

RECORD OF PROCEEDINGS

Minutes of Concord Township Board of Trustees Meeting

Held on December 7, 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 December 7, 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 Petition of Landowner seeking to be included in the Concord Township – City of Painesville Joint Economic Development District (JEDD), submitted by IN9 Group. LLC, owner of Permanent Parcel Number 08-A-020-B-00-002-0 located on Gold Court and 08-A-020-0-00-048-0 located on Crile Road in Concord Township.

Rita McMahon, JEDD Administrator, discussed the petition.

Mrs. Lucci asked for any public comment.

Mrs. Lucci closed the Public Hearing at 7:20 pm as there was no public comment.

The Concord Township Board of Trustees met for a Regular meeting on December 7, 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.

LAKE COUNTY EMA UPDATE – Joe Busher

Mr. Busher discussed Resolution 2022-30 on the agenda for the Lake County Multi-Jurisdictional Hazard Mitigation Plan.

APPROVAL OF MINUTES:

November 16, 2022 Regular Trustees Meeting. Mr. Dondorfer moved to approve the November 16, 2022 Regular Meeting Minutes as written. Mr. McIntosh seconded. Vote 3 ayes.

November 28, 2022 Special Trustees Meeting. Mr. McIntosh moved to approve the November 28, 2022 Special Meeting Minutes as written. Mr. Dondorfer seconded. Vote 3 ayes.

ELECTED OFFICIALS REPORT:

A. FISCAL OFFICER – James W. Teknipp

Mr. Teknipp reviewed the state of Concord Township finances since the last meeting.

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

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

B. FIRE DEPT. – Deputy Chief Biddell

Deputy Chief Biddell reviewed the Fire Department's November activity.

C. SERVICE DEPT. – Andy Rose, Administrator

Mr. Rose reviewed the Service Department's November activity in Concord Township.

D. ZONING DEPT. – Heather Freeman, Zoning Director

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

E. RECREATION DEPT. – Susie Cobb, Administrative Assistant for the Recreation Dept.

Susie Cobb, Administrative Assistant, reviewed the Recreation Department's December activities in Concord Township.

F. CONCORD LAW ENFORCEMENT REPORT – Sheriff's Office

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

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AUDIENCE:

Attorney Lisa Mack, representing three (3) homeowners whose properties abuts Ivy Ridge, requested the Trustees "stay the vote" for the Final Development Plan for Ivy Ridge Phase 1, Quail Hollow Planned Unit Development until the BZA Appeal is settled in Lake County Court. Ms. Mack stated, even if voted on tonight, nothing can happen until the meeting minutes are approved and voted on by the Trustees. Mr. Dondorfer asked Ms. Mack to clarify the meaning of "stay" and who has the authority to grant that. Ms. Mack then rephrased and asked for the vote to be postponed until the BZA Appeal is settled in Lake County.

Dave Vitaz of 8075 North Orchard Road gave condolences to the family of Amy Dawson. He then made a statement, which he had addressed previously, of issues with the Ivy Ridge Development.

Chris Lazuka of 8130 North Orchard Road asked Mr. Lucas (Township Legal Counsel) a question about the order of events of BZA Appeal and Trustees vote. Mr. Lucas commented the votes are separate and independent of each other. He also stated "If the Trustees deny the plan there is no variance and the lawsuit ends because the grant of the variance was expressly conditioned upon the Trustees final approval of the plan." Mr. Lazuka commented he would like the Trustees to "pause" before voting.

OLD BUSINESS:

None

NEW BUSINESS:

- A. NOVEMBER FINANCIAL REPORT. Mr. Dondorfer moved to approve the November Financial Report. Mr. McIntosh seconded. Vote 3 ayes.
- B. RES. 2022-29, A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A FIFTH AMENDMENT TO THE CONCORD TOWNSHIP-CITY OF PAINESVILLE JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT, *NUNC PRO TUNC* AMENDMENT, SECOND AMENDMENT, THIRD AMENDMENT, AND FOURTH AMENDMENT RESPECTIVELY, TO INCLUDE ADDITIONAL PROPERTY WITHIN THE JOINT ECONOMIC DEVELOPMENT DISTRICT, AND DECLARING AN EMERGENCY. Mr. McIntosh moved to adopt the following resolution:

RESOLUTION NO. 2022-29

A RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF A FIFTH AMENDMENT TO THE CONCORD TOWNSHIP-CITY OF PAINESVILLE JOINT ECONOMIC DEVELOPMENT DISTRICT CONTRACT, NUNC PRO TUNC AMENDMENT, SECOND AMENDMENT, THIRD AMENDMENT, AND FOURTH AMENDMENT RESPECTIVELY, TO INCLUDE ADDITIONAL PROPERTY WITHIN THE JOINT ECONOMIC DEVELOPMENT DISTRICT, AND DECLARING AN EMERGENCY

WHERE AS, the Township of Concord ("Concord"), and the City of Painesville ("Painesville"), previously entered into the Concord Township-City of Painesville Joint Economic Development District Contract (the "JEDD Contract"), that created the Concord Township-City of Painesville Joint Economic Development District (the "JEDD District") for the purpose, inter alia, of facilitating economic development to create jobs and employment opportunities and to improve the economic welfare of the people in the State of Ohio and in the areas of Concord and Painesville, and

WHEREAS, Concord and Painesville subsequently amended the JEDD Contract for the limited clerical purpose of correcting certain statutory citations originally included within the JEDD Contract (the "Nunc Pro Tunc Amendment"), and thereafter by a Second Amendment to include additional property within the JEDD District ("Second Amendment"); a Third Amendment to include additional property ("Third Amendment"); and a Fourth Amendment ("Fourth amendment") to include additional property; and

WHEREAS, pursuant to Section 5 of the JEDD Contract, Concord and Painesville may amend the JEDD Contract and any amendments enacted thereafter to add areas to the JEDD District, now in accordance with and pursuant to Ohio Revised Code Section 715.72; and

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WHEREAS, Concord and Painesville desire to amend the JEDD Contract, Nunc Pro Tunc Amendment, Second Amendment, Third Amendment and Fourth Amendment to add the property owned by IN9 Group, LLC, owner of Permanent Parcel Number 08-A-020-B-00-002-0 located on Gold Court and 08-A-020-0-00-048-0 located on Crile Road in Concord Township (collectively the "Property") to the JEDD District; and

WHEREAS, pursuant to Ohio Revised Code Section 715.72, Concord published notice of the time and place of a public hearing regarding the Amendment at least thirty (30) days prior to the hearing; and

WHEREAS, since publication of that notice, there has been on file with the Fiscal Officer of Concord : (1) a copy of the proposed Amendment, (2) a description of area or areas to be included in the JEDD District by the Amendment, (3) a map of the areas in sufficient detail to denote the specific boundaries of the area or areas, and (4) a zoning map indicating zoning district classifications and any restrictions applicable to the area or areas, the Economic Development Plan for the JEDD, the income tax schedule; and

WHEREAS, the description and map of the Property sought to be added to the JEDD District is attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, a majority of owners of the Property have expressed approval of the Amendment of the JEDD Contract, Nunc Pro Tunc Amendment, the Second Amendment, Third Amendment and Fourth Amendment to add the Property to the JEDD District; and

WHEREAS, both Concord and Painesville agree that amending the JEDD Contract to add the Property to the JEDD District furthers the above-stated purposes for which the JEDD District was created; and

WHEREAS, Concord has held its public hearing on December 7, 2022, regarding the proposed Amendment that allows public comment and recommendations on the proposed Amendment and the JEDD District as amended;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Concord Township, Lake County, State of Ohio as follows:

Section 1. That Concord by and through its Board of Trustees finds and determines that the Fifth Amendment of the JEDD District will facilitate economic development to create and preserve jobs and employment opportunities and to improve the economic welfare of the people in the State of Ohio and in the areas of Concord and Painesville.

Section 2. That the Concord Township Board of Trustees shall execute and deliver such instruments and certificates necessary to effectuate the amendment of the JEDD District by this amendment, including but not limited to the Fifth Amendment to the JEDD Contract, Nunc Pro Tunc Amendment, Second Amendment, Third Amendment, and Fourth Amendment respectively, in a form substantially similar to the Fifth Amendment annexed as Exhibit B and incorporated herein.

Section 3. That the Property shall be subject to the same terms and conditions of the JEDD Contract, Nunc Pro Tunc Amendment, the Second Amendment, Third Amendment and Fourth Amendment as are all other properties located in the JEDD District.

Section 4. All other terms and conditions of the JEDD Contract, Nunc Pro Tunc Amendment, Second Amendment, Third Amendment and Fourth Amendment, respectively not in conflict herewith shall remain the same and shall not be altered, amended, or otherwise affected, in any way by execution of this 2022 JEDD Contract Fifth Amendment.

Section 5. 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.

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Section 6. This Resolution is hereby deemed to be an emergency measure in order to insure the timely and most beneficial filing of the subject application, the same being deemed necessary for the preservation of the health, safety and welfare of the citizens of Concord Township, and it shall therefore be and remain in full force and effect from and after its passage by the Board of Trustees.

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

- C. RES. 2022-30, ADOPT LAKE COUNTY MULTI JURISDICTIONAL HAZZARD MITIGATION PLAN
Mr. Dondorfer moved to adopt the following resolution:

RESOLUTION NO. 2022-30

A RESOLUTION ADOPTING THE UPDATED LAKE COUNTY HAZARD MITIGATION PLAN.

WHEREAS, natural, technological and human-caused hazards can affect the Township of Concord; and

WHEREAS, significant structural, historical, and economic losses could result from an occurrence of natural, technological, or human caused hazard events; and

WHEREAS, proactively undertaking mitigation projects during pre-disaster periods could decrease the total losses the Township of Concord incurs as a result of said hazard occurrences; and;

WHEREAS, the Board of Trustees of Concord Township has a strong interest in reducing losses from future hazard occurrences; and

WHEREAS the hazard mitigation plan is a federal and state requirement to maintain eligibility for hazard mitigation fundings, and by that requirement, must be updated a minimum of every five (5) years; and

WHEREAS, a cooperative, joint effort is a proven, efficient way to plan for and reduce hazard susceptibility in all government jurisdictions in Lake County, Ohio; and

WHEREAS, the Board of Trustees of Concord Township has therefore partnered with the County to update the existing Lake County Hazard Mitigation Plan, adopted on December 7, 2010, in an effort to further identify, define and characterize the hazards affecting the Township as well as to continue identifying and prioritizing projects that could lessen hazard vulnerability;

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 adopts the updated Lake County Hazard Mitigation Plan (as presented and with any federally-required modifications).

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. McIntosh seconded. Vote 3 ayes.

- D. ENTER INTO A PROFESSIONAL SERVICES AGREEMENT, AS NEEDED, WITH CEC INC., NOT TO EXCEED \$25,000, FOR THE 2023 CALENDAR YEAR. Mr. McIntosh moved to enter into a Professional Services Agreement, as needed, with CEC Inc., not to exceed \$25,000, for the 2023 calendar year. Mr. Dondorfer seconded. Vote 3 ayes.
- E. REAPPOINT MORGAN MCINTOSH AS THE CONCORD TOWNSHIP REPRESENTATIVE FOR THE CONCORD-PAINESVILLE JOINT ECONOMIC DEVELOPMENT DISTRICT. Mr. Dondorfer moved to reappoint Morgan McIntosh as the Concord Township representative for the Concord-Painesville Joint Economic Development District. Mrs. Lucci seconded. Vote 2 ayes. Mr. McIntosh abstained.
- F. APPROVE SEAN SUPLER AS RECREATION DIRECTOR EFFECTIVE JANUARY 3, 2023 AT \$70,000/YEAR, PENDING COMPLETION OF NEW HIRE PAPERWORK. Mr. McIntosh moved to approve Sean Supler as Recreation Director effective January 3, 2023 at \$70,000/year, pending completion of new hire paperwork. Mr. Dondorfer seconded. The Trustees had a brief discussion. Vote 3 ayes.
- G. APPROVE THE FINAL DEVELOPMENT PLAN FOR IVY RIDGE PHASE I, QUAIL HOLLOW PLANNED UNIT DEVELOPMENT. Mr. Dondorfer moved to approve the Final Development Plan for Ivy Ridge Phase I, Quail Hollow Planned Unit Development. Mr. McIntosh seconded. Mrs. Lucci asked Heather Freeman, Zoning Director, to comment on the plan before them. Mrs. Freeman reviewed the plan to be in compliance with the PUD standards for Quail Hollow. She stated she reviewed and checked this final plan based on the specific variance that was granted by the BZA, as it was not a blanket 25-foot buffer, but was very specific to the areas where the variance was granted with the one (1) condition that the

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variance would not go into effect until the Board of Trustees approved it. Mrs. Freeman also commented if the Board chooses to vote tonight she would recommend approval as the plan and variance is in compliance. Mrs. Lucci then proceeded to give some background as far as the timeline of the project and read two emails between the developer and property owners as follows.

Chris and Steph Lannon of 11391 Girdled Road, agree to the following conditions: Ralph Victor Construction Inc. permitted to place a six foot privacy fence upon their property in accordance with any tree or shrubbery inhibiting the placement of the fence or posing a risk to the construction site including but not limited to electrical wiring, or infrastructure to the project may be removed by the project team and that any tree in poor condition be removed by the project team as the homeowner does not claim any liability for damages

Mary Jo Circa of 11419 Girdled Road agreed to a six-foot vinyl fence, one foot into her property line back to the wood line, to be placed on the west property line to block traffic noise and lights coming into Ivy Ridge Development.

The Trustees had a discussion. Vote 3 ayes.

- H. AUTHORIZE ADMINISTRATOR TO SIGN AN ELECTRICAL SERVICE AGREEMENT TO RENEW ELECTRICAL SERVICE RATES FOR ALL CONCORD TOWNSHIP FACILITIES. Mr. McIntosh moved to authorize the Administrator to sign an electrical service agreement to renew electrical services rates for all Concord facilities. Mr. Dondorfer seconded. Vote 3 ayes.
- I. ITEMS VOTED ON AT THE DECEMBER 2, 2022, STAFF MEETING. Mr. Teknipp read the following items voted on at the December 2, 2022 Staff Meeting:

1. RES. 2022-28 APPOINTING A FISCAL OFFICER TO COMPLETE THE UNEXPIRED TERM OF FISCAL OFFICER AMY L. DAWSON, NOW VACANT DUE TO HER DEATH, AND TO HOLD THE SAME UNTIL A SUCCESSOR IS ELECTED AND QUALIFIED. Mr. McIntosh moved to adopt the following resolution:

RESOLUTION NO. 2022-28

A RESOLUTION BY THE CONCORD TOWNSHIP BOARD OF TRUSTEES APPOINTING A FISCAL OFFICER TO COMPLETE THE UNEXPIRED TERM OF FISCAL OFFICER AMY L. DAWSON, NOW VACANT DUE TO HER DEATH, AND TO HOLD THE SAME UNTIL A SUCCESSOR IS ELECTED AND QUALIFIED.

WHEREAS, the position of Fiscal Officer of Concord Township is currently vacant as a result of the death of Amy L. Dawson on Thursday, November 3, 2022; and

WHEREAS, the Board of Trustees pursuant to Ohio Revised Code Section 503.24 is required to appoint a qualified elector to fill such vacancy for Amy L. Dawson's unexpired term and to hold the same until a successor is elected and qualified, and thereby facilitate the continued and uninterrupted operation of the Township;

NOW, THEREFORE, BE IT RESOLVED, by the Concord Township Board of Trustees, Lake County, Ohio, as follows:

Section 1. That the Board of Trustees is hereby appoints James W. Teknipp, a qualified elector of the Township to the office of Concord Township Fiscal Officer, and thereby fill the vacancy and unexpired term of Amy L. Dawson, and to hold the same until a successor is elected and qualified in accordance with Ohio law.

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

2. ENTER INTO EXECUTIVE SESSION FOR THE PURPOSE OF DISCUSSING EMPLOYEE COMPENSATION PURSUANT TO OHIO REVISED CODE 121.22 (G) (1). At 10: 13 am Mr. Dondorfer moved to enter into Executive Session for the purpose of discussing employee compensation pursuant to Ohio Revised Code 121.22 (G) (1). Mr. McIntosh seconded. Roll Call Vote: Mr. Dondorfer – yes; Mr. McIntosh – yes; Mrs. Lucci – yes. Vote 3 ayes. At 10:44 am Mr. McIntosh moved to exit out of Executive Session. Mr. Dondorfer seconded. Vote 3 ayes.

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J. FUTURE MEETINGS & ANNOUNCEMENTS:

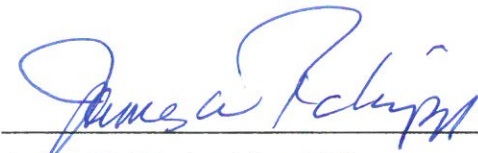
12/14	7:00 PM	BZA / Town Hall
12/21	6:30-7:30 PM 7:30 PM	TRUSTEE OFFICE HOURS /Conference Room TRUSTEE MEETING / Town Hall

Upon proper motion the meeting was adjourned.

For financial information go to: checkbook.ohio.gov



Amy L. Lucci, Chairperson



James W. Teknipp, Fiscal Officer