

COMMISSIONERS MEETING – MONDAY, JANUARY 6, 2002

ANNEXATION PUBLIC HEARING

331.2142 Acres/Wadsworth

Commissioners regular meeting reconvened at 10:20 a.m. on this date in the County Administration Building Auditorium for the purpose of a public hearing on the petition for annexation of 329.8952 acres (corrected to 331.2142 acres) of land from Wadsworth Township to the City of Wadsworth.

Mrs. Geissman swore in those in attendance that stood and raised their right hands.

Mrs. Geissman asked for opening statements, which were to be filed as an affidavit 15 days prior to the hearing. There were no opening statements.

Mrs. Geissman asked if there were any challenges to the validity of petition signatures in the way of an owner's request to void his/her signature or challenging the authority of a person to sign.

A gentleman asked if a person can remove their name from the petition after the hearing and getting a better understanding of the petition.

Bill Thorne, Assistant County Prosecutor, replied no.

Mrs. Geissman asked about verification on the validity of the petition.

The Clerk responded that Tax Maps has reviewed the annexation legal description and plat and that the validity is approved. She noted that the legal description and plat had some minor technical errors that have been corrected.

Tom Palecek, Agent for the Petitioners, stated that there were technical changes made to the map; the boundaries of the map have not changed; we just found out from Tax Maps on Friday; those have been changed and corrected; point out that there is a slight change in the total acreage; the actual correct amount is 331.2142; Tax Maps and the Engineering Department have accepted that.

Mrs. Geissman asked if the required procedures have been followed.

The Clerk responded that all notices, reviews and the City's ordinance on service were filed as required.

Mr. Thorne stated that for clarification regarding removing signatures; you can remove your signature if you feel there was misrepresentation, duress, or fraud you do have the opportunity to do that, but you can't just change your mind. You're supposed to make your factual decision up front when you signed, but if there had been misrepresentation or fraud then there is an opportunity to question your signature, not simply because you changed your mind.

The gentleman asked what if I gained more information at this meeting that says I should change my mind; isn't that what this meeting is for?

Mr. Thorne stated the hearing is for the Commissioners; the application has already been filed; the law says that there has to be grounds to remove your signature; not saying that you can't testify that you no longer agree with that and don't want to do it; but the signature cannot be removed.

The gentleman asked isn't this vote going to be made based on those original signatures? These people are going to vote for or against this petition in reference to who signed that petition.

Mr. Thorne replied no; their decision would be based on the testimony at the hearing.

Another gentleman stated, but they require 51% signatures to have this hearing

Mr. Thorne stated that's to get it to this point.

The gentleman asked Bill, what is the purpose of this meeting then?

Mrs. Geissman stated this is a public hearing.

Mr. Thorne added this is a public hearing to take testimony on the petition for annexation.

The gentleman stated so all we're here for is to listen, we can't affect it either way?

Mr. Thorne stated the whole idea is to take testimony for this Board to rule on that petition.

The gentleman asked so the Board is going to rule, we're not going to vote?

Mr. Thorne stated that's right, the Board will vote.

Mrs. Geissman added that under the new annexation law Commissioners, who used to rubber-stamp practically every annexation that came to us as we didn't have much authority, we are now the judge and jury; so this hearing is very important; so if you have anything to say today that could influence us, we need to hear it.

A gentleman asked can I get a copy of the petition and signatures? Is that on file? We've had some people come down to our house and are very concerned about this because they felt it was very unclear and they thought maybe their name was on this list and they know they haven't signed anything; there is a lot of confusion on how this 51% was arrived.

Mrs. Geissman stated it's on file and you can get a copy; see the Clerk after the meeting and she'll get you a copy. She then noted that it is the point now for the presentation of the case by the parties and I'm going to ask the Agent for the Petitioners to present evidence, to examine, cross-examine witnesses, and comment on evidence that has been submitted.

Mr. Thorne advised that everyone speaking should be individually sworn in to make sure there is no question that they have been sworn in.

Andrew McIlvaine displayed a map of the area that highlighted the area proposed for annexation.

Al Schrader, Attorney for Wadsworth Township, stated that he has discussed with Attorney Palecek earlier; I'm committed to continuing, on behalf of the Township, this; I know Tom is going to object, but we thought it was more important to do that now rather than have their presentation. The two reasons are: #1 the township has made some efforts to try to work out a cooperative agreement, a rough draft of a JEDD agreement for example; I mailed that to the City Council President on the 17th of December; because of the holidays we haven't heard back on that and I can understand that given the holiday situation; we also met briefly with Mr. Lyren and the Mayor in order to determine what the right procedure was to do that; and he suggested we mail that to the City Council. The second reason I would ask that, let me flush that out a little; if we can work something out we may not need to have a hearing, we may have a win/win situation, that is the petitioners can get some of what they want, the township can have some of what it wants, and the city some of what it wants; we think its worth looking into. My concern is trying in terms of not going ahead and having the hearing is that sometimes it's kind of tough to sit down and work something out with somebody after you've done battle with them in a hearing like this; so we request to continue the hearing. Legally I'm sure, Asst. Prosecutor Thorne, will tell you that you can do that; we've already started, it has been legally advertised. The second reason I'm asking for a continuance is a more practical one. Up until this morning about 9:15 I thought this was a 320 some acre annexation; it turns out is a 331.2142 acre annexation, and although I have had a chance to look at the map I haven't had a chance to respond to what appears to be a larger annexation by about 3 acres than what we were thinking about. So for those 2 reasons I would ask that there be a continuance; I know Attorney Palecek is going to object. (Papers rustling in microphone).

Mr. Palecek stated that asking for a continuance at this point is most unfair to the majority of the landowners who have signed the petition for annexation. A JEDD program was dropped off at the City of Wadsworth along with Trustees about 2 weeks ago. But a JEDD requires an election, City Council hasn't even considered it; we're talking about something that
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Exhibit A

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might take a year, 2 years, for it to ever be decided. The state legislature has provided a statute for the County Commissioners to decide on annexations. It has provided a method to do that in which the petitioners, a majority, are asking you to consider this annexation and approve it. To now continue it so that 2 political entities, the City of Wadsworth and Township Trustees, can enter into some type of discussion about what they might do is very unfair to the people who have said we want to have annexation. The aspect of a change of a few acres in size, technical corrections, shouldn't be justification to continue. I would ask that County Commissioners deny that request for continuance and that we proceed; everyone is here; we've come up; we've spent the time preparing for it; we've got the maps; we've met all the technical requirements of submitting an annexation, and we'd like to go forward. I guess the old saying is justice delayed is justice denied and we'd like you to have the hearing.

Mr. Hambley asked if he represents the petitioners direct.

Mr. Palecek stated yes, I'm the agent.

Mr. Hambley stated that we need to also duly consider the request from Mr. Schrader, who represents the Township, and also hear from any representative from the City of Wadsworth. Mr. Easton, are you hear to represent the City of Wadsworth?

Mr. Easton stated yes.

Mr. Hambley asked if he is able to address the issue regarding the proposed JEDD?

Chris Easton, Assistant Service Director of the City of Wadsworth, stated that his knowledge, a meeting occurred at the request of the Wadsworth Township Trustees to meet with our Service Director. I don't know the opinions that have been generated from a meeting about 2 weeks ago; there was no action at that time.

Mr. Hambley stated that if I understand it correctly, the initiative or proposal was initiated by Wadsworth Township in terms of a JEDD. Was there any discussion about looking at an alternative that is less restrictive, such as a CEDA, Cooperative Economic Development Agreement, as opposed to a JEDD which requires an election?

Mr. Easton stated that he was not at the meeting, however, no action was taken.

Mr. Schrader stated that he was at the meeting along with Trustees. Trustees drafted the JEDD as a way to starting to discuss things. We did discuss with the Mayor other alternatives; a CEDA was one, an annexation is another. We're open to anything. To me a JEDD, CEDA or an annexation are just different colors of the same suit and if you reach an agreement it doesn't much matter to me what the form is. I tend to prefer JEDD's because, to me, to some extent they make more sense. But the Township is willing to consider other forms of agreement, but in the 32 pages we wrote we didn't do it in stone, we understood that there would be some negotiation as to amounts; and we were open to discussing a number of things, one of which would be how do we develop in an appropriate way that doesn't hurt the current existing neighbors, how do we make development in a way that oddly enough will encourage development and limits; that encourages what is good and not what might be bad in terms of over-development; these are the kind of discussions we had briefly with the Mayor; the Mayor made it clear he didn't want to commit the City and he felt City Council needed to be involved in that; and again, about a day after that I drafted a letter to the President of City Council and the City Council Clerk, that was December 17; it's been the holidays and I didn't really expect for them to get back to us yet. What I would suggest to you is, and I agree justice delayed is justice denied, but at the end of the day you still ought to have justice, and I guess what I'm suggesting is that if we move something now, it seems to me it would be a more just situation than going through this whole hearing. My concern is, #1, I do recognize that sometimes when you enter into these kinds of periods and (?) it doesn't help in terms of trying to work something out. So maybe justice does exist if you don't delay it. Second, I know people tend to think annexation is going to go so quickly, but the fact of the matter is I think I sat here last spring, a year ago, maybe a year and a half ago, on a Sharon Township annexation that's still sitting in Common Pleas Court; has been argued; Tom and I argued about it last month; we don't have a decision at this point yet; I didn't expect one this quick. When we do get one somebody's likely to appeal to the Court of Appeals. So I'm not so sure the argument that a JEDD is going to take too long; it

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may well be the annexation might be a longer route to what we're doing; what I was going to suggest is let's, I'm only asking for a 30 day continuance. In that period of time we ought to know whether the City and Township are on the same page or not. If they're not we'll all come back and do the hearing and be done with it. But if they are it seems to me it makes sense to try to let local governments cooperate. The other thing, I know it's popular today to point to government as always the problem, but the fact is it's not, and the simple fact of the matter is we go through this entire exercise and there is the possibility the City could turn them down after we've gone through all this. So doesn't it make sense to try to work something out. If you agree to that I would ask you to grant the continuance. If you don't then I guess we don't.

Mr. Palecek stated that he would like to add one point to that; it would be one thing if you had, well you do have the Township Trustees who are asking you to continue this hearing, but you don't have the City of Wadsworth here saying, oh yes, we're looking at that and we'd like to continue this also. All you have is one side, who are apparently are opposed to the annexation, but the majority of property owners of this particular land are here and they want to go ahead with this annexation. The City of Wadsworth isn't coming before you today saying, oh yes, we want to consider that. They haven't even responded to that, so we have no idea of when they might get around to even look at it. So if you do continue it you are delaying the rights of these parties, the petitioners under the statutes of the State of Ohio.

Mr. Hambley read from the County Commissioners' Association Handbook: "continuing the hearing is an inherent power of the Board. There is no statute or case law governing continuation. Number 2, the most important consideration is an attempt to be fair to all parties. Number 3, the goal should be to ensure that the hearing is completed in a timely manner and that all parties are given a reasonable opportunity to prepare for and present their case." There are essentially 4 parties here: the petitioner, the municipality, the township, and then there is the public. I would suggest that we continue with this hearing. Our judgment as to whether we grant a continuance should come at the end of the process that we have already identified to the public, being that 4th entity that we haven't heard from yet, that they get the opportunity since they're all here to also provide us with information and the opportunity to comment regarding this annexation. My recommendation is that we continue with our planned hearing and of course then we make the decision once we go through the process whether we will continue it for another period of time.

Mrs. Geissman asked Ms. Ray how she feels about this.

Ms. Ray stated that she would second that feeling; I feel a lot of these people have taken time off work and time out of their day to come down here; I think we go ahead and at the end make that determination.

Mrs. Geissman stated that the Board has decided that we will continue with the hearing.

Mr. Palecek introduced himself, Agent for the Petitioners, and one of the attorneys, and introduced Andrew McIlvaine of their office, who is also an attorney for the petitioners. Thank you for going over the preliminary matters. This petition was filed on October 23, 2002; and as you now know there are some technical corrections to the map. There are 52 property owners in the territory to be annexed. 30 of those property owners are petitioners, or 57.69%. There are 331.2142 acres. Those petitioners, those 30 petitioners, represent over 91% of the acreage for a total of 302.2892 acres. A list was presented of the property owners in the territory to be annexed and a list of the petitioners in the territory to be annexed. I have also put on the list of the property owners in the territory the total acreage and petitioners so that you have that for your record. I believe that exhibit shows you that 57.69% of the owners of the property within the annex territory signed the petition for the annexation. So it is at least 51%. The real estate is contiguous to the municipality, if you notice on the western tip, by 1515.78 feet along Hartman Road. The municipality did issue a city resolution dealing with police, fire, EMS, electric, trash, water and sanitary sewer. This territory is not unusually large; it is less than 3% of the township property, and as I will go further with this, this is a 3-fold annexation. It is a people annexation. It's a help our schools annexation. And it's an economic annexation. It's a people annexation because the majority of the people within the territory want it. You would even have that with an election for a JEDD.

A gentleman asked if he is allowed to interrupt.

Mrs. Geissman stated that let's let him give his presentation and you'll have an opportunity to speak.

Mr. Palecek stated that the case law in annexations has not changed even though there has been a modification of the statute, and annexations are to be encouraged and deference should be given to a majority of the property owners. This property is fairly regular in shape; it kind of runs between SR 261 and Interstate Highway 76. I-76 is a major east-west thoroughfare in the State of Ohio. It collects from I-80 from people coming from New York, New Jersey, and Pennsylvania; and it also collects from Youngstown and Pittsburgh area and flows that traffic right around this property and then it goes to I-71 south to Columbus and places west. It is a major east-west highway that it borders this land. The people who have signed this petition have been attempting to develop this land for years. They've tried to get conditional zoning from the Township and been turned down. They even tried to put soccer fields in and were turned down. They have a Marathon station that they tried to put at this interchange and were turned down. This property will not develop without water. Wadsworth Township does not have water to give to this property; the City of Wadsworth does. Right now the Township receives \$3,920 per year in taxes. If this land is annexed, for at least 12 years, the taxes the Township will receive will far exceed that \$3900. This is just a venture on my part, but I would suggest that it would triple if not be at least 10 times that amount. Finally there is no industrial land as part of this annexation. I said this was a help our schools annexation. We know our school systems need dollars to operate and when this is fully developed, this property can provide perhaps as much as half a million dollars in taxes for the schools. Right now based on this property and the taxes it gets, the school system receives \$39,080. So this would be a tremendous benefit to the schools. It is an economic annexation. These are difficult times. We need growth in the form of tax dollars. The land itself that borders at the interchange of the interstate is typical of what you would want for commercial development. That commercial development will provide sales taxes, which is very important; it will provide convenient shopping to people around that area; it will provide jobs for people in this area. The infrastructure is already in place for the roads; you have an ingress and egress onto that highway; you have SR 261 that brings people down. There are even some benefits for this land being part of the City of Wadsworth because there are benefits with Wadsworth Recreation Department; people who live or work in the City receive reduced costs in using the Steiner's Center. The fire and EMS will be available immediately. You should also know that SR 261 as it goes west to Wadsworth beyond the Hartman Road does have some areas where there is City, some areas where there is Township, and then where there is City. So there are already some changes in that road as you go towards the City. This is not unusual. When the people wanted to develop the property went to the City, the City suggested that they do as much as they can to get property along 261; thus you see the shape of it. There are a number of people here this morning who I wish to come up. The first of which will be Chris Easton; I believe you have a copy of the City resolution.

Mr. Easton was asked to come forward.

Mr. Palecek: please state your name and address.

Mr. Easton: my name is Chris Easton and stated his address.

Mr. Palecek: what is your position with the City of Wadsworth.

Mr. Easton: Assistant Service Director.

Mr. Palecek: are you familiar with the amended resolution of the City of Wadsworth in regard to this annexation.

Mr. Easton: yes I am.

Mr. Palecek: is there any question in your mind that the City of Wadsworth can provide water to this area?

Mr. Easton: none.

Mr. Palecek: and the sewer system for this area is also a county sewer system, is it not?

Mr. Easton: the land in question is part of a county sewer district; the City of Wadsworth maintains this division and (?)

Mrs. Geissman: excuse me, Chris, did you stand before when I swore people in? Have you been sworn in?

Mr. Easton: yes.

Mr. Palecek: Chris, with respect to road maintenance, the only roads that are involved in this annexation would be a county road and a state route, correct?

Mr. Easton: yes, State Route 261 and Hartman Road, which is a county road.

Mr. Palecek: does the City of Wadsworth have agreements with the County for maintenance of the road?

Mr. Easton: yes we have boundary road agreements for maintenance of roadways where we share the common boundaries; we also have agreements with the State of Ohio existing on 261 for maintenance; that's generally identified by cost.

Mr. Palecek: so you regularly enter into agreements with both the State and the County?

Mr. Easton: yes.

Mr. Palecek: with respect to the other area of 261 in which there is some City property and some Township property, have there been any problems with road maintenance on that road, 261?

Mr. Easton: not that I'm aware of.

Mr. Palecek: it would be because you would deal with the State would you not, as opposed to the Township?

Mr. Easton: 261 we have an agreement with the State on for maintenance.

Mr. Palecek: also, I think it would be enlightening to the County Commissioners, would you tell us what the City of Wadsworth has done with their search for additional water?

Mr. Easton: the City of Wadsworth decided to take a long term approach in terms of cheaper water supplies; and probably the last 20 years have been looking for alternatives throughout the county; as you know we were part of that consortium of communities from the Westfield area; recently, in the last 12 months, we signed a lease agreement with the City of Barberton for the Rogues Hollow area and also we've done quantity and quality tests on that resource which showed that we meet the long-term needs; probably doubled the water supplies; currently the City of Wadsworth average daily is 2.2 million gallons/day; capacity plan (?) the Rogues Hollow water is going to supply 3 million gallons; so we're essentially doubling our supply of water...have entered an agreement that involves the quantity and now are looking at proposals for construction...

Mr. Palecek: do the County Commissioners have any questions of Chris?

Commissioners: Not at this time.

Mr. Hambley noted that Mr. Schrader can cross-examine.

Mr. Schrader: I wanted to ask you something on the map; looking at this map on what's called Akron Road, that's 261, right?

Mr. Easton: yes.

Mr. Schrader: if the annexation is approved, all of 261 from this point, I'm talking about the far right of the map, up to here, will be City, if the annexation is allowed, right?

Mr. Easton: right.

Mr. Schrader: then when we get to this point, all of 261 will be in the Township, is that right?

Mr. Easton: it appears as much.

Mr. Schrader: and then when we get to this one property, which appears to be a driveway out to this bigger one, it's going to be half in the City and half in the Township, right?

Mr. Easton: right.

Mr. Schrader: then for the length of one property it's going to be all in the Township again, right?

Mr. Easton: it appears.

Mr. Schrader: and then from here all the way over to where the blue is at, it will again be half of the City and half of the Township, if the annexation is allowed?

Mr. Easton: right.

Mr. Schrader: now, currently do you have any agreements covering those areas that we just talked about in terms of maintenance with the State of Ohio, if this annexation is approved?

Mr. Easton: yes, in essence we have an agreement that allows us to maintain minor maintenance west, and we assume the County has a same agreement; we have a verbal agreement.

Mr. Schrader: you don't have a written agreement or a copy of any such agreement?

Mr. Easton: the assumption is that we would enter into an agreement that we have not only for this state route but for all other state routes along Wadsworth.

Mr. Schrader: you don't have anything in writing, it's a verbal agreement?

Mr. Easton: correct.

Mr. Schrader: and it covers what you call minor maintenance?

Mr. Easton: right.

Mr. Schrader: what's that defined as?

Mr. Easton: that would be crack sealing, potholes, snow removal.

Mr. Schrader: what if they want to widen the road, that's a major maintenance isn't it?

Mr. Easton: well, that's extension or if it's a major resurfacing that would be major; except as we said potholes, and I believe the State of Ohio has this roadway on its books for major maintenance.

Mr. Schrader: except if it's annexed, all that, the whole road, that is your responsibility as a city isn't it?

Mr. Easton: actually the State of Ohio will come in and actually do the project; and then it (?)

Mr. Schrader: so it would be more cost to the City if the road is annexed?

Mr. Easton: yes.

Mr. Schrader: and we don't have a written agreement. The reason I'm concerned about that is one of the standards under the new law, it says, "no street or highway will be divided or segmented by the boundary line of the township and municipality creating a road maintenance problem"; so we would agree it's segmented.

Mr. Easton: (?)

Mr. Schrader: okay, if a street or highway is divided or segmented, the municipality has agreed to assume the maintenance of the street or highway; now I notice you made a distinction between minor maintenance and major maintenance; I don't see any distinction in the law when it talks about maintenance.

Mr. Easton: I believe the law is referring to non-state highways, the State of Ohio defines who is going to be doing what on the highways. I believe that involves county and township highways.

Mr. Schrader: fair enough; but assuming it does apply to the state roads, once its annexed that state road becomes legally your responsibility to maintain right?

Mr. Easton: yes, a portion; unless we have an agreement with the State as we do now.

Mr. Schrader: and your agreement is a verbal one.

Mr. Easton: right.

Mr. Schrader: and it's not a written one.

Mr. Easton: right.

Mr. Schrader: and your agreement is for minor maintenance, not major maintenance. Okay, thanks, that's enough on that. The other question I had was with regards to your resolutions, ordinance of City Council, part 2 of that resolution indicated that this is not an indication that City Council will actually approve this annexation.

Mr. Easton: that's standard language.

Mr. Schrader: as far as some of the services, EMS and fire, that's already provided by Wadsworth City by a contract with the Township, right, for that area?

Mr. Easton: yes.

Mr. Schrader: also there's some language here that says with regards to water and sanitary sewer services these will be available for the western most property of the territory when the annexation becomes affective and are anticipated to be available for other parts approximately 2 years after the annexation becomes affective subject to installation of infrastructure by property developers and/or owners petitions for special assessments. Is it fair that the City has no intention of paying for those water and sewer lines?

Mr. Easton: well, I think actually the City has to be (?) of the project; city taxes (?) typically the City water and sewer lines are extended by the property owners.

Mr. Schrader: and as you said here today, the City hasn't been presented with any project for this particular area have they?

Mr. Easton: no, we've had plans in the past what development (?)

Mr. Schrader: can you tell us how this is going to be done?

Mr. Easton: most of them are plans from a couple years ago.

Mr. Schrader: I'm talking today about this property.

Mr. Easton: no.

Mr. Schrader: so we don't really know what's going to go in there.

Mr. Easton: well, we've been advised by the petitioners that they intend commercial development.

Mr. Schrader: have they said what kind?

Mr. Easton: (?)

Mr. Schrader: do you know if it's going to be a big box store or a hotel and restaurant?

Mr. Easton: well, actually no, the land size does suggest significant commercial development.

Mr. Schrader: so that would be what?

A gentleman in the audience: can you repeat what he just said about the development?

Mr. Easton: well, what I said was the land area involved in the petition would suggest that there will be significant development there, exceeding one or two-hundred thousand square feet; that's my assumption; there are no plans have been presented.

Mr. Schrader: you don't know the name of what that store might be?

Mr. Easton: no.

Mr. Schrader: would that have some impact on how much sewer and water service would actually be demanded in the area if you knew what was going in?

Mr. Easton: actually, as I've said in the past, we've had some estimates on the flow involved on a certain number of square feet, the number of houses in that area, the capacity in the water and sewer system would absorbed those.

Mr. Schrader: I talked with Bill Lyren by phone and I think you and I agreed that you were present when City Council on November 6 when you discussed just that; let me read you a part of the minutes because it relates, "because of the length of time between that study and the time in the present, that would have to be reviewed and updated with regard to new information. Probably the most significant change that would have occurred was the idea that this annexation went beyond I-76 with some commercial area on the east side and to serve that area would possibly require a lift station in a different location which would encompass a larger area." I just want to ask you, has there been any update to that study 2 years ago?

Mr. Easton: no, nothing. I think that's typical requirements of development, not only in this area but a lot of areas of the City where that's an area that may be in the boundary of gravity sewer; could be served by the gravity sewer in a portion of the area.

Mr. Schrader: in fact, a vast majority of the area would have to be pumped with a lift station pumping station wouldn't it?

Mr. Easton: well, no, unless you've done an engineering study we couldn't say that; I think we need to have the studies done before; the bottom line is very difficult and we require an engineering study to determine the distribution system...we believe that's the case.

Mr. Schrader: but we haven't updated that 2-year-old study?

Mr. Easton: right.

Mr. Schrader: let me tell you where I got the idea that the area; >>>Mr. Lyren's comments from the Nov 6 meeting; - "the location of such a pumping station would impact the January 6th minutes
Exhibit A

area of which could be served from a pumping station”. Do you have any reason to disagree with Mr. Lyren on that?

Mr. Easton: no (?) until they do an engineering study they don't know what percentages can be (?)

Mr. Schrader: but you would agree a high percentage on this?

Mr. Easton: yes.

Mr. Schrader: the other question I have as a result of that is those are pretty expensive aren't they, pumping stations, lift stations and all those sort of things.

Mr. Easton: they're a regular part of sanitary sewer business.

Mr. Schrader: which one of them costs

Mr. Easton: depending on the size of the pumps you could get into \$20,000 or \$30,000; Ken Hotz (?) it's really in terms of total of infrastructure costs that lift station by itself will not be over

Mr. Schrader: is there likely to be more than one or just one?

Mr. Easton: well I think until the engineering studies are down we'd have to leave that to the engineers of where (?)

Mr. Schrader: in fact no study has been done except for the one 2 years ago.

Mr. Easton: (?)

Mr. Schrader: and also there's some language in here that it depends on whether, now the developer is going to pay for it so he has a say on where they're going to put the pump station correct?

Mr. Easton: well certainly all developers have a input into the process but the actual location facility is usually reserved for the engineers. In this case I believe it's the county.

Mr. Schrader: and Mr. Lyren at that same meeting, “Mr. Lyren has had some preliminary meetings with the petitioners in regards to where they thought a lift station might be located to serve the entire area that's being proposed.” One of the locations would mean part of the area could be served and part of it couldn't; do we have any more definites as to where those lift stations are going to be from where it was back then?

Mr. Easton: I'm not aware of any additional.

Mr. Schrader: so it's possible that at least one scenario is that this could be annexed and serviced and part could be annexed and based on where a lift station is put might not be serviced. Fair enough?

Mr. Easton: that's possible.

Mr. Schrader: the other question I have for you is the City understandably has a policy, supposedly to save the taxpayers money, that if somebody wants to put in a waterline or sewer line and they need a lift station the developer pays for it or there are assessments to pay for it, right?

Mr. Easton: the property owners can petition for public improvements.

Mr. Schrader: right, and if they do that they're going to pay an assessment for it, right?

Mr. Easton: correct.

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331.2142 Acres/Wadsworth

Mr. Schrader: now you also mentioned that you have an agreement with the City of Barberton regarding the Rogues Hollow water source and you're ordinance says it may take about 2 years just in this area we're talking about annexing to get water and sewer; I think it said approximately 2 years just for that line to go in, and when it does it will be paid for by the developer or by assessments. How far is that Rogues Hollow waterline, that water source, from this area?

Mr. Easton: the water that will be pulled out of Rogues Hollow is well water so it has to be treated, so it's not directed to this location, it will go to the water treatment plant. The public waterlines, approximately to (?) property now...by extension will be approximately 3000 feet to the public waterlines; a raw waterline will have to be constructed to Wadsworth and I believe the distance is 5 to 7 miles.

Mr. Schrader: okay, for that capacity you have to build a line that is about 7 miles long, is that fair to say?

Mr. Easton: that's correct, and we are in the process of making right of way (?)

Mr. Schrader: has the City determined what it's going to cost for 7 miles of waterline?

Mr. Easton: I think there are preliminary estimates of \$3-1/2 million.

Mr. Schrader: is that something the City is going to pay for or that going to be (papers rustling)

Mr. Easton: typically water system enterprise projects like that are owned by the ratepayers.

Mr. Schrader: so for that 7 mile line to come in, well let me just ask you this, if the County had prepared, the staff of the County Commissioners had prepared a report for this particular hearing and in it they said a significant length of pipeline, I guess 7 miles would be significant, and other associated infrastructure will be necessary and may be several years in the development. This is in addition to the new construction required to extend the waterlines to the proposed annexation area, and additional storage may be necessary. Do you pretty much agree with that?

Mr. Easton: I'm not sure exactly what you said, but I think what you're indicating is that we need the additional Rogues Hollow to service the land, and I don't think that's the case. Currently our treatment plant has an average flow of 2.2 million gallons a day with capacity of 3 million. I don't believe this development, the demand, will be over the capacity of our existing facilities. However, as I said, we are developing long-term water supplies for the entire city and not just this.

Mr. Schrader: well I was trying to get at what you meant by approximately 2 years...

Mr. Easton: well I think what the public service committee was saying by 2 years was that actual distribution-wise, in terms of the timing it takes to have the petitioners develop and do the engineering studies at that site, that process takes approximately 2 years.

Mr. Schrader: right.

Mr. Easton: in addition, in this case, there is obviously a development plan that has to be reviewed.

Mr. Schrader: and we haven't even seen that yet. The point I'm making is that you all mentioned the Rogues Hollow thing and I thought I'd ask, so you have to build 7 miles of lines. Is it fair to say it may take 7 years for that to happen?

Mr. Easton: no; we expect the project to go forward in 2003; that's after construction, the 7 year process; we're hoping it will be relatively short term, not 7 years but 12 months.

Mr. Schrader: so by this time next year you expect that service?

Mr. Easton: yes.

Mr. Schrader: Ken Bristle of the Ohio EPA said the City's current well field is nearing its capacity. Do you agree with that?

Mr. Easton: on peak days; we normally (?); on peak days, which are relatively short term in the summer we do stretching capacity; but the average day depends, which 99% of the time we're within capacity.

Mr. Schrader: but when you don't you have sprinkling bans?

Mr. Easton: well, we don't have sprinkling bans; we have conservation (?) in the last couple years that conservation has really allowed how to best use our resources (?)

Mr. Schrader: but of course the reason you're spending so much money to get more water from Rogues Hollow is you anticipate you're going to need it.

Mr. Easton: well, the City of Wadsworth used 2.2 million gallons for its first (?) years; I think we probably (?) if we don't anticipate that the demand will grow in time so that's why for the last 20 years we have been exploring water expansion.

Mr. Schrader: fair enough; if this area is annexed and there is substantial development the demand is going to grow a little bit quicker than otherwise, right?

Mr. Easton: well actually the demand will grow; total contribution of this area to the capacity limits I don't see that being more than 5%.

Mr. Schrader: one last question, the new standard has to do with whether or not the benefits of the annexation to the general area, not just the area being annexed, but the general area; has the City done any cost benefit analysis to determine whether this annexation will benefit the City?

Mr. Easton: no; City Council has not taken any steps (?)

Mr. Schrader: thank you very much.

Mr. Palecek: just a couple other questions to clarify some points; the City right now, Chris, with regard to this area here; there are no road maintenance agreements with the Township for this area, correct?

Mr. Easton: not that I'm aware of.

Mr. Palecek: in other words, the reason I'm saying this is that the statute does not require a written agreement with the State, which was eluded to by Mr. Schrader. There are no township roads in this particular area that you would have to have an agreement.

Mr. Easton: I don't believe so.

Mr. Palecek: now with regards to the Rogues Hollow water, the City is going to do this whether the property is annexed or not, correct?

Mr. Easton: right.

Mr. Palecek: okay, and that's already in the plans to do it.

Mr. Easton: we've made significant investments (?)

Mr. Palecek: okay. That's all I have.

Mrs. Geissman: do Commissioners have any questions of this witness?

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Mr. Hambley: I guess to clarify, your current position is that the City of Wadsworth has, in terms of its water system, sufficient capacity to service this proposed development within the timeframe of the 2 years?

Mr. Easton: absolutely; we feel we have adequate water and sewer capacity.

Mrs. Geissman: do you have another witness?

Mr. Palecek: I'd like to call Mark Friedley

Mrs. Geissman: you'll get your turn later sir.

The gentleman: I guess my question was on the commercial side of it, I wanted to make sure, ...have there been any studies regarding economic impact on the business within the City of Wadsworth?

Mrs. Geissman: Bill, according to my instructions the general public asks questions after the witnesses are all done. Do I allow a question to a witness?

Mr. Thorne: ...the County Commissioners have a right to agree to let that happen; the question is to this Board is whether it is better to ask them while they are up there...

Mr. Hambley: rather than encouraging a free-for-all, everybody asking questions, Bill is explaining that the procedure is that essentially what are called the necessary parties are the ones that can do the examination, cross-examination, and the public is after. But I'll go ahead and ask the question then to Mr. Easton, were there any studies done regarding the economic impact of this development on the commercial establishments and other businesses within the City of Wadsworth?

Mr. Easton: no because it is in our plan that that will develop.

Mr. Palecek: may I clarify something, Chris; with an annexation you don't do those studies do you?

Mr. Easton: we have never done that study for anything as far as annexation.

Mr. Palecek: it's really when they come to the Planning Commission and seek to have either, present you with a development plan that you might ask them for studies or that studies might be done, correct?

Mr. Easton: yes; I think the question economic impact on existing businesses; htat is a difficult, that's nothing...

Mr. Palecek: does that help?

Mr. Hambley: that answers my question.

Mr. Palecek: would you state your name and address please.

Mark Friedley, 463 Akron Road, Wadsworth.

Mrs. Geissman: excuse me, Mr. Friedley, did you stand up before to be sworn in?

Mr. Friedley: yes, ma'am.

Mr. Palecek: Mark, do you own land within the area to be annexed?

Mr. Friedley: I do.

Mr. Palecek: would you tell the Commissioners how much land you own and your feelings about this annexation?

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Mr. Friedley: we own approximately 62 acres; it's been my hope, or our hope, that for the many years that we've owned the land that sometime the land would become part of the City of Wadsworth, we would have the opportunity to have the services that the City of Wadsworth can provide us over and above those we already have, which is water and sewer.

Mr. Palecek: what is the desire with regards to this property in terms of this annexation, Mark, what do you want?

Mr. Friedley: it's been our plan essentially since we've owned the property to at some point in time develop it into substantial residential allotment, hopefully enhancing the whole neighborhood.

Mr. Palecek: I realize you signed the petition, but is it your desire that this property be part of the City of Wadsworth?

Mr. Friedley: indeed yes.

Mr. Palecek: do Commissioners have any questions or Mr. Schrader?

Mrs. Geissman: do you have any questions?

Mr. Hambley: I want to hear the cross-exam first; I may have questions afterwards.

Mr. Schrader: Mr. Friedley, you're here asking Commissioners to annex your property because you would like to see your property annexed; is that fair to say?

Mr. Friedley: yes.

Mr. Schrader: but if 57% of the folks signed it that roughly means 43% didn't, right?

Mr. Friedley: I think that's a good number.

Mr. Schrader: but even if they object to their property being annexed you want that to happen anyway?

Mr. Friedley: I do.

Mr. Schrader: let me ask you one other thing, in the Commissioners file there's a letter from a George Whitson and; you've actually had 2 annexation petitions; there was one originally signed and then there was one re-circulated, is that right? There was one signed that was signed in May and then there was a re-circulation of that; Mr. Whitson signed the first one but indicated he was not going to sign the second one.

Mr. Friedley: I can't say I'm aware of that specific.

Mr. Schrader: well let me get this letter and let you read it.

Mr. Palecek: I don't think that's proper; he says he doesn't know anything about it.

Mr. Schrader: well he doesn't want to learn either apparently unless he

Mr. Palecek: that's not the point; the point is you want to ask him some questions about it; he has to have some knowledge first.

Mr. Schrader: well I'm trying to give him that if you let him read it; can he read that?

Mr. Friedley was given the letter to read.

Mr. Schrader: have you had a chance to read that sir?

Mr. Friedley: yes.

Mr. Schrader: now Mr. Whitson is essentially asking that his property be removed from the annexation, is that fair to say?

Mr. Friedley: that's my understanding from that letter.

Mr. Schrader: and have you told your attorney you want Whitson's property removed?

Mr. Friedley: no I have not.

Mr. Schrader: are you going to let Mr. Whitson out of this annexation?

Mr. Friedley: it seems to me that Mr. Whitson has asked to be removed; if that's his wish I suspect that should be considered.

Mr. Schrader: but see you're the petitioner and Tom Palecek here is your agent, so if you tell him to remove the property I imagine Tom will remove the property. Are you going to tell him to remove the property, that's what I'm asking.

Mr. Palecek: I don't think that's a fair question; that's not part of this annexation process.

Mrs. Geissman: I think it's a very difficult question to ask and I think basically we've already had somebody ask to have their name even taken off the petition and they cannot do that.

Mr. Schrader: but they can amend it; they've already done that to add 3 acres from last week to today; all I'm asking is if he's willing to let this guy out of the annexation? They always have the authority to amend it and reduce property out; that's the reason I asked.

Mr. Palecek: he is not a signatory of this annexation, Mr. Whitson, he's the same as the other say 47% of property owners and we don't have any intention to let Mr. Whitson's property out of it; we have requested that it be annexed; that's our position; if something is done at a later time, that may be; but I'm certainly not going to stand before the Commissioners and say oh yes we're going to let Mr. Whitson's property out; that is not

Mr. Schrader: I believe that answers my question; you agree with what your attorney just said?

Mr. Friedley: I do.

Mr. Schrader: okay, that answers my question; thank you; I'm assuming everything in your file is going to be part of the record and I won't have to ... actually I have one more, do you know what's going to be developed on that property?

Mr. Friedley: on what property sir?

Mr. Schrader: on the property you're asking to annex.

Mr. Friedley: I only have some sense of what might happen to the property that I own; I have no insight into what the balance the property might be developed into.

Mr. Schrader: fair enough, but I don't even know what you're thinking about putting on your property, can you share that with?

Mr. Friedley: well I did touch on that a moment ago; it's been our hope since we bought the property in 1966 that eventually we would be able to develop it as residential.

Mr. Schrader: what density, do you have any idea?

Mr. Friedley: no I don't.

Mr. Schrader: do you know how many houses, what kind of houses?

Mr. Friedley: no, and the reason for that is I'm not astute of what zoning would permit.

Mr. Schrader: then why do you think you'd be better off in the City than the Township...residential development?

Mr. Friedley: it's the same to me but the availability of water and sewer to the average property owner...and certainly you understand why having water and sewer available enhances our ability to develop with higher density; if that's what you're wondering about.

Mr. Schrader: do you know what it's going to cost you to run water and sewer lines?

Mr. Friedley: no I don't.

Mr. Schrader: okay, that's all I have, thank you.

Mrs. Geissman: is there any further cross-examination or by this Board?

Mr. Palecek: no I have nothing further for Mr. Friedley.

Mrs. Geissman: very good; do you have any further witnesses?

Mr. Palecek: yes I do; Dave Kaufman, I'd like you to come up please.

Mrs. Geissman: Dave did you stand when I swore everyone in?

Mr. Kaufman: I affirm to tell the truth.

Mrs. Geissman: do you swear to tell the truth, the whole truth

Mr. Kaufman: no ma'am I don't swear, but I do affirm to tell the truth.

Mr. Palecek: Dave, will you state your name and address please?

Dave Kaufman, 9277 River Styx Road, Wadsworth, Ohio.

Mr. Palecek: and Dave, do you own property within this annexed area?

Mr. Kaufman: yes, my brother and I own 40 acres.

Mr. Palecek: are there any other entities that you own that owns property in that area?

Mr. Kaufman: yes, the Kaufman Realty.

Mr. Palecek: would you tell us what your desires are in respect to this property and this annexation?

Mr. Kaufman: we would like to see water and sewer brought to the property, to the site.

Mr. Palecek: and how is that going to be accomplished?

Mr. Kaufman: through annexation.

Mr. Palecek: and perhaps the Commissioners would like to know, do you have any particular plans for the property itself?

Mr. Kaufman: no I do not.

Mr. Palecek: I have no other questions.

Mrs. Geissman: is there any cross-examination?

Mr. Schrader: just briefly, Mr. Kaufman, if you were able to through a CEDA or JEDD or annexation agreement get water and sewer to your property cooperatively from the City of
January 6th minutes
Exhibit A

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Wadsworth and as such could remain in the township, would you have any objection to that kind of method of getting water and sewer to your property?

Mr. Kaufman: I would have to determine that by how long it's going to take and what it would mean to us; we know what this is going to mean, but I don't know what the JEDD or CEDDA is going to do for us.

Mr. Schrader: fair enough; thank you, that's all.

Mr. Palecek: with respect to that, Mr. Kaufman, would you tell us, have you made any attempts to develop this property prior to this annexation request?

Mr. Kaufman: yes we have.

Mr. Palecek: what has happened?

Mr. Kaufman: well, we have tried from anywhere from (?) also had a truckstop (?) that fell through (?) we were turned down simply because we did not have water and sewer; EPA does not permit that (?)

Mr. Palecek: no other questions at this point.

Mr. Schrader: yes, your honor, I do have a question; did you ever go through the formal rezoning process of the township? You said you were denied.

Mr. Kaufman: I'm not sure if we went through the formal because when we went to do a mini-warehouse there wasn't even such a thing on the books; we tried for 3 years to get a mini-warehouse and we were not permitted.

Mr. Schrader: so I guess what I'm asking did you ever ask the Township formally by asking for a rezoning or a variance?

Mr. Kaufman: no, no sir because it wasn't even permitted. I went to Merle Banfield and spoke to Merle Banfield; Merle said it's not even conditionally permitted use of the property because there is nothing on the books and until they changed the zoning in 1998 or 1999 was when they put that in (?)

Mr. Schrader: so as we stand here today you could put in a warehouse?

Mr. Kaufman: that's true.

Mr. Schrader: and when they told you the zoning resolution had permitted it you didn't try to amend the zoning resolution at that time?

Mr. Kaufman: we were not permitted because there wasn't anything on until the zone was completed we could not even apply for it because it wasn't permitted.

Mr. Schrader: are you a realtor?

Mr. Kaufman: I am.

Mr. Schrader: so you're aware you can ask for rezoning whether it's a township, a city or whatever?

Mr. Kaufman: we were told we could not have it.

Mr. Schrader: and your property is zoned commercial in the township, is it not?

Mr. Kaufman: part of it.

Mr. Schrader: and you want all of it to be zoned commercial or just part of it?

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Mr. Kaufman: we are asking that it be annexed in whatever method (?) the authority over the area will determine what it can be used for.

Mr. Schrader: okay; and if, do you know to go to them to ask for rezone for residential or commercial if that's what you want don't you?

Mr. Kaufman: (?)

Mr. Schrader: right, so I guess I'm curious why you didn't try to amend township zoning as a solution.

Mr. Kaufman: sir I think I just explained that to you.

Mr. Schrader: fair enough; thank you.

Mrs. Geissman: is there any further cross examination?

Mr. Palecek: County Commissioners may have something for you; I do not have any other questions.

Mrs. Geissman: I guess we do not; thank you Mr. Kaufman.

Mr. Palecek: Thomas Sours.

Mr. Sours: my name is Thomas John Sours.

Mrs. Geissman: have you been sworn in?

Mr. Sours: I have been sworn in; I am one of the landowners that signed the petition; but I'm not alone; we have a majority of landowners that have signed that petition; after signing that petition we are requesting to become a part of the City of Wadsworth; I want my property to become a part of the City of Wadsworth; I want the governess that Wadsworth can provide us; we first made an investment out here almost a decade ago; in that time we tried pretty much continuously to develop our property; a portion of it is currently zoned commercial, highway interchange commercial, which is entirely appropriate for this big intersection; in that decade we managed to develop basically a storage barn and seasonal sweet corn stand; we also have quite a few acres of cornfield out there; probably the big thing is water; we need water; the Township is already provided zoning; zoning is not just a designation on paper, it's also a process; and I think through the zoning and planning resources of Wadsworth this land will be studied, there will be different studies made, different proposals and it's not a short process; this is just one (?) process of actually doing something out there; that's why we're here today to request that the property go into the City of Wadsworth and request that the County Commissioners vote, a yes vote to make that a part of the City of Wadsworth; we have a legal petition; I know there are all kinds of questions; I know we can debate proper boundaries of the map forever and probably never come up with a solution that everybody is happy with; but we have a majority of the landowners affected that have signed that petition and expressed their desire to become a part of the City of Wadsworth.

Mr. Palecek: Tom, can you tell us some of the things you attempted to do with the property, prior to the annexation, with the Township Trustees.

Mr. Sours: some of the things; worked on a gas station, that didn't work out; we didn't have zoning; we didn't have water; it's not just the Township that we worked with; it's the Township, the EPA, there's many different entities that all have to be satisfied before you develop something; now we have no animosity or problem with the Township, they just don't have the resources to offer us; I think before the County Commissioners today because the Commissioners are in a position to look at the overall good of the region and not just the individually affected properties and I think there are very solid reasons this should be approved and made a part of the City of Wadsworth, and it will help the area; Medina County and Wadsworth are growing and have been for some time, and the people in these communities and residents they need services; a lot of people have to go clear to Montrose to buy things and we can provide that here and keep it in the County; sales tax can stay in the County; property tax can

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stay in the County; there's a lot less driving; it's not any more convenient, but I think it's really necessary; I think the need is within the area for services commercial can provide; so I think there's a big impact; we've talked about the schools and their need for a tax base; Wadsworth wasn't able to pass their last levy; the homeowners are burdened with the schools and this would help to relieve that; for those reasons and many more I would ask that you approve the annexation and petition. Thank you.

Mr. Palecek: Tom, just a minute, Mr. Schrader might have some questions for you.

Mr. Schrader: the land is in Wadsworth Schools either way right?

Mr. Sours: the land is in the Wadsworth Schools either way.

Mr. Schrader: let me ask you, can you tell us what kind of development you're looking at? I mean do you have plans for a particular type of store or size of store; what are you looking at?

Mr. Sours: we have no particular plans at this point; we do have a site on a major thoroughfare and it's on a state route that has a tremendous access to the interstate; it's got lots of gas and plenty of electricity out there; really the only thing that's lacking is water; we're not, it doesn't have to be commercial; certainly it would lend itself very well to that, but we're not opposed to industrial or residential development at some point; that's probably more up to the City of Wadsworth than us; the Planning Commission will study that; there will be a whole lot of work that goes into this other than our interests.

Mr. Schrader: it will be awhile before there's actually anything developed there.

Mr. Sours: that's a good point, I'm glad you brought that up; annexing this won't necessarily make anything change out there other than address and I don't know what; but things aren't going to disappear out there if the annexation is approved; it's still a long process; (?)

Mr. Schrader: okay, and I asked another individual and I probably should as you as well, if we were able to get water, is it fair to say it sounds like this is pretty much that you need water; Trustees gave you zoning; you need water.

Mr. Sours: we need the government of the City of Wadsworth I believe; one of the things that come with that is water.

Mr. Schrader: if by way of some agreement the Township could work with the City of Wadsworth to get water out the property, would you still want to annex?

Mr. Sours: as I stand here today, yes sir, I still want to annex to the City of Wadsworth; I don't understand these agreements; I haven't seen the agreement that was proposed; so I would like to annex to the City of Wadsworth.

Mr. Schrader: but your position could change if you had a chance to look at the agreement and it provided to you what you felt you need for your property, is that fair to say?

Mr. Sours: it's fair to say I'm open minded about these things; but as I stand here today I think the best path to take is annexation to the City of Wadsworth, and the majority of the landowners have expressed that interest also by signing that petition.

Mr. Schrader: fair enough; but if we could come up with an alternate plan like a CEDA or a JEDD or an annexation agreement and gave you what you want, you wouldn't necessarily oppose it, is that fair to say?

Mr. Sours: I think the best answer I can give is that as I stand here today I would like to take my property into the City of Wadsworth.

Mr. Schrader: that's kind of why I wanted a continuance, but I understand your answer and appreciate that; (papers rustling) that Mr. Lyren met with some of the developers. Did you have a meeting with Mr. Lyren?

Mr. Sours: I know Mr. Lyren; I have annexed property with the City of Wadsworth before; I don't know what minutes you speak of.

Mr. Schrader: fair enough; he then had discussion with some people indicating different places they might put a pump station; are you familiar with enough to be able to answer some questions regarding the pump station.

Mr. Sours: I can try. I know we have a nice site for a pump station.

Mr. Schrader: where would that be?

Mr. Sours: one of the very preliminary studies had indicated it should be at the very low end and everything drains into it, which would maximize the service area; at our lowest elevation for a pump station.

Mr. Schrader: and he had indicated there was a plan you would have that might mean not all of the area is to be served.

Mr. Sours: I am not aware of that; like I said I'm a licensed professional engineer and I'm licensed professional surveyor in Ohio and I am aware of no reason we cannot provide utility services to any of this area; it's an engineering question.

Mr. Schrader: fair enough, and I think you were in the room when I was reading that cause I don't want to read that whole set of minutes; I think you were in the room when I read that; would you disagree with Mr. Lyren who said there was a location that would mean not all of the area could be served by pump stations (?)

Mr. Sours: I don't think I can answer that; I didn't read the minutes and I am not aware that; to the best of my knowledge this whole area can be serviced; gravity takes everything down hill and the low point can pump it back up again; there's pumps all over the county and some area already in the City of Wadsworth.

Mr. Schrader: fair enough; according to the City's service resolution water and sewer lines the cost will be your responsibility. Do you have any idea when you might actually be able to put those in and how you're going to finance?

Mr. Sours: those would be project driven as Mr. Easton stated; to answer, I think that the City will specify a lot of that; the County will certainly be involved; and in terms of financing, I've annexed land to the City of Wadsworth in the past and I have developed that land and the City did not provide any financing.

Mr. Schrader: fair enough; there are a number of residential properties that are included in this annexation over here and if there is a water and sewer line out front they will have to pay for those I would imagine; is that fair to say?

Mr. Sours: I am one of many property owners and my property is the east end; I am aware of utilities on Hartman Road, properties that are adjacent to those utilities, and I don't believe they tied into them; I imagine the financial arrangement would be between them directly and the City of Wadsworth who I think owns the utilities.

Mr. Schrader: since you're an engineer let me ask you this, if a sewer system come in there are a number of different costs; one would be the cost to run a pipe in front of my house, and do you know what the average cost would be for the average lot size out there?

Mr. Sours: I can't answer that; (?) engineering studies and it comes down to how busy a contractor is when he bids a job.

Mr. Schrader: fair enough; probably in the \$2-3 million range?

Mr. Sours: I think my last project was \$20/foot for the pipe; there are engineering costs, studies, there's a lot of different costs involved in that.

Mr. Schrader: what about the other line, the lateral from the road to the house, what does that cost roughly?

Mr. Sours: generally less than the main line.

Mr. Schrader: which would be a little under \$20/foot.

Mr. Sours: I would guess; maybe less; you can have an excavator with smaller equipment do that; generally they're cheaper.

Mr. Schrader: what about there's also a tap-in fee I believe that Wadsworth charges, is that correct?

Mr. Sours: I believe that's correct.

Mr. Schrader: do you know how much that is?

Mr. Sours: I do not know how much that is; leave that between the,; a person that needs the service and the City of Wadsworth.

Mr. Schrader: and then of course there's a monthly fee for water and sewer services.

Mr. Sours: yes, correct.

Mr. Schrader: do you know what that is?

Mr. Sours: I don't know what the water rates are in Wadsworth.

Mr. Schrader: you don't know there's no point asking; thank you very much.

Mrs. Geissman: is there anything further for this witness Mr. Palecek?

Mr. Palecek: I'm sorry.

Mrs. Geissman: is there anything further from this witness?

Mr. Palecek: no I have nothing.

Mrs. Geissman: does this Board wish to ask any questions of this witness?

There were no questions by the Board.

Mrs. Geissman: thank you.

Mr. Palecek: there may be some other people who want to present their own position with regard to (?) this annexation, but I have nobody who wants to present; but I want to reserve some time at the end as you know (?) I just have a couple things I want to point out; under the statute, Revised Code 709.19C, municipality must pay monies to the township for commercial and industrial property taxes up to the first 3 years 80% of the commercial and industrial taxes have to be paid to the township; that goes down to the 10th through 12th year of 42.25%. So you take the industrial and commercial taxes for this annexed land, the township is going to receive a substantial portion of that for the 12-year period. 709.19D then states the municipality must pay the residential and retail real property taxes again, the 1st year through the 12th year; the first 3 years at 80%; 4th & 5th year, 52.5%; 6th-10th year at 40%; and the 11th and 12th year at 27.5%. So right now as we said earlier the Township gets approximately \$3800 a year out of this; over the next 12 years following the annexation they will still be receiving, and it will be more because of the development, they'll be receiving more than they receive right now. Thank you.

Mr. Hambley: I have some questions for Mr. Palecek. To clarify, that is, that schedule of compensation you're speaking of, that is in lieu of an alternative compensation agreement; if it

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would be an agreement worked out between the parties, you could work out a separate schedule of payment. Is that correct?

Mr. Palecek: they do have a right to enter into an agreement dealing with taxes; in fact I've seen some agreements where they've talked about income taxes; and some of the agreements the township trustees have to agree to the annexation; in some of the agreements there isn't an agreement for annexation; so they're all over; I don't think you can point to, well, if they go with this program this is what's going to happen; it's a negotiation process and it's very much up in the air; the state legislature as I said before has provided for a situation like this, and they say okay this is what you do if you annex. The other things are something else.

Mr. Hambley: the second question I have for you is, of the 52 property owners, as you indicated 30 have signed the petition; could you go through for the remaining 22, why you chose to include those specific properties within this annexation request?

Mr. Palecek: I thought I touched on this a little bit earlier, but we basically went to the City of Wadsworth and they said to us, we'd like you to get as many properties as you can along SR 261; so some people wanted to be annexed; some people didn't. If we're going to annex this land we have to have so many people that will be in favor of an annexation; so that's why you see some who are in, some that aren't.

Mr. Hambley: what is the purpose of then trying to make a straight line along 261?

Mr. Palecek: I think that's clear; just like you have a straight line along I-76; it would certainly be more beneficial if you could have everybody in there; but you know, this is America, so people say I don't want to be part of it, and so okay this is what we have to set it up; but it was basically a discussion with the City of Wadsworth.

Mr. Hambley: is it for the purpose of, I guess, in terms of the street maintenance issue?

Mr. Palecek: I don't think the street maintenance issue is a problem; if you look at 261 there are breaks in ownership of the township and the city; that happens all the time where ever one political entity ends and another starts; you had that on State Road where for awhile on one side of the road it was City of Wadsworth all the way up to the Sharon Township line and on the other side until October of the year 2002 when you granted that annexation to the Valley View area that was all township property; so it happens.

Mr. Hambley: okay, well that's not the case as you look at the proposed annexation outline there are a number of properties along the north side of 261 that aren't included; why were they not included in terms since you were trying to create a straight line?

Mr. Palecek: they didn't want in.

Mr. Hambley: that's why I asked you, there are 22 that don't want to be in and I'm trying to understand if its to create a straight line where you made that deviation.

Mr. Palecek: no it's not that; if you're going to have an annexation you must have a majority of the property owners to do it; we had 30 of 52; if you include the others maybe we don't have 57%.

Mr. Hambley: so in which case as you worked your way east then essentially you went lot by lot along 261 and once you got to a sufficient point where you said we're not going to have a sufficient majority that's where you stopped?

Mr. Palecek: sure; you would have to in order to have a majority to get approval. Anything else that I can talk about? Okay as asked we can have some reserve?

Mrs. Geissman: yes, I'll give you a summary. Does the municipality have a presentation?

Mr. Easton: other than my testimony we have no presentation.

Mrs. Geissman: okay, is there any cross-examination from anyone?

Mr. Hambley: given my last line of questioning, Mr. Easton, maybe you could I guess illuminate a little bit more as to the City of Wadsworth's recommendation as to that line of demarcation of what properties should be included in the annexation request and which ones should not.

Mr. Easton: the City does not have detailed instructions that they pass out; they have guidelines to use to evaluate annexations; and I think we've had a lot of these so if you have both sides of the street delivery of certain public safety services and certain other services maybe easier although not impossible; we certainly have a number of areas that share a common boundary; if it's an optimal choice in the situation we'd like to have both sides of the street.

Mr. Hambley: should you extend services along 261 in terms of water and sewer those properties that are on the opposite side or even those residing within the township, do they have access then under current Wadsworth City policy.

Mr. Easton: well, the sanitary sewer, yes; for water, no.

Mr. Hambley: so the policy is that in order to acquire that specific service, water, it is a matter of annexation then.

Mrs. Geissman: you'd like to cross-examine?

Mr. Schrader: just a brief question; one of the services you provide is garbage collection, is that correct?

Mr. Easton: sanitation.

Mr. Schrader: sanitation; and sanitation means you have a truck and you have a guy loading the garbage onto a sanitation truck.

Mr. Easton: right.

Mr. Schrader: now, if this annexation is allowed as proposed, let's assume they come from this direction, the truck (review of map)

Mr. Easton: that would be a faulty assumption.

Mr. Schrader: okay, where's it going to come from?

Mr. Easton: the City Center is here (on map) and the transfer station is in this area.

Gentleman: I can't hear it.

Mr. Easton: his question was let's assume that the sanitation truck comes from the east and comes westward; and I said that was a faulty assumption because the sanitation trucks and the transfer station are in the center of the city so it would be likely they would come from this direction (shown on map).

Mr. Schrader: okay, let's start on that; I'm a garbage man, I'm driving my truck down this road and I get to Akron Road; at this point I serve the properties to the north and I don't pick up anything on the south in here(on map).

Mr. Easton: you'd get over here(on map); you'd get over here; this is outside the city.

Mr. Schrader: yes, and will remain so with the annexation. You and I can agree the annexation

Mr. Easton: the City allows sanitation collection outside the city limits.

Mr. Schrader: oh it does? Do you know if you have any customers along this area?

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Mr. Easton: I'm not sure if we do or not, or whether within the existing annex area. I believe we provide services outside the city limits at this time.

Mr. Schrader: but you don't know who the customers are.

Mr. Easton: no in this particular area.

Mr. Schrader: then essentially the truck will be in the city on both sides, then in the city on only half the road, then in the city on both sides; so you pick up both sides here (on map), then you don't pick up anything here

Mr. Easton: that's assuming again, since we provide services outside the city we could have customers in the unincorporated areas.

Mr. Schrader: fair enough; that's all.

Mrs. Geissman: asked if the Township has evidence to present.

Mr. Schrader: we do, but I would like to renew that motion for continuance since the Commissioners I think, correct me, wanted the public that had anything to say, having a chance to do that, if you'd it's okay with you, I'd like to waive that the public speak and then I'll probably renew my motion for continuance; if that's acceptable to the Commissioners.

Mr. Hambley: sure

Mrs. Geissman: we have no problem with that; we will take testimony from anyone that would like to speak for or against the annexation. Yes sir, please come up, give your name, and I have sworn you in?

Gentleman: no.

Mrs. Geissman: do you swear to tell the truth, the whole truth and nothing but the truth?

Gentleman: I do.

Mrs. Geissman: please give you name and address for the record.

Burt Smith, 441 Akron Road: I am an unwilling participant in the annexation process here; an important thing to remember before this starts is this annexation involves people that are (?) in the annexation and not just those that will be involved in the annexation; in other words, what happens on my side of the street will certainly be felt on the other side of the street where they've still township. First of all I'd like to start by saying I think the whole thing is absolutely immoral; and I'll explain it; for a multitude of reason, whether it's the view, whether it's for elbow room, or having some animals or maybe for peace and quiet or just to avoid higher taxes, most of make the single biggest investment of our lives and chose country living; by the same token and under the same set of rules, some investors bought some inexpensive commercial property; they knew use of the property was limited because it was not in the City; same set of rules we bought our homes under, they bought the property under commercial use; now they want to change the rules, so they dangle water & sewer in front of everybody's nose; the new young couple next door, they're afraid to drink their well water so they signed; the elderly couple on the other side is afraid their well will run dry; now they have a great well and a swale and they've been using off this for years and years and years; I don't think they've got any worries, but that's not for me to say; and they signed; another man recently invested in some additional property because his wife wants horses; when he signed, I'm not sure he was told how many horses per household you're allowed to have in the City of Wadsworth; they were told, we were told if we sign now we will run the water and sewer past your house for free; they took it a step further and said those that don't sign now will have to pay for them to run it down the street past our homes; I'm not sure anybody got this in writing; kind of an open promise; in any event, they were not told how much it would cost to run that from the street to their homes, the cost of the tap in fees or the monthly charge for these services. Those at the meeting were not told of all the other zoning and building regulations that would change with annexation; there was no anti
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Exhibit A

presented at the meeting at all; they were just dangling the water and sewer, do you want to sign or not; very little discussion and there was nobody to represent the other side; they didn't tell the young couple next door that the city water comes from wells and the City recommended using plastic waterlines because the copper pipes are being eaten by the water. In most cases, our houses are not just 30-40 feet from the street; it will be costly; my sewer will be 15-20 foot deep at the road; by the time it is all said and done with the monthly cost of these new services, we could all drill new wells and have state of the art softener systems. Beyond the water and sewer I'm not sure those that signed knew how changing all the rules will affect them; our current zoning is for 1 house per 2 acres; the new zoning will deal with how many houses per acre; folks on Hartman Road are beginning to see the results; their view of rolling corn fields with a distant red barn in the background are being replaced, it's unbelievable, their view is being replaced with a solid sea of condo's right down Hartman Road. Before the current annexation is even complete, 2 major landowners on the south side of Akron Road, they're not even involved in this annexation, have received offers from developers for high density condo housing; and I guess what I'm trying to do here is demonstrate the snowball affect; they're not involved today, but tomorrow it's a whole different story. They want to replace the (?) scene close to the City with another 94 interchange; it makes absolutely no sense to many of us or to many people in the city; it would be interesting hear what the people, in the city, think of turning their scenic drive home into another congested cragmyer; the 94 interchange is an absolute mess; why in God's name would anybody want to duplicate this on our street? Under the current rules property could be nice home settings on 2 acres; under the ever changing city rules, and these are all subject to change, they change them every day of the week some where, some how, it's not at all a stretch to picture the new Wadsworth mall back there on that property; and once the property is sold to a developer, nothing in the world says that couldn't happen. To the county and my neighbors let me say there are times now when I can't get out of my driveway; if and when they run water and sewer the road will be torn up for months and perhaps years, especially if the road is widened and redone; depending on the draw of commercial development, it could be a nightmare; I mean it could be a situation that I never get out of my driveway. We will get water and sewer someday with this annexation; it's not free; we get fire protection, but we already have that; we get police protection, we already have that, we already have the Sheriff; the City would pick up our trash for an additional charge if you put it in a special container, 1 container per household, and it would be very interesting to see the neighbors try to get this big gigantic trash can half a mile up their driveway to the street; now many people put their garbage in their trunk and zippo, up to the street we go; it's not going to happen with the new big garbage can. And it will be interesting to see in the fall when we all put our leaves out on Akron Road for city pickup; I hope they can find Akron Road. So while a few people who don't live here, and here meaning in this area, will make some money, the City will make some money and relieve some of the additional problems on Route 94 in exchange we will get not simply water, sewer and trash pick up, higher property taxes, in my case \$128/year, we'll pay the City 2% of every dollar we earn, and untold congestion, and our country like living style (?), it's pretty safe to say it will be gone for sure; I'm sure most of my neighbors are not like my wife and myself; we drove around a 30 mile radius for over a year to find our perfect spot; we loved it and committed to a lifelong (?); we wanted among other things some land, a big barn, horses, cows, chickens, garden; it's immoral to take these things away from us or to regulate what or how many we can have; just as bad is to say we can't pass this on to our children or sell this property along with the rights to have the animals; what's a giant barn and 3 acres going to do to me in the City? I think this will extremely lower the value of my land, and I'm going to say this because my wife and I had a recent experience, we were involved in a sale of some property in North Canton, a house, a barn and a few acres, and we called in some real estate people for appraisals and we already had people that wanted to make an offer on the property; the result was we got our appraisals and then we took it out for bids; the lowest bid was 50% higher than any of the realtors, guessing they underestimated the value of the land, and solely because of that possibility of having horses and animals. To the Commissioners, I'll ask you to take a good look at the map up here, the way it splits Akron Road. First it eliminates the south side; Akron Road is all the way down there, and the south side is not affected except when you get to the commercial property and the north side is affected except you get the last 8 or 9 properties. In other words, we've got half the street City, another side the State; we've seen that up the road where one side of the street has one speed limit and the other side has another speed limit; the people most directly affected by this development, this commercial property, obviously will have no say whatsoever when that becomes City as to what happens to that property; and I'm glad the question was asked and answered about why these properties were eliminated; I just wish I had been eliminated of course, but it was strictly to get the vote count in their favor and it makes no sense at all; I mean

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look at the map, it's the stupidest thing you can imagine; why do you split down the center of the street; half side is township, one this, some of the houses over here are, some aren't; unbelievable. I would ask them to leave the commercial property in the township, let it develop the way it was intended to when we all bought our properties, we all made our monetary commitment to the area; and it will develop, someone will come in there and the township and county will have some revenue; I don't understand it's not as though it's totally wasted or totally useless as commercial property; but the big hope is that it will not be as dense of a development and (?) all homeowners on the street; it's a pretty quiet residential area albeit the traffic and it can't get anything but worse. I just think we all went in, we all invested knowing the ground rules; the homeowners, I just don't think we should have to face the devaluation of our property so that some outside investors can make an extra dollar. I thank you very much.

Mrs. Geissman: are there any questions from the Board?

There were none.

Mrs. Geissman: thank you very much; did you want to cross-examine this gentleman?

Mr. Palecek: no I don't.

Mr. Schrader: I just want to make it clear, you do own property in the area being annexed, right?

Mr. Smith: yes.

Mr. Schrader: and you don't want yours annexed?

Mr. Smith: absolutely not.

Mr. Schrader: that's all, thank you.

Mrs. Geissman: could I ask that we make our comments maybe about 5 minutes so everyone will have an opportunity to speak.

A gentleman: this concerns a lifetime thing.

Lady: my name is Diane Kleinman and I wrote a letter, so I won't take long. I live at 324 Akron Road; I'm not in the annexation, I'm next to Sours so it affects me. And I wanted to request, one of the things, I think one of them said they tried to put a Marathon station there; we had a Marathon in our backyard and Marathon closed it; they took the franchise away from the man and told him he couldn't have it even though he supported them, and now it's an eyesore. (?) I don't understand why they tried to put another gas station in; we already have Speedway and we really don't need another one and we don't really need another eyesore.

Mrs. Geissman: Diane, can I interrupt just for a moment. Were you here when I swore people in.

Ms. Kleinman: yes, and I swear. They said this was school friendly. We did not pass our levy because our schools are getting overloaded, we have too much development, too many houses are going in; Mr. Friedley wants to put in more houses to overload our schools even more; they're already in trouble because the last levy didn't pass; I don't see how that's going to help our schools. (?) taxes; people go to Medina to shop at WalMart and there are other kinds of stores; however we've heard they're going to put in a (?) there; as the zoning is now they can't do that; he said that they tried to change the zoning in the Township and the Township would not let them change the zoning; I think that's one of the reasons they want to go to the City because the Township turned them down; I was at that meeting too, they tried to get 49 acres changed next to the C-1, they tried to get 49 more acres changed to the C-1 and of course it didn't go; so I think they think that if they go into the City they'll be able to get more into commercial. Mr. Sours said also, he was asked a question about the hook up by Mr. Schrader, about the utilities, I was sort of confused because he told Mr. Schrader that the residents have to pay for their hook ups, for the utility hookups when he was asking them the cost and everything; and they offered free hook ups if you signed up to annex, so I don't understand why he was not forthcoming with

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that in front of everybody for the record; I thought being that I've got the letter here and I'll offer it, I don't know how many people signed on under that; but the people that are on there now, they signed this letter, they are going to get free water; they won't get free sewer hookups but they're paying for, this development company, is going to pay for their water. Mr. Lyren told me that was unheard of, so I think they also did that in order to get this annexed; I don't think they had the majority; Mr. Hambley asked Mr. Palecek why they had those people that don't want to be in because they need a majority. They had to ask somebody in so they would get the majority. I think that was the last thing; so I was here the last time you had a meeting, there were 4 of us showed up; I talked to all of you and Mr. Hambley said you know we really can't do much to stop this; you need to go to the City and stop it at that level; and we did, we all showed up at the City and did (?) for awhile; but this time the laws changed; so I asked you, I wrote you a letter and asked you and I beg of you to use your power to consider what you want for this county and to look at this; the whole thing is to get more development and more money in their pockets, and that isn't what we moved to Medina County for.

Mrs. Geissman: is there any cross-examination by anyone?

There was none.

Mrs. Geissman: yes sir, come on up.

My name is Keith Rufener; I live at 65 Akron Road.

Mrs. Geissman: Keith, were you sworn in previously; were you here when I asked everyone to raise their hand.

Mr. Rufener: I swore. I live just outside the lines of demarcation here, and I live beside the Speedway gas station on the north side of 261. I question how the annexation procedure went; they said that they asked people along 261; apparently they asked the people that they thought would want in the City of Wadsworth; my wife & I and our 2 neighbors to the east of us were not asked; now I'm not going to say whether we would have said yes or no because that's not really a part of this right now; but I believe if you look at the request for annexation, at the end of the break (?) so they can get the majority of one group; look at it; they said they have a majority of the people; I assume that's the majority of the people within the annexation, am I correct? How about the people who are across the street? How about the people, lets take the 261, we've already gone down 261; go down 261 on the west side of the road to a certain point there is a group of people who are not in the annexation, apparently didn't want to be annexed; maybe that would have made a difference on whether that was a majority or not; how about the people on the south side, will that make a difference? It's still going to affect them just like it does the people on the north side. What about the people along Medina Line Road? Isn't it going to affect those people too? I think that if you consider all of the property owners in the area and you have a majority of those then that want in the city that would be the way to go. I don't believe in carving out little pieces. I think if you're going to annex (?) you take the whole area and you go by the majority of what the people in that area want. My wife and I like Mr. Smith and his wife, moved out in that area so that we were out in the country; we feel that we have a very nice and beautiful place to live and we really don't want it destroyed. Now I'm not saying I'm against progress; I'm not saying I wouldn't sell my property if somebody came along and gave me a nice price for it; I think we all (?); but to do this, this kind of reminds me of, if you've read all the old Indian stories, the Indians encircled, and once they encircled they were able to move in (?); and enough of that. We talked about infrastructure; we have I-76; that's a great (?) isn't it; that's great to develop things along on interstate highways. Let's take for instance the Fairlawn area; they have I-77; look at the problems they have; I hear of no plans to widen on I-76; what's Fairlawn now, 8 lanes wide when you get off at 77? 261 is 2 lanes wide; if we're going to develop in that area we certainly ought to have some plans by these developers; not by the people that live there; not by the people who live in the county; to have to pay to widen those roads; the infrastructure should be done by the people who are going to make money on this; it's certainly not going to be the people in the township or the city. Let's think schools for instant; think Mr. Smith touched on this, the other young lady that just spoke; if we put high density housing in that area that Mr. Friedley implied to develop, how many people, how many kids is that going to add to our high school? How many more levies is the high school people, the schools administration, going to have to come to us for? How much is that going to raise our taxes? I think that, and I ask the Commissioners, to make a common sense approach to this; if

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we're going to develop an area, if we're going to take that area into a city, let's take the full area, not just a little piece of it; let's do something that makes it look like somebody planned and thought ahead; let's not be like the Fairlawn area where we come back and try to fix it in the future. Thank you.

Mrs. Geissman: does anyone have any questions of Mr. Rufener?

There were none.

Mrs. Geissman: okay, the next person please. Were you sworn in previously?

Gentleman: yes I was; my name is Dave Lemley, I live at 293 Akron Road; I'm right on the edge of the development; I'm probably going to be the one that gets affected most by whatever commercially goes into this territory, this C-1 zoned area; I'm also going to be the one mostly affected by traffic if its developed in this area; I think some of the things I'd like to clean up first; since I've been there, we've been there 14 years, when we purchased our property we didn't (papers rustling); if you want to live in the city; we want to be out in the country; I bow hunt; I gun hunt; I like the freedom of being able to walk out in my back yard before gun season and sight in my bow, sight in my gun; if they develop this there is going to be a lot of people upset when I start shooting my gun out there if you have people living down here; but the reason they did this, I mean we're going to beat this to death, but the reason the line is the way they know that one little section of 261 that's all white, we were all opposed of it and they have tried to annex this several times (?) and we said no; if you include the straight line here yeah they wouldn't have their 51% or 57%. The last time they did this they said this would never happen; we were up in Steiner's; they talked about suing us and one of the (?) said you'll never be able to do this because it is a logistic nightmare when it comes to the services; but what they've done at this point, they haven't shown you a picture all the way around, is they're actually generating a township of an island in here, isolated in the middle of the city; it just doesn't make any sense to me that you would want to island a township in the middle of city limits; and the analogy of surround them or surrender is exactly what they're trying to do here; there's been an ongoing battle for the last 5 years with every one of us; we had to take off work to come up and fight this; it's pretty clear that the majority of the people on 261 don't want this; and it's just been a lot of little tactics that's been going on all along trying to get this in. With me living right next door I'd like to give you a little background on what's going on with all this develop and purchase of the property; since we've been there and they've owned that property next to us, Mr. Kaufman, the realty, they allowed that to become a landfill for the City of Akron when they were rebuilding their roads and bridges and during that time he lost control of who was going in there; people were just driving in there all hours of the night and dumping whatever they wanted; we actually had, we called and talked to him and asked him to control it and he could never control it; we actually had to get the EPA down there because it seemed illegal (?) and make him up the sight and close it; so he cleaned it up and closed it. So as far as, just the way they handle everything, I quite honestly don't trust them. I think that eventually they'll want to zone all of this commercially cause even the residential area back there is right up against the highway; if you know the Wadsworth area, the cost of housing in Wadsworth is very high and if it was me I wouldn't spend the money that housing costs in Wadsworth to build right next to the highway; and if you look at the layouts here it's ideal for commercial; the highway part of it, if they start developing this commercially where the ramp is, they talked about the accessibility to get down there for putting up businesses and stuff, they have to be 500 feet off the ramp to put an entrance in; that puts it right up by my house; that means when I come home from work there will probably be a light right next to my house that I have to go through just like you do down here, if you've ever been down to the strip in Canton, you get off 40th Street there you have to go up the road, go right and come back down to the light; that's why they had to do it that way; (?) will take away part of our frontage; we bought these homes because they have frontage, they had a scenic view; they knew that would be bought, they knew this area down here was zoned, (?); they talked about the benefits to the school; we just had a write up in the paper over the levy where they said for every home, the reason our school district in Wadsworth is in such jeopardy now, for every home that we have built, the 10,000 homes that have gone into our city has caused this levy because every time we build another house we more tax base, our subsidies from the government goes away; so is it going to be real truly a benefit to build housing in there for our school district? I don't think so; we're maxed out now; I have a kid in school; they have, when they have programs at school they have to limit the amount of parents that can go see the program because there's not a large enough facility to handle it; my daughter was in a choir thing

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this weekend, most of the parents, we had signed up at the beginning of the year to go to that choir recital; we didn't get to go because we don't have the facilities at the schools to handle that; so I don't think this is a benefit for our school system. I guess the thing I'm asking you guys is really if you would really look at the way they've come about to get this to you today and realize what they've done here; it's just not right; it's not right what they did and I want you to think of that when you vote.

Mrs. Geissman: thank you. Were you sworn in sir, previously?

Gentleman: yes; my name is Steve Alkyer; I'm not in the annexation; I didn't get any petitions; I got sent something about (?); I live, I'm the property owner of Lot 16; I would not really have; my question is to Commissioners and my first one being to Mr. Easton, why doesn't the City move out in increments? (turned away from microphone) Why aren't they taking Lot 22? I want to know why they didn't include me, not that I would sign it or be for it or oppose it; I'm kind of opposed to it because I understand Mr. Smith's (?); I know Mr. Sours; I rent farm ground from these guys; economics of the county has changed; farming is in the past. My question is why don't we move out in even increments. Number 2 is why was Lot 23 included according to Mr. Smith in the annexation? Why did they take that in? The people along Medina Line Road were left out; this goes around them; it doesn't make a whole lot of sense there. The commercial part of it which no one will come across and say exactly what they're going to do with the ground, is, we have lots of commercial property up at SR 57 and Seville Wall all the way to Wall Road that hasn't been developed, and the airport is down there; I understand if it's going to be developed commercially (?); but there is still land down there; huge chunk that is already zoned commercial. I guess it's up to Commissioners what's best for this. A lot of these folks have been here a lot longer than me; I farmed since I was about 20 years old; these guys are as old as my folks and it's a lot of investment; you know progress does encroach; it hurts (?); they have a lot of money invested; I'm not included I guess I do so far as long as I follow the county's rules and regulations I can do as I rules put it; I don't think we should be zigging and zagging all along SR 76 because it's not squared off at Hartman Road; City of Wadsworth is down the street from me and the neighbors which do have (?) development; I just think things should move in equal increments if it's going to be put in; (papers rustling) I guess for a few folks are interest; they do have an interest and it is their right to make economic turn over in what they invested in; but at the same time I don't think you can take a few people's interest and throw away the whole neighborhood at the same time; I mean if its going to happen, it's going to happen; you folks are going to let it happen; I just think these other people that have been here since I was a kid have a bigger input than me but I'd like to have those questions looked at; why we haven't used commercial property at the south end of town on Route 57 where the water treatment plant is and where the airport is if they're going to zone it commercial. If they're not and it's going to be residential, you know, houses, keep going, that's the way it is; at the same time are they going to turn around and run me out down the road; am I going to have somebody come in and say hey you can't have hogs on your place because it stinks; I know there's whole different rules for chickens and hogs, and I don't have many of them, I have 4H kids and I donate a lot of stuff to kids in the county and give stuff away; but I don't want the City or as long as I follow County rules I don't have any problems; I just feel that these other people have been here a long time and need to have these questions looked at too and not get off into personal issue of individuals; we have to be (?) of our assets (?); but that's to your discretion.

Mrs. Geissman: thank you; are there any questions from anyone?

Mr. Hambley: I wanted to respond since you directed questions; it is not up to the County Commissioners to determine how or where a city grows; what it comes down to is by virtue of the new law it is essentially a process with petitioners right to request annexation and obviously as a municipality is a necessary party, the township is a necessary party, and of course the public has a right to comment; the Commissioners are not given just full latitude either; we are given certain criteria under the law that we can use to evaluate that request; unfortunately, preserving farmland or agriculture is not one of those criteria we can consider.

Mr. Alkyer: I understand it, that's a thing of the past, like I said, these people just want to know if it's (?); it's their right; you have a lot of people invested up in 261; I just thought the city should move out in a uniform manner instead of like getting it all cut up.

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Mrs. Geissman: is there anyone else that would like to speak? Yes sir, were you sworn in previously?

Gentleman: yes I did; my name is Roger Baird and I'm half owner of property with my sister at 70 Akron Road and it's at the intersection of 261 and 76; it is commercial property; it's been zoned commercial; one of the things we're very interested in was, as the lady mentioned, there's an old gas station there that was my father's farm and he sold it to the gas stations that now abandoned the property; and there's some possibility of purchasing the property back from the owner of the gas station; it's very critical that we add the water and the sewer to this area for any type of development; we've had people that wanted to buy the property; one of them was a roofing company that wanted to put in a building just to store their roofing things and things like this and we want to make this a nice looking property in the sense of possibly a restaurant, some type of a motel type thing; we (?) plans for this type of thing; it's very critical that the water and sewer would get to this area, which is on the other side of the intersection, before any development could come in, it would be my opinion; I can understand the people on 261, but for the overall development the water and sewer are very critical. Thank you.

Mrs. Geissman: any questions? The next person please; were you sworn in previously sir?

Gentleman: yes ma'am I was; my name is Jebber I live at 485 Akron Road; I've been there for 12-14 years.

Mrs. Geissman: your first name sir.

Mr. Jebber: Edward; Richard, excuse me. I've got a couple of questions that maybe somebody could answer for me. In the City regulations, can you keep farm animals within city limits? Can you keep horses within the city limits of Wadsworth?

Mr. Hambley: maybe Mr. Easton; he's shaking his head yes.

(flipped tape at this time)

Mr. Easton: horses; farm animals are allowed if they existed before.

Mr. Jebber: after the annexation?

Mr. Easton: I think you have to have 5 acres.

Mrs. Geissman: do you want to continue sir?

Mr. Jebber: if you have 5 acres?

Mrs. Geissman: that's what he said.

It was noted that someone in the audience was trying to get attention, she may know the answer.

Mrs. Geissman: someone knows the answer out here?

Lady: I did check with the City; I was told as I lived in this house, if it was annexed, as long as I lived there I could keep the horses; but when I die my kids cannot keep the horses.

Mrs. Geissman: for the record can we have your name?

Lady: Joanne Crowley. And I have not been sworn in.

Mrs. Geissman: well, if you're going to speak anymore, Joanne, I'll have to swear you in. Would you like to continue (to Mr. Jebber)?

Mr. Jebber: (?) had mentioned they moved to this area for country roads; I was at first very positive about the annexation until today I learned there were other methods of getting
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water and sewer other than annexation; is that true, there are other methods of getting water and sewer down Akron Road?

Mr. Schrader: that's correct, if the city and township can agree, yes.

Mr. Jebber: if the city and township can agree; but there are other methods other than annexation, and I would like, I know I can't change my signature now on the petition; I would beg to see council to understand that there's 4 parcels in J F Trust and Edward Jebber that had I to do it over again I would take off of that list.

Mrs. Geissman: where is your property here sir?

Mr. Jebber: 485 Akron Road; and there are some adjoining properties.

Mrs. Geissman: east or west on this diagram?

Mr. Jebber: I can't tell where I am on that diagram;

Mr. McIlvaine: I can show you; it's listed as J F Trust (shows it on map).

Mr. Jebber: there are some parcels there I would take off of the list, and I don't know if it would make any reflection of your decision here, but I would take it off of the list, I would not agree to be annexed, I would wait for the other method of getting water down Akron Road; I want the water and sewer as much as everybody else; I also want to maintain the country living; and I think there's other ways to get water and sewer other than annexation; I don't want to lose the possibility of having farm animals, part of the reason we got the property, and I should have done a little more research; it's my fault, and I'd like for you to take into consideration had I to do it over again I certainly would not have voted for annexation. I would change my vote completely; I want to maintain the rural environment; and I also want to see the commercial property develop but I want to see it without annexation. Thank you.

Mrs. Geissman: any questions of this gentleman? Anyone else that would like to speak? Were you sworn in previously sir?

Gentleman: yes; my name is Wayne Adams; I'm one of the adjoining property owners on Medina Line Road; the only problem I have involved with this is, I (?) a problem I have personally, which several of my neighbors is; my septic system will now be, if this passes, part of my septic system will be in the county, part of my septic system will be in the City of Wadsworth; an easement on my property is owned by the 76 Land Trust (?).

Mrs. Geissman: any questions? Anyone else that would like to speak? Were you sworn in previously?

Gentleman: I was not sworn in.

Mrs. Geissman: do you swear to tell the truth, the whole truth and nothing but the truth?

Gentleman: I do. My name is Barry Ulrich; I live at 3738 South Medina Line Road. I think there are a lot of us who live in Wadsworth and in the Township that have seen Wadsworth growing out of control over the last couple years; as far as Mr. Palecek and some others commented on the schools, the more houses being built in Wadsworth is only going to increase the pressure on the schools, there's nothing they can prepare for, and we have problems right now; bigger is not always better; and if the land is to be annexed is either commercial now, some of it or they're going to rezone commercial; this hasn't been said yet, I don't think; but I just feel it's a red flag there; and I just feel that it's a coy way for either the petitioners or the city or whatever other entity to get WalMart down to the east end rather than at the north end where they don't want it; and we don't want it either; so those 2 things among other things, Mr. Easton pointed out saying about the City being able to provide services; 76 petitioners petitioned the City several years ago for annexation, it wasn't the same area, but it included everything, a lot of property south of 261 all the way to Greenwich Road and the City then said they would not provide the services for the annexation; and this recent annexation, now that they will or they want to, and I just want him to clarify why the City had this change of heart.

Mrs. Geissman: any questions from anyone? Anyone would you like to speak? We have a lady coming down and you can be next; Joanne Crowley, were you been sworn in previously.

Ms. Crowley: no.

Mrs. Geissman: okay, do you swear to tell the truth, the whole truth and nothing but the truth?

Ms. Crowley: I do. I feel sorry for you people making the decision because I think you've been presented with a lot of (?) I assume and verbal agreements, which some of my property is with this. I live on the south side of the road, 25 acres there; we have already been contacted by people who want to put in condos up there, which is even more dense than homes; as a homeowner there already, this may sound minuet to some people, but I have to cross Akron Road to get my mail and my paper in the morning; if I don't get it before 7:00 I don't even try; it's impossible to cross Akron Road; the mailman used to come until I called the post office and said your mail truck is going to get clobbered, he was coming between 4:30 and 5 and it's not safe to be out there with all the people coming home from work; so the mail and paper are definite minuet problems but yet it's a problem; and as I get older the more problem; the garbage collection currently we have private carriers that come and picks up our garbage; we do not have to have the huge cans that will not fit in some of the garages around there; also this private carrier I know from some of my friends comes to the house and gets the garbage and takes the cans back there because the people are elderly and it is difficult; to the best of my knowledge the City does not offer that; may get this, I don't know; so that's another concern; also when we lived down on Tanglewood we paid the same for garbage collection as we did when we moved out into the township; so the savings was not there; now I don't know, maybe that's changed now, but we pay for (?); the animal situation, I've already stated, when I'm dead and gone, if one of our children wanted to buy our property and it were annexed they could not keep the horses; the other thing I have wondered about the paper I was presented with to sign up to be annexed said that costs would be paid by the developer; when I called that realty company to ask about that, the letter said reasonable times, many ambiguous terms; when I called and asked the realty company, they said they couldn't say what reasonable time was; so is this still a reasonable time; are those costs this still going to be paid by the developer? Have these people signed onto something that then the developer is going to say oh this wasn't reasonable time so sorry the deals off; I don't know; maybe when you signed your name you got more information than what I was given when I made the phone call, but to me there is enough ambiguity when asked to sign this. Good luck with your decision.

Mrs. Geissman: sir you're next, and were you sworn in previously?

Gentleman: yes. My name is Bob Momchilov; I live at 553 Akron Road; the best way to describe that is if you're on Hartman coming from Greenwich Road, I'm right on that "T"; I was a citizen of this area from 1951 until the war and I never came back; I went to New York City to go to school and to teach in the city; too many people; (?) so I came back to Wadsworth (?) hadn't been to Medina since 1950's; I didn't know there was a Sears there; it was awful; he fears that will happen here with this, but he feels that is what they're heading for with 261; living at the "T" he can see 15 cars line up on Hartman Road some mornings; there are solutions such as putting a light there, taking people's land, build 7 more lanes and make it 35 MPH, and then you experience what happened in Medina; he doesn't want to experience what he did when he came back to Medina. (this is not verbatim – taken from notes & what could be heard on tape)

Mrs. Geissman: thank you; anyone else that would like to speak? Yes, sir, please come on up. Were you hear when I swore everyone in earlier?

Gentleman: Yes I was; my name is Rich Wood, I resident at 1031 Akron Road; I'm on of the people that just got cut out when they got to their 51% they needed, on the north side of Akron Road; being a newer resident to the area, I moved there for the reason that all the long time residents moved there; how rural it is; it's still rural but it has easy access to town; but the traffic situation trying to get on Akron Road to go to work in the morning, not long after 7:00, it is an issue getting on 261, and obviously where it is zoned commercial, I think now a days, I've worked in the retail industry, and when you hear commercial it means retail for the most part, and one of the things not taken into consideration is that if you read publications in the retail

industry, it will tell you how over-stored the nation is; and typically the way this is happening, putting more retail in that area, which isn't a point of the annexation, but it's where it's going, you don't know the impact it could have on Wadsworth itself, the City of Wadsworth; that's why I asked the question earlier about if they've looked at the economic impact to the small businesses in that area, and that's one of the things that the big-box retailers come in and slowly but surely mom and pop retailing slows down; my last point that I am concerned about is obviously with what I've seen in the room today and a lot of sentiment against this annexation, plus another thing I thought interesting, is the City is here but it doesn't really occur to me that the City is really pushing on everyone behind the annexation, which leads me to believe the City can take it or leave it; I don't think they see it as a necessity to them. It is my hope that the annexation does not go through and we continue with the sleepy bedroom community that we have now.

Mrs. Geissman: thank you. Is there anyone else that would like to speak? Were you here when I swore everyone in?

Gentleman: yes ma'am. My name is Todd Sheridan and I live at 3514 S. Medina Line Road; I'm not one of the folks on 261 who will be affected quite a bit by this particular opportunity; however, I was in the first 2; in fact on the first one, the access road (?) my house; I guess my point is this; I've listened to both sides 3 times now, on 3 different occasions to try to make this thing annex, try to make it (?), and I guess my question is when does no mean no? Why don't you just pack it in and just say okay they don't want it; the township doesn't want it; 18 years ago when we moved there we knew what the laws were, we knew what the zoning laws were; when Mr. Kaufman bought his property he knew what the zoning laws were; and when Mr. Friedley bought his property he knew what the zoning laws were; so what is it, what are you all (?) oh we'll just change it; just buy the property and we'll change it anyway we want? And you told everybody (?) where do you live? You don't live in the township; you can be a good neighbor (?); I guess the question is when do we (?); when does no mean no? Leave we the people of the township alone.

Mrs. Geissman: is there anyone else that would like to speak? Everyone has had a chance to speak that wants to speak? Okay, I'll let the attorneys do a summary.

Mr. Hambley: Mr. Schrader never made his presentation.

Mr. Schrader: I haven't begun.

Mrs. Geissman: oh, that's right you waited.

Mr. Schrader: (?) again, I'd like to renew that motion now to continue for a period of 30 days; again, I would need that time to know whether there is a chance to work this out and what it would mean to everybody; so that's one thing; if you say no, I have other things to say here today, but I think it makes sense to take time, 30 days, to continue this; at a meeting this time next month; by then we'll know if the City is interested in these kinds of agreements or not (?); again, the second reason is they have added some land to this; I came in thinking this was 329, I think, acres, whatever, it's getting to the point that I'd like to have a little more detail in regard to looking at the map and see what was changed and so on; so for those reason, I will again ask that we continue this for 30 days; I believe the Commissioners right to suggest, it's tough for people to take time off work, a lot of people did that to be here, and I think it made sense to let them speak, but now that that's been done, (?) 30 days so we can see if we can work this out. One of 2 things will happen: we're going to work it out, in which case nobody's ever going to have to make a decision in regard to this annexation, or we can't, in which case the worse thing that can happen is that you'll see my smiling face 30 days from now putting on our side of the case. At this point, all I've done is cross-examine; so I need, I could go probably another half hour, but I'd sooner not if we could continue this for 30 days and see whether; I wouldn't expect again to ask for you to do that.

Mrs. Geissman: do you have anything to say Mr. Palecek?

Mr. Palecek: yes. We do oppose any continuance of this process; this is an annexation process. Frankly a JEDD and a CEDDA are all annexation type processes; we have a statutory right to have a hearing; we come here today prepared for that; if you need additional time to take
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testimony, obviously you can continue until tomorrow or next week; but just to continue it for the purpose of the Township Trustees, their attempt to do a JEDD or CEDA, which has nothing to do with the people out here who are coming in and talking about I want to remain in the township and I want the township to stay the same; that's not part of (?); this is a statutory procedure; a JEDD and CEDA with regards to the City of Wadsworth; that's just a delaying tactic perhaps from the Trustees; but it is annexation process; that's what happens with a CEDA; that's what happens with a JEDD. The state legislature said this is the process to follow; don't continue this thing so they can negotiate with the City; they're not the petitioners; he represents the Township Trustees who had this land for years and years and years; the people that own the property, the people, remember, we're a government of the people, well these people want to use the statutory process to annex to the City of Wadsworth; why should we delay this? I understand the aspects and I've been before you with other annexation petitions, and we've had to go 2 more weeks to get other information, and I understand that; but just to continue this so that the Trustees can talk to the City (?) I don't think it's fair that the people who want to annex this. And that's why I oppose this. And I do have other things to say. And I would say this, if you don't grant the continuance, and Mr.Schrader should be prepared to put testimony on today, that's when it was scheduled.

Mr. Hambley: does the City of Wadsworth, Mr. Easton, do you have any position regarding this request for continuance?

Mr. Easton: no we have no position; we have not seriously considered the JEDD or CEDA, and I think the nature of these agreements is that this applies to Council of the City of Wadsworth (papers rustling)

Mr. Palecek: I have one other point, when someone requests an annexation for the City, the City takes in that annexation request and they go to every department and they say look they want to annex this land and it's here, how is it going to impact you, water, streets, maintenance; every department in the City has input into it and then the City passes a resolution and send it up to the County Commissioners. Now think about that; with a JEDD, a CEDA, I mean we're going to be going on for months; they're going to be back here in 30 days from now saying well we haven't had a meeting yet but they've talked about it. That's not the process. The process is statutory and you have a responsibility just as we do about the process.

Mr. Schrader: may I briefly?

Mrs. Geissman: yes.

Mr. Schrader: it's not that I am not ready; if I wasn't ready I wouldn't have been able to quote resolutions, ordinances, your own study of this thing; we can do this today; we might have to continue it a couple weeks for because of that change, but we could do it; what I'm asking for is 30 days and that's not that long in the course of a lifetime to see if we can work something out so we can actually have cooperation (?); the Township made the first step; it's not a delaying tactic; they don't pay an attorney what I charge to write a 30 some page document because they want a delay; (?) I like Tom Palecek, I've worked with him on a number of cases, but I've got to tell you when he starts talking about fairness and equity, I mean here's, you've heard from people, Mr. Whitson wants out, Mr. Jebber indicated he signed, he wouldn't today, he'd like to be out; you know there's a little equity to be had on the other side; what we're asking for is a 30 day continuance to see if we can work out an agreement; I think that's reasonable; if the Commissioners' don't, we'll put on the evidence we have today; but we think it make sense to try to work something out before we get (?); and that's why we've asked; and you do under the new law have that discretion, we talk about what the legislature is giving you, you have discretion to grant a continuance if you want.

Mrs. Geissman: thank you.

Mr. Hambley: requested a half hour recess; minimum 30 minutes in order to, well, just to get a breather here for us; I think individually each of us can then confer with the documents we have, the criteria we have, and maybe even individually tackle the Prosecutor and receive some guidance before we reconvene.

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Mrs. Geissman: we really do need to take a few moments break here; I'm a diabetic and I need to eat something; but if you can all go find a bite to eat; we do have a place downstairs where you can get some snacks and a drink; and we'll reconvene in a half hour.

Commissioners recessed the hearing at 1:05 p.m.

Commissioners reconvened the hearing at 1:40 p.m.

Mrs. Geissman: the Board has made a decision in regards to the request from the Township to give a 30-day continuance, we feel that is not a valid use of our discretion and the petitioners have a right to go ahead with their petition. So we will continue the hearing; however, another concern was addressed, and that was the change in the map; we will give you a 7 day continuance on that, but only that if you request it, and next Monday you can come in and address only that issue. The parcel numbers are the same, nothing was changed; it was some small minor errors we feel with the Tax Maps, but if you still request to take another look at that we will give you a 7 day continuance on that, and you can let us know before the end of the day whether you would like to have a continuance on that. At this point we will continue the hearing and you may present your case.

Mr. Schrader: in some ways I have an easier time because the burden of proof is on the other side; let me begin by suggesting there may be a couple reasons I believe by law you have to deny this annexation; 709.0333, the amended version, and Section 6, that's the one that lists the findings that you need to make in favor of the annexation based on the burden of proof; the other way of saying that is they have to prove that they've done all of these steps, the petitioner; one thing they clearly haven't proved is item #6, let me take just a moment to read it: "no street or highway will be divided or segmented by the boundary line between the township and the municipal corporation as to create a road maintenance problem or if a street or highway will be so divided or segmented the municipal corporation has agreed as a condition of the annexation that it will assume the maintenance of that that street or highway; for the purpose of this provision, street or highway has the same meaning as in Section 4511.01 of the Ohio Revised Code." So I raised that issue earlier and Attorney Palecek indicated it is a state highway so that doesn't count; if you look up the definition of 4511.01, it's only one sentence definition: "street or highway means the entire width between the boundary lines of every way holding to the use of the public as a thoroughfare for purposes of vehicular travel." So first off, it wouldn't matter if that's township road, county road, what it is is a state highway, or Interstate 76 itself; under Ohio law it's a street or highway. That being the case a verbal agreement isn't enough; there has to be as a condition of annexation the City agrees to maintain it if, and I think we clearly proved that factual situation, there's parts of that road that are half in the township, half in the city, other parts will be entirely in the city, other parts half the road of the centerline will be in the city and the other half in the township. It's clear that that creates problems, we've argued that in older annexations, but now the legislature's finally given Commissioners discretion and a standard to look at; so having defined street and highway in a way that does include Akron Road, SR 261, then you see what they've done and a verbal agreement isn't enough; 2 snow truck drivers can decide you're going to plow this road and I'll plow the other one and if one of them goes home early there's going to be a lot of finger pointing and all they have is a verbal agreement. This says nothing about a verbal agreement; it says it agrees as a condition of the annexation to maintain it; you can't find that based on the evidence provided by the petitioners because it doesn't exist; all they have is some verbal agreement that they've used before and it has nothing to do with the condition of annexation; it's just how they've handled it in the past; so right off the bat I think you have to turn the annexation down because there's no way the petitioners have met their burden of 709.0333 regarding the street and highway situation; and that's a pretty easy one, a pretty clear one based on that.

The second reason you ought to deny this annexation is based on a new standard, and that is 709.033(A)(5), "on balance the general good of the territory proposed to be annexed will be served"; first off, you've already heard from a number of landowners that live in the area to be annexed that don't want to be annexed; several of them showed up here under oath to say that; Mr. Whitson said it by mail (papers rustling); tried to get his signature off there; as we heard from the petitioners today they're not inclined to let him or anyone else out apparently; if you remember from the old law if there was a difference of opinion among property owners then the question of general good really was available and you had to look at it; and I think what the new law, particularly the next part of the language, "the benefits to the territory proposed to be

annexed and the surrounding area will outweigh the detriments to the territory proposed to be annexed and the surrounding area if the annexation petition is granted”; as used in this section, “the surrounding area means the territory within the unincorporated area of any township located one-half mile or less from any of the territory proposed to be annexed.” That’s why unlike in the old annexation hearings it is important that the people that live in the white areas of that map, the areas to the south of Akron Road, the areas in that whole gap area where a number of people that testified earlier indicating this isn’t what we want; it’s not for the general good for our property; it’s not so much a standard so much of let’s preserve farmland, it’s a standard of let’s take a look at this annexation and see what and weigh what the benefits are; now, for those that want water right away so they can develop, those are the folks that signed the petition and stayed on it; you heard from one landowner that signed and kind of wishes they could get off; someone who can get water through a CEDA or a JEDD; if you balance that against the other folks who are tired of being drug in here kicking and screaming who don’t want to annex and what detriments they have; detriments they’ve listed are their concerned about the affect on their property value as residential property if this is developed and you have a nightmare of traffic situation like you have in Montrose; we heard detriments to their property, and this isn’t just from one-half a mile, these are basically neighboring landowners; another detriment is unlike in the township where if there are any usage or zoning issue they can go to the trustees and the trustees know that those people vote at those public hearings they might be more inclined to their opposition or their feelings more seriously than if its annexed and it goes to the city, then they have their zoning hearing, the city officials are in a nice position of knowing that the folks in that white area couldn’t vote for or against them if they wanted to cause they’re not city residents, and perhaps they’re desires with regards to land use on the neighboring property of theirs will not resonant quite so loudly as they will if they’re still in the township; so that’s another concern.

The third concern they had was they knew (?) had bought their property because it is a rural area and they want to keep it rural; they want to continue to enjoy their family farms, their barns and so on; their concern is so we get to use it for our lifetime, but we can’t sell it for use as a farm and Mr. Smith testified as to the value of that, I think he said he got over 3 times what real estate folks were telling him because he had area in the Old North Canton Township which is now Ward 8 of Cuyahoga Falls, that as a condition of merger, they were allowed to keep their agricultural use pretty much (?) and that made that land worth a lot more; and so you have that concern, people don’t want to lose their way of life; and I think when you weighing benefits and detriments I think the reason the legislature didn’t define those terms was to give you a chance to weigh those kinds of things; and there’s so much more of things in life that are more important than just money; I think you get to weigh that under this standard; it is important that some of the residents want to continue to live as they have lived with a small farms, maybe with some horses and cows and chickens, and pace and all the things we folks in the city (?); the same argument was made by another individual who was concerned about the property in the township and no body regulates the use of firearms (?), and I think that’s a legitimate concern; the minute he steps out to clean his gun and he’s next to a WalMart somebody’s going to get mighty nervous, myself included if I was at WalMart; and said he had those kinds of concerns; I think that’s the kind of balance we do have under the new statute; is to weigh, okay here’s the reasons given by folks that want to annex, and essentially that was we need that water, we can develop, we can make money; as opposed to the affect in the half-mile unincorporated area of the township, which includes the (?) of today.

The third one, which I think is pretty articulate, is the notion that maybe, in terms of weighing the benefits of the costs; right now, this area serves the City of Wadsworth, it’s a very scenic way to get into the City; when I’m driving in there I like that getting off at that exit because it’s just a nice little small town drive into Wadsworth; I would much rather do that than get off at 94, which I think is what the petitioners want this to be. So I think that’s an interesting approach too, and I think Mr. Smith has even mentioned that in some ways this offers something that is pretty positive for the City of Wadsworth to have this rural approach to that City. So I think if you weigh all of those things in terms of how you determine the general good, I don’t think it’s clear that its legitimate for the area to be annexed; it’s good for the folks that want water but it’s certainly isn’t good for the 40 some odd percent that don’t; and in fact it’s a detriment to them for a number of reasons; and I think that’s articulated through the folks that testified.

The other legal standard that we’re concerned about with regard to this annexation has to do with the unusually large concern, and there again, if I might approach the map (reviews the January 6th minutes
Exhibit A

map) this really is a very (?) annexation; you have to have 51%, so apparently, and I think it was very arbitrary and capricious for the petitioners to say okay we're going to leave these people out, not because it makes sense from a planning standpoint or a land use standpoint or a provision of services standpoint, but we're going to leave them out because if they're in we're not going to have a majority; that's why they're out. But other folks that are in here that want out, George Whitson, some others, they're not going to let that happen, and that's troubling; to me that's arbitrary and capricious; it's saying we want you to grant us our rights as property owners, but we could care less about the rights of the other property owners that we're going to keep in there; and I think that's just wrong. When you think about unusually large and jerry meandering, you've got 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, roughly 32 sides to this; it is clearly a jerry-meandered type of thing. The other thing you might notice is the City of Wadsworth is the area depicted in blue on the map; this is amount of touching you've got in order to have all this land within the City; we think that's a indication of an unusually large piece parcel of land; so we have a concern about that and we think it should be denied on the basis that it is unreasonably large.

As to services, it's clear there will be fire and EMS, that doesn't change, the Township already contracts with the City for that; the big issue seems to be water; we're hope we could get that done through some type of JEDD or CEDA and we still need to work on that regardless of how this particular annexation may turn out; but we think in terms of the reasons we believe you should deny this, we don't think it is in the general good of the area to be annexed; even if you found it is in the general good of the area to be annexed, and you don't think it meets that balancing standard of benefits and detriments within half a mile, we believe it is unreasonably large and most clearly I think you can deny it for any one of these reasons, but mostly clearly that minimum of the highways and streets, they are in fact divided, that does in fact create issues in how you serve areas; whose going to provide police and fire, the Sheriff's going to be in charge of the area to the north in white, but the City Police Department will be in charge in the jurisdiction in the area of green, both right and left, that little driveway the City Police has the jurisdiction of, the next property the Sheriff, and so on. Road maintenance is a problem, and again, I think the statutes talk more about roadway and quite frankly there's no agreement as condition of annexation whereby the City agrees to correct that nightmare they're creating, not the City's creating but rather the petitioners are creating, by way of that jerry-meandered map that you see up there; parts of the streets in, parts of the street out of the City; so we believe those are legal reasons why you should deny this particular annexation. I do have here Trustee Virgil Mochel who has a statement today as well.

Mr. Mochel: the other trustees could not be here, but they are here in spirit and they agree with what I'm about to say. I have 2 main objections; one is the loss of commercial area, which is out by the highway and it is zoned C2, and that is highway interchange commercial. This takes practically all of Wadsworth Township's commercial area; we have one small doe which is on Route 57 and I-76, that filling station up there; other than that we just have 2 small plots, one on Rittman Road, which is C1, more intense commercial, and another one on Hartman Road where Dave Kaufman has his office; so this essentially takes all of our C2. Now Mr. Palecek referred to how little, what a small amount the taxes will be; it's true it's not a large amount at this point; but the reason it is zoned commercial is for the future, what might develop there and the tax base that might result; yes it is true that under the law we would get income for 12 years from this, but then its done; hopefully the project is going to be in existence long after the 12 year period is over. So it does take, it takes future potential income from the Township, and this is used for the Township; the Township is a good place to live; I think people said it very eloquently, they enjoy the Township and the township atmosphere and the area they have. They spoke very eloquently and I really appreciate what all of them said about that. The second objection, probably this is the most serious from my standpoint, is that Mr. Palecek referred to a majority of landowners wanting this annexation; it is true that in the green area 30 of the landowners said yes and 22 said no; some are in white, some are in blue that had to be included. This has been put out many times, it was done this way so they would have the majority. They got the majority because the developers that own the land and don't live there had enough folks to get that 57%; but now I'd like to call your attention, if you took all the people that live there, live there, along 261 and Hartman Road, not counting people that own land there but live somewhere else, 13, only 13 people inside the green area signed petitions; only 13. If you count those in white on the south side of the road as well as those that are in the area and being taken in and that one little white blurb on the end, there are about 8 pieces of property there, turns out there are 51 that said no. So 51 oppose this that live there and only 13 signed petitions for it; so

that's quite a, you talk about what the people really want and the general good of the area, I would say pay attention to that because 51 are against it, 13 are for it. Now, as I said, that leaves out the people who own property but don't live there. I just want to say that as an elected official of the township, as a township trustee, we are obligated to serve the residents of the township and try to do what they feel is best for them; this is why the Township is opposed to this. Thank you very much.

Mrs. Geissman: okay, are there any questions?

Mr. Palecek: could you spell your last name sir?

Mr. Mochel: M-o-c-h-e-l.

Mr. Palecek: what is the total budget for Wadsworth Township?

Mr. Mochel: oh, as you know we have a Clerk that handles this; (?) I'd say it's over a million dollars.

Mr. Palecek: it's over a million dollars?

Mr. Mochel: yes, that's the budget.

Mr. Palecek: and you agree right now you receive about \$3820 in tax money from this area?

Mr. Mochel: I'm not sure; that's possibly true (?); it could be true; but we're looking at potential.

Mr. Palecek: and this commercial zoning right by I-76 has been there for how long?

Mr. Mochel: I can't answer that, it was that before I became trustee.

Mr. Palecek: and how long have you been a trustee?

Mr. Mochel: about 6 years.

Mr. Palecek: would you agree with me that it's been commercial by that interstate highway for at least the last 20 years.

Mr. Mochel: probably, yes.

Mr. Palecek: now, the township doesn't have any water does it to provide to this area?

Mr. Mochel: no.

Mr. Palecek: and you agree, would you not, that the statute providing for annexation provides for a decision by 51% or more of the people owning land in a district to seek annexation, right?

Mr. Mochel: right.

Mr. Palecek: it's not 65%, is it?

Mr. Mochel: no.

Mr. Palecek: it's 51% right?

Mr. Mochel: right.

Mr. Palecek: and would you agree with me the landowners who own land but don't live there pay some of the taxes that go into your township?

Mr. Mochel: right.

Mr. Palecek: and they pay those taxes every year, correct?

Mr. Mochel: yes, I presume.

Mr. Palecek: yes, presumably; so the legislature didn't say well we're going to let just the people who have houses there vote, correct?

Mr. Mochel: no.

Mr. Palecek: okay, and it also didn't say that the people outside the area to be annexed could vote either did it?

Mr. Mochel: they'd have input, and that's why they're here.

Mr. Palecek: they certainly have input, but they don't have a right to vote do they?

Mr. Mochel: they don't have the vote.

Mr. Palecek: and that 51%, in this case its 57%, they have said that they do want to annex into the City, correct?

Mr. Mochel: correct.

Mr. Palecek: now you, as a township trustee, through your counsel, and I believe you were present, you went to the City of Wadsworth about 2 weeks ago and proposed some other form of annexation, they call it a JEDD or a CEDA; did you do that?

Mr. Mochel: yes.

Mr. Palecek: so, you yourself as a trustee, said that's okay that that land can develop, I just want a bigger cut in terms of the revenue, right?

Mr. Mochel: not exactly.

Mr. Palecek: but didn't you ask for income tax dollars out of that area?

Mr. Mochel: that's part of it.

Mr. Palecek: in other words you want more revenue, do you not?

Mr. Mochel: no, yes, no, not necessarily; I don't personally care about the revenue; I do care about the revenue for the township, but not for myself; but I'm mostly concerned about the people who have live there.

Mr. Palecek: but your proposal to the City of Wadsworth that you made a couple weeks ago allows this land to develop just the way it's being proposed now.

Mr. Mochel: no, if it's allowed to develop we would have some say in it.

Mr. Palecek: but you'd get more revenue; that's what you're concerned about, the revenue to the township.

Mr. Mochel: that's one of the concerns.

Mr. Palecek: okay; now this SR 261, Akron Road, that goes down to the interchange, that is not the highway of your responsibility is it?

Mr. Mochel: no.

Mr. Palecek: and Hartman Road is not a road of your responsibility, correct?

Mr. Mochel: no.

Mr. Palecek: so you wouldn't have anyway to say that you have a problem with the maintenance of that road, correct?

Mr. Mochel: that's correct, but

Mr. Palecek: now, let me ask you one other question; that interstate highway's interchange that has been planned ever since those ramps were there to grow commercially, hasn't it?

Mr. Mochel: sure.

Mr. Palecek: and you've had an opportunity to allow a soccer field in that property just below that interchange and you people turned it down, correct?

Mr. Mochel: the Zoning Board of Appeals turned it down; the trustees did not.

Mr. Palecek: well the trustees approved it?

Mr. Mochel: the trustees had no say in it.

Mr. Palecek: it goes to the Board of Zoning Appeals?

Mr. Mochel: Board of Zoning Appeals.

Mr. Palecek: of the Township, right?

Mr. Mochel: of the Township.

Mr. Palecek: and it was turned down.

Mr. Mochel: that's correct.

Mr. Palecek: and you're also aware that they attempted to put a Marathon station on the west side of the interchange, not the east side, the west side of the interchange, and that didn't work out either, correct?

Mr. Mochel: but I don't think the township had anything to say on that.

Mr. Palecek: I see; and have you made any efforts to run water down to that commercial area?

Mr. Mochel: no, of course not.

Mr. Palecek: I don't have any other questions.

Mr. Schrader: Virgil, I let me ask you something, is this a true and accurate copy of the proposal we gave to the City of Wadsworth?

Mr. Mochel: yes.

Mr. Schrader: and in it, it says the City of Wadsworth would not annex, right?

Mr. Mochel: correct.

Mr. Schrader: I want to, I don't know if you're marking exhibits, this would be Exhibit A, if I might. And I have another copy of the agreement for you.

Mr. Palecek: I certainly would.

Mr. Schrader: (? Away from the microphone) I didn't plan to make it a part of the record, but I think we should at this point; so what you discussed with the City of Wadsworth didn't involve annexation, did it?

Mr. Mochel: no.

Mr. Schrader: and if it's not annexed your zoning controls what gets put there, right?

Mr. Mochel: right.

Mr. Schrader: okay. And one of the concerns you have is not just the amount of, a lot of this is because it's farmland it's taxed as CAUV, is that right?

Mr. Mochel: that's right; that's very little tax.

Mr. Schrader: it represents how much of your commercial zoning in the township?

Mr. Mochel: this C2 represents I would say close to 95%; all that's left, the only other C2 area we have is the small filling station, I think it's a Marathon station up on 57 and 71.

Mr. Schrader: so if this gets annexed you lose 95% of your commercially developable lane in the township?

Mr. Mochel: C2 properties; we have 2 other small areas of C1.

Mr. Schrader: and of course if it is commercially developed it's going to be worth a lot more in terms of tax revenue, property tax.

Mr. Mochel: absolutely.

Mr. Schrader: that's all I have.

Mr. Palecek: couple questioned based upon what you brought up; I noticed in this, I haven't had a chance to look at, but it says on page 9, JEDD, Joint Economic Development District consists of commercially, industrially zoned or used properties; no residential use or zone may exist in a JEDD.

Mr. Mochel: correct.

Mr. Palecek: your attorney put that in for you.

Mr. Mochel: correct.

Mr. Palecek: so you're planning that perhaps this area where you (?) is also going to be industrial besides commercial.

Mr. Mochel: it can be, it is not at the present time, it's a C2.

Mr. Palecek: so we might have some industry down there by the interstate?

Mr. Mochel: it's not being proposed, but it's a possibility; that's to cover all bases.

Mr. Palecek: okay.

Mrs. Geissman: any comments or questions of this witness? Thank you. Do you have another witness?

Mr. Schrader: just so it's on the record, I noticed a couple things in your file (?) one of which is the staff report that your staff prepared analyzing this annexation; if I might I'd like to highlight a few things that are in there; I'll take very little time on that because I know you read it; first off, your report points out regarding public water supply, some of the things we talked

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about (?) the City, and again this is your report, your staff report: according to Mr. Hendricks from the Ohio EPA,

Mrs. Geissman: what page are you on?

Mr. Schrader: I'm sorry, I'm on page 5; it points out that the city's current well field is nearing its capacity; the city has been exploring for and just found a new well water source near Doylestown; if this field, well field is brought into production a provision of water to land proposed in the annexation should be possible; a significant length of pipeline and other associated infrastructure is necessary and may be several years in the development; this is in addition to the new infrastructure required to extend waterlines to the proposed annexation area, additional storage may be necessary. On that same part under wastewater disposal, it starts talking about River Styx as being a non-attainment stream, which means if there's any, it is his opinion that additional pollution entering the stream beyond current permits limits will not be permitted; an increase in flow discharge above the current limits (?) Interesting on that same page under property tax, while the millage appears to be the same and the township it appears the property tax burden is actually higher in the city; in any case, the 2 mills collected in the township is a burden of \$1,277.74 on a \$100,000 residential property; in the city its an effective tax bill of \$1,280.18 on a \$100,000 residential property; so there is also, in addition to income tax, at least a \$73/year increase in property tax if that particular annexation is permitted. What we have expressed and don't need by (?) to because you already have evidence from an independent study by your study, sales tax, gasoline tax, interest tax, cigarette tax revenue to the township will decrease should the annexation occur since there is a service station involved with the planned annexation. And of course if that happens the City of Wadsworth will pick up those taxes. Same thing with state taxes; license fees, state and county estate taxes, those all decrease in the township and on the other hand go to the city. Your staff also mentioned the road maintenance issues; approval of the annexation will affect portions of Akron Road, SR 261, Medina Line Road and Hartman Road (?); if the annexation went forward virtually all those sections will have to maintained by the City of Wadsworth; and there again, that's a factual basis on which I'm telling you you kind of have to deny this in regard to that (?); I also will assume you have a resolution of the city, I guess its real clear, passage of this ordinance doesn't necessarily mean the city favors it. And the city representative (?) indicated that the city is, this hearing by evidence on this issue(?) So in terms of the parties it's not clear whether the city is for or against it. And more importantly, that amended resolution contains the minutes, which I think are very (?) in regards to the provision of services; I know we went over most of those with the gentleman from the city, so I'm not going to do it again, but it's important to me that that be in the record because I think that's pretty good evidence as to the situation. Secondly, the new statute also requires that not only the city indicate what services but provide an approximate timetable; while in terms of the legality of it, when you have a timetable within approximately 2 years after the annexation becomes affective subject to the installation of infrastructure by property developers and/or owners petitions for special assessment; there are so many contingencies that I doubt that that meets that standards; the legislature wants there to be an indication of what services are going to be provided when, and it seems to me the city is saying, I think they have to say it based on these minutes, for them to say well approximately 2 years, but only if they pay for it; if they don't' pay for it as developers, the property owners pay for it by way of assessment; there's too many conditions on it I believe to meet that new requirement under the statute. Now with that, since the petitioners have wanted such a quick hearing, I'm going to adjourn, I'm not going to ask for a continuance because quite frankly I don't know how the city can provide to you that agreement to maintain their streets as a condition of annexation unless there's a continuance, and I don't want one. Thank you very much.

Mr. Palecek: about this road maintenance thing, the statute does not require an agreement unless there is a road maintenance problem and there isn't a road maintenance problem; maybe Mr. Schrader would like to make one out but you heard Chris Easton from the city saying there isn't a problem there; so we don't need an agreement; that would be ludicrous for us to have to have some kind of agreement for this annexation to go forward when there isn't a problem; and the statute specifically says if there is a road maintenance problem; and if necessary I can read it again to you, but there isn't one; there is no maintenance problem for that road. Now in terms of an approximate timetable and saying the city hasn't met its requirements in terms of its services that it can provide, that is truly not fair; how can any city do anything more than an approximate date. They did the very best they can; their language is pretty standard in all annexations; for County Commissioners to turn that down that way would really be way beyond the scope of the January 6th minutes
Exhibit A

statute. Water, you've heard Chris Easton of the City of Wadsworth, I brought him here specifically so that he could tell you they have plenty of water and they're prepared to service this area; the township trustees had years to provide water to this area to help with the development in an area that should be developed by the state highway; they did nothing on that. In terms of people talking about our schools and how this affects our schools, our school enrollment level was the same as it was in about 1969; I know that's hard to believe, but that's exactly what it is; and this annexation will help our school system because it will provide tax dollars; you must consider that; that is a tremendous benefit; I can't sit by and just have this land by an interstate highway do nothing; and anybody that bought property between a state route that runs between Akron and Wadsworth and an interstate highway has go to expect that that interstate highway is going to develop. That is what we're here for; that is progress, and there is a balancing of the interest in any annexation; you must balance them; and that's why the legislature didn't say to you you must find 85% of the people have approved this; they set the number; they set it at 51%; we are more than 51% and these landowners whether they live in the area or not pay taxes every year for their land and they have a right to do that; that's what the Supreme Court said in its decisions; we must give deference to the majority of the property owners; it is their right to decide which entity they want to be in.

Now, we also heard an argument today that this is an unreasonably large parcel; that is not correct what he has said to you; the primary requirement when something is unreasonably large is the question of whether the city is able to serve the parcel, and what is the impact upon the township when the property is removed. You heard the City of Wadsworth, we can take care of this area; is \$3800 that the Township is going to lose, that is going to impact their million dollar budget? As a matter of fact you know they're going to get huge windfall when this property develops; and I still say their idea of a JEDD or CEDA is simply another way to share revenue; they may not, maybe it's not a specific annexation, but that property is going to develop just as you see it here today and the township is trying to get more revenue out of it. If this property develops you, for this county, you are making a good economic decision; that's what should happen to that land; it should develop commercially; and we will all benefit from it, from jobs, who doesn't want jobs; from sales tax dollars, who doesn't want sales tax dollars; I know the County Commissioners would love to have additional sales tax dollars; everyone does; that's what this development is. It is progress; I know a lot of those people that got up and talked, and they're wonderful people, and I understand that they're concerned as to what is going to happen; but those who remain in the township will still have the township laws; they will still be able to the things on their property that they've been able to do now; it's the property that's going in the city, and the owners have said, a majority of them, I want to have the City of Wadsworth be the governmental entity controlling my property.

I emphasize again, the majority of the statute, the statute states 51%; it doesn't say anything else. And the benefits of this development, which I've outlined to you, far exceed the detriments to the people outside there for about half mile around; like I said they're still going to be able to do the things on their property that they've been able to do before. I think I mentioned to you before there is no statutory requirement for an engineering study although it is eluded to by Mr. Schrader. I talk about the large windfall the township is going to get out of this; there's very little detriment to the surrounding area. Take SR 261, that is a state route between Akron, Norton and the City of Wadsworth; it is going to have traffic on it; and before the property has been annexed, yes there is traffic there; and something should be done to that interchange, at Hartman Road; and if it gets into the city maybe there will be a change there; maybe that will be helpful because it sure isn't helpful now and believe me I go that intersection myself every day and I worry about getting across it. And I think that when you go back and you see all the requirements of that statute you will find that we have met every single requirement of that statute; there is not one error. I know Mr. Schrader said there is a road maintenance problem; there isn't; there isn't any road maintenance problem and we do not need an agreement; we meet it and we ask that you please grant us this annexation so that you will help everyone; the schools, the people who own the land, the county itself, jobs, all those things will be helpful if this annexation is concluded. Thank you very much for you time.

Mrs. Geissman: do you have something further to say Mr. Schrader?

Mr. Palecek: I thought he was finished.

Mrs. Geissman: I did too, but he can certainly say some more.

Mr. Schrader: this won't take too long; unreasonably large is defined the same way it always was; it goes to character, shape and size; that's why we talked about the sides to that thing, the jerry-meandering, the shape of it; it goes to the ability to provide services; and again, between the city council minutes and the planning department's analysis of this annexation, it's clear there are some real questions there particularly regarding sewer, depending upon where that lift station is put; the minutes indicate that Mr. Lyren says there's some part of that area that maybe can't be served or wouldn't be served by sewer; so that's a concern. The difficulty is that when we try to cross examine people all of a sudden nobody knows anything; they know they want to annex because they want to develop, but nobody can tell us what exactly is going to be there or how they are going to develop or when they plan to put in water and sewer and those other things. The affect on the township isn't merely the amount of money it gets from its taxes; the affect on the township is that it loses 95% of its highway commercial area; and there's no other place in the township to replace that with; they just can't do it. So they lose the potential to grow in the future. That again is an unreasonably large concept. The idea of general good, do you know what the idea of 51% gets you today; it gets you into here; it just gets you the foot in the door; 51% of people signing a petition doesn't mean they get the petition granted and it doesn't mean the general good of the area is to be served; we heard from a number of people that live in the area to be annexed that don't want it; so it's a question of whether the general good of the area will be served based on what services and so on will be provided. The reason I asked about a cost benefit analysis and other people asked about it and what the benefits are, is we have a new standard in addition, first time had to show general good of the entire area to be annexed, not just the 51% or 57% that signed; which by the way is down at least a couple of percentages because we heard at least 1 person who signed say he wished he hadn't, and another saying he wanted to get out of it. That aside we have the issue of the balance and the weighing of the benefits and detriments to the area within half a mile; that's what most of the testimony was on; and I expected, again, the burden of proof isn't on me to show a negative, the burden on proof is on the petitioners to show that the benefits do outweigh the detriments; quite frankly I expected there to be some kind of cross-benefit analysis or something similar to what the county staff did or some type of expert testimony saying hey look we have balanced these out and it is for the general good or it isn't and we didn't get that. Lastly, I do want you to take a close look at that standard #6 in regard to the highway; the first argument is it's a state highway and it doesn't count; well then look up the statute and clearly it does count, a state highway, when you look at that definition, so now all of a sudden you don't have any problems. Well, if you ask me today if there's a problem out there the answer is no and the reason is there isn't an annexation yet and you don't have the street divided up in these goofy ways its divided up on that map. I think I would have answered the same as the city representative did. What we're saying though is its just common sense when you look at that map and the south side is in the township, but the north side is to be maintained or plowed by the city, chuckholes filled by the city; then you get to an area where for about 30-40 feet its again back entirely in the township; then for another 30-40 feet its within the city, and then you have that whole section where its back in the township; how can that not create road maintenance problems? How can any reasonable person say that's not going to create some confusion in regards to maintaining the roads. Hey there's a chuckhole on (?); too bad its in the city; well no its in the township the state has to maintain it; that's what you're going to get if this particular annexation is allowed. So yeah there is a problem and that why the legislature, I believe, added that section to the statute, and what it says is, first, it prohibits them doing what they've done; it says you shouldn't have that in and out along the same highway; and then they say, but if you do and it causes problems, which again my comment says it's going go cause problems; then what you need to do is have an agreement "as a condition of annexation" that the city will maintain all of that, and that we don't have. For that reason alone I think you should turn down this annexation. I believe they failed to show that its for the general good, they failed to show that the balancing of the concerned road map outweigh the detriments voiced by 10-12 people here; I do believe it's unreasonably large due to the geographic character, shape and size of that thing, and again that highway issue, which is standard #6, I don't know how the Board of Commissioners could find in favor of the petitioners on that one because really it's a jerry-meandered road, some in the township, some in the city, if the annexation is allowed; clearly that creates maintenance problems, road maintenance problems, and just as clearly there is absolutely no agreement by the City of Wadsworth as a condition of annexation or otherwise to maintain it, and that's fine, but that's what the statutes says they can't do; for the Commissioners to grant this annexation, Commissioners have to be able to rule that they've met the requirements of standard #6. All I would ask you to do is read it and ask the County Prosecutor take a look and rule accordingly; they simply don't have it, there

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is no agreement as a condition of annexation that the city is going to maintain that road after they goof it up by dividing it so many different ways, inside the city, outside the city, in and out; and that's a problem, it doesn't meet the requirements of new standard #6, and we ask you to turn it down for that reason. Thanks for putting up with me.

Mr. Palecek: one quick response, actually two; there's no evidence before you today of a road maintenance problem; Mr. Schrader's statements to you like the argument that they are not evidence; and there is no evidence of a road maintenance problem. Second thing I want to point out to you is if you were to remove 1 person, just 1 as a sign, suppose we knock somebody out, then it would be 56.86%, virtually 57%. So there is really very little change. And again, thank you for your attention (?)

Mrs. Geissman: any comments? The Commissioners have 30 days to make a decision on this and I guess I'll ask for a little prayer from all of you because this is the first time that we've done this; we have a lot of discretion; we're going to have to look at the evidence, we're going to have to look at our notes; it's going to be a very difficult thing for us to do; we're going to have to consult our attorney; but hopefully we'll make the best decision on this property in 30 days. Yes?

Gentleman: are you guys know the area in question?

Mrs. Geissman: yes; almost bought a property here just this spring.

Mr. Palecek: can we submit that (map) as one of the exhibits so you would have something to show.

Commissioners agreed to having the map displayed as an exhibit.

A lady stated she would like to make a statement here; Mr. Palecek saying that there is no problem with the road now; but he's not saying there may be a problem with the road once the annexation has gone through and in the future.

Mrs. Geissman: if you're going to make comments please at least give your name for the record.

My name is Wayne Adams; I just have a question, when you make a decision how will we know?

Mrs. Geissman: it will be a public decision at a Commissioners meeting; it will be a resolution.

Mr. Hambley: I think we certify a copy of the resolution, we will send a copy to the Agent of the Petitioners, the Clerk of the legislative authority of the municipal corporation as well as the Clerk of the township, and then, that's it.

Mrs. Geissman: right from our new procedures.

Mr. Hambley: yes; it will go out to those as well as it will be done in a public meeting and we have basically 30 days from the closure of the hearing, which we really haven't technically closed it. I understand Mr. Schrader that you're withdrawing your request for the continuance.

Mr. Schrader: yes I am.

Mrs. Geissman: was there any other comment? Please give your name.

Todd Sheridan: just a question, you mentioned that this would be done in a public format, can you tell us when and where that would be?

Mrs. Geissman: 30 days from today would be passing of the resolution one way or other.

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Mr. Hambley: I presume, it would be, I would have to look at a calendar, 30 days from now, whichever Monday that would falls on.

Mr. Sheridan: not so much the time, but the place. Here?

Mrs. Geissman: in our hearing room. Anyone else? Yes sir.

Burt Smith: I just remind you that you please consider all the people involved not just the ones in green, it affects those in the white area also.

Mrs. Geissman: I believe that's some of the criteria we must look at now. So everything will be looked at. Anything else?

Mr. Hambley: I make the motion that we close the hearing and that the statement being made that the evidence and testimony received will constitute the record upon which the Commissioners will reach our decision. That all the necessary parties will have the opportunity to file post hearing briefs, but they are non-evidentiary of the record. The briefs should contain proposed findings of fact of each conditions of annexation; references of the hearing testimony or exhibits which support those findings; and any recommendation as to what the Commissioners should be. I give you that stipulation. That's the motion I make.

Ms. Ray: I second.

Mrs. Geissman: I have a motion and a second. Any discussion by anyone? Roll Call please.

Clerk: Mr. Hambley: yes

Ms. Ray: yes

Mrs. Geissman: yes.

Mrs. Geissman: the hearing has been closed.

Mr. Schrader: when do you want these briefs?

Mr. Hambley: we do need to set a date; I would say 2 weeks from today; no more than 2 weeks from today. That will give use enough time to review them.

The meeting adjourned at 2:40 p.m.