

RECORD OF PROCEEDINGS

Minutes of Concord Township Board of Trustees Meeting

Held on June 16, 2021

This meeting was Live on Facebook and YouTube Streaming. See transcripts for more details.

The Concord Township Board of Trustees met for two Public Hearings on June 16, 2021, 6:30 p.m., in Township Hall, located at 7229 Ravenna Road. Chairman Morgan R. McIntosh called the meeting to order. Trustees present were Morgan R. McIntosh, Amy Lucci and Carl H. Dondorfer.

It was established legal notice had been made.

Public Hearing #1

Trustee McIntosh opened the public hearing for Zoning Amendment Application #2021-1 by ALM Lake Properties LLC, requesting a Zoning Resolution map amendment and Preliminary Plan approval from the current zoning district of R-1, Residential to R-2, Residential Conservation Development for the following properties: 10090 Hoose Road, current parcel number 10-A-026-C-00-055-0, owned by Shirley A Loxterman; Hoose Road Rear, current parcel number 10-A-026-C-00-051-0, owned by Shirley A Loxterman; 10100 Hoose Road, current parcel number 10-A-026-C-00-062-0, owned by Shirley A Loxterman; Morley Concord, current parcel number 08-A-026-0-00-075-0, owned by William H Loxterman TR; 7574 Morley Road, current parcel number 08-A-026-0-00-003-0, owned by Jerry V Patriarca; 7554 Morley Road, current parcel number 08-A-026-0-00-022-0, owned by Jerry V and Constance M Patriarca; and a portion of 0 Isley Sq Concord, current parcel number 08-A-026-0-00-056-0, owned by Humanitarian Consulting Ltd.

Mr. McIntosh asked the applicant to provide a brief of the project and updates along with any other information. Mr. Jeff Smul, of 7992 Stillwater Court, apprised the Board of the updates regarding the project. Mr. Smul stated that the Concord Township Zoning as well as the Lake County Planning Commission recommended rezoning the property to R2, RCD. Based on the various discussions with Concord Township and residents, several adjustments were made to the plans. Twentieth Century Construction rezoning proposal would provide over thirty percent open space which would allow a density increase of four lots, 55 lots to 59 lots; more sensitive areas protected; provides buffers for most of the adjacent properties. This RCD plan conforms to Lake County Commission subdivision regulations and a new intersection to enter and exit Canterbury Trail onto Hoose Road will be established. Sublots 24 and 25 will be bigger to provide a smooth transition from Canterwood Trail from Hobby Horse Lane. Listening to the concerns of residents, a traffic calming island going North on Canterwood Trail is proposed but four residents touching the island would have to dedicate some space to Lake County as part of the right-of-way. All space in the proposed RCD would be privately held, monitored and maintained by the HOA.

Mr. Smul presented a letter from McMahan-Coyne-Vitantonio Funeral Homes. Michael Coyne, Funeral Director, would oversee disinterment of the graves located on the property in the abandoned cemetery. An email from the Loxterman Family was also presented identifying the condition of the cemetery and to the best of their knowledge, family has not maintained or visited in over twenty years. Mr. Smul also provided the Trustees with 81 signatures indicating support for this development.

Mr. Brian Uhlenbrock, of Neff and Associates, 6405 Tork Road in Parma Heights, discussed minor updates made to the plan: cul-de-sac right-of-way requirements adjusted to meet Lake County requirements; updated building pad definitions; storm water management will be included in the open space; end of cul-de-sac to the east; adjusted a unit and split it down to give more of a buffer to the wetland and wetland set back. Residents had concerns of storm water management in the problem areas and we will definitely take into consideration with the final storm water engineering. Mr. McIntosh asked if any road issues with the stormwater features right along the road and if this has been discussed with the county or ODOT. Mr. Uhlenbrock responded that they did not receive any feedback. He indicated that the road is higher than the basins so stormwater overflow would not go to the road but would flow to the west. Mr. Dondorfer asked about lots 57-59 and how they seem to be disconnected from the rest of the development. A discussion followed regarding a possible walking path to connect the three lots to the main part of the development. Follow up discussions were held on the temporary cul-de-sac and the transition area at lots 24 and 25.

A discussion was held regarding open space calculations. Mr. Lucas provided the legal language from the zoning resolution which defines open space. Discussions about open space included the inclusion of a walking path and if storm water features should be counted or not.

Mr. McIntosh opened the public input portion of the meeting. The following residents came before the board to offer comments:

Mr. Anthony Valencic, 7611 Canterwood Trail. He spoke in favor of the rezoning.

Mr. Harlan Silversten, 7595 Canterwood Trail. He spoke in favor of the rezoning.

Mrs. Barbara Kilfoyle, 10100 Meadowlake Court. She spoke about landscaping, traffic and safety concerns, and preservation of the old cemetery. She stated she is not against the RCD.

Mr. Bernie Manilla, 10065 Meadowlake Court. He spoke in favor of the rezoning.

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Mr. McIntosh asked if the developer would like to respond to any comments made by the public. Mr. Tom Riebe offered comments.

Mr. Rose, Township Administrator, read a letter from Paul and Jenniviere Homitz-Daniels, 10205 Isley Square, into the record. They are in favor of the RCD plan.

A discussion followed on whether to continue the hearing or close the hearing.

Mr. Dondorfer made a motion to recess the Public Hearing for Zoning Amendment Application #2021-1 by ALM Lake Properties LLC. Mrs. Lucci seconded. Vote 3 ayes.

Public Hearing #2

Trustee McIntosh opened the public hearing for zoning amendments to the Concord Township Zoning Resolution, as initiated by the Zoning Commission.

- **Amendment #1:** Section 5.02 DEFINITIONS, modifies existing definitions for microbrewery, microdistillery, and changes the existing term "urban winery" to microwinery. Adds new definition for brewery, distillery or winery.
- **Amendment #2:** Section 13.35 MICROBREWERY, MICRODISTILLERY, or URBAN WINERY, includes the specific conditions for said uses and amends the conditions to include provisions requiring uses to operate in accordance with Ohio Division of Liquor Control and the Bureau of Alcohol, Tobacco and Firearms requirements, to hold current licenses, to file and provide reports demonstrating annual production has not exceeded the limit if requested, to prohibit outdoor storage, and to prohibit emission of odorous matter or smells that would produce a public nuisance or hazard.
- **Amendment #3:** Section 22.03 TABLE OF USES. Adds brewery, distillery or winery as permitted uses in the RD-2, Research and Limited Industrial District.

Mr. McIntosh requested Heather Freeman provide an overview of the proposed zoning amendments. Ms. Freeman provided a summary of each of the three amendments. Mr. McIntosh then asked if anyone in the audience wished to speak regarding the amendments. No one came to speak.

Mrs. Lucci moved to close public hearing for zoning text amendments. Mr. Dondorfer seconded. Vote 3 ayes.

At 8:37 p.m., Mr. McIntosh closed the Public Hearings.

The Concord Township Board of Trustees met for a Regular meeting on June 16, 2021, at 8:47 pm, in Town Hall, located at 7229 Ravenna Road. Chairman Morgan R. McIntosh called the meeting to order and led in the Pledge of Allegiance. Trustees present were Amy L. Lucci, Carl H. Dondorfer and Morgan R. McIntosh.

APPROVAL OF MINUTES:

June 02, 2021 Regular Meeting Minutes. Mr. Dondorfer moved to approve the June 02, 2021 Regular Meeting Minutes as written. Mrs. Lucci seconded. Vote 3 ayes.

ELECTED OFFICIALS REPORTS:

A. FISCAL OFFICER – Amy L. Dawson

None

B. TRUSTEES:

Mr. Dondorfer, Mrs. Lucci and Mr. McIntosh discussed Concord Township business since the last meeting.

DEPARTMENT REPORTS:

A. ADMINISTRATION DEPT. – Andy Rose, Administrator

Mr. Rose covered issues pertaining to the general business of the Township.

AUDIENCE:

None

OLD BUSINESS:

None

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NEW BUSINESS:

- A. RESOLUTION 2021-09, A RESOLUTION BY THE CONCORD TOWNSHIP BOARD OF TRUSTEES, LAKE COUNTY, OHIO, DECLARING THE NECESSITY FOR A RENEWAL TAX LEVY IN EXCESS OF THE TEN-MILL LIMITATION. Mr. Dondorfer made a motion to adopt the following resolution:

A RESOLUTION BY THE CONCORD TOWNSHIP BOARD OF TRUSTEES,
LAKE COUNTY, OHIO,
DECLARING THE NECESSITY FOR A RENEWAL TAX LEVY
IN EXCESS OF THE TEN-MILL LIMITATION

WHEREAS, the amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the necessary requirements of Concord Township, Lake County, Ohio,

NOW THEREFORE BE IT RESOLVED by the Concord Township Board of Trustees, Lake County, Ohio, a majority of members concurring, that it is necessary to levy a renewal of 2.7 mills for the benefit of Concord Township, for the purpose of providing and maintaining fire apparatus, appliances, buildings or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighters employer's contribution required under Section 742.34 of the Ohio Revised Code, or to purchase ambulance equipment, or to provide ambulance, paramedic, or emergency medical services operated by a fire department or firefighting company, at rate not exceeding 2.7 mills for each one dollar of valuation which amounts to 27 cents for each one hundred dollars of valuation for a period of five (5) years commencing with the tax year 2022, for collection commencing in 2023.

BE IT FURTHER RESOLVED that the renewal levy be submitted to the Electors of Concord Township at the general election to be held at the usual voting places within the Township on November 2, 2021.

BE IT FURTHER RESOLVED that the levy be placed upon the tax lists for tax years 2022 through 2026 in accordance with Ohio Revised Code Section 5705.19(1) if a majority of the electors voting thereon vote in favor thereof.

BE IT FURTHER RESOLVED the Fiscal Officer is hereby directed to certify a copy of the Resolution to the Board of Elections of Lake County, Ohio, not less than ninety (90) days before the election and notify the Board of Elections to cause notice of election on the question of levying the tax to be given as required by law.

RESOLVED that the form of said ballot shall be:

PROPOSED TAX LEVY
(RENEWAL)
CONCORD TOWNSHIP

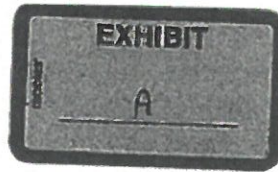
A majority affirmative vote is necessary for passage

A renewal of tax for the benefit of Concord Township, for the purpose of providing and maintaining fire apparatus, appliances, buildings or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance or lines of fire alarm telegraph, the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same, including the payment of the firefighters employer's contribution required under Section 742.34 of the Ohio Revised Code, or to purchase ambulance equipment, or to provide ambulance or emergency medical services operated by a fire department or firefighting company, at rate not exceeding 2.7 mills for each one dollar of valuation which amounts to 27 cents for each one hundred dollars of valuation for a period of five (5) years commencing with the tax year 2022, for collection commencing in 2023.

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Certificate of Estimated Property Tax Revenue To Be Produced from a Specified Amount of Millage

The county auditor of Lake County, Ohio does hereby certify the following:

1. On June 3, 2021 the Board of Trustees of Concord Township certified a copy of its resolution # 2021-07 adopted June 2, 2021, requesting the County Auditor to certify the current tax valuation of the subdivision and the amount of revenue that would be produced by two and seventy hundredths (2.70) mills, to levy a tax outside the ten-mill limitation for the purposes pursuant to Revised Code Section 5705.19(1) to be placed on the ballot at the November 2, 2021 election. This levy type is a renewal commencing with tax year 2022 payable 2023.
2. The estimated property tax revenue that will be produced by the stated millage, assuming the tax valuation of the subdivision remains constant throughout the life of the levy, is calculated to be \$1,709,705
3. The total tax valuation of the subdivision used in calculating the estimated property tax revenue rate is \$705,045,570.

A handwritten signature in black ink, appearing to read "C. Galloway", with the initials "BH" written below it.

Christopher A. Galloway, Lake County Auditor

June 07, 2021
Date

Mrs. Lucci seconded. Vote 3 ayes.

- B. DECISION FOR ZONING AMENDMENT APPLICATION #2021-1 BY ALM LAKE PROPERTIES LLC, REQUESTING A ZONING RESOLUTION MAP AMENDMENT AND PRELIMINARY PLAN APPROVAL FROM THE CURRENT ZONING DISTRICT OF R-1, RESIDENTIAL TO R-2, RESIDENTIAL CONSERVATION DEVELOPMENT FOR THE FOLLOWING PROPERTIES: 10090 HOOSE ROAD, CURRENT PARCEL NUMBER 10-A-026-C-00-055-0, OWNED BY SHIRLEY A LOXTERMAN; HOOSE ROAD REAR, CURRENT PARCEL NUMBER 10-A-026-C-00-051-0, OWNED BY SHIRLEY A LOXTERMAN; 10100 HOOSE ROAD, CURRENT PARCEL NUMBER 10-A-026-C-00-062-0, OWNED BY SHIRLEY A LOXTERMAN; MORLEY CONCORD, CURRENT PARCEL NUMBER 08-A-026-0-00-075-0, OWNED BY WILLIAM H LOXTERMAN TR; 7574 MORLEY ROAD, CURRENT PARCEL NUMBER 08-A-026-0-00-003-0, OWNED BY JERRY V PATRIARCA; 7554 MORLEY ROAD, CURRENT PARCEL NUMBER 08-A-026-0-00-022-0, OWNED BY JERRY V AND CONSTANCE M PATRIARCA; AND A PORTION OF 0 ISLEY SQ CONCORD, CURRENT PARCEL NUMBER 08-A-026-0-00-056-0, OWNED BY HUMANITARIAN CONSULTING LTD. Tabled
- C. ZONING AMENDMENTS TO THE CONCORD TOWNSHIP ZONING RESOLUTION, AS INITIATED BY THE ZONING COMMISSION.

AMENDMENT #1: SECTION 5.02 DEFINITIONS, MODIFIES EXISTING DEFINITIONS FOR MICROBREWERY, MICRODISTILLERY, AND CHANGES THE EXISTING TERM "URBAN WINERY" TO MICROWINERY. ADDS NEW DEFINITION FOR BREWERY, DISTILLERY OR WINERY. Mrs. Lucci moved to approve Amendment #1, section 5.02 definitions. Mr. Dondorfer seconded. Roll Call Vote: Mrs. Lucci - yes; Mr. McIntosh - yes; Mr. Dondorfer - yes.

AMENDMENT #2: SECTION 13.35 MICROBREWERY, MICRODISTILLERY, OR URBAN WINERY, INCLUDES THE SPECIFIC CONDITIONS FOR SAID USES AND AMENDS THE CONDITIONS TO INCLUDE PROVISIONS REQUIRING USES TO OPERATE IN ACCORDANCE WITH OHIO DIVISION OF LIQUOR CONTROL AND THE BUREAU OF ALCOHOL, TOBACCO AND FIREARMS REQUIREMENTS, TO HOLD CURRENT LICENSES, TO FILE AND PROVIDE REPORTS DEMONSTRATING ANNUAL PRODUCTION HAS NOT EXCEEDED THE LIMIT IF REQUESTED, TO PROHIBIT OUTDOOR STORAGE, AND TO PROHIBIT EMISSION OF ODOROUS MATTER OR SMELLS THAT WOULD

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PRODUCE A PUBLIC NUISANCE OR HAZARD. Mrs. Lucci moved to approve Amendment #2, section 13.35 Microbrewery, Microdistillery or Urban Winery. Mr. Dondorfer seconded. Roll Call Vote: Mr. Dondorfer – yes; Mrs. Lucci – yes; Mr. McIntosh - yes.

AMENDMENT #3: SECTION 22.03 TABLE OF USES. ADDS BREWERY, DISTILLERY OR WINERY AS PERMITTED USES IN THE RD-2, RESEARCH AND LIMITED INDUSTRIAL DISTRICT. Mrs. Lucci moved to approve Amendment #3, section 22.03 Table of Uses. Mr. Dondorfer seconded. Roll Call Vote: Mr. McIntosh - yes; Mr. Dondorfer – yes; Mrs. Lucci – yes.

- D. FINANCE DEPARTMENT; ADOPT FEDERAL GRANT PROCEDURES. Mr. Dondorfer moved to adopt the Federal Grant Procedures. Mrs. Lucci seconded. Vote 3 ayes.
- E. REC. DEPT. PO TO AMERICAN FIREWORKS IN THE AMOUNT OF \$8,800 FOR THE PRODUCTION OF A FIREWORKS DISPLAY ON AUGUST 5, 2021 PER THE EXISTING CONTRACT. Mrs. Lucci moved to approve Rec. Dept. PO to American Fireworks in the amount of \$8,800 for the production of a fireworks display on August 5, 2021 per the existing contract. Mr. Dondorfer seconded. Vote 3 ayes.
- F. REC. DEPT. PO TO PAINESVILLE ASPHALT IN THE AMOUNT OF \$11,000.00 FOR THE INSTALLATION OF A NEW ASPHALT AREA FOR PICKLE BALL COURTS. Mr. Dondorfer moved to approve Rec. Dept. PO to Painesville Asphalt in the amount of \$11,000.00 for the insulation of a new asphalt area for pickle ball courts. Mrs. Lucci seconded. Vote 3 ayes.
- G. FIRE DEPT. APPROVE THE PROMOTION OF PART-TIME PROBATIONARY FIREFIGHTER/MEDIC, KYLE LANGER, TO REGULAR STATUS PART-TIME FIREFIGHTER/MEDIC EFFECTIVE 6/15/2021. Mrs. Lucci moved to approve the Fire Dept. promotion of Part-time Probationary Firefighter/Medic, Kyle Langer, to Regular Status Part-time Firefighter / Medic effective 6/15/2021. Mr. Dondorfer seconded. Vote 3 ayes.
- H. FIRE DEPT. APPROVE THE CONDITIONAL OFFER OF EMPLOYMENT TO BRADLEY BLANKENSHIP, PART-TIME PROBATIONARY FIREFIGHTER/MEDIC PENDING BACKGROUND CHECK AND PHYSICAL. Mr. Dondorfer moved to approve the Fire Dept. conditional offer of employment to Bradley Blankenship, Part-time Probationary Firefighter/Medic pending background check and physical. Mrs. Lucci seconded. Vote 3 ayes.
- I. FUTURE MEETINGS & ANNOUNCEMENTS:
- | | | |
|-----------|---------|--|
| 6/25 | 9:00 AM | STAFF MEETING / Town Hall |
| 7/2 & 7/5 | CLOSED | OBSERVANCE OF FOURTH OF JULY HOLIDAY |
| 7/6 | 7:00 PM | ZONING COMMISSION / Town Hall |
| 7/7 | 6:30 PM | TRUSTEES OFFICE HOURS / Conference Room |
| | 7:00 PM | PUBLIC HEARING (Continuance) / Town Hall |
| | 7:30 PM | TRUSTEE MEETING / Town Hall |
- J. EXECUTIVE SESSION FOR THE PURPOSES OF IMMINENT LITIGATION PURSUANT TO OHIO REVISED CODE 121.22 (G) (3). Mr. Dondorfer made a motion to enter into Executive Session for the purposes of imminent litigation pursuant to Ohio Revised Code 121.00 (G) (3). Mrs. Lucci seconded. Roll Call Vote: Mrs. Lucci – yes; Mr. Dondorfer – yes; Mr. McIntosh – yes.

Mrs. Lucci moved to exit out of Executive Session. Mr. Dondorfer seconded. Vote 3 ayes.

Upon proper motion the meeting was adjourned at 9:31 pm.

For financial information go to: checkbook.ohio.gov



Morgan R. McIntosh, Chairman



Amy L. Dawson, Fiscal Officer