

RECORD OF PROCEEDINGS

Minutes of Concord Township Board of Trustees Meeting

Held on April 6, 2022

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

The Concord Township Board of Trustees met for two Public Hearings on April 6, 2022, 6:30 p.m., in Township Hall, located at 7229 Ravenna Road. Chairperson Amy L. Lucci 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.

Hearing #1

Mrs. Lucci opened Hearing #1 at 6:31 pm and read the following Zoning Amendment Application:

Zoning Amendment Application #2022-1 by Concord Preserve, LLC requesting a Zoning Resolution Map Amendment from the current zoning district of Town Hall Neighborhood to R-1, Residential district for the following properties owned by Concord Preserve LLC located on Concord Hambden Road: current permanent parcel number 08-A-014-0-00-076-0, 08-A-014-0-00-077-0, 08-A-014-0-00-078-0, 08-A-014-0-00-079-0, 08-A-014-0-00-080-0, and 08-A-014-0-00-081-0.

Heather Freeman, Zoning Director, provided background information on the application. Mr. George Davis of 7962 Butler Hill Drive discussed his intentions if the Zoning Amendment Application was approved. The Trustees asked questions which Mr. Davis answered. Mrs. Lucci then opened the audience portion for Hearing #1.

Michael Woodin of 11211 Prouty Road is concerned about rentals and would like for them to be owner occupied or stay zoned commercial.

Lana Blatnik of 6435 Tulip Way would like to see property developed into a park.

Vanessa Pesec, of 11705 Cali Court, had the following concerns: Regarding the proposed zoning map amendment, Ms. Pesec referenced and read the zoning definition on our website and stated the rezoning goes against the definition. It reduces the semi-rural character with homes next to manufacturing property. Asked the Trustees to vote no, in support of the residents. Zoning regulations need to be established for homes near gas wells. She mentioned the 2004 Comprehensive Plan and spot zoning, referencing Chris Galloway (former Trustee) comments from the past talking about spot zoning. She also commented an area zoned for business income needs to stay zoned for businesses as it helps to keep the property taxes low. Ms. Pesec also read a letter by Robert Zames stating he is against spot zoning and would set a precedent if approved going forward.

Mr. Davis restated his intentions and Mr. Dondorfer commented the board does its due diligence and research and evaluates each situation individually before voting. Mr. McIntosh moved to close Public Hearing #1. Mr. Dondorfer seconded. Vote 3 ayes. Mrs. Lucci closed Hearing #1 at 7:12 pm. Mr. McIntosh provided background on the property and concerns with the rezone and taking away tax dollars if zoned residential. Mrs. Lucci added that she appreciates the residents comments and as stated by Mr. Dondorfer, we do take their concerns into our decision making and agreeing with Mr. McIntosh regarding no guarantee with business income tax dollars.

Hearing #2

Mrs. Lucci opened Hearing #2 at 7:13 pm, and read the following:

Zoning text amendments to the Concord Township Zoning Resolution, as initiated by the Zoning Commission.

Amendment #1: Amend Section 16.24, Permitted Density and Open Space Requirements to add new section F. Environmental Restoration Plan.

Amendment #2: Amend Section 16.24(C)(e) to change landscape plan requirement to environmental restoration plan.

Amendment #3: Amend Section 6.02, Prohibited Uses to add new Section (J) Medical Marijuana Retail Dispensaries.

Heather Freeman, Zoning Director, provided background information on the proposed Zoning Text Amendments.

It was established legal notice had been made.

AUDIENCE – none

Mr. McIntosh moved to close Public Hearing #2. Mr. Dondorfer seconded. Vote 3 ayes.

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The Concord Township Board of Trustees met for a Regular meeting on April 6, 2022, 7:32 pm, in Town Hall, located at 7229 Ravenna Road. Chairperson Amy L. Lucci called the meeting to order and led in the Pledge of Allegiance. Trustees present were Carl H. Dondorfer, Morgan R. McIntosh and Amy L. Lucci.

APPROVAL OF MINUTES:

March 16, 2022 Regular Trustees Meeting. Mr. Dondorfer moved to approve the March 16, 2022 Regular Meeting Minutes as written. Mrs. Lucci seconded. Vote 2 ayes. Mr. McIntosh abstained.

ELECTED OFFICIALS REPORT:

A. FISCAL OFFICER – Amy L. Dawson

Mrs. Dawson reviewed the state of Concord Township finances since the last meeting. In addition, Mrs. Dawson mentioned she will be rewriting Permanent Appropriations and Revenue for the next meeting; however, in the meantime, she requested Supplemental Appropriations of an additional \$50,000.00 in Capital Project and \$25,000.00 in the TIF Fund.

Mr. McIntosh moved to appropriate from the Supplemental Appropriations an additional \$50,000 to the Capital Projects. Mr. Dondorfer seconded. Vote 3 ayes.

Mr. McIntosh moved to appropriate from the Supplemental Appropriations an additional \$25,000 to the TIF Fund. Mr. Dondorfer seconded. Vote 3 ayes.

B. TRUSTEES

Mr. Dondorfer, Mr. McIntosh and Mrs. Lucci 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 as well as discussed the bids received for the Stone, Asphalt, Concrete & Limestone bid. Osborne Concrete & Stone, Osborne Inc., Cuyahoga Asphalt Materials and Kokosing Materials Inc. all submitted bids and were reviewed / approved by the Service Director and Administrator.

B. FIRE DEPT. – Chief Sabo

Chief Sabo reviewed the Fire Department's March activity.

C. SERVICE DEPT. – Tim Brown, Service Director

Tim Brown, Service Director, reviewed the Service Department's March activity in Concord Township.

D. ZONING DEPT. – Heather Freeman, Zoning Director

Heather Freeman, Zoning Director, reviewed the Zoning Department's March activity in Concord Township.

E. RECREATION DEPT. – Debra Bechel-Esker, Recreation Director

Debra Bechel-Esker, Recreation Director, reviewed the Recreation Department's April activities in Concord Township.

F. CONCORD LAW ENFORCEMENT REPORT – Sheriff's Office

Sgt. Infalvi read the Sheriff Department's March activity report in Concord Township.

AUDIENCE:

None

OLD BUSINESS:

None

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NEW BUSINESS:

- A. ZONING AMENDMENT APPLICATION #2022-1 BY CONCORD PRESERVE, LLC REQUESTING A ZONING RESOLUTION MAP AMENDMENT FROM THE CURRENT ZONING DISTRICT OF TOWN HALL NEIGHBORHOOD TO R-1, RESIDENTIAL DISTRICT FOR THE FOLLOWING PROPERTIES OWNED BY CONCORD PRESERVE LLC LOCATED ON CONCORD HAMB DEN ROAD: CURRENT PERMANENT PARCEL NUMBER 08-A-014-0-00-076-0, 08-A-014-0-00-077-0, 08-A-014-0-00-078-0, 08-A-014-0-00-079-0, 08-A-014-0-00-080-0, AND 08-A-014-0-00-081-0. Mr. McIntosh moved to approve Zoning Amendment Application #2022-1 by Concord Preserve, LLC requesting a Zoning Resolution Map Amendment from the current Zoning District of Town Hall Neighborhood to R-1, Residential District for the following properties owned by Concord Preserve LLC located on Concord Hambden Road: Current Permanent Parcel Number 08-A-014-0-00-076-0, 08-A-014-0-00-077-0, 08-A-014-0-00-078-0, 08-A-014-0-00-079-0, 08-A-014-0-00-080-0, And 08-A-014-0-00-081-0. Mr. Dondorfer seconded. The Trustees had a lengthy discussion. Roll Call Vote: Mr. Dondorfer – yes; Mr. McIntosh – yes; Mrs. Lucci – yes.
- B. ZONING TEXT AMENDMENTS TO THE CONCORD TOWNSHIP ZONING RESOLUTION, AS INITIATED BY THE ZONING COMMISSION. AMENDMENT #1: AMEND SECTION 16.24, PERMITTED DENSITY AND OPEN SPACE REQUIREMENTS TO ADD NEW SECTION F. ENVIRONMENTAL RESTORATION PLAN. Mr. Dondorfer moved to approve Zoning Text Amendment #1: Amend Section 16.24, permitted density and open space requirements to add new Section F. environmental restoration plan. Mr. McIntosh seconded. Roll Call Vote: Mr. McIntosh – yes; Mr. Dondorfer – yes; Mrs. Lucci – yes.
- C. AMENDMENT #2: AMEND SECTION 16.24(C)(E) TO CHANGE LANDSCAPE PLAN REQUIREMENT TO ENVIRONMENTAL RESTORATION PLAN. Mr. McIntosh moved to approve Zoning Text Amendment #2: Amend Section 16.24(C)(E) to change landscape plan requirement to environmental restoration plan. Mr. Dondorfer seconded. Roll Call Vote: Mr. McIntosh – yes; Mr. Dondorfer – yes; Mrs. Lucci – yes.
- D. AMENDMENT #3: AMEND SECTION 6.02, PROHIBITED USES TO ADD NEW SECTION (J) MEDICAL MARIJUANA RETAIL DISPENSARIES. Mr. Dondorfer moved to approve Zoning Text Amendment #3: Amend Section 6.02, prohibited uses to add new section (J) medical marijuana retail dispensaries. Mr. McIntosh seconded. The Trustees had a brief discussion. Roll Call Vote: Mr. Dondorfer – yes; Mr. McIntosh – yes; Mrs. Lucci – yes.
- E. MARCH FINANCIAL REPORT. Mr. Dondorfer moved to approve the March Financial Report. Mr. McIntosh seconded. Vote 3 ayes.
- F. RES. 2022-09 AUTHORIZING PARTICIPATION IN THE ODOT WINTER ROAD SALT CONTRACT. Mr. McIntosh moved to adopt the following resolution:

RESOLUTION 2022-09

A RESOLUTION AUTHORIZING PARTICIPATION IN THE 2022 ODOT WINTER ROAD SALT CONTRACT.

WHEREAS, Concord Township, Lake County, Ohio, by and through its Board of Trustees (the "Township") hereby submits this written agreement to participate in the Ohio Department of Transportation's ("ODOT") annual winter road salt bid in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

- a. The Township hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and
- b. The Township hereby acknowledges that upon the Director of ODOT's signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the Township; and
- c. The Township agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Township's participation in the winter road salt contract; and
- d. The Township's electronic order for Sodium Chloride (Road Salt) will be the amount the Township agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and
- e. The Township hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract's effective period; and
- f. The Township hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract; and

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g. The Township acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Friday, April 29 by 5:00 p.m. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Township's participation request. Furthermore, it is the sole responsibility of the Township to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Township's participation agreement and/or a Township's request to rescind its participation agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF CONCORD TOWNSHIP, COUNTY OF LAKE, STATE OF OHIO:

Section 1. That this participation agreement for the ODOT winter road salt contract is hereby approved by this Board, funding has been authorized, and the Township agrees to the above terms and conditions regarding participation on the ODOT winter salt contract.

Section 2. It is found and determined that all formal actions of the Board of Trustees of Concord Township concerning and relating to the adoption of this Resolution were taken in an open meeting of the Board of Trustees of Concord Township and that all deliberations of this Board that resulted in those formal actions were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22. of the Ohio Revised Code.

Mr. Dondorfer seconded. Vote 3 ayes.

- G. RES. 2022-10 AMEND SETTLEMENT AGREEMENT WITH STEVEN DOUGLAS CORP. AND ENDLESS DISCOVERY HOLDINGS. Mr. Dondorfer moved to adopt the following resolution:

RESOLUTION NO. 2022-10

A RESOLUTION AUTHORIZING THE BOARD OF TRUSTEES OF CONCORD TOWNSHIP TO ENTER INTO AN AMENDED AND RESTATED AGREEMENT WITH THE STEVEN DOUGLAS CORP., AND ENDLESS DISCOVERY HOLDINGS, LLC, TO ESTABLISH IN PART THE IMPOSITION OF A DEFINED INCOME TAX AND RATE TO BE ASSESSED FOR CERTAIN REAL PROPERTY WITHIN THE JEDD DISTRICT.

WHEREAS, Concord Township, Lake County, Ohio, and the City of Painesville, Lake County, are the public entities under the Concord Township-City of Painesville Joint Economic Development District, organized in accordance with Ohio Revised Code Section 715.72, et seq.; and

WHEREAS, Concord Township as a member of the JEDD desires to establish a defined income tax rate to be assessed for any and all employees working within certain property included within the JEDD boundary and, secondly, a reduced income taxation rate imposed for the net business profits of any business operating within this identified property;

WHEREAS, Concord Township pursuant to Resolution No. 2021-28 previously passed on December 1, 2021, entered into an Agreement with Steven Douglas Corp., and Endless Discovery Holdings, LLC, captioned Agreement for Purchase and Development of Certain Real Property Within JEDD District; and

WHEREAS, Steven Douglas Corp., and Endless Discovery Holdings, LLC, subsequently acquired additional real property which they desire to be included within the terms and conditions of the previously executed Agreement for Purchase and Development of Certain Real Property Within JEDD District.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF CONCORD TOWNSHIP, COUNTY OF LAKE AND STATE OF OHIO, AS FOLLOWS:

Section 1. The Board of Trustees is hereby authorized to enter into a written contract captioned "Amended and Restated Agreement for Purchase and Development of Certain Real Property Within JEDD District" with the City of Painesville, Ohio, the Concord Township-City of Painesville Joint Economic Development District, the Steven Douglas Corp., and Endless Discovery Holdings, LLC, in a form substantially similar to the Amended and Restated Agreement annexed as Exhibit A and incorporated herein, and to execute any and all documentation necessary to formalize the validity and implementation of this Agreement.

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Section 2. It is found and determined that all formal actions of the Board of Trustees of Concord Township concerning and relating to the adoption of this Resolution were taken in an open meeting of the Board of Trustees of Concord Township and that all deliberations of this Board that resulted in those formal actions were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr. McIntosh seconded. Vote 3 ayes.

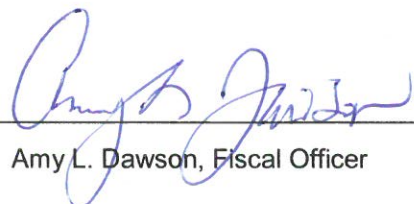
- H. SERVICE DEPT. ACCEPT ALL BIDS FOR STONE, ASPHALT, CONCRETE & LIMESTONE. Mr. McIntosh moved to accept all bids submitted for Stone, Asphalt, Concrete and Limestone. Mr. Dondorfer seconded. Vote 3 ayes.
- I. APPOINT IVAN VALENTIC TO BOARD OF ZONING APPEALS REGULAR MEMBER EFFECTIVE APRIL 1, 2022 THROUGH MARCH 31, 2027. Mr. Dondorfer moved to appoint Ivan Valentic to Board of Zoning Appeals Regular Member effective April 1, 2022 through March 31, 2027. Mr. McIntosh seconded. Vote 3 ayes.
- J. PO TO CEC INC. IN THE AMOUNT OF \$16,100.00 FOR A STUDY ON OAKRIDGE DRIVE FOR DRAINAGE IMPROVEMENTS. Mr. McIntosh moved to approve the PO to CEC Inc. in the amount of \$16,100.00 for a study on Oakridge Drive for drainage improvements. Mr. Dondorfer seconded. Vote 3 ayes.
- K. PO TO CEC INC. IN THE AMOUNT OF \$44,000.00 FOR PROFESSIONAL ENGINEERING SERVICES FOR A NEW SERVICE DEPARTMENT COLD STORAGE BUILDING. Mr. Dondorfer moved to approve the PO to CEC Inc. in the amount of \$44,000.00 for Professional Engineering Services for a new Service Department cold storage building. Mr. McIntosh seconded. Vote 3 ayes.
- L. CEMETERY DEPT. PO TO LAKE ERIE SHORES CONTRACTING IN THE AMOUNT OF \$5,125.00 FOR ADDING TOP SOIL AND HYDRO SEED TO COMPLETE THE 1965 EXPANSION. Mr. McIntosh moved to approve the Cemetery Dept. PO to Lake Erie Shores Contracting in the amount of \$5,125.00 for adding top soil and hydro seed to complete the 1965 expansion. Mr. Dondorfer seconded. Vote 3 ayes.
- M. FIRE DEPT. APPROVE PO TO ATWELLS POLICE & FIRE EQUIPMENT IN THE AMOUNT OF \$17,000.00 FOR FIRE DEPARTMENT UNIFORMS. Mr. Dondorfer moved to approve the Fire Dept. PO to Atwells Police & Fire Equipment in the amount of \$17,000.00 for Fire Dept. uniforms. Mr. McIntosh seconded. Vote 3 ayes.
- N. READ LAKE COUNTY DEPARTMENT OF JOB AND FAMILY SERVICES PROCLAMATION. Mr. Rose read the Lake County Department of Job and Family Service Proclamation.
- O. FUTURE MEETINGS & ANNOUNCEMENTS:
- | | | |
|------|--------------|--|
| 4/13 | 7:00 PM | BZA / Town Hall |
| 4/20 | 6:30-7:30 PM | TRUSTEE OFFICE HOURS / Conference Room |
| | 7:30 PM | TRUSTEE MEETING / Town Hall |

Upon proper motion the meeting was adjourned at 8:36 pm.

For financial information go to: checkbook.ohio.gov



Amy L. Lucci, Chairperson



Amy L. Dawson, Fiscal Officer