

RECORD OF PROCEEDINGS

Minutes of Concord Township Board of Trustees Meeting

Held on October 5, 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 a Public Hearing on October 5, 2022, 7:15 pm., in Township Hall, located at 7229 Ravenna Road. Chairman Amy L. Lucci called the meeting to order. Trustees present were Carl H. Dondorfer, Morgan R. McIntosh and Amy L. Lucci.

It was established legal notice had been made.

The purpose of the public hearing was to discuss the proposed zoning amendments to the Concord Township Zoning Resolution, as initiated by motion of the Zoning Commission. The following was read by Mrs. Lucci:

Amendment #1: Zoning Map Amendment to rezone current permanent parcel number 08-A-014-0-00-012-0, which is owned by Stephen Lovick and located on the north side of Concord Hambden Road between Auburn Road and Ravenna Road, from the current zoning district of THN, Town Hall Neighborhood to R-1, Residential District.

Amendment #2: Modify Section VI, General Requirements, to delete all references to the THN, Town Hall Neighborhood District.

Amendment #3: Modify Section 11.02, Site Plan Review Required Prior to Issuance of a Zoning Permit to delete the reference to the THN, Town Hall Neighborhood District.

Amendment #4: Modify Conditional Use Permit Sections 13.07, 13.08, 13.18, 13.20, 13.24 and 13.33 to delete all references to the THN, Town Hall Neighborhood District

Amendment #5: Modify Section XIV, Use Districts, to delete the THN, Town Hall Neighborhood District

Amendment #6: Modify Section XXII, Commercial and Industrial District Regulations to delete all references to the THN, Town Hall Neighborhood District.

Amendment #7: Modify Section 30.05, Permanent Signs in Commercial, Manufacturing and Research Districts to delete all references to the THN, Town Hall Neighborhood District.

Amendment #8: Modify Fences Section 34.01, Applicability to delete reference to the THN, Town Hall Neighborhood District.

Amendment #9: Modify Section 36.02, Site Plan Review Required to delete reference to the THN, Town Hall Neighborhood District.

Amendment #10: Modify Design Standards Section 37.03, Requirement to delete all references to the THN, Town Hall Neighborhood District.

Amendment #11: Modify Section XXXVIII, Landscape and Screening Requirements to delete all references to the THN, Town Hall Neighborhood District.

Heather Freeman, Zoning Director, discussed the proposed zoning amendments to the Concord Township Zoning Resolution. The Zoning Commission held their hearing on September 6th, and voted to recommend approval of the amendments. The Lake County Planning Commission also recommended that the amendments be made.

Mrs. Lucci asked if there was any public here to speak for or against the amendments.

There were no public comments.

At 7:20 pm, Mrs. Lucci closed the Public Hearing.

The Concord Township Board of Trustees met for a Regular meeting on October 5, 2022, 7:30 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:

September 21, 2022 Regular Trustees Meeting. Mr. Dondorfer moved to approve the September 21, 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 was absent.

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DEPARTMENT REPORTS:

A. ADMINISTRATION DEPT. – Andy Rose, Administrator

Andy Rose, Administrator, covered issues pertaining to the general business of the Township.

B. FIRE DEPT. – Chief Sabo

Chief Sabo reviewed the Fire Department's September activity.

C. SERVICE DEPT. – Tim Brown, Service Director

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

D. ZONING DEPT. – Heather Freeman, Zoning Director

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

E. RECREATION DEPT. – Rachel Lamb and Tracy Butler, Program Coordinators for the Recreation Dept.

Rachel Lamb, Program Coordinator, reviewed the Recreation Department's September activities in Concord Township. Tracy Butler, Program Coordinator, talked about the upcoming Halloween Spooktacular.

F. CONCORD LAW ENFORCEMENT REPORT – Sheriff's Office

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

AUDIENCE:

None

OLD BUSINESS:

None

NEW BUSINESS:

- A. SEPTEMBER FINANCIAL REPORT. Mr. Dondorfer moved to approve the September Financial Report. Mr. McIntosh seconded. Vote 3 ayes.
- B. RES. 2022-25 ADDENDUM TO SHEETZ SETTLEMENT AGREEMENT. Mr. McIntosh moved to adopt the following resolution:

RESOLUTION NO. 2022-25

A RESOLUTION BY THE BOARD OF TRUSTEES AUTHORIZING AN ADDENDUM TO THE ORIGINAL RELEASE AND SETTLEMENT AGREEMENT OF LITIGATION WITH SHEETZ, INC., AND NORMANDY PROPERTIES LIMITED PARTNERSHIP, LTD.

WHEREAS, Sheetz, Inc., and Normandy Properties Limited Partnership, Ltd., and Concord Township, Ohio and the Concord Township Zoning Commission are parties to a declaratory judgment and mandamus injunction lawsuit in the Lake County Common Pleas Court captioned Sheetz, Inc., et al. v. Concord Township, et al., Case No. 22CV000560, and a second and independently filed administrative appeal pursuant to R. C. Chapter 2506 in the Lake County Common Pleas Court captioned Sheetz, Inc., et al. v. Concord Township, et al., Case No. 22CV000517 (hereinafter collectively the "Litigation"); and

WHEREAS, the Parties have previously entered into a Release and Settlement Agreement ("Agreement") of the Litigation; and

WHEREAS, the Parties now agree that an Addendum should be entered into to fully clarify and delineate the portion of the Property subject to the Litigation and subsequent Agreement from the remainder portion of the Property exclusive from the Litigation and resulting Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Concord Township Board of Trustees, Lake County, Ohio that the following Resolution is hereby authorized and adopted as follows:

SECTION 1. That the Board of Trustees hereby authorizes an Addendum to be entered into between the Parties for the sole and exclusive purpose of clarifying the portion of the Property subject to the Litigation and resulting Agreement from the remainder portion of the Property exclusive of the Litigation and Agreement.

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SECTION 2. That the Board hereby authorizes and directs legal counsel to take all actions and do all things determined by counsel to be necessary or appropriate in order to effectuate the Addendum identified herein.

SECTION 3. 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. Roll Call Vote: Mr. Dondorfer – yes; Mr. McIntosh – yes; Mrs. Lucci – yes.

- C. FIRE DEPT. APPROVE PROMOTION OF PROBATIONARY FIREFIGHTER/EMT NICHOLAS LIGHT TO REGULAR STATUS FIREFIGHTER/EMT EFFECTIVE OCTOBER 3, 2022. Mr. Dondorfer moved to approve Fire Dept. promotion of Probationary Firefighter/EMT Nicholas Light to Regular Status Firefighter/EMT effective October 3, 2022. Mr. McIntosh seconded. Vote 3 ayes.
- D. APPOINT RONALD TERRIACO TO ZONING COMMISSION, ALTERNATE MEMBER, EFFECTIVE OCTOBER 5, 2022 THROUGH OCTOBER 4, 2024. Mr. McIntosh moved to appoint Ronald Terriaco to Zoning Commission, Alternate Member, effective October 5, 2022 through October 4, 2024. Mr. Dondorfer seconded. Vote 3 ayes.
- E. APPOINT THEODORE R. HACH JR. TO BOARD OF ZONING APPEALS, ALTERNATE MEMBER, EFFECTIVE OCTOBER 5, 2022 THROUGH OCTOBER 4, 2024. Mr. Dondorfer moved to appoint Theodore R. Hach Jr. to Board of Zoning Appeals, Alternate Member, effective October 5, 2022 through October 4, 2024. Mr. McIntosh seconded. Vote 3 ayes.
- F. APPOINT DAVEY ROWAN TO BOARD OF ZONING APPEALS, REGULAR MEMBER, EFFECTIVE OCTOBER 5, 2022 THROUGH MARCH 31, 2025. Mr. McIntosh moved to appoint Davey Rowan to Board of Zoning Appeals, Regular Member, effective October 5, 2022 through March 31, 2025. Mr. Dondorfer seconded. Vote 3 ayes.
- G. DECISION FROM PUBLIC HEARING FOR ZONING AMENDMENTS TO THE CONCORD TOWNSHIP ZONING RESOLUTION, AS INITIATED BY MOTION OF THE ZONING COMMISSION AS FOLLOWS:

Amendment #1: Zoning Map Amendment to rezone current permanent parcel number 08-A-014-0-00-012-0, which is owned by Stephen Lovick and located on the north side of Concord Hambden Road between Auburn Road and Ravenna Road, from the current zoning district of THN, Town Hall Neighborhood to R-1, Residential District. Mr. Dondorfer moved to approve Amendment #1: Zoning Map Amendment to rezone current permanent parcel number 08-A-014-0-00-012-0, which is owned by Stephen Lovick and located on the north side of Concord Hambden Road between Auburn Road and Ravenna Road, from the current zoning district of THN, Town Hall Neighborhood to R-1, Residential District. Mr. McIntosh seconded. Roll Call Vote: Mr. Dondorfer – yes; Mr. McIntosh – yes; Mrs. Lucci – yes.

Amendment #2: Modify Section VI, General Requirements, to delete all references to the THN, Town Hall Neighborhood District. Mr. McIntosh moved to approve Amendment #2: Modify Section VI, General Requirements, to delete all references to the THN, Town Hall Neighborhood District. Mr. Dondorfer seconded. Roll Call Vote: Mr. Dondorfer – yes; Mr. McIntosh – yes; Mrs. Lucci – yes.

Amendment #3: Modify Section 11.02, Site Plan Review Required Prior to Issuance of a Zoning Permit to delete the reference to the THN, Town Hall Neighborhood District. Mr. Dondorfer moved to approve Amendment #3: Modify Section 11.02, Site Plan Review Required Prior to Issuance of a Zoning Permit to delete the reference to the THN, Town Hall Neighborhood District. Mr. McIntosh seconded. Roll Call Vote: Mr. Dondorfer – yes; Mr. McIntosh – yes; Mrs. Lucci – yes.

Amendment #4: Modify Conditional Use Permit Sections 13.07, 13.08, 13.18, 13.20, 13.24 and 13.33 to delete all references to the THN, Town Hall Neighborhood District. Mr. McIntosh moved to approve Amendment #4: Modify Conditional Use Permit Sections 13.07, 13.08, 13.18, 13.20, 13.24 and 13.33 to delete all references to the THN, Town Hall Neighborhood District. Mr. Dondorfer seconded. Roll Call Vote: Mr. Dondorfer – yes; Mr. McIntosh – yes; Mrs. Lucci – yes.

Amendment #5: Modify Section XIV, Use Districts, to delete the THN, Town Hall Neighborhood District. Mr. Dondorfer moved to approve Amendment #5: Modify Section XIV, Use Districts, to delete the THN, Town Hall Neighborhood District. Mr. McIntosh seconded. Roll Call Vote: Mr. Dondorfer – yes; Mr. McIntosh – yes; Mrs. Lucci – yes.

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Amendment #6: Modify Section XXII, Commercial and Industrial District Regulations to delete all references to the THN, Town Hall Neighborhood District. Mr. McIntosh moved to approve Amendment #6: Modify Section XXII, Commercial and Industrial District Regulations to delete all references to the THN, Town Hall Neighborhood District. Mr. Dondorfer seconded. Roll Call Vote: Mr. Dondorfer – yes; Mr. McIntosh – yes; Mrs. Lucci – yes.

Amendment #7: Modify Section 30.05, Permanent Signs in Commercial, Manufacturing and Research Districts to delete all references to the THN, Town Hall Neighborhood District. Mr. Dondorfer moved to approve Amendment #7: Modify Section 30.05, Permanent Signs in Commercial, Manufacturing and Research Districts to delete all references to the THN, Town Hall Neighborhood District. Mr. McIntosh seconded. Roll Call Vote: Mr. Dondorfer – yes; Mr. McIntosh – yes; Mrs. Lucci – yes.

Amendment #8: Modify Fences Section 34.01, Applicability to delete reference to the THN, Town Hall Neighborhood District. Mr. McIntosh moved to approve Amendment #8: Modify Fences Section 34.01, Applicability to delete reference to the THN, Town Hall Neighborhood District. Mr. Dondorfer seconded. Roll Call Vote: Mr. Dondorfer – yes; Mr. McIntosh – yes; Mrs. Lucci – yes.

Amendment #9: Modify Section 36.02, Site Plan Review Required to delete reference to the THN, Town Hall Neighborhood District. Mr. Dondorfer moved to approve Amendment #9: Modify Section 36.02, Site Plan Review Required to delete reference to the THN, Town Hall Neighborhood District. Mr. McIntosh seconded. Roll Call Vote: Mr. Dondorfer – yes; Mr. McIntosh – yes; Mrs. Lucci – yes.

Amendment #10: Modify Design Standards Section 37.03, Requirement to delete all references to the THN, Town Hall Neighborhood District. Mr. McIntosh moved to approve Amendment #10: Modify Design Standards Section 37.03, Requirement to delete all references to the THN, Town Hall Neighborhood District. Mr. Dondorfer seconded. Roll Call Vote: Mr. Dondorfer – yes; Mr. McIntosh – yes; Mrs. Lucci – yes.


Amendment #11: Modify Section XXXVIII, Landscape and Screening Requirements to delete all references to the THN, Town Hall Neighborhood District. Mr. Dondorfer moved to approve Amendment #11: Modify Section XXXVIII, Landscape and Screening Requirements to delete all references to the THN, Town Hall Neighborhood District. Mr. McIntosh seconded. Roll Call Vote: Mr. Dondorfer – yes; Mr. McIntosh – yes; Mrs. Lucci – yes.

H. FUTURE MEETINGS & ANNOUNCEMENTS:

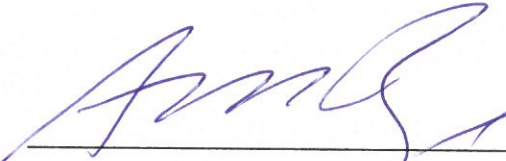
- 10/10 CLOSED IN OBSERVANCE OF COLUMBUS DAY
- 10/12 7:00 PM BZA / Town Hall
- 10/19 6:30-7:30 PM TRUSTEE OFFICE HOURS /Conference Room
- 7:30 PM TRUSTEE MEETING / Town Hall

Upon proper motion the meeting was adjourned at 8:11 pm.

For financial information go to: checkbook.ohio.gov



Amy L. Lucci, Chairperson



Andy Rose, Administrator