

CONCORD TOWNSHIP BOARD OF TRUSTEES  
LAKE COUNTY, OHIO  
PUBLIC HEARING and REGULAR MEETING

Concord Town Hall  
7229 Ravenna Road  
Concord, Ohio 44077

February 21, 2018  
7:00 p.m.

TRANSCRIPT OF PROCEEDINGS

Present on behalf of the Board of Trustees:

Christopher Galloway, Chairman  
Caroline Luhta, Vice Chairwoman  
Paul R. Malchesky, Trustee  
Amy Dawson, Fiscal Officer

Also Present:

Michael Lucas, Esq., Legal Counsel  
Heather Freeman, Planning/Zoning Director

**Melton Reporting**  
11668 Girdled Road  
Concord, Ohio 44077  
(440) 946-1350

1 7:06 p.m.

2 CHAIRMAN GALLOWAY: I am going to go ahead and open  
3 up the public hearing before the Concord Township Board of  
4 Trustees on Wednesday, February 21st. The time is  
5 approximately 7:06. This is for Application 1217-1,  
6 requesting a Zoning Map amendment. This matter was remanded  
7 over to us. There was a hearing and a meeting with the Zoning  
8 Commission on February 6th and, as it related to this zoning  
9 amendment application, the Zoning Commission recommended to  
10 this body denial of the proposed Zoning Map amendment by a  
11 vote of one aye and four nays.

12 So what I will do at this time is ask if the  
13 applicant would like to step forward and talk about their  
14 application and what they're looking to do and any information  
15 you think this body needs to be aware of or the public at  
16 large.

17 MR. YURAK: Absolutely. Thank you. I am Vince. Do  
18 you need me to state my address or anything?

19 CHAIRMAN GALLOWAY: Spell your name, give who you  
20 are with, all that jazz for the --

21 MR. YURAK: All right. Vince Yurak, Y-u-r-a-k, and  
22 I am representing the landowner, Ciatto Consulting, LLC. And  
23 so what it is, we purchased the property. The property has  
24 had a house on the land existing since 1933 and has been a  
25 residential property since then until the, obviously, the  
26 rezone in 2009, and the landowner really didn't like it. We  
27 purchased it and thought we would like to get it back to  
28 residential so we can actually get the house fixed up and  
29 potentially split off two other parcels or upwards of two  
30 other parcels and build single residence homes as an R-1

1 Residential.

2 And I've heard from some of the other landowners who  
3 currently own Town Hall Neighborhood land, especially the  
4 south side of Concord-Hambden Road. They are looking to get  
5 it changed over to a residential zoning. And the other one  
6 has had a couple bouts to get it to be residential but I  
7 believe they were trying to do apartment complexes or  
8 something on the north side of Concord-Hambden.

9 So over the last nine years, nothing has been done  
10 with the property and a couple people trying to request to get  
11 it over to residential. And we just wanted to get it all on  
12 the up and up into residential and, when we do have  
13 single-family homes on it, they can be zoned as such.

14 As you mentioned, Lake County Planning Commission  
15 did find it acceptable use of the property and then the  
16 committee did not.

17 CHAIRMAN GALLOWAY: Yeah. Just for this body's  
18 edification, the County Planning Commission did recommend  
19 approval and our, the Township Zoning Commission recommended  
20 denial.

21 MS. LUHTA: Yeah.

22 CHAIRMAN GALLOWAY: So we have a two -- the two  
23 bodies before us have a split decision.

24 MR. MALCHESKY: And I guess let me request, we're  
25 talking about how many acres?

26 MR. YURAK: Two acres for this one.

27 MR. MALCHESKY: And without disclosing who you  
28 talked to, approximately how many additional acres, based upon  
29 your investigation, were they looking to get similar Zoning  
30 Map amendments?

1 MR. YURAK: Well, the seven and a half acres across  
2 the street on the south side --

3 MR. MALCHESKY: Okay.

4 MR. YURAK: -- is looking to get that. There is  
5 currently a residential home on that land as well.

6 MR. MALCHESKY: Okay.

7 MR. YURAK: That I don't know what the new purchaser  
8 of the property is looking to do with it but they have had  
9 word that they'd like to get that to be residential.

10 MR. MALCHESKY: Okay.

11 MR. YURAK: And the other landowner said that they  
12 were in talks with selling it to a new party and they would be  
13 interested in having that go to residential as well.

14 MR. MALCHESKY: About how many acres was that; do  
15 you know?

16 MR. YURAK: 17.5, I believe.

17 MR. MALCHESKY: Okay. Make it all Town Hall, whole  
18 Town Hall.

19 CHAIRMAN GALLOWAY: You mean Town Hall Commons?

20 MR. MALCHESKY: Yeah.

21 CHAIRMAN GALLOWAY: Well, that's not before us.

22 MR. MALCHESKY: Right. I am just wondering.

23 MS. LUHTA: Yeah.

24 CHAIRMAN GALLOWAY: Continue.

25 MR. MALCHESKY: I am sorry. Go ahead.

26 MR. YURAK: No, that's all right. I don't know what  
27 other information you would need at this time for this but,  
28 like I said, there is currently an existing house on the  
29 property. It is a residential home. It was lived in for a  
30 while. There are some out buildings on the property right now

1 but those are in, pretty much, disrepair. Those would have to  
2 be torn out, the outbuildings.

3 CHAIRMAN GALLOWAY: Is your intention to leave the  
4 one house and tear down the, sort of, the accessory buildings  
5 or to tear everything that's standing there down and start  
6 anew?

7 MR. YURAK: That's the intention is to leave the  
8 house and utilize that as a residential home and then split  
9 off two other parcels to be used as single-family residences.  
10 And, obviously, those outbuildings would be in the way if we  
11 split it into two other properties. They are really not, not  
12 useful at this time anyways.

13 CHAIRMAN GALLOWAY: Got it. Okay. Since it is a  
14 public hearing, I'll go ahead and open it up and see if there  
15 is any public that would like to speak to this matter before  
16 the body. So is there anybody from the public present that  
17 would like to speak in favor or against this application with  
18 the Zoning Map amendment? Okay, there is nobody from the  
19 public to comment on it.

20 Does any Board member have any comments, questions,  
21 anything beyond what's been in front of you in this  
22 application?

23 MR. MALCHESKY: Mr. Chairman, at least, my opinion  
24 is that this request -- and it appears that we're going to  
25 have maybe, potentially, additional requests based upon, and  
26 the reason for my questioning of the applicant -- I would ask  
27 the Chair to consider just recessing this and allowing us to  
28 kind of gather some additional information on the, you know --

29 MS. LUHTA: On the rest of it, yeah.

30 MR. MALCHESKY: -- on the other parcels as well so

1 that we can make, you know, maybe potentially a global  
2 decision.

3 MS. LUHTA: Right, instead of spot zoning.

4 CHAIRMAN GALLOWAY: So what Connie and Paul are  
5 asking is if we would -- the idea of recessing this, which  
6 would mean not closing this public hearing, therefore, not  
7 forcing us to take a vote on this matter. I think the thought  
8 process behind their request is -- and I am putting it to you  
9 as the applicant -- is, if we have other property owners that  
10 have -- are looking to come forward with imminent, be it map  
11 amendments or zoning text amendments, it would probably be the  
12 preferential treatment of this Board to take all of those in a  
13 wholistic approach rather than what some would deem a spot  
14 zoning approach.

15 MS. LUHTA: Right.

16 CHAIRMAN GALLOWAY: And I wanted -- I guess my  
17 question, therefore, would be, based upon Mr. Malchesky's  
18 comments, would be if you would be amenable to recessing this  
19 and then we sort of see what else comes before us from these  
20 other property owners of the Town Hall Neighborhood. And we  
21 do have a meeting in two weeks, so it's not like it's a long  
22 time frame. So I just wanted, I guess, I would ask, based on  
23 that, if you would be amenable to that?

24 MR. YURAK: I wouldn't be opposed to that. Also, we  
25 just wanted to point out that, in the text for Town Hall  
26 Neighborhood, it says it does allow for residential use but,  
27 on that list, it has no uses as a residential use in there.  
28 So I don't know if you can look into that and see what that  
29 residential use is permitted in there along with the text.

30 CHAIRMAN GALLOWAY: Okay. In light of the

1 applicant's willingness to work with this Board on all of this  
2 and what we may also be seeing, I would go ahead and look to  
3 recess this if you both are in agreement on that.

4 MS. LUHTA: Yes.

5 MR. MALCHESKY: I'm in agreement.

6 MS. LUHTA: Yes.

7 CHAIRMAN GALLOWAY: All right. So I am going to go  
8 ahead and recess this public hearing. That means that we will  
9 have a, we will have another public hearing on this matter  
10 on -- we will have to set that but it would most likely be on  
11 March 6th at the same time frame --

12 MR. MALCHESKY: March 7th.

13 MS. DAWSON: March 7th.

14 CHAIRMAN GALLOWAY: I am sorry. March 7th.  
15 Apologies. Wednesday, March 7th. But we can't set that yet,  
16 so -- not officially, so wait till the next hearing.

17 MR. YURAK: I will wait to hear from somebody.

18 CHAIRMAN GALLOWAY: But we're going to -- And we're  
19 going to be going into an executive session. So if you don't  
20 want to wait around, we would probably -- My guess is we would  
21 do it on the 7th at the same time, same bat channel. So --

22 MS. LUHTA: Right.

23 CHAIRMAN GALLOWAY: And in the meantime, we will  
24 work with staff on the other property owners as it relates to  
25 what they may have in mind and see if we can bring it all  
26 together and have one approach before this body and make some  
27 determinations that way that may work for everybody. Does  
28 that sound good?

29 MS. LUHTA: Yes.

30 CHAIRMAN GALLOWAY: Okay. This public hearing --

1 MR. MALCHESKY: Thank you.

2 MR. YURAK: Thank you.

3 CHAIRMAN GALLOWAY: Thanks for coming tonight. This  
4 public hearing is, therefore, recessed at this time.

5 MS. LUHTA: Good.

6 MR. MALCHESKY: We have 15 minutes.

7 CHAIRMAN GALLOWAY: That gives us 15 minutes until  
8 the regular Board meeting at 7:30. So in the words of  
9 Southwest, you are free to move about the, about the Town  
10 Hall.

11 (Whereupon, the public hearing was recessed at  
12 7:15 p.m. and there was a break until the regular  
13 meeting commenced at 7:31 p.m.)

14 CHAIRMAN GALLOWAY: I am going to call to order the  
15 February 21st Concord Township Board of Trustees' meeting.  
16 Please join Amy Dawson in the Pledge of Allegiance.

17 (Whereupon, the Pledge of Allegiance was recited.)

18 CHAIRMAN GALLOWAY: All right. Roll call, please.

19 MS. DAWSON: Mr. Galloway?

20 CHAIRMAN GALLOWAY: I am here.

21 MS. DAWSON: Mr. Malchesky?

22 MR. MALCHESKY: Present.

23 MS. DAWSON: Mrs. Luhta?

24 MS. LUHTA: Here.

25 CHAIRMAN GALLOWAY: Okay. We are going to go a  
26 little bit out of order, for those watching at home, a little  
27 unorthodox but this evening we are going to actually start off  
28 with an executive session to discuss pending litigation, so I  
29 would entertain a motion on that.

30 MS. LUHTA: So moved.

1 MR. MALCHESKY: I second that.

2 CHAIRMAN GALLOWAY: I will need a --

3 MS. LUHTA: Roll call.

4 CHAIRMAN GALLOWAY: -- roll call, please.

5 MS. DAWSON: Mrs. Luhta?

6 MS. LUHTA: Yes.

7 MS. DAWSON: Mr. Malchesky?

8 MR. MALCHESKY: Yes.

9 MS. DAWSON: Mr. Galloway?

10 CHAIRMAN GALLOWAY: Yes.

11 Okay. So we will be pausing video and we will  
12 return for the regular remaining portion of the agenda after  
13 the executive session is complete.

14 MR. LUCAS: Mr. Chairman.

15 CHAIRMAN GALLOWAY: Yes, Mr. Lucas?

16 MR. LUCAS: Just so we have it on the record, we are  
17 going into an executive session to discuss pending litigation  
18 but we are also going to invite, as guests for purposes of  
19 that pending litigation discussion, several individuals.

20 CHAIRMAN GALLOWAY: Noted for the record. Thank  
21 you. All right. We will return.

22 (Whereupon, the Board went into executive session  
23 at 7:32 p.m. and returned to the regular meeting at  
24 9:03 p.m.)

25 CHAIRMAN GALLOWAY: All right. We have come out of  
26 executive session. The time is approximately 9:03 p.m. Thank  
27 you all for that.

28 Let's -- We have approval of minutes. Connie, I  
29 know you have some things that you want to outline.

30 MS. LUHTA: I do, I have a bunch. On the first page

1 where Mr. Galloway opened the floor to speak, the second line  
2 says, "There was no further questions." It should be, "There  
3 were no further questions."

4 MS. DAWSON: Yep.

5 MS. LUHTA: And on the second page under Service  
6 Department, it says, "Approximately 1,000 tons of salt." The  
7 comma should be before the 40 percent, not after. It makes a  
8 difference, it really does.

9 MS. DAWSON: I got it.

10 CHAIRMAN GALLOWAY: Sure.

11 MS. DAWSON: Yes.

12 MS. LUHTA: The third page, "Concord Community Day  
13 is Saturday, August 11th."

14 On the fourth page, under F, I asked the Chief and  
15 he said it should be "stair chairs" on the last line.

16 CHAIRMAN GALLOWAY: Plural.

17 MS. LUHTA: Yeah.

18 MS. DAWSON: Okay.

19 MS. LUHTA: And then Recreation Department, I, it  
20 says, "Ms. Luhta moved to approve the formation of a  
21 Bicentennial Committee."

22 MS. DAWSON: Okay.

23 MS. LUHTA: And I believe that's it. That's it.

24 CHAIRMAN GALLOWAY: Okay.

25 MS. DAWSON: So with, with amendments.

26 CHAIRMAN GALLOWAY: Paul, anything else on those?

27 MR. MALCHESKY: No.

28 CHAIRMAN GALLOWAY: Okay. So those are approved as  
29 amended, as outlined by Mrs. Luhta.

30 Elected official reports, Fiscal Officer, Amy

1 Dawson.

2 MS. DAWSON: I have none.

3 CHAIRMAN GALLOWAY: Okay. Trustees, what have you  
4 got?

5 MR. MALCHESKY: I have none.

6 MS. LUHTA: I have none.

7 CHAIRMAN GALLOWAY: Okay. For the sake of brevity  
8 and the hour, I will skip my comments for the next meeting.

9 Administrative Department, I will go ahead and skip  
10 that as well. There is absolutely nothing monumental as it  
11 relates to things that you guys are not already aware of. And  
12 I would let folks out in TV Land know that we are proceeding  
13 with our administrator search and we will be beginning  
14 interviews, hopefully, in the next week or so --

15 MS. LUHTA: Good.

16 CHAIRMAN GALLOWAY: -- on that. So we continue to  
17 make progress and move forward on that.

18 Audience portion, I am not seeing any audience at  
19 this hour.

20 New business -- Old business, there is none. New  
21 business, Resolution 2018-11, this would be the NOPEC grant.

22 MR. MALCHESKY: I'll make a motion to adopt  
23 Resolution 2018-11, a resolution authorizing all actions  
24 necessary to accept Northeast Ohio Public Energy Council,  
25 NOPEC, Energized Community Grants. This is -- The Township  
26 wishes to enter into a Grant Agreement with NOPEC in the, in  
27 the form attached to this Resolution to receive one or more  
28 NEC grants for 2018 and to authorize the Board of Trustees to  
29 execute the Grant Agreement with NOPEC, Inc.

30 MS. LUHTA: Second.

1 CHAIRMAN GALLOWAY: And I believe the first thing  
2 we're applying there on is the furnace for the Service  
3 Department.

4 MS. DAWSON: Yes.

5 MR. MALCHESKY: That's correct.

6 CHAIRMAN GALLOWAY: So that's a good -- That's a  
7 win-win. Okay. All those in favor?

8 (Three aye votes, no nay votes.)

9 MR. MALCHESKY: I make a motion to --

10 MS. DAWSON: You have to table.

11 CHAIRMAN GALLOWAY: The second one is not --

12 MR. MALCHESKY: Yep, table it.

13 CHAIRMAN GALLOWAY: There is no, there is no action.

14 MS. LUHTA: Table.

15 MR. MALCHESKY: I make a motion to --

16 MS. DAWSON: Do you want to accept the Amendment  
17 Number 1?

18 MR. MALCHESKY: Oh, yes. I make a motion to accept  
19 Amendment Number 1 to the EMS Management and Consulting, Inc.,  
20 effective March 1, 2018, ending February 28th of 2023, and  
21 that amendment has been reviewed by legal counsel.

22 CHAIRMAN GALLOWAY: I will second.

23 MS. LUHTA: I'll second.

24 CHAIRMAN GALLOWAY: Okay. I can second. And that's  
25 in relation to our EMS contract. It's an amendment to that  
26 contract. And they are a vendor that we've had on now for the  
27 last year versus our original when we went into EMS. All  
28 those in favor?

29 (Three aye votes, no nay votes.)

30 MR. MALCHESKY: I make a motion on behalf of the

1 Service Department for permission to advertise for bids on the  
2 2018 Huntington -- Hunting Lake Road concrete project.

3 MS. LUHTA: Second.

4 CHAIRMAN GALLOWAY: All those in favor?

5 (Three aye votes, no nay votes.)

6 MR. MALCHESKY: I make a motion for Service  
7 Department permission to advertise for bids on the 2018, the  
8 Mount Royal resurfacing project, that's asphalt.

9 MS. LUHTA: Second.

10 CHAIRMAN GALLOWAY: All those in favor?

11 (Three aye votes, no nay votes.)

12 MR. MALCHESKY: I make a motion to approve the  
13 Letter of Recognition for Eagle Scout Charles Nunes.

14 CHAIRMAN GALLOWAY: And Chris -- Do we do them all?

15 MS. LUHTA: Oh, let's do them all, yes,

16 CHAIRMAN GALLOWAY: Christopher Hasak.

17 MR. MALCHESKY: Christopher Hasak and Christian J.  
18 Rose.

19 CHAIRMAN GALLOWAY: Okay. And --

20 MS. LUHTA: Second.

21 CHAIRMAN GALLOWAY: All those in favor?

22 (Three aye votes, no nay votes.)

23 CHAIRMAN GALLOWAY: And we will sign those.

24 MS. LUHTA: Yeah. I've proofed them all.

25 CHAIRMAN GALLOWAY: Thank God.

26 MR. MALCHESKY: Thank God.

27 CHAIRMAN GALLOWAY: And then we need to set a date  
28 for the appropriation workshop that our Fiscal Officer  
29 requires. And discussing that with her today, we thought that  
30 12:00 noon would be the perfect time to do that on 3/6, and

1 then that would move our staff meeting to, let's call it  
2 12:10.

3 MS. LUHTA: Oh, okay.

4 CHAIRMAN GALLOWAY: If that works for you. Well,  
5 they technically have, you know --

6 MS. DAWSON: Yep.

7 MS. LUHTA: Good.

8 CHAIRMAN GALLOWAY: So we will, that's what -- If  
9 that's okay with you guys, that's what we'll do.

10 MS. LUHTA: That's fine.

11 MR. MALCHESKY: Okay.

12 CHAIRMAN GALLOWAY: Okay.

13 MS. DAWSON: We figured we'd all be there, so --

14 MS. LUHTA: Yeah.

15 CHAIRMAN GALLOWAY: And then regarding future  
16 meetings and announcements, we will have an appropriations  
17 workshop on March 6th at 12:00 noon; a staff meeting to  
18 commence at 12:10. Both of those are in the conference room  
19 here at Town Hall. And at 7:00 p.m., the Zoning Commission  
20 will be meeting here in Town Hall in this room.

21 Wednesday, March 7th, 6:30, Trustee office hours.  
22 We need to do a continuation on that public hearing.

23 MR. MALCHESKY: 7:00 p.m.?

24 CHAIRMAN GALLOWAY: I would recommend 7:25 p.m. --

25 MR. MALCHESKY: Okay.

26 CHAIRMAN GALLOWAY: -- for that public hearing on  
27 the zoning text recommend -- I am sorry -- the amendment  
28 recommendation from the Zoning Commission.

29 MR. MALCHESKY: Application --

30 CHAIRMAN GALLOWAY: Right.

1 MR. MALCHESKY: -- 2017-1, requesting a Zoning Map  
2 amendment.

3 CHAIRMAN GALLOWAY: 2017-1, that is correct. That  
4 public hearing will be 7:25 p.m. on March 7th; the regular  
5 Trustee meeting to be at 7:30 p.m. or, in the event that that  
6 public hearing goes longer than five minutes, at the  
7 conclusion of that public hearing.

8 And I would also add, on March 9th, there will be a  
9 JEDD meeting here in Town Hall at 8:00 a.m.

10 Does anybody have anything else? And for those who  
11 actually, at home, that waited 90 minutes for us to return to  
12 this meeting after the executive session, thank you for  
13 sticking around and watching.

14 MS. LUHTA. Right.

15 CHAIRMAN GALLOWAY: Hopefully, you know what your  
16 horoscope is going forward and some of the fun historical  
17 facts.

18 MS. DAWSON: You have to sign both of those.

19 CHAIRMAN GALLOWAY: Yes, ma'am.

20 MR. MALCHESKY: Are you going to close it?

21 CHAIRMAN GALLOWAY: If you have nothing else, I  
22 will.

23 MR. MALCHESKY: Nothing further.

24 CHAIRMAN GALLOWAY: Okay. Closing this meeting.  
25 Thank you, everyone.

26 (Whereupon, the meeting was concluded at  
27 9:11 p.m.)

28

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30

1 STATE OF OHIO )  
2 COUNTY OF CUYAHOGA )

CERTIFICATE

3 I, Melinda A. Melton, Registered Professional  
4 Reporter, a notary public within and for the State of Ohio,  
5 duly commissioned and qualified, do hereby certify that, to  
6 the best of my ability, the foregoing proceeding was  
7 reduced by me to stenotype shorthand, subsequently  
8 transcribed into typewritten manuscript; and that the  
9 foregoing is a true and accurate transcript of said  
10 proceedings so taken as aforesaid.

11 I do further certify that this proceeding took  
12 place at the time and place as specified in the foregoing  
13 caption and was completed without adjournment.

14 I do further certify that I am not a friend,  
15 relative, or counsel for any party or otherwise interested  
16 in the outcome of these proceedings.

17 IN WITNESS WHEREOF, I have hereunto set my hand  
18 and affixed my seal of office this 28th day of February  
19 2018.

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Melinda A. Melton  
Registered Professional Reporter  
Notary Public within and for the  
State of Ohio  
My Commission Expires:  
February 4, 2023