

CONCORD TOWNSHIP BOARD OF TRUSTEES  
LAKE COUNTY, OHIO  
REGULAR MEETING

Concord Town Hall  
7229 Ravenna Road  
Concord, Ohio 44077

October 4, 2017  
7:30 p.m.

TRANSCRIPT OF PROCEEDINGS

Present on behalf of the Board of Trustees:

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

Also Present:

Kathy Mitchell, Administration  
Michael Lucas, Esq., Legal Counsel  
Chief Matt Sabo, Fire Department  
Frank Kraska, Service Director  
Heather Freeman, Planning/Zoning Director  
Debra Esker, Recreation Director  
Sergeant Larry Harpster, Sheriff's Department

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

7:29 p.m.

CHAIRMAN MALCHESKY: I am going to call the Concord Township Board of Trustees October 4, 2017, meeting to order. Please stand for the Pledge of Allegiance.

(Whereupon, the Pledge of Allegiance was recited.)

CHAIRMAN MALCHESKY: Okay. Roll call.

MR. GALLOWAY: Good job. That sounded good.

MS. DAWSON: Mr. Malchesky?

CHAIRMAN MALCHESKY: Present.

MS. DAWSON: Mr. Galloway?

MR. GALLOWAY: I am here.

MS. DAWSON: Mrs. Luhta?

MS. LUHTA: Here.

CHAIRMAN MALCHESKY: Okay. Reports. Amy?

MS. DAWSON: Do you want to do minutes?

CHAIRMAN MALCHESKY: Oh, approval of minutes. September 20, 2017, minutes?

MR. GALLOWAY: I had no changes.

MS. LUHTA: No changes.

CHAIRMAN MALCHESKY: No changes, okay. Then we will approve the September 20, 2017, minutes.

Amy, report.

MS. DAWSON: Thank you, Mr. Malchesky. As of September 30th, we were 75 percent of the way through the calendar year. Treasury balance for the 20 active funds within the Township Treasury was \$7 million. Treasury balance includes a million dollars in funds set aside for specific projects.

Year-to-date expenditures were 59 percent of the amount appropriated for 2017. The revenue received year to

1 date is 98 percent of the amount budgeted for. This includes  
2 second half of our 2016 real estate taxes. We are well within  
3 budget. We will not be receiving real estate tax revenue again  
4 until the end of the first quarter 2018.

5 Tonight I am going to discuss Fund Number 2021, the  
6 Gas Tax Fund. The motor vehicle tax, or gas tax, is commonly  
7 known began in 1925. Motor vehicle fuel wholesale dealers  
8 remit this tax. The amount is distributed by the Ohio  
9 Department of Taxation with the state receiving 75 percent and  
10 all other local governments receiving the remaining 25 percent.  
11 The money must be used for road purposes. Gas tax revenue to  
12 local governments has remained stagnant over the last six  
13 years.

14 If you have any other financial questions, please do  
15 not hesitate to call my office, 354-7516. Thank you.

16 CHAIRMAN MALCHESKY: Thank you.

17 Connie.

18 MS. LUHTA: All I have to report is that I went to an  
19 Eagle Scout ceremony on Sunday.

20 CHAIRMAN MALCHESKY: Good.

21 MS. LUHTA: That's it.

22 CHAIRMAN MALCHESKY: Chris.

23 MR. GALLOWAY: Mr. Chairman, like yourself and  
24 Connie, we were at the Eastern Lake County Chamber of Commerce  
25 joint luncheon with the Rotary at Quail Hollow Resort. And the  
26 most interesting thing to come out of that was an announcement  
27 from Quail Hollow Resort ownership that they are -- they have  
28 pushed out the previous management company that they had hired.  
29 The ownership group for Quail Hollow that bought the hotel two  
30 years ago is actually out of New Zealand, out of Auckland, and

1 they had hired a management group based outside of Phoenix that  
2 had been running the hotel on their behalf for the last couple  
3 years. It sounds as if they've replaced them or removed them  
4 and are now managing it directly and are going to start  
5 renovating, extensive renovations to the property.

6 So that is, that's a good thing for Concord. It  
7 was -- had become a real concern for the township as it relates  
8 to its viability and its future success. And it sounds like  
9 they're starting some room renovations now and they're going to  
10 be working on the ballroom next and so it sounds like they will  
11 be putting in a lot of money into that facility. So I know we  
12 are happy about that.

13 CHAIRMAN MALCHESKY: Yeah. They're going to bring  
14 some of their old events back that I think are very helpful --  
15 helpful and very popular.

16 MR. GALLOWAY: And as you know, we, we had started  
17 having meetings and discussing with the county what our course  
18 of action would be if that hotel were to go under or to shutter  
19 so that it didn't become an empty, vacant, you know, eyesore in  
20 the middle of the township. And so I am thrilled that we don't  
21 potentially have to have those kinds of planning and meetings  
22 and contingency plans on the shelf, as you like to say.

23 CHAIRMAN MALCHESKY: Sure, sure, sure.

24 MR. GALLOWAY: So that's great news. And hen on  
25 Saturday, Paul and I got called to -- There was an EPA  
26 emergency response team out looking for pollution that was in  
27 Kellogg Creek and we spent a little bit of time running around  
28 with the EPA in the creeks in western Lake -- or western  
29 Concord and eastern Mentor trying to find the source of what  
30 was polluting Kellogg Creek.

1                   CHAIRMAN MALCHESKY: It was Mentor.

2                   MR. GALLOWAY: It was Mentor. It was Mentor that did  
3 it.

4                   CHAIRMAN MALCHESKY: It was Mentor. It was not, it  
5 wasn't better in Mentor that day.

6                   MR. GALLOWAY: Yeah. They had had some water main  
7 breaks and -- on a tributary to Kellogg and they had done a  
8 bunch of work on some concrete streets which involved cutting  
9 and replacing some -- grinding of concrete and things. And  
10 with the rain event, all that dust and particulate flushed into  
11 the storm sewer and then into the creeks, which is what made  
12 the creeks, Kellogg and everything, all cloudy white  
13 downstream. So we found it and that was the, that was the  
14 adventure for Saturday afternoon.

15                   So that's all. You know, I've had a few meetings  
16 with resident just on zoning matters. And so that's all I  
17 have.

18                   CHAIRMAN MALCHESKY: You know, again, I had the same  
19 topic that popped up again, Kathy, is Painesville water and  
20 water main breaks and where we are with the county. I'd love  
21 to get back to some of these residents with regards to some  
22 answers. The main complaint is Pinehill and the concerns are,  
23 as we get closer to winter, that the freezing and the thawing  
24 may break some more.

25                   And they're talking about they're fixing a break and  
26 as they're finishing that, that patch, it's breaking 18 to two  
27 feet right next door to it, so -- and they can't get out of the  
28 hole. So, you know, we'll -- I'll call Jason at the, you know,  
29 at the county administrator. But just if you get any word or  
30 you hear anything, let me know.

1 MS. MITCHELL: Okay.

2 CHAIRMAN MALCHESKY: With regard to department  
3 reports, Kathy, what have you got for us?

4 MS. MITCHELL: Did you want to have Mike talk a  
5 little bit?

6 CHAIRMAN MALCHESKY: Sure. Mike, you got a report?

7 MR. LUCAS: Well, one was thrust upon me. There was  
8 a -- several residents, as I live in Concord, have asked me  
9 questions about some of the zoning issues that have arisen and  
10 that, one of them, of course, is the innovative site use. And  
11 it was clear to me, to some extent, that some explanation needs  
12 to be made from a legal standpoint as to what's entailed with  
13 the innovative site use at the present time, number one; and  
14 number two, how the process works itself because I think there  
15 is a misunderstanding about that. And I get it because it's a  
16 legal principle, a series of legal principles and that.

17 One of the things that, you know, came up was, well,  
18 how can they still be considering that when it's been repealed?  
19 And one of the things that came up, "Well, we don't want the  
20 Trustees to vote for this." And so I am just going to give  
21 kind of a brief overview of the law on this. And then I am  
22 sure everyone here will not have their minds changed one way or  
23 the other. I am just going to explain how the law works on  
24 this.

25 So the first thing is that the innovative site use,  
26 which was the subject of the zoning amendment and series of  
27 zoning amendments that ultimately was repealed by the Trustees,  
28 encompassed a large area along the Auburn-Crile Road corridor.  
29 And that innovative site use, regardless of the mechanics of  
30 it, is no longer on the books and it never was on the books

1 because they repealed it as it was proceeding through the  
2 process itself. It was never validly enacted.

3 What is on the books though, so as, again, a point of  
4 information, is there is an innovative site use that is  
5 permitted and didn't have anything to do with the zoning  
6 amendment process. It is permitted. And I will get into a  
7 little bit more detail about that in a minute but it is  
8 permitted in the Capital District as an innovative site use.

9 And just so everyone is aware, how did it get into  
10 the Capital District? It got into the Capital District, it  
11 began in 2014 and ultimately was enacted in 2015, in February,  
12 February 6, 2015. And how it got in there was it went through  
13 a process like every other zoning amendment process as required  
14 under the Ohio Revised Code.

15 What does that mean? It means that the following was  
16 done: There was a text that was presented for this particular  
17 use in the Capital District. It was before the Zoning  
18 Commission. The Zoning Commission scheduled a public hearing  
19 on it. They also sent it over to Lake County Planning  
20 Commission who reviews it and makes recommendations concerning  
21 this particular text. That was done. Lake County Planning  
22 Commission recommended the text. There were some modifications  
23 but they recommended the use. There was a public hearing in  
24 front of the Zoning Commission.

25 After the Zoning Commission hears the public  
26 regarding the pros and cons and how, you know, the input they  
27 want to provide, they make a recommendation, they don't make a  
28 decision, they make a recommendation as to the particular text  
29 to the Board of Trustees. The Board of Trustees receives a  
30 recommendation of the Zoning Commission, the information that

1 was provided by the Lake County Planning Commission, and they  
2 schedule a public hearing.

3 They schedule public hearing. The same process is  
4 reviewing the text, having citizens and residents of Concord  
5 come in and state whether they're in favor of it or against it.  
6 Then they vote on it. In this particular case, after the two  
7 public hearings, the review by the Zoning Commission and  
8 recommendation and review by the Lake County Planning  
9 Commission, they put this particular use in the Capital  
10 District and that passed February 6, 2015.

11 So that's long before the amendment process began to  
12 expand and get into a little more sophisticated detail of what  
13 was the subject matter of the proposed legislation that  
14 ultimately was repealed by the Township. So that's the first  
15 point.

16 The second point is, as it's positioned now as a  
17 potential use in the innovative -- excuse me -- in the Capital  
18 District, what does that mean? Well, the first thing that's  
19 important is it's not a permitted use, it's a conditional use.  
20 And under the Ohio Revised Code, when you have a conditional  
21 use that's applied for, which would be in this case the  
22 innovative site use, it doesn't go in front of the Trustees.  
23 And in point of fact, and I will explain this a little bit more  
24 detail, the Trustees don't have anything to do with the  
25 approval of the use. Under the Ohio Revised Code, a  
26 conditional use, which is what this is in the Capital District,  
27 is heard before the Board of Zoning Appeals. The Board of  
28 Zoning Appeals takes the evidence, they make their decision,  
29 and then the use is either granted or it's not granted.

30 And I will mention, as an example, a relatively



1 recent example of that was the Riverside School District coming  
2 in front of the Board of Zoning Appeals. The Trustees didn't  
3 have any decision-making in that either. They went in front of  
4 the Board of Zoning Appeals. They make the decision and there  
5 is no next step to the Board of Trustees. Whatever the  
6 decision is at the Board of Zoning Appeals, it goes to court if  
7 anyone appeals it and that's how it works.

8 So when there is discussion and, you know, I tell my  
9 neighbors, you know, regarding the innovative site use because  
10 it's a hot topic, the Trustees, under the current zoning text,  
11 if somebody comes in and wants to put an innovative site use  
12 in -- and by the way, again, it's only in the Capital District  
13 -- they have to go in front of the Board of Zoning Appeals.  
14 That is it. The Trustees don't vote on it one way or the  
15 other.

16 Now, this particular use, and just as a general  
17 definition, a conditional use permit means -- As I said  
18 earlier, it's not a permitted use, it's a conditional use. And  
19 there are certain conditions under the Zoning Resolution that  
20 have to be met, and if they're not met, the conditional use  
21 permit is denied. And if they are met, at least in an abstract  
22 matter, the Board of Zoning Appeals is supposed to then vote in  
23 favor of it.

24 So, again, with reference to this particular use,  
25 it's limited to jurisdiction in front of the Board of Zoning  
26 Appeals, number one. Number two, they have to meet certain  
27 conditions within this particular zoning section of the  
28 Township Resolution, which is Section 13. And with regard to  
29 this particular use and the conditions, there is two other  
30 components to it. There is actually a design approval process

1 and also a site plan review process which interpolate some of  
2 the conditions that have to be met. Those are also not in  
3 front of the zoning -- or excuse me -- in front of the Board of  
4 Trustees. They're in front of the Planning Commission (sic.).  
5 And there is two separate areas and sections of the Concord  
6 Township Zoning Resolution where the Zoning Commission,  
7 independent of the Board of Zoning Appeals' approval, reviews  
8 both the design plan and the site plan and make sure it meets  
9 some of the -- it meets the criteria that's set forth in those  
10 particular provisions of the Zoning Resolution itself.

11 So, again, the amendment process, that I realize is  
12 the subject of a hot topic, doesn't have anything to do with  
13 this particular currently existing use, which was established  
14 in February of 2016 -- excuse me -- 2015 after all the public  
15 hearings I previously described and that.

16 So the next point is, and neighbors have asked me,  
17 "Well, what about this RFP process and that?" The RFP process,  
18 there is no vote on that. Whoever the developer, if one  
19 emerges -- and one hasn't emerged yet to be properly  
20 considered -- but if one emerges, right now, that developer is  
21 limited to presenting an application in front of the Board of  
22 Zoning Appeals, having the matter heard at a public hearing  
23 before the Board of Zoning Appeals and they make the final  
24 decision whether the developer has complied with the uses and  
25 conditions under the Zoning Resolution.

26 Similarly, that same developer that's a product of  
27 the RFP process, if one ultimately springs forth and is, you  
28 know, deemed to meet the criteria that the Board is looking  
29 for, at least, in terms of the Capital District, he still has  
30 to go in front of the design review process and the

1 requirements in front of the Planning Commission. And all  
2 three of those components have to be met before the use is  
3 actually then established. And, again, there is no vote on the  
4 part of any of the Trustees in that.

5 So that's just a general parameter of what our  
6 current Zoning Resolution states. It's also an overview of  
7 how, basically, an amendment process takes place under the Ohio  
8 Revised Code that ends up with how, in this particular case,  
9 there is a site plan conditional use feature in the Capital  
10 District alone, so -- and, hopefully, distinguish between what  
11 was there in February of 2015 as opposed to what is not there  
12 and never was there because there was never a validation of the  
13 amendment as proposed on both occasions and that. So that's my  
14 Zoning 101 overview. So --

15 CHAIRMAN MALCHESKY: Thank you, Professor.

16 MR. LUCAS: You're welcome.

17 MR. GALLOWAY: Thank you, Dr. Lucas.

18 MR. LUCAS: I am missing Vanessa's famous PowerPoint  
19 presentation but we didn't get a chance to hook up and  
20 synchronize.

21 CHAIRMAN MALCHESKY: I'll get credit for that.

22 MS. PESEC: They won't let me make them anymore.

23 MR. LUCAS: I know, I know. Thank you very much.

24 CHAIRMAN MALCHESKY: Kathy, anything else you want  
25 Mike to add to your report?

26 MS. MITCHELL: No. He did a great job.

27 Well, for my report, I guess piggybacking on some of  
28 the items that Mike has addressed, Mr. Lucas has addressed, I  
29 would like to, I guess, clarify and bring up some points  
30 related to the town center RFP process. I have also received a

1 handful of -- more than a handful of questions regarding that.  
2 And so I thought it was, you know, again, useful to make some  
3 statements here and clarify that. So I am just going to go  
4 through my list.

5 So, at the present time, the RFP process, in our RFP  
6 process that began in May, one developer has been qualified to  
7 provide a proposal as part of Phase 2, which is the part that  
8 we are currently in. The developer has created and submitted a  
9 draft visionary plan only to date. As part of that plan, no  
10 Section 8 housing has been included in the developer's  
11 visionary plan. The developer has not submitted a proposal for  
12 consideration yet.

13 Again, that was a draft first step visionary plan for  
14 consideration. No plan or proposal has been approved,  
15 therefore, at this point by the Township. No master developer  
16 agreement is in place or has been agreed upon to move forward  
17 with a developer. In this case, right now, as I have stated,  
18 we have one developer that has submitted to move forward in  
19 this part of the process.

20 This particular developer has just requested an  
21 extension of the timeline. That extension has been moved to  
22 November 15th in order for their team to further assemble their  
23 response and formal plan for consideration. Concord is not  
24 under any obligation to approve the developer's proposal once  
25 submitted. Again, it is at our election to decide, once we  
26 have reviewed everything, if the plan that is submitted is, is  
27 acceptable or not.

28 So some people also have raised concerns and  
29 questions regarding, when the zoning text was repealed, how  
30 that affected the mixed-use town center concept. And as I

1 previously stated, the town center concept and the RFP process  
2 was not put on hold and is still moving forward. And as I  
3 indicated at the last meeting on September 20th, I confirmed we  
4 were in Phase 2 of that process.

5 What is different, as Mike alluded to and I will just  
6 emphasize again, is the zoning boundary that was part of the  
7 proposed zoning amendments. Since the repeal of those text  
8 amendments, the area within the corridor that allows for this  
9 type of development was reduced to the original boundary of the  
10 Capital District.

11 There has also been questions regarding the  
12 residential piece of the mixed-use town center concept that  
13 needs to be clarified. The current zoning requirements for an  
14 innovative site PD allows for a limited amount of residential  
15 units as a component of a proposed mixed-use commercial  
16 development. The predominant uses within the proposal have to  
17 be commercial, primarily retail and personal service uses,  
18 restaurants and offices.

19 To be more specific and as stated in the code -- I am  
20 sorry to be technical but that is the only way I know how to  
21 explain this -- not more than 30 percent of the gross acreage  
22 of any proposed innovative site plan development shall be used  
23 for housing, that includes both townhomes and condo units above  
24 commercial structures. Also, under the existing zoning, no  
25 vertical stand-alone, multi-family buildings are permitted with  
26 any -- within any proposed innovative site plan development.  
27 The innovative site plan development, just again to clarify for  
28 everybody, is the use listed in the zoning text that would  
29 allow for a mixed- use town center concept.

30 So this means no high rises. Okay? We get that

1 question a lot. No high rises. The C, Capital District does  
2 not allow for buildings beyond 60 feet, and that was put into  
3 the code back in 2015 at the same time Mike mentioned, on  
4 February 6th.

5 So in anticipation of this future development and  
6 also in conjunction with response to concerns with the  
7 residents, our contract with the Sheriff's Department was  
8 updated in 2016, in part, for additional police protection and  
9 patrols. Last year, also, a public safety levy was passed to  
10 expand emergency services available to the community.

11 As far as the impact on traffic, 90 and 44 are  
12 obviously considered major highways, not neighborhood streets,  
13 and they are designed to handle traffic for potential  
14 development. As we know, ODOT just completed \$13 million in  
15 traffic improvements, road improvements for safety, as well as  
16 to help facilitate future economic development.

17 With regard to the property that was purchased by the  
18 Township at the corner of Capital Parkway and Auburn Road for a  
19 potential mixed-use town center project, the land was paid for  
20 by income tax dollars generated through the Joint Economic  
21 Development District and distributed to the Township. It did  
22 not come from residents' property taxes. That is a question I  
23 also get a lot.

24 Under the JEDD contract agreement between Concord and  
25 the City of Painesville, these income tax revenues that are  
26 generated through specifically the JEDD District are required  
27 to be used, in part, and promoted for economic development.  
28 The purchase of the land was intended to control and guide  
29 future development and avoid a hodgepodge of business and fast  
30 food chains developing on individual lots, thereby creating

1 multiple access points along Auburn Road.

2 The purpose and intent behind an innovative site plan  
3 development is to provide an opportunity for a planned,  
4 cohesive development, creative design, a variety of land uses  
5 and unique site features that will contribute and improve the  
6 values of the surrounding properties and sustain this  
7 commercial corridor well into the future. The current zoning  
8 and stringent development standards were created with the help  
9 of professional land use planners to ensure that that was the  
10 path we took.

11 So in closing, if residents have questions of this  
12 nature or other questions that are not being answered tonight,  
13 I am asking that you contact me or other members of our staff.  
14 We have a wonderful group of staff. They're all in the front.  
15 We've got Deb Esker, our Recreation Director; Heather Freeman  
16 is our Planning and Zoning Director; Frank Kraska is our Road  
17 and Service Department extraordinaire; and Chief Matt Sabo is  
18 the be-all and end-all of fire and safety in Concord Township.

19 So believe it or not, we are actually pretty good at  
20 trying to answer those questions. If we can't answer your  
21 questions, we will do our best to find the answers for you. So  
22 please use us to answer your questions.

23 We will be launching, for your information, a Concord  
24 facts page on our website -- there is a placeholder on it  
25 now -- that will include this and other related information for  
26 the public to view. There has been a lot of questions to our  
27 staff in recent months, and we want to make sure that the  
28 information available is in one location on the website rather  
29 than sending everybody to different tabs and different parts of  
30 it. So stay tuned for that. I hope that helps. And please,

1 again, call if you have any other questions.

2 CHAIRMAN MALCHESKY: All set, Kathy?

3 MS. MITCHELL: That is enough, yeah.

4 CHAIRMAN MALCHESKY: Okay. Thank you.

5 Fire Department, Chief Sabo.

6 CHIEF SABO: Good evening. So in the month of  
7 October, we've faced Fire Prevention Week or Fire Prevention  
8 Month. So in October our fire educator, Ken Weidig, dedicates  
9 his time throughout October in Concord Township schools,  
10 meeting with the children, meeting with the teachers and  
11 spending time to teach them about fire safety. You may see Ken  
12 and the firefighters and our equipment at the schools providing  
13 that education.

14 This year's theme is, "Every Second Counts. Plan two  
15 ways out." So you will see that on the television station, you  
16 will see it on our website and it kind of looks like this. So  
17 always plan two ways out.

18 In the month of May -- or May, wow -- September, we  
19 had a total of 215 events, including 16 motor vehicle crashes,  
20 23 agency assists, 14 fire alarms, one odor investigation, 34  
21 basic EMS rescues, 70 paramedic rescues, 22 public assists,  
22 three calls for wires down.

23 And many of you probably saw in the paper about the  
24 structure fire that we had recently. That family of four was  
25 displaced. Their home sustained severe damage. And I will  
26 stress once again, as I do continuously, there is no reason for  
27 anyone in Concord Township not to have working smoke detectors  
28 in their home. I have cases of smoke detectors to give. So if  
29 anyone needs smoke alarms, smoke detectors, please call us and  
30 we will make sure that they're installed properly. And we



1 check, we go out and check smoke detectors. So if you have any  
2 issues, please call us.

3 The only reason that family -- I feel the only reason  
4 that family survived was because one family member was sleeping  
5 on the couch adjacent to where the fire started. Otherwise, we  
6 would have four fatalities. I don't want -- I don't want to  
7 face that.

8 Our fire prevention bureau was busy as well with  
9 three plan reviews, 22 annual inspections, 10 follow-up visits,  
10 four special inspection licensing events, 25 fire protection  
11 system testings. And these are all focused on commercial  
12 buildings throughout Concord and state, state facilities.

13 We installed one residential lock box. This is a  
14 program that's available to our residents -- typically, it's  
15 our senior citizens -- so that we don't, if you call 911 and  
16 you can't come to the door, we don't have to break the door to  
17 get in. So it's a lock. It's a box that mounts to your front  
18 door and inside that box is a key to your home. And the only  
19 person that has access to that key is the Fire Department. No  
20 one else has access to that key.

21 We also did six public education events and one PR  
22 event, which was Super Heroes Day at Quail Hollow. So that's  
23 always fun to play with the kids and have them come out and  
24 check out the trucks.

25 MR. GALLOWAY: What was your costume? Were you the  
26 Hulk?

27 CHIEF SABO: I was. I got angry.

28 And three consultations.

29 MR. GALLOWAY: That's right.

30 CHIEF SABO: Unfortunately, I missed it. I was

1 supposed to go there but we had a family emergency, so I missed  
2 it. But thank you very much.

3 MR. GALLOWAY: Thanks, Chief.

4 MS. LUHTA: Thanks, Chief.

5 CHAIRMAN MALCHESKY: Frank, what's going on in the  
6 Service Department?

7 MR. KRASKA: Well, after a pretty heavy start to the  
8 meeting tonight, I guess we get down to the meat and potatoes  
9 now, right? I shared a quote from John Wooden yesterday that  
10 "It's the details that are vital. Little things make for big  
11 things to happen." So that's what I am going to give you guys,  
12 little details.

13 The Service Department has recently received  
14 inquiries regarding our playground equipment in Concord Hills  
15 Park on Hoose Road, primarily the height and condition of the  
16 swing set. As a result, we have ordered new chains that are  
17 plastic coated to meet current standards and it will both  
18 lengthen and respond to the concern that was raised.

19 This week the Garden Club donated a Japanese umbrella  
20 pine tree to further enhance the landscape at Concord Hills  
21 Park. You will find this gem located close to the pavilion.

22 Next week we are hoping to pave the walking path at  
23 Barchester Park just as we did earlier this summer at Concord  
24 Hills Park which, by the way, has a steady stream of activity  
25 and is well used, correct?

26 MR. LUCAS: That is very true. God's country.

27 MR. KRASKA: Meanwhile, the Service Department crews  
28 in September completed our crack seal program and we are  
29 beginning to wind down our Dura Patching for the season. We  
30 have completed maintenance on the face of Oakridge Dam,

1 removing overgrowth, cleaned the pond forebay on Eagle Ridge in  
2 conjunction with Lake County Stormwater Management Department.

3 We cleaned various roadside ditches on Cascade,  
4 Conley, Pinehill and Marlo, and also replaced driveway culverts  
5 on Althea and Breezewood.

6 This leads us into our road program. Our Service  
7 Department concrete crew continued to make progress in  
8 September replacing close to 1,100 square yards of concrete  
9 pavement on Colleen Drive, Conestoga Trail, Carriage Hills  
10 Drive, Equestrian Court. This brings our season total to  
11 nearly 3,000 square yards.

12 Pacheco Cement was awarded a contract to replace  
13 Gallant Way cul de sac and repair sections on Waterfowl Way --  
14 which I can report has been completed as of today -- which are  
15 both located within Quail Hollow subdivision, combined  
16 replacement with nearly 1,400 square yards.

17 I know I have said it before, though I have to say it  
18 again. Fixing roads creates inconveniences to residents living  
19 close by the construction zones and often creates delays from  
20 their normal daily patterns. Again this summer, I admire  
21 Concord residents that recognize and accept road improvements  
22 for their end result, not the expedience of the start to the  
23 finish. As an example, this week I received this note from a  
24 resident on Conestoga Trail:

25 "We recently had our section of the court (we are at  
26 8075 Conestoga) redone by the Service/Road Department. We want  
27 to express our thanks and how pleased we were by the  
28 professionalism and good work of the crew. They daily  
29 completely cleaned up the work area when finished and always  
30 left a pathway for vehicles to navigate even while

1 excavating/pouring/et cetera. The work was done with very  
2 little inconvenience and the road is much improved. Thanks  
3 again."

4 With a little patience, the reward can be quite  
5 palatable. Once again, thanks from the Service Department for  
6 this year's accomplishment.

7 That's, when I say thanks, I say thanks to the  
8 community because it's been really easy to work within these  
9 work zones and stuff because people really accepted our folks,  
10 as well as our contractors, in accomplishing, you know, the  
11 difficult projects that sometimes have to be carried out.

12 On Saturday, October 14th, from 8:00 a.m. 2:00 p.m.,  
13 our final brush and yard waste dropoff will take place.  
14 Service Department personnel will be on hand to assist  
15 residents in the offloading of these materials at our Service  
16 Department garage located at 7229 Ravenna Road, right behind  
17 the Town Hall. Tree limbs, twigs and branches four inches in  
18 diameter or less will be accepted. Yard waste will be accepted  
19 in biodegradable bags and easily-handled containers which can  
20 be dumped by hand. No plastic bags, please, are permitted.

21 The brush will be chipped and made available to the  
22 residents on a first-come, first-serve basis during regular  
23 business hours, Monday through Friday, 7:00 a.m. to 3:00 p.m.  
24 Now, we do send out the yard waste to have it recycled and  
25 reused again as well.

26 As we approach the winter season, mailbox snow  
27 barricades are available to Concord residents. Applications  
28 can be obtained on our website at [www.ConcordTwp.com](http://www.ConcordTwp.com) or stop by  
29 Town Hall during business hours. The cost for the barricades  
30 this year, which include installation, is only \$40. Over 500

1 residents are already participating and we installed 10 just  
2 this week.

3 Please visit township website -- or our township  
4 website for regular updates, current events and related  
5 information. In closing, we wish our residents well and have a  
6 good evening.

7 CHAIRMAN MALCHESKY: Thank you.

8 MR. GALLOWAY: I figured you would end with a "Go  
9 Tribe."

10 MR. KRASKA: Go Tribe.

11 CHAIRMAN MALCHESKY: Heather Freeman, Zoning  
12 Department.

13 MS. FREEMAN: Good evening. Thank you. During the  
14 month of the September, the Zoning Department office has been  
15 busy processing zoning permit applications. We processed a  
16 total of 41 and collected over, just over \$5,800 in fees just  
17 in the month of September. Of those 41 permits, the most  
18 requested zoning permit applications were for fences, sheds,  
19 and single-family dwellings.

20 Year to date, our office has processed a total of 354  
21 zoning permit applications. Last year total we did 408, so I  
22 think we are on track to exceed that number. And then as far  
23 as permit applications for new dwellings, we are at 69 for the  
24 year compared to last year for the year-end we were at 77. So  
25 we're going to probably exceed last year's number slightly as  
26 well.

27 Also during the month of September, the Board of  
28 Zoning Appeals heard two application requests for conditional  
29 use permits of which one was denied and one was approved.  
30 That's it.

1 CHAIRMAN MALCHESKY: Thank you.

2 MS. LUHTA: Thank you.

3 CHAIRMAN MALCHESKY: Deb, Recreation Department.

4 MS. ESKER: Good evening. The Concord Township  
5 Recreation Department is offering an engaging variety of  
6 leisure classes this fall. And when you're not watching the  
7 Indians game and cheering on the Tribe to victory this  
8 postseason, check us out for these fun and informative classes  
9 designed with our residents in mind.

10 We've got Tai Chi for strength and relaxation; Pound,  
11 a class that uses weighted drumsticks to rock out your work  
12 out; Essential Oils 101; Photography From A to Z; adult cooking  
13 classes using fall produce, like cabbages, apples and pears; A  
14 Kids' Monster Mash Cooking Class; Mah Jongg, how to play the  
15 game as well as strategies to win it; Computer Controlled  
16 Christmas Lights, where you learn to program your holiday  
17 lights to music; Dot Rocks, a class where you paint beautiful  
18 designs on rocks that you can keep or leave in nature for  
19 others to find and enjoy and maybe rehide; Put Your Best Self  
20 Forward, a class that's designed to help you look your best  
21 anytime, anywhere; we have fall tennis camps going on at  
22 Concord Hills Park; and Ghost Stories of Lake County at  
23 Concord's historic Old Stone School all this month.

24 Seats are available in most of the classes, so go  
25 online to [ConcordTwp.com](http://ConcordTwp.com) and sign up or call the Recreation  
26 Department to register.

27 Thanks to all those who attended this afternoon's  
28 55 Plus Group gathering that explained the upcoming changes to  
29 Medicare. Our next 55 Plus Group gathering is Wednesday,  
30 October 18th, when the League of Women Voters will host a

1 candidate's forum at the Community Center.

2 Please join the Recreation Department and the  
3 businesses at Grist Mill Village on Thursday, October 26, for  
4 our 9th Annual Halloween Haunt. The Haunt begins promptly at  
5 6:30 p.m. inside Reider's Market Cafe where kids receive their  
6 first treats of the evening. And then they trick-or-treat  
7 their way through the shops at Grist Mill Village, including  
8 the businesses across the parking lot, so parents must  
9 accompany the kids. The Haunt will proceed regardless of the  
10 weather, so please dress appropriately, which at this point  
11 could be flip-flops and shorts or your winter parka. It's  
12 Ohio.

13 Thanks to Reider's Market and the businesses at Grist  
14 Mill Village for their continued participation in our Haunt and  
15 to Concord Township Fire Department because they always bring a  
16 fire truck and treats for this family-friendly event.

17 As always, neighborhood trick-or-treating will be on  
18 Halloween, October 31st, from 6:00 to 8:00 p.m. So please  
19 watch out for those little goblins roaming around your  
20 neighborhood and help us keep them safe.

21 Get your zombie on at the Thriller Dance Workshop and  
22 Party on Friday, October 27th, at the Concord Community Center.  
23 Learn the choreography in Michael Jackson's *Thriller* video and  
24 then bust a move at our second annual Thriller Halloween Zombie  
25 Party. Zombie attire is encouraged and will be photographed.

26 If you love taking pictures, enter the Concord  
27 Township Photo Contest this fall. Photos will be on display  
28 from October 21st through November 9th at the Vista Springs  
29 Quail Highlands Gallery at 76 -- at 7960 Auburn Road, just  
30 south of the Community Center. Entry forms can be found on the

1 township's website or picked up at the Community Center, and  
2 the deadline to enter is October 19th.

3 As the holiday season approaches, take the stress out  
4 of parties by renting the Concord Community Center for your  
5 get-together. It's the perfectly centrally located place to  
6 hold your holiday party. You can check out pictures of our  
7 facility on the township's website or stop by for a tour and  
8 details. We're located at 7671 Auburn Road across from  
9 TriPoint Hospital.

10 All this information and more can be found in the  
11 fall edition of the township newsletter, the *Concord Grapevine*,  
12 and on the Concord Township website at [ConcordTwp.com](http://ConcordTwp.com) or  
13 contact the Recreation Department directly at (440) 639-4650.

14 And I'd also like to give one more shout out to the  
15 Fire Department because they occasionally do staff trainings  
16 for the Recreation Department and another one is happening the  
17 evening of October 18th where they're going to train the  
18 Recreation staff in emergency management, some medical training  
19 refresher, active shooter refresher, severe weather refresher.  
20 We appreciate that they do this for us and it gives our staff  
21 more skills in case of an emergency situation when our guests  
22 are renting the Community Center. So thanks again to the Fire  
23 Department. Thank you, and go Tribe.

24 CHAIRMAN MALCHESKY: Deb, I have a question.

25 MS. ESKER: Sure.

26 CHAIRMAN MALCHESKY: So we had some, some complaints  
27 this year about having Halloween on -- or trick-or-treating on  
28 Halloween because it's a Tuesday from 6:00 to 8:00. And the  
29 ability to change that was affected by the simple fact that we  
30 had every single other community is going to do it on



1 Halloween. So I guess the question becomes, if we start  
2 earlier -- and I am not sure if it's your department or our  
3 department -- to start working with the, you know, surrounding  
4 communities about maybe making it, whether it's a Friday or  
5 Saturday.

6 And so I guess when you have your event at Grist  
7 Mill, maybe check with some of the mothers or get some input  
8 and then we can start to advocate their position to the other  
9 communities. You tell us whatever the best way to do that is,  
10 whether it's on your end or our end or both ends. But, you  
11 know, I think their movement is to have it sometime during the,  
12 during the weekend.

13 MS. ESKER: Sure, will do.

14 CHAIRMAN MALCHESKY: Okay. Thank you.

15 MS. ESKER: Thank you.

16 CHAIRMAN MALCHESKY: Concord law enforcement.

17 SERGEANT HARPSTER: Good evening.

18 CHAIRMAN MALCHESKY: Good evening.

19 SERGEANT HARPSTER: The month of September, the  
20 Sheriff's Office handled 1,440 calls for service in Concord  
21 Township, two injury accidents, 12 property damage accidents.  
22 We had an adult male arrest for possession and trafficking and  
23 drugs and two for disorderly conduct. We had 273 crime  
24 prevention cards, 19 citations issued, 127 warnings on traffic  
25 stops, two driving under suspension citations, and one OVI.

26 New investigations for Concord Township: We had  
27 assaults on Auburn Road, Melridge, Girdled Road and Village  
28 Drive. We had a breaking and entering on Auburn Road, a  
29 breaking and entering to a vehicle on Easton Way, a burglary on  
30 Deerhaven. We handled drug cases, two on Auburn Road, one on

1 Andrea Drive and one on Concord-Hambden Road. Theft cases, we  
2 had three thefts on Auburn Road, four on Girdled Road, two on  
3 Concord-Hambden, two on Hermitage, two on Barchester, one on  
4 Sittingbourne and one on Fredle Drive. We had a vandalism on  
5 South Meadow and a stolen vehicle on Auburn Road and a stolen  
6 vehicle on Morley Road. And that's all I've got. Go Tribe.

7 MR. GALLOWAY: Well done, well done. Sergeant  
8 Harpster learns fast.

9 CHAIRMAN MALCHESKY: All right. Senior Service Levy,  
10 Issue 4.

11 MS. BARAJAS: Hello. Good evening. Thanks for  
12 having me say a few words today. My name is Alyea Barajas. I  
13 am the senior services coordinator with the Board of Lake  
14 County Commissioners, and I just want to give you all some  
15 information today about Issue 4, which is the senior services  
16 levy.

17 So in 1992, Lake County voters approved a half mill  
18 levy to fund senior services across the county. The voters  
19 have renewed the levy every five years and recognize the  
20 importance of the services provided with the levy funding.  
21 Today these include home-delivered and congregate meals, social  
22 work and homemaker services, programs at the senior centers  
23 across the county, home maintenance and modification projects,  
24 and much more.

25 However, we face two big challenges in maintaining  
26 these programs. Number one, federal funding for senior  
27 services continues to decline and is now lower than 2008  
28 levels. In fact, today the federal government only invests  
29 \$29.75 for every senior.

30 Second, the demand for senior services here in Lake

1 County is growing rapidly. The percentage of Lake County  
2 residents 60 and older will increase from 24 percent to 34  
3 percent by 2030 and will actually outnumber youth 20 years and  
4 younger here in Lake County. This significant growth is higher  
5 than both the northeast Ohio region and the state as a whole.

6 As we age, chronic disease, disability, elder abuse  
7 and neglect, affordable housing, poverty, isolation and  
8 inadequate nutrition will present growing challenges.

9 To help make up for the major funding gaps and  
10 growing needs, we are placing an issue on the November ballot  
11 to renew and slightly increase the existing levy. An increase  
12 in levy funds would allow for additional senior services, such  
13 as adult guardianship services and expanded protective services  
14 for older adults. The issue would be an increase of 87 cents  
15 per month per \$100,000 home value. Without it we risk having  
16 to drastically reduce the services that thousands of our oldest  
17 and most vulnerable elderly citizens count on every day.

18 Thanks. That's all I wanted to say.

19 CHAIRMAN MALCHESKY: Thank you.

20 Okay. That takes us to the audience portion. Anyone  
21 want to speak? Come on up here. If you would just state,  
22 although we know your name, would you just state your name for  
23 the record and your address, it would be much appreciated.

24 MR. MASSIE: Yes. Good evening. My name is Brian  
25 Massie, 8196 Rainbow Drive here in Concord. And I would like  
26 to start by first making a sort of a public service  
27 announcement. Perhaps those in the audience would like to hear  
28 this and maybe those at home.

29 But I want to tell you about an experience I had with  
30 the News Herald. I wrote an opinion piece for the News Herald.

1 It had to deal with illegal aliens. The News Herald took it  
2 upon themselves to change the words "illegal aliens." They  
3 inserted "undocumented immigrants." When I called the News  
4 Herald, they said that the Associated Press had determined that  
5 the phrase "illegal aliens" will not be used and it will be  
6 substituted with "undocumented immigrants."

7 I think it is very, it is very sad when our free  
8 press will not report what is actually happening. They bring  
9 it upon themselves to make changes to what our citizens are  
10 saying.

11 The next question I have is for the Trustees. I sent  
12 an email to the Trustees asking for a meeting. Did you get  
13 that email?

14 MS. LUHTA: Yes.

15 CHAIRMAN MALCHESKY: Yes.

16 MR. MASSIE: We did not have that meeting. May I  
17 ask, did you have other meetings with other residents that may  
18 be your supporters?

19 CHAIRMAN MALCHESKY: No. In fact, I thought, if I  
20 understood it correctly, I think I was designated to meet with  
21 you and --

22 MR. MASSIE: I said all three, any of them, it did  
23 not matter. I was not specifically saying you.

24 CHAIRMAN MALCHESKY: I will, I will meet with you.  
25 And I apologize. I thought we extended that to you. If you  
26 want to wait and after this, after tonight, and we will set up  
27 a meeting time.

28 MR. MASSIE: Yeah, because I truly believe that the  
29 Trustees must represent all of the residents.

30 CHAIRMAN MALCHESKY: Sure.

1 MR. MASSIE: And not just your supporters.

2 I have to say that the -- I have done a lot of  
3 inspection of the financial information and one thing that  
4 comes to mind is that safety levy. I have to say that I am  
5 vehemently opposed to your making that a combined police and  
6 safety levy. Also, I also am extremely upset that you made it  
7 a continuous. For those that don't know, continuous means  
8 forever. You've taken the vote away from the taxpayers. I  
9 don't think that was a very wise decision.

10 I noticed that NOACA provided a \$2,049,000 loan for  
11 our project. How instrumental was NOACA in developing the plan  
12 or your vision for the town center? Did they have any input or  
13 was this vision the vision of the Trustees? Because I can tell  
14 you that, for those that may be listening, NOACA has been known  
15 to support the Marxist U.N. Agenda 21 social engineering to  
16 redefine America. The United Nations program lays out a  
17 comprehensive plan of sustainable development locally,  
18 nationally and globally in every area where humans affect the  
19 environment. Basically, it's U.N.'s plan to establish control  
20 over all human activity, including man's reputed contribution  
21 to climate change. The U.N. is at the hub of the global  
22 network working to submerge the independence of nations in a  
23 world government controlled by the elite. So if they had input  
24 in that, I object to their having input in what's happening in  
25 my local community.

26 I mentioned last time that we spent \$319,000 on  
27 Risinger, the consulting group. I also found out that we spent  
28 \$85,000 with Buxton Company. As I understand, they're a  
29 company that develops demographic studies for your area. With  
30 all of the other consulting groups, we spent probably close to

1 \$500,000 on consultants for that project.

2 I also noticed that in talking to County  
3 Commissioners, our local government fund distribution, money  
4 that is given by the State of Ohio back to the communities,  
5 there's 26 different political cities, villages, townships.  
6 Concord Township ranks 17. There is \$9.5 million distributed  
7 by the state. We got \$114,000, 1.19 percent. I would like to  
8 make sure that the Trustees are fighting for us.

9 I am going to the, I am going to the County  
10 Commissioners tomorrow. We may not get any more money but why  
11 Mentor gets a million and a half, Lake Metroparks gets \$155,000  
12 and we get \$114,000. I want the Trustees fighting for the  
13 people in this community.

14 I am also a little surprised. I mean, you catch me  
15 off guard. I thought you had told me in prior meetings that  
16 the town center project was dead, won't have to worry about it.  
17 It's over. I am now hearing Kathy say that it's not over. I  
18 am confused. Is it over or not?

19 What I am looking for, gentlemen and Ms. Luhta -- I  
20 don't mean to exclude you -- I am looking for Trustees to fight  
21 for their people. As I told you before, I think that, if we  
22 stay on our current path of these escalating real estate taxes,  
23 we are going to start pricing those living on fixed incomes out  
24 of their homes that they worked all their lives to achieve. I  
25 just don't think that's fair. Please fight for us. Thank you.

26 CHAIRMAN MALCHESKY: Thank you.

27 All right. Any additional audience portion before we  
28 address Mr. Massie's questions?

29 MS. PESEC: Hi. Vanessa Pesec, 11705 Cali Court.  
30 First of all, I would like to thank you for that very detailed

1 discussion regarding the whole master developer concept. I  
2 think it's really important because people are, as Mr. Massie  
3 said, very surprised when they realize that the town center  
4 concept may become a reality with the existing zoning.

5 Just for the record, I was, of course, at the Lake  
6 County Planning Commission and attended the Zoning Commission  
7 meeting and the Trustee meeting in 2015 and was opposed and  
8 gave a number of reasons why I didn't feel that that was  
9 appropriate at the time, and I still feel the same way.

10 I would like to state the obvious. The Trustees hire  
11 all of the people, the Administrator, the people in the Zoning  
12 Department, and you also appoint all of the people on the Board  
13 of Zoning Appeals and the Zoning Commission. So you are in  
14 charge of what goes on in the township and the buck does stop  
15 with you. So it's nice to say, well, the Board of Zoning  
16 Appeals are the people who are going to be making the decisions  
17 or somebody else is going to be making decisions, but you've  
18 been steering this boat for quite sometime and I hope that you  
19 will steer it in the right direction.

20 As I said, people were very surprised. Fifty-seven  
21 companies were notified of the RFP here in 2017, including it  
22 being on the Urban Land Institute website. Of course, this was  
23 a password protected website on the Concord website but only  
24 the people that knew the password could get in, so that's why  
25 it's surprising for people to hear about the RFP and the master  
26 developer because the citizens would not and could not get onto  
27 that site, only if you had a special password.

28 But of the 57 plus people, companies that were given  
29 this master developer proposal, only one company responded,  
30 which I feel is a pretty poor response rate. This simple fact

1 shows that the town center in Concord Township isn't a good  
2 idea. Developers don't think it's viable.

3 I think that there are three reasons that the town  
4 center isn't a good idea. We have talked about them in the  
5 past. Concord needs long-term, sustainable tax-generating  
6 revenue from commercial and light industrial companies, not  
7 residential units inside that area. We have precious 8 percent  
8 commercial and we need to keep it that way.

9 Retail is dying, we all know that. And we'll be left  
10 with decreasing value residential units and vacant retail  
11 office space. Just look at the Willoughby project that was a  
12 similar project, a little bit different but similar in  
13 Willoughby. The commercial places are empty.

14 And, third, increased traffic and congestion. Your  
15 traffic studies on which the road construction that was just  
16 completed didn't include this town center, this high density  
17 town center concept. So we will be back to having to have  
18 additional road construction and additional traffic.

19 For these reasons, many citizens request that you do  
20 additional homework and that you realize that the town center  
21 concept in Concord isn't viable, that you educate everyone,  
22 including the Zoning Commission and the Board of Zoning  
23 Appeals, based on your additional homework. We hope that you  
24 will also let the citizens have a voice in the type of  
25 development Concord should invite into this area and that we  
26 encourage all residents to hear all sides of this story. And  
27 feel free to go to the Defend Concord website,  
28 DefendConcord.com, for more information, and contact us as  
29 well.

30 You have -- You can make all the difference in



1 whether or not the master developer is assigned and we hope  
2 that you will say no. Thank you.

3 CHAIRMAN MALCHESKY: All right. Any additional  
4 members of the audience that would like to speak?

5 MS. ANDREWS: Me. I just have a couple of quick  
6 questions.

7 CHAIRMAN MALCHESKY: All right. Thank you.

8 MS. ANDREWS: Faith Andrews, 10441 Prouty.

9 CHAIRMAN MALCHESKY: Faith, just let's not make it  
10 political. And so -- And I am not saying that you are, so if  
11 you just would, but Vanessa knows that she is not supposed to  
12 make it political. If you would just please comply.

13 MS. ANDREWS: I can't, I can't believe that you would  
14 even -- I'm offended.

15 CHAIRMAN MALCHESKY: No. I don't --

16 MS. ANDREWS: Here are the two questions I have.  
17 There has been a lot of rumors. I have heard about the income  
18 tax coming into the JEDD. Can you confirm that or not? That's  
19 the only -- That's one question I have, is I've heard that  
20 there is income tax being proposed coming into the JEDD for the  
21 residents that would -- anything within the JEDD. Okay? So I  
22 just need to have an answer on that.

23 And then I know the legislation that has been  
24 repealed took away referendum capability for residents with  
25 regard to development in the JEDD. I am just wanting to know  
26 whether or not, under the current zoning laws, we still have  
27 referendum capability. Thank you very much for allowing me to  
28 speak.

29 CHAIRMAN MALCHESKY: I didn't mean to -- All right.  
30 Listen --

1 MR. GALLOWAY: Do you want me to?

2 CHAIRMAN MALCHESKY: No. Just real quick, we're  
3 trying not to make this matter about politics. We're talking  
4 about governance, not a particular candidate, not a particular  
5 position. I didn't mean to imply anything else except that the  
6 last speaker, I thought, misspoke and I was just making sure  
7 that we all understood the rules.

8 With respect to, Faith, your, your question with  
9 regards to the Joint Economic Development District, which is  
10 the JEDD, produces an income tax, it has been producing that  
11 income tax since 2008. That's the purpose of the Joint  
12 Economic Development District.

13 If there is a mixed-use development inside a JEDD and  
14 there is a resident that is inside that mixed-use development,  
15 pursuant to the JEDD, that individual could be, could be --  
16 would have an income tax as well. That is a change in the law  
17 that the Ohio Revised Code did back in September of 2016.  
18 Additionally, prior to then, residents were allowed to be  
19 inside a JEDD, they just couldn't start there. So they could  
20 be added on later on. So that's, that's the history of the  
21 law.

22 With regards to referendums, referendums can always  
23 take place after something is passed and within -- I believe  
24 it's by filing within 30 days to the Board of Elections. So,  
25 so there has been no, no change in referendum law. That's  
26 pursuant to the Ohio Revised Code. And then, again, the JEDD  
27 law is, again, pursuant to the Ohio Revised Code.

28 Getting back to Mr. Massie's comments, and I want to  
29 take some time because I actually share his sentiments on some  
30 and then others. With regards to the safety levy and the

1 combined levy of the police and fire, they were combined  
2 because we found, historically, that our police and our fire  
3 work hand in hand together. That was created by many times  
4 when there is an incident, police and fire are both called  
5 there. And so, therefore, they have been working together in a  
6 cohesive group. We need them both, we need on the scene both,  
7 and so we combined them as a safety levy. The continuous  
8 portion of that is right. It provides a base and stability for  
9 both organizations.

10 That being said, historically, Concord Township has  
11 repealed levies that were not necessary or overburdened. And I  
12 can tell you that back, I believe, in the '80s, Connie, you  
13 repealed the last police levy.

14 MS. LUHTA: It was in the '90s.

15 CHAIRMAN MALCHESKY: Nineties?

16 MR. GALLOWAY: Yeah, it was '92.

17 CHAIRMAN MALCHESKY: Ninety-two.

18 MS. LUHTA: Ninety-three.

19 CHAIRMAN MALCHESKY: So there is an historic  
20 precedent with regards to that.

21 With regards to NOACA funds, NOACA had no, no  
22 decision-making with Concord Township on anything. However,  
23 they did provide us funds.

24 And when you mention that the, you know, whether or  
25 not the township fights for funds from other agencies, they do  
26 so, NOACA being one, ODOT and safety levies -- or safety  
27 dollars have been two that assisted in the creation of the  
28 recent project.

29 The Buxton numbers and the Risinger numbers, although  
30 you and I may disagree on the value of those numbers, what is

1 created is they provide analytics so that we can provide to  
2 entities that would like to relocate to Concord Township. If  
3 we're talking about building up this commercial corridor and  
4 we're talking about stabilizing our taxes for senior citizens  
5 and stabilizing our tax dollars for our residents and we're  
6 talking about making improvements on the 8 percent of that  
7 commercial corridor, we have to provide analytics to get  
8 entities here. And so that's why Starbucks is here, that's why  
9 Drug Mart is here or being built here, that's why other  
10 entities are going to be coming here.

11 Talking about town center and what that town center  
12 looks like, I don't necessarily know what everybody's vision of  
13 what that looks like, whether or not a developer comes here and  
14 provides a vision or what Chris Galloway's vision is or Connie  
15 Luhta's vision is or what any resident's vision is for that.  
16 However, if we're talking about a developer that wants to come  
17 here and put something here, that will be presented to the  
18 Township. That will be presented to the Board of Zoning  
19 Appeals if it has to be a conditional use permit or the Zoning  
20 Commission or the Trustees in whatever fashion that, you know,  
21 somehow that entity wants to arrive here. And there is going  
22 to be public hearings on that and I hope that residents come  
23 here and help and shape that so that it mixes with the fabric  
24 of Concord Township.

25 That being said, I don't know of anybody who could  
26 say that the town center is a bad idea if we don't exactly know  
27 exactly what the town center is. What we're looking for is, is  
28 some entity that decides they want to develop that area and  
29 shape that. Now, what that does is that builds out our  
30 commercial corridor. If it's on Concord Township's property,

1 it's going to be a brand new entity that's going to pay  
2 significantly higher property tax dollars, which should relieve  
3 the tax burden of residents. It will pay Joint Economic  
4 Development District JEDD tax dollars, that would be income tax  
5 dollars, so that would also additionally not burden the  
6 residents but, in fact, what it will do is we will have more  
7 tax dollars coming into this, this township so that we can go  
8 ahead and stabilize our property tax dollars.

9 I don't have any additional. Connie, do you have  
10 something?

11 MS. LUHTA: No.

12 CHAIRMAN MALCHESKY: Chris?

13 MR. GALLOWAY: Yeah. I would just really quick, on  
14 Faith's questions, I would say that some of that is some of the  
15 confusion and lack or sort of a nonunderstanding of, of what  
16 the JEDD is. And I see a lot of that when I talk to the public  
17 about the JEDD and RFP and the zoning text overlay. There is a  
18 lot of cross-pollination of these things and I think a little  
19 bit of confusion. I think you sort of outlined it.

20 I mean, the JEDD itself is a district that is  
21 established jointly by the City of Painesville and the Concord  
22 Township for the purpose of establishing, among other things,  
23 an income tax within that designated area. So by definition,  
24 so when you have somebody ask you, "Faith, you know, I hear  
25 there is an income tax coming to the JEDD," that's what a JEDD  
26 is, in part. Now, it also is other things. It provides  
27 discounted electric and water to those that are in it. It  
28 also, you know, provides economic development support,  
29 businesses development support. But by definition, one of the  
30 major functions of a JEDD is the income tax.

1           Now, that being -- I think what the real question  
2     that people are probably asking you is, and I had somebody ask  
3     me today, is this going to apply to everybody in the township?  
4     And the answer to that is no. A JEDD is not allowed to be  
5     applied specifically to residential properties. So it cannot  
6     be applied to somebody on Andrea Drive or on South Meadow or  
7     anything of that nature, or Prouty Road.

8           The State of Ohio, two years ago, did change the JEDD  
9     laws where they previously did not allow for, as part of a  
10    commercial development, residents within a JEDD to be subjected  
11    to the income tax, those residences within a mixed-use  
12    development. And the mixed-use development is completely  
13    separate of a JEDD. They are not the same thing. They are  
14    very -- They are completely separate things. One is a private  
15    development, a JEDD is a government entity, and then subsequent  
16    zoning is its own matter as well.

17          The State of Ohio changed that law that said, if you  
18    have a mixed-use development, those that choose to live within  
19    it would also be subjected to the JEDD income tax. So unless  
20    somebody were to move into a mixed-use development that was  
21    within the JEDD, there would be no subjection of the income  
22    tax, the payroll tax to, to anybody. So the population as a  
23    whole, you know, those of us in our neighborhoods and our homes  
24    or anything, it does not apply.

25          You also asked about the repealed legislation. And  
26    as it relates to that, that text and the JEDD, again, that's  
27    zoning text. The JEDD is completely separate. The JEDD has  
28    nothing to do with zoning. There is no function of zoning  
29    within the JEDD. The JEDD is its own separate entity that  
30    doesn't have any impact, affect or anything of that nature on

1 zoning. Zoning is established by the township and the township  
2 alone.

3 And as Paul mentioned, the referendum process that  
4 was discussed as part of that repealed legislation is,  
5 therefore, null and void. And under Ohio Revised Code, the  
6 referendum process remains in all other elements of the zoning  
7 text. Correct me if I'm wrong. I mean, I think anybody can  
8 referendum anything, any vote of Trustees, I mean, even if we  
9 vote on a P.O.

10 MS. LUHTA: No.

11 MR. LUCAS: No.

12 MR. GALLOWAY: No?

13 MR. LUCAS: No, no. The statute that they're talking  
14 about is 519.12 and it's specifically referenced with the  
15 passage of legislation through the process that I described at  
16 the beginning of the meeting. So at the end of the meeting,  
17 the process, if the Board of Trustees, hypothetically, puts  
18 into effect a new zoning classification, the township residents  
19 have a period of time under the statute in which to file a  
20 referendum, get the signatories to put it on the ballot and  
21 that.

22 MR. GALLOWAY: What decisions by the Board of  
23 Trustees are subject to a referendum?

24 MR. LUCAS: Well, legislative.

25 MR. GALLOWAY: Any legislative?

26 MR. LUCAS: I don't want -- You know what? The  
27 519.12 provision deals strictly with zoning. I don't know  
28 because I didn't look at potential referendum outside of that.  
29 So --

30 MR. GALLOWAY: I was always under the impression that

1 any legislative action by the Board of Trustees is potentially  
2 subject to referendum under that same process.

3 MR. LUCAS: No.

4 MR. GALLOWAY: Maybe there are some limitations.

5 MR. LUCAS: Yeah. There is -- The zoning passage is  
6 definitely by statute.

7 MR. GALLOWAY: Well, yes.

8 MR. LUCAS: I don't know. I would have to look to  
9 see what other provisions of the referendum would apply. It's  
10 never been historically brought out ever, although it's being  
11 asked and I understand that. There is no -- I mean, when  
12 you're passing, for instance, a zoning -- If you're passing  
13 legislation, all right, authorizing the township to enter into  
14 a contract, there is no referendum on that. All right?

15 MR. GALLOWAY: Okay.

16 MR. LUCAS: There is no referendum when you're  
17 authorizing a road improvement on a particular area because  
18 grant money is involved and you want to have a delineation of  
19 that with reference to a resolution. There is no referendum on  
20 that.

21 MR. GALLOWAY: Okay. Good. Thank you.

22 MR. LUCAS: By the way, whatever is extant right now,  
23 there is no referendum on that.

24 MR. GALLOWAY: Right.

25 MR. LUCAS: Okay. So --

26 MR. GALLOWAY: Well, I appreciate that clarification.  
27 I would just, Mr. Massie's comments, as Paul  
28 mentioned, NOACA is not involved in anything that we do as it  
29 relates to our zoning, RFP process, mixed-use development  
30 proposals, fire levies, nothing. So I am not sure how to



1     answer it any more directly than that. I would say that the  
2     dollars that are received, a little over \$2 million from NOACA,  
3     were, in fact, a grant towards our process, which is, again, is  
4     acting as a pass-through agent from the federal government  
5     towards our road project.

6             And then regarding the local government fund, Brian,  
7     I would say that, you know, listen, I welcome your involvement.  
8     You will know that the dollars that Concord Township receives,  
9     you know, that is typically based on a formula based on the  
10    types of programs that communities are doing. I think if you  
11    looked at that list -- and I haven't seen the list you  
12    referenced ranking communities. My guess is the townships in  
13    this county are all at the bottom and that's because of  
14    restrictions that we have under Ohio Revised Code in terms of  
15    what we are allowed to do as a government. Entities like  
16    Mentor and Willowick and Willoughby do a lot more type of  
17    social net programs and other things of that nature, so that  
18    they are then eligible for funds that we are not necessarily  
19    eligible for.

20            But I would take some exception to the suggestion  
21    that, that we don't fight for the residents. I am in my 12th  
22    year in this job and I have fought for this township within  
23    thousands, thousands of man hours of mine, whether it's  
24    advocating for this township before the Commissioners, in  
25    Columbus in front of our legislature and changes to Ohio  
26    Revised Code that would assist this township and other  
27    townships, going to DC to advocate for this township. Just two  
28    weeks ago I was there on private business, took time out of my,  
29    out of my schedule to go meet with the Postal Service, go meet  
30    with Congressman Dave Joyce because, as a lot of people know, a

1 lot of folks would love to see our own ZIP Code in Concord  
2 Township. We have three ZIP Codes and people ask us all the  
3 time, "Why can't we have we have our own ZIP Code as Concord  
4 Township?" So I went and met with them.

5 And, you know, so folks know, the only way you can  
6 get a ZIP Code is through an act of Congress. And as luck  
7 would have it, right now, there is a Postal bill in committee  
8 in the House and the Congressman has indicated that he will  
9 insert language into that for Concord Township to get its own  
10 ZIP Code. It's been a long time coming on that, a good decade  
11 waiting for a Postal bill, waiting for a vehicle for us to be  
12 able to pursue something like that.

13 Whether it's, you know, out in a stream on a Saturday  
14 looking for a source of pollution in Kellogg Creek that was --  
15 had generated calls from our residents, whether it's fighting  
16 ODOT to get additional dollars for projects in this township,  
17 tightening our zoning code, tightening up the RCD zoning,  
18 installing riparian setbacks so that we work towards improving  
19 our stormwater, working on grants through the federal  
20 government, going and meeting with the U.S. Department of  
21 Agricultural to get grants to remove those condos below the  
22 Brightwood Lake dam, we have advocated for this township night  
23 and day on a whole plethora of issues.

24 So I welcome you to the fight on it, but please don't  
25 suggest that we're just sitting here one meeting a month or two  
26 meetings a month on a Wednesday and sort of just -- I don't  
27 know what you think we're doing. But I can tell you right now  
28 that I have spent an exorbitant amount of time advocating for  
29 the residents of this township in a whole plethora of ways,  
30 whether it's financially working to bring Starbucks here --

1 That was a five-year process. And why? Because a lot of  
2 people asked for it. People wanted it. So we do those things.  
3 We work at those things.

4 So if I seem a little impassioned, I am because the  
5 suggestion that we're not fighting for our residents, I think,  
6 is erroneous.

7 And, lastly, no one up here ever said the town center  
8 project was, was dead. In fact, I specifically remember  
9 answering Vanessa's question about the RFP process and what the  
10 outcome is going to be and where is it going and saying, "We  
11 don't know because it's ongoing." The legislation that  
12 revolved around zoning text overlay was terminated by this  
13 Board because we didn't feel we could build a consensus within  
14 the community on the elements of that text.

15 That doesn't mean that I have changed my opinion on  
16 the fact that Concord Township should be doing everything it  
17 can to exert control and drive direction on the development in  
18 that corridor. If we do not try to exert that control and try  
19 to push what would be a better outcome, we will end up with a  
20 disjointed group of hodgepodge uses up and down Auburn Road,  
21 Crile Road, in that area, and it will look more like Vine  
22 Street. You have heard me say it before. It will end up  
23 looking like Tyler Boulevard in Mentor. And I think, at the  
24 end of the day, that is a failure for this township because I  
25 think that end result, looking like that, there is not anybody  
26 in this room or out there in TV Land that's going to be happy  
27 with that.

28 And so, yes, we do -- we are, we are committed to  
29 trying to have a cohesive vision for that corridor that fits  
30 what Concord Township is and we will continue to work toward

1 that within the constructs of the existing zoning, as Mike and  
2 Kathy had so eloquently outlined earlier. I guess I will leave  
3 it there.

4 CHAIRMAN MALCHESKY: Just one last thing. You know,  
5 people, members of the Board of Zoning Appeals and members of  
6 the Zoning Commission are appointed by the Trustees. But I  
7 will tell you that there are members of both those committees  
8 who have been on for decades that have been here.

9 MS. LUHTA: Oh, yeah.

10 CHAIRMAN MALCHESKY: And I can tell you that I don't,  
11 I don't see them often. I don't speak with them often. But  
12 they're their own independent people, just as people that are  
13 on the Planning Commission are their own independent people  
14 that I don't think they take any, you know, any direction by  
15 the Commissioners that appoint them.

16 I think that people are independent people that  
17 live here in Concord Township that want to make the right  
18 decisions in Concord Township. I think there are some  
19 decisions that are very, very easy for them to make. There are  
20 some decisions that are very, very hard to make. And from what  
21 I know of their process, they do their homework. And, you  
22 know, they don't get paid to do their homework but they do  
23 their homework and, before they arrive here, they have already  
24 seen sites and reviewed documents and reviewed plans and had  
25 questions with both, you know, Heather, sometimes Kathy when  
26 she was in that position or Mike's office in going through  
27 those things.

28 So, you know, I think those individuals do a lot for  
29 this township and in shaping it the way it looks and the way it  
30 behaves today. So I --

1 MR. GALLOWAY: I think it's important to point out  
2 that, yes, the Trustees appoint. Some of them we inherited.  
3 Some there were resignations, we put in -- we interviewed  
4 people, asked for applications and put people in those  
5 places.

6 MS. LUHTA: Right.

7 MR. GALLOWAY: But those boards are, under Ohio  
8 Revised Code, fully autonomous. They do not work at the behest  
9 of the Trustees. They do not -- They are not removable  
10 midterm. They are in five-year terms. Their terms are longer  
11 than trustees. That's by design under Ohio Revised Code. And  
12 I can tell you that it has always been the practice of this  
13 Board that we do not interfere in their business and, they,  
14 they come to their own conclusions on matters and, you know,  
15 that's how we operate because that's how the law intends us to  
16 operate and because they are autonomous boards and we treat  
17 them as such.

18 MS. LUHTA: Right. Sometimes the things that we want  
19 to do take years. And as an example, about ten years ago, I  
20 tried to get our own ZIP Code and was unsuccessful. I am  
21 surprised that you even were able to talk about it.

22 MR. GALLOWAY: Well, it's, you know, it's just one of  
23 those things that there is a Postal reform bill.

24 MS. LUHTA: Yeah.

25 MR. GALLOWAY: So there is now an opportunity.

26 MS. LUHTA: That's right.

27 MR. GALLOWAY: So, you know, I just --

28 MS. LUHTA: That's great.

29 MR. GALLOWAY: So I decided to go for it. So we'll  
30 see. Keep your fingers crossed that Congress finds a way to

1 get something done and moves that bill out of the House into  
2 the Senate and so forth.

3 MS. LUHTA: Right.

4 CHAIRMAN MALCHESKY: I make -- I'd entertain a vote  
5 for the September financial statements.

6 MS. LUHTA: So moved.

7 MR. GALLOWAY: I will second those, and those were  
8 provided to us by our Fiscal Officer.

9 CHAIRMAN MALCHESKY: All in favor say "aye."

10 (Three aye votes, no nay votes.)

11 CHAIRMAN MALCHESKY: Chris, Connie, we are going to  
12 be closed on Monday, October 9th, in observance of Columbus  
13 Day.

14 Wednesday, October 11th, at 7:00 p.m., we are going  
15 to have a BZA meeting in Town Hall.

16 October 14th, 8:00 a.m. to 2:00 p.m., we are going to  
17 have brush and yard waste at Town Hall Campus.

18 On October 18th, at 6:30, the Trustees' office hours;  
19 at 7:30, we will have the Trustees' meeting.

20 There is trick-or-treating again on October 31st from  
21 6:00 to 8:00. The firemen and the police officers from the  
22 Sheriff's Department will be out there for safety.

23 Deb, one more time, when is the Grist Mill for the  
24 kids?

25 MS. ESKER: Thursday, October 26th.

26 CHAIRMAN MALCHESKY: Thursday, October 26th.

27 MS. ESKER: 6:30 p.m., Reider's, start at Reider's.

28 CHAIRMAN MALCHESKY: 6:30 p.m. at Reider's. Please  
29 let Reider's know, thank you for that.

30 MS. LUHTA: Yes.

1                   CHAIRMAN MALCHESKY:   Okay.   With that, we will close  
2 the meeting.

3                   (Whereupon, the meeting was adjourned at 8:54 p.m.)  
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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 reduced  
by me to stenotype shorthand, subsequently transcribed into  
typewritten manuscript; and that the foregoing is a true and  
accurate transcript of said proceedings so taken as  
aforesaid.

7  
8 I do further certify that this proceeding took  
place at the time and place as specified in the foregoing  
caption and was completed without adjournment.

9  
10 I do further certify that I am not a friend,  
relative, or counsel for any party or otherwise interested  
in the outcome of these proceedings.

11  
12 IN WITNESS WHEREOF, I have hereunto set my hand and  
affixed my seal of office this 8th day of December 2017.

13  
14 \_\_\_\_\_  
Melinda A. Melton  
Registered Professional Reporter

15  
16 Notary Public within and for the  
State of Ohio

17  
18 My Commission Expires:  
February 4, 2018  
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