatever reason Ohio still sees
5 townships as the red headed stepchildren who
6 can't manage themselves. So they say you
7 can't do that. The only way that you could
8 even consider that would be if you were sued
9 because a developer or land owner has had an
10 adverse --

11 MS. TREPAL: My point exactly.
12 That's what I'm saying. If they decide, if
13 the Township says no, you promised us that,
14 you didn't fulfill that promise, we can't sue
15 them, but they can sure as heck sue us if we
16 say we don't want it by popular vote. We no
17 longer have that ability, do we not?

18 MR. FITZSIMMONS: They do not have the
19 requirement to develop. They also, if they do
20 not develop, do not have the ability to sue us
21 anymore.

22 MS. TREPAL: No, I understand
23 that. But if they don't develop per our
24 specifications that you just laid out, we have
25 no recourse, do we?

1 MR. FITZSIMMONS: That is incorrect.
2 If they develop and they don't follow the
3 178-page design guideline or the 85-page
4 Consent Judgment Entry, the court retains
5 jurisdiction. We file suit for a breach of
6 their obligations to develop.

7 MS. TREPAL: Well, tonight you're
8 going to decide whether or not the judge is
9 going to decide again. So if that judge is
10 going to go their way this time, what makes
11 you so sure they are not going to go their way
12 next time?

13 MR. FITZSIMMONS: I can say to you that
14 we don't know how a judge would go.

15 MR. TREPAL: Exactly my point. We
16 lose control.

17 MR. FITZSIMMONS: Can I finish my
18 sentence? Is that okay?

19 What I was trying to say is that in
20 this case, you don't know what a judge is
21 going to decide. As opposed to a contract
22 that specifies what the developer is and is
23 not obligated to do. That leaves a lot less
24 discretion to a judge to determine whether
25 they have or haven't met those requirements

1 versus a judge saying, you must rezone or
2 allow modifications to the property.

3 MS. TREPAL: Maybe we should just
4 pass the ordinance now and make a specific
5 fund for lawyers because that's what we're
6 going to be in, constant litigation, if we
7 residents want any say in this language.

8 MR. MARKLEY: Let me add too, that
9 a judge has not made any decision on this
10 case.

11 MS. TREPAL: No, that's right. So
12 why are we in a rush tonight to get this
13 decided? Because they sued us already.

14 MR. MARKLEY: Because we have a
15 judgment entry that does need to be settled.
16 The judge's only question is, have both sides
17 stood at a table and negotiated this out.
18 They have given us an extension or two --

19 MS. TREPAL: Oh, how nice.

20 MR. MARKLEY: -- to allow us to do
21 this, to finish this up. That's what we've
22 done. If we didn't get negotiations, then the
23 judge would actually make a decision.

24 MS. TREPAL: We're only in
25 negotiations because they sued us.

1 MR. MARKLEY: Come on up.

2 MS. KOPP: My name is Mabel
3 Kopp, K-O-P-P. I just live around the corner,
4 8260 Stoneybrook Drive. As you can tell I'm a
5 little over 21. I turned 82 on Sunday,
6 Saturday.

7 MR. MARKLEY: Congratulations.

8 MS. KOPP: Anyway, we moved here
9 in 1987. At that time there was a restriction
10 that every property had to have three acres.
11 What happened to that?

12 We also heard that Geauga County and
13 Bainbridge, they don't want to be like Solon.
14 Guess what, honey? At the rate we're going,
15 we're going to be worse than Solon.

16 The TIF, you were saying that the
17 education of their children are not going to
18 be impacted by the TIF. You said 100 percent
19 of the money that they are getting now is not
20 going to be affected. That's not what I
21 understand is a TIF. So what basis are you
22 calculating the amount that the school
23 district is going to get from -- if the TIF is
24 executed? You said they were going to get 100
25 percent. They weren't going to be --

1 MR. MARKLEY: Right, of the base
2 value. So the land as it sits today -- maybe
3 a better analogy is this: If you were to have
4 a house lot and its tax value, what you are
5 paying in taxes, let's say is \$1,000 a year,
6 okay? And let's say 60 cents or 50 cents on a
7 dollar, 57 cents on a dollar -- we're getting
8 into tabulation, and I shouldn't be -- but if
9 that's correct, that \$1,000 parcel is
10 collecting \$570 for the school, correct?
11 \$1,000 value, of tax value, 57 cents on the
12 dollar, \$570.

13 If that property increases in value
14 because you build a home on it, or a business,
15 or whatever, that goes from \$1,000 to a
16 million dollars, then that difference in tax
17 value from the \$570 paid at \$1,000 and the new
18 tax value at a million, a portion of that is
19 captured for the TIF.

20 So they get their \$570 always. Then
21 they get 25 percent of that increase in value.
22 So if it's a million dollars, that's 570,000.
23 Then a percentage of that 570 that goes to the
24 TIF, a percentage of that goes to the school.
25 So the school benefits from new development.

1 Even under a TIF, it receives new --

2 MS. KOPP: But that's down the
3 road. That's not today. How does the school
4 survive today?

5 MR. MARKLEY: They get 100 percent
6 of what they are collecting right now.

7 MS. KOPP: That's not what I
8 understand the TIF does.

9 MR. MARKLEY: There is a lot of
10 misinformation out there. Please listen to
11 the facts.

12 MS. KOPP: So what happened to
13 our three acres perhouse?

14 MR. MARKLEY: That is a whole
15 thing. That's a zoning issue.

16 MS. KOPP: When you move here,
17 people come here for what reason? They come
18 here because it's got the best schools.

19 MR. MARKLEY: Part of it.

20 MS. KOPP: Because it's a
21 neighborhood that you're not living next door
22 to your neighbor that is only 2 inches away.
23 Now we're proposing something that's going to
24 be here, packed.

25 MR. MARKLEY: Maybe in your

1 neighborhood. But I will state that there are
2 neighborhoods in Bainbridge that have shared
3 walls that exist today, like Tanglewood, like
4 Wren Road. Give me some others.

5 MS. KOPP: But they have common
6 areas that can accommodate.

7 MR. MARKLEY: I'm just saying it's
8 mixed housing in Bainbridge that makes
9 Bainbridge special and great. Allows everyone
10 to have --

11 MS. KOPP: It looks like we're
12 getting something that is going to resemble
13 Solon.

14 MR. MARKLEY: I understand, and I
15 appreciate that. Thank you.

16 MR. CLOSSIN: Earl Clossin, 17920
17 Geauga Lake Road. I'm just wondering why
18 we're taking on the full burden of services to
19 these developers, okay? Shouldn't they be
20 providing their own services and back charging
21 like CAM charges to their tenant base, not to
22 us? To their tenant base. Why are we first
23 call on everything?

24 MR. MARKLEY: I'm not entirely sure
25 of your question.

1 MR. CLOSSIN: Why aren't they
2 providing security forces at the malls and
3 that as the first responders, and not our
4 police department that goes zooming down our
5 road constantly for calls in Walmart and
6 everybody else. Why are we spending our
7 dollars to provide those services to them when
8 they should be spending their own money and
9 back charging their tenants common area
10 maintenance charges?

11 MR. MARKLEY: The only comment I
12 can make relative to that is every landowner
13 in the Township has a right to the services
14 that the Township provides, provided they pay
15 their taxes, right?

16 So whether it's residential or
17 commercial, you are entitled to police, fire
18 and road services because you are paying for
19 it through your taxes. You are being levied
20 against your property value. You made an
21 improvement to your property, your taxes are
22 going to go up, and you're, in theory, paying
23 more for your services.

24 I gave the example of whether or not
25 the Walmart was paying their fair share on

1 police, right? We talked about how that could
2 be worked differently.

3 I don't know enough about CAM or
4 anything like that. But I would recommend --
5 I would recognize that given that every
6 property owner pays its taxes and pays for its
7 services, then how is that a problem?

8 MR. CLOSSIN: They pay the taxes
9 and then back charge it in CAM charges to each
10 one of the tenants.

11 MR. FITZSIMMONS: I think that depends
12 on whatever the deal is. One thing I would
13 say is if you step outside of the city roads,
14 you look at the private roads in this
15 development, the developer is responsible for
16 maintaining those. The developer very likely
17 will be charging its tenants and its occupants
18 for those costs.

19 MR. MARKLEY: You are talking for
20 apartment residents. Is that what you are
21 talking about, rent?

22 MR. CLOSSIN: I'm talking universal
23 because you are doing a mixed development.
24 The same thing with the existing mall. We're
25 providing our police department up there all

1 the time for shoplifting. Why is that burden
2 falling on us instead of the property owners?

3 MS. O'BRIEN: They are property
4 owners. They pay their taxes. So if I
5 understand, just as we said earlier, so I
6 don't want to really go too far down this
7 rabbit hole, but we all pay taxes, we all
8 expect services. That area in Bainbridge is
9 the commercial area. It's appropriate.

10 Ms. Kopp says that, you know, what
11 happened to 3 acre zoning? It's sewer up
12 there. It's water. There already is a mixed
13 use zoning up there. It was rezoned years ago.
14 So those public hearings happened a long time
15 ago. If anything, we're just trying to
16 facilitate for the growth that our community
17 really should have.

18 We have some countries call it brain
19 drain. We have young professionals that leave
20 Bainbridge because they have nowhere that they
21 can land. You know, right now working from
22 home is a thing. I never thought it would be,
23 but it is. So I've got three teenage sons. I
24 would love them to land in Bainbridge. One of
25 them definitely could. We'll see. There is

1 this incredible development up there, maybe he
2 will be two miles from home. But the point
3 being, that's the place for this growth. We
4 are trying to manage it as best we can using a
5 guideline of what was created, what already
6 exists, and what we're trying to bring.

7 We've heard the comments about the
8 schools. We're very cognizant to not run
9 those over. So what the current zoning didn't
10 allow for is big box. Well, to get this
11 development in, it was, hey, there is going to
12 be one big box. Guess what that big box does?
13 It doesn't impact the school; it benefits the
14 school.

15 Whether there is this TIF that -- again
16 misinformation is out. It's incredible. It's
17 rather tragic that we can't have the
18 conversation without all this misinformation.
19 When that TIF fully funds, the school's really
20 going to benefit.

21 The school recognized when we filed
22 that TIF back in '18, the school was aware.
23 The school understood that that is the place
24 for the development. That's the place that is
25 going to let Bainbridge grow.

1 No, we're not going to be Solon. We're
2 Semi-rural. I mean, I moved here because of
3 that 22 years ago.

4 Now we have this area. It's not our
5 property. People always ask me, why can't
6 that be a passive park? We had people come to
7 our meetings, make it an amusement park again.
8 It's not ours. We can't -- can you imagine
9 putting that on the vote to, hey, let's buy it
10 and do whatever we want? It's not reasonable.
11 It's not ours.

12 They marketed it. It's here today.
13 And, boy, did we work diligently to try and
14 get something reasonable. We limited the
15 residential. Heck, I would imagine the
16 developer could have said, you know what,
17 let's make it all houses. Look at Aurora.
18 Don't we know that impact over there? We're
19 trying to make a town center.

20 MR. CLOSSIN: I understand what you
21 are saying.

22 MS. O'BRIEN: But, boy, I couldn't
23 sit here today and say, you know what, because
24 you're a Walmart, you don't get our services.
25 Of course you do. It spreads out across the

1 whole place, as Jeff explained.

2 That's why we didn't want just one big
3 box store. We want the development so it all
4 pays and benefits the growth of our community.
5 And we want age restricted, so we have -- I'm
6 almost 55. Maybe I want to move over there in
7 a quiet community so I can stay in Bainbridge.
8 That's the point. It's growth, responsible
9 growth. Go ahead.

10 MR. CLOSSIN: I still think that
11 our services, what they are using of our
12 services, should be -- they should be taxed
13 equally as I would for those same services.
14 They are using those services a lot. A lot.
15 I know. We live on Geauga Lake Road, they are
16 going down the road all the time. A back
17 charge on CAM charges for those services.

18 MR. MARKLEY: I want to make sure
19 that this is very clear to everybody. This is
20 not an abatement. There are no give-mes on
21 free taxes for anybody. There is absolute pay
22 to play. Everybody who comes in there,
23 whether it's a business or a residence, they
24 all are going to pay property taxes, just like
25 you and I have. The same rate as you and I.

1 The same rate as you and I. There is no give-
2 me on anything.

3 MR. CLOSSIN: At the same level of
4 service --

5 MR. MARKLEY: The same level.

6 MR. CLOSSIN: The same level of
7 service as the community.

8 MR. MARKLEY: So what I would ask,
9 do the assisted living facilities require more
10 safety services than you and I? Do you have a
11 neighbor that is maybe very much a senior and
12 requires help being lifted from one room to
13 the other or requires -- I have not, thank
14 God, I have not required a fire department
15 call in my 31 years here in the Township. Nor
16 have I required a police call. Have I paid
17 police levy taxes? Have I paid fire?

18 I live in the neighborhood that is all
19 private roads. I don't get my road snow
20 plowed at all. I pay for private snow plowing
21 for the development I live in. That is just
22 the price of living here in the community I
23 chose to live in. So I'm paying road taxes,
24 fire taxes, police taxes, and I've not used
25 those services ever, and I hope that I don't

1 have to.

2 MR. CLOSSIN: I don't want to pay
3 for the services for big business. That's why
4 they are coming to communities to make money.
5 Under CAM charges, they are not only making
6 money, okay, off the individual tenants that,
7 if they go over a 10 percent increment where
8 they have made money, they get taxed more by
9 the developer. There is a lot that --
10 (multiple voices)

11 MR. MARKLEY: I don't even
12 understand it all, and that's okay but we're
13 not there tonight. Because that could be a
14 discussion that if you would like to
15 participate and help us understand that
16 better --

17 MR. CLOSSIN: I would.

18 MR. MARKLEY: -- I would welcome
19 your email.

20 MR. CLOSSIN: I would.

21 MR. MARKLEY: Then we can share
22 those comments and thoughts with the developer
23 when we get into the next one.

24 MR. CLOSSIN: I would in Jackson
25 too.

1 MR. MARKLEY: Nobody is getting a
2 free ride here. Absolutely nobody is getting
3 a free ride whatsoever. I would only share
4 one other landplanning principle. We're
5 largely a bedroom community. Bedroom
6 communities have the highest property taxes if
7 you are a township. The highest property
8 taxes. We don't have any income tax. We
9 don't have the businesses. We don't have the
10 commercial.

11 The goal for us has always been with
12 Geauga Lake and that is kind of the last
13 bastion of economic development opportunity
14 for the Township. We can generate a lot of
15 tax dollars there in that development when we
16 have a blend of the commercial and the office,
17 and potentially the industrial. The only
18 industrial that is there is the big box.
19 That's the extent of industrial. Those are
20 things that require very few services, again,
21 other than perhaps some increased police
22 presence.

23 But to your point about security and
24 whatnot, the police department has installed
25 these license plate readers on 43. They are

1 doing a phenomenal job. I'm not going to ask
2 the Chief to speak at this public hearing.
3 You call him and ask him how successful those
4 are.

5 There is no reason in the world why we
6 couldn't ask and require the developers and
7 the developments that occur in that community
8 to employ those same cameras in their parking
9 lots and along Big Dipper Road. Potentially
10 along -- could be along Depot. But we don't
11 see any development actually occurring on
12 Depot, and then within the development
13 itself. That would benefit the police
14 department because they've got all that
15 security.

16 MR. CLOSSIN: They already have it.
17 Walmart has their own security cameras and
18 that up on the building.

19 MS. O'BRIEN: No, no, we have
20 cameras that read license plates. They were
21 just installed, and they have
22 diminished. We've already --

23 MR. CLOSSIN: We need one right
24 here at 306 and Bainbridge.

25 MS. O'BRIEN: -- stolen vehicles.

1 They have solved crime simply from reading a
2 license plate. This is what we're trying to
3 do.

4 MR. MARKLEY: There is no reason
5 why we couldn't ask. We actually had that
6 conversation with the Chief. Stimulate a lot
7 more conversation.

8 One more new one, and then you. We're
9 not going anywhere. We don't have to go
10 anywhere either. We're willing to
11 accommodate. This is open until we close it.

12 MR. MESTON: Clifford Meston,
13 18310 Geauga Lake Road. By the way, your
14 comment about when it was an active amusement
15 park, how much traffic was on Bainbridge Road,
16 10 cars per day. It was the residents going
17 to work and coming home. We had no traffic.

18 Today, today just with that mall, I
19 take my life into my hands when I go to get my
20 mail. We have to time it in between the peaks
21 of the traffic. These people are crazy. You
22 got license plate readers with speed? Can you
23 please put one on Geauga Lake Road?

24 The average speed is 50 miles an hour.
25 I have seen them come down 60 miles an hour.

1 We have a group of three sportscars that ride
2 bumper to bumper, as fast as they can, flying
3 up Snake Hill, going down Geauga Lake Road,
4 you hear them turn around on Pettibone, and
5 then they come back down, and head down to
6 Bainbridge. They are so loud you can hear
7 them. They go down Bainbridge Road. They go
8 down 306. They come back up Pettibone. They
9 come down Geauga Lake again. They do this two
10 times a week. I've called the police. My
11 neighbors have called the police.

12 MR. MARKLEY: Fortunately I have
13 the Chief here, so he is overhearing your
14 comments.

15 MR. FITZSIMMONS: Thank you, sir.

16 MR. MESTON: I call the police.
17 They are very polite. They are very
18 courteous. They listen. They sympathize.
19 They ask if they can put a radar in the
20 driveway. I begged them, please put a radar
21 in the driveway. They've never done it.

22 MR. FITZSIMMONS: Thank you, sir.

23 MR. MESTON: Time up? I haven't
24 even gotten to the points I really wanted to
25 get to.

1 MR. MARKLEY: Someone is behind
2 you. Then you can come back up, how is that?

3 MR. MERSNIK: Joe Mersnik, 16973
4 Chillicothe Road. This will only take a
5 couple minutes.

6 MR. MARKLEY: Or 90 seconds.

7 MR. MERSNIK: 90 seconds, I stand
8 corrected.

9 They don't talk about money. I don't
10 know why. I'm talking about real dollars
11 here. I would ask you to do a simple
12 cash-in/cash-out flow chart from all sources
13 coming in, that means people paying taxes,
14 okay, and where it goes, and where we pick up.

15 Several hundred kids in the school
16 system, increased police, et cetera. Then add
17 that to how much more will residents and
18 commercial property owners be projected to pay
19 on the increased taxes that this development
20 will -- this development definitely will cause
21 increased taxes. Do not delude yourself to
22 think that it won't. We just want to know
23 what it is. We would like to plan so some of
24 us can bail out, maybe go to Florida. Or live
25 in that condo we can afford somewhere else.

1 That's all I have to say. Thank you. It's a
2 challenge.

3 MR. MARKLEY: Any others this
4 evening?

5 MR. LANZA: Frank Lanza, 7738
6 East Washington Street. You talked about
7 taxes and businesses. Since I was in business
8 and I did do a little research on taxes, I can
9 tell you that businesses pay more, a higher
10 percentage tax rate than residential people
11 pay.

12 Businesses pay a higher percentage on
13 their taxes of their investment than residents
14 do. Home Depot, for instance, pays \$391,000 a
15 year in taxes. When you talk about CAM --

16 MR. CLOSSIN: That's a separate
17 entity.

18 MR. LANZA: No, no, that is just
19 one business. Home Depot's taxes to the
20 county are \$391,000 a year they pay in taxes,
21 and they have no one in the school. They are
22 out of Georgia. That's where Home Depot is
23 from. So they don't have any kids in the
24 school, pay almost \$400,000 a year in taxes.
25 And you talked about CAM, and CAM generally on

1 commercial property, CAM tenants pay CAM.
2 Part of the CAM is the taxes. So the taxes
3 are Meijer. They pay the CAM. So they are in
4 fact paying for protection; fire, police in
5 the CAM.

6 MR. CLOSSIN: No, no, CAM, where
7 that falls under CAM, the businesses pay the
8 developer.

9 MR. MARKLEY: Hey, Frank, thank you
10 for your comments. Appreciate it. We can't
11 have a dialogue back and forth between the
12 participants. That's brutal for this young
13 lady over here. We've got to deal with that.

14 MS. CARNEY: I'm Elisa Brunner, I
15 mean Elisa Carney. I moved here as Brunner.
16 I live at 18750 Brewster Road. I moved out
17 here 14 years ago from California. I wanted
18 to get away from the congestion. I grew up in
19 a township actually there that it was very
20 nice. It was quiet. It was a great place to
21 grow up. But, anyways, I wanted another
22 township to live in, and so I chose Bainbridge
23 with my husband.

24 When we first moved into our home here,
25 it was very, very quiet. It's still pretty

1 quiet. We do have some congestion on
2 Pettibone below us. We're right on that
3 intersection of Pettibone and Brewster.

4 My concern is and my question is, when
5 this development was being thought of, were
6 there any impact studies done as to the
7 congestion of the road which I live on, which
8 is Brewster, the wear and tear? You know,
9 what the impact studies would do.

10 MR. MARKLEY: There was a traffic
11 impact study, so we understood the flow of
12 traffic and the daily counts of traffic. I
13 can't really speak to whether or not it talked
14 about the wear and tear specifically on how
15 fast it would deteriorate --

16 MS. CARNEY: I'm hearing impaired
17 so if it looks like I'm reading your lips, it
18 helps because I have my hearing aides.

19 MR. MARKLEY: I need to make sure
20 this was working. This microphone.

21 So the traffic impact analysis that was
22 done was more geared towards, if I'm not
23 mistaken, the traffic flow, the amount of
24 traffic out in these conditions, and what a
25 proposed use would generate.

1 So what would a store generate? What
2 would the apartments generate? That kind of
3 thing. That's the level of analysis that I
4 understand has been done.

5 As far as the deterioration of the
6 road, that is more a Road Department and
7 County Engineer process. So that they have a
8 cycle of resurfacing and road repair. That's
9 the best I can offer right now.

10 MS. CARNEY: My concern is the
11 increased congestion. We've already seen it
12 after Liberty went in. I mean, and then we
13 have people that we call, we call them the
14 cutters. They come up from Walmart and they
15 always choose Brewster to get up to 306, or to
16 Giant Eagle. You know, for me it's the
17 congestion of the road. But it's also the
18 safety. It's the safety issue.

19 So, anyway, that was my concern here.
20 I know this is probably going to go through,
21 this whole big development that we're talking
22 about tonight. I'm kind of excited for it in
23 one way, but the impact on my road is kind
24 of --

25 MR. MARKLEY: We're mindful of

1 Brewster, Geauga Lake, and Pettibone. The
2 expectation is that we can see more traffic
3 driven through the Pettibone connection versus
4 the Geauga Lake and Brewster. But they are
5 all public roads funded by tax dollars. So
6 until those are privatized, there is going to
7 be -- you call it the cutter. I'm
8 unfortunately a cutter as well because I live
9 in Lake Lucerne. And when I go through I
10 decide whether I want to take Brewster, or
11 Geauga Lake, or Pettibone, depending on what I
12 feel like that day and what I want to see. I
13 do drive the speed limit, and I enjoy my
14 views.

15 MS. CARNEY: I'll just leave you
16 with one last question, and I'm going to sit
17 down. So we have to have apartments in this
18 new development?

19 MR. MARKLEY: It's a mix of
20 residential, and that's the, I guess, the
21 appeal of a mixed use project in and of
22 itself. So you have a combination of rental
23 as well as ownership.

24 I would say, I think to an earlier
25 comment a gentleman made, we were faced with

1 several proposals before this developer came
2 into town. We had plenty of assisted living
3 opportunities presented before us. We had
4 plenty of single family Ryan, Pulte proposals
5 that came before us that Cedar Fair, the
6 former owner, would have loved to have seen us
7 approve. None of those seemed to feel right
8 because, one, it wasn't a mixed use
9 development, didn't celebrate any of the
10 history or nostalgia of Geauga Lake, and
11 seemed to -- those singular uses would have
12 taxed the services of various things. Whether
13 it was single family and schools, whether it
14 was assisted living and fire, they would have
15 been high intensity uses at that point. So a
16 mix, a blend was really preferred. We stuck
17 it out and just held Cedar Fair accountable
18 for a master plan to the point where they
19 found a developer that would be willing to
20 produce not only the master plan, but go
21 through this process. Thank you.

22 MS. BENZA: Let me add this. At
23 the time the idea of apartments was an
24 allowable component of this mixed use, that
25 was back in 2015. Now I always get excited

1 when I see people come to public meetings. I
2 thank you all for coming. We generally, at
3 our Township Trustee meetings, maybe we get
4 three, maybe three people. Whenever we happen
5 to have a guest come and give a presentation,
6 I always say to them you are more than welcome
7 to stay for the rest of the meeting, and they
8 say thanks, no thanks, I'm out of here.

9 I talked earlier about the process that
10 we went through. We went through what was
11 called a comprehensive zoning rewrite. Your
12 zoning resolution, if you're in a city or a
13 village, it's your zoning ordinance. Here in a
14 Township it's our zoning resolution. That
15 really is what we -- it's a living, breathing
16 document because it has to be updated to
17 reflect the dynamics as a community changes
18 over time. So that's the reason that there's
19 the ability to amend that zoning resolution.

20 When we were going through this process
21 to update our Bainbridge Township Zoning
22 Resolution, we realized that that property
23 used to be zoned commercial recreation. When
24 we realized it was not going to be zoned
25 commercial recreation -- when it wasn't going

1 to be used as an amusement park, we looked to
2 rezone it from commercial recreation to
3 something that would generate use in that
4 corridor and be attractive and would fit the
5 area. That is where we examined the live,
6 work, play, and that is where the concept of
7 the apartments came in.

8 It was examined by a planning company,
9 discussed with the residents in the area,
10 discussed with the Zoning Commission. When
11 our Township Zoning Commission initiated that
12 zoning amendment and discussed the idea of
13 allowing apartments in that area, this is one
14 of the reasons why I always encourage people
15 to go to those public meetings. The first
16 round of public meetings that reviewed that
17 idea was at the Geauga County Planning
18 Commission. That has to be at a public
19 meeting. Governmental entities speak through
20 their minutes. So there is memorialization of
21 what was discussed and what was recommended.

22 It then came back to Bainbridge
23 Township Zoning Commission, full blown public
24 hearing, much like we're doing here this
25 evening. The Zoning Commission then closes

1 that, closes their public hearing. They have
2 to make a recommendation to the Board of
3 Trustees. We still have to go through that
4 same procedure. We have to have a public
5 hearing, take the input from everybody. Then
6 the Board of Trustees is the one who makes the
7 final decision.

8 Even when that final decision is made,
9 let's say that we approved the apartments as
10 one component of this live, work, play, once
11 we made that determination, that change
12 doesn't go into effect until 30 days later.
13 During that 30 days anybody in the Township
14 can circulate a petition and say, you know
15 what, we need to put this on the ballot. We
16 don't like this idea. We need to put this on
17 the ballot. And nobody did.

18 So I understand the frustration. I've
19 had a couple of phone calls from folks who
20 say, you know, we didn't know there were
21 apartments that were allowed in that area. I
22 have to ask the question, did you come to the
23 meetings? Did you go to the public hearing?
24 Even if you didn't, did you look at the
25 minutes? Did you see what was being

1 discussed? Then there was still an
2 opportunity to say, hey, I don't like it,
3 let's put it on the ballot.

4 So when you follow the procedure and
5 when it's open and transparent to the public,
6 we did have people come to those public
7 hearings. They offered their thoughts and
8 their comments on it. When the decision was
9 made, nobody ever challenged it anymore. That
10 is a component of the Bainbridge Township
11 zoning in that area that is on the books.

12 MS. CARNEY: Are any of those
13 apartments Section 8?

14 MS. BENZA: No.

15 MR. MARKLEY: They are considered
16 market rate apartments. Probably at a rate
17 that I would not pay for an apartment.

18 MS. CARNEY: Thank you.

19 MR. MARKLEY: Other points you wanted
20 to address? Name and address one last time,
21 sir.

22 MR. MESTON: Clifford Meston, 18310
23 Geauga Lake Road. Past member of the
24 Bainbridge Township Zoning Commission. Past
25 member of the Bainbridge Township, Chairman of

1 the Bainbridge Township Board of Appeals. I
2 co-authored the guideplan 2000. We wrote the
3 first resolution back in the '70s that
4 governs, that you all have modified over the
5 years.

6 MS. O'BRIEN: Thank you from all of
7 us.

8 MR. MESTON: Yeah. The
9 interesting thing is, you keep making it sound
10 like how good this is for us. The question
11 you have to ask yourself, what will be the
12 impact. I got carried away with the drag
13 racers on Geauga Lake Road, but you have to
14 understand the impact. You are going to have
15 a lot of traffic. People aren't really that
16 stupid. They look for shortcuts constantly.
17 They are not going to use Aurora Road. That
18 backs up from Solon. They are not going to go
19 down Pettibone Road because it backs up from
20 306. So what do they do? They come up to
21 Geauga Lake Road, and they hit the pedal to
22 the floor. They are flooring it. They are
23 going as fast as they can. It's cool to go
24 around the curves on Snake Hill, get up to the
25 other side, then they can go to Solon and get

1 on 422, or they can come back to Bainbridge
2 and go on 422.

3 MR. MARKLEY: Make sure you hit all
4 your points here.

5 MR. MESTON: I'm trying. They
6 will not -- they don't care if you live there.
7 They don't care who lives there. All they
8 need to do is they have to get to work.

9 Geauga Lake Road is narrow. They pass
10 each other like crazy. It's incredible that
11 there hasn't been carnage on that road.

12 Anyhow, the point is what is the
13 impact. The Township does a darn good job of
14 keeping the snow and ice off the roads and
15 plowing the roads. I commend them on that.

16 When I lived on Geauga Lake, we only
17 got plowed once a day. Now they plow all the
18 time. But what they are doing is they are
19 dumping a lot of rock salt on that pavement.

20 MR. FITZSIMMONS: I'm sorry, your time
21 is up again.

22 MR. MESTON: That rock salt drains
23 into the culverts. The culverts drain into
24 the Chagrin River. That is a scenic river.

25 MR. MARKLEY: That is why they are

1 using brine now.

2 MS. O'BRIEN: I was going to say,
3 the EPA is already on a lot of the counties.

4 MR. MARKLEY: I don't know that
5 this has that much to do with this, but I
6 appreciate that.

7 I wanted to respond to two things, very
8 important things that you've mentioned that we
9 keep saying that this is good for all of you.
10 Our job up here tonight is not to sell you on
11 this project. We're not selling anything.
12 All we're doing tonight is presenting the
13 months and months and months of research and
14 negotiations as transparently as we can. I'm
15 not looking to sell this project to any one of
16 you.

17 All I'm telling you is that we've done
18 our homework. We know that there are a
19 variety of options out there that could
20 happen. The market is going to dictate what
21 ultimately gets developed on this site.

22 Given the previous opportunities, this
23 is our best option thus far. We're going to
24 close this public hearing and then address the
25 public comments, see if anything is new that

1 we haven't thought of. We're not trying to
2 sell it to you.

3 MR. MESTON: The original guide
4 plan 2000 stated quite specifically, we do not
5 have the infrastructure to handle heavy
6 population. We cannot handle apartments,
7 townhouses, many congested homes in one area.
8 We don't have the arterial traffic patterns to
9 be able to clear it.

10 MR. MARKLEY: The guide plan 2000
11 was generated when, sir?

12 MR. MESTON: Before I moved to
13 Bainbridge.

14 MR. MARKLEY: Which is how long
15 ago?

16 MR. MESTON: 45 years.

17 MR. MARKLEY: Have conditions
18 changed before this Board got in here --

19 MR. MESTON: Yes, they do.

20 MR. MARKLEY: So the evolution of
21 land use, the evolution of just a community,
22 the changes, we now see food trucks, and drive
23 thrus, and more home businesses, we see all
24 kinds of things. We have to have flexible
25 zoning in order to ameliorate the conditions

1 that are brought on with both progress and
2 change of condition.

3 MR. MESTON: I hate that word
4 progress.

5 MR. MARKLEY: I know.

6 MR. MESTON: Because when you sit
7 in rush hour traffic for an hour just to get
8 out of your township, that is not progress.

9 MR. MARKLEY: I know. I would not
10 disagree with that. I wouldn't consider that
11 progress either. Thank you.

12 MS. CARSON: I've known Cliff
13 Meston for almost 50 years. I want to thank
14 him for the work that he did in the '70s to
15 make Bainbridge Township the place that we
16 love today, because without that zoning we
17 wouldn't be --

18 MR. MARKLEY: Your name and
19 address.

20 MS. CARSON: Janet Carson, 8860
21 Apple Hill Road, Pilgrim Village, 51-year
22 resident. So I have three points to make. I
23 hope you will allow me to make them.

24 First is that we talk about the TIF,
25 and I know you're not going to talk about it

1 tonight, but it's my understanding, and I want
2 to know if this is correct or not, that the
3 developer gets -- that the TIF money gets --
4 75 percent goes into what is called
5 infrastructure improvement for the
6 development. 25 percent comes back to the
7 Township, the schools, the County, those types
8 of things. That's the split that you have set
9 up, 75/25.

10 So we talk about the improvements in
11 the value to the property, but only 25 percent
12 of that comes back to the community. 75
13 percent goes to make the roads and the
14 infrastructure, the sewers, all those things
15 that developers normally pay for when they
16 develop a property. So my question is, why do
17 we need to incentivize this developer to
18 develop this property?

19 I understand that you have a vision for
20 this property. My concern is that your vision
21 isn't the same as mine.

22 Number two, I think that one of the
23 things that you heard over and over tonight is
24 that people who live in Bainbridge don't want
25 to live in Crocker Park. That's not why we

1 moved here. That's not why we want to stay.
2 Even though zoning must evolve, it could still
3 -- we could change that from commercial
4 recreational to residential, large lot zoning,
5 no sewer or water there, so we could have done
6 that. Instead we did multi use.

7 So there are different things. You
8 changed the property to multi use. You're
9 giving sewer and water through Aurora to the
10 developer. So that means that there could be
11 more development on the property than there
12 would have been if we had sewer and water.

13 MR. FITZSIMMONS: You have three
14 points, is there one more?

15 MS. CARSON: One more. Finally
16 the last is that there has been a lot of
17 references to facts that haven't been
18 truthful, and that there has been a lot of
19 maligning of different people in this
20 community.

21 I do want to say that I understand this
22 job is very hard. I know because my husband
23 did it. I know how hard it is to do the work
24 and to try to appease everyone. I just want
25 to say that you should think about what the

1 vision for Bainbridge that people want. I
2 understand you have a vision for this
3 development, and you say that is the only
4 place it could be. We have more commercial
5 development in Bainbridge Township than in any
6 other township in the County, any other area
7 in the County, and our taxes are still the
8 highest. Sounds to me like trickle down, like
9 something that doesn't work. That necessarily
10 if you have commercial development, your taxes
11 are going to be lower. So that's my comment.
12 Thank you.

13 MR. MARKLEY: The only question
14 that I really wanted to address is I think you
15 asked, and I want to make sure this is very
16 clear, the infrastructure expenditures from
17 the TIF fund are identified by the State of
18 Ohio in that legislation that we passed. So
19 it can address roads, sanitary sewers, water
20 lines, anything else. But we have not had a
21 TIF agreement in place with the developer, and
22 I think the developer knows from my
23 prospective and I think the others, that if
24 they have to have a road in their development
25 to serve their potential other developers

1 within that, then they can pay for that road.
2 If there is a sewer line that needs service,
3 those potential land use and service, they can
4 pay for that. If there is a water line, same
5 deal. We've talked about all of that and
6 we've shared that and they are sitting here
7 right now and they understand that completely.

8 The TIF infrastructure funds are for,
9 as I said at the earliest part of this
10 meeting, to encourage redevelopment, and to be
11 able to ensure the inclusion of certain public
12 improvements and amenities that the developer
13 would otherwise not be able to fully fund,
14 including such things as park development,
15 boat launch, boardwalks, Geauga Lake
16 nostalgia, maybe a museum. You heard me say
17 that before, I said it again. That's the
18 intent on using the TIF funding. There is no
19 tax -- there is no TIF agreement with the
20 developer as of yet. There is no, say it
21 again, reimbursement plan for the school.

22 MS. CARSON: Only 25 percent of
23 the increased money goes to the Township.

24 MR. MARKLEY: The current TIF is
25 set up as a noncontent 10 year 75/25 percent

1 TIF. That's the way it is set up today. That
2 was set up in 2018.

3 Those things can be discussed and
4 negotiated and likely will when the developer
5 presents to us some kind of -- some form of a
6 TIF agreement, and when we are able to then
7 sit down with the school board, and their
8 finance committee and address those things
9 point by point and work into a reimbursement
10 agreement with the school. That's how that
11 would work.

12 MR. MESTON: What happens after 10
13 years?

14 MR. MARKLEY: Well, in 10 years it
15 expires if there is no agreement with the
16 school to extend it to the 30 years. But at
17 30 years, it's done. Absolutely done. But if
18 the reimbursement agreement allows for some
19 make whole provisions and things of that
20 nature, then it can go from a 10 year to a 30
21 year, because ultimately everybody is just
22 going to do the math.

23 MR. FITZSIMMONS: We're getting off the
24 topic.

25 MR. MARKLEY: Yes, we're getting in

1 the weeds on this.

2 MS. CARSON: How many others TIFs
3 have we done in the Township, if any?

4 MR. MARKLEY: There are three total
5 TIFs.

6 MS. CARSON: Could you tell us
7 where they are?

8 MR. MARKLEY: The TIFs are in
9 Geauga Lake, that whole triangle makes the MUP
10 district. The Washington Street corridor and
11 a little bit of 306. So you go up to where
12 Stock Equipment is, down to where the Otero
13 development is proposed, and then go down
14 Washington Street to the condos, Chagrin
15 Knolls. Then a portion of Knolls Industrial
16 Park. Those are the three TIFs.

17 MS. CARSON: Is that up by where
18 The Weils is up on 306?

19 MR. MARKLEY: Yes.

20 MS. CARSON: So that's a TIF up
21 there?

22 MR. MARKLEY: It is for any new
23 improvements of \$50,000 or more. There hasn't
24 been a whole lot of improvements other than
25 Discount Drug Mart. Potentially the

1 Signature -- Washington Square Development,
2 which we call the green awning building, they
3 are making maybe a half a million dollars in
4 improvements there. The Signature Square
5 project, which we talked about earlier
6 tonight.

7 MS. CARSON: So Otero would be a
8 TIF?

9 MR. MARKLEY: Yes.

10 MR. FITZSIMMONS: Is there anybody else
11 that has not spoken?

12 MR. CARSON: Terry Carson, 8860
13 Apple Hill. I live with my wife, so I guess
14 I've been here 50 years.

15 I just want to compliment the Trustees
16 for a really amazing defense of one of the
17 most ridiculous, outrageous agreements I've
18 ever seen. And I have negotiated thousands of
19 agreements.

20 MR. MARKLEY: And you know ridiculous
21 disagreements.

22 MR. CARSON: Am I going to be
23 permitted to speak, or are you going to
24 interrupt me?

25 MR. MARKLEY: No, please take your

1 time.

2 MS. CARSON: This agreement is so
3 stupid on so many levels. If you have any
4 understanding of how two parties would
5 negotiate, you would see on both sides that
6 there are reservations. There are guarantees.
7 There are none here for the Township.

8 The contractor, the developer is
9 getting all the guarantees from us. He's
10 giving us nothing. No guarantees at all. And
11 the bottom line, ladies and gentlemen, is --

12 MR. MARKLEY: This is not a speech.
13 Hey, hey --

14 MR. CARSON: At \$450 million --

15 MR. MARKLEY: Excuse me, sir,
16 sir --

17 MR. CARSON: -- of property --

18 MR. MARKLEY: No.

19 MR. CARSON: \$450 million in
20 property, think about it.

21 MR. FITZSIMMONS: Sir, I'm going to ask
22 you not to turn around --

23 MR. CARSON: It's 75 percent of
24 the tax --

25 MR. FITZSIMMONS: Sir, please turn

1 around --

2 MR. CARSON: Do you live in the
3 Township?

4 MR. FITZSIMMONS: Please turn around --

5 MR. CARSON: Do you live in the
6 Township?

7 COURT REPORTER: Whoa, whoa, I can't
8 get a record this way.

9 MS. O'BRIEN: Stop. Stop.
10 Mr. Carson, you --

11 MR. CARSON: This agreement should
12 be rejected.

13 MS. O'BRIEN: Sir, sir, I want to
14 ask you. You started this clicking a pen, and
15 now you are --

16 MR. CARSON: I did that
17 unintentionally.

18 MS. O'BRIEN: And I asked you to
19 stop and you did, so I appreciate that. I'm
20 grateful for your de facto but unintentional.
21 This is inappropriate. We've set down some
22 rules. Please just address the Trustees.

23 MR. CARSON: I do appreciate your
24 legal counsel saying what I can talk about and
25 how many 90 seconds I could talk. That's

1 ridiculous.

2 MS. O'BRIEN: It's not ridiculous.

3 There is a long --

4 MR. CARSON: The bottom line is --

5 MS. O'BRIEN: Sir, just --

6 MR. CARSON: Are you going to let
7 me continue or not?

8 MS. O'BRIEN: I am not going to
9 have --

10 MR. CARSON: Do you want to show
11 me that you're the boss, and you're not going
12 to let me talk?

13 MS. O'BRIEN: I'm not the boss,
14 sir. I'm just an elected official trying to
15 be part of a public hearing.

16 MR. CARSON: Do you realize that
17 this Geauga Lake property (multiple voices)
18 constitutes 50% of all the taxable property in
19 the Township? That with one stroke of the pen
20 you could take out all of the -- you could put
21 an age restriction on every unit in the
22 developments so there would be no children
23 going to the Kenston schools?

24 The only misinformation that's been
25 given has been given right here. Right here.

1 You don't even know what's in that agreement.

2 Do you know about the poison pill that
3 is in that agreement? Do you? Yes or no.

4 MS. BENZA: What do you mean?

5 MR. CARSON: Do you know about the
6 poison pill in that agreement?

7 MS. O'BRIEN: Sir, just comment.

8 MR. CARSON: That the court --

9 MS. O'BRIEN: Just comment.

10 MR. CARSON: You should reject
11 this agreement. You should reject this
12 agreement because that will constitute 50
13 percent of all the taxable property in this
14 Township. That's why you should reject this
15 agreement. Because 75 percent of the money
16 will not go to the schools, will not go to the
17 library, will not go to the other entities,
18 will not go to the parks. It will go to the
19 TIF, it will be used by the contractor.

20 In fact, you're giving all of the money
21 in the JEDD, the 2 percent income tax, you're
22 giving that all to the contractor as well in
23 this agreement. You don't even know what is
24 in this agreement.

25 MR. FITZSIMMONS: Sir, your time is up.

1 MR. CARSON: I will debate any one
2 of you or all of you at the same time because
3 you don't know what's in this agreement.

4 MR. FITZSIMMONS: Thank you, sir, your
5 time is up.

6 MS. O'BRIEN: We appreciate your
7 comment. Thank you.

8 MR. FITZSIMMONS: Anybody else want to
9 talk?

10 MS. METZ: My name is Lou Ann
11 Metz. I reside at 515 East Main in Ravenna,
12 and I'm the Bainbridge Fire Chief.

13 I received a number of calls from
14 residents concerned about fire protection in
15 the proposed district. I can tell you that
16 the Trustees have worked tirelessly with me,
17 with my staff, with the developer, to ensure
18 that we will have adequate fire protection.

19 Someone asked a question, I think it
20 was Mr. Lanza, about how much taxes you pay.
21 I can tell you that you pay \$103.03 per
22 \$100,000 of value to the Fire Department. We
23 have not had a levy for it will be 11 years.
24 I'm very proud of that. We underwent our ISO
25 evaluation, and we decreased our fire

1 protection rating, which is a good thing, by
2 two classes.

3 My hope as the Fire Chief is that that
4 money that you will save on your insurance
5 will offset some of the taxes you pay to the
6 Fire Department. It's all good on paper. I
7 cannot promise anything.

8 But the important thing is that I've
9 had several people call me asking me about
10 fire stations, so on and so forth. The
11 Trustees have been actively involved in those
12 discussions. We do want a fire station here
13 in order to help everybody's fire protection.

14 The developers offered money. He's
15 offered structure. I'm sure there will be
16 healthy discussion about what has been offered
17 and so on and so forth. But when it comes
18 down to it, I want you to know that as a
19 department head, I have been included in these
20 talks. The developer has listened to me.
21 Doesn't always agree. I don't always agree
22 with him. That's healthy discussion.

23 The Trustees have listened to me.
24 We've done research, and we're working with
25 the developer. That's the best that we can

1 do.

2 They talk about, you know, we're not
3 going to have enough firemen, we're not going
4 to have enough trucks. I got a call today
5 that was like 30 minutes. I assured the
6 residents that these three people sitting up
7 here are very in tune to fire protection in
8 Bainbridge Township. They worked very hard to
9 hire a full-time chief, develop a full-time
10 department -- or combination department, and
11 provide you with some of the best protection
12 in Geauga County.

13 We are busy. We are probably going to
14 run 2,000 calls this year. We're the busiest
15 Township in all of Geauga County. But they
16 have been very supportive in giving me the
17 tools that I need to provide the best
18 protection to you, and that will continue.

19 So those concerns from the fire
20 department standpoint, I'm very passionate
21 about fire protection in Bainbridge Township.

22 MR. FITZSIMMONS: Thank you, Chief.

23 MS. O'BRIEN: Do you have a
24 question?

1 direct it to the Chief.

2 MR. MARKLEY: Anybody who has not
3 spoken yet --

4 MR. CARSON: Ask her --

5 MR. MARKLEY: Anybody who has not
6 spoken yet.

7 MS. O'BRIEN: Gentleman over here.

8 MR. FITZSIMMONS: Name and address
9 again, please.

10 MR. DUNCAN: Richard Duncan, 1101
11 East Boulevard, Aurora. Like I said, I've
12 studied the complaint in the court. I really
13 think there is little chance that they could
14 win this case.

15 I have never seen politicians buckle to
16 a developer like this. So I'm glad I live in
17 Aurora. Thanks very much.

18 MR. FITZSIMMONS: Thank you.

19 MR. O'BRIEN: Thank you.

20 MR. FITZSIMMONS: Any other comments?
21 Anyone who has not spoken already?

22 MR. CARSON: Terry Carson, 8860
23 Apple Hill. I would like to ask the Fire
24 Chief why there are no elevators in the fourth
25 floor? How will you get people down from the

1 fourth floor with no elevators?

2 You apparently know a lot about the
3 agreement. Tell me, how are you going to get
4 people down from the fourth floor? You know
5 why people don't put in elevators? Because it
6 costs a lot of money. But you didn't consider
7 that, right? There is nothing in the plan
8 that says anything about elevators on the
9 fourth floor, right? Because it's going to be
10 four stories high. What are you going to do
11 when there is a fire in one of the buildings?
12 Can I ask the Fire Chief to please address
13 that?

14 MS. O'BRIEN: Sir, our residents
15 will be taken care of because we have a very
16 effective and a very able fire department.

17 MR. CARSON: Do you know that
18 there are no elevators in --

19 MS. O'BRIEN: I answered your
20 question.

21 MR. FITZSIMMONS: Anybody else have any
22 additional comment? Ma'am?

23 MS. KOPP: Mabel Kopp, K-O-P-P,
24 8260 Stoneybrook Drive. I just want to
25 address one more thing. I don't understand.

1 The studies that I've done on TIFs, the money
2 has to come from somewhere. So how can you
3 say that none of the money is going to come
4 from the school? That's all I've got to say.

5 MR. MARKLEY: Anything else? Then
6 entertain a motion to close the public
7 hearing 7 at --

8 MS. BENZA: 8:20.

9 MR. MARKLEY: 8:20.

10 MS. BENZA: So moved.

11 MS. O'BRIEN: Second.

12 MS. BENZA: Aye.

13 MR. MARKLEY: Aye.

14 MS. O'BRIEN: Aye.

15 MR. MARKLEY: Then we will go ahead
16 and reopen the special meeting. So we closed
17 the public hearing and reopened the special
18 meeting at the same time, 8:20.

19 Are there any comments? This is
20 consistent with what we did in the first
21 session.

22 MR. BENZA: Correct.

23 MR. MARKLEY: Are there any
24 comments associated with the discussion held
25 tonight that we haven't really considered or

1 developed through the attorneys or anything
2 like that? Anything you heard tonight that
3 would cause you to want to consider staying
4 the motion?

5 MS. O'BRIEN: I want to recognize
6 everybody in the room. A, thank you for
7 coming here. I mean, you know, obviously we
8 have a lot more residents, some from Aurora.
9 The Trustees have really delved into a lot of
10 items. Again, there has been some --
11 Mrs. Carson, to quote you, you said you
12 understand to appease. I can't appease. I'm
13 a politician. I have to do what I've been
14 elected to do.

15 And in a negotiation, there are two
16 sides, and there is give and take and give and
17 take. This is a zoning item, right? As we
18 spoke in the last public hearing that started
19 at five o'clock, there is a CJE here. It sits
20 with us. We either put together what we think
21 is good for the Township, or it goes to the
22 judge. I think for us, for this board, I
23 think it's very responsible to put together
24 the best for our community for the growth.

25 I'm a resident. I'm a 22-year

1 resident. I moved here because I wanted my
2 children, my three beautiful sons -- they were
3 born here, and they were raised here. This is
4 my town. It does need growth in an
5 appropriate spot. There is infrastructure;
6 sewer, water.

7 So with that being said, somewhat
8 earlier I think Mr. Clossin you said, you're
9 not listening, you're not hearing us. We hear
10 you. This has been many, many months and
11 years. This zoning exists. Now we sit today
12 with the CJE. That's what I wanted to say.

13 MR. MARKLEY: Anything?

14 MS. BENZA: The only thing I
15 would like to point out is I really appreciate
16 all of the time and energy and analysis that
17 many of you have taken. I appreciate you
18 reviewing the documents, whether you've come
19 to the town hall to review them in person, or
20 taken the time to look at them online.

21 As we've indicated, when the lawsuit
22 was filed, we did have to examine is there
23 value in having settlement discussions versus
24 just letting this go to trial or go to court.

25 You know, what a number of people may

1 not realize is that if zoning is actually
2 declared unconstitutional by the court, the
3 judge gives you one chance. You get one bite
4 at the apple to get the zoning issues and to
5 rezone them. Many of you may be familiar with
6 the Costco situation over in Mayfield Heights.
7 They went through this. You get one chance to
8 rezone it if the court finds it to be
9 unconstitutional.

10 If the property owner is still not
11 satisfied and still believes that the zoning,
12 even after you changed it, is
13 unconstitutional, and it goes back to court a
14 second time, then the judge says, sorry, you
15 had one bite of the apple, now it's my turn,
16 now I'm the one who is going to set up the
17 zoning.

18 So when we first had to consider what
19 is the benefit in pursuing some kind of
20 negotiation or settlement discussions, we
21 really have to appreciate the fact that we
22 have connections with our residents. You call
23 us. You come to our meetings. You send us
24 emails. We want you to continue to
25 communicate with us about your needs, and your

1 issues, and your questions.

2 So we do think that we are perhaps the
3 best entity to engage in these settlement
4 discussions at this level, as opposed to
5 letting it go to trial or to the court.

6 We've put in a lot of hours overalmost
7 two years. I think we've tried to anticipate
8 and tried to address everything that was
9 covered here tonight. I really don't think
10 there was anything raised that was new or
11 something that we hadn't taken the time to do
12 the research or to do the analysis on.

13 So I know that there is -- you know,
14 Kristina, you are right, you are never going
15 to appease everybody. There are difficult
16 decisions to be made. You're right, we asked
17 for this job. We don't have to do it, but we
18 did ask that you trust us when you cast your
19 votes for us. We do have difficult decisions
20 to make. We like to do -- we like to make
21 those decisions with the homework, and the
22 time, and the energy that we put into
23 gathering the background, and being able to
24 make an informed decision.

25 So with all of the comments and the

1 observations that you've offered this evening,
2 I really appreciate them. I think you've
3 raised so many of the things that we've raised
4 on our own in these discussions. So thank you
5 for that.

6 MR. MARKLEY: So at this point,
7 given there are no real public comments that
8 modified our prospective on the vote, I would
9 entertain the motion to appeal a Consent
10 Judgment Entry between and among Bainbridge
11 Township Industrial Commercial Properties, LLC
12 and ICP Geauga Lake, LLC pursuant to the Ohio
13 Revised Code Section 505.07.

14 Whereas, the actions were filed by the
15 ICP parties as Appellees/Plaintiffs in the
16 Court of Common Pleas Geauga County, Ohio
17 against Bainbridge as Appellant/Defendant.

18 Whereas, the Administrative Appeal was
19 settled in part pursuant to that certain
20 Consent Judgment Entry recorded on
21 November, 4, 2020, at Book 2107, page 2749 of
22 the Official Records of Geauga County, Ohio
23 which settlement was limited to the property
24 on which will be constructed a Menards retail
25 store.

1 Whereas, ICP, Bainbridge and the ICP
2 parties have reached agreement, set forth in
3 the attached Master CJE, Consent Judgment
4 Entry, to settle the actions in their
5 entirety.

6 Whereas, Ohio Revised Code Section
7 505.07 requires publication of notice that the
8 Board of Trustees intends to meet, and
9 consider, and take action on the Master CJE on
10 behalf of Bainbridge at least 15 days prior to
11 such meeting.

12 Whereas, Ohio Revised Code Section
13 505.07 further requires publication of notice
14 that includes the caption of the case, the
15 case number, and the court in which a Consent
16 Decree or Settlement Agreement will be filed,
17 the intention of the parties in the action to
18 file a Consent Decree or Settlement Agreement,
19 and when applicable, a description of the real
20 property involved and the proposed change in
21 zoning or permitted use at least 10 days prior
22 to the submission of a proposed Consent Decree
23 or Settlement Agreement to the court for its
24 review and consideration.

25 Pursuant to Ohio Revised Code Section

1 505 -- whereas, both of the aforementioned
2 notices were published in accordance with the
3 Ohio Revised Code, including, but not limited
4 to, Section 505.07 thereof.

5 Be it resolved that pursuant to the
6 Ohio Revised Code Section 505.07 we hereby
7 adopt and approve the Master Consent Judgment
8 Entry and authorize Thomas A. Fitzsimmons,
9 Esq. to place his signature upon the same in
10 his capacity as counsel of record for the
11 Board of Trustees and Bainbridge.

12 This would be entertaining motion to
13 approve Resolution 10202021-B.

14 MS. BENZA: So moved.

15 MS. O'BRIEN: Second.

16 MR. MARKLEY: Aye.

17 MS. BENZA: Aye.

18 MS. O'BRIEN: Aye.

19 MR. MARKLEY: With that we have a
20 resolution to approve the Consent Judgment
21 Entry.

22 Again, as everybody has stated, thank
23 you very much for your participation tonight.
24 Again, this just begins the journey. Like we
25 said at the five o'clock hour, no plan has

1 been approved other than in this case Menards.
2 We will have plenty of other public meetings
3 to address any and all future projects that
4 come down the road. Thank you.

5 MR. MARKLEY: Motion to adjourn at
6 8:30 exactly.

7 MS. BENZA: So moved.

8 MS. O'BRIEN: Second.

9 MS. BENZA: Aye.

10 MR. MARKLEY: Aye.

11 MS. O'BRIEN: Aye.

12 (Meeting adjourned at 8:30 p.m.)

13 - - -

1 State of Ohio,

SS:

2 County of Cuyahoga.

3
4 C E R T I F I C A T E

5 This certifies that the foregoing is a true
6 and correct transcript of the proceedings had
7 before the Bainbridge Township Board of
8 Trustees, at Bainbridge Township Hall, 17826
9 Chillicothe Road, Chagrin Falls, Ohio, on
10 October 20, 2021, commencing at 6:00 p.m.

11
12 In Re:

13 Industrial Commercial Properties LLC
14 and
15 Bainbridge Township
16
17

18 

19
20 CONSTANCE VERSAGI
COURT REPORTER

21 FINCUN-MANCINI COURT REPORTERS
22 1801 East Ninth Street
Suite 1720
23 Cleveland, Ohio 44114
(216) 696-2272
24 email@fincunmancini.com
25

	64:6	102:24;104:19;	aging (1)	Although (1)
\$	access (3)	107:14,19;109:8;	39:1	35:21
	19:14;27:4;66:9	113:22;119:8;	ago (14)	always (12)
\$1 (1)	accolades (1)	120:12,25;125:8;	5:17;22:2;38:22;	27:15;40:2;61:7;
26:23	46:10	129:3	42:19;43:10;44:20;	74:20;81:5;85:11;
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