

1 CONCORD TOWNSHIP ZONING COMMISSION
2 LAKE COUNTY, OHIO
3 MEETING

4
5
6 Tuesday, April 6, 2010

7 Concord Town Hall
8 7229 Ravenna Road
9 Concord, Ohio 44077

7:00 p.m.

10
11 **TRANSCRIPT OF PROCEEDINGS**

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15 Concord Township Zoning Commission members present:

16 Larry Wentz, Chairman;
17 Andrew Lingenfelter, Vice Chairman;
18 Frank Schindler;
19 Morgan McIntosh;
20 Rich Peterson, Alternate

Also Present:

21 Kathy Mitchell, Zoning Inspector/Zoning Commission
22 Secretary;
23 Michael Lucas, Esq., Legal Counsel.

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27
28 **Melton Reporting**
29 **11668 Girdled Road**
30 **Concord, Ohio 44077**
31 **(440) 946-1350**

1 CHAIRMAN WENTZ: Good evening. I would like to
2 welcome you to the Concord Township Zoning Commission meeting
3 for Tuesday, April 6th. We have five items on the agenda,
4 only one of an immediate nature, that's the public hearing,
5 the election of a new zoning commission chairman and vice
6 chair for next year, correspondence reports, approval of
7 minutes and a resolution.

8 The first item, Continuation of Public Hearing for Zoning
9 Amendment Application #0909-132 by Ryan Sommers, Gray Fox
10 Capital, Ltd., for Permanent Parcel Numbers 08A-31C-1 and
11 10A-31C-8 located at the corner of Prouty Road and State Route
12 84, proposed to be rezoned from the R-1 Residential District
13 to the R-3 Multi-Family District for a single detached cluster
14 dwelling project.

15 Okay. This public hearing is open and I'll first ask for
16 a presentation by Petitioner if they care to give a
17 presentation and then we've give everybody in the audience a
18 chance to talk for or against the assignment and at that time
19 I would appreciate that since we do have a number of people
20 here, if you are simply agreeing with the previous speaker,
21 simply say that rather than restating the position.

22 Now, Ryan, you are going to speak, so please come up to
23 the mic, name and address and be sworn.

24 (SPEAKER SWORN IN BY CHAIRMAN WENTZ)

25 MR. SOMMERS: My name is Ryan Sommers, Concord
26 Partners, the property owner.

27 AUDIENCE MEMBER: I don't think the mic is on.

28 CHAIRMAN WENTZ: Actually, the mic goes to the TV.

29 MR. SOMMERS: I'll do my best to speak up. Ryan
30 Sommers, I'm here on behalf of Concord Partners, the property

1 owner. I'll do my best to address both groups here.

2 CHAIRMAN WENTZ: You can turn it a little bit.

3 MR. SOMMERS: We acquired the property in December
4 from Parkview Federal Savings Bank. We were not the original
5 developers. We're here tonight to present -- actually, it's a
6 request rezoning -- rezoning for the property to restart
7 construction and development of the parcel.

8 Just a little bit of background on our company. We have
9 built in Concord. We're building in Concord in two other
10 condominium communities, one of which is right next to St.
11 Gabriel's. It's called Gabriel's Edge. We are experienced
12 developers. We're local. My office is at 7757 Auburn Road.

13 The reason we took on this project was because we see it
14 as a valuable corner in Concord Township that should not
15 remain undeveloped in a fallow, foreclosed state. Parkview
16 acquired the property in June 2009 from the previous
17 developer, Dean Luke Forclosure, that really nothing has gone
18 on since then, no new construction. They liquidated two of
19 the four condominiums. We acquired two with the transfer, two
20 ranch condominiums.

21 And just to reiterate, our intent, we will develop the
22 property, it's just how and the time frame and what type of
23 zoning, what type of product. The reason we chose to pursue
24 the R-3 cluster home is a couple different reasons, primarily
25 being that the existing product and layout has failed. It
26 didn't work. The condominiums that they are selling now are
27 approximately 40 to \$60,000 below cost.

28 CHAIRMAN WENTZ: The bank is.

29 MR. SOMMERS: And even what they are marketing, what
30 we're marketing through the acquisition. You can't develop

1 what they're doing and make money and be profitable and have a
2 successful community.

3 The other reason is that we're not the original
4 developers. We believe that we can't expand the existing
5 association as contemplated under the original declaration.
6 We can't speak for the existing homeowners.

7 So with all that being said, we want to work with the
8 existing association, work with the Township and we thought
9 that R-3 provided the most flexibility to group the
10 improvements, group the homes, deliver a product that would be
11 successful in this market that's allowed under the R-3 zoning
12 that wouldn't require additional variances after this
13 approval. Of course there would be site plan approval that
14 would allow for further feedback and refinement of the plan
15 and homes that are built. But, you know, like I said, I just
16 want to reiterate, the project will continue. It's just a
17 matter of when, what type of product is built, you know, and
18 we feel that the R-3 gives us the flexibility to preserve
19 significant amount of green space, improve the drainage that's
20 there. That's been a major concern for the existing property
21 owners, the bank's had issues with it, the previous developer,
22 some other things.

23 We -- alternatives to this plan we looked at before we
24 came up with this request, we explored the R-1 option, which
25 would be quarter -- is it third acre lots, the R-1?

26 MS. MITCHELL: Half acre.

27 MR. SOMMERS: Half acre lots. I brought a layout
28 to share that was a conceptual drawing we did. The R-1 zoning
29 is perfectly fine, but everyone has to keep in mind that this
30 is an existing condominium development. We could put

1 single-family lots in here, but it would require a couple
2 things that we think weren't favorable. We used every single
3 square foot of space, because we couldn't do it as a
4 conservation development, because there is not enough acreage.

5 So the plan which I would like to share would have a
6 couple fewer lots, but would -- like I said, we would have to
7 remove the existing improvements in the -- I can leave this
8 for everyone to look at, but we would have to remove the
9 existing utility improvements and roadway that's already been
10 built in Phase 2, so we'd have to rip it out. We would use
11 every single inch for roadway, lots, and there really wouldn't
12 be any common area preserved at all.

13 AUDIENCE MEMBER: Could you hold that up so we can see?

14 MR. SOMMERS: Yeah. This is the R-1 plan that we
15 had proposed. It has approximately 23 parcels and a new
16 roadway that would be across the street from the Fairfield.
17 So we didn't think that was a desirable plan. It wouldn't
18 make best use of the existing improvements and would basically
19 take up every single square foot of property.

20 The other thing that I think is important to note is when
21 the bank sold the property, they really didn't take into
22 account the existing condominium association. They reserved
23 no easements whatsoever. All the sewer and waterline
24 easements, they come and they connect to the Fairfield Road
25 and come out to a gated area. We would like to work with the
26 existing association to create easements so there wasn't an
27 issue in the future where we will have recorded reciprocal
28 easements to -- so if we sold the property or another
29 developer took over or something happened, that you would be
30 protected. So we're open to that idea and we want to work

1 with the Association in that respect.

2 The other issue is that we think that the R-3 provides
3 for -- the R-3 would be another -- would be plotted with
4 another association. So we think it would be easy to have --
5 many times you have master plan communities and multiple
6 associations. To have an R-1 develop sharing utilities,
7 access, things like that, we can't dedicate the existing
8 roadway that's there. It's too small, doesn't meet fire code.
9 A private road and private improvements would not require
10 removing utilities, removing the roadway. Basically we think
11 that a private homeowner association as part of a new
12 condominium would work well with the existing association. We
13 explored dedicating the roadway. It's too narrow. Like I
14 said, it doesn't meet fire code. There is no way to use that
15 road under any R-1 plan. So while the property is zoned R-1,
16 it has been developed as condominiums and we would like to
17 develop it as a condominiums and that's why we think that the
18 R-3, the flexibility, the green space, adding the storm water
19 improvements, providing easements to the existing association,
20 keeping the access where it is.

21 I also brought copies of the -- under the declaration of
22 the existing association, there is rights of access and rights
23 of use on the existing roadway for easements to others and
24 successor landowners. So we do have the right to use the
25 existing entranceway and roadway. That is something that I
26 could also share. I can leave -- I believe everyone should
27 have -- everyone from the association should have copies of
28 their recorded declaration. So we feel we could meet the --
29 we could meet the rules and regulations that were already put
30 there for our access, ingress/egress rights and wouldn't

1 require any type of renegotiated or anything to be in
2 violation that exists in declaration.

3 So I guess I would just like to open up for questions,
4 comments to the board members.

5 CHAIRMAN WENTZ: We will give the public a chance to
6 interact in a moment.

7 Could you comment a little more on how the sewer
8 situation would work? I don't think I quite understand.

9 MR. SOMMERS: Well, it's somewhat complicated.
10 Like I mentioned, when the bank sold the property, they sold
11 it as is, where is. They didn't reserve any easements when
12 they sold the -- when they sold this portion of the property.
13 And it's a public sewer, so normally under public sewer on
14 private property you'd have an easement on this property to
15 serve existing association.

16 AUDIENCE MEMBER: No green space.

17 MR. SOMMERS: Well, the sewer actually runs along
18 the existing roadway that we purchased and feeds into Phase 1
19 and then flows out to Route 84 based on the gravity drainage.
20 We would propose -- we would utilize that existing sewer, but
21 we'd also give the existing association any rights and access
22 to that.

23 If I could back up one thing, part of my proposal, and I
24 think it's a very important part from the comments, we're
25 willing to deed restrict the property to similar density under
26 the acreage based on a two units per acre and we're willing to
27 deed restrict that, have no right to modify that, and we're
28 also willing to deed restrict that for not rental and not
29 attached -- for no rental or attached homes. We're going to
30 do -- we're willing to put in writing we're going to build

1 what we say we're going to build. We know it's just a site
2 plan, but we're willing to enter into that as a condition of
3 our approval. So that was an important thing I forgot to
4 mention. I'm sorry.

5 MR. PETERSON: So, Ryan, you're saying there are no
6 multi-family homes under that restriction; correct?

7 MR. SOMMERS: No multi-family homes and --

8 MR. PETERSON: Okay.

9 MR. SOMMERS: -- we'd meet the R-3. The R-3
10 requirements, which is we're proposing the maximum setback --
11 side setback to fifteen feet for every home site and we're
12 proposing no more than thirty new condominiums, which is two
13 units per acre and there is two existing ranch condominiums,
14 which equal thirty plus the existing two.

15 We created a proposed easement and obviously we would
16 have to work with Mike Lucas and, you know, the law director,
17 our attorneys to refine that easement to where it would be
18 acceptable to the commission and the township.

19 The existing site plan that's been circulated also, it
20 shows ingress and egress easements, it shows waterline
21 easements, it shows storm water easements. None of those are
22 there. Not one of those easements is there. They were never
23 recorded. We have title work, we have the deed, there is
24 nothing there at all. So some of the areas of the proposed
25 site plan that was submitted to the township, it's not
26 applicable at all. None of those are recorded, they are not
27 of record. So when you review that proposed site plan under
28 the duplex original site plan, it's not applicable, it was
29 never recorded beyond the platting of the first three
30 buildings. That's the only thing that was ever recorded and

1 we didn't purchase any of that property.

2 MR. MCINTOSH: Could you elaborate a little more on
3 what makes the former plan, Aria's Way, what makes that so
4 unprofitable?

5 MR. SOMMERS: It's not that it's -- we feel that it
6 isn't feasible economically, but, more importantly, we can't
7 take someone else's association and just continue building it
8 if we're not the original developer. We can't -- first of
9 all, the original three units don't meet code as it is now.
10 They're un -- they have less acreage than what is required.
11 We have to modify the plat for that to begin with. We would
12 have to then create an association that is different from the
13 existing association. We couldn't merge them. We would have
14 frontages, the way that R-1 condominium works with the
15 duplexes, you have to demonstrate where you have frontages and
16 where you have 100-foot widths and then file plat over that
17 plan. Am I right, Kathy? You have to demonstrate the
18 frontages and the acreages and then the width.

19 MS. MITCHELL: You have to demonstrate that you can
20 meet it without reporting that size.

21 MR. SOMMERS: We can't demonstrate that because
22 part of it's already been recorded. We can't take over their
23 association as a developer, because we're not the developer.
24 We're not the original developer, either was the bank. So
25 it's nearly impossible -- it is impossible for us to turn back
26 time and be the developer. We'd have to show a new plan with
27 new frontages, new widths, new duplexes and it would look
28 completely different than the original Aria's Way concept plan
29 that was never built.

30 MR. PETERSON: Ryan, we have copies of some of the

1 housing. What price price range do you envision these to be
2 in?

3 MR. SOMMERS: That's a good question. It would be
4 similar to what we're building already in Concord Township and
5 right now our condominium homes starts at 170,000 and have
6 gone up to 300,000. Our average is the mid-200s, which I
7 think would still be consistent with what is sold in Aria's
8 Way.

9 MR. PETERSON: Right.

10 AUDIENCE MEMBER: You're saying price --

11 CHAIRMAN WENTZ: Ma'am, we are not ready for that.

12 MR. SCHINDLER: Wait a minute.

13 CHAIRMAN WENTZ: Do you want to address any additional
14 questions to Ryan at this point or let's hear the public and
15 then his response to the public?

16 MR. LINGENFELTER: Yeah, I have a question. When you
17 talk about the drainage over there, because I know that was a
18 big issue from the get-go, you talk about your wanting to, you
19 know, address that issue, you'd address that issue anyway;
20 correct?

21 MR. SOMMERS: Well, it depends. We would have to
22 -- no matter what we do, we're going to have to bring the
23 drainage up to code, because right now it's not up to code.
24 We think that the R-3 plan gives us the best ability to
25 correct the drainage for the existing association, which we
26 don't have responsibility for, but under R-3, we would be able
27 to because we're creating a large green area that's not going
28 to have any home construction or improvements in. That gives
29 us, I believe -- I don't know if you've broken out the
30 acreage, but, yeah, it it gives us 4.1 acres to put drainage

1 in that's not in. Most of the complaints and issues from the
2 engineer's perspective and residents' has been along Danvers
3 and Brian. So the water is going that way. That's where our
4 Green Space would be. You're not going to have impervious
5 structures, you're not going to have roadways, roofs, drainage
6 in that area. That's going to be green space and you're going
7 to be able to create pond and storm water facilities in those
8 area.

9 Under the R-1 plan you'll have drainage, but it's going
10 to be limited because you'll be using every square inch of the
11 property. So you're basically going to afford to build the
12 minimum. You can't afford to lose the density.

13 CHAIRMAN WENTZ: You see no issues with regard to your
14 use of the sewer line that was put in for the first plan?

15 MR. SOMMERS: Right now it's a question of black
16 and white. We own the sewer line, because it's on our
17 property. They're using the sewer and at this point we're
18 fine with that. They should have an easement to document that
19 and we're willing to give it to the existing association, but
20 it's a sewer line that's installed and been accepted by the
21 county, so it's really not an issue from our standpoint.

22 CHAIRMAN WENTZ: When you say you own it, that's a
23 private sewer line?

24 MR. SOMMERS: It's a public sewer that goes through
25 our property, yes.

26 CHAIRMAN WENTZ: Which?

27 MR. SOMMERS: It's a private sewer connected to a
28 public system. I'm sorry, I misspoke.

29 CHAIRMAN WENTZ: You feel you will be meeting all the
30 requirements of a private sewer?

1 MR. SOMMERS: In a condominium you -- the sewer is
2 not -- it's not owned until you get to the public right of way
3 by the public. So everything, you know, on private property
4 is private. You give them rights to work on it and fix it,
5 but that's my understanding. I'm not an engineer, but from
6 all our developments in Concord, that's how it's worked in the
7 past.

8 CHAIRMAN WENTZ: I just want to satisfy myself that
9 there is going to be no issues with the public system in
10 regard to what you want to do in your private?

11 MR. SOMMERS: Absolutely not. Yeah, absolutely,
12 there will not be any issues, because we will have to most
13 likely improve the system, but it's already been designed to
14 handle thirty some units. If we have to upgrade waterlines
15 and fire hydrants, we will do that, but that would be part of
16 the improvement plan process. And we see no issue. There is
17 capacity and there's gravity if that answers the question. We
18 wouldn't be allowed to overload it. They wouldn't approve it.
19 If it wasn't sized properly, we would have to install a larger
20 line.

21 CHAIRMAN WENTZ: All right. Okay. At this point I
22 would like to give the public an opportunity to comment for or
23 against the proposal and then give Ryan a chance to come back
24 to respond to questions that are raised. The Board here will
25 perhaps have additional questions at that time also.

26 MR. SOMMERS: Thank you.

27 CHAIRMAN WENTZ: First I would like to read into the
28 record two written comments we've received. First is from the
29 Lake County Planning Commission that took this under
30 consideration November 24th and they recommended that Concord

1 Township not make the district change because it does not
2 conform to the 2004 Concord Township Comprehensive Plan and
3 would allow a greater density than what surrounds it and would
4 permit all R-3 uses and densities.

5 The second document I received was an email from
6 Joanne Degardus, who is a resident and lives on Danvers Drive
7 and she's expressing concerns regarding potential decreases in
8 property value, lack of privacy and excessive units in close
9 proximity to property lines and a change in the purpose,
10 attraction of living in Concord Township where the country
11 atmosphere was a prime factor in choosing Concord rather than
12 an overcrowded city with condominiums and cluster units.

13 AUDIENCE MEMBER: Amen.

14 CHAIRMAN WENTZ: Okay. At this time I'd like to start
15 on my right, your left, and I'm going to first ask if there is
16 anybody on this side of the aisle that wants to speak in favor
17 of the proposal. On the other side of the aisle is there
18 anybody here that will be speaking in favor of the proposal?

19 Okay. We'll start with you, please. If you'll come up
20 and give me your name and address and be sworn in.

21 MR. STIEBIG: Michael Stiebig, 10206 Brian Drive.

22 (SPEAKER SWORN IN BY CHAIRMAN WENTZ)

23 MR. STIEBIG: I could care less how many units are
24 on there. I mean, they could put forty up there. We've had
25 six years -- it's actually my parents' house, but they've had
26 six years. I've got to go over there every year and it's just
27 a swamp over there. I mean, we've been to how many meetings.
28 They say they're going to take care of it. It's never been
29 done. If he comes in and says he's going to take care of the
30 stormwater, let him build 100 units. It doesn't matter to us.

1 Right down the street there are condos. Right by
2 Zappitelli's, all that whole corner is condos down Old
3 Johnnycake, he'd be butting right up to it, so as long as the
4 storm sewer is fixed. I mean, I'm sick of -- I have to bring
5 my waders over to help them clean up their yard every year and
6 nothing is being done.

7 I mean, engineers, they've said, I think we've been to
8 two or three meetings and every time they're going to take
9 care of it, they're going to take care of it, but nothing's
10 every done. The misquito lady was there last year. She said
11 there is not a problem. We're out there this year and there
12 are already misquitos out there. And I just think it's a
13 storm water issue. Housing, if they get it done, I mean, it's
14 been like that for, I don't know, five years, I think, four
15 years. I don't know. I just -- even if they just get
16 something built back there and get it taken care of, so that's
17 all I have to say, I guess. Get it taken care of, because I'm
18 sick of helping my parents out every year in a mud hole.

19 And they pay taxes, Concord taxes, and they don't get
20 anything out of it. They don't get anything. They don't get
21 -- snowplow, the guy doesn't even do our turnaround. Drive
22 snowplow for Concord and they come -- all the new developments
23 I snowplow in, those are always done. They come down our
24 street, Brian Drive, it's never taken care of, so I just think
25 whoever has deeper pockets gets ahead, so that's about all I
26 got to say.

27 CHAIRMAN WENTZ: Okay. Thank you.

28 There was another hand back there.

29 MR. STIEBIG: Same. That's my son. Same thing, no
30 problem.

1 CHAIRMAN WENTZ: Okay.

2 MR. STIEBIG: I don't have a problem with anything,
3 just fix the water.

4 CHAIRMAN WENTZ: In that case we'll start back on my
5 right side and ask in the second row there if anyone wants to
6 speak in opposition to this.

7 If you'd come up and identify yourself, state your name
8 and address and be sworn in.

9 MR. WALICK: Hi. My name is Robert Walick, 6890
10 Arias Way.

11 (SPEAKER SWORN IN BY CHAIRMAN WENTZ)

12 MR. WALICK: The presentation of Mr. Sommers was
13 very interesting. He has -- I'm sure he spent a lot of time
14 on that plan, but I think the purpose of tonight's meeting is
15 to talk -- isn't to talk about site plan approval, I think
16 it's to talk about zoning and taking the zoning from one
17 classification to another.

18 Now, according to the zoning code, the purpose of our
19 zoning is to promote public health, safety, morals, comfort
20 general welfare and to conserve and protect property and
21 property values all in accordance with the comprehensive plan.

22 You make reference to Mr. Sommers' submission to the Lake
23 County Planning Commission and the Planning Commission
24 detailed reasons why they would not recommend the plan. The
25 plan -- according to their minutes, the plan states that the
26 site must meet four criteria. It must be a transitional use,
27 it must be located adjacent to a major highway, it must be a
28 constrained site, and it must be in an area where the Township
29 wishes to provide housing that supports a community town
30 center or a mixed-use area.

1 Now, I hope that everybody would note that the Planning
2 Commission used the term, "must," and I believe that the
3 Planning Commission gives very little latitude in deviating
4 from those requirements of the zoning code.

5 When Mr. Sommers made his presentation to the Planning
6 Commission, he requested permission to put in R-3 and he did
7 not want to continue with the duplex plan because the bank was
8 trying to sell units in Arias Way for 40 or \$50,000 below
9 cost. Well, you know, I don't think that the problem with the
10 units is because of desirability. We're just coming out of a
11 major recession. We're not out of the woods yet. And
12 according to the National Association of Realtors, the new
13 price of a condominium in 2007, it was \$264,300. In February
14 of 2010 it was \$212,800. I don't think the problem of selling
15 below the original requested price is a matter of desirability
16 of the units, I think it's a matter of what the economy will
17 bear at this time.

18 Just for your information, within the past eight months
19 three units at Arias Way have been sold, which I think further
20 attests to the fact that there is some desirability for the
21 duplex unit as originally platted.

22 When we talked about zoning at the beginning, we
23 indicated that the zoning was supposed to be consistent with
24 the comprehensive plan. When the comprehensive plan was
25 formulated, there were some main objectives and, number one,
26 is that the available land should be viewed as a limited
27 resource and, number two, that we should consider the fiscal
28 aspects of the expected development.

29 When the plan was prepared, there was a study done
30 regarding the cost of services that are required for every

1 dollar of tax revenue that was generated. And at that time
2 the study concluded that for every dollar of tax revenue, it
3 required 1.15 to 1.50 to provide school and local government
4 service for that residential use.

5 Now, with that being the situation, I don't understand
6 how we can economically justify increasing the density of that
7 property. Furthermore, the comprehensive plan talked about
8 recommended residential policies and in this district where
9 the property is located, they indicated that the -- it was
10 advisable to maintain the minimum lot size and to encourage
11 conservation development.

12 So basically, in my opinion, I do not think that the
13 proposal before the Zoning Commission meets the requirements
14 of either the zoning code or the comprehensive plan.

15 CHAIRMAN WETNZ: Okay. Thank you.

16 Anybody else in that row that would like to speak in
17 opposition?

18 I'll go to the third row. Please come up and state your
19 name and address and be sworn.

20 MR. KIRAY: My name is Eric Kiray and I live at
21 6902 Arias Way.

22 (SPEAKER SWORN IN BY CHAIRMAN WENTZ)

23 MR. KIRAY: I was looking for a legal
24 clarification from the law director on private sewer system
25 hooking into a public existing. Does he own the sewer system?

26 MR. LUCAS: The applicant doesn't own the sewer
27 system.

28 MR. KIRAY: Can he restrict the use of the sewer
29 system to the existing homeowners?

30 MR. LUCAS: The sewer system is controlled by the

1 County. The Township doesn't have any authority, regulatory
2 authority over the utilities. It's all county department of
3 utilities.

4 MR. KIRAY: Okay. So whether it's public or
5 private, it is not owned by an individual?

6 MR. LUCAS: Well, generally they have a utility
7 easement that runs through it.

8 MR. KIRAY: Okay. Okay. I did also want to make
9 a further clarification on the document Mr. Sommers provided,
10 which is relative to our dec bylaws. It says that the
11 Association may grant easement, but is not required to. Uses
12 the word, "may hereafter grant to others," so it is not
13 required that we grant easement relative to the roadway
14 connecting to Prouty Road.

15 And I would further like to agree with Bob's statement
16 previously. I agree 100 percent with what he had to say.
17 Okay. Thank you.

18 CHAIRMAN WENTZ: Your name and address.

19 MS. THIERRY: Elin Thierry, and I live at 6884
20 Arias Way and I -- opps, sorry, go ahead.

21 (SPEAKER SWORN IN BY CHAIRMAN WENTZ)

22 MS. THIERRY: I just want to state for the record
23 that I agree with both Eric and Bob on everything they said up
24 here. I'm not going to repeat, just pretty much what they
25 said. Thank you.

26 CHAIRMAN WENTZ: Anyone else in that row?
27 Next row, anyone wants to speak in opposition?
28 Next to last row on that side?

29 MS. WILEY: Yeah, I guess I've been nominated.

30 CHAIRMAN WENTZ: Nominated or drafted?

1 MS. WILEY: Drafted.

2 CHAIRMAN WENTZ: Name and address, please?

3 MS. WILEY: My name is Marianne Wiley, 10201
4 Danvers Drive.

5 (SPEAKER SWORN IN BY CHAIRMAN WENTZ)

6 MS. WILEY: I represent the five people here and
7 Joanne Degardus, who also emailed you. I'm holding in my hand
8 five different plans for this land since 2005. It keeps
9 changing. If we go through with zoning changing, how do I
10 know that any of these will happen? Our big concern on
11 Danvers Drive is drainage. What are you going to do to
12 prevent our street from becoming a swamp? You put all these
13 housing in, you know, our yards have some wetness now. If you
14 back them with a mound or something else or don't put drainage
15 in the back, we're going to have a swamp. We will be back
16 applying for funds for swampland management. It gets worse as
17 it goes down the street.

18 So my concern, you know, is that and there is a huge,
19 huge mound of dirt. What's going to happen with that dirt?
20 Some people on our street saw it being trucked in from other
21 places. It isn't just the dirt that was there.

22 And if these concerns aren't -- if this is not the
23 appropriate place to bring these concerns up, where -- what is
24 the appropriate place and to whom do we need to speak? We've
25 already gone through Mr. Giles and the whole thing with
26 drainage before and his solution was cut down all the trees,
27 take down your sheds. So this is something, you know, that we
28 shouldn't have to do.

29 Anything else?

30 AUDIENCE MEMBER: Buffer zone. The buffer zone.

1 MS. WILEY: Yeah. What's going to happen in the
2 buffer zone, you know, this eighty feet? One of the old plans
3 only allowed fifteen feet between the back of my property and
4 Joanne's. She probably had the worse situation. Now it's
5 eighty feet, so what's going to happen there? That's a big
6 concern to us. You know, we don't need a swamp.

7 Thank you.

8 CHAIRMAN WENTZ: Thank you.

9 My left, your right. Anybody in the first row? Oh,
10 okay, somebody from the last row. Your name and address,
11 please.

12 MR. KEICHEL: Clifford Keichel, 10247 Danvers
13 Drive.

14 (SPEAKER SWORN IN BY CHAIRMAN WENTZ)

15 MR. KEICHEL: One other issue that I have, okay, is
16 my understanding if it's changed to R-3, R-3 code allows
17 buildings with up to eight dwellings in it. If it's changed
18 to R-3, what's to prevent this plan from changing? Another
19 gentleman said they'd put it in writing. Dr. Lucas, would
20 that be a legal document or is it just a promisory note?

21 MR. LUCAS: The gentleman here? Mr. Sommers, you
22 mean?

23 MR. KEICHEL: Yes, he said --

24 MR. LUCAS: He's talking about -- yeah, he's
25 talking about using a declaration of covenants to limit the
26 number of permitted uses that he would otherwise be entitled
27 to under an R-3 and that's been done. That's an acceptable
28 legal restriction that can be placed on property at the
29 request of an applicant.

30 MR. KEICHEL: Okay. Fine. I was just concerned

1 that it wouldn't be a legal thing and that's --

2 MR. LUCAS: Yeah, they would have to --

3 MR. KICKO: -- this is what we're going to do,
4 but once the zoning's changed, then it's opened up to whatever
5 the zoning allows. Okay. Thank you.

6 CHAIRMAN WENTZ: Back to my left, your right. In the
7 last rows, anyone wishing to speak in opposition?

8 Name and address?

9 MR. CROCK: Doug Crock, 10147 Johnnycake Ridge.

10 (SPEAKER SWORN IN BY CHAIRMAN WENTZ)

11 MR. CROCK: My biggest concern is lot size. In
12 the last year I've bent over backwards to reconfigure my lot,
13 jumped through hoops for the county and everybody else to keep
14 my lot at the minimum size and now they're talking about
15 putting two units on per acre, which is basically a half acre
16 per unit. I would like to see larger lots, at least match
17 what everybody else in the area has had to do. And that was
18 my biggest issue. Keep things in the status quo. Thank you.

19 CHAIRMAN WENTZ: Thank you.

20 Anything else in that row?

21 Okay. Mr. Sommers, perhaps you would like to have an
22 opportunity to comment.

23 MR. SOMMERS: Thank you.

24 You know, I appreciate all the comments and concerns and
25 I think they're all good points. And, you know, like I said
26 from the very first words I said, our goal is to work with the
27 existing neighbors and the existing Arias Way Association. I
28 would be open to doing two -- tabling the meeting if it's okay
29 with the Commission, creating a detailed drainage plan that
30 would be acceptable, you know, to actually show better than

1 the site plan that could be, you know, incorporated into our
2 approval and I'd also be open to meeting with the Arias Way
3 Association and outlining -- you know, trying to alleviate
4 some of their concerns.

5 But going back to the comprehensive plan and the points,
6 the Planning Commission, they said -- you know, they said it
7 didn't meet certain sections of the comprehensive plan, but we
8 all have to remember that there is already an existing
9 condominium association there. So we're not trying to bring
10 condominiums into an area that doesn't have condominiums.
11 Condominiums are already there. They are already -- it's
12 close proximity to our existing R-3. There is an assisted
13 living home across the street. The last point at the Planning
14 Commission was maybe it's in a mixed-use area because of that.
15 We're across the street from a fire station and an assisted
16 living. I don't know what other mixed uses there are besides
17 commercial and industrial.

18 So there is an existing condominium association there.
19 That should be the number one point of why it would meet the
20 requirements of the comprehensive plan. So I would offer that
21 we would be willing to work on drainage.

22 For the people on Danvers, the buffer is intended to be
23 green space and we realize sometimes green space isn't
24 maintained. We would do our best to incorporate drainage and
25 that cannot be built on.

26 MS. MITCHELL: Cannot be built on. It would have to
27 be landscaped and provide a year-round vertical green.

28 MR. SOMMERS: It would be landscaped and create a
29 year-round vertical green buffer.

30 So under the existing R-1 plan, fifteen-foot setbacks

1 from your homes. You can literally build structures that
2 close. There is no buffer, there is no requirement to move
3 back off that plan.

4 So, again, I think the R-3, it creates a flexibility to
5 where we can have private improvements. We can create large
6 buffers on the R-1 and we are already in an existing
7 condominium development. So I would offer that we would be
8 willing to come back, create detailed drainage drawings and
9 calculations, have something more of substance to present and
10 try to at least work with the Arias Way Association, if they
11 are willing to work with us, because this property will be
12 developed. And I want to stress, it will be developed. We
13 are in the business to develop property, so no matter what
14 happens, it will be developed. We would rather work with you
15 and come up with a plan that works with us too.

16 MR. LINGENFELTER: Well, Ryan, I don't think there is a
17 question the property is going to be developed. I mean, when
18 that project started several years ago, I mean, everybody in
19 that area knew those were the circumstances and I think -- I
20 think the real concern is, at least if I'm hearing what the
21 residents have to say that are affected by this, is that how
22 does the changes you are proposing affect what was initially
23 conceptualized that was going to go into that development.
24 And that's -- I mean, from my standpoint, when I look at this
25 as a proposal, and I won't even get into my opinions on about
26 the fact that's a development now versus what it could have
27 been, but I see -- the big question I have in looking at this
28 is that I haven't heard a compelling reason why you can't
29 finish out the development that was proposed there and started
30 there initially under the existing zoning that's in place. I

1 mean, why -- I don't understand why we need to be compelled to
2 change the zoning classification instead of you trying to come
3 up with a plan utilizing the existing zoning that's in place
4 now with trying to harmonize what's already started. And I
5 realize you are not the developer that started this and I know
6 you're kind of getting involved in a little bit of a mess here
7 in terms of something that got started -- project that got
8 started, units were built, units were sold, you already have
9 now affected residents, people who are living there, and they
10 had a preconceived notion when they purchased and moved into
11 that area of what they were buying into and now all of a
12 sudden the rules are getting changed. And I can understand
13 their concerns. It concerns me. I mean -- and I also happen
14 to be personal friends with landowners behind that development
15 and I know what they've dealt with over the last multiple
16 years and messes they've had to deal with while this area has
17 sat undeveloped and I know the issues that causes. And I
18 would hope that regardless whether this stays as it's zoned
19 now or whether it will be changed at the discretion of this
20 Board, that those issues get taken care of. Because we've had
21 some adversely affected residents that have put up for many
22 years now issues that, quite frankly, were not of their own
23 design. They just happen to be living in a bad spot and they
24 got caught into a situation that was kind of created for them
25 not of their own doing, but by the development of that
26 property and cutting all the trees down and changing, you
27 know, the land in that area.

28 So they've been dealing with an issue for a while and I
29 would like -- regardless of whether this stays as R-1 or gets
30 changed into a different designation, that we get that problem

1 fixed, because we've had some people living over there that
2 have been dealing with a lot of, you know, uncomfortable
3 situations for a long period of time.

4 And I guess I'm not seeing any compelling reason when I
5 look at this to consider why this should be change from R-1 to
6 R-3. I mean, why can't you work within the R-1 and come up
7 with a plan that will harmonize what's already been started
8 and include the people that are there as a part of this
9 development, instead of the way I look at this as they are
10 kind of like on their own little island and they are carved
11 off here and they're kind of sitting there by themselves and
12 now all of a sudden a brand-new development is going to come
13 in next to them and they're kind of being excluded and they
14 have nothing really to say about this.

15 So I don't know that that's -- I'm just not seeing any
16 reasoning that would make me say, "Yeah, this R-3 makes a lot
17 of sense."

18 MR. SOMMERS: Well, we didn't develop concept plan
19 for duplex because everyone looks at the original Arias Way
20 concept plan. We can't develop the property under that plan.
21 As I mentioned before, we don't control the association, it's
22 not part of our property and the way we'd have to configure
23 the street frontages and widths would be completely different
24 than the original concept plan, because we don't own that
25 property. So if you have the original Arias Way concept plan,
26 there is frontages that zig-zag in and out, there are 50-foot
27 flag lots, there are 100-foot wide lots, and many of those go
28 through the existing phase. And on top of that, you're asking
29 us to continue a plan that didn't work in this economy. It
30 was a bank-owned property, which means it failed economically.

1 Economics are not the reason to rezone.

2 MR. LINGENFELTER: Well, but I'll tell you right now, I
3 mean, we've done a lot of work together and I respect the
4 things you do and I think you do a nice job --

5 MR. SOMMERS: I appreciate that.

6 MR. LINGENFELTER: -- in Concord Township. I really do.
7 But with all due respect on the failed design issue, I mean,
8 we're talking about some pretty extraordinary times right now.
9 I would not -- I --

10 MR. SOMMERS: I know better than anybody. I
11 understand that.

12 MR. LINGENFELTER: Right. And I respect that, but I
13 think when you look at it, when you look at the plan that was
14 there, I thought Arias Way, albeit I wasn't happy with the
15 development going in there in the first place, I looked at
16 Arias Way as a nice, you know, compromise to what could have
17 been. So I just think that they got caught up in a situation
18 with the housing market that just absolutely took a nose dive.
19 And when you take a look at that with the economy, it was just
20 a perfect storm with the circumstances that caused that thing
21 to go belly up.

22 I can tell you right now, being involved in the real
23 estate market around here and in the Concord Township area
24 like we are, that certainly wasn't the only one that went
25 south.

26 MR. SOMMERS: Sure.

27 MR. LINGENFELTER: And I don't know that it was
28 necessarily because the plan was bad, as it was just an
29 economic storm that people couldn't -- you know, people just
30 didn't anticipate. So I have a hard time taking that as a

1 reasoning that it's a failed plan because it ended up being a
2 bank-owned property. There are a lot of bank-owned properties
3 around Concord Township and I don't think they have anything
4 to do with failed plan or bad situation.

5 MR. SOMMERS: I appreciate that, but that's not the
6 primary reason. The primary reason is if we went to duplex
7 plan, which I'm saying for us is off the table, it's R-1 or
8 R-3, because it's not feasible for us. So we would go to R-1
9 and look at dedicated roadways at that point and then we'd
10 have limited ability to fix drainage issues, because we aren't
11 going to have large green spaces and we can't meet the
12 conservation zoning requests and there is no density bonus
13 anymore. So there are a lot of reasons why it's either R-1
14 single family or it's R-3 and we cluster the lots.

15 The R-1 lots are less, but they're worth more, but we
16 have to tear out improvements and take up every square inch of
17 the property. So I think I agree it would be nice to go back
18 to the old plan and say it would work, but we're not the
19 original developer. You know, the plans are half built. We
20 can't just pick up a project that we didn't start and finish
21 it.

22 MR. LINGENFELTER: Why?

23 MR. SOMMERS: Because we don't own the frontage and
24 the required distances to create the flag lots and demonstrate
25 that there are the ability to create these one-acre duplex
26 lots. We can't do it.

27 MR. LINGENFELTER: Can you look me in the eye and tell
28 me you've given a true 100 percent effort to try to work out
29 the development within the parameters as it exists today and
30 you can look me in the eye and say, "Andy, we have -- we have

1 given this a 100 percent effort and there is just absolutely
2 no way we can make this work"?

3 MR. SOMMERS: I can't do that because that has
4 always been the least desirable choice, but I would be willing
5 to present a plan, like the single-family home, and bring that
6 in and show you what we can do, even though it's our least
7 desirable option. We build single-family lots. I'm just
8 being honest.

9 MR. LINGENFELTER: I know. I understand that, but I --
10 and if this was a vacant development where they just maybe
11 started putting in some initial infrastructure, you know, that
12 would be one thing, because it's not adversely affecting
13 residents. But now we have people that are in there and this
14 is going to, you know, adversely affect them. Or maybe not
15 necessarily adversely, but it will definitely affect them, you
16 know, for sure.

17 MR. SOMMERS: We're talking about increasing the
18 values of the homes from what has recently sold. The last
19 three units have sold way below cost. We're happy to sell
20 them. We have two more to sell. We're talking about a plan
21 that will increase the value of existing residences. I'm not
22 saying we're adversely affected, but in a way we are, because
23 we already have a project that's partially developed. It's
24 hard to tell where the lines start and stop in that project,
25 so now we have to start a project that is already
26 condominiums. If it was already R-1, we wouldn't even be here
27 tonight because we'd be developing R-1, but it's condominium
28 in R-1 and it puts us in the predicament that it's not
29 condominium, but it's not single-family fee simple.

30 MR. PETERSON: Let me ask you a question from

1 another angle of thought, and you would know the answer to
2 this better than I would, but from a desirability standpoint,
3 the condo -- the condos that were going in there were very
4 nice, in fact I actually looked at one, but now you're putting
5 in something like this, which I don't know if everyone has
6 seen this, this is very nice too, but from your perspective do
7 you feel you have a greater chance to sell the property with
8 cluster homes as opposed to a condominium?

9 MR. SOMMERS: I know from a fact -- I know for a
10 fact from personal experience we have an attached condominium
11 project on Johnnycake Ridge. We've sold two units in -- three
12 units in two years there. We have a detached cluster project
13 next to St. Gabriel's called Gabriel's Edge Condominiums
14 Cross-Continental. We've sold eighteen units in one year last
15 year for more average price point than a larger unit in the
16 other project. So dollar per square foot and absorption,
17 we've sold homes there from 170 to 260, so -- 1500-square-foot
18 homes on full basement. So, absolutely, we're talking about a
19 bigger product on detached lots. We think that that price
20 point is going to go up 25 percent. We can't guarantee that,
21 but from our actual experience, that's what's going on in
22 Concord a mile away in R-3.

23 CHAIRMAN WENTZ: I recognize a lot of constraints in
24 this system here and probably a lot of us would like to simply
25 have what the original plan was, but I understand the issues.
26 Having said that, I think it would be worthwhile making an
27 effort to minimize the impacts, potential adverse impacts on
28 surrounding residents and so personally I feel it would be
29 useful to make that effort and to recess this and come back,
30 but I think that's a question for the whole board here to

1 voice their opinions on.

2 MR. SOMMERS: I would be happy to do that. And, Andy, I
3 could bring a best efforts plan that would be a duplex plan.
4 Even if our intent isn't to build it, we can explore that
5 option. I'm not going to say it's absolutely never going to
6 happen. It's something we could work on. I think primarily
7 it would be for the drainage reason. I'm not an engineer. I
8 don't pretend to be. I know there are encroaching utility
9 lines. We can show where those easements could be in the
10 future for the existing association. So there are a lot of
11 things we could do in more time that might well better inform
12 you to where you could make a better decision.

13 MR. LINGENFELTER: Personally, for me, I would like to
14 see that happen. That would help me understand better why
15 that there would be a compelling reason to consider change in
16 zoning. Because what I'm seeing right now, I don't see any
17 compelling reason to make this change. And I think when we're
18 talking about a zoning change, there has to be a compelling
19 reason and right now I'm not seeing one, other than you are
20 telling us that's what you think is in the best interest. So
21 I would feel better if you could come back with some other
22 alternatives.

23 And I think the affected residents should be brought in
24 on that process. Let them take a look what's going on. Not
25 that I'm asking them to be co-developers with you, but I'm
26 saying I think their input is important because it has a
27 direct impact on their lives and what they've done. I think
28 with them being as directly affected as they are, I think it
29 should be something they should feel good about. And, who
30 knows, maybe at the end of the day we are not going to get

1 anything that's going to help the residents feel good about
2 what's going to happen, but at least they know that there was
3 an attempt to get it done and they can feel their concerns
4 were listened to and their issues were at least represented in
5 the process and maybe they can at least understand what's
6 going on and be a little more accepting of it. So that's my
7 thoughts.

8 CHAIRMAN WENTZ: Any other comments on the holding
9 over on this?

10 MR. PETERSON: Only thing I would like to say is
11 I've spent a lot of time reading through R-3 zoning
12 requirements. If the decision was to go to R-3, I can't see
13 anything on this plan that doesn't meet the R-3 requirements.
14 So I went through every point by point and it does meet that
15 if that decision were to be made.

16 MR. SCHINDLER: One of the things I would like to
17 say, I concur with my fellow commission members, if you are
18 going to look at alternatives as far as zoning is concerned,
19 the biggest thing I hear tonight is the flooding issue of
20 surrounding residents already. Whichever way you think is
21 going to be beneficial to you financially, trying to convince
22 me, irregardless what the zoning says, I want to see you have
23 to put in writing, for me to vote favorably in that regard, is
24 that going to address the issues of flooding that the people
25 are experiencing now. And even if it's not in the realm of
26 the zoning you are requesting, I want to see it put in writing
27 that it would be addressed so that they could be assured that
28 it's not going to happen, that they're not adversely affected
29 by flooding as they are right now. So that's the only way you
30 would get my vote, if you can address those issues, meet with

1 the residents, try to come up with a consensus that's going to
2 address all those issues right now and guarantee them they are
3 going to be rectified in a time frame, and not saying, "It's
4 going to be" and then it stretches out like a lot of
5 developers unfortunately say, "We are going to do this," and
6 years and years and years go by and it never gets done. I
7 want to see a timetable. I want to address these issues so
8 they can feel comfortable that once it's done, everybody is
9 happy, you get what you want and they get their problems
10 addressed. That's all I have to say.

11 MR. MCINTOSH: I would just add, I agree with Andy.
12 As I asked you earlier with respect to the compelling issue
13 regarding the rezone, I feel that needs some vetting and I
14 agree, I wasn't aware the drainage issue was as big of a deal
15 as it was here, so I think that's definitely compelling and a
16 great concern of me to see that addressed as well, but also
17 that we go forward if we are going to be looking at something
18 like this being rezoned, that we look at the plan and the
19 community. So I think that's -- I would agree with my fellow
20 board members.

21 MR. LUCAS: Ryan, just to give you a heads-up too, I'm
22 not sure if you've talked to Kathy or not about this, there is
23 a county utility issue that's arisen. You maybe want to
24 synchronize with Kathy and myself about that. Again, it has
25 to do with the utility servicing of a property and objection
26 from a county level on it, which we don't have any regulatory
27 authority, but it's something that's going to synchronize with
28 one of the text provisions in our zoning resolutions, so we
29 make sure that crooked path is made straight, if it can be. I
30 don't know, you're going to have to do yeoman's work on this

1 one, but we'll see.

2 MR. SOMMERS: Again, we're picking up pieces here
3 of a project, just working through all the issues.

4 MR. LINGENFELTER: I don't envy you.

5 CHAIRMAN WENTZ: I think we have a consensus here that
6 we will recess this public hearing, give you an opportunity to
7 address with these other citizens some of their issues and
8 explore, as Mike suggested, the issue of the county utility,
9 so this public hearing will stand in recess until next month.

10 MR. SOMMERS: Okay. Thank you. I appreciate your
11 time.

12 MR. LINGENFELTER: Thanks, Ryan.

13 CHAIRMAN WENTZ: At this time, since we have some
14 other business to transact, I would like to take a couple
15 minute break for anybody that doesn't want to stick around for
16 our election of next year's chairman and other clean-up
17 business. Why is everybody leaving?

18 (RECESS HELD.)

19 CHAIRMAN WENTZ: Back relatively live. I would like
20 to have the election of the new zoning commission chairman and
21 vice chairman for the next year.

22 MR. SCHINDLER: Mr. Chairman, I so move we move Andy
23 Lingenfelter from vice chair to chair for next year.

24 CHAIRMAN WENTZ: Second that.

25 MR. PETERSON: Second that.

26 CHAIRMAN WENTZ: All those in favor?

27 (FOUR AYE VOTES)

28 CHAIRMAN WENTZ: Opposed?

29 MR. LINGENFELTER: Nay. I had to. (Laughter.)

30 CHAIRMAN WENTZ: So now we have to come up with the

1 vice chair.

2 MR. SCHINDLER: Mr. Chairman, I so move we move
3 Morgan McIntosh to vice chair for next year.

4 CHAIRMAN WENTZ: Excellent idea.

5 MR. LINGENFELTER: I'll second.

6 CHAIRMAN WENTZ: All in favor?
7 (Five Aye Votes.)

8 CHAIRMAN WENTZ: Opposed?
9 (No Nay Votes.)

10 CHAIRMAN WENTZ: Correspondence report by zoning
11 commissioners. Frank?

12 MR. SCHINDLER: Mr. Chairman, I have none for this.
13 No calls, nothing.

14 CHAIRMAN WENTZ: Anything?

15 MR. PETERSON: I have none.

16 CHAIRMAN WENTZ: I have nothing.

17 MR. LINGENFELTER: I haven't heard anything from
18 anybody.

19 MR. MCINTOSH: Nothing as well.

20 CHAIRMAN WENTZ: Approval of the minutes from February
21 2.

22 MR. SCHINDLER: Mr. Chairman, I so move we accept the
23 minutes of February 2 as written.

24 CHAIRMAN WENTZ: Is there a second?

25 MR. MCINTOSH: I second.

26 CHAIRMAN WENTZ: All in favor, say, "Aye."
27 (Five Aye Votes.)

28 CHAIRMAN WENTZ: Opposed?
29 (No Nay Votes.)

30 CHAIRMAN WENTZ: Good.

1 We have here also a resolution with regard to the
2 retirement of George Norman that I'd like to read into the
3 record. "Whereas Mr. George Norman, a long-time resident of
4 Concord Township has served on the Board of Zoning Appeals
5 from April of 1989 to March of 1995, as well as the Zoning
6 Commission from April 1995 through March 2010, and whereas he
7 also served on the Citizens Advisory Committee for the 2004
8 Comprehensive Plan and was an intregal part of the
9 implementation of zoning ammendments for both the Auburn/Crile
10 Road Corridor and the Town Hall Corridor updates, and whereas
11 during his participation and service of both zoning boards he
12 exhibited both resilience and leadership in all of his zoning
13 decisions with a firm understanding of the planning process in
14 guiding future development within the Township. Now
15 thereafter let it be resolved by the Concord Township Board of
16 Trustees, Lake County, Ohio, that the board and its fellow
17 commission members wish to extend their sincere appreciation
18 for his twenty-one years of service and for upholding the
19 spirit and intent of Concord zoning regulations and
20 development policies for the betterment of this community both
21 today and for many years to come."

22 This is signed by the Board of Trustees and the Zoning
23 Commission. I think it's highly appropriate.

24 MR. SCHINDLER: Here here. I agree.

25 MR. LINGENFELTER: Yeah, thanks, George.

26 MR. SCHINDLER: Thanks, George.

27 CHAIRMAN WENTZ: Any other business?

28 Next meeting is -- there must be a calendar somewhere.

29 MR. LINGENFELTER: May 4th.

30 CHAIRMAN WENTZ: May 4th, okay.

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MR. LINGENFELTER: As we chomp through the year.
Wait a minute. Is this officially your last gavelling in
your tenure as chairman?

CHAIRMAN WENTZ: Yes.

MR. LINGENFELTER: Have at it.

CHAIRMAN WENTZ: I was thinking of requesting at the
future we report all meeting times to the nearest second or
minute. That way George and I wouldn't have had a tie.
That's the way it goes. Have to wait till next time.

This meeting is adjourned.

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(MEETING ADJOURNED AT 8:10 P.M)

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CERTIFICATE

I, Susan Goodell, hereby certify that the foregoing pages constitute a true and complete transcript to the best of my ability of the testimony requested to be transcribed from my Stenograph notes, taken at the time and place designated herein.

WITNESS MY SIGNATURE THIS 25th day of April, A.D. 2010.

SUSAN GOODELL