

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

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

March 7, 2018
7:25 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
Chief Matt Sabo, Fire Department
Heather Freeman, Planning/Zoning Director
Frank Kraska, Service Director
Debra Esker, Recreation Director
Chief Frank Leonbruno, Sheriff's Department

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

1 7:27 p.m.

2 CHAIRMAN GALLOWAY: All right. I am going to open
3 or continue the recessed public hearing from our last meeting.
4 This is the public hearing continuation on Application 1217-1
5 requesting a Zoning Map amendment. What I will do is ask the
6 applicant if they would like to come forward and say anything
7 or any kind of update or comments that they'd like to make
8 before I open it up to the public.

9 Come on up, state your name and where you're from
10 and all that jazz for the record.

11 MR. YURAK: Vince Yurak, 4509 Prestwick Xing,
12 Westlake, Ohio 44145, on behalf of Ciatto Consulting LLC. We
13 are looking to rezone the parcel that's located on Concord-
14 Hambden Road, pretty much, kitty-corner from this building and
15 just wanted to go over and touch base on everything again.

16 So far, in the wording, Town Hall Neighborhood says
17 it allows residential uses but does not specify what type of
18 uses. And right now on this parcel there is a residential
19 home that's been on the site since 1931 and has continuously
20 been used as a residential home.

21 The Town Hall Neighborhood has been zoned, changed
22 over the zoning to Town Hall Neighborhood in 2009 with the
23 intent to develop a township center with businesses. And as
24 of now, nothing has been done in nine years, and most of those
25 businesses are now going over to Crile Road and Auburn and
26 that's, pretty much, the city center right now.

27 So other property owners in Town Hall Neighborhood
28 are currently looking to rezone the Town Hall Neighborhood or
29 change the verbiage to allow residential family homes. And
30 when they changed it over to Town Hall Neighborhood, they were

1 looking to create a buffer zone between manufacturing and the
2 Town Hall community area. And as of right now, as I
3 mentioned, nothing has been done. Putting residential in
4 there would create a good buffer between the manufacturing and
5 the Town Hall community.

6 And this parcel, if it is changed over to
7 residential and adding a couple more properties to it, would
8 increase the taxes approximately \$28,000 more a year.

9 So Lake County Planning Commission has recommended
10 to rezone it, and the Concord Township Board wanted to see a
11 little bit more willingness for the other parcel owners to
12 want to change over to residential as well, which I have
13 spoken to a couple of them and they are willing.

14 So the current home on the property is completely
15 ADA compliant with ramps, elevator lifts, and they're -- it's
16 strategically placed throughout the property. So we would
17 like to keep it like that and get it an ADA compliant home for
18 the use of such as a residential.

19 And it's going to add value to that area since
20 currently on the intersection of Ravenna and Concord-Hambden
21 right now sits Town Hall here, a church, a nursery, and
22 another residential home which is right on the road. So in
23 the past, local residences have come in -- or residents have
24 come in to voice their opinion on the opposition to change it
25 over to some kind of a residential parcel. And through the
26 four hearings that I've had, I haven't had anybody come in and
27 say anything negative, so I see that as a positive.

28 MR. MALCHESKY: Were you at the Planning
29 Commission's hearing?

30 MR. YURAK: The Lake County?

1 MR. MALCHESKY: Lake County.

2 MR. YURAK: I was unable to make that.

3 MR. MALCHESKY: All right. Do you know, do you know
4 what the vote was on that?

5 MR. YURAK: I do not know.

6 MR. MALCHESKY: I know it was affirmative. I just,
7 I just don't know what -- or how many, how many yeses, how
8 many nos.

9 MR. YURAK: Do you know the numbers?

10 MS. FREEMAN: I believe it was unanimous.

11 CHAIRMAN GALLOWAY: Either way, it was -- they
12 recommended it.

13 MR. MALCHESKY: Yeah, they recommended it, I know.
14 I was just wondering.

15 MS. LUHTA: Yeah, they did.

16 CHAIRMAN GALLOWAY: They recommended it.

17 MS. LUHTA: Yeah. It didn't say in the letter
18 which -- what the vote was.

19 MR. MALCHESKY: I don't have anything else.

20 CHAIRMAN GALLOWAY: Connie, do you have anything?

21 MR. MALCHESKY: Sorry. I didn't mean to interrupt
22 you but --

23 MR. YURAK: No. That's all right.

24 MS. LUHTA: No. That's okay.

25 MR. YURAK: We good?

26 CHAIRMAN GALLOWAY: Again, just you are looking to
27 potentially build two new houses?

28 MR. YURAK: Correct.

29 CHAIRMAN GALLOWAY: And leave the existing one
30 there, so it would be a total of three.

1 MR. YURAK: According to R-1 zoning regulations, it
2 would have to be divided into another two more based on the
3 lot allowance, the minimum lot. I'm sorry.

4 CHAIRMAN GALLOWAY: Got it.

5 MS. LUHTA: Okay.

6 CHAIRMAN GALLOWAY: All right. Thank you. I will
7 open it up now to --

8 MR. YURAK: Thank you.

9 CHAIRMAN GALLOWAY: -- the audience, i.e. the
10 public. If there is anybody that would like to speak to this,
11 come forward. Okay, there is no one.

12 I would ask you one question. We did recess this
13 the last time as -- and we do have that zoning text amendment
14 working its way through the process now. I believe that
15 started yesterday with the Zoning Commission from the other
16 developer that submitted on another parcel within that
17 district. What is your preference at this time? Would you
18 like us to continue this process or recess it or would you
19 like us to close this and us to make a decision up or down on
20 your application at this time? What's your preference?

21 MR. YURAK: I would prefer a vote today, if
22 possible.

23 CHAIRMAN GALLOWAY: Okay.

24 MR. YURAK: Yes.

25 CHAIRMAN GALLOWAY: Based on the applicant's
26 preference for us to take an, take an action in the
27 affirmative or the negative but, at least, take an action on
28 his application today, I will look to close this public
29 hearing if there is no objections.

30 MS. LUHTA: No objection.

1 MR. MALCHESKY: No objection.

2 CHAIRMAN GALLOWAY: Okay. So being that there was
3 no public input for this public hearing, I will go ahead and
4 close the public hearing.

5 (Whereupon, the public hearing was closed and the
6 regular meeting of the Board of Trustees commenced
7 at 7:34 p.m.)

8 CHAIRMAN GALLOWAY: And that will bring us straight
9 into our regularly scheduled Concord Township Board of
10 Trustees meeting for Wednesday, March 7th. Please join Chief
11 Sabo in the Pledge of Allegiance.

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

13 CHAIRMAN GALLOWAY: Okay. Roll call, please.

14 MS. DAWSON: Mr. Galloway?

15 CHAIRMAN GALLOWAY: I am here.

16 MS. DAWSON: Mrs. Luhta?

17 MS. LUHTA: Here.

18 MS. DAWSON: Mr. Malchesky?

19 MR. MALCHESKY: Present.

20 CHAIRMAN GALLOWAY: Approval of minutes. We have in
21 front of us February 21 special and regular.

22 MS. DAWSON: Public hearing and regular.

23 CHAIRMAN GALLOWAY: I am sorry. Yeah, public
24 hearing. I don't think we have the public hearing, do we?

25 MS. DAWSON: Yeah.

26 MS. LUHTA: It's there.

27 MS. DAWSON: It's always the first part. Read the
28 top. It's the first part.

29 CHAIRMAN GALLOWAY: Oh, okay.

30 MS. DAWSON: We start with the public hearing and

1 then go into the --

2 CHAIRMAN GALLOWAY: Got it. I already proofed it.
3 I didn't -- Got it, got it, got it.

4 MS. LUHTA: Yep, yep.

5 CHAIRMAN GALLOWAY: So that is the 21st and then we
6 have the March 2nd special meeting. Does anybody have any
7 changes?

8 MS. LUHTA: No.

9 MR. MALCHESKY: Let me see the March 2nd one.

10 MS. LUHTA: Very short.

11 CHAIRMAN GALLOWAY: It's, it's all executive
12 session, so there is very little.

13 MR. MALCHESKY: Okay. No.

14 MS. LUHTA: No, I have no changes.

15 CHAIRMAN GALLOWAY: No changes, okay. Then those
16 are approved as presented.

17 Elected official reports. Fiscal Officer,
18 Mrs. Dawson.

19 MS. DAWSON: Thank you, Mr. Galloway. As of
20 February 28th, we were 16 percent of the way through the
21 calendar year. The Treasury balance for the 19 funds within
22 the Township Treasury was \$5.4 million -- I don't think that
23 is correct. Sorry about that -- that was \$4.3 million after
24 posting the advance of the first half of the 2017 real estate
25 taxes. The remainder of the funds will be received in late
26 May or early April. The Treasury balance includes \$32,376 in
27 funds set aside for specific projects.

28 Year-to-date revenue is 17 percent of the annual
29 budgeted resources and expenditures were 40 percent of the
30 temporary budgeted expenses for 2018, so we are well within

1 budget.

2 We will be asking the Trustees this evening to
3 approve our 2018 permanent appropriations.

4 I will also be requesting an approval for our
5 updated cemetery rules and regulations. If the Trustees
6 approve them tonight, you can find them located on our
7 website, and we will be posting them in the cemetery once the
8 weather clears.

9 If you have any questions, do not hesitate to call
10 our office, 354-7516.

11 That's all I have, Mr. Galloway.

12 CHAIRMAN GALLOWAY: Thank you.

13 Mr. Malchesky.

14 MR. MALCHESKY: I have nothing.

15 MS. LUHTA: On Monday, I attended the annual meeting
16 of the Lake County Health District and I brought the records
17 back and they're on -- they're in the office, if you would
18 like to look at them.

19 CHAIRMAN GALLOWAY: I think that we will be because
20 we do have concerns about the Lake County Health District
21 budget.

22 MS. LUHTA: Okay.

23 CHAIRMAN GALLOWAY: And its seemingly endless
24 growth.

25 MS. LUHTA: Yes. They increased the contributions
26 for everyone at, at 2.75 percent.

27 CHAIRMAN GALLOWAY: And so those at home know that
28 Concord is obligated to pay into the Lake County Health
29 District and, and that bill is, on an annual basis, that money
30 is taken off the top. When Mrs. Dawson receives her General

1 Fund dollars from the Auditor, that money is taken off the
2 top. And I believe this year it is 330 --

3 MS. DAWSON: Three hundred thirty thousand.

4 CHAIRMAN GALLOWAY: -- thousand dollars.

5 MS. LUHTA: Yes.

6 CHAIRMAN GALLOWAY: Which is by far the largest it's
7 ever been. I think when we started as Trustees, it was
8 somewhere around -- that was 12 years ago but it was somewhere
9 around 270.

10 MR. MALCHESKY: No. It was --

11 MS. DAWSON: No. It was \$100,000 back then.

12 MR. MALCHESKY: -- closer to a hundred.

13 CHAIRMAN GALLOWAY: Oh, was it?

14 MS. LUHTA: But, see, it's based on the property
15 valuation.

16 CHAIRMAN GALLOWAY: Right.

17 MR. MALCHESKY: We have, all of the sudden, become
18 the big donor.

19 MS. LUHTA: Yes.

20 CHAIRMAN GALLOWAY: Yeah.

21 MS. LUHTA: Yes, we have.

22 CHAIRMAN GALLOWAY: So I think that this Board is
23 going to be pushing to see, if we are spending \$330,000
24 annually as a community of our tax dollars, those are --
25 that's inside millage that we don't ever then get to see
26 although it shows and reflects as part of our overall what we,
27 what we receive in budget.

28 MS. DAWSON: We get it for about two minutes and it
29 goes away.

30 CHAIRMAN GALLOWAY: Yeah, right, I know.

1 MS. DAWSON: They give it to us and take it away.

2 CHAIRMAN GALLOWAY: It is like there it is and you
3 get to look at it and, oh, by the way, you don't get to have
4 that. I think the big issue for us is making sure that
5 Concord is getting our value on that.

6 MR. MALCHESKY: I mean, you know --

7 CHAIRMAN GALLOWAY: That's my concern.

8 MR. MALCHESKY: If you compare it to, to stormwater,
9 I know stormwater, we had the Stormwater Department here and
10 we can see the project costs, we can see how much we, you
11 know, how much our community gives the Stormwater Department
12 and how much we get in return from the Stormwater Department.
13 And we make sure that we do that --

14 CHAIRMAN GALLOWAY: Yep.

15 MR. MALCHESKY: -- on a yearly basis and we make
16 sure that we get every, every dollar, if not more, in
17 projects. The Health Department is a lot different, you know.

18 MS. LUHTA: Uh-huh.

19 MR. MALCHESKY: And they come and they inspect our,
20 our restaurants and inspect the schools that are in Concord
21 Township and, and the facilities of, you know, whether it is a
22 church facility.

23 CHAIRMAN GALLOWAY: Kitchens.

24 MR. MALCHESKY: Cafeterias, kitchens.

25 CHAIRMAN GALLOWAY: Kitchens, food, you know.

26 MR. MALCHESKY: So they do all those things but
27 they --

28 CHAIRMAN GALLOWAY: But they charge a fee for that.

29 MR. MALCHESKY: They charge a fee for that and they
30 get that back and that's all part of, of that fee. And so our

1 dollars and cents, I think, go towards mosquitos, you know.

2 MS. LUHTA: Yeah.

3 MR. MALCHESKY: The packets that get dropped for
4 rabies.

5 Connie, I don't know. What else did you learn
6 there? This is off my -- the top of my head of how that
7 works.

8 MS. LUHTA: Well, they had a fire, you know, and
9 they are redoing the building that they moved into --

10 CHAIRMAN GALLOWAY: Right.

11 MS. LUHTA: -- on Heisley Road. So -- And they do
12 have other activities.

13 CHAIRMAN GALLOWAY: They do. There is septic
14 testing and there is other, you know, there is other
15 inspections, noxious weeds.

16 MS. LUHTA: Right.

17 CHAIRMAN GALLOWAY: I mean, there is other, there is
18 other things they do.

19 MS. LUHTA: Right.

20 CHAIRMAN GALLOWAY: But I think, I think the
21 important thing for us is to be able to have a full review of
22 that, those dollars that are going out versus coming back.
23 Now, we understand that Concord has become, for a lot of these
24 levies, be it senior services and other, other levies that are
25 within the county -- This is an example. This isn't a levy,
26 it's inside -- but Concord has primarily been a donor
27 community versus the services that are actually coming back
28 in.

29 MR. MALCHESKY: That's true.

30 CHAIRMAN GALLOWAY: And that's understood. But I

1 think it's our duty to make sure that, when these such --
2 these types of things are going on with the county agency,
3 that we are getting, you know -- The flippant answer is it's,
4 you know, \$330,000 doesn't justify mosquito spraying and
5 rabies packets.

6 MS. LUHTA: Right. They did have ten different
7 areas that they, they did but they just showed them in slides.
8 They didn't have a handout.

9 CHAIRMAN GALLOWAY: No. And they do, they do a lot
10 of different things. So I think what I -- Part of what I
11 would like to do as we move forward in the new fiscal year is
12 talking to some of the other communities about what they're
13 getting versus what we're getting and making sure that --
14 excuse me -- that we're getting that value there. I don't
15 know that there is anything legally or statutorily that we can
16 do because I believe that, once there is a county health
17 district in place, townships, unlike cities, I believe we are
18 required to belong to it.

19 MS. LUHTA: Yes.

20 CHAIRMAN GALLOWAY: We don't get to do our own
21 thing.

22 MS. LUHTA: Right.

23 CHAIRMAN GALLOWAY: Or to create our own if there is
24 one already in existence. But that doesn't mean that, as
25 elected officials, we can't --

26 MS. LUHTA: Right.

27 CHAIRMAN GALLOWAY: -- work towards accountability
28 on things. So I will get off my soap box on that. I am not
29 impugning anybody. I am just saying that I want to make sure
30 that we are getting our value because it's a lot of money.

1 MS. LUHTA: Yes, it is.

2 CHAIRMAN GALLOWAY: A lot. Do you have anything
3 else?

4 MS. LUHTA: No.

5 CHAIRMAN GALLOWAY: Okay. For me, I will just -- I
6 would point out, because I get a lot of questions, a lot of
7 folks want to know what's going on with the Reider's, we
8 continue to work on that diligently. We are working on --
9 with the landowner, CRM, that owns the property in Grist Mill
10 on trying to bring in a grocer. I feel as though we're making
11 progress there and we'll keep -- When we can actually update
12 something specifically, we will do so. But I want people to
13 know that it's something that we continue to work on. And,
14 obviously, our goal there is to have a full-service grocer
15 back in that spot serving the community.

16 In addition, we are up to, up to our elbows in our
17 search for a new Administrator. As you know, we have not had
18 an Administrator since the beginning of the year and that
19 search is -- we are well into the middle of that. There is
20 interviews going on and so that is progressing. And my hope
21 would be for us to have a hire by the end of this month, with
22 somebody starting by the mid, the middle of April, at the
23 latest, maybe a little sooner if we get lucky. And once we
24 are able to announce something on that, we will do so as well.

25 I am kind of blending that right into
26 Administration.

27 MS. LUHTA: Yeah.

28 MR. MALCHESKY: Are you going to do that report?

29 CHAIRMAN GALLOWAY: I am doing that report, yes,
30 yes.

1 MR. MALCHESKY: How did things go this morning for
2 you?

3 CHAIRMAN GALLOWAY: Well, they did not go well.
4 Yes, I came in, as you know, at 7:30 to pick up some paperwork
5 as it related to our Joint Economic Development District and
6 found out that my code no longer, for whatever reason after
7 some updates, did not turn off the alarm here, no longer
8 affected that. So as I stood here in the building with alarms
9 blaring --

10 MR. MALCHESKY: I usually, when that usually happens
11 to me, I just call the Administrator and they help me out.

12 CHAIRMAN GALLOWAY: Yeah, well --

13 MR. MALCHESKY: You decided to call me.

14 CHAIRMAN GALLOWAY: Yeah, I called you. And then it
15 turns out your code then didn't work but that was probably
16 because, once it was already blaring and going off, I was
17 just, you know, pressing buttons trying to make it stop. So I
18 called Chief and he was nice enough to call the Sheriff's
19 Office and let them know that there was not some, something
20 nefarious going on here in the building at 7:30 this morning.
21 It was just --

22 CHIEF LEONBRUNO: The charges have been dropped.

23 CHAIRMAN GALLOWAY: Yes, thank you. Thank you,
24 Chief Leonbruno, letting me off the hook on that one. In my
25 defense, it wasn't a B and E. My code to get in the door
26 worked perfectly. It was just the alarm once I got in here.
27 So, yes, that was a little bit of excitement to start my day.

28 I had nothing else to report from an administrative
29 standpoint. You know, we continue to tread water with the
30 help of our consultant, Rita McMahon, on our administrative

1 functions and I think things are actually going pretty well.

2 MS. LUHTA: Yeah, she is doing well.

3 CHAIRMAN GALLOWAY: Considering that we don't have
4 an Administrator.

5 So next up is going to be Fire Department with the
6 aforementioned Chief Sabo.

7 CHIEF SABO: Good evening, everyone.

8 CHAIRMAN GALLOWAY: Good evening.

9 MS. LUHTA: Good evening.

10 CHIEF SABO: So for the month of February, we had
11 184 incidents, 437 year to date. We had 14 motor vehicle
12 crashes. We gave mutual aide to neighboring communities 22
13 times. We received mutual aide from neighboring communities
14 10 times. We performed 68 basic rescues and 64 paramedic
15 rescues.

16 Our Fire Prevention Bureau was busy, once again,
17 with two plan reviews; 29 inspections, annual inspections;
18 five follow-up inspections; 12 fire protection system testing;
19 and one license inspection. We gave out -- We rented two
20 additional Knox boxes, residential lockboxes, and we gave two
21 group educational events.

22 The Fire Department wants to extend its many thanks
23 to 17 local businesses who responded to the Annual Fire
24 Prevention Donation Drive. Every year we solicit local
25 businesses to help offset the costs and -- that are incurred
26 through our public education programs. Together they raised
27 \$1,550. And all that goes right back to giving it back to the
28 community, the children and programs that are involved,
29 combined with our aluminum can collection, and it helps us
30 throughout the year.

1 So if I -- If it please the Board, I would like to
2 individually point out who the contributors were this year:
3 Accurate Landscaping; BB Bradley; Coleridge School; Ciconetti
4 Insurance LLC; Ranpak; Spats Cafe; St. Gabriel Church; Cometic
5 Gasket; Dr. Levine, Reigle and Schneider; Hannon Electric; Pub
6 Frato; Precious Care Assisted Living; Tony's Mug and Brush;
7 Vista Springs; Big Creek Vet Hospital; Siever Security; and
8 William D. Nelson LLC, DDS. So we'd like to certainly extend
9 our thanks to, to all of them and their generosity each year.

10 CHAIRMAN GALLOWAY: Indeed. That's -- Having
11 wonderful community partners such as those individuals --

12 CHIEF SABO: Absolutely.

13 CHAIRMAN GALLOWAY: -- and businesses is always
14 greatly appreciated.

15 CHIEF SABO: If it is okay, we have multiple
16 incidents on 90, I-90.

17 CHAIRMAN GALLOWAY: You are dismissed.

18 CHIEF SABO: Can I be dismissed?

19 MS. LUHTA: Yes.

20 CHAIRMAN GALLOWAY: You are dismissed, sir. Thank
21 you.

22 MS. LUHTA: Wow. That's too bad.

23 CHAIRMAN GALLOWAY: So for those of you watching
24 live, avoid I-90.

25 MS. LUHTA: Right.

26 CHAIRMAN GALLOWAY: It sounds like the weather has
27 deteriorated badly out there on those stretches that we all
28 know all too well. So --

29 MR. MALCHESKY: Are we on Sirius XM? Are we on
30 Sirius XM here?

1 CHAIRMAN GALLOWAY: I don't think we are. I don't
2 know.

3 MR. MALCHESKY: We can get that.

4 CHAIRMAN GALLOWAY: Yeah. The traffic updates?

5 MR. MALCHESKY: Traffic updates.

6 CHAIRMAN GALLOWAY: I don't believe Concord Township
7 has elevated to Sirius XM traffic updates yet.

8 MS. LUHTA: No.

9 CHAIRMAN GALLOWAY: It probably ought to be for the,
10 for the winter, however.

11 Okay. Next up is Frank Kraska to talk to us about
12 this weather we're having.

13 MR. KRASKA: Actually, the snow has stopped although
14 what happened was the temperature dropped.

15 CHAIRMAN GALLOWAY: It's frozen.

16 MR. KRASKA: Everything that was really wet got
17 really, really slick. So even coming in myself on some of the
18 county roads, I was experiencing some -- You have to take it
19 easy. Take your time.

20 MS. LUHTA: That doesn't surprise me.

21 MR. KRASKA: Give yourself extra time, that sort of
22 thing.

23 Anyways, this evening -- Good evening. I am going
24 to kind of give a little refresher. It might seem a little
25 mundane. But for those -- We get a lot of phone calls
26 regarding road conditions, both in repairs and in snow and
27 ice. So just for everyone to get a little better idea of,
28 again, of the roads in Concord, I want to kick off this
29 evening's report with some information regarding Concord
30 Township roadways and the management of their current

1 conditions, and I say "current conditions."

2 This winter's variety of precipitation, fluctuation
3 of temperature, use of road salt, which clearly extenuates
4 constant freeze and thaw of road surfaces, contributes to a
5 complex variety of structural changes that, in turn, leads to
6 decomposition of road surfaces throughout our community. This
7 is further progressive where volume of traffic amplifies that
8 process, leading to the dreaded chuckholes you may experience
9 while traveling this time of the year.

10 In regards to the response, I want to remind those
11 traveling within Concord that there are three road departments
12 that maintain various sections of road within Concord. The
13 State of Ohio takes care of Johnnycake Ridge Road, Route 84;
14 Concord-Hambden Road, Route 608; Painesville-Warren Road,
15 Route 86; State Route 44; and State Route 90.

16 Lake County Road Department takes care of Auburn
17 Road, Carter Road, Chestnut Street, Crile Road, Girdled Road,
18 Ravenna Road, Prouty Road, Morley Road, Button Road, Old
19 Johnnycake Road, Pinecrest Road, Hermitage Road, Williams
20 Road, and the eastern portion of Huntoon Road. These are all
21 what you would consider collector roads. When they leave our
22 streets, the side streets and subdivisions, that's where all
23 the cars collect on their way to the major thruways.

24 Concord Service Department oversees all the other
25 streets, subdivisions and cul-de-sacs within the community.
26 We regularly inspect all the side streets and patch areas of
27 concern as needed. Further, we are scheduling to have the
28 side streets swept to clean up the variety of debris which has
29 accumulated over the winter months. And the spring and early
30 summer, we will begin an aggressive response to maintenance of

1 areas with progressive deterioration by crack sealing and Dura
2 Patching.

3 As for the State of Ohio and Lake County road
4 departments, although we do not have control of their response
5 to maintenance, we do rely -- excuse me -- we do relay
6 information to them regarding road conditions as we may
7 observe it or it is reported to us. Residents can contact
8 us -- contact any of these agencies or the Sheriff's Office if
9 conditions warrant that attention.

10 As for February, winter was winter. Our Service
11 Department dispatched crews on 22 occasions in response to
12 snow and ice conditions. During those activities, we
13 dispensed approximately 975 tons of salt, which brings our
14 season total at this point to 2,440 tons or approximately 94
15 percent of our yearly average of usage. Winter may not be
16 quite over, so we continue to urge residents that commute
17 during the unfavorable conditions to allow added time to your
18 road travel plans for a safe drive.

19 Here's hoping for spring. And with this being the
20 Irish month, I would like to paraphrase novelist C.S. Lewis
21 and a saying that he had. He said, "You are never too old to
22 set another goal or to dream a new dream."

23 Please visit our township website for regular
24 updates, current events and related information. In closing,
25 we wish all of our residents well and thank you for your
26 continued support of our efforts.

27 CHAIRMAN GALLOWAY: Thank you, Frank. *The Screwtape*
28 *Letters*, that's my favorite C. S. Lewis book.

29 Heather Freeman, Zoning.

30 MS. FREEMAN: Hello.

1 CHAIRMAN GALLOWAY: Hello.

2 MS. FREEMAN: Okay. So during the month of
3 February, the Zoning Department issued 14 zoning permit
4 applications and collected \$3,900 in fees. The breakdown of
5 permits included eight for new single-family dwellings, one
6 fence, one pool, two accessory buildings, one commercial build
7 -- building alteration, which was the build-out for Subway
8 that's being constructed at the Crile Crossing retail center,
9 and one change in use permit.

10 Last night at the Zoning Commission meeting, the
11 Zoning Commission conditionally approved the Site Plan Review
12 and Design Review application for the Holiday Inn Express
13 that's proposed on Gold Court. They also accepted and
14 scheduled a public hearing for a zoning text amendment
15 application which will take place on April 3rd at 7:00 p.m.
16 The Board also held a work session to discuss the Town Hall
17 Neighborhood and Town Hall Commons Districts.

18 Next week on Wednesday, March 14th, the Board of
19 Zoning Appeals will have their regular scheduled meeting at
20 Town Hall at 7:00 p.m. They'll be hearing one variance
21 request for additional outdoor dining seating for the Chipotle
22 that is currently under construction at Crile Crossing.

23 And as always, feel free to contact the Zoning
24 Department for more information on any of these agenda items
25 or if you have any other zoning-related questions. Thank you.

26 CHAIRMAN GALLOWAY: Thanks, Heather.

27 MS. LUHTA: Thank you.

28 CHAIRMAN GALLOWAY: I would like to point out,
29 because we have had several inquiries in the last week via
30 emails or via social media and one hard copy letter, the

1 cluster housing that you see a signage for on Crile Road is,
2 in fact, Quail Hollow Development Phase 11 and is part of the
3 original master plan that was approved in the early 1980s. I
4 know I've had a lot of people reaching out to me saying,
5 "Please oppose this housing project on Crile Road." It won't
6 actually be on Crile. The road will actually cut into Quail.
7 But it is actually a portion of Quail and the houses are, my
8 understanding, priced in the three, mid three hundreds. And
9 so it is part of the Quail Hollow PUD development, not some
10 sort of separate stand-alone multi-family development. I know
11 there is some confusion out there.

12 MR. MALCHESKY: Those were all approved back in the
13 '80s.

14 MS. LUHTA: Right.

15 CHAIRMAN GALLOWAY: Yes.

16 MR. MALCHESKY: And out on Crile Road portion of it
17 is a commercial component of it.

18 MS. LUHTA: Yes.

19 MR. MALCHESKY: Again, that's also part of the Quail
20 Hollow PUD as well. So the commercial portion, I am not sure
21 they have any plans as of yet, but the commercial portion will
22 be done pursuant to what was approved back in the '80s as
23 well.

24 CHAIRMAN GALLOWAY: And according to the
25 development, the commercial portion would come after they made
26 progress on the residential portion.

27 MR. MALCHESKY: The benefit is though that will,
28 that will go all the way through into Quail Hollow and you
29 would have another exit or ingress and egress to Quail Hollow
30 Subdivision.

1 CHAIRMAN GALLOWAY: Yep. Is that Quail Hollow Drive
2 that will be extended?

3 MR. MALCHESKY: Hunting Lake.

4 CHAIRMAN GALLOWAY: It's Hunting Lake, okay, yeah.
5 Hunting Lake, that will now extend out to Crile and allow for
6 that ingress/egress out of Quail Hollow, so alleviate some of
7 that traffic, I think, through Fredle.

8 So I know there's been some questions about it and
9 what that is. And just so everybody knows, there are, after
10 that phase, there are still three other phases of Quail Hollow
11 that have not been developed yet. And so there, undoubtedly,
12 at some point in the future, will be more. So there are
13 actually, after Phase 11, there are three more phases of
14 Quail, which is -- It's amazing to believe that Quail is still
15 not --

16 MS. LUHTA: Done.

17 CHAIRMAN GALLOWAY: -- built out and done yet. So
18 just kind of put that out there because I know there's been
19 questions about it.

20 Recreation Department, Debra, come on down.

21 MS. ESKER: Good evening, everybody. The Concord
22 Township Recreation Department is pleased to announce the
23 March class schedule at the Community Center. This month, our
24 classes include Martial Arts, with a focus on Karate for kids
25 and adults; Pound exercise classes; Tai Chi; mixed media
26 painting; and embroidery sampler class; a watercolor pencil
27 Mandala workshop; a kids' cooking class focusing on Easter
28 delights; an adult cooking class celebrating the cuisine of
29 Morocco; Photography from A to Z; Microsoft Windows for
30 Adults; Getting Started with Medicare; and the Basics of

1 Genealogy presented by the Morley Library. So we've got a
2 pretty decent, robust schedule to choose from. Information on
3 all of our classes and more can be found in the winter/spring
4 edition of the township newsletter, the *Concord Grapevine*, and
5 also online at Concordtpw.com or simply call the Recreation
6 Department and we'd be happy to help you.

7 This afternoon our 55 Plus Group was fascinated by
8 local historian Dennis Sutcliffe and his tales of the sorted
9 events that occurred at the iconic corner of Cleveland's
10 East 105th Street and Euclid Avenue. The next event
11 specifically planned for our 55 Plus residents will be
12 Wednesday, March 21st, when the Forever Young Tappers
13 entertain us with song and dance. Our senior events are free
14 and they're a great way to do something different and just
15 enjoy the company of friends.

16 Your Concord Township Recreation Department is
17 collaborating with the Mentor Public Library and the Morley
18 Library to bring residents a Book Club at the Community
19 Center. This month, the Book Club meets on March 13th and
20 will discuss *The Girl in Hyacinth Blue* by Susan Vreeland.
21 Copies of this book are available for a loan from the
22 Community Center during business hours, which are 8:00 a.m. to
23 4:30 p.m., Monday through Friday. You can sign up for the
24 Book Club when you pick up your copy of the book or just call
25 us to make arrangements.

26 And kids and their adults are invited to enjoy a
27 hippity-hoppity good time at the Township's Annual Easter Egg
28 Hunt on Saturday, March 24th, at the ball field on the Town
29 Hall Campus at 7229 Ravenna Road. The Hunt begins promptly at
30 11:00 a.m. and takes place rain or shine or sleet or snow, so

1 please dress the little ones accordingly, especially those
2 little feet because the field may be muddy. So meet the
3 Easter Bunny and his new and totally not scary outfit, tour a
4 fire truck and maybe even win a prize.

5 Thanks to First Federal Lakewood Bank in Concord and
6 the Texas Roadhouse Restaurant for sponsoring our hunt this
7 year. And, also, thanks to several very generous Concord
8 residents who donate thousands of Easter eggs for the hunt.

9 Save the date of Saturday, August 11th, for
10 Concord's annual community-wide celebration of our township,
11 Concord Community Day. Planning is under way and we are
12 seeking volunteers and sponsors to participate in this special
13 celebration. You can check out the full Community Day
14 schedule in the summer edition of the *Grapevine*, due in homes
15 the first week of May.

16 Another exciting occasion happens only a few years
17 away, in 2022, when Concord Township celebrates its
18 bicentennial. The kick-off meeting for the Bicentennial
19 Planning Committee is Wednesday, April 18th. If you'd like to
20 be a part of the planning or implementation process, please
21 contact the Trustees or the Recreation Department for details.

22 We encourage everyone to sign up to receive Concord
23 Township's monthly electronic newsletter, the *e-Grapevine*,
24 which can be emailed directly to your inbox the first Friday
25 of every month. Our *e-Grapevine* is a concise blast of
26 information about township happenings a month at a time. Sign
27 up to receive the *e-Grapevine* through our website or call the
28 Recreation Department and we can help you through it.

29 For more information on events and classes,
30 volunteer or sponsorship opportunities, please contact the

1 Recreation Department at (440) 639-4650 or visit
2 Concordtwp.com. Thank you.

3 MS. LUHTA: Thank you, Deb.

4 CHAIRMAN GALLOWAY: Debra, I want you to know, when
5 I was down at the Ohio Township Association annual meeting in
6 Columbus at the end of January, I was meeting with township,
7 folks from a township in northeast Ohio that this year is
8 their bicentennial and they were scrambling to try to organize
9 stuff and they were starting now.

10 MS. ESKER: Not the way to go.

11 CHAIRMAN GALLOWAY: And I told them, I said, we have
12 our first planning meeting for 2022 coming up in a couple of
13 months and they were envious of that level of organization.
14 So thank you for your efforts.

15 MS. ESKER: Thank you. And I am so excited about
16 this planning meeting. We've been talking a little bit
17 throughout the last year on events and happenings and it's
18 going to be fantastic, and this is just the tip of the
19 iceberg. So thank you.

20 MR. MALCHESKY: Do we know a day in 1822?

21 CHAIRMAN GALLOWAY: We don't. We have a --

22 MS. LUHTA: It was, it was in March, wasn't it?

23 CHAIRMAN GALLOWAY: The belief is sometime in March
24 but our historical research has not been able to get --

25 MS. LUHTA: A date.

26 CHAIRMAN GALLOWAY: -- unearth if there is a
27 specific date when it was, when it occurred. So maybe we will
28 get that answer. Can I put that on your plate?

29 MR. MALCHESKY: I guess I will look for it. I got
30 some docs at home.

1 CHAIRMAN GALLOWAY: You've got a box?

2 MR. MALCHESKY: I've got a box of papers.

3 MS. LUHTA: Oh, gees.

4 CHAIRMAN GALLOWAY: You know, I know Debra has done
5 some research. I know Rose Moore and others and Dan Maxson
6 have done a lot of work. We just don't have an actual date
7 yet. Maybe we will and, hopefully, if we do -- or, or, you
8 know, it's a lot like 4th of July. That was not actually the
9 day that everything was signed.

10 MS. LUHTA: Right.

11 CHAIRMAN GALLOWAY: You know, Congress actually
12 established July 4th. Maybe we will have to take action and
13 pick a day.

14 MS. LUHTA: Uh-huh.

15 MR. MALCHESKY: Memorialization is what they --

16 CHAIRMAN GALLOWAY: That's right. As they like to
17 say, yes, memorialization, right, right.

18 Next up is the Concord law enforcement report.
19 Chief Leonbruno, we are thrilled to have you here.

20 CHIEF LEONBRUNO: Yeah, I was excited to come. I
21 couldn't make it to the Fire Chief's annual celebration there.
22 Oh, he's back. Nevermind.

23 CHAIRMAN GALLOWAY: Annual? He's a fire chief.
24 That's like weekly, I think.

25 CHIEF LEONBRUNO: A couple things for February.
26 There were 1,264 calls or events for the month that we were
27 involved in in Concord. There were two injury accidents, six
28 property damage accidents, two OVI arrests, one domestic
29 violence and one arrest for A CCW violation, carrying a
30 concealed permit. There were 54 alarms we responded to. We

1 checked 300 businesses or checked in on 300 times on various
2 businesses in Concord to make sure everything was going okay,
3 did 246 crime preventions, checking on open doors, lights
4 inside vehicles being on, construction sites and what have
5 you.

6 We did a lot of traffic. There were 31 citations
7 and 142 warnings in February.

8 We're investigating eight thefts from February, one
9 burglary, one sex offense, three threat calls, and one stolen
10 vehicle.

11 We put out on our website and on an attachment on
12 Facebook is we have our 2017 Annual Road Patrol Report, so
13 anyone can go there to see these statistics. For Concord in
14 2017, we were involved in 17,844 calls here in Concord. But I
15 would like to explain that a little bit because it says
16 Part 1, Part 2 and Part 3 when you go to the website. Part 1
17 and Part 2 are actual crimes and those are Part 1 and 2 crimes
18 under the FBI statutes that we report under the Uniform Crime
19 Report. So Part 1 would be homicides, rapes, robberies,
20 assaults, burglary. Of those, there were 286 Part 1 crimes
21 last year in Concord, just 286. There were 473 Part 2 crimes,
22 which would be forgery, embezzlement, vandalism, drug abuse,
23 liquor law violations, driving under the influence, those
24 types of crime violations.

25 When it says Part 3, that there were 17,000, that's
26 not 17,000 crimes, that's business checks, that's responding
27 to traffic issues, traffic accidents, business checks and
28 those types of things in Concord. So there weren't 17,000
29 crimes that occurred in Concord Township. I just wanted to
30 make that clear out of those statistics.

1 CHAIRMAN GALLOWAY: Seventeen thousand service calls
2 of some nature.

3 CHIEF LEONBRUNO: Calls that we --

4 CHAIRMAN GALLOWAY: Took action on.

5 CHIEF LEONBRUNO: So the deputy sheriffs responded
6 to something or initiated a call, like a business check, in
7 Concord. So you can see that on our annual report. It's on
8 our website and readily available.

9 I wanted to talk -- it's IRS tax season -- so for
10 people to be aware of the various IRS scams that are going on.
11 We always caution people, don't give out your personal
12 information. IRS will not ask for your Social Security number
13 or your bank accounts, will not call and say they're Captain
14 Carl Dondorfer and they're ready to arrest you, which some
15 have done that in terms of the scams.

16 But there is an interesting scam that's out there
17 this year that I wanted to make people aware of is they get
18 people's returns by capturing their information and scammers
19 will apply for their tax return. And then they will deposit
20 that, because they have stolen someone else's bank account,
21 and they'll deposit that money into somebody's bank account.
22 So money will show up in your bank account and you don't know
23 where it is. It says you've got an IRS tax refund. Well, if
24 it wasn't coming to you, it's really not yours.

25 What the scammers will do is they will call you up
26 and pretend they're the IRS, say they're going to arrest you
27 with a warrant for tax fraud but you can get out of that if
28 you send the money to their tax collection agency, and so
29 that's really their bank account.

30 So if you find money showing up in your account

1 that's really not yours from the IRS, contact the IRS
2 directly. Don't listen to people calling you over the phone.

3 The last thing, in 2014, in response to all the
4 community police confrontations that were occurring, Governor
5 Kasich started the Ohio Collaborative, which was a group of
6 judges, attorneys, legislators, law enforcement, community,
7 people from the community to look at better ways for police to
8 respond. And they developed a 24-member panel that is the
9 Ohio Collaborative and their whole effort is to try to come up
10 with a standard for everyone in terms of their policies to
11 approach various issues and for everyone to, at least, be at
12 that standard or above.

13 And so they've been taking topics for the last
14 couple years, so they've done use of force, use of fatal
15 force, hiring and, this year, community engagement and
16 telecommunicator training, looking at dispatching and how
17 that's done.

18 We were quickly certified every year in this Ohio
19 Collaborative, because we participate, and they found that our
20 policies are at the minimum and usually far exceed what the
21 Collaborative expects for response to the community. So we
22 just posted that for this year's provisional certification in
23 the Ohio Collaborative.

24 CHAIRMAN GALLOWAY: Connie, you have a question?

25 MS. LUHTA: No.

26 CHAIRMAN GALLOWAY: No?

27 MS. LUHTA: Well, no, not really.

28 MR. MALCHESKY: Comment?

29 MS. LUHTA: No. I was, I was going to ask him if
30 his presence here counted in that 17,000 calls.

1 CHIEF LEONBRUNO: No, I did not take a number for
2 it.

3 MS. LUHTA: Okay. Thank you.

4 CHIEF LEONBRUNO: But I can.

5 MS. LUHTA: No, no. That's all.

6 CHIEF LEONBRUNO: I did not take a number.

7 MS. LUHTA: All right.

8 CHAIRMAN GALLOWAY: Thank you, Chief.

9 Okay. That's going to bring us to the audience
10 portion. Let's see. We have some Boy Scouts. Is this part
11 of a badge?

12 MR. NICK TILK: Yes.

13 CHAIRMAN GALLOWAY: So what we do for Boy Scouts and
14 students is we have you come up, introduce yourself to
15 everybody out in TV Land and then tell us why you're here and
16 tell us about the project and the badge you're working on.
17 Also, that way, you know, your --

18 MS. LUHTA: There is proof.

19 CHAIRMAN GALLOWAY: -- troop leader will know you
20 were here because it's on TV.

21 MR. NICK TILK: Well, our troop leader was the one
22 who drove us here. So --

23 CHAIRMAN GALLOWAY: Oh, okay, so he knows anyway,
24 right?

25 MR. NICK TILK: All right. My name is Nick Tilk and
26 this is my brother A.J. We're from Boy Scout Troop Number 62
27 based over in the Painesville United Methodist Church. Here
28 we are currently working on our Citizenship in the Community
29 merit badge.

30 MR. A. J. TILK: As well as communications.

1 MR. NICK TILK: Yeah. For both of which we need to
2 attend a local meeting, like this Board of Trustees meeting,
3 a school board meeting or something of the sort, to better
4 figure out issues going on with our community, find out how we
5 can help with those issues and what's actually being done to
6 solve said things.

7 Other things required are, like, make a map of the
8 community and label certain areas, fire departments, police
9 buildings, other public offices and whatnot.

10 Other parts include -- Give me a minute. Other
11 parts include where an individual -- We had to research a
12 movie on where an individual or group of such would go around
13 and change their community for the better, a work of fiction,
14 real life, something of the sort. Books could be used as
15 well. And, yeah, that's pretty much what we are working on at
16 the moment.

17 A. J. TILK: The communications is, basically, write
18 speeches, present the speeches to your counselor, whichever
19 merit badge has a counselor, to send home to your parents,
20 make sure you get it, to write speeches and research different
21 forms of communication and, basically, just learn about it.

22 CHAIRMAN GALLOWAY: Got it. Well, thanks for coming
23 tonight. We are glad to have you here.

24 MR. NICK TILK: Thanks for having us.

25 CHAIRMAN GALLOWAY: Thanks for all your hard work.
26 Appreciate it. If you need us to sign anything or do
27 anything, let us know. We are happy to do that after the
28 meeting.

29 MR. NICK TILK: I don't think so. Thank you.

30 CHAIRMAN GALLOWAY: Okay. Any other audience

1 members that wish to address the Board?

2 MS. BRILL PACKARD: Good evening.

3 CHAIRMAN GALLOWAY: Good evening.

4 MS. BRILL PACKARD: How is everybody?

5 CHAIRMAN GALLOWAY: Great.

6 MS. BRILL PACKARD: I have a couple of questions.

7 CHAIRMAN GALLOWAY: For the record --

8 MS. BRILL PACKARD: Oh, for the record --

9 CHAIRMAN GALLOWAY: We know who you are but --

10 MS. BRILL PACKARD: Chris Brill Packard, I live on
11 Concord-Hambden Road. I've been a resident for 24 years. I
12 have seen a lot of growth in the area. And some of the things
13 that continue to concern me that I would like the Board to
14 address a little more formally when we made changes for zoning
15 projects, development, issues of water and water erosion,
16 flooding of residents' homes that have been in existence for
17 30, 40, 50, 60 years. We see more and more development up
18 Concord-Hambden, Girdled Road, Summerwood.

19 And I've talked to the County Water District several
20 times and it seems like nobody seems to have a very good
21 handle on controlling water. It seems like we have a lot of
22 situations where our retention ponds are undersized. We do
23 not have curbs really going in in some developments. We have
24 drains that are not there because the developers got zoning
25 approved without it. So erosion is a constant, continuing
26 battle.

27 And I am very concerned with the process of the
28 school going in on Concord-Hambden Road and hearing of the
29 fact that there is going to be 29 mounds for septic. And that
30 property, from what I remember when we talked about the

1 Summerwood development and those projects, is that there is a
2 lot of underwater creeks in that property of Concord-Hambden
3 up to where Summerwood development is, where the farm is and
4 back through Hermitage. There is heritage -- artesian wells.
5 Nobody knows the mapping of this water. Water is going to
6 flow in the direction of where gravity takes it.

7 And so my question is, what is the Board and this
8 Township and the Township Zoning and the Zoning Board of
9 Appeals doing as a collective to work with the Water District
10 to prevent future homes being flooded or losing their water
11 when there is no sewer and water to those homes and they're
12 living off of water wells?

13 Now, I have lived many years in a country and I grew
14 up in townships all my life. So I am very familiar with what
15 happens to areas where, all of the sudden, you lose your well
16 and people have to buy water and have it trucked in and have
17 to have pits put in. So I am very concerned when, especially,
18 when we have some of the hardest soil in Lake County. It is
19 total hard rock, cement clay. And where does water go? It is
20 going to run. And we don't seem to be -- Whenever I talk to
21 people, they're at a loss but we allow the development to
22 continue and we flood other peoples' home or their property.

23 And I am wondering what will happen to the homes
24 around the school development in their process? Will we, as a
25 community, will the Township, because of the approval process
26 through the zoning and the Zoning Board of Appeals, be
27 responsible and liable for lawsuits to move those people out
28 of their homes like we did the people on Concord-Hambden Road
29 where you actually went and got a grant for homes that were
30 constantly flooding due to the Cali Wood and that other

1 development upstream that raised the creek bed and homes that
2 never flooded were flooding four, five, six, seven times a
3 year?

4 I would really like to hear what the Board has to
5 say as to what are you doing to really control water as you
6 continue to develop this township.

7 MR. MALCHESKY: Well, I will tell you that we do --
8 about four and a half million dollars of stormwater projects
9 were performed and maybe about two and a half million to three
10 million dollars in purchases of property so that we could
11 flood. So that's the monies that recently this Board has
12 spent in controlling stormwater. You know, I --

13 MS. BRILL PACKARD: But what happens when you have a
14 home that's already \$700 mill -- \$700,000, just one? Those
15 are possibilities. Are we going to be held responsible as a
16 township?

17 MR. MALCHESKY: Township, Township, Township --

18 MS. BRILL PACKARD: And will those dollars be --

19 MR. MALCHESKY: The Township can't be held
20 responsible. And there's already been suits and they were
21 found not to be held responsible. The Township's job is to,
22 is to deal with zoning and, and there are times where
23 developments go in or things occur that are well beyond the
24 Township's control. It's a limited form of government, you
25 know. Some people are allowed to do what they want to do with
26 their property. We attempt to control that as best we can.
27 Recently, we put in provisions, the 75 foot setbacks from
28 water features.

29 CHAIRMAN GALLOWAY: Riparian setbacks.

30 MR. MALCHESKY: And, and we've installed those that

1 were -- There are significant amount of developers that are
2 not very happy with us in doing that but we put those in.

3 MS. BRILL PACKARD: May I ask a question though?

4 MR. MALCHESKY: Sure.

5 MS. BRILL PACKARD: I would just like verification.
6 I have heard though that, through the Zoning Board of Appeals,
7 most of our setbacks have been amended so that the builder
8 gets to build closer to those creeks than what our Zoning
9 board is, so the Zoning Board of Appeals continues to override
10 that setback.

11 MR. MALCHESKY: I wouldn't say they override it.
12 They make adjustments for builders that purchased property,
13 had plans to do it prior to us installing that legislation,
14 and they make their appeals and some are granted and some
15 aren't. But those are, those were cases that were kind of
16 purchased, planned for --

17 CHAIRMAN GALLOWAY: Platted.

18 MR. MALCHESKY: -- platted and, and then our
19 legislation came in and, kind of, circumvented some of what
20 their plans were. The Board of Zoning Appeals made some
21 adjustments to those things.

22 CHAIRMAN GALLOWAY: The concern was, and we knew
23 this going into the riparian setback legislation, was that
24 there would be some developments that were already planned,
25 purchased, planned and platted that the legislation would
26 potentially affect, but the legislation was important enough
27 to us from a going forward standpoint. We knew that there
28 would be those that were already in existence would come
29 looking for appeals to our new legislation.

30 And I don't think that it's unreasonable or

1 inappropriate for the BZA to take into consideration that
2 something had already been planned when we passed legislation.
3 We knew that going in, that some things were going to be, in
4 essence, kind of grandfathered from the standpoint it was
5 already in place. There were legal concerns that, you know,
6 that we would need to look at that from a legal standpoint,
7 lest we open ourselves up to that liability that you asked
8 about in terms of lawsuits. In fact, we have one lawsuit
9 going on right now with a developer over riparian setbacks.

10 So that's -- Those that have occurred to this point
11 have not been on new developments, they've been on ones that
12 were already in existence and lots that had already been
13 platted and then, therefore, our legislation came in after the
14 fact. So the developers came forward and said, "Well, you are
15 taking out things that we have already planned." So it's a
16 reasonable --

17 MS. LUHTA: Yeah.

18 MR. MALCHESKY: But the other issue was, and it's
19 kind of like part two is, you have stormwater issues and then
20 we have actual water, meaning, you know, for potability, for
21 drinking water. And I grew up in a house that had a well and
22 the well went dry and they eventually tapped into, into the
23 utility, the water utility.

24 But this portion of the township allowed, the
25 development was allowed not based upon the fact that there was
26 zoning changes but based upon the fact that sewer came here
27 and water came over here. So when those utilities got to the
28 township or got to other portions of the township -- and I
29 generally think of it as the southern portion of the township
30 -- it allowed for additional development beyond, you know, you

1 know, the Trustees' ability to stop that well before we were
2 here. You know, the, the water and sewer that came to the
3 southern portion, Far Hills, right around in this area, got
4 here probably in, you know, mid to late '70s and early '80s,
5 you know.

6 MS. LUHTA: Yes.

7 MR. MALCHESKY: So those things were kind of already
8 plotted and that allowed for that development to occur.

9 CHAIRMAN GALLOWAY: Let me tackle, too, a couple
10 things you addressed.

11 MS. BRILL PACKARD: Well -- go ahead.

12 CHAIRMAN GALLOWAY: I was going to say the one, as
13 you know, we are in litigation on the school. I think some of
14 the issues that you've outlined in terms of your concerns
15 about the school are, in part, why the Board of Zoning Appeals
16 denied their conditional use permit application. We can't
17 really speak to the school specifically at this time based on
18 the fact that that still is within legal.

19 I would say, though, that I don't believe that we
20 would have any township liability based on how that process
21 has transpired, nor also based on the fact that the school is
22 a governmental agency. So the township can't be held liable
23 for another governmental agency in terms of what they choose
24 to do.

25 Beyond that, the issues that you raise are, like all
26 things, they are not simplistic or cut and dry. As you know,
27 having grown up and lived in townships your whole life, as
28 Paul mentioned, township government is very limited under Ohio
29 Revised Code in terms of what we can and can't regulate. So
30 it's not a matter of just this Board, on a whim, deciding, oh,

1 we just want to go ahead and, you know, do X, Y and Z. There
2 is zoning in place. Our ability to affect things is through
3 zoning.

4 When you talk about subdivision design, stormwater
5 design, those things, under the law, fall to the county. As a
6 township, unlike a city, they don't, they don't fall within
7 our realm. They fall to the county. The county has their own
8 standards as to how these things are to be designed. I will
9 tell you that my opinion is that those standards are, for the
10 most part, in my opinion, lacking.

11 MR. MALCHESKY: That's why we spent four and a half
12 million dollars on stormwater projects.

13 MS. LUHTA: Right.

14 CHAIRMAN GALLOWAY: Well, it's -- Right. And the
15 problem is that's after the fact and once it's a problem.

16 MR. MALCHESKY: Sure, sure.

17 CHAIRMAN GALLOWAY: My opinion, and this would have
18 been something that the county should have undertaken 20, 30
19 years ago but, of course, people didn't think in those terms.
20 My opinion has always been that, as density increases in a
21 community, your stormwater problems increase because you are
22 taking away nonpermeable surface area. You're alter -- you're
23 putting more volume -- In Concord's case, we don't have storm
24 sewers, for the most part, we have creeks and swales and
25 that's where -- ditches -- and that's where the water is, as
26 part of the stormwater regulations from the county, that's
27 where stormwater is mitigated to. So those things, as what's
28 happened down by you and the flooding that those properties,
29 that those natural systems are overwhelmed by the increased
30 volume of water.

1 My opinion is that that, as a township or a
2 community gets more defense and more development, the proper
3 approach would have been for a sliding scale of more and more
4 stringent stormwater standards and mitigation standards for
5 stormwater as new developments come in. So, you know, as you
6 get more and more development, those standards get tighter,
7 causing those future developments to have to do more, larger
8 retention ponds, more processes to managing that, but that
9 hasn't happened from a county standpoint. It's still the same
10 standards.

11 MS. BRILL PACKARD: Well, that's part of my question
12 is what --

13 CHAIRMAN GALLOWAY: The standards are still the same
14 as they were in 1995.

15 MS. BRILL PACKARD: What is the Board doing to work
16 with the County to help push them to understand that this part
17 of the county does have some unique land, geographical
18 descriptions like ravines, creeks, swamp. We have a lot of
19 water actually in this part of the county. And I don't
20 believe most people are really looking at the water erosion.

21 And when I talk to the Soil District and the Water
22 District, they say, "Well, you know, we look at averages for
23 rainfall." Now, I've been sending photos to the Water
24 District when we get one inch of water, what it does to just
25 nearby here where everything comes out of the ditch, you know.
26 Just last week we had water on Concord-Hambden Road leaving
27 both sides of the ditch, leaving just this little part of the
28 hill and it was to the point where it would almost hydroplane
29 your car. And that was just a heavy snow, you know, storm.
30 That was just one short burst, and we've been having a lot

1 more bursts and our average rainfall in each storm is
2 increasing.

3 CHAIRMAN GALLOWAY: We have more violent weather.

4 MS. BRILL PACKARD: More violent. And so we're
5 getting more impact on that and that's going to continue. So
6 I would like to just formally ask the Board and the Zoning
7 Board and the Zoning Board of Appeals to look more at water
8 and water issues because I am more of the belief that, if you
9 build a piece of property, you should retain all your water on
10 your property. And most of the time, I am seeing people put
11 gutters towards their neighbors' house so the water is going
12 right to the neighbor. You can walk through any neighborhood
13 and watch construction and that occurs on a regular basis.
14 And, you know, they bury the drain and the gutter and it's
15 pointed right at the neighbors' house.

16 CHAIRMAN GALLOWAY: Sure. And we have illegal
17 tie-ins to storm sewers that go on.

18 MS. BRILL PACKARD: Uh-huh. So I'd like a little
19 bit formal that --

20 And I know, in October -- I am going to bring up a
21 totally separate issue -- I brought it to your attention,
22 Mr. Galloway, about Concord-Hambden Road having two separate
23 speed limits.

24 CHAIRMAN GALLOWAY: Uh-huh.

25 MS. BRILL PACKARD: And I know it's controlled by
26 ODOT and it's a real issue because people tend to think it's
27 the same speed both ways when it's not.

28 CHAIRMAN GALLOWAY: Right.

29 MS. BRILL PACKARD: I can't believe that this
30 road -- It's been this way since I have lived here, two speed

1 limits.

2 And I also want to bring it to the attention, and I
3 know I have called the Deputy Chief in the past -- because I
4 am paying for sheriffs coverage -- and the truck traffic
5 speeding issue on Concord-Hambden Road has escalated to the
6 point where most of us living on that section of road between
7 Ravenna and Girdled are leery of pulling out of our driveways.
8 We are getting honked at when we're trying to make a turn into
9 our driveway. We're getting some driver in a semi giving us
10 the finger because we have to slow down to get in or out of
11 our driveway.

12 We've had close calls. In fact, one of my neighbors
13 just recently had a semi, fully loaded, coming down from
14 Girdled Road and cut off the school bus that was making a
15 right-hand turn onto Concord-Hambden from Williams Road. She
16 was going to make a left-hand turn into her driveway and saw a
17 semi coming straight at her. Morning traffic. She had to
18 dive towards the ditch to make enough room for this semi to
19 get around a bus and her.

20 Now, this is starting to happen on a regular basis.
21 And it's not just me and my neighbor, it's multiple neighbors
22 all having the same experience and it's getting really out of
23 hand. And I can't believe that, when I call for the sheriff
24 to come out between 4:30 a.m. and 8:00 a.m., that we can't get
25 somebody out there periodically, out of 365 days a year. And
26 I --

27 CHIEF LEONBRUNO: I will respond to that. I did
28 receive her calls and we've done three different traffic
29 enforcements during those times where deputies have sat there
30 for two-hour periods on three different occasions and we did

1 not record any speeding trucks through that area, and those
2 were --

3 MS. BRILL PACKARD: I wish you were there this
4 morning at 5:00.

5 CHIEF LEONBRUNO: Pardon?

6 MS. BRILL PACKARD: I wish you were there at 5:00
7 this morning. I mean, it just --

8 CHIEF LEONBRUNO: I am not saying they don't ever
9 speed.

10 MS. BRILL PACKARD: Yeah.

11 CHIEF LEONBRUNO: But we did respond to your
12 complaints.

13 MS. BRILL PACKARD: Thank you.

14 CHIEF LEONBRUNO: And did have three separate four,
15 four-day periods.

16 MS. BRILL PACKARD: Okay.

17 CHAIRMAN GALLOWAY: Chief, will you, will you, in
18 the next two weeks, will you task somebody for that for the
19 next two weeks, do that each morning?

20 CHIEF LEONBRUNO: Absolutely.

21 CHAIRMAN GALLOWAY: Our Concord car?

22 MS. BRILL PACKARD: And it's not just in the
23 morning. These same semis going back to their depo in
24 Claridon, Middlefield between 2:00 and 4:00, they're
25 bee-lining it back, and it's a common occurrence. And I
26 really don't understand why they want to go down the hill on
27 Concord-Hambden Road at the, at the ski hill. I have no idea
28 why you would want semis going down that way.

29 CHAIRMAN GALLOWAY: Are they trying to get to --

30 MS. BRILL PACKARD: Especially on these traffic --

1 CHAIRMAN GALLOWAY: Are they trying to get to, like,
2 90 or something or what are they --

3 MS. BRILL PACKARD: Yeah, yeah. And it's their way
4 not to pass by our sheriff. They don't have to go 44 and pass
5 them in Chardon, you know, so they come up 608.

6 CHAIRMAN GALLOWAY: Chief, maybe as part of this,
7 can we get an inventory -- and Captain Dondorfer may already
8 have some of that because he and I talked about it previously
9 -- some of the trucking companies that are servicing that or
10 the quarry companies themselves that truck that. Maybe a
11 letter from the Sheriff's Department to those companies
12 letting them know that there is going to be active enforcement
13 and that it's being taken seriously by Concord Township?

14 CHIEF LEONBRUNO: Sure, we can do that.

15 CHAIRMAN GALLOWAY: You know, these speeding trucks
16 up and down this road.

17 In relation to the difference in the speed limit,
18 after we talked, I went out there and looked at it. I sent --
19 I did send an email to the ODOT person who handles that stuff
20 and I'm guessing they have not done anything with it, so I
21 will follow up on that. I do know that, right after we talked
22 and I sent that email, that fellow actually left District 12
23 that handles that, so there was like two months after that
24 that there was no person in that job. So I will follow up on
25 that communiqué myself and ask them to correct the var -- the
26 various speed limit, the north/south or I guess it's east/west
27 difference. I will follow up on that communication again, ask
28 them.

29 MS. BRILL PACKARD: I'd appreciate it because it is
30 getting to be, the more development, the more cars and the

1 more, "Well, I'm just following the next guy."

2 CHAIRMAN GALLOWAY: Right.

3 MS. BRILL PACKARD: And I have a lot of cars
4 following those semis doing the same speed and it's like,
5 okay. And I've even had my nextdoor neighbor across the
6 street from me already get hit but he got the ticket because
7 he was pulling out of his driveway. But he had a guy who
8 actually slid over 100 feet because he could not stop and he
9 didn't see his lights because he was in that little dip. You
10 get a dark rainy morning, there you go.

11 CHAIRMAN GALLOWAY: Right.

12 MS. BRILL PACKARD: Somebody will be killed. So I
13 appreciate your follow-up.

14 CHAIRMAN GALLOWAY: Thank you.

15 Is there anybody else that would like to address the
16 Board? No? Okay. I will move on from the audience portion.

17 That's going to bring us to Old Business. We had a
18 public hearing and then -- for Application 1217. This is
19 requesting a Zoning Map amendment. You have that in front of
20 you. Just for the record, this was a recommendation for
21 approval from the County Planning Commission, a recommendation
22 for denial from the Township Zoning Commission, and we also
23 have a staff recommendation for denial on the application.

24 What I would ask is if either of you have any
25 questions in terms of the application, anything else that
26 maybe was not covered under the, under the public hearing? Is
27 there any discussion and deliberation? I am thinking maybe
28 some is warranted.

29 MR. MALCHESKY: Let me ask a question first.

30 Mike, did the -- A motion, if made, would be a

1 motion to approve the denial of the zoning amendment?

2 MR. LUCAS: That's correct.

3 MS. LUHTA: That's correct.

4 MR. LUCAS: As recommended by the --

5 MS. LUHTA: Right.

6 CHAIRMAN GALLOWAY: Approve the recommendation.

7 MR. MALCHESKY: Motion to --

8 MR. LUCAS: Approve the recommendation to deny the
9 Zoning Map amendment.

10 CHAIRMAN GALLOWAY: Yeah, it has to be a positive
11 motion.

12 MS. LUHTA: Yes.

13 MR. LUCAS: So a no vote would be yes.

14 CHAIRMAN GALLOWAY: So let me get just -- And let me
15 get you the thought process I am going through. I, you know,
16 my feeling on it is, on its face value, it's, it's spot zoning
17 and, generally, it's recommended that townships reject spot
18 zoning. I do know that we, that we have a zoning text
19 amendment on the Town Hall Neighborhood that is working its
20 way towards us. It's currently in front of the Zoning
21 Commission.

22 MS. LUHTA: Right.

23 CHAIRMAN GALLOWAY: I believe they had a work
24 session on it last night; is that correct? And then they are
25 setting the public hearing.

26 MS. FREEMAN: Yes. They set the public hearing for
27 that. The work session was planned before that application
28 came in. So we had a brief discussion during our work session
29 not looking at the amendment, obviously, and decided to table
30 that discussion until these other applications go through the

1 process.

2 CHAIRMAN GALLOWAY: Okay. So that's going to go
3 through the Zoning Commission and the County Planning
4 Commission, the zoning text that was brought forward by
5 Mr. Sommers, who acquired the property on the south side of
6 Concord-Hambden directly across from the property in question
7 on this application.

8 I guess I am looking at it, I am looking at it two
9 ways. And I guess if one considers what's in front of us, I
10 believe that we are, you know -- Of course, Connie likes to
11 say the devil is in the details -- that we are inclined to
12 probably allow some usage as proposed in that zoning text.
13 We'll see what eventually comes to this body but that's a
14 change that we would be open to considering.

15 We might make some changes, therefore, to the actual
16 zoning text itself which would allow for what the applicant is
17 wanting to do but that, that could be several months off.
18 And, also, we do not know the actual outcome because we may
19 not get a positive recommendation from the Zoning Commission
20 or the Planning Commission as it relates to doing that very
21 thing. So -- And to be honest, part of me thought, because I
22 don't find the applicant's request to be a egregious in any
23 way, shape or form --

24 MR. MALCHESKY: There's a residential house there
25 now.

26 CHAIRMAN GALLOWAY: There is a residential house
27 there now.

28 MR. MALCHESKY: I appreciate --

29 CHAIRMAN GALLOWAY: My problem is the spot zoning.
30 And part of what I thought about today when pondering this

1 was, do I -- would I vote to approve, approve it, allow him to
2 move forward; and if we then made the changes to the zoning
3 text Town Hall Neighborhood in order to, you know, in order to
4 eliminate the spot zoning, we could turn around and then
5 rezone the property back after he's -- back to Town Hall and
6 eliminate the spot zoning.

7 I don't, I don't know how our legal counsel feels
8 about a maneuver like that. It's certainly very unorthodox
9 and it makes me a little leery because I don't -- Again, these
10 are two separate matters and we have one definitive in front
11 of us and one is a maybe, you know, an if-come.

12 So that may be, to be frank -- And I am speaking out
13 loud as just, you know, sort of thinking out loud -- as that
14 might be just a little, that might be a little too slick,
15 creative but maybe too slick, because I am sympathetic to the
16 applicant.

17 MR. MALCHESKY: We are not making it -- Well, it is
18 hard for me to call it spot zoning if it was just an island to
19 itself but there is already a residential home there. There
20 is R-1 two parcels away.

21 CHAIRMAN GALLOWAY: There is R-1 in the area. There
22 is R-4 in the area.

23 MR. MALCHESKY: Yeah, yeah.

24 CHAIRMAN GALLOWAY: There is R-3 in the area, and I
25 understand.

26 MR. MALCHESKY: Yeah. And the area hasn't taken off
27 like we thought it was going to.

28 MS. LUHTA: That's what I was going to say. The
29 zoning that's in place was put there for a purpose which never
30 materialized. And the area is -- it feels residential to me.

1 CHAIRMAN GALLOWAY: Right.

2 Heather, will you give us some insight on -- because
3 you were there for the Zoning Commission's deliberations on
4 this -- will you give us some insight as to what their
5 thought processes were on this denial because it was a four to
6 one vote; is that correct?

7 MR. MALCHESKY: That's right.

8 MS. LUHTA: Yes.

9 MS. FREEMAN: Right.

10 CHAIRMAN GALLOWAY: Just, you know, I'm not -- just
11 a generalization of what that discussion was and how they came
12 to that conclusion in terms of --

13 MS. FREEMAN: I guess I can take a shot at just
14 summarizing. Just to summarize, I think, the application came
15 in front of the Zoning Commission, which really got their eyes
16 focused on the whole Town Hall Neighborhood District. I felt
17 like the general consensus of most of the members was, if we
18 rezone this two acres to R-1, there is this idea of the spot
19 zoning. And then what happens with the Town Hall that's
20 surrounding it because there still is a strip to the east of
21 this that is between the Town Hall Commons where the church
22 is.

23 And I don't -- I think that they were in, in
24 agreement that a residential would probably be suitable in
25 this area; however, they were apprehensive on approving this
26 and not looking at the whole picture and they want to, kind
27 of, to take a step back and really be able to look at it in a
28 comprehensive way and how does this tie in with the overall
29 plan for the area.

30 CHAIRMAN GALLOWAY: Well, and much like my concern

1 about how the use would fit if there were changes made to the
2 Town Hall Neighborhood in allowing a residential component as
3 has been proposed through the zoning text amendment, what if
4 there is no change made to the Town Hall? And then we have
5 this property with residences and then still with a commercial
6 use now all around it.

7 MS. FREEMAN: Yeah, and that would be likely.

8 CHAIRMAN GALLOWAY: And, again, not tackling it from
9 a district-wide means could leave that property very much now
10 exposed to, you know, if somebody came in and wanted to now
11 build, you know, a school behind it or some other use.

12 MS. FREEMAN: Yeah. I mean, you could build a
13 retail center.

14 CHAIRMAN GALLOWAY: A retail center.

15 MS. FREEMAN: Under Town Hall Neighborhood.

16 CHAIRMAN GALLOWAY: There is a whole bunch of, there
17 is a whole table of uses that I think that people might find
18 offensive if they bought a home there and then suddenly had
19 that right in their back yard, literally.

20 MS. FREEMAN: Right.

21 CHAIRMAN GALLOWAY: So those are the -- I just
22 wanted to sort of air that and have you both hear my thought
23 processes, both -- devil's advocate here -- both sides here.

24 MR. MALCHESKY: Yeah, you do have both sides here.

25 CHAIRMAN GALLOWAY: Yeah. I mean it's, you know --
26 So that's why I thought maybe a discussion might be in order
27 here. But we have closed the public hearing so, therefore,
28 there needs to be an action on this. There needs to be a
29 vote.

30 MR. MALCHESKY: I make a motion to approve the

1 recommendation to deny the Zoning Amendment Application Number
2 1217-1 by Vincent Yurak, for Ciatto Consulting LLC, requesting
3 to rezone two acres of land located at 11473 Concord-Hambden
4 Road, and being current Permanent Parcel Number
5 08A-014-0-00-011-0, from THN Town Hall Neighborhood District
6 to an R-1 Residential District.

7 MS. LUHTA: I will second that.

8 CHAIRMAN GALLOWAY: Okay. And I will ask if there
9 is any further comments, discussions or anything along those
10 lines? I would also ask if the applicant wants to make any
11 last-minute comment to what you have heard here? I will give
12 you that opportunity.

13 MR. YURAK: I am confused. Which way are you trying
14 to vote?

15 CHAIRMAN GALLOWAY: Under, under the rules, our
16 motion has to be one in the affirmative as it relates to the
17 recommendation that was brought to us. That's what we act on.
18 So the recommendation is to deny. So, therefore, an aye vote
19 would deny your application, a no vote would --

20 MS. LUHTA: Approve.

21 CHAIRMAN GALLOWAY: Well --

22 MS. LUHTA: Would allow it.

23 CHAIRMAN GALLOWAY: No, it would deny the -- Correct
24 me if I am wrong, Mike. It would technically --

25 MS. LUHTA: Deny.

26 CHAIRMAN GALLOWAY: -- deny the recommendation and
27 then there would have to be a second motion to --

28 MR. LUCAS: No. The yes vote, yes vote would be to
29 accept the recommendation and deny the variance request.

30 CHAIRMAN GALLOWAY: Correct.

1 MR. LUCAS: A no vote would be to overturn the
2 recommendation of the Zoning Commission and grant the
3 applicant's request for zoning.

4 CHAIRMAN GALLOWAY: Not requiring another step.

5 MR. LUCAS: No.

6 MS. LUHTA: Okay.

7 MR. LUCAS: No.

8 CHAIRMAN GALLOWAY: So there you have it. Yes is,
9 for you, yes is bad, no is good.

10 MR. YURAK: Got it. I just wanted to point out
11 that, in the text for Town Hall Neighborhood, there are only
12 four permitted uses of the parcel and none of them are large
13 businesses. I mean, they could do a medical-dental office;
14 administrative business and professional offices; personal
15 services, hair care, dry cleaning, shoe repair; a business
16 service center, including mailing and copy centers.

17 So from what I read, it does not permit strip malls
18 or anything to that effect; is that correct?

19 CHAIRMAN GALLOWAY: Well, those, how those could be
20 housed would be the form of development.

21 MR. YURAK: Gotcha. And, also, as you guys touched
22 base on a school, I mean, residential properties are right
23 around schools. So that would be a perfect --

24 CHAIRMAN GALLOWAY: I was just throwing it out.

25 MR. YURAK: -- perfect place for you guys to build
26 your school.

27 CHAIRMAN GALLOWAY: Abstract ideas of -- right,
28 right.

29 MR. YURAK: All right. Thank you. I have nothing
30 else for you.

1 MR. MALCHESKY: Thank you.

2 CHAIRMAN GALLOWAY: Thank you. Any further
3 discussion?

4 MS. LUHTA: No.

5 CHAIRMAN GALLOWAY: Mr. Malchesky?

6 MR. MALCHESKY: No further discussion.

7 CHAIRMAN GALLOWAY: Okay. Mrs. Dawson, I would like
8 to ask for a roll call vote on this matter.

9 MS. DAWSON: Mrs. Luhta?

10 MS. LUHTA: No.

11 MS. DAWSON: Mr. Galloway?

12 CHAIRMAN GALLOWAY: Yes.

13 MS. DAWSON: And Mr. Malchesky?

14 MR. MALCHESKY: No.

15 CHAIRMAN GALLOWAY: Okay. So you are approved.

16 MR. YURAK: Thank you.

17 CHAIRMAN GALLOWAY: And I, and I just, you know, to
18 let you know as it relates to my vote, it was really just from
19 a matter of -- I don't really have any issue with what you are
20 trying to do there. It's just more of a, I would like to see
21 us deal with that from a global standpoint in terms of that
22 entire district based on the fact that we have other
23 applicants in front of us.

24 So, all right, moving on.

25 MS. DAWSON: I have to place the reason for denial.

26 CHAIRMAN GALLOWAY: We have to have a reason for
27 denial.

28 MS. DAWSON: Yes.

29 CHAIRMAN GALLOWAY: Did one of the two people voting
30 no like to give that denial to Mrs. Dawson for the record?

1 MR. MALCHESKY: I would say it was a good, good use
2 of the property.

3 MS. LUHTA: That, plus I can see --

4 MR. MALCHESKY: And there is residential already on
5 it now.

6 MS. LUHTA: Right, that's a good one. Also, I can
7 see down the road what's coming.

8 MS. DAWSON: Thank you.

9 CHAIRMAN GALLOWAY: Maybe.

10 MS. LUHTA: Maybe. I think it's coming.

11 MR. MALCHESKY: Connie's experience.

12 MS. DAWSON: Intuition.

13 MS. LUHTA: Yeah.

14 MR. MALCHESKY: I make a motion to adopt the
15 February financial statements.

16 MS. LUHTA: Second.

17 CHAIRMAN GALLOWAY: All those in favor?

18 (Three aye votes, no nay votes.)

19 MR. MALCHESKY: I had, after an appropriations
20 hearing and seminar, I have that we had -- I would make a
21 motion to adopt Resolution 2018-12, permanent appropriations.

22 MS. LUHTA: Second.

23 CHAIRMAN GALLOWAY: We have those in front of us and
24 any further discussion on them? We had a workshop yesterday.

25 MR. MALCHESKY: We had a workshop.

26 MS. LUHTA: Right.

27 MR. MALCHESKY: That was lengthy.

28 MS. LUHTA: Right, yes.

29 CHAIRMAN GALLOWAY: Yes, it was, but obviously very
30 much needed and appreciated and Mrs. Dawson's efforts.

1 MR. MALCHESKY: And a discussion after that. Yes.

2 MS. DAWSON: You are welcome.

3 CHAIRMAN GALLOWAY: And I need a roll call vote on
4 that as well.

5 MS. DAWSON: Mr. Malchesky?

6 MR. MALCHESKY: Yes.

7 MS. DAWSON: Mr. Galloway?

8 CHAIRMAN GALLOWAY: Yes.

9 MS. DAWSON: Mrs. Luhta?

10 MS. LUHTA: Yes.

11 MS. DAWSON: Thank you.

12 MR. MALCHESKY: I make motion to adopt Super Blanket
13 Certificates Number 101-2018 --

14 MS. DAWSON: To 140.

15 MR. MALCHESKY: -- through 140-2018.

16 CHAIRMAN GALLOWAY: So not 150 as --

17 MS. DAWSON: No, 140.

18 CHAIRMAN GALLOWAY: Okay. Thank you.

19 MS. LUHTA: Okay. Second.

20 CHAIRMAN GALLOWAY: All those in favor?

21 (Three aye votes, no nay votes.)

22 CHAIRMAN GALLOWAY: We need to sign off on that.

23 MR. MALCHESKY: I make a motion to approve
24 Resolution 2108 -- or 2018-13 to approve the MOU with Liberty
25 Development for the seven acre parcel. This is a Resolution
26 authorizing the Board of Trustees to -- of Concord Township to
27 enter into a Memorandum of Understanding with Liberty
28 Development Company to provide assistance in the development
29 of the approximate seven acres of Township owned real property
30 located near the intersection off Auburn Road and Capital

1 Parkway, Permanent Parcel Number 088 -- 08-A-020-A-00-014-0.

2 MS. LUHTA: Second.

3 CHAIRMAN GALLOWAY: Would you like to have some
4 discussion on that point?

5 MR. MALCHESKY: Yes.

6 CHAIRMAN GALLOWAY: Okay. Do you want me to start?

7 MR. MALCHESKY: You can start or I can start.

8 CHAIRMAN GALLOWAY: Okay. Basically, the MOU and
9 this Resolution in front of us is, as you know, is brought to
10 us worked through our legal counsel, along with Liberty
11 Development. Liberty Development approached us after we
12 closed the RFP process in the fall. They approached us after
13 that and asked if they could work with us on exploring the
14 seven acres that the Township owns in terms of potential
15 development opportunities and we've had discussion therein.
16 And this agreement would allow them to proceed on those,
17 exploring those development options on the parcel that the
18 Township owns.

19 MR. MALCHESKY: And I guess I would refer to the
20 agreement that would -- to assist in creating a vibrant, high
21 quality development which complements with the best
22 characteristics of the community's architecture and aesthetics
23 which may include creative tenant mix with -- that serves,
24 supports and enhances the project site, the JEDD corridor and
25 the surrounding community, provide visual and symbolic
26 identifiers to the community, provide a catalyst for
27 additional development, create positive economic and fiscal
28 benefits for the township, including but not limited to the
29 involvement of the JEDD in the project, incorporates public
30 space and uses sustainable best practices, effectively

1 incorporating community feedback into the design.

2 CHAIRMAN GALLOWAY: And I would also point out that
3 it does not obligate the Township to any final development
4 project or anything that is brought forward.

5 MR. MALCHESKY: This is just work to continue to
6 create the vision --

7 MS. LUHTA: Right.

8 MR. MALCHESKY: -- and look for that area.

9 CHAIRMAN GALLOWAY: Correct.

10 MR. MALCHESKY: It's a baby -- another baby step.

11 MS. LUHTA: Uh-huh.

12 MR. MALCHESKY: Mike, I have in front of us, it
13 looks like a redline copy of the MOU. Is it okay if we sign
14 that one or do you want us to sign a different one?

15 MS. DAWSON: It doesn't have a redline.

16 MR. MALCHESKY: Well, it doesn't have red in it but
17 it has commas that are underlined.

18 MR. LUCAS: What?

19 MR. MALCHESKY: Commas that are underlined.

20 CHAIRMAN GALLOWAY: Want to see it?

21 MS. LUHTA: Send it over.

22 CHAIRMAN GALLOWAY: It may be, may be an accidental
23 undated version, so let Mike look at it real quick.

24 MR. MALCHESKY: Look to the middle of paragraph 1
25 right next to "relevant," comma.

26 MR. LUCAS: The first paragraph, Paul, or section?

27 MR. MALCHESKY: Yeah, the first paragraph.

28 MR. LUCAS: I don't see any redlining.

29 MR. MALCHESKY: Oh, there's no redlining. It's
30 underlined instead. It was probably redlined.

1 MR. LUCAS: Oh.

2 MR. MALCHESKY: Or the copy machine.

3 MR. LUCAS: Yeah, that's the only thing that's -- I
4 hope -- because this is a clean copy other than that.

5 MR. MALCHESKY: I am good if you are good, Mike.

6 MR. LUCAS: Yeah, I am good with that.

7 MR. MALCHESKY: Okay. Thank you.

8 CHAIRMAN GALLOWAY: All right. Well, then other
9 than one stray underlining of the letter A, it's good to go
10 and a clean copy. I have a motion and a second. Any further
11 discussion on this Resolution and MOU?

12 MR. MALCHESKY: No.

13 MS. LUHTA: No.

14 CHAIRMAN GALLOWAY: All those in favor?

15 (Three aye votes, no nay votes.)

16 MR. MALCHESKY: And just to probably note, this also
17 has to be approved by the --

18 MS. LUHTA: Liberty.

19 MR. MALCHESKY: -- JEDD as well.

20 CHAIRMAN GALLOWAY: That is correct. And the JEDD
21 will take that up on Friday at 8:00 a.m. at their regularly
22 scheduled meeting.

23 MS. LUHTA: Okay. How many copies are there, three?

24 MR. MALCHESKY: I think there is two.

25 MS. DAWSON: Two of those.

26 MS. LUHTA: Oh, just two. Okay.

27 MR. MALCHESKY: I will send that down to you,
28 Connie.

29 MS. LUHTA: Okay.

30 CHAIRMAN GALLOWAY: I will sign.

1 MR. MALCHESKY: While you guys are signing that --

2 CHAIRMAN GALLOWAY: Do you want to skip E and then
3 bring E in at the end?

4 MR. MALCHESKY: Yes, let's do -- Yeah, we will do E
5 later.

6 How about a vote for a motion under Resolution
7 2018-14, contract with Jen Magid, dba Jen's Cleaning Services.
8 This is a resolution to approve our cleaning services here at
9 Town Hall and throughout the rest of the Township facilities.
10 And this individual and her associates have been cleaning Town
11 Hall as long as I can recall.

12 MS. LUHTA: Right.

13 CHAIRMAN GALLOWAY: As long as you and I have been
14 around.

15 MS. LUHTA: Yep. I will second that.

16 CHAIRMAN GALLOWAY: Okay. All those in favor?

17 (Three aye votes, no nay votes.)

18 MS. LUHTA: This is just your stuff.

19 MR. MALCHESKY: All right. And --

20 CHAIRMAN GALLOWAY: Okay. I am going to swap one
21 out here with you, Paul. This one, you need signatures on
22 that.

23 MR. MALCHESKY: Sure. I make a motion to approve
24 the change order for professional services with Hall and
25 Associates. Hall and Associates is the employer of Robert
26 Parker, who has been doing engineering services for the
27 Township for some period of time.

28 CHAIRMAN GALLOWAY: Our engineering consultant.

29 MS. LUHTA: Yep. Second.

30 CHAIRMAN GALLOWAY: Okay. All those in favor?

1 (Three aye votes, no nay votes.)

2 MR. MALCHESKY: And I would also note that he does
3 do some work for us on stormwater issues as well, so that also
4 addresses some of the issues that we've been dealing with in
5 development.

6 CHAIRMAN GALLOWAY: That's the one you signed.

7 MR. MALCHESKY: You just signed the Hall
8 development?

9 CHAIRMAN GALLOWAY: Yep.

10 MR. MALCHESKY: Do you want to table the Metroparks
11 Greenway Corridor, Chris?

12 CHAIRMAN GALLOWAY: Yes, let's go ahead and table
13 that and we will move that to Old Business for our next
14 meeting. We did find, I believe, the consensus was, from
15 yesterday's staff meeting, is that the MOU itself is fine.
16 There was an error on the address on the original one from
17 2013, and so we will go ahead and get that updated and then we
18 will take action on it at our next meeting.

19 MR. MALCHESKY: Okay. Well, what I have found at my
20 spot today and on my desk at the office is the Cemetery
21 Department new rules and regulations effective April 1st. We
22 have it in front of us and reviewed at staff and I would make
23 a motion to adopt same.

24 MS. LUHTA: Second.

25 CHAIRMAN GALLOWAY: Yes. And I want to thank Amy
26 and everyone that was -- Dan Davis.

27 MR. MALCHESKY: Excellent job.

28 CHAIRMAN GALLOWAY: Who else?

29 MS. DAWSON: Karen Warner.

30 CHAIRMAN GALLOWAY: -- and Karen Warner for their

1 excellent work in updating these regulations. And I reviewed
2 these and don't have any additional thoughts or comments on
3 it.

4 MS. LUHTA: Right.

5 CHAIRMAN GALLOWAY: So I have a motion and a second
6 to approve. All those in favor?

7 (Three aye votes, no nay votes.)

8 MR. MALCHESKY: I make a motion to approve the Fire
9 Department permission to advertise for a Request for
10 Qualifications for fire station master planning.

11 MS. LUHTA: Second.

12 CHAIRMAN GALLOWAY: Okay. Discuss it?

13 MR. MALCHESKY: I will be more than happy to discuss
14 it. This is, what we're looking to do is we've had some
15 suggestions that our, our humble fire stations need to be
16 revamped. And what we're looking here to do is look at
17 finding individuals out there that may be able to do some of
18 that work for us in that planning stage. So this is, again,
19 the first of many baby steps to, to improve our fire stations.

20 CHAIRMAN GALLOWAY: Yes. And it comes as sort of
21 the next step on a report and a study that we commissioned
22 from the Ohio Fire Chiefs to do an analysis of our existing
23 facilities and to present us with recommendations as it
24 relates to those facilities. That document is online and you
25 can find it on our website, the complete report from the Ohio
26 Fire Chiefs. And this is sort of the next step based on that
27 report back from them, as you outlined, to look at individuals
28 and firms that may be qualified to work with the Township and
29 the Fire Department on potential plans on those facilities.

30 MR. MALCHESKY: And I think as we approach, we've

1 had -- We certainly have a need for upgrades and we are
2 certainly very concerned about where we have seen other
3 townships, other cities making upgrades and what we consider
4 spending way too much money, and so we will approach with
5 caution.

6 MS. LUHTA: Right.

7 CHAIRMAN GALLOWAY: I don't think there is any
8 denying that our existing two stations are in need of upgrade.

9 MR. MALCHESKY: Yes.

10 MS. LUHTA: Right. They are very old.

11 CHAIRMAN GALLOWAY: They are old and they are
12 problematic.

13 MS. LUHTA: Sixty years old, at least.

14 CHAIRMAN GALLOWAY: As it relates to current
15 existing standards and functionality, frankly, and not to
16 mention cost of maintenance and roofs and air conditioners,
17 everything else. So I have a motion and a second. All those
18 in favor?

19 (Three aye votes, no nay votes.)

20 MR. MALCHESKY: I make a motion to approve Fire
21 Department P.O. 20-2018, Physio Control, in the amount of
22 \$6,987.60, for heart monitoring service, services plan.

23 MS. LUHTA: Second.

24 CHAIRMAN GALLOWAY: All those in favor?

25 (Three aye votes, no nay votes.)

26 MR. MALCHESKY: I make motion to adopt P.O. 21-2018,
27 Lexipol, in the amount of \$4,480 for integration services.

28 MS. LUHTA: Second.

29 CHAIRMAN GALLOWAY: All those in favor?

30 (Three aye votes, no nay votes.)

1 MR. MALCHESKY: I make a motion on behalf of the
2 Service Department for permission to advertise for bid the
3 2018 stone and tar bids.

4 MS. LUHTA: Second.

5 CHAIRMAN GALLOWAY: All those in favor say "aye."
6 (Three aye votes, no nay votes.)

7 CHAIRMAN GALLOWAY: Excellent. All right. Now,
8 that's going to bring us to Item E.

9 MS. LUHTA: Right.

10 CHAIRMAN GALLOWAY: Which is the -- sign those --
11 pending Riverside litigation. We have in front of us, I
12 believe --

13 MR. MALCHESKY: Pass one down to Connie.

14 CHAIRMAN GALLOWAY: Connie, here is one for you. Is
15 this the original?

16 MS. DAWSON: There's three originals, Mr. Galloway.

17 MR. MALCHESKY: Three originals.

18 CHAIRMAN GALLOWAY: This is the addendum. Do we
19 have the --

20 MS. DAWSON: It's right behind it.

21 MR. MALCHESKY: It's right behind it.

22 CHAIRMAN GALLOWAY: Oh, they're both there. Okay.

23 MR. MALCHESKY: The addendum.

24 CHAIRMAN GALLOWAY: There is one for you, Connie.

25 MS. DAWSON: The addendum is on top of the original.

26 CHAIRMAN GALLOWAY: Got it.

27 MS. DAWSON: And Mr. Lucas said he needed three
28 original signatures.

29 CHAIRMAN GALLOWAY: Yep.

30 MS. LUHTA: I see.

1 MR. MALCHESKY: Mr. Galloway, this is, what we have
2 in front of us is, is a proposal approving a settlement
3 agreement that I have been engaged in and I know the other
4 Trustees have been engaged in. But as we talk about the
5 division of labor in the township and the Trustees, Mr. Lucas
6 and I have been spending some considerable time in discussions
7 with the litigation with Riverside Local School District's
8 Board of Education.

9 Just to remind this Board and the general public,
10 Riverside School District, sometime ago, approved a bond that
11 went on our tax rolls this year, recently, as you're starting
12 to get your, your taxes. That bond was to build additional
13 schools, close some schools. But, basically, it was their
14 desire to build a school in Concord Township. At the time
15 that bond passed, there was not a designation of where that
16 school was going to be located. And, recently, Riverside
17 Local Schools applied to get a conditional use permit for
18 property that it purchased on 608 and that was denied by our
19 Board of Zoning Appeals.

20 That eventually went into litigation. There are two
21 matters that are actually pending in litigation. A, whether
22 or not the Board of Zoning Appeals acted appropriately in
23 their denial, I feel, may become moot. But if it was
24 litigated and if that was the only litigation that was to take
25 place, I feel confident that our Board of Zoning Appeals acted
26 appropriately, as you mentioned earlier, I think, in our
27 discussions of how -- work that our Board of Zoning Appeals
28 has done in the past.

29 That being said though, there is an additional suit
30 out there that requests that the Court of Common Pleas find

1 that the Riverside School District, or Riverside Local School
2 District, is immune from portions of the Concord Township
3 Zoning Resolutions. I am familiar with that case law. In
4 fact, there is 12 cases that exist out in the state of Ohio.
5 And based upon my knowledge, and based upon previous rulings
6 in Lake County regarding similar law, I have a grave concern
7 that the Riverside Local School District would receive a
8 ruling from Lake County Common Pleas Court that it is immune
9 from portions of Concord Township Zoning Resolution.

10 And with that knowledge, I present to, to this Board
11 a Settlement Agreement that was developed with some
12 considerations of getting some concessions from the School
13 District, as well as an Addendum based upon, I think, concerns
14 that this Board had that were necessary to meet some of the
15 needs and some of the concerns of our neighboring residents.

16 I can give you my opinions of those yet but I just
17 wanted to kind of use that as, as an opening of what we have
18 in front of us here.

19 CHAIRMAN GALLOWAY: Sure. Connie.

20 MS. LUHTA: Well, basically, I am very disappointed
21 with the choice of location of that school. Supporting the
22 bond issue was one thing but supporting -- but the choice of
23 location, I think, is a very, very poor one and I am very
24 disappointed in this -- the decision of the School Board.
25 With that said, I think we're stuck with it because of the
26 likelihood of the legal climate being what it is.

27 CHAIRMAN GALLOWAY: I do want to thank you and
28 Mr. Lucas for your time on this matter since last fall, not
29 only in the legal research but also your time in mediation.

30 MS. LUHTA: Yes.

1 CHAIRMAN GALLOWAY: Meeting with counsel from
2 Riverside, meeting with Riverside administration and
3 working -- and the Court -- and working with the Court on
4 this. What I would say -- And I certainly share your
5 sentiments, Connie.

6 MR. MALCHESKY: I do too, Connie. I agree with you.

7 CHAIRMAN GALLOWAY: I don't want to say too much
8 because this is still an open matter.

9 MS. LUHTA: Right.

10 CHAIRMAN GALLOWAY: I am fine with saying that
11 because we have already been on the record saying that. These
12 were, you know, there is a Settlement Agreement and an
13 Addendum to that Settlement Agreement from -- in front of us
14 for us to consider and to vote on. And what I will do is ask
15 for a roll call vote. Paul, if you want to take a moment --

16 MR. MALCHESKY: I will make the motion.

17 CHAIRMAN GALLOWAY: -- before or after your motion
18 to sort of outline what is in the Settlement Agreement and the
19 Addendum to the Settlement Agreement, that would be fine with
20 me so that it's available for folks at home. And then I will
21 go ahead and call for a roll call after we have the motion.

22 And just what this means is, if the Board approves
23 the Settlement Agreement and the Addendum to the Settlement
24 Agreement and Riverside School Board does -- Local school
25 District does the same -- which correct me if I am wrong. I
26 believe they actually already approved the Settlement but not
27 the Addendum -- it would then go to the Court for the Judge to
28 approve the Settlement. So nothing would be official until
29 the Court itself rules on it; is that correct?

30 MR. MALCHESKY: That is correct. Every --

1 MS. LUHTA: Then I have a question.

2 MR. MALCHESKY: Sure.

3 MS. LUHTA: If they have approved the Settlement but
4 not the addendum, is it -- is there a possibility that they
5 would not approve the Addendum?

6 CHAIRMAN GALLOWAY: My -- I don't believe so.

7 MR. MALCHESKY: Well, I guess there is always a
8 possibility.

9 MR. LUCAS: There is always, there is always a
10 possibility on anything. The feedback that I received from
11 the Riverside District attorney, Dave Riley, when we first
12 discussed this Addendum provision is that, in an informal
13 discussion with the District, they, as a general proposition,
14 didn't have a problem with it.

15 CHAIRMAN GALLOWAY: It's much like our executive
16 session discussion with Mike.

17 MS. LUHTA: Yeah. But --

18 CHAIRMAN GALLOWAY: We have to have a discussion and
19 put something in front of both boards.

20 MS. LUHTA: But that bothers me.

21 MR. MALCHESKY: Well, well, we're, we're only
22 approving a settlement that includes -- Well, I will make the
23 motion to only approve the Settlement by the agreement of the
24 parties and the Court of not only the Settlement Agreement but
25 the Addendum to the Settlement Agreement.

26 MS. LUHTA: Okay.

27 CHAIRMAN GALLOWAY: Do we need two separate motions,
28 one for each?

29 MR. LUCAS: No. You can put them down. I want it,
30 I want it as one for the reason Paul mentioned.

1 MS. LUHTA: That's good. I want --

2 MR. LUCAS: We're not going to bifurcate that into
3 -- It's an all-or-nothing presentation.

4 MS. LUHTA: Right, okay. Then I feel better. Thank
5 you.

6 CHAIRMAN GALLOWAY: Okay.

7 MR. MALCHESKY: I will make a motion to adopt the
8 Settlement Agreement, including but not limited to the
9 Addendum to the Settlement Agreement, which -- for the
10 *Riverside Local School District Board of Education versus the*
11 *Board of Zoning Appeals for Concord Township and Concord*
12 *Township Trustees*, in Case Number 17CV1654, in front of Judge
13 Collins of Lake County Common Pleas Court.

14 Said Agreement would acknowledge by Concord Township
15 that the Riverside Local School District is immune from
16 portions of Concord Township Zoning Resolution, which
17 regulates the use of property in connection with the new
18 school being developed at 12428 Concord-Hambden Road.

19 The addition is that it would require Riverside to
20 plant trees long the southern property line adjacent to the
21 homeowners' western lot line;

22 Those that earth -- that there would be an earth
23 berm along the northern side of the property; they should
24 plant trees, 7 and 8 foot pine and red oak;

25 That the Riverside would consider purchase of
26 property across the street on Route 608 of a homeowner;

27 There would be additional trees along property
28 boundaries as outlined in the agreement;

29 That the STS field that is proposed, Riverside will
30 put in pine trees, 4 foot, along the fence or arrange for a

1 buffer to the left of the identified property;

2 That the baseball field presently planned that is --
3 would be in the rear of the Summerwood development would no
4 longer be considered by -- considered at that location by
5 Riverside and taken out of the plans;

6 That we would have payment on -- and performance
7 bond of a construction manager at risk shall meet the
8 requirements of the Ohio Revised Code Section 153.571 and
9 shall be used in the event the contractor defaults to repair,
10 remediate, or replace warranty or defective work;

11 Riverside and Concord representatives will meet
12 monthly during the first three months that the new school is
13 open and quarterly thereafter, as otherwise agreed in writing,
14 during the balance of the first year of operation to discuss
15 operational issues of the new school. During the second year
16 of operation, Riverside will meet with Concord Township two
17 weeks prior to the school opening to discuss operations,
18 procedures for the school;

19 Riverside and Concord will meet with representatives
20 from Lake County Sheriff's Office to discuss the exterior
21 lighting schedule for the school. Notwithstanding the
22 foregoing, Riverside agrees that in any event the parking lot
23 area will not be lit after 10:00 p.m.;

24 Riverside will install the STS field in compliance
25 with the Ohio Environmental Protection Agency and remain in
26 continual compliance with the Ohio EPA. When sanitary sewers
27 become available, the school shall tie into said system as
28 soon as practicable.

29 I want to also indicate to you that the bonding and
30 the performance bond in Section H that I outlined earlier

1 relates to that paragraph.

2 Riverside will do -- hereby discharges Concord and
3 its agents, servants and employees, personally and in any
4 other capacity, from claims of action;

5 And then I think, most importantly, the Addendum
6 outlines a significant concern that we had with regard to
7 contamination of ground water, that which was mentioned
8 earlier by a resident today. In consideration of our
9 forethought on that matter, we had asked that part of this
10 Agreement and Settlement would be that, that the parties
11 acknowledge and agree that there is an active natural spring
12 which is located upon and provides potable water to the real
13 property of three parcels, residential parcels located at
14 12550 Concord-Hambden Road, State Route 608. The relevant
15 permanent parcel numbers are located inside that paragraph of
16 the agreement;

17 The parties acknowledge, further acknowledge and
18 agree that, in order to ensure and protect the natural spring
19 as a sole and exclusive source of potable water for that
20 property, or in the alternative, providing the ongoing
21 uninterrupted availability of the potable water for that
22 property, in the event of any adverse interruption to or
23 elimination of the natural spring source of potable water,
24 such events -- if such events would occur or action would
25 occur, and they will arrange for quality testing of that
26 potable water to denote that it is, that potable water will be
27 tested. There is a first testing, a second testing to be
28 completed in April of 2019 prior to the Riverside moving into
29 the property in May of 2019;

30 At that if there is a determination that that water

1 is not potable or, at any time during the time being that the
2 school is there, that the water is not potable, Riverside
3 would agree to provide an extension of any existing water line
4 from the most readily accessible and shortest distance to the
5 property in question in accordance with the customary
6 construction and engineering practices in order to enable a
7 tie-in of that those property owners that were once receiving
8 potable water from that spring;

9 Riverside agrees to fully and completely pay for the
10 required water line extension and all costs and expenses
11 associated therewith directly to Concord and Concord agrees to
12 assume and accept full responsibility to arrange for the
13 appropriate construction of such water line and to oversee its
14 completion under the Addendum. And then if Concord has to do
15 it, then they would be reimbursed by Riverside.

16 I believe that this agreement is an attempt to
17 comply with, as best we could under the legal circumstances
18 that we had authority to do, comply with the concerns of
19 Riverside -- or comply with the concerns that Concord
20 residents had with the Riverside School System placing that
21 school in that location. So I would make a motion that we
22 approve that Settlement Agreement as outlined.

23 MS. LUHTA: I second it.

24 MR. LUCAS: And the Addendum.

25 MR. MALCHESKY: And the Addendum.

26 MS. LUHTA: And the -- Well, together, yes.

27 CHAIRMAN GALLOWAY: Okay. I have a motion and a
28 second. Did you have another comment?

29 MS. LUHTA: No, that's it.

30 MR. MALCHESKY: Mr. Lucas, is there anything else

1 that you want to add or I missed?

2 MR. LUCAS: Just a clarification on one point. The
3 water line extension, in the event -- You had indicated that
4 if the testing results for the spring reached a point where it
5 was not potable water. Actually, it's a little bit more
6 stringent than that.

7 MS. LUHTA: Right.

8 MR. LUCAS: If there is a diminishment in the
9 quality of the spring, notwithstanding the fact it may still
10 be potable, they have to draw that extension of the water line
11 over. So it's not as dramatic a change from potable water to
12 nonpotable water, it's a reduction in quality that the test
13 results would establish. And so the end result,
14 hypothetically, could be you would have a diminishment of the
15 quality albeit still potable water. And under the language of
16 the addendum, they would have to extend the water line. So
17 that was the only clarification I wanted to make.

18 MR. MALCHESKY: Thank you. Thank you. I would
19 amend my motion to include that as well.

20 MS. LUHTA: I will second the amendment.

21 CHAIRMAN GALLOWAY: Okay. So I have a motion and
22 now I have an amendment to that.

23 MR. LUCAS: I don't think you need, I have to tell
24 you --

25 CHAIRMAN GALLOWAY: I don't think you need to
26 actually make an amendment.

27 MR. LUCAS: You don't need to make an amendment.

28 MS. LUHTA: No. We just --

29 CHAIRMAN GALLOWAY: He was clarifying.

30 MR. LUCAS: Yeah. The document speaks for.

1 CHAIRMAN GALLOWAY: Okay. So withdraw that.

2 MR. MALCHESKY: I withdraw that.

3 CHAIRMAN GALLOWAY: Thank you.

4 MR. MALCHESKY: Make sure we're clean.

5 CHAIRMAN GALLOWAY: So what I will do is I will --

6 MS. BRILL PACKARD: Can I ask Mr. Lucas a question?

7 Just his point that he brought up, does that also mean volume
8 of water? You said -- You only said quality.

9 MS. LUHTA: That's a good point.

10 MR. LUCAS: It's only on the quality.

11 CHAIRMAN GALLOWAY: Quality only.

12 MS. BRILL PACKARD: So what if it goes dry?

13 MR. LUCAS: Well, actually, there is two parts to
14 that, to answer your question. There is the testing results,
15 if there is a reduction in quality. But I also put in "or an
16 adverse impact to the well," which would include the drying up
17 of the -- Thank you for reminding me of that point. That
18 would address that point that you just mentioned.

19 CHAIRMAN GALLOWAY: I would say the worst quality of
20 water is no water. Okay, very good. Thank you.

21 MR. LUCAS: Thank you.

22 CHAIRMAN GALLOWAY: And I will ask for a roll call
23 vote on, on the motion to approve the Settlement Agreement and
24 the Addendum to the Settlement Agreement.

25 MS. DAWSON: Mr. Malchesky?

26 MR. MALCHESKY: Yes.

27 MS. DAWSON: Mrs. Luhta?

28 MS. LUHTA: No.

29 MS. DAWSON: Mr. Galloway?

30 CHAIRMAN GALLOWAY: Yes. We have to sign these. I

1 am guessing you voted no, so you are not going to sign.

2 MS. LUHTA: No.

3 MR. MALCHESKY: It looks like there is only one, one
4 signature.

5 MR. LUCAS: Yeah, yeah, it's for the chairman.

6 MS. DAWSON: Chairman, the Chairman's.

7 CHAIRMAN GALLOWAY: Just me? It's all me?

8 MS. LUHTA: That's good.

9 CHAIRMAN GALLOWAY: Okay. Hooray for me.

10 MS. LUHTA: I am not against the school. I am, I am
11 just against the location to the point where I had to vote no.

12 CHAIRMAN GALLOWAY: I understand that. And I am
13 going to, being that this is still an open legal matter, I am
14 going to stick to my limiting of comments on an open legal
15 matter --

16 MS. LUHTA: All right. I won't --

17 CHAIRMAN GALLOWAY: -- at this time.

18 MS. LUHTA: I will not comment further.

19 CHAIRMAN GALLOWAY: So, all right, that is done.

20 Amy, would you like to handle future meetings and
21 announcements?

22 MS. DAWSON: I would be delighted, Mr. Galloway.

23 On Friday, March 9th at 8:00 a.m., there will be a
24 JEDD Board meeting here at Town Hall;

25 Wednesday, March 14th at 7:00 p.m., Board of Zoning
26 Appeals will hold their meeting here at Town Hall;

27 Wednesday, the 21st of March at 6:30 p.m., Trustee
28 office hours in our conference room; 7:30 p.m., Trustees'
29 meeting here at Town Hall;

30 And on Saturday, March 24th at 11:00 a.m., the

1 Easter Egg Hunt, rain or shine, will be held at the Town Hall
2 Campus.

3 CHAIRMAN GALLOWAY: I would add that there is, at
4 6:00, there is a Concord Community Days kick-off meeting in
5 the conference room.

6 MS. LUHTA: I think it's 5:45, isn't it?

7 CHAIRMAN GALLOWAY: Was it? I have it on --

8 MS. ESKER: It's 6:00.

9 MS. LUHTA: Oh, 6:00.

10 MS. ESKER: 5:45 is Bicentennial, 6:00 is --

11 MS. LUHTA: Oh, okay. All right.

12 MS. DAWSON: Tell me which date again. I am sorry.

13 MS. ESKER: The 21st.

14 MS. DAWSON: Thank you.

15 CHAIRMAN GALLOWAY: It's on the 21st.

16 MS. DAWSON: 6:00 p.m.

17 MS. LUHTA: I knew I had to be here at 5:45.

18 MS. DAWSON: I knew there was one. I just got the
19 two confused. My apologies.

20 CHAIRMAN GALLOWAY: All right. Is there anything
21 else to come before this body?

22 MR. MALCHESKY: No.

23 CHAIRMAN GALLOWAY: It's been a full night.

24 MR. MALCHESKY: It has been a full night.

25 CHAIRMAN GALLOWAY: That's right.

26 MS. LUHTA: I feel a bit cantankerous.

27 CHAIRMAN GALLOWAY: Well, good. I like it. All
28 right. Seeing that there is nothing else, I will go ahead and
29 close this meeting. Thank you, everybody.

30 (Whereupon, the meeting was adjourned at 9:30 p.m.)

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 4th day of April 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