

# RECORD OF PROCEEDINGS

## Minutes of Concord Township Board of Trustees Meeting

Held on February 5, 2025

This meeting was held via YouTube Live Streaming.

The Concord Township Board of Trustees met for a Regular meeting on February 5, 2025, 6:00 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 Amy L. Lucci and Morgan R. McIntosh. Mr. Dondorfer was absent.

### APPROVAL OF MINUTES:

January 15, 2025 Regular Meeting Minutes. Mr. McIntosh moved to approve the January 15, 2025 Regular Meeting Minutes. Mrs. Lucci seconded. Vote 2 ayes.

### ELECTED OFFICIALS REPORT:

#### A. FISCAL OFFICER – John Patriarca

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

#### B. TRUSTEES

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. – 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. – Andy Rose

Mr. Rose read the report prepared by Heather Freeman, Zoning Director, reviewing the Zoning Department's January activity in Concord Township.

#### E. RECREATION DEPT. – Susie Cobb, Rec. Administrative Assistant and Dan Maxson, Docent

Ms. Cobb discussed current and upcoming programs in Concord Township and Mr. Maxson reviewed the 2024 activity and discussed the upcoming 2025 events scheduled at the Old Stone School House.

#### F. LAKE COUNTY SHERIFF'S OFFICE – Sheriff's Office

Captain Paterson read the Sheriff Department's January activity report in Concord Township.

### AUDIENCE:

None

### OLD BUSINESS:

None

### NEW BUSINESS:

- A. RES. 2025-04 A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC) ENERGIZED COMMUNITY GRANTS. Mr. McIntosh moved to adopt the following resolution:

#### RESOLUTION NO. 2025-04

**A RESOLUTION AUTHORIZING ALL ACTIONS NECESSARY TO  
ACCEPT NORTHEAST OHIO PUBLIC ENERGY COUNCIL (NOPEC)  
2025 ENERGIZED COMMUNITY GRANT**

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**WHEREAS**, the Township of Concord, Ohio (the "GRANTEE") is a member of the Northeast Ohio Public Energy Council ("NOPEC") and is eligible for one or more NOPEC Energized Community Grant(s) for 2025 ("NEC Grant(s)") as provided for in the NEC Grant Program guidelines; and

**WHEREAS**, the GRANTEE wishes to enter into a Grant Agreement with NOPEC, Inc. in substantially the form presented to this Board of Trustees to receive one or more NEC Grant(s); and

**NOW, THEREFORE**, BE IT ORDAINED BY THE Concord Township Board of Trustees, Lake County, Ohio, as follows:

**SECTION 1.** This Board of Trustees of the GRANTEE (the "Board") finds and determines that it is in the best interest of the GRANTEE to enter into the Grant Agreement to accept the NEC Grant(s) for 2025, and authorizes the Board Chairperson to execute the Grant Agreement to accept the NEC Grant(s) funds.

**SECTION 2.** This Board finds and determines that all formal actions of this Board concerning and relating to the adoption of this Resolution were taken in an open meeting of this Board and that all deliberations of this Board and of any committees that resulted in those formal actions were in meetings 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 2 ayes.

- B. RES. 2025-05 NOISE RESOLUTION. Mr. McIntosh moved to introduce the first (1<sup>st</sup>) reading of the Noise Resolution:

### RESOLUTION 2025-05

#### RESOLUTION REPEALING RESOLUTION 2000-10 AND ADOPTING AN UPDATED NOISE CONTROL RESOLUTION IN CONCORD TOWNSHIP.

**WHEREAS**, by Resolution 2000-10, the Board of Trustees of Concord Township declared a need for, and adopted, a Noise Control Resolution in Concord Township; and

**WHEREAS**, the Board of Trustees of Concord Township desires to repeal Resolution 2000-10 and adopt an updated Noise Control Resolution in Concord Township, specifically, but not limited to, including specific hours for which the regulations shall apply.

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

**SECTION 1.** Resolution 2000-10 is hereby repealed and deleted in its entirety.

**SECTION 2.** A Noise Control Resolution for Concord Township is hereby adopted as follows:

Section I	Definitions
Section II	Noise Disturbances Prohibited
Section III	Specific Prohibitions
Section IV	Motor Vehicle Noise
Section V	Inspections
Section VI	Special Variances
Section VII	Notice of Violation
Section VIII	Other Remedies
Section IX	Exceptions
Section X	Applicability
Section XI	Use of Radios or Other Sound-Making Devices or Instruments in Vehicles
Section XII	Penalty

#### **Section I – Definitions**

All definitions and terminology used in this Resolution not defined below shall be in conformance with applicable publications of the American National Standards Institute (ANSI) of its successor body.

As used in this Resolution

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**A. Modified Exhaust System**

An exhaust system in which the original noise abatement devices have been physically altered causing them to be less effective in reducing noise or the original noise abatement devices have either been removed or replaced by noise abatement devices which are not as effective in reducing noise as the original devices, or devices have been added to the original noise abatement devices such that noise levels are increased.

**B. Commercial Area**

Any B-1, Restricted Retail; B-2, General Business; or S, Special Interchange district as set forth in the Concord Township Zoning Resolution, including any parcel or real property located within a business district

**C. Construction**

Any site preparation, assembly, erection, substantial repair, alteration, or similar action, but excluding demolition, for or on public or private rights-of-way, structures, utilities or similar property.

**D. D Permit**

A category of permits issued to liquor establishments by the State of Ohio Division of Liquor Control.

**E. Demolition**

Any dismantling, intentional destruction, or removal of structures, utilities, public or private right-of-way surfaces, or similar property.

**F. Emergency**

Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage or loss, which demands immediate action.

**G. Emergency Work**

Any work performed for the purpose of preventing or alleviating the physical trauma or property damage threatened or caused by an emergency.

**H. Light Motor Vehicle**

Any automobile, van, recreational vehicle, motorcycle, motor driven cycle, motor scooter, dune buggy, snowmobile, all-terrain vehicles, go-carts, personal watercraft, mini-bike or trucks with gross vehicular weight of less than 8,000 pounds.

**I. Motor Vehicle**

Every vehicle defined as a motor vehicle in the Ohio Revised Code.

**J. Motorcycle**

Every vehicle defined as a motorcycle in the Ohio Revised Code.

**K. Motorized Bicycle**

Every vehicle defined as a motorized bicycle in the Ohio Revised Code.

**L. Noise**

Any sound which annoys or disturbs persons of normal sensibilities or which causes or tends to cause an adverse psychological or physiological effect on a person.

**M. Noise Disturbance**

Any sound which endangers or injures the safety or health of humans or animals; annoys or disturbs a reasonable person of normal sensitivities; or endangers or injures personal or real property.

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**N. Permitted Hunting or Target Shooting**

Hunting or target shooting by an individual, or individuals, on designated public hunting lands, or having the written permission of a private landowner, with that individual, or individuals, having also secured the proper license(s) and while hunting within the permitted season(s) as designated by the Ohio Department of Natural Resources - Division of Wildlife, unless said individual, or individuals, are hunting on land that they own; or are a qualified tenant or manager of land that they rent and whose annual income is primarily derived from agricultural production conducted on said land; or are grandchildren, under the age of eighteen (18), hunting on land owned by their grandparent(s).

**O. Person**

Any individual, association, partnership or corporation and including any officer, employee, department, agency or instrumentality of a state or any political subdivision of a state.

**P. Place of Public Entertainment**

Any commercial facility open to the general public for purposes of entertainment.

**Q. Powered Model Vehicle**

Any self-propelled air-borne, water-borne, or land-borne plane, vessel or vehicle which is not designated to carry persons, including but not limited to, any model airplane, boat, car or rocket.

**R. Public Right-of-Way**

Any street, avenue, boulevard, highway, sidewalk, alley, or other roadway.

**S. Real Property Boundary**

An imaginary line along the ground surface, and its vertical extension, which separates the real property owned by one person from that owned by another person.

**T. Residential Area**

Any R-1, Residential; R-2, Residential; R-3, Multi-family; R-4, Residential; R-5, Senior Residential Community; R-6, Residential; or R-8, Rural Residential and Recreational district classification, or any other designated residential district.

**U. Sound**

An oscillation in pressure, particle displacement particle velocity, or other physical parameter, in a medium with internal forces that cause compression and rarefaction of that medium. The description of sound may include any characteristic of such sound, including duration, intensity and frequency.

**Section II - Noise Disturbances Prohibited**

In addition to the specific prohibitions outlined in this Resolution, no person shall unreasonably make, continue or cause to be made, continued or permitted, any noise disturbance.

This Resolution shall not apply to noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way.

This Resolution applies to all liquor establishments to which a D Permit has been issued by the Ohio Division of Liquor Control.

**Section III – Specific Prohibitions**

The following acts and the causing or permitting thereof, are declared to be in violation of this Resolution:

**A. Air Conditioners**

Maintaining any refrigeration machinery or air conditioning, consisting of air compressors or rotating or reciprocating machinery, in such a manner as to create a noise disturbance across a residential real property boundary.

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### **B. Construction**

Operating or permitting the operation of any tools or equipment used in construction, drilling or demolition work between the hours of 11:00 pm and 7:00 am Monday through Saturday, and 10:00 pm and 10:00 am on Sundays such that the sound therefrom creates a noise disturbance across a residential real property boundary, except for emergency work of public service utilities or by special variance. This paragraph shall not apply to the use of domestic power tools subject to subsection (C) hereof.

### **C. Domestic Power Tools**

Operating or permitting the operation of any mechanically powered saw, drill, sander, grinder, lawn or garden tool, lawnmower, or other similar device used outdoors, other than powered snow removal equipment, between the hours of 11:00 pm and 7:00 am Monday through Saturday, and 10:00 pm and 9:00 am on Sundays.

### **D. Emergency Signaling Devices**

The intentional sounding or permitting the sounding outdoors of any fire, burglar or civil defense alarm, siren, whistle or similar stationary emergency signaling device, except for emergency purposes or for testing, as provided in this Resolution. Testing of a stationary emergency signaling device shall occur at the same time of the day each time such a test is performed, but not before 7:00 am or after 11:00 pm or the closing time of a commercial establishment, whichever shall occur later. Any such testing shall use only minimum cycle test time. In no case shall such time exceed sixty (60) seconds. Testing of the complete emergency signaling system, including the functioning of the signaling device and the personnel response to the signaling device and the personnel response to the signaling device, shall not occur before 7:00 am or after 11:00 pm. In no case shall such test exceed ten (10) seconds.

### **E. Explosives, Firearms, and Similar Devices**

The using or firing of explosives, firearms, or similar devices which create impulsive sound so as to cause a noise disturbance across a residential real property boundary or on a public space or right-of-way, without first obtaining a special variance, shall be prohibited. This Resolution shall not apply to permitted hunting or target shooting.

### **F. Loading and Unloading Materials**

Loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 11:00 pm and 7:00 am Monday through Saturday, and 10:00 pm and 10:00 am on Sundays in such a manner as to cause a noise disturbance across a residential real property boundary.

### **G. Loudspeakers/Public Address System**

1. Using, operating or permitting the operation of any loudspeaker, public address system, mobile sound vehicle or similar device amplifying sound therefrom on a public right-of-way or public space for any commercial purpose, without a special variance, shall be prohibited.
2. Using, operating or permitting for any noncommercial purpose any loudspeaker, public address system, mobile sound vehicle, or similar device between the hours of 11:00 pm and 7:00 am Monday through Saturday, and 10:00 pm and 10:00 am on Sundays such that the sound therefrom creates a noise disturbance across a residential real property boundary.

### **H. Powered Model Vehicles**

Operating or permitting the operation of a powered model vehicle or vehicles so as to create a noise disturbance across any residential property boundary or in a public space between the hours of 11:00 pm and 7:00 am.

### **I. Vehicle or Motorboat Repairs and Testing**

Repairing, rebuilding, modifying or testing any motor vehicle, motorcycle, motorized bicycle or motorboat in such a manner as to cause a noise disturbance across a residential real property boundary between the hours of 11:00 pm and 7:00 am Monday through Saturday, and 10:00 pm and 10:00 am on Sundays.

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### Section IV – Motor Vehicle Noise

- A. No person shall cause noise levels, which constitute a noise disturbance as defined, from the operation of any motor vehicle as defined below:

Motor Vehicle, Motorcycle, and Motorized Bicycle Noise

Vehicle Class

Motor vehicles, with a manufacturer's gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 8,000 pounds or more or any combination of vehicles towed by such motor vehicle.

Light Motor Vehicles

- B. No person shall operate a motor vehicle which causes excessive noise levels, as a result of a defective or modified exhaust system, as a result of any unnecessary rapid acceleration, deceleration, engine revving, tire squealing, or as the result of the operation of audio devices such as, but not limited to radios, phonographs, tape players, or compact disk players.
- C. No person shall operate a motor vehicle which causes excessive noise levels, as a result of a defective or modified exhaust system, as a result of any unnecessary rapid acceleration, deceleration, engine revving, tire squealing, or as the result of the operation of audio devices such as, but not limited to radios, phonographs, tape players, or compact disk players.

### Section V – Inspections

Any Deputy Sheriff, in addition to any other authority vested in him, has the power, upon presentation of proper credentials, to enter and inspect any dwelling, multi-family dwelling, building, structure or premises within the Township as may be necessary to enforce the provisions of this Resolution provided permission is obtained from the occupant or, in the case of unoccupied property, from the owner or his agent. If such permission is refused, or is otherwise unobtainable, a search warrant must be obtained upon the showing of probable cause to believe that a violation of this Resolution may exist, before such entry or inspection is made.

### Section VI – Special Variances

- A. The Concord Township Board of Trustees or their designated representative shall have authority, consistent with this Resolution, to grant special variances.
- B. Any person seeking a special variance pursuant to this Resolution shall file an application with the Board of Trustees, or their designated representative. The application shall contain information which demonstrates that bringing the source of sound or activity for which the special variance is sought into compliance with this Resolution would constitute an unreasonable hardship on the applicant, on the community, or other persons. Notice of an application for a special variances shall be given by the Board of Trustees or their representatives to persons who frequent the area of sound or activity and who may be adversely affected by the granting of the variance. Any individual who claims to be adversely affected by allowance of the special variance may file a statement with the Board of Trustees or their representatives containing any information to support his or her claim.
- C. Application for extension of time limits specified in special variances or for modification of other substantial conditions shall be treated like applications for initial special variances.
- D. The Concord Township Board of Trustees, or their designated representative, may issue guidelines approved by the Board of Trustees, defining the procedures to be followed in applying for a special variance and criteria to be considered in deciding whether to grant a special variance.
- E. Enforcement of this Resolution shall be stayed as to any person filing an application for a special variance pursuant to this Resolution, until such time as the application is acted upon by the Board of Trustees or their designated representative.

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#### **Section VII – Notice of Violation**

Violation of any provision of this Resolution shall be cause for a notice of violation to be issued by any Deputy Sheriff.

#### **Section VIII – Other Remedies**

No provision of this Resolution shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this Resolution or from other law.

#### **Section IX – Exceptions**

The provisions of this Resolution shall not apply to the following:

- A. The emission of sound for the purpose of alerting persons to the existence of an emergency, or for the performance of emergency work.
- B. Organized school-related programs, activities or parades or other public programs, activities or events authorized by the Concord Township Board of Trustees or their designated representative.
- C. Agriculture activities as defined in the Ohio Revised Code, Section 1.61, are exempt from the provisions of this Resolution.

#### **Section X – Applicability**

Nothing in this Resolution shall be construed to permit conduct prohibited by any other statute, resolution, or regulation or to prohibit the enforcement thereof.

#### **Section XI – Use of Radios or Other Sound-making Devices or Instruments in Vehicles**

- A. It is unlawful for any person operating or occupying a motor vehicle on a street or highway to operate or amplify the sound produced by a radio, tape player, compact disk player, or other mechanical sound-making device or instrument from within the motor vehicle so that the sound is:
  - 1. Plainly audible at a distance of 100 feet or more from the motor vehicle; or
  - 2. Louder than necessary for convenient hearing by persons inside the vehicle in areas adjoining churches, schools, or hospitals.
- B. The provisions of this Resolution shall not apply to any law enforcement motor vehicle equipped with any communication device necessary in the performance of law enforcement duties or to any emergency or public safety vehicle equipped with any communication device necessary in the performance of any emergency procedures.
- C. The provisions of this Resolution do not apply to motor vehicles used for business or political purposes, which, in the normal course of conducting such business, use sound-making devices.
- D. The provisions of this Resolution do not apply to the noise made by a horn or other warning device required or permitted by State law or this Resolution.
- E. As used in this Resolution, "plainly audible" means any sound produced by a radio, tape player, compact disk player, or other mechanical or electronic sound-making device or instrument, from within the interior or exterior of a motor vehicle, including sound produced by a portable sound-making device, that can be clearly heard outside the vehicle by a person using his or her normal hearing faculties, at a distance of 100 feet or more from the motor vehicle.
- F. A Deputy Sheriff who hears a sound that is plainly audible, as defined herein, shall be entitled to measure the sound according to the following standards:

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1. The primary means of detection shall be by means of the Deputy's ordinary auditory senses, so long as the Deputy's hearing is not enhanced by any mechanical device, such as a microphone or hearing aid.
  2. The Deputy shall have a direct line of sight and hearing to the motor vehicle producing the sound so that he or she can readily identify the offending motor vehicle and the distance involved.
  3. The Deputy need not determine the particular words or phrases being produced or the name of any song or artist producing the sound. The detection of a rhythmic bass reverberating-type sound is sufficient to constitute a plainly audible sound.
- G.** The motor vehicle from which the sound is produced shall be located upon (stopped, standing, or moving) any street or highway within the Township. Parking lots and driveways are included when any part thereof is open to the public for purpose of vehicular traffic.
- H.** The standards set forth in subsection (F) hereof, shall also apply to the detection of sound that is louder than necessary for the convenient hearing of a person inside the motor vehicle in areas adjoining churches, hospitals, or parks.
- I.** Whoever violates any of the provisions of this Resolution is guilty of a Minor Misdemeanor for each offense and shall be subject to the penalty provided in Section Twelve.

#### **Section XII – Penalty**

- A.** Whoever violates any regulation or order adopted under this Resolution is guilty of a Minor Misdemeanor. Fines levied and collected under this Resolution shall be paid into the Township General Revenue Fund.
- B.** If the offender has previously been convicted of violating any provision of this Resolution, then the offender shall be guilty of a Misdemeanor of the Fourth Degree. When the offense is continuous or repetitious in nature, then each day that violation continues or is repeated shall be deemed a repetition of the offense and shall be punished as a separate distinct offense.
- C.** Any person allegedly aggrieved by another person's violation of a regulation or order adopted under this Resolution may seek, a civil action, a declaratory judgment or an injunction, or other appropriate relief against another person for committing the act or practice that violates this Resolution or order. The court involved in the civil action may award to the prevailing party reasonable attorney's fee(s) limited to the work reasonably performed."

**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.

Mrs. Lucci seconded. Vote 2 ayes.

- C.** APPROVE PO IN THE AMOUNT OF \$12,400 TO AMERICAN FIREWORKS FOR 2025 COMMUNITY DAY FIREWORKS DISPLAY. Mr. McIntosh moved to approve PO in the amount of \$12,400 to American Fireworks for 2025 Community Day Fireworks display. Mrs. Lucci seconded. Vote 2 ayes.
- D.** FIRE DEPT. APPROVE THE CONDITIONAL OFFER OF EMPLOYMENT TO WILLIAM LAGANKE AS A FULL-TIME FIREFIGHTER EFFECTIVE 2/9/2025 PENDING NEW HIRE PAPERWORK. Mr. McIntosh moved to approve the Fire Dept. conditional offer of employment to William Laganke as a Full-time Firefighter effective 2/9/2025 pending new hire paperwork. Mrs. Lucci seconded. Vote 2 ayes.
- E.** FIRE DEPT. APPROVE VOLUNTARY DEMOTION OF ANTHONY ILIANO FROM FIREFIGHTER 1 TO PART-TIME REGULAR FIREFIGHTER/MEDIC EFFECTIVE 2/23/25. Mr. McIntosh moved to approve the Fire Dept. voluntary demotion of Anthony Iliano from Firefighter 1 to Part-time Regular Firefighter/Medic effective 2/23/2025. Mrs. Lucci seconded. Vote 2 ayes.



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F. FUTURE MEETINGS & ANNOUNCEMENTS:

2/12	7:00 PM	BZA / Town Hall
2/17	CLOSED	IN OBSERVANCE OF PRESIDENTS' DAY
2/19	5:00-5:30 PM	SPECIAL MEETING WITH CHARDON TOWNSHIP / Conference Room
	5:30-6:00 PM	TRUSTEE OFFICE HOURS / Conference Room
	6:00 PM	TRUSTEE MEETING / Town Hall

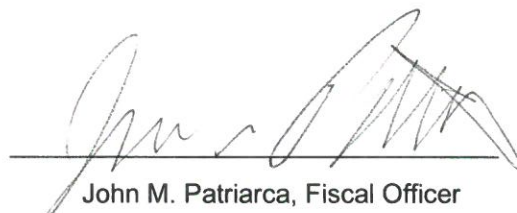
- G. MOTION TO ENTER INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION PURSUANT TO OHIO REVISED CODE 121.22 (G) (3) AND FOR ECONOMIC DEVELOPMENT ASSISTANCE PURSUANT TO OHIO REVISED CODE 121.22 (G) (8) (a) and (b) AND TO HAVE MR. PATRIARCA AND MR. ROSE JOIN THE EXECUTIVE SESSION. At 6:43 pm, Mr. McIntosh made a motion to enter into Executive Session to discuss pending litigation pursuant to Ohio Revised Code 121.22 (G) (3) and for Economic Development Assistance pursuant to Ohio Revised Code 121.22 (G) (8) (a) and (b) and to have Mr. Patriarca, Mr. Rose, and Ms. Matheney join the Executive Session. Mrs. Lucci seconded. Roll Call Vote: Mr. McIntosh – yes; Mrs. Lucci – yes. At 7:17 pm, Mr. McIntosh moved to exit out of Executive Session. Mrs. Lucci seconded. Vote 2 ayes.

Upon proper motion the meeting was adjourned at 7:17 pm.

For financial information go to: [checkbook.ohio.gov](http://checkbook.ohio.gov)



Amy L. Lucci, Chairperson



John M. Patriarca, Fiscal Officer