

RECORD OF PROCEEDINGS

Minutes of Concord Township Board of Trustees Meeting

Held on February 5, 2024

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

The Concord Township Board of Trustees met for a Public Hearing on February 5, 2024, 7:20 pm., in Township Hall, located at 7229 Ravenna Road. Chairperson Carl H. Dondorfer 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.

Mr. Dondorfer asked Zoning Director Heather Freeman to provide an overview of the following proposed Zoning Text Amendments to the Concord Township Zoning Resolution, as initiated by the Zoning Commission:

- **Amendment #1:** Modify Section 16.13, Approval by adding a new requirement that the approved preliminary development plan is an integral part of the Zoning Resolution and any deviations are considered a zoning violation. Revise Section XVI throughout to ensure consistent use of the terms preliminary development plan and final development plan.
- **Amendment #2:** Modify Section 16.14, Township Final Development Plan to have the Zoning Commission review and approve the Final Development Plan in lieu of the Trustees. Process and timeframe for submitting final development plan is being taken out of this section and updated in Section 16.16. Review criteria is being added for the Zoning Commission to consider while reviewing the final development plan.
- **Amendment #3:** Modify Section 16.15, Zoning Permits by deleting reference to the Trustees.
- **Amendment #4:** Modify Section 16.16, Modifications from an approved development plan by adding in new time limits and process for extensions on approvals. Clarification is made regarding modifications to previously approved preliminary or final development plans.
- **Amendment #5:** Modify Section 16.17(A)(1) and (2) by referring to the Zoning Inspector instead of he.
- **Amendment #6:** Modify Section 16.29(B) Township Preliminary and Final Development Plan Review Procedures by deleting a portion of subsection B that states the final development plan approval for the township occurs simultaneously with the approval of the final plat.
- **Amendment #7:** Modify Section 16.30, Zoning Permit to clarify that permits will be issued after the recording of the final plat.
- **Amendment #8:** Modify Section 16.31, Modifications by adding time limits and extensions

Ms. Freeman indicated that the Zoning Commission held several work sessions to review Section 16 which provides the regulations for the R-2 Planned Unit Development District and Residential Conservation Development Districts. The Zoning Commission held two public hearings on the amendments prior to recommending approval to the Trustees. Additionally, the Lake County Planning Commission's recommendations on the amendments were also taken into consideration, of which several were included as part of the proposed revisions.

There were no public comments. Mr. Dondorfer closed the Public Hearing at 7:25 pm.

The Concord Township Board of Trustees met for a Regular meeting on February 5, 2024, 7:30 pm, in Town Hall, located at 7229 Ravenna Road. Chairperson Carl H. Dondorfer called the meeting to order and led in the Pledge of Allegiance. Trustees present were Amy L. Lucci, Morgan R. McIntosh and Carl H. Dondorfer.

APPROVAL OF MINUTES:

January 17, 2024 Regular Meeting Minutes. Mr. McIntosh moved to approve the January 17, 2024 Regular Meeting Minutes as written. Mrs. Lucci 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

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

The Trustees had a discussion on law enforcement.

DEPARTMENT REPORTS:

A. ADMINISTRATION DEPT. – Andy Rose, Administrator

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

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B. FIRE DEPT. – Chief Sabo

Chief Sabo reviewed the Fire Department's January activity.

C. SERVICE DEPT. – Tim Brown, Service Director

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

D. ZONING DEPT. – Heather Freeman, Zoning Director

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

E. RECREATION DEPT. – Sean Supler, Recreation Director

Sean Supler, Recreation Director, reviewed the Recreation Department's January/February activities in Concord Township.

F. CONCORD LAW ENFORCEMENT REPORT – Sheriff's Office

Lt. Musleh read the Sheriff Department's January activity report in Concord Township.

AUDIENCE:

None

OLD BUSINESS:

None

NEW BUSINESS:

- A. Mrs. Lucci moved to suspend the rules for Resolution 2024-03 to consider this resolution on one reading. Mr. McIntosh seconded. Vote 3 ayes.

RESOLUTION NO. 2024-03 RESOLUTION PROHIBITING THE CULTIVATION, PROCESSING, AND RETAIL SALE OF "ADULT USE" CANNABIS WITHIN CONCORD TOWNSHIP AND DECLARING AN EMERGENCY AND DISPENSING WITH THE SECOND READING. Mrs. Lucci moved to adopt the following resolution:

RESOLUTION NO. 2024-03

RESOLUTION PROHIBITING the cultivation, processing, and retail sale of "adult Use" cannabis within Concord Township and declaring an EMERGENCY and dispensing with the second reading.

WHEREAS, issue 2, now Chapter 3780 of the Ohio Revised Code, passed by a majority of Ohio voters and become effective December 7, 2023; and

WHEREAS, new Chapter 3780 of the Ohio Revised Code establishes a Division of Cannabis Control within the Department of Commerce, which shall provide for the licensure of "adult use" cannabis cultivators and processors, cannabis testing laboratories, and "adult use" dispensaries; and

WHEREAS, for the purposes of this Resolution, the definitions of "cultivators", "processors", and "adult use dispensaries" are given the same definitions as those found in Chapter 3780 of the Ohio Revised Code, which Chapter becomes effective December 7, 2023; and

WHEREAS, Section 3780.25 of the Ohio Revised Code authorizes a township board of trustees to adopt a resolution limiting the number of, entirely prohibiting, cultivators, processors, or "adult use" dispensaries licensed under Ohio Revised Code Chapter 3780 (collectively referred to as "adult use operators") within the unincorporated territory of the township; and

WHEREAS, the Board of Trustees of Concord Township finds it to be in the best interest of Concord Township to prohibit adult use cannabis operators within the unincorporated area of Concord Township;

WHEREAS, pursuant to its authority under Section 3780.25 of the Ohio Revised Code, Concord Township wishes to prohibit adult use cannabis operators within the unincorporated area of in Concord Township.

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

Section 1. That pursuant to its powers under Ohio Revised Code Section 3780.25, and Ohio Revised Code Chapter 504, the Concord Township Board of Trustees hereby prohibits adult use cannabis operators within the unincorporated area of Concord Township.

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Section 2. Upon majority vote, the Board dispenses with the requirement that this Resolution be read on two separate days and authorizes adoption of this Resolution upon its first reading.

Section 3. All prior legislation, resolutions, and/or motions, or any parts thereof, which are inconsistent with this resolution is/are hereby repealed as to the inconsistent parts thereof.

Section 4. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board, and that any and all deliberations of this Board and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with Section 121.22 of the Ohio Revised Code and all legal requirements of the laws of the State of Ohio.

Section 5. This resolution constitutes an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, and for the further reason that the Board desires to prohibit these adult use cannabis operators within the unincorporated territory of Concord Township, this resolution shall be effective upon its passage per Section 504.11 of the Ohio Revised Code.

Mr. McIntosh seconded. Roll Call Vote: Mrs. Lucci – yes; Mr. McIntosh – yes; Mr. Dondorfer – yes. Mr. McIntosh commented the Trustees had a lengthy discussion on this topic at the Staff Meeting on January 29, 2024.

- B. RES. 2024-04, A RESOLUTION BY THE CONCORD TOWNSHIP BOARD OF TRUSTEES AUTHORIZING LAKE COUNTY TO ADVERTISE FOR BIDS FOR A COMBINED ASPHALT PAVING PROJECT WITH CONCORD TOWNSHIP, PAINESVILLE TOWNSHIP AND LAKE COUNTY AND FOR CONCORD TOWNSHIP TO PAY FOR CONCORD'S SHARE OF THE COST OF ADVERTISING, LCE PROJECT NO. 2023-018. Mr. McIntosh moved to adopt the following resolution:

RESOLUTION NO. 2024-04

A RESOLUTION BY THE CONCORD TOWNSHIP BOARD OF TRUSTEES
AUTHORIZING LAKE COUNTY TO ADVERTISE FOR BIDS FOR A
COMBINED ASPHALT PAVING PROJECT WITH CONCORD TOWNSHIP,
PAINESVILLE TOWNSHIP, AND LAKE COUNTY AND FOR CONCORD
TOWNSHIP TO PAY FOR CONCORD'S SHARE OF THE COST OF
ADVERTISING, LCE PROJECT No. 2023-018.

WHEREAS, the Lake County Engineer has requested that the Board of Trustees pay for their share to advertise for bids for the Combined Asphalt Paving Project with Concord Township, Painesville Township, and Lake County, LCE Project 2023-018; and

WHEREAS, the Lake County Engineer has filed with the Board proposal forms and specifications for the Combined Asphalt Paving Project with Concord Township, Painesville Township, and Lake County, LCE Project 2023-018; and

WHEREAS, the Board believes that it is in the best interest of its residents that the advertisement for bids should be made by the Lake County Engineer for the Combined Asphalt Paving Project with Concord Township, Painesville Township, and Lake County, LCE Project 2023-018.

NOW, THEREFORE, BE IT RESOLVED:

Section 1. That the Board of Trustees hereby authorizes and instructs the Township Administrator to administer Concord Township's portion of the project and ensure Concord's portion of advertising is paid to the Lake County Engineer for the Combined Asphalt Paving Project with Concord Township, Painesville Township, and Lake County, LCE Project 2023-018. Such advertisement shall be the responsibility of the Lake County Engineer's Office.

Section 2. The Township Administrator is hereby directed to forward certified copies of this Resolution to the Lake County Engineer and Board of Trustees for Painesville Township.

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.

NOW, THEREFORE, this Resolution shall be in full force and effect upon its passage and approval by the Board of Trustees and as further provided under Ohio law.

Mrs. Lucci seconded. Vote 3 ayes.

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- C. FIRE DEPT. TO APPROVE PO TO PAINESVILLE TOWNSHIP IN THE AMOUNT OF \$5,500.00 TO PURCHASE 10 PORTABLE RADIOS AND BATTERIES. Mrs. Lucci moved to approve Fire Dept. PO to Painesville Township in the amount of \$5,500.00 to purchase 10 portable radios and batteries. Mr. McIntosh seconded. Vote 3 ayes.
- D. FIRE DEPT. APPROVE PROMOTION OF WILLIAM LAGANKE TO PART-TIME REGULAR FIREFIGHTER/EMT-BASIC EFFECTIVE JANUARY 28, 2024. Mr. McIntosh moved to approve promotion of William Laganke to Part-time Regular Firefighter/EMT-Basic effective January 28, 2024. Mrs. Lucci seconded. Vote 3 ayes.
- E. FIRE DEPT. APPROVE PROMOTION OF GABRIEL KOVATS TO PART-TIME REGULAR FIREFIGHTER/EMT-BASIC EFFECTIVE JANUARY 28, 2024. Mrs. Lucci moved to approve Fire Dept. promotion of Gabriel Kovats to Part-time Regular Firefighter/EMT-Basic effective January 28, 2024. Mr. McIntosh seconded. Vote 3 ayes.
- F. FIRE DEPT. APPROVE PROMOTION OF CODY BENDLOCK TO PART-TIME REGULAR FIREFIGHTER/EMT-BASIC EFFECTIVE JANUARY 28, 2024. Mr. McIntosh moved to approve Fire Dept. promotion of Cody Bendlock to Part-time Regular Firefighter/EMT-Basic effective January 28, 2024. Mrs. Lucci seconded. Vote 3 ayes.
- G. FIRE DEPT. TO APPROVE PO TO ALADTEC IN THE AMOUNT OF \$5,247.00 FOR FIRE DEPARTMENT SCHEDULING SOFTWARE SUBSCRIPTION. Mrs. Lucci moved to approve PO to Aladtec in the amount of \$5,247.00 for Fire Dept. scheduling software subscription. Mr. McIntosh seconded. Vote 3 ayes.
- H. DECISION FROM PUBLIC HEARING FOR ZONING AMENDMENTS TO THE CONCORD TOWNSHIP ZONING RESOLUTION, AS INITIATED BY MOTION OF THE ZONING COMMISSION ARE AS FOLLOWS:

Mrs. Lucci read the following: **Amendment #1:** Modify Section 16.13, Approval by adding a new requirement that the approved preliminary development plan is an integral part of the Zoning Resolution and any deviations are considered a zoning violation. Revise Section XVI throughout to ensure consistent use of the terms preliminary development plan and final development plan. Mrs. Lucci moved to adopt Amendment #1: Modify Section 16.13. Mr. McIntosh seconded. Roll Call Vote: Mrs. Lucci – yes; Mr. McIntosh – yes; Mr. Dondorfer – yes.

Mr. McIntosh read the following: **Amendment #2:** Modify Section 16.14, Township Final Development Plan to have the Zoning Commission review and approve the Final Development Plan in lieu of the Trustees. Process and timeframe for submitting final development plan is being taken out of this section and updated in Section 16.16. Review criteria is being added for the Zoning Commission to consider while reviewing the final development plan. Mr. McIntosh moved to adopt Amendment #2: Modify Section 16.14 with the following modifications: 1. Section A, the final development plan of each phase shall remain with the Board of Trustees, not the Zoning Commission, and 2. Section C, strike the Zoning Commission and replace with Trustees. Mrs. Lucci seconded. Roll Call Vote: Mrs. Lucci – yes; Mr. McIntosh – yes; Mr. Dondorfer – yes.

Mrs. Lucci read the following: **Amendment #3:** Modify Section 16.15, Zoning Permits by deleting reference to the Trustees. Mrs. Lucci moved to adopt Amendment #3: Modify Section 16.15. Mr. McIntosh seconded. Roll Call Vote: Mrs. Lucci – yes; Mr. McIntosh – yes; Mr. Dondorfer – yes.

Mr. McIntosh read the following: **Amendment #4:** Modify Section 16.16, Modifications from an approved development plan by adding in new time limits and process for extensions on approvals. Clarification is made regarding modifications to previously approved preliminary or final development plans. Mr. McIntosh moved to adopt Amendment #4: Modify Section 16.16 with one modification in Section A to strike out Zoning Commission and replace with Trustees. Mrs. Lucci seconded. Roll Call Vote: Mrs. Lucci – yes; Mr. McIntosh – yes; Mr. Dondorfer – yes.

Mrs. Lucci read the following: **Amendment #5:** Modify Section 16.17(A)(1) and (2) by referring to the Zoning Inspector instead of he. Mrs. Lucci moved to adopt Amendment #5: Modify Section 16.17 (A)(1) and (2). Mr. McIntosh seconded. Roll Call Vote: Mrs. Lucci – yes; Mr. McIntosh – yes; Mr. Dondorfer – yes.

Mr. McIntosh read the following: **Amendment #6:** Modify Section 16.29(B) Township Preliminary and Final Development Plan Review Procedures by deleting a portion of subsection B that states the final development plan approval for the township occurs simultaneously with the approval of the final plat. Mr. McIntosh moved to adopt Amendment #6: Modify section 16.29(B). Mrs. Lucci seconded. Roll Call Vote: Mrs. Lucci – yes; Mr. McIntosh – yes; Mr. Dondorfer – yes.

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Mrs. Lucci read the following: **Amendment #7:** Modify Section 16.30, Zoning Permit to clarify that permits will be issued after the recording of the final plat. Mrs. Lucci moved to adopt Amendment #7: Modify Section 16.30. Mr. McIntosh seconded. Roll Call Vote: Mrs. Lucci – yes; Mr. McIntosh – yes; Mr. Dondorfer – yes.

Mr. McIntosh read the following: **Amendment #8:** Modify Section 16.31, Modifications by adding time limits and extensions. Mr. McIntosh moved to adopt Amendment #8: Modify Section 16.31. Mrs. Lucci seconded. Roll Call Vote: Mrs. Lucci – yes; Mr. McIntosh – yes; Mr. Dondorfer – yes.

I. ITEMS VOTED ON AT THE JANUARY 29, 2024 STAFF MEETING: Mr. Dondorfer read the following:

VOTE – FIRE DEPT. REQUEST TO MAKE 2.25% PAY INCREASE ACROSS THE BOARD FOR THE ENTIRE DEPARTMENT EFFECTIVE JANUARY 1, 2024. Mrs. Lucci moved to approve the Fire Dept. request to make 2.25% pay increase across the board for the entire department effective January 1, 2024. Mr. McIntosh seconded. Vote 3 ayes.

VOTE – FIRE DEPT. REQUEST TO ELIMINATE PROBATIONARY FIREFIGHTER PAY RATE. Mr. McIntosh moved to approve the request to eliminate Fire Dept. Probationary Firefighter pay rate. Mrs. Lucci seconded. Vote 3 ayes.

VOTE – APPROVE PO TO PHOENIX SAFETY OUTFITTERS IN THE AMOUNT OF \$10,245.00 FOR FIREFIGHTER TURNOUT GEAR. Mrs. Lucci moved to approve the PO to Phoenix Safety Outfitters in the amount of \$10,245.00 for firefighter turnout gear. Mr. McIntosh seconded. Vote 3 ayes.

VOTE – SERVICE DEPT. PO TO TRUCK ENTERPRISES IN THE AMOUNT OF \$197,738.00 FOR THE PURCHASE OF A 2024 KENWORTH T480 TANDEM DUMP TRUCK. Mr. McIntosh moved to approve Service Dept. PO to Truck Enterprises in the amount of \$197,738.00 for the purchase of a 2024 Kenworth T480 Tandem Dump Truck. Mrs. Lucci seconded. Vote 3 ayes.

VOTE – APPOINT ASHLEY GARCAR TO REGULAR BOARD OF ZONING APPEALS MEMBER TO FULFILL THE VACANT POSITION FOR THE TERM EFFECTIVE JANUARY 29, 2024 THROUGH MARCH 31, 2026. Mrs. Lucci moved to appoint Ashley Garcar to regular Board of Zoning Appeals Member to Fulfill the vacant position for the term effective January 29, 2024 through March 31, 2026. Mr. McIntosh seconded. Vote 3 ayes.

VOTE – APPOINT BRIAN FALKOWSKI TO BOARD OF ZONING APPEALS ALTERNATE MEMBER FOR THE TERM EFFECTIVE JANUARY 29, 2024 THROUGH JANUARY 28, 2026. Mr. McIntosh moved to appoint Brian Falkowski to Board of Zoning Appeals Alternate member for the term effective January 29, 2024 through January 28, 2026. Mrs. Lucci seconded. Vote 3 ayes.

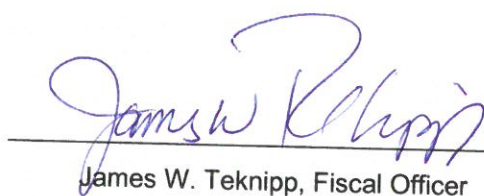
J. FUTURE MEETINGS & ANNOUNCEMENTS:

2/6	CANCELED	ZONING COMMISSION / Town Hall
2/14	7:00 PM	BZA / Town Hall
2/19	CLOSED	IN OBSERVANCE OF PRESIDENTS' DAY
2/20	3:00 PM	APPROPRIATIONS WORKSHOP / Town Hall
2/21	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 8:29 pm.

For financial information go to: checkbook.ohio.gov


Carl H. Dondorfer, Chairperson


James W. Teknipp, Fiscal Officer