

CONCORD TOWNSHIP BOARD OF TRUSTEES
LAKE COUNTY, OHIO
REGULAR MEETING

Held via YouTube Live Streaming

Concord Town Hall
7229 Ravenna Road
Concord, Ohio 44077

May 4, 2022
7:30 p.m.

TRANSCRIPT OF PROCEEDINGS

Present on behalf of the Board of Trustees:

Amy Lucci, Chairwoman
Carl Dondorfer, Vice Chair
Morgan McIntosh, Trustee
Amy Dawson, Fiscal Officer

Also Present:

Andy Rose, Administrator
Michael Lucas, Esq., Legal Counsel
Matthew Sabo, Fire Chief
Tim Brown, Service Director
Heather Freeman, Zoning Director
Debra Bechel-Esker, Recreation Director

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

7:30 p.m.

1
2 CHAIRWOMAN LUCCI: All right. Good evening,
3 everybody. I would like to call to order the Concord Township
4 Board of Trustees meeting for May 4, 2022. If you could
5 please join me in the Pledge of Allegiance.

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

7 CHAIRWOMAN LUCCI: Mrs. Dawson, can you please call
8 roll.

9 MS. DAWSON: Mrs. Lucci?

10 CHAIRWOMAN LUCCI: Present.

11 MS. DAWSON: Mr. McIntosh?

12 MR. McINTOSH: Present.

13 MS. DAWSON: And Mr. Dondorfer?

14 MR. DONDORFER: Present.

15 CHAIRWOMAN LUCCI: The approval of minutes from
16 April 20th.

17 MR. McINTOSH: I approve -- I move to approve the
18 minutes as written.

19 CHAIRWOMAN LUCCI: And I second. All in favor?

20 MR. DONDORFER: I would abstain.

21 (Two aye votes, no nay votes, one abstention.)

22 CHAIRWOMAN LUCCI: All right. It's time for our
23 Elected Officials Reports, our Fiscal Officer, Mrs. Dawson.

24 MS. DAWSON: Okay. Thank you very much. As of
25 April 30th, we were 33 percent of the way through the calendar
26 year. The Treasury balance for the 20 active funds within the
27 Township Treasury was \$16.6 million. However, the Treasury
28 balance includes \$10.8 million in funds set aside for specific
29 projects. Year-to-date expenditures were 17 percent of the
30 amount appropriated and the revenue was at 46 percent received

1 for 2022. So we are well within budget.

2 If you have any further questions, please do not
3 hesitate to call my office at (440) 354-7516. Thank you.

4 CHAIRWOMAN LUCCI: Thank you, Mrs. Dawson.

5 Trustees, Mr. Dondorfer.

6 MR. DONDORFER: Thank you, Madam Chair. I did have
7 a few phone calls since the last meeting that I was in
8 attendance of. I had some questions regarding water drainage
9 on a street in Concord Township that involved one of our new
10 pavement projects, and Mr. Brown was able to help me with that
11 and is going to work with the resident on trying to address
12 those concerns.

13 We would like to remind our residents that, during
14 the last meeting, Lake County Stormwater made a presentation
15 on water control basins in certain developments and what
16 responsibility that lies upon as far as HOAs and what
17 maintenance and that, things of that nature are required. We
18 fielded a lot of questions from homeowners in different
19 developments on issues relevant to that. And if you did not
20 see the meeting, you can watch it on YouTube and get informed
21 on the requirements and maintenance and things of that nature.

22 We would like to say that I think we have an
23 arrangement with Lake Metroparks as far as collaboration on
24 our Greenway. We had some residents that thought it might be
25 beneficial to have an access path from the Greenway Corridor
26 to Town Hall to allow residents that are on the grounds here
27 access to the, immediate access to the Greenway instead of
28 further down on Ravenna Road. So I know that Mr. Rose has
29 worked with Lake Metroparks on an arrangement with that and I
30 think we're going to collaborate on a project to have an

1 access path put in from Town Hall to the Greenway, which I
2 think will be great for our residents.

3 I would like to remind everybody, if you haven't
4 registered yet in May for our Bicentennial -- What is it, one
5 mile run, Deb?

6 MS. ESKER: One and a quarter dash.

7 MR. DONDORFER: One and a quarter, the dash, Derby
8 Dash.

9 MR. ROSE: Derby Dash.

10 MR. DONDORFER: It would be great for people to come
11 out and join us. I'm looking forward to it.

12 MS. DAWSON: You can walk it, too.

13 MR. DONDORFER: Yeah, you can walk it, too.

14 The Summer Concert Series will be starting soon, so
15 that's always great.

16 And we had some other calls regarding an item on the
17 agenda that we'll probably address later in the meeting.
18 That's it.

19 CHAIRWOMAN LUCCI: Thank you, Mr. Dondorfer.
20 Mr. McIntosh.

21 MR. McINTOSH: Thank you, Madam Chairman.

22 Well, yesterday I had the opportunity to engage with
23 a lot of residents in Concord Township because I was able to
24 serve with Mr. Dondorfer as a rover for the Lake County Board
25 of Elections, something I've done for a lot of years. And I
26 had a lot of people stop me, "I am one of your residents."
27 That was fun. I enjoyed that. Always great to make sure that
28 the election goes as planned and it was a nice day to be out
29 working with the community.

30 I fielded some calls and ended up talking with the

1 Ohio Township Association about, a resident in Concord has
2 pushed some legislation down in Columbus and I've had some
3 lengthy conversations to that end, and so that took a bit of
4 time.

5 I had a number of conversations and emails regarding
6 Ivy Ridge, it's an item that's on the agenda this evening for
7 a vote, questions and things.

8 I did have some questions about BZA and Zoning
9 Commission hearings recently. I spent a bit of time on that.

10 Friday we had our Arbor Day dedication. It was a
11 beautiful day out. As much as our fall has been hot and cold
12 and rainy, we got blessed with a lucky day.

13 And then we had a really nice ceremony dedicating
14 our second ball field here on Town Hall Campus to calling it
15 Kraska Field for our former Service Director Frank Kraska, who
16 we didn't have a chance to work with a whole because he
17 retired right at the start of our tenure together. But I know
18 Frank was instrumental in getting that ball field started and
19 having, leading the Service Department in getting it built.
20 It's a really great asset. I know a lot of the community
21 organizations utilize it and it's really highly thought of.
22 It was nice. That was really a proud moment to be able to
23 dedicate that to him, and you could tell that he was really
24 appreciative of that recognition, and well deserved.

25 So I am looking forward to the summer concerts and
26 Community Day, this year being our Bicentennial year. I will
27 be missing the Derby Dash, so won't be able to run with you,
28 Carl. I will be out of town on business.

29 CHAIRWOMAN LUCCI: We'll think of you.

30 MR. DONDORFER: We will miss you.

1 MR. McINTOSH: Yeah. So enjoy that. And with that,
2 that concludes my report.

3 CHAIRWOMAN LUCCI: All right. Thank you,
4 Mr. McIntosh.

5 So, yes, it was great celebrating Arbor Day last
6 week and then our dedication of the ball field for Mr. Kraska.
7 Thank you to the Service Department for your help in getting
8 that tree ready to go.

9 I also did have some calls and fielded some emails
10 for folks that have questions surrounding the development that
11 we're going to talk about tonight.

12 There are some grand openings for some businesses by
13 Crile there, Woof Gang Bakery and Grooming on Crile Road, as
14 well as Mary's Diner, are set to have ribbon cuttings for next
15 week. So we look forward to that.

16 It's been great seeing a lot of the pickleball
17 players out there. So I will get out there, we will get out
18 there sooner rather than later but it looks like it's pretty
19 full. So wonderful to see that.

20 And, last, I would like to just wish all the mothers
21 out there, have a wonderful, happy Mother's Day.

22 All right. And with that, we will go to our
23 Department Reports, our Administration Department, Mr. Andy
24 Rose.

25 MR. ROSE: Thank you, Mrs. Lucci. Members of the
26 Board, Mrs. Dawson, members of the audience, good evening.

27 I will start with a few items that are on the agenda
28 this evening. Item D is a purchase order to Lake County
29 Telcom, Telecommunications. That covers the owner-provided
30 telecommunications equipment and installation for Fire Station

1 1. It's beneficial to have them do it since they are the ones
2 who are going to be the ones maintaining it throughout the
3 life of the station. And I know that the director of telcom
4 and the Fire Chief have worked closely together to make sure
5 everything is all set.

6 Item E is a motion for an executive session. That
7 is to discuss the recent lawsuit that is now pending, and the
8 executive session will be pursuant to Ohio Revised Code
9 Section 121.22(G)(3). So I'd ask for favorable consideration
10 at the appropriate time.

11 I was down in Columbus this past Monday. I am on
12 the executive board for CLOUT and we had our quarterly
13 meeting. I was very privileged that my peers, I was elected
14 as the vice chair for CLOUT for the state. So I will be
15 engaged in some legislative initiatives there. We went
16 through our legislative priorities for the remainder of the
17 year. We reviewed some pending legislative bills that are
18 currently before the state legislature. And I will be
19 providing a comprehensive update to the Lake County Township
20 Association at our next meeting in June about those different
21 things.

22 I know our Service Director is going to touch on
23 road projects but I saw a close call yesterday and I just felt
24 it important to bring this up. I strongly remind all
25 residents, the road crews are out. They're wearing safety
26 vests. They put the cones out. They've got the lights on the
27 trucks. And I strongly urge the motorists to please slow down
28 and move over. A little patience goes a long way.

29 As mentioned, Arbor Day was last Friday. I would
30 also like to, I would like to thank Klyn Nursery for the

1 donation of the beautiful oak tree. It's absolutely beautiful
2 out there. I'd, also, we're very glad that we had members of
3 the Concord Garden Club who joined us for the event and they
4 also helped us plant the tree.

5 And speaking of Garden Club, Rick, can you bring up
6 my Bicentennial picture for this meeting. Every meeting, I am
7 featuring a picture out of our book regarding the
8 Bicentennial. What you see before you, our featured
9 Bicentennial picture this meeting is a photo of the Concord
10 Garden Club. Our Garden Club was founded by Gladys Bushman
11 and Marge Madson in 1961. The initial membership had ten
12 members, and over the years it's now grown. There is over 60
13 members of the Garden Club. Last year, they celebrated their
14 60th anniversary. They do a fantastic job of taking care of
15 all the landscaping beds around here. And in about another
16 month when all the flowers get set and bloom, it is absolutely
17 breathtaking around all the township buildings and they just
18 make them shine brightly and the residents and visitors get to
19 enjoy them throughout the whole growing season. So my
20 featured picture out of the book this meeting is the Garden
21 Club, and we thank them for all of their hard work and
22 dedication to the township.

23 And that concludes my report. Thank you, Madam
24 Chair.

25 CHAIRWOMAN LUCCI: Thank you, Mr. Rose. And
26 congrats on your vice chair position.

27 MR. ROSE: Thank you.

28 CHAIRWOMAN LUCCI: Moving on to our Fire Department,
29 Chief Sabo.

30 CHIEF SABO: Good evening, everyone.

1 CHAIRWOMAN LUCCI: Good evening.

2 CHIEF SABO: First of all, I want to thank the Board
3 for swearing in this evening our three newest members of
4 Concord Fire Department. I continue to be impressed and
5 honored to represent the Fire Department and the firefighters
6 in it and real happy with the work that they do and the
7 professionalism and service that they provide to our
8 community.

9 For the month of April, we had 209 total runs, 138
10 of them EMS, with 111 transports. We had 71 non-EMS events,
11 three fires, two inside of Concord, one leaf fire that
12 extended to the residence and a gas grill fire that did not
13 affect any structures. Then outside of Concord we had
14 assisted with one structure fire. We gave mutual aid 17 times
15 and we received mutual aid 10 times, and we had 44 overlapping
16 calls or about 21 percent.

17 Fire prevention bureau completed 59 inspections,
18 accounting for about 84 hours. They did nine plan reviews,
19 accounting for about 26 hours, and about 24 hours in
20 continuing education. They also assisted in a fire
21 investigation in Painesville Township. They also provided
22 four hours of safety and first aid/CPR/AED training for 22
23 staff members at Goddard School. So it's nice to get out in
24 the community and help our businesses with that necessary
25 training. And we had one residential lock box returned.

26 This month, Concord Township Fire Department became
27 a trusted training provider with the American Red Cross.
28 Concord Township Fire Department has offered and has taught
29 many safety classes over the years to our residents and
30 businesses. Now we can offer certification for the classes

1 which we teach for our businesses, and these certifications
2 often meet OSHA requirements, too. So another added benefit
3 to our education series.

4 Fire prevention has been out working with Ordnance
5 Technologies, helping them get their renovations wrapped up,
6 working with Accurate Landscaping, Ranpak, Mary's Diner, to be
7 completed very soon, Steven Douglas Corp., they've been
8 working with, and Lucky's Market doing some renovation. And
9 UH TriPoint Hospital is doing some internal renovation as
10 well. So they've been out in the community and businesses and
11 making sure they're fire safe.

12 Rick, can you hit my PowerPoint for me, please.

13 So Concord Fire, too, wishes all the moms a very
14 happy Mother's Day. If you can't see it, it says, "We're
15 making you breakfast for Mother's Day, Mom, but we have one
16 question. How do we work this thing?" And it's a fire
17 extinguisher. So we just want to remind everyone just, you
18 know, to have an enjoyable Mother's Day to all the moms. And
19 if you have any questions about fire extinguishers, home smoke
20 alarms, don't hesitate to give us a call and we will be there
21 to help. So thank you very much.

22 CHAIRWOMAN LUCCI: Thank you very much.

23 MR. DONDORFER: Thanks, Chief.

24 MR. McINTOSH: Thanks, Chief.

25 CHAIRWOMAN LUCCI: Next is our Service Department,
26 Mr. Tim Brown.

27 MR. BROWN: Good evening, everyone. Concord
28 Township joint road resurfacing projects have begun and are
29 progressing very well. Curb replacement was completed on
30 Stonewycke Drive and Nature View. Filling of these roads is

1 scheduled for Friday 4/6. The milling and intermediate
2 asphalt layers are complete on Breezewood, Clearlake Drive,
3 Conley and Ridgewater. The next step for these roads will be
4 the chip and seal surface course with a fog coat. Brian Drive
5 and David Drive have been milled and depth repairs are being
6 made. The Service Department crews have been out making sod
7 repairs, performing ditch maintenance, curb inlet repairs and
8 pothole patching.

9 The yard waste dropoff at the Service Department is
10 open to residents Monday through Friday, 7:30 a.m. to
11 2:30 p.m.

12 This Saturday, May 7th, the Annual Brush Day dropoff
13 will take place. Residents may drop off brush at the Service
14 Department from 7:00 a.m. to 2:30 p.m. Saturday, May 21st
15 will be the second brush dropoff day.

16 The Service Department encourages residents to
17 contact us with any questions or concerns. You can reach us
18 at (440) 350-3225 or by email at ConcordTwp.com under Service
19 Department.

20 The Service Department would also like to wish all
21 mothers a happy Mother's Day, and that concludes my report.

22 CHAIRWOMAN LUCCI: Thank you, Tim.

23 All right. Next is Zoning, Mrs. Freeman.

24 MS. FREEMAN: Good evening.

25 CHAIRWOMAN LUCCI: Good evening.

26 MS. FREEMAN: So during the month of April, the
27 Zoning Department approved 26 zoning permit applications,
28 issued 25 certificates of zoning compliance, and received 11
29 new complaints about potential zoning violations. Staff also
30 reviewed two site plan review applications for new commercial

1 projects being proposed within the township.

2 And at last night's Zoning Commission meeting, the
3 board conditionally approved plans for a new, for the Steven
4 Douglas Corporation. This is a new business moving to Concord
5 Township and we're excited to have them here.

6 Finally, I just want to finish up with a quick
7 reminder to some of our residents who might be thinking about
8 getting rid of some of their junk and holding a garage sale
9 sometime this spring or summer. We do have a couple zoning
10 requirements in regards to that. Please limit your garage
11 sales to no more than three times in any 12-month period, for
12 no more than 72 hours for each sale event. You are permitted
13 one temporary sign promoting the sale as long as the sign is
14 located on the property. In addition, you can have one
15 off-site directional sign with the permission of the off-site
16 property owner. Please make sure that the signs are 10 feet
17 back from the road right-of-way and 10 feet from side property
18 lines. You should not be posting your signs on utility poles,
19 street signs, or other traffic control devices or within the
20 public road right-of-way. While the township does not require
21 any kind of permit to put up your temporary garage sale signs,
22 any sign that is not displayed in accordance with these
23 requirements could be removed by the Zoning Department.

24 Thank you.

25 CHAIRWOMAN LUCCI: Thank you very much.

26 MR. ROSE: Thanks, Heather.

27 CHAIRWOMAN LUCCI: All right. Recreation,
28 Mrs. Debra Esker.

29 MS. ESKER: Good evening, everybody. As we head
30 into the beautiful month of May and our special Bicentennial

1 year, we welcome warmer weather and beautiful blooms, and we
2 invite residents to stop and smell the roses and take time out
3 to enjoy a class or a social and celebrate the special year
4 with neighbors and friends. So I am excited to tell you about
5 the details of the May programs that the Recreation Department
6 has planned for our guests and our residents.

7 Rick, please fire up that PowerPoint. Thank you
8 very much.

9 This month's Bicentennial Snapshot in History honors
10 Concord Township's early industry and economic development.
11 The landscape of Concord in 1822 looked considerably different
12 than it does today. Natural forests abounded while early
13 settlers began girdling trees and clearing the land. Pioneers
14 soon discovered the advantage of Big Creek, which is pictured
15 here, and its many natural waterfalls. Water wheels were used
16 to power early production machines for tanneries, woolen mills
17 and carding mills, producing leather and woolen yarn. And the
18 most widely known Concord industry was the Pease Turning Shop
19 which used to be located at Girdled Road and Big Creek. It
20 produced vases, pails, goblets and other vessels. And several
21 Peaseware pieces were on display at the 1876 Philadelphia
22 Expedition and the 1893 Chicago's World Fair. So now you know
23 that Concord Township had a presence at those two major
24 historical events that also introduced 27 million people to
25 the invention of the elevator, the Ferris wheel, the first
26 voice recording, the zipper, and Cracker Jacks.

27 As Carl was mentioning, run for the roses at Concord
28 Township's Derby Dash on Sunday, May 22nd. Modeled after the
29 Kentucky Derby one and a quarter mile racetrack, residents and
30 guests are invited to enjoy a short and pleasant walk or run

1 that begins and ends at the Lake Erie College Equestrian
2 Center. Recreation staff will host a variety of Derby-themed
3 games and activities at the finish line, including corn hole
4 and, of course, horseshoes. All are invited to participate in
5 our Horsey Races, complete with inflatable stick horses, so be
6 sure to bring your camera. Lake Erie College's mascot,
7 Stormy, the miniature horse, will also be on hand, or hoof,
8 for pictures. Packet pickup is May 19th and 20th, from
9 8:00 a.m. to 4:00 p.m. at the Community Center, and from
10 8:00 a.m. to 9:00 a.m. on May 22nd at the Equestrian Center
11 just prior to the Dash. Whimsical awards will be presented to
12 the top male and female overall finishers and the top three
13 finishers in categories by these age groups: Minis, 12 and
14 under; Foals, 13 to 18; Stallions and Mares, 19 to 59; and
15 Equestrians, 60 and older. All runners will receive a
16 commemorative Concord Township Bicentennial medal. You can
17 sign up now at ConcordTwp.com or at GCXCracing.com.

18 And get your creative juices flowing at our next
19 Library Tuesday Program on May 17th, where staff from the
20 Morley Library will show you how to create personalized coffee
21 mugs using Sharpie markers. It's becoming quite a popular
22 form of art and really makes your morning coffee that much
23 more enjoyable. Library Tuesday Programs are free and open to
24 the public, and new friends are always welcome. So just call
25 the Recreation Department to reserve your seat.

26 And it seems like every time that I announce we're
27 hosting a blood drive at the Community Center we're in the
28 midst of a blood shortage, and this month is no exception. So
29 please consider donating the gift of life at our next American
30 Red Cross Blood Drive on Wednesday, May 11, from 10:00 a.m. to

1 3:00 p.m. One donation can save up to three people's lives,
2 and I can't think of a better Mother's Day gift than that.

3 And earlier this afternoon, we kicked off our
4 Kentucky Derby month with a lovely senior social, which was
5 our Kentucky Derby themed tea. Let me just say, the hats were
6 spectacular at the social. We had a great time. And I want
7 to shot out to our program coordinators Rachel Lamb and Tracy
8 Butler for coordinating this lovely event, and to Susie Cobb,
9 who is our administrative assistant, and her family for
10 cooking all the food, tea sandwiches and these amazing variety
11 of desserts. So it was just a lovely, lovely event this
12 afternoon.

13 Our next senior social is Wednesday, May 11, and
14 features tips on downsizing your home. Then on May 18th, the
15 ShowBiz Kidz are back with a salute to the Spirit of America.
16 The senior dance troupe is a crowd favorite, so be sure to
17 reserve your seat and your treat today. All senior socials
18 are Wednesday afternoons at the Community Center and begin at
19 1:00 p.m. They're free and open to the public and we always
20 invite new friends.

21 Check out the Recreation Department's leisure class
22 offerings in May. This month we offer Baton for Kids,
23 Introduction to Pickleball over here at the Town Hall
24 pickleball courts, Morning Gentle Yoga, Yoga Pilates Fusion,
25 Tai Chi, Martial Arts for Adults and Kids, Meditation and
26 Mindfulness, Getting Started with Medicare and Smart
27 Investing. Space is available in most classes, so sign up
28 online at ConcordTwp.com or just contact the Recreation
29 Department for personal assistance anytime.

30 And if anyone is looking for a new hobby or a new

1 friend, check out the variety of social groups and clubs that
2 meet regularly at the Community Center. From gardening to
3 music to cards to art to sewing to trivia, there are a lot of
4 opportunities to meet new people, and new members are always
5 welcome. Just call the Recreation Department for details on
6 joining the club and start your new adventure.

7 And dust off those lawn chairs and throw them in
8 your trunk and get ready for our Thursday evening Summer
9 Concert Series that begins on June 9th. In honor of our
10 Bicentennial year, our theme this year is Concord Through the
11 Ages, with bands that specialize in music from different
12 decades. The swingin' Prime Time Big Band kicks off our
13 series on June 9th. The Geezecats perform our favorite doo-
14 wops and other '50s tunes on June 16th. The British are
15 invading on June 23rd with Blue Evolution, and Pieces of Eight
16 plays classic rock with horns and brass on June 30th. The
17 Headlands Beach Experience plays '70s and '80s favorites on
18 July 7th, and the Breakfast Club performs for the first time
19 in Concord on July 14th. The Saints take the stage on
20 July 21st with Americana rock. And our series comes to a
21 strong finish on July 28th with a local favorite, Risk Factor.
22 We'll have food trucks and craft vendors at each concert.
23 Plus, we'll raffle off a special Bicentennial basket at each
24 concert at band break. So let's have a great summer together
25 and celebrate our Bicentennial at our Summer Concert Series.

26 And the celebration continues with the beloved
27 annual community-wide get-together. Our Bicentennial
28 Community Days are going to be spectacular this year with an
29 upscale Uncorked on Friday, August 5th, an activity packed
30 Bicentennial family day on Saturday, August 6th. A very

1 special amped up Uncorked kicks off our Bicentennial Community
2 Days this year on Friday August 5th. The Thirsty Filly will
3 provide signature Concord cocktails, beer and wine, as guests
4 peruse our Bicentennial raffle that is promising to be our
5 best yet. The Rock Radio Band will play hits and dance
6 favorites that span over 50 years, and local favorite food
7 trucks will provide a nice variety of dinner options. This is
8 a fun and relaxing evening for adults only.

9 And then the next day is all about the kids and all
10 about families. Saturday, August 6th is our Bicentennial
11 family day. The day begins with a traditional 5K run and the
12 Fire Department's awesome pancake breakfast in the morning.
13 And then activities kick off at 4:00 with a special
14 Bicentennial flag raising, immediately followed by a packed
15 schedule of activities at the Town Hall Campus and the Old
16 Stone School. Guests can grab dinner and a beer at Town Hall,
17 browse the Bicentennial raffle, enjoy a wide variety of games
18 and activities at Kids World, participate in the beloved
19 traditional Frog Jump Contest, and experience Bubblepalooza.
20 Then take the little train over to the Old Stone School to
21 watch history come alive with pioneer life demonstrations and
22 lots of old-fashioned kids games. Pieces of Eight Band kicks
23 off at 5:00 p.m. and we'll celebrate Concord's birthday, the
24 Bicentennial birthday party at 7:00 p.m. Abbey Rodeo takes
25 the stage at 8:00, with a break at 9:00 for the drawing of our
26 Bicentennial raffle. And the wonderful two-day celebration
27 comes to a close with a bang with a spectacular fire works
28 display at 10:00 p.m. So look for details of the Summer
29 Concert Series and Community Day in the summer edition of the
30 Grapevine that's coming to your homes any day now.

1 There is still plenty of opportunities for
2 businesses and individuals to sponsor a Bicentennial event or
3 program or simply donate and show your support for Concord
4 Township in our special Bicentennial year. In return for
5 generous donations, we'll thank you in the fall edition of the
6 Grapevine newsletter, in our e-Grapevine email news blast, on
7 our website, social media platforms, including Facebook,
8 Twitter and Instagram. Just contact the Recreation Department
9 for details on how you can become a Bicentennial sponsor and
10 take your place in Concord history.

11 So happy 200th birthday, Concord, and happy Mother's
12 Day to all the moms and the women out there who helped shape
13 our lives and made us who we are. Life isn't simple. It
14 doesn't come with a manual. And that, my friends, is why we
15 have mothers and grandmothers. I wish a happy birthday to
16 Deputy Fire Chief Ron Terriaco this month. Thanks so much for
17 your time tonight and take care, everybody, on this lovely 4th
18 of May evening. So May the 4th be with you.

19 MR. DONDORFER: Thanks, Debra.

20 CHAIRWOMAN LUCCI: Thank you very much.

21 MR. ROSE: Well done.

22 CHAIRWOMAN LUCCI: All right. So we're skipping the
23 Concord law presentation this evening and we are going to move
24 to the audience portion. I know we have a lot of audience
25 here and we appreciate you. We definitely want to hear you.
26 Let's all take a deep breath first. And I guess we will start
27 on this side. Is there anyone in the audience that would like
28 to speak? Come up to the podium, please state your name and
29 your address, and we are happy to hear from you. Anybody on
30 this side of the room?

1 (No response.)

2 Okay. Hearing none, let's move over to the other
3 side. Anyone starting in the first row that would like to
4 come up and speak? Second row? Third row? Fourth row?

5 MR. VITAZ: I guess it's me.

6 CHAIRWOMAN LUCCI: All right.

7 MR. VITAZ: I thought I would be the last, hoping to
8 be the last one. Good evening.

9 CHAIRWOMAN LUCCI: Good evening.

10 MR. ROSE: Good evening, sir.

11 MR. VITAZ: Earlier I passed out a copy of the
12 letter that I submitted to you all.

13 CHAIRWOMAN LUCCI: State your name and your address,
14 please.

15 MR. VITAZ: I am sorry.

16 CHAIRWOMAN LUCCI: That's okay.

17 MR. VITAZ: David Vitaz, 8075 North Orchard Road,
18 Concord Township.

19 CHAIRWOMAN LUCCI: Thank you.

20 MR. VITAZ: I am here tonight, actually, on the
21 advice of my attorney to deliver some documents, and these
22 documents are ones that I previously had sent to the trustees
23 for review periodically through this whole process and they're
24 being submitted so that they're inclusion -- Now, this is all
25 the legal garbage that Mike can probably understand -- but
26 submitted for inclusion as part of the records of keeping
27 these procedures so they may be available for review in any
28 future proceedings that may be required with respect to this
29 development. So with that, I do have these documents and I
30 wish to give them to whoever would be the proper person.

1 Also, I would like to mention I know that, again,
2 this has been going on for -- I don't know -- May of 2021 as
3 far as I know, as far back as I go. And I know your decision
4 tonight is basically pretty simple. You're either going to
5 vote for or against the development, the final plans of the
6 development.

7 I am opposed to the PUD as it's presented tonight
8 and I expect you, as our trustees, that you're willing to look
9 at my concerns and the other residents' concerns and deny the
10 plan as it stands and require the developer to resubmit his
11 plan that includes addressing the issues that I have kind of
12 brought up in these documents.

13 So it's, basically, all I have to say. Again, I
14 have said it all in the past, so it is not worth rehashing.

15 Also, I am speaking on behalf of my neighbor, Chris
16 Lazuka. And I know early in the week, he passed out a memo or
17 a letter to you all, again, expressing his opposition to the
18 plans, also. With that, that's it.

19 MR. DONDORFER: Thank you.

20 CHAIRWOMAN LUCCI: Thank you, Mr. Vitaz.

21 MR. VITAZ: Amy, you're the lucky one?

22 MS. DAWSON: I am the lucky one.

23 MR. VITAZ: (Handing.)

24 MS. DAWSON: Thank you very much.

25 CHAIRWOMAN LUCCI: Anyone else that would like to
26 speak? Sir?

27 MR. WALLACK: Good evening, everybody. Rich
28 Wallack, 11478 Viceroy Street. So as it applies to this
29 development that's going in behind our house, I have reached
30 an agreement with the developer to allow for him to clear the

1 25 feet in exchange for a fence between the two properties, so
2 I am okay with wiping out the rest of the 25 feet. Okay?

3 MR. DONDORFER: Thank you.

4 CHAIRWOMAN LUCCI: Thank you.

5 Yes, ma'am.

6 MS. SIRCA: Mary Jo Sirca, I am 11419 Girdled Road,
7 and the road into the development is going right next door to
8 our property. And I am just wondering, is there going to be
9 any kind of a buffer to the light and the traffic going in and
10 out, any kind of fencing or bushes or trees or something to
11 give us a little bit of privacy, because it's like five, six
12 feet from our property line, from our parking area. And
13 that's all my question is. I haven't heard anything about
14 what the developer plans to do about that or even going back
15 in, the light, you know, what's the lighting going to be like?
16 That's, I don't know any answers to that and that's my big
17 concern, being right next door and having all the traffic
18 coming in and out.

19 CHAIRWOMAN LUCCI: Thank you.

20 MR. DONDORFER: Thank you.

21 CHAIRWOMAN LUCCI: All right, sir.

22 MR. CROCK: Good evening. Dan Crock, I live at
23 11482 Viceroy Street. I, too, as the Wallacks have, I have
24 reached an agreement with the developer to give up the 25 foot
25 in exchange for a fence. It seems to be able to address his
26 needs as far as fitting in the development in there where he
27 needs to. So, and we're going to get a fence in exchange,
28 also. So I just thought I should mention that, too.

29 CHAIRWOMAN LUCCI: Okay. Thank you.

30 Okay. Anyone else? Yes, sir.

1 MR. REZZOLLA: Mike Rezzolla, 11470 Viceroy Street.
2 To be begin with, I was, I've been away and I was unaware that
3 I could cut an individual deal with this developer regarding
4 my property.

5 Secondly, I am wondering. I have spoken with
6 Trustee Lucci and I am wondering if the other trustees have
7 seen what sits behind our homes on Viceroy, if you physically
8 went there and looked at that. My question is, how long am I
9 going to have to look at that? Is there something in this
10 developer's plans? Is that going to wait until the
11 infrastructure is in? Must I look at all those fallen trees
12 until the road is put in? If he was able to come in and get
13 those trees right now, he should be able to come in at this
14 point without infrastructure and take those trees out.

15 I also saw a couple of stakes put into my yard that
16 were roughly about 19 to 20 feet, and two to three feet beyond
17 that stake -- and I am assuming it was supposed to be 25
18 feet -- some beautiful trees were taken out. Again, I've been
19 away and I understand that I haven't been here for quite some
20 time but has that been addressed? I mean, if you saw that,
21 that's something, if you owned a lot in this township and
22 somebody next to you left strewn trees lie for as long as a
23 year, what would you do? I am certain that you would contact
24 your trustee. Is there something in the works for the removal
25 of these things?

26 MR. DONDORFER: Do you want us to answer his
27 question or start?

28 CHAIRWOMAN LUCCI: Well, you know, we can hear more
29 from the developer, what his plans are for that.

30 MS. REZZOLLA: Will we have an opportunity

1 afterwards?

2 CHAIRWOMAN LUCCI: Yes, sir.

3 MR. REZZOLLA: Thank you.

4 MR. DONDORFER: We're going to address these
5 question.

6 CHAIRWOMAN LUCCI: Okay. Anybody else from the
7 audience that would like to say a few words?

8 (No response.)

9 Thank you, Mr. Rezzolla.

10 Okay. So we're going to move on to Old Business.
11 Seeing that we have none, we are going to move on to New
12 Business.

13 MR. McINTOSH: Madam Chair, I make motion to approve
14 the April financial report.

15 MR. DONDORFER: I will second.

16 CHAIRWOMAN LUCCI: All in favor?

17 (Three aye votes, no nay votes.)

18 MR. DONDORFER: Madam Chair, I will make a motion to
19 approve a conditional offer of employment as a part-time
20 probationary firefighter/EMT basic to Colin Chambers pending
21 background check and physical.

22 MR. McINTOSH: I second.

23 CHAIRWOMAN LUCCI: All in favor?

24 (Three aye votes, no nay votes.)

25 MR. McINTOSH: Madam Chairman, I vote to approve the
26 final development plan for Ivy Ridge Phase 1, Quail Hollow
27 Planned Unit Development.

28 MR. DONDORFER: I will second.

29 CHAIRWOMAN LUCCI: Okay. So for discussion, do you
30 want to start?

1 MR. McINTOSH: Yeah, I'll shoot. I'll fire up. I
2 have a -- I think this was discussed. Well, I know it was
3 discussed last summer when we did the preliminary approval,
4 and just to be clear, you know, in reference that we're
5 working with a PUD that was approved in 1986. So all of these
6 properties with respect to Quail Hollow were always going to
7 be developed as far as trees coming down and residences being
8 put in. So we're working with those tools and that long-term
9 thinking.

10 I know we've received some emails that reference the
11 2004 Comp Plan and certain aspects of density with respect to
12 what our zoning code says today. And realize that, when that
13 was approved, that as things proceed, you know, that language
14 and that zoning text remains in place.

15 With respect to, I think we'll ask the developer if
16 he chooses to answer questions as far as the process.

17 But I would like to begin, because we've had a lot
18 of conversations individually with residents. And since we're
19 sort of formally on the record, we have an audience here, I
20 was wondering if Mr. Lucas could clarify some aspects with
21 respect to, I know we had some conversations about tree
22 removal and that sort of process. If you could color in some
23 lines here with respect to private property and that process.
24 I do know that we fielded questions about permits and whether
25 those things were. But my understanding is -- well, not my
26 understanding, my knowledge is Concord Township doesn't have
27 purview on certain things that require permitting. Could you
28 sort of just fill in for everybody that process and how it
29 works?

30 MR. LUCAS: All right. So I am going to give a

1 little history here. When this was originally established,
2 this PUD back in 1986, it was part of a rezoning Planned Unit
3 Development, which is a PUD. It was, pretty much, in the
4 embryonic stage in terms of a development tool and that. When
5 the application was made for the rezoning of the PUD that
6 currently exists today, it's important to know initially that
7 it's 540 acres. All right? And the one provision that was
8 included within the total application for rezoning and as a
9 integral part of the rezoning process itself that was
10 ultimately approved to make this an R -- excuse me -- a PUD is
11 that there was that 25 foot buffer that's been brought up
12 repeatedly around the perimeter. That was part of the
13 rezoning.

14 The second component that's come up in various forms
15 since this became a development plan is declarations of
16 restrictions and covenants. All right? So the first thing I
17 want to say is the declaration of restrictions and covenants,
18 generally, there is no enforcement tool for the township to
19 enforce that. The declarations of covenants and restrictions
20 are imposed by the developer, generally the owner himself, and
21 then he files that as the development occurs.

22 Now, there is a 540 acre Planned Unit Development
23 here. There has been multiple phases completed. So in
24 conjunction with the development for each particular phase --
25 And I used as an example before, you've got a pie and you're
26 slicing off a piece for development purposes, and that
27 particular piece then contains, generally, covenants and
28 declarations and restrictions to be enforced. It's filed of
29 record with the Lake County Recorder's Office with the
30 declaration of restrictions and becomes part of the process

1 for the development itself.

2 So each time there is a development phase put in,
3 each time that occurs, there is generally either a new
4 declaration of restrictions or, in this particular overall
5 pie, if you will, there is amendments to each declaration of
6 restriction in terms of certain restrictions for that
7 particular development and that. And there has been over
8 eight amendments that are a matter of record since 1986
9 because each development that occurred, sometimes there was
10 clerical errors that needed to be corrected, sometimes there
11 was a change in terms of who had the enforcement of the
12 declarations and restrictions and that.

13 But the main point, because the township trustees
14 have been asked, "You're not enforcing the declaration of
15 restrictions," they don't have standing to enforce the
16 declaration of restrictions. The one that has the standing if
17 there is a violation of those declarations of restrictions is
18 the declarant himself who has recorded that as part of the
19 process for the development and that, which in this particular
20 case is Quail Hollow Development, Inc. So they're the ones
21 under the multiple declarations and restrictions for the
22 various pies, the total pie, slices of pie, of the total pie
23 that have been developed that can enforce those restrictions.

24 As a matter, as an observational aside, the
25 declarant sometimes, depending on the development and
26 declarations of restrictions, can impose or request that the
27 new homeowners' association, once it's established, takes over
28 once the whole process is developed to enforce the declaration
29 of restrictions and that's recorded. And, generally, that's
30 what happens because a declarant doesn't stick around forever

1 and, ultimately, the new homeowners' association provides the
2 vehicle for that.

3 The only exception generally where a governmental
4 entity does enforce declaration of restrictions is usually
5 limited to where there is a detention pond, and it has to be
6 agreed to by the township in this particular or the
7 governmental entity as a general proposition, is where there
8 is a need to maintain a detention or retention basin that
9 controls surface water runoff. And one of the problems that
10 happens occasionally, sadly, is the homeowners' association
11 basically loses its energy after a while and basically falls
12 apart. And, generally, the governmental entities want to keep
13 the ability to go in and enforce the requirements to maintain
14 the detention and retention basins because, if it's not
15 maintained, sludge builds up and it doesn't properly handle
16 surface water runoff, which causes problems over on the
17 adjacent properties and that. But that's included
18 specifically within the declarations and bylaws for each
19 development.

20 Now, in terms of this particular development that's
21 here tonight, there is no declaration of restrictions that
22 have been filed on this particular property. So there is
23 nothing in this particular phase, this piece of the pie, if
24 you will, that the declaration of restrictions, when you say
25 "You haven't enforced them," there are no declaration of
26 restrictions on this particular property phase. The only
27 thing that's there that was part of the initial process back
28 in 1986 is the 25 foot buffer and that was part of the
29 rezoning, which is different, and I believe of some legal
30 significance, different from a declaration of restriction.

1 The 25 foot buffer applies on the perimeter of the entire 540
2 acres. So --

3 MR. McINTOSH: Could you -- So tonight is, upon
4 final approval, is the point where we can put that, we can
5 approve it subsequent and then we can put that language or we
6 can basically stipulate that we want that to be honored and,
7 at that point, then that becomes filed and that would become
8 tangible but not, up until now, it's not, it's not there. Is
9 that --

10 MR. LUCAS: Well, the township -- Are you talking
11 about the declaration of restrictions?

12 MR. McINTOSH: Right.

13 MR. LUCAS: The township doesn't prepare those. The
14 developer prepares those. The developer's legal counsel
15 always prepares the declaration of restrictions. Generally,
16 legal counsel reviews them to make sure that they are
17 consistent with the final development plan approval that was
18 done by the Trustees.

19 MR. McINTOSH: And I think, to answer Mr. Rezzolla's
20 question about cutting trees down, it is private land. The
21 landowner can remove the trees. We are not in a position to
22 enforce it as far as clearing the land goes.

23 MR. LUCAS: Oh, yeah.

24 CHAIRMAN McINTOSH: It's usually up to the developer
25 to submit their plan as far as how they, to phase out and
26 remove. But where is our jurisdiction with respect to that?

27 MR. LUCAS: The township doesn't have any control
28 over a private property owner or developer cutting --

29 MR. McINTOSH: Like if your neighbor cuts down a
30 bunch of trees and you're not happy about it, you don't really

1 have any say in the matter.

2 MR. LUCAS: No, no. But more specifically with
3 reference to, an issue came up about were they in compliance
4 with the EPA permit that would, perhaps, have some bearing in
5 terms of what was being cut down because of a protected
6 species that was on the property and that. And the township
7 doesn't have any ability other than to simply call, upon the
8 request of a resident, to call the EPA and say, "Hey, was
9 there a permit for this, because this was done?" And maybe
10 there was, maybe there wasn't, but the enforceability of that
11 is with the state or federal EPA, not with the township.

12 So same thing with the, you know, certain
13 subdivision regulations that are in the county. The county
14 has their own subdivision regulations. Soil and Water has
15 certain requirements. Again, the township trustees can call
16 and say, "Hey, this is going on. Can you come out and look at
17 this? Can you take, ensure that there is no violation of any
18 regulations under Soil and Water at the county level?" But
19 the township, again, doesn't have any authority to enforce
20 county regulations. The county does that. So --

21 MR. McINTOSH: Thank you, Mr. Lucas.

22 MR. DONDORFER: Thank you, Mr. Lucas.

23 MR. LUCAS: Okay.

24 CHAIRWOMAN LUCCI: Mr. Lucas, I have one more
25 question.

26 MR. LUCAS: Yeah.

27 CHAIRWOMAN LUCCI: Regarding the traffic study. As
28 far as approvals, again, that falls under the county
29 regulations?

30 MR. LUCAS: Well, the submission of a traffic

1 analysis is required under our Resolution. So they have to,
2 as part of the final development plan, include a traffic
3 study, which was required in the preliminary plan as well. So
4 there has to be one that's been submitted and it has to be a
5 final plan under the language of the ordinance or -- excuse
6 me -- the Resolution.

7 CHAIRWOMAN LUCCI: Okay, thank you.

8 Do you want to share anything more, Mr. McIntosh,
9 before I move on?

10 MR. McINTOSH: I guess I've got a lot of thoughts on
11 this after being in zoning as long as I have. I think I am
12 going to hold a few remarks. The only thing I will say is
13 that, you know, I've had this, the clearing of trees, I
14 understand. I moved into a house 10 years, 11 years ago, the
15 current house I live in, and had a thought process of -- So I
16 know what you're talking about. I came home one day and this
17 whole back trees I thought I was going to have, half of them
18 were gone. So I certainly can appreciate where you are coming
19 from and I've experienced what you're talking about.

20 Development in Concord Township is always hard.
21 I've been across a lot of people who get very upset. It's
22 change. We see things as they are and that's, unfortunately,
23 the way it goes. I think there are concerns of the residents
24 here that are justified and appropriate. I think, at some
25 point, maybe we might ask the developer if there is a few
26 things he'd like to clarify as far as phasing of it and how
27 that might work. And then I know we have some questions about
28 the in-and-out traffic as far as lighting and that. I don't
29 know if they want to take an opportunity to address that.

30 But I'll hold off my other remarks if you guys have

1 anything else to add or say.

2 CHAIRWOMAN LUCCI: Mr. Dondorfer.

3 MR. DONDORFER: Okay. As I move through my remarks,
4 I'd like to just sort of establish some summary of this PUD.
5 Initially, we all understand it was approved in 1986. This
6 Board of Trustees inherited Phase 30. Under the initial PUD,
7 or the Planned Unit Development, initially, it was planned for
8 250 multi-family units that were allowed on this site. I
9 think, with the preliminary plan that was approved back in
10 July of last year, I believe the developer did do some due
11 diligence as far as reducing the yield amount for the
12 preliminary, preliminary plan in which it contained 84 units
13 and 45 attached townhome units. I think that is a step in the
14 right direction as far as what's desired at this point in time
15 for Concord Township.

16 I am glad that Mike sort of identified some of the
17 issues that I wanted to resolve for many residents because, in
18 some of the letters and correspondence that we had, there
19 seems to be some confusion about the deed restrictions and
20 covenants and things of that nature and who has the obligation
21 to enforce those and things of that nature. And Mike did a
22 great job covering how, once each phase is completed, those
23 declarations and deed restrictions are identified and filed by
24 the developer. In most cases, those are then turned over to a
25 homeowners' association and that homeowners' association, as
26 well as the residents, have the right to enforce whatever
27 restrictions aren't being adhered to.

28 Where I have headed as far as making a decision
29 tonight is on the PUD, and the PUD established in 1986 is
30 zoning law. And the PUD specifically identifies a perimeter

1 treatment narrative in which, in order to preserve, I will
2 read it, part of the quote is, "In order to preserve the
3 natural beauty of the development and to eliminate the
4 clearing and grading of these areas, a minimum of 25 feet of
5 natural vegetation will be left undisturbed," and that's in
6 the PUD, so that's part of the zoning law for this
7 development, as well as the traffic impact study. That is
8 also specifically outlined within this PUD on Item 4 of the
9 PUD.

10 And I know that the developer did submit a traffic
11 impact study. It went to the Engineer's Office for an
12 evaluation or some feedback. I did reach out to the deputy
13 engineer this afternoon at about 4:15 and was informed, as of
14 this point in time though, a new submitted final traffic
15 impact evaluation has not been submitted. There was some
16 specific discussion that needed to be addressed on the final
17 impact study as far as line of sight for that street coming
18 out onto Girdled Road that needed to be addressed and, as of
19 this point in time, I don't believe that final traffic impact
20 study has been submitted to the Engineer's Office or the Board
21 of Trustees for review.

22 So with that, those are some of my important
23 comments. I would like to say that, you know, Mr. Lucas, like
24 I said, addressed a lot of the confusing points that I think
25 some of the residents had as to why some of the restrictions
26 or deed restrictions weren't enforced, who has that
27 responsibility.

28 I will tell Mr. Rezzolla, I did walk that property.
29 I walked the whole perimeter, spent about an hour and a half
30 out there on the day the actual tree cutting took place to

1 look at how it would impact the residents adjacent to the
2 boundary there. I did walk the area with the developer and I
3 understand where you are coming from, what it looks like now.
4 I don't think that's permanent but, again, we don't have the
5 ability to take enforcement action on the property owner as
6 far as the clearing went on that day and time.

7 So those are some of my initial comments.

8 CHAIRWOMAN LUCCI: So, Heather, Ms. Freeman, do we
9 have all of the approvals from the county as far as any
10 subdivision regulations for this final plan? It sounds like
11 we don't have the final traffic impact study but everything
12 else from the county is --

13 MS. FREEMAN: Well, just to clarify, Madam Chairman,
14 this is not a subdivision, so there won't be correspondence
15 from Lake County Planning Commission as far as that component.

16 The developer did submit to the township all the
17 required items that we required under the PUD for a final
18 development plan. I don't know the status of all those
19 approvals from all the other county agencies. I, just
20 confirming what Carl said, I know that there is a revised
21 traffic impact study that is being prepared and I do have
22 copies of correspondence back and forth between the County
23 Engineer, the Deputy County Engineer and the developer's
24 engineer about the improvement plans themselves. There were
25 some changes made. We have copies in our files but it's my
26 understanding that they still are working to get all the
27 county approvals but they are asking for the township approval
28 this evening.

29 MR. McINTOSH: Before you sit down.

30 MS. FREEMAN: Yeah.

1 MR. McINTOSH: I just want to get something else on
2 the record. I know we received an email to which you provided
3 some background for the Trustees. Thank you for doing that.
4 What I wanted to just get on the record, the density and that,
5 we're still, with respect to Quail Hollow, the development is
6 still well under the maximum threshold of density that was
7 originally permitted when the PUD was designed?

8 MS. FREEMAN: Right. So the PUD sets a max density
9 of no more than three units on a gross acreage basis. So the
10 gross acreage is defined as the overall PUD which, as Mike
11 stated previously, is about 545 acres, which allows over 1,600
12 units. We're well under that. If this plan is approved
13 tonight, we're still under 900 units total for the overall
14 PUD.

15 MR. McINTOSH: And we don't have the traffic. We
16 don't have it, which we asked for at the preliminary approval.
17 We haven't received the final.

18 MS. FREEMAN: Well, a traffic impact study was
19 submitted. Revisions were requested by the county and those
20 revisions have not been reviewed yet.

21 MR. McINTOSH: Received.

22 MS. FREEMAN: Yeah, or received.

23 MR. McINTOSH: Thank you.

24 CHAIRWOMAN LUCCI: So I am wondering if Mr. Victor
25 would like to come and address any of the questions Ms. Sirca
26 had regarding the road impacting her yard, as far as any
27 landscaping around the street, or if you wanted to address any
28 other issues that were brought up.

29 MR. NOVAK: Are you looking for Mr. Victor or me?

30 CHAIRWOMAN LUCCI: Mr. Victor.

1 MR. McINTOSH: Well --

2 CHAIRWOMAN LUCCI: Or the applicant. Excuse me.

3 MR. VICTOR: Todd Victor, 7685 Snowberry Court,
4 Mentor. We'll, yeah, we can help on putting some trees, pine
5 trees up down the entranceway to block some of the light for
6 the, on the entrance of, off of Girdled next to their house.
7 We don't have any, we didn't have it on the plans right now
8 but we can work with them.

9 MR. McINTOSH: Do you have a lighting plan part?
10 Have you got that far in your planning or -- as far as how
11 many street lights? Do you know?

12 MR. VICTOR: No, we don't have it, the street
13 lights, laid out yet. CEI will tell us how far and where
14 that's going to go.

15 MR. McINTOSH: Okay.

16 MR. VICTOR: And I will talk on the perimeter 25
17 feet. It says it's not heavily wooded area. And it says if
18 it's not heavily wooded area, we can build a mound in that
19 area if we want. It was meant to beautify our subdivision and
20 keep the beautification of Quail Hollow's property, if you
21 read it correctly. And if there is no trees or anything or, I
22 mean, it says heavily wooded. In non-heavily wooded areas, we
23 can go in and build a mound if we wanted to. So --

24 MR. McINTOSH: While he's up, any other questions?

25 MR. DONDORFER: Yeah. Well, I see where you're
26 reading that from because I have the perimeter treatment
27 narrative right in front of me and it says "maintaining of
28 these natural wooded areas will enhance the beauty of
29 development. In the areas where the site and adjoining lands
30 are void of trees or other acceptable vegetation, the

1 developer may elect to provide mounding, landscaping or both,
2 dependent" --

3 MR. VICTOR: Right. So we will go in and do grading
4 in the non-heavily wooded areas, in my eyes.

5 MR. DONDORFER: But it's just not specific to trees.
6 If there is other vegetation that --

7 MR. VICTOR: It's not specific though.

8 MR. DONDORFER: Okay.

9 MR. VICTOR: So that's --

10 CHAIRWOMAN LUCCI: But that's with the 25 foot.

11 MR. VICTOR: Right, correct.

12 MR. McINTOSH: Have you been able to address all the
13 concerns of all the residents with respect to all around the
14 development and the 25 feet or is there still some areas where
15 we're not -- I know some people have had conversations. My
16 understanding is there is a couple agreements along Viceroy.
17 There is other areas that haven't reached an agreement with
18 respect to doing any modifications pursuant to this; is that
19 correct?

20 MR. VICTOR: We couldn't come to agreement on, over
21 on Orchard with anybody, just on Viceroy.

22 MR. McINTOSH: Okay. Thank you.

23 MR. VICTOR: All right. Thanks.

24 MR. VITAZ: Will you take any comments from the
25 audience?

26 MR. McINTOSH: The audience portion is closed?

27 CHAIRWOMAN LUCCI: Did you have a question or --

28 MR. VITAZ: Well, yeah. The entrance coming off
29 Girdled onto --

30 MR. McINTOSH: He should be up there.

1 CHAIRWOMAN LUCCI: Yeah, you should come up.

2 MR. LUCAS: Dave, you should -- Dave Barrington --
3 or Dave Novak -- Wait. Dave, you're the one speaking, right?
4 Dave Novak, were you speaking?

5 MR. NOVAK: I can.

6 MR. LUCAS: Were you speaking though? Who was
7 speaking?

8 MS. DAWSON: No, Dave Vitaz was speaking.

9 MR. LUCAS: Oh, Dave V., okay. I am sorry. Sorry,
10 Dave. I couldn't tell. I thought it was you speaking.

11 MR. VITAZ: Don't confuse the old people now.

12 MR. LUCAS: Well, they're both such mellifluous
13 voices, it's easy to see how I confused the identity.

14 MR. VITAZ: In my research and some of the things,
15 and Mike might agree to this, when it comes to a deed
16 restriction, the deed restriction must be agreed upon, if it's
17 being voided, by 100 percent of the surrounding property
18 owners that the deed affects. Is that not correct? Or a
19 judge can do it.

20 MR. LUCAS: Well, I don't know if it's a hundred
21 percent. If you're talking about an amendment to the
22 declaration and covenants --

23 MR. VITAZ: I am saying, no, I am just saying the
24 deed. We've all agreed that in the deed there is 25 foot.

25 MR. LUCAS: Yes.

26 MR. VITAZ: There is 25 foot buffer zone, right?

27 MR. LUCAS: Right.

28 MR. VITAZ: In order for that buffer zone to be
29 changed, it either has to be 100 percent of the surrounding
30 property owners, everybody has to agree to it, or the courts

1 can change it. So going, picking and choosing who can do this
2 and who can't, again, affects everybody as a whole. So,
3 again, I don't know that you can -- And, again, you're saying
4 you guys have no control over it but --

5 MR. LUCAS: That's not what I said, actually. There
6 is a difference between --

7 MR. VITAZ: You do have the control because you're
8 either going to agree to it or not.

9 MR. LUCAS: No, no. What I said was we don't have
10 any control over the declarations of restrictions and bylaws,
11 is what I said.

12 MR. VITAZ: Right, I understand what you are saying.

13 MR. LUCAS: But what I, where I disagree with what
14 you said I said, which is inaccurate, we have, as part of the
15 rezoning, the 25 foot buffer perimeter and we can have
16 enforceability on that because that was part of the rezoning
17 application that established the original R-2 PUD over the 540
18 acres.

19 MR. VITAZ: Right.

20 MR. LUCAS: Okay?

21 MR. VITAZ: Okay. So if --

22 MR. LUCAS: I know you call that lawyer gobbledygook
23 but --

24 MR. VITAZ: Yes, lawyer technical stuff.

25 MR. LUCAS: Yeah.

26 MR. VITAZ: Getting back to the entranceway off
27 Girdled, Ivy Ridge, I believe it is, that road, there is
28 still, each of those property owners, there is supposed to be
29 a natural 25 foot buffer. Okay? The road, each side of the
30 road should have a 25 foot buffer and there is nothing there.

1 They've cut down every tree that, on that entrance. There is
2 no trees there. And I don't know any of the residents that
3 own those two properties, but there is no 25 feet natural
4 buffer there.

5 And, again, according to the deed, they're not
6 allowed to just randomly decide who gets it and who doesn't
7 get it. So there is no 25 feet of natural buffer along that
8 area. So either the township has to react to it -- You're
9 saying you're not going to react to it, maybe you are, maybe
10 you're not.

11 MR. LUCAS: I'm not. But if you want to take that
12 tack, that's fine with me, Dave.

13 MR. VITAZ: I am saying that it's just, if you just
14 look at it, you can see. I mean, it's just, it's there. So,
15 yeah, there should be a 25 foot buffer around Quail's property
16 and adjacent property owners and I think it's already been
17 infringed upon, that there is not 25 foot around the whole
18 area.

19 CHAIRWOMAN LUCCI: Okay. Thanks, Mr. Vitaz.

20 MR. McINTOSH: I have a question. I just want to, I
21 think, to make a point, clarify something with Mr. Lucas. So
22 with respect to the 25 feet, right now, the private land owner
23 could encroach on it. And should we come back and choose to
24 make that part of the deal, that would be up to their cost or
25 whatever to restore that. So there is really no enforce --
26 What you've been saying is there is no current enforceability
27 on the 25 feet. Going forward, there could be. And if we
28 required them to maintain it, the developer would then incur
29 cost to do so as opposed -- effectively, right?

30 MR. LUCAS: Well, when you are saying there is no,

1 when I -- I don't remember saying that either. When you are
2 saying there is no enforceability to the 25 foot buffer --

3 MR. McINTOSH: You are saying it's not yet because
4 it's not, because there is no restrictions filed on it yet.

5 MR. LUCAS: No. The 25 foot, no, no, that's not --

6 MR. McINTOSH: Okay.

7 MR. DONDORFER: The 25 buffer is in the PUD.

8 MR. LUCAS: The 25 foot buffer as part of the
9 rezoning is completely separate from --

10 MR. McINTOSH: Deed restrictions.

11 MR. LUCAS: -- the declaration and restrictions,
12 which the township doesn't -- which hasn't been applied yet to
13 this particular development.

14 MR. McINTOSH: Right.

15 MR. LUCAS: The 25 foot buffer is part of the
16 overall perimeter of that entire 540 acres at the time of the
17 rezoning in 1986 because it was submitted as part of the
18 rezoning process. So that is always, as a matter of rezoning,
19 subject to enforceability by the township.

20 MR. McINTOSH: So what I am saying is regardless,
21 going forward, if we choose to make that, the final
22 development plan, if they've gone in, invaded it, and we say
23 you can't do that, then it's on them. They're going to have
24 to restore it, trees would have to be replanted and that would
25 have to be, if it's been violated, we would enforce.

26 MR. LUCAS: We have the ability to, we have the
27 ability to go to court and enforce it.

28 MR. McINTOSH: Correct. They would have to, if
29 they've not done that yet, then they have to restore it.

30 MR. LUCAS: If they -- I don't know how you would

1 maintain the 25 foot buffer otherwise.

2 MR. McINTOSH: Right.

3 MR. LUCAS: Without the restoration and remediation
4 of what, perhaps, inadvertently was infringed upon within that
5 25 foot parameter.

6 MR. McINTOSH: Right. That's my point. They have
7 to fix it if it's been violated.

8 MR. LUCAS: Yeah, I got it. Yeah, got it.

9 CHAIRWOMAN LUCCI: Do either of you have any more
10 points or --

11 MR. DONDORFER: I would just like to clarify one
12 more thing as far as this 25 foot buffer. It's part of the
13 PUD. It's zoning law. I mean, this is Phase 30. It started
14 in 1986. I don't know whether or not it was ignored,
15 overlooked. I don't know. But what we do know is, you know,
16 it's part of the zoning law and it's the current law, so I,
17 you know, I think it's important.

18 MR. McINTOSH: I think, with respect to, I think,
19 honoring the history and everything with respect to Quail
20 Hollow and taking a look at all the development that has
21 occurred and weighing the options that we have here, I like
22 the plan. I mean, it's consistent. It looks like other
23 phases of Quail. We've got similar things. And maybe, in
24 some cases, it even has a little more separation in buildings
25 than the prior phase did, which I know there was people over
26 the last couple years that said, "Look at how many houses are
27 crammed in there," yadda-yadda.

28 We know that density is a hot button issue in
29 Concord Township. And I believe, in casual conversations with
30 the developer, one of the -- I don't know what you call it,

1 it's not really a formal -- but we've had conversation about
2 what the alternative would be to this plan. If something was
3 to be proposed that would have more universal honoring of the
4 25 foot buffer, that we would be looking at a lot more units,
5 that we'd be looking at between 60 to 70 more units.

6 And so when I look at the decision of approving this
7 or moving forward and the history of what the township has
8 approved and how Quail has developed, it seems to me, in front
9 of us, that we have to weigh those different things. And it's
10 within us to accept that and go forward or to come back and
11 say, "Hey, this is something," and that's not an easy decision
12 to make.

13 Again, we've had a lot of conversation in recent
14 years about density. One of the concerns we have with this
15 development, as we required with the preliminary, was the
16 traffic study. Girdled Road is getting more and more
17 developed. There are more developments there. Traffic is
18 definitely a concern, which is why we asked for it. We had
19 specific conversation about it back in July last year.

20 And like I said, I understand, I understand how
21 painful it is to lose background. I had -- or trees in your
22 back yard. It's been part of my personal experience as a
23 resident of Concord Township. I can appreciate it. It's
24 always -- You see a development cleared. It's always shocking
25 and it takes time to get used to it, so I understand that.

26 I also know that it's important that we balance the
27 township's perspective with the developer's and the
28 resident's. And it certainly seems, since we have come
29 forward with this, since we've advanced in this conversation,
30 that there has been more and more discussion about this buffer

1 and there has been more dissension and people are not, more
2 not in agreement with this. Whereas, I think when we had the
3 conversation of the preliminary plan, there wasn't that kind
4 of discussion. It's like, okay, we will do this and we talk
5 about trading off density for quality development.

6 And it seems to me that we've reached an impasse on
7 a couple of key issues with respect to this and, well, not a
8 couple key issues, one issue, and that being the buffer, and
9 the fact that we are sitting here and having a lot of
10 conversations about the legality of it, I am definitely
11 concerned about the fact that this is, it's not present in the
12 plan at this point. Like I said, we were having conversations
13 last year and it wasn't as much of an issue as it seems to
14 have become as this plan has progressed.

15 We're still waiting on a traffic study and an
16 understanding of what the impact is and what the development
17 plan of that, how the county would proceed with handling that
18 inflow of traffic, and those are still significant points.

19 We were always going to see development on this
20 land. There was always going to be houses there. What we're
21 really talking about at this point is what kind of development
22 we're going to see there. And I have some concerns about what
23 we're looking at at this point, you know, as we have gone
24 through this process.

25 CHAIRWOMAN LUCCI: Thank you. So I agree. It's a
26 struggle because we want what's best for Concord Township in
27 terms of, you know, density, road, traffic study or traffic
28 impact. I live along that area, too, so I get it. I
29 understand. I know how it is when you think your back yard is
30 going to look a certain way and then it changes. So we

1 certainly appreciate everyone's insights and concerns.

2 But I tend to agree, with the final plan, it seems
3 like there's still a lot of unanswered questions, there is
4 still a lot of residents that don't have, sort of, the, are
5 getting the same treatment as everyone else, and that we don't
6 have all the final plans, including the final traffic impact
7 study. So that does cause some concern for me as well.

8 I think we're ready to move on.

9 Mr. Novak, did you have something you wanted to
10 address us with?

11 MR. NOVAK: My name is David Novak, from Barrington
12 Consulting Group, the address is 9114 Tyler Boulevard, Mentor,
13 Ohio.

14 A couple things, one in regards to the traffic
15 impact study. If I read your code correctly, while it should
16 have been submitted for the preliminary plan, however, it was
17 not and we were granted approval on that preliminary plan and
18 there was some discussion at that meeting about the traffic
19 study. But, again, what your code says is that we have to
20 submit a traffic impact study. It says nothing more than
21 that. It doesn't say that that traffic impact study needs to
22 be approved by anybody. I would agree that it needs to be
23 approved by the County Engineer but that's not part of your
24 code, and that's also not part of -- Concord really doesn't
25 have any input on what happens with that traffic study. As
26 long as we submit it, we've met that portion of the code.

27 And as far as the, you know, the 25 foot buffer,
28 again, this has been a long process for the Trustees, the
29 residents, the developer, and I can appreciate the emotional
30 side of all this. But, again, it was my belief or my

1 understanding that, when we obtained approval for the
2 preliminary plan, it was discussed as to a, at least what I
3 took away from the meeting, that the plan that got approved
4 was a better plan than the potential of putting up two --
5 because, again, if you look at the 1986 rezoning or PUD
6 approval, this piece of property could have up to, it was
7 designed to have 250 residential units on it. Okay? We're
8 way below that. So, but some of that compromise was going
9 into those, into the buffered areas, that 25 foot buffer.

10 We have tried to reach out to, I don't want to say
11 all of the residents but a majority of the residents and, you
12 know, we've had discussions. And even on the preliminary plan
13 that was approved, we showed fences along Vitaz and Lazuka.
14 Now, we couldn't obtain an agreement with them but, again, I
15 think we showed good faith effort to make those things happen.

16 And the last point that I'd like to make in regard
17 to this 25 foot buffer, we took a look at all of the parcels
18 within the Quail Hollow development. I am not a hundred
19 percent sure that this happens to be the last one, Parcel 30.
20 But from my view of what transpired since 1986, none of the
21 other parcels have that 25 foot buffer enforced. While I
22 understand this is a new, I don't know if this is the first --

23 MR. ROSE: It is.

24 MR. NOVAK: -- development that this board is
25 reviewing.

26 MR. ROSE: It is, it is.

27 MR. NOVAK: Okay. And so, again, I understand that
28 going forward and how you guys want to handle that, because
29 you're new to the 1986 development plan. So, but I think it's
30 important to understand, that everybody understands that,

1 again, in the Quail Hollow development that that buffer wasn't
2 honored up until today. And depending on how you read that
3 section about the buffer, you could read it many different
4 ways. And our opinion is that the purpose of that buffer was
5 to protect the Quail Hollow development, not necessarily the
6 adjacent property owners. But, again, that's our opinion.

7 So if you have any questions for me, I am more than
8 willing to answer them.

9 MR. McINTOSH: Yeah, go ahead.

10 MR. DONDORFER: You know, as far as the buffer,
11 again, you mentioned throughout all the phases of Quail Hollow
12 it was never enforced. Again, I go back to my previous
13 comments. I can't speculate. Was it ignored? Was it just
14 never considered? Was it overlooked? I don't know. But it
15 is, you can interpret it differently. Your understanding or
16 reasoning is that it protects the Quail Hollow development. I
17 look at that buffer as, yeah, it protects the Quail Hollow
18 development but it also provides some private, natural privacy
19 to adjacent residents and adjacent communities. That's my
20 interpretation of it.

21 And just because it's been done in the past and it
22 hasn't been adhered to, I equate that to, you know, as a young
23 kid, not knowing something is wrong and you keep doing it.
24 Then when you realize that it's wrong, you keep doing it.
25 Well, I don't know if that's the right thing to do.

26 You know, the traffic study, you know, it is in the
27 PUD. I would find it, in my personal opinion, I think it
28 would be irresponsible to make a decision on a final
29 development plan when there is specific language within the
30 PUD requesting a traffic study and, at least, looking at those

1 results and saying, "How is this traffic study going to impact
2 the existing neighborhood when this new neighborhood is put
3 in?" If I can't look at that and make that interpretation, I
4 don't know if I am making a responsible --

5 MR. McINTOSH: Right, yeah. I guess, to respond to
6 that comment, I agree with what you are saying. And though it
7 doesn't, I think, at this point just not seeing -- I
8 understand it's been submitted and the county is looking at it
9 and saying, "Well, we're not" -- We're ultimately accountable
10 to the voters of Concord and the residents sitting in this
11 room. So I have to provide an answer. And when I can't
12 provide that answer and I can't intelligently converse on the
13 topic and/or I haven't had the opportunity to discuss with the
14 controlling entities, I think I am failing in my
15 responsibility as a township trustee.

16 I do want to thank you and I want to say, over the
17 years of being on the zoning board, I've always appreciated
18 the developers have made attempts to reach out to residents
19 and work things out. I've actually watched developers work
20 the room while we're talking amongst residents and come back
21 and say, "Hey, we've hammered something out." So I genuinely
22 appreciate that because I think we have to take the totality
23 of development in Concord and the zoning code all in balance
24 and work with residents and developers and try to work things
25 out and it's always rewarding when that happens.

26 I think part of the problem I have is that I know
27 that you've done that and we've reached a bit of an impasse
28 here. We're not in agreement. And, again, back to my
29 responsibility to the township as a trustee. That's where I
30 get at a crossroads and I am asked to make a decision and I

1 don't have all the facts. I can't intelligently discussion
2 360 degrees the full issue and I can't say that everyone is
3 harmonious, you know, maybe there is a way to work that out,
4 is sort of where I find myself.

5 CHAIRWOMAN LUCCI: Yeah. You know, you mentioned
6 you thought the preliminary plan was a better plan, you know,
7 better by whose terms? You know, density is an issue, so
8 maybe better by those terms. But if it's not better by --

9 MR. McINTOSH: Other.

10 CHAIRWOMAN LUCCI: -- the protection of the buffer
11 for -- You know, when you rezone and Zoning Commission
12 approves it, they're probably thinking about the adjacent
13 landowners, too, not just the --

14 MR. McINTOSH: I think it's also difficult for us to
15 be, as you said, the first phase of Quail that this board is
16 seeing. And I, at the Zoning Commission, never dealt with
17 that. It wasn't part of Zoning Commission process. But
18 having been a commission member and approved things and done
19 text and talked about that, it's also hard to step back to
20 1986, especially because I wasn't very old, and sort of try to
21 understand the thought process of the board, boards at that
22 time, too. So it's difficult to put their -- I think we
23 definitely have some noise and there's things that need more
24 discussion before we reach that point. And, again, I think we
25 need to be true to that process and I think there is ways to
26 work it out and we've reach a decision point and we have to
27 move through that.

28 MR. NOVAK: Okay.

29 MR. DONDORFER: Thank you, Mr. Novak.

30 MR. NOVAK: Thank you.

1 CHAIRWOMAN LUCCI: Thank you very much.
2 Mrs. Dawson, can we please have a roll call vote?
3 MS. DAWSON: Certainly. Mr. McIntosh?
4 MR. McINTOSH: No.
5 MS. DAWSON: Mr. Dondorfer?
6 MR. DONDORFER: No.
7 MS. DAWSON: Mrs. Lucci?
8 CHAIRWOMAN LUCCI: No.
9 All right, moving on to item D.
10 MR. DONDORFER: Madam Chair, I will make a motion
11 for a P.O. to Lake County Telecommunications Department in the
12 amount of not to exceed \$151,811 for the acquisition and
13 installation of telecommunications equipment for Fire Station
14 Number 1.
15 MR. McINTOSH: And I second.
16 CHAIRWOMAN LUCCI: Any discussion?
17 MR. DONDORFER: No.
18 CHAIRWOMAN LUCCI: All in favor?
19 MR. McINTOSH: Great to see the project moving
20 forward.
21 MR. DONDORFER: Yeah, great to see.
22 CHAIRWOMAN LUCCI: Right. All in favor?
23 (Three aye votes, no nay votes.)
24 MR. McINTOSH: Madam -- Oh, do you want to --
25 MR. ROSE: Madam Chair, I recommend we catch,
26 capture Item F and, that way, if the Trustees decide to go
27 to executive session, there will be no further business and
28 the folks can get on with their evening.
29 CHAIRWOMAN LUCCI: Thank you.
30 Mrs. Dawson, can you please skip to Item F, please.

1 MS. DAWSON: Yes, ma'am. On Wednesday, May 11, at
2 7:00 p.m., there will be a Board of Zoning Appeals meeting
3 here at Town Hall.

4 Also, Wednesday, May 18, from 6:30 to 7:30, trustee
5 office hours in the conference room, and at 7:30 p.m., the
6 regular trustee meeting here at Town Hall.

7 MR. McINTOSH: All right. Madam Chairman, I vote to
8 move into executive session for the purpose of discussing
9 pending litigation pursuant to Ohio Revised Code Section
10 121.22(G)(3).

11 MR. DONDORFER: I will second.

12 CHAIRWOMAN LUCCI: All in favor?

13 MR. McINTOSH: Roll call.

14 MR. LUCAS: No, no, roll call vote.

15 MR. ROSE: Roll call vote.

16 CHAIRWOMAN LUCCI: Thank you. Mrs. Dawson.

17 MS. DAWSON: Mr. Dondorfer?

18 MR. DONDORFER: Yes.

19 MS. DAWSON: Mr. McIntosh?

20 MR. McINTOSH: Yes.

21 MS. DAWSON: Mrs. Lucci?

22 CHAIRWOMAN LUCCI: Yes.

23 Okay. We are going into executive session. Thank
24 you all for joining.

25 (Whereupon, the Trustees went into executive session
26 at 8:53 p.m.)

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STATE OF OHIO)
)
COUNTY OF LAKE)

CERTIFICATE

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office this 8th day of June 2022.

Melinda A. Melton -----
Melinda A. Melton
Registered Professional Reporter

Notary Public within and for the
State of Ohio

My Commission Expires:
February 4, 2023

