

1 CONCORD TOWNSHIP BOARD OF TRUSTEES
2 LAKE COUNTY, OHIO
3 PUBLIC HEARING and MEETING

4
5 February 2, 2011

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

9 6:45 P.M.

10 **TRANSCRIPT OF PROCEEDINGS**

11
12
13 Present on behalf of the Board of Trustees:

14 PAUL R. MALCHESKY, Chairman
15 CAROLINE N. LUHTA, Vice Chairwoman
16 CHRISTOPHER GALLOWAY, Trustee

17 Also Present:

18 MICHAEL LUCAS, ESQ., Legal Counsel
19 AMY L. DAWSON, Fiscal Officer
20 JACK NETTIS, JR., Administrator
21 BRUCE BULLARD, Zoning Inspector
22 CHIEF MIKE WARNER, Fire Department
23 LIEUTENANT DONDORFER, Lake County Sherriff's Dept.
24 FRANK KRASKA, Service Director

25
26
27 Melton Reporting
28 11668 Girdled Road
29 Concord, Ohio 44077
30 (440) 946-1350

1 CHAIRMAN MALCHESKY: All right. It is a little after 6:45
2 and we are here for a public hearing for the proposed
3 accessory use and zoning text amendments today, February 2,
4 2011.

5 On January 4, 2011 the Concord Township Zoning Commission
6 upon consideration of zoning text amendments recommended the
7 approval with some avocations of proposed amendments 1 through
8 9 and we are set today for a public hearing on those
9 amendments as those amendments were approved by the Zoning
10 Commission and it is up to the Concord Township Trustees'
11 Office to review those things and then to vote ourselves.

12 Do you want to go through the amendments?

13 MS. LUHTA: I have a -- if they approved them on
14 January 4th, we just have to have our public hearing in 30
15 days? We don't have to make a decision in 30 days?

16 MR. LUCAS: No, there is a decision within a time
17 limit.

18 MS. LUHTA: Check that, please.

19 MR. LUCAS: Yep.

20 MR. GALLOWAY: Do we need to read all the amendments
21 or open up the public comments?

22 CHAIRMAN MALCHESKY: I can go over them generally or we
23 can just open it up to public comment.

24 MR. GALLOWAY: I would just open for public comment.

25 CHAIRMAN MALCHESKY: Okay. We will open the public
26 comment then. Anybody who wishes to state their opinion, you
27 are going to have to come up to the podium, state your name
28 and your address and please feel free to make a proper
29 comment. We'll go to this row first.

30 MR. DAVIES: My name is Jim Davies. I live at

1 7553 Allegheny Drive. One of the reasons I'm here is I have
2 concern after going on the internet and looking at all the
3 different things that you have down as far as variances and
4 what you can and can't do. It makes me begin to wonder if
5 we're not going to be more as a city than a township.

6 I moved here 27 years ago from a city for the reason of
7 not having to have so many restrictions and laws as far as
8 what I can and can't do on my property. Some of the things
9 I've noticed, I mean, you have to have your firewood, I think,
10 three feet from a line. I mean, sometimes I think rather than
11 have something like that, you talk to your neighbor, say,
12 "Hey, would you mind doing something and moving it?" You
13 know, there are so many rules and regulations that I see that
14 are being incorporated into our township.

15 And we had an advocate, Mrs. VanLoon many years ago that
16 looking back at some of the things that she was worried about
17 are somewhat coming true. And I'm just here to say -- I mean,
18 one of the other things I noticed, I think, and correct me if
19 I interpreted this incorrectly, but if you grow vegetables or
20 items on your property that, you know, it's got to be used for
21 the family and so forth. I might be wrong on that, but that's
22 how I interpreted it. And what -- you know, when you have a
23 lot of zucchini, what's wrong if the youth or whomever wants
24 to sell a little bit on a roadside stand and things like that?
25 And those are some of my concerns.

26 CHAIRMAN MALCHESKY: Basic general philosophy of
27 overzoning?

28 MR. DAVIES: The way zoning is going, yes.

29 CHAIRMAN MALCHESKY: Okay. We appreciate those.

30 MS. LUHTA: Thank you.

1 MR. KING: Good evening. I'm Sherman King, 7080
2 Morley Road. Been a resident here 32 years. I moved here out
3 of Painesville City. I liked it as a community and it had a
4 community atmosphere. I did not know in regards to all the
5 changes that were being proposed. I talked to Jim, we were
6 scheduled to have Bible study tonight, but it was canceled and
7 I said, "I'm coming."

8 MS. LUHTA: Good.

9 MR. KING: And one of the concerns that I had
10 was things that he said that he found that he was looking up
11 on the internet. I do not have internet. People assume that
12 everyone today has internet. I never signed up for the mark
13 of the beast. I have a computer, but I do not have internet.

14 My concern is overregulating situations in regards to
15 what a property owner can do or cannot do. Jim mentioned in
16 regards to selling possible fruit, vegetables maybe during the
17 summer. We have now along Morley Road individuals selling
18 firewood. You drive by, you want firewood, you stop, put the
19 money in a can and then you're taken care of. Where do we
20 draw the line? How far can the regulations go?

21 You guys are a sharp group, but we need to examine in
22 regards to common sense as to an overemphasis in regards to
23 structures of trying to control these things. The thing with
24 the firewood, what do you have, firewood police that come
25 around and measure the property lines to see if you're within
26 a three foot limit? I think -- I think we have to use some
27 discretion in regards to the rules that exist.

28 Whatever other changes there are, I don't know. I watch
29 the screen on TV and it doesn't list. It didn't list, that I
30 saw, all of the changes and variances. If I missed it, it was

1 at a date that I apparently didn't watch and I don't have
2 internet, so what do you do? So how are you finding out what
3 the needs of the community really are? That's my concern.
4 Thank you.

5 CHAIRMAN MALCHESKY: Thank you.

6 MS. LUHTA: Thank you.

7 CHAIRMAN MALCHESKY: Anybody in Row 2, 3, way in the back?
8 Sue?

9 MS. KAREL: No.

10 CHAIRMAN MALCHESKY: How about over here?

11 MR. RICHARDS: Ours aren't relevant to zoning.

12 MS. LUHTA: Oh, okay.

13 CHAIRMAN MALCHESKY: All right.

14 MR. LUCAS: With this pause here, let me just say
15 that in answer to Trustee Luhta's question, you have 20 days
16 from the date the public hearing is closed in which to vote.

17 MS. LUHTA: Thank you.

18 MR. LUCAS: You are welcome.

19 CHAIRMAN MALCHESKY: Connie, will our next meeting be
20 sufficient for you?

21 MS. LUHTA: Yes.

22 CHAIRMAN MALCHESKY: Any other comments with regards to
23 the public meeting?

24 MR. GALLOWAY: Just let me just address this one
25 thing here. With regard to what's in here, there is nothing
26 in here that says you can't have a garden and sell your extra
27 zucchinis to your neighbors and whatnot. What this is
28 addressing is the building of an actual like stand, like a
29 permanent structure to sell vegetables and things; for
30 example, you know, in a subdivision and things of that nature.

1 You know, this doesn't address anything in terms of gardening,
2 you know, if you've got extra peppers and tomatoes and you
3 want to sell them to the church group, give them away,
4 whatever. It doesn't address any of that. Same thing with
5 firewood, if somebody puts five bucks for ten pounds of
6 firewood at the end of their driveway, as far as everything
7 that I've read, Michael, you can correct me if you like, but
8 there is no restrictions on anything like that.

9 MR. LUCAS: No, there isn't.

10 MR. GALLOWAY: What the Zoning Commission, I think,
11 was trying to do was address some of the concerns that arise
12 when a community grows from being more rural to being
13 basically a community of 20,000 people. I mean, when this
14 next census comes out, we will probably be bigger than
15 Painesville. Obviously growth mean density. There are right
16 now -- is it, guys -- there is about -- Bruce would know,
17 there is about 600 buildable lots already platted in this
18 township that have not even been -- you know, this month alone
19 in January we had what, six permits to build new houses in the
20 dead of winter in a nothing housing -- you know, last year we
21 did 46 new?

22 MR. NETTIS: 49.

23 MR. GALLOWAY: 49 new houses. The City of Chardon
24 did three. The people are still coming to Concord. So what
25 we have is this -- and what we always have to try to balance
26 is this where we were and what we're becoming and to try to
27 create a balance. I'll use your firewood as an example. I
28 agree with you. We always try to encourage, and Bruce has
29 these conversations all the time with neighbors over conflicts
30 of, "Hey, your car's parked here" or "You've got" -- a lot of

1 times we just -- talk to your neighbors. Don't assume this is
2 a battle, but, you know, communication goes a long way and
3 usually that works.

4 You know, but we have -- and I can tell you, we've got
5 emails, I can show you between neighbors that, "Hey, he's got
6 firewood six inches off the property line" or "He cut down a
7 tree that's five inches inside his property. How dare he cut
8 down a tree," and back and forth and, you know, at each
9 other's throats. And what we try to do is I agree with you,
10 you have to put some kind of regulation in about firewood,
11 "You can only have it" -- what that is is I view that more
12 like a safety net. It's like when common sense between
13 neighbors breaks down, at least there is something we can fall
14 back on and say, "Listen, you're not willing to work with your
15 neighbor, there is a minimum standard that you at least have
16 to adhere to something." I think that's what the Zoning
17 Commission was trying to do with some of this stuff.

18 I know Connie has some concerns on some of the
19 agricultural stuff. I have some questions on it as well. You
20 know, as an example, you know, some of the reduction in the
21 dairy and specifically, you know, the raising of chickens in a
22 subdivision that's at least 35 percent filled, eliminating
23 that ability.

24 Okay. Townships historically have been agricultural and
25 I don't want to restrict someone's ability to have a couple
26 chickens. I like chickens. But at the same time if you've
27 got a development like Summerwood, you know, it's -- you know,
28 that's where you have -- that's where we end up with the --
29 with the people that are in the neighborhood and "My neighbor
30 has twelve chickens and I'm in this nice neighborhood and I

1 came here and I don't understand what this is all about." So
2 we have this clash of difference and really what we try to do
3 is balance it.

4 And my concern, and Michael can probably talk to this,
5 and one of the things I want to raise is the division, okay,
6 we can talk about that and then we have in here, Mike, under
7 6.13 it's laid out where it says, you know, under Section
8 711.131 of ORC, talking about lots that are contiguous to one
9 another, some of which are contiguous to one another and
10 adjacent to one side of a dedicated public road, so now we're
11 getting out of regulating, say, chickens in a subdivision, now
12 we're talking about regulating, you know, whether someone can
13 have them, I guess, if they live on Hoose Road and they're not
14 in a subdivision or they live on -- am I reading that right, I
15 mean?

16 MR. LUCAS: Yeah. And the reason -- it's a little bit
17 more complex than the typical language in the zoning
18 resolution itself and the reason it's a little more complex is
19 because the language itself is derived from a recently enacted
20 state statute, which is one of the reasons we moved forward
21 with trying to incorporate the new state statute was
22 specifically designed to permit the township in a limited
23 sense to regulate agricultural. It's not -- because typically
24 the township has no authority to regulate any agricultural use
25 whatsoever. And what the General Assembly did in enacting
26 this recent statute was to permit a very limited set of
27 circumstances in which the township now does have the ability
28 in a limited sense to regulate agricultural use and that's why
29 you have those restrictions that Trustee Galloway just
30 indicated included the contiguous to the right-of-way and

1 other factors within that, which is again, very frankly,
2 overly -- a little bit more overly complicated than our
3 typical zoning resolution. But, again, it's a product of
4 really the state statute from the Ohio General Assembly.
5 That's how that acutally -- that was the influence behind that
6 modification. It wasn't necessarily done for purposes of, "We
7 want to overregulate." It just made sense from a zoning
8 standpoint that we want to have our zoning resolution
9 consistent with zoning statutes under the Ohio Revised Code
10 and that's what triggered it, so...

11 MR. GALLOWAY: Correct me if I wrong, this is really
12 -- it's a may situation, not a shall.

13 MS. LUHTA: Right.

14 MR. GALLOWAY: So this is our call.

15 MR. LUCAS: Right.

16 MR. GALLOWAY: And that's the purpose of the public
17 hearing.

18 MR. LUCAS: That's correct.

19 MR. GALLOWAY: The state gave us that ability to
20 regulate if we choose or to put some additional regulation in
21 there.

22 MR. DAVIES: I have another question.

23 CHAIRMAN MALCHESKY: Go ahead.

24 MR. DAVIES: On the new developments and so forth,
25 if they came out where you have a homeowner's association for
26 each development where they would put their own restrictions
27 on and so forth, rather than try and blanket the whole
28 township with restrictions, is that being done or can that be
29 done rather than say -- because I understand there is growth
30 and I understand if I'm moving into a 250 or \$500,000

1 development that I don't just want somebody to put chickens
2 beside me or whatever. So by building these new developments,
3 can they not have a homeowner's association and they regulate
4 that rather than putting that on the township and on the
5 trustees?

6 MR. GALLOWAY: They --

7 CHAIRMAN MALCHESKY: It -- go ahead.

8 MR. GALLOWAY: I was just going to say, they would
9 have to do that on the front end or could the owner --

10 MR. LUCAS: Yeah, the homeowner -- first of all,
11 as a general proposition in a subdivision, the county has
12 pretty much extensive regulatory power in terms of residential
13 subdivisions. In a township, they have zoning regulations of
14 side yard variances or side yard setbacks, rear yard, front
15 yard, but everything else is pretty much derived from the
16 county regulations and the Lake County Planning Commission.

17 To answer your question, though, yes, they can do that
18 and they have done that, but what they generally do then is
19 make it more restrictive than typically the county subdivision
20 regulations. But certainly they have the right to do that and
21 a lot of instances have done that over the residential
22 properties, like Concord Hills Homeowners Association,
23 Brentwood Lake Homeowners Association.

24 Just as an editorial aside, one of the problems we have
25 is the association itself is only as good as its board members
26 in terms of how they want to enforce the regulations and a lot
27 of times what is an ideal homeowners association through
28 attrition ends up with, you know, basically a figurehead board
29 that doesn't really want to do any enforcement because all
30 their neighbors are saying, "We don't want you to do any

1 enforcement." So you end up with a nice product in terms of
2 the homeowners association rules and regulations, but they
3 ultimately don't become enforced.

4 MR. GALLOWAY: One of the other issues, of course,
5 if you have someone that's doing something that, say, the
6 homeowners association forbids and even the members of the
7 board don't agree with, you know, they may be forced into
8 legal action --

9 MR. LUCAS: Right.

10 MR. GALLOWAY: -- which then becomes a burden on
11 individual members of the homeowners association to fund that
12 and then that's when someone says, "Well, we have to go get
13 attorneys to fight our neighbor on Subject X," and then that's
14 when a lot of people go, "Well, I don't want to have to throw
15 \$1500 in a legal kitty to fight my neighbor over his, you
16 know, his extra vehicle in his driveway," or something and
17 that's --

18 MR. LUCAS: Right, because I've heard legal fees
19 are expensive.

20 MR. GALLOWAY: -- when things break down.

21 MS. LUHTA: Uh-huh.

22 CHAIRMAN MALCHESKY: And with regards to these, I guess
23 fruit farms or, you know, having zucchini in the backyard and
24 wanting to sell it, those are still permitted uses.

25 MS. LUHTA: Yeah.

26 CHAIRMAN MALCHESKY: What -- I think what the regulation
27 is trying to avoid is turning a residential property into --

28 MR. GALLOWAY: Commercial.

29 CHAIRMAN MALCHESKY: -- a commercial piece of property.
30 So incidental uses are still permitted, although as you read

1 that, you still may object to that, but I at least want to
2 kind of point that out to you.

3 MS. LUHTA: Uh-huh.

4 MR. GALLOWAY: Yeah, Bruce Bullard is not going to
5 become the zucchini police.

6 MR. DAVIES: I just --

7 MR. GALLOWAY: No, I know, it's a good example.

8 MR. DAVIES: That's how I interpreted it.

9 MR. GALLOWAY: Well, let me just raise some of the
10 other things that I have.

11 CHAIRMAN MALCHESKY: Yeah, go ahead.

12 MR. GALLOWAY: And we can have a discussion. Since
13 we're here, we'll discuss them.

14 MS. LUHTA: Well, okay. I have some input from
15 two other residents. One called me tonight and was not able
16 to come because of the weather, but he objected to the
17 agricultural section completely. And then I have another --
18 you got the email too from Evelyn Siu --

19 MR. GALLOWAY: Yep.

20 MS. LUHTA: -- and she objects to the
21 agricultural restrictions because of the 4H projects. She
22 says not being able to raise a couple of chickens on one's own
23 property makes it impossible for these children to participate
24 in the 4H program. Poultry husbandry is a valuable learning
25 experience for our youth and can be easily managed on a
26 property of less than one acre. I believe lumping poultry
27 husbandry with all other types of animal husbandry reflects a
28 poor understanding of residential agriculture.

29 Then I also had a remark about rabbits. I mean, children
30 have pet rabbits and that would not be permitted under what we

1 have here, I believe. Is that not correct?

2 MR. LUCAS: Connie, I don't have the text here.

3 MS. LUHTA: Okay. I do right here.

4 CHAIRMAN MALCHESKY: Mike, you didn't memorize it?

5 MR. LUCAS: No. It's a page turner.

6 CHAIRMAN MALCHESKY: It's only about a half inch thick.

7 MR. LUCAS: In the evening hours I fell asleep a
8 couple times.

9 MS. LUHTA: It's pretty thick, which is why I
10 want to have time to change what I don't like and I don't like
11 a lot of it.

12 Thanks. You didn't mark yours up like I did mine.

13 CHAIRMAN MALCHESKY: That's an extra copy.

14 MS. LUHTA: Oh, okay, thanks. I'll give it to
15 Mike then.

16 MR. LUCAS: Yeah, that's true, Connie.

17 MS. LUHTA: It's true. Okay. Thank you. It's
18 true you can't have rabbits and I do object to that because
19 children get them for Easter and, you know, they get all sorts
20 of little things.

21 CHAIRMAN MALCHESKY: Connie, do you want to go through
22 this a little bit then?

23 MS. LUHTA: If you'd like, we can, or --

24 CHAIRMAN MALCHESKY: Things to think about over the next
25 -- before we close the hearing.

26 MS. LUHTA: All right.

27 MR. GALLOWAY: Well, I have a question, and Bruce
28 can probably answer this, under the parking and commercial
29 vehicles, gross vehicle weight of a commercial vehicle shall
30 not exceed 10,000 pounds. How big is that? I mean, what kind

1 of vehicle is that?

2 MR. BULLARD: One-ton dump truck.

3 MR. GALLOWAY: One-ton dump truck basically?

4 CHAIRMAN MALCHESKY: What pag?

5 MR. GALLOWAY: That's on page -- there is no number.

6 CHAIRMAN MALCHESKY: That's all right. Forget it.

7 MR. GALLOWAY: It's under Amendment 5, last page

8 under Amendment 5.

9 MS. LUHTA: I have a question on Page 21.1. It's

10 in the Rural Residential and Recreational District R-8. They

11 list permitted uses including a garden or botanical center,

12 but under accessory uses they don't list greenhouses. Is that

13 an omission? They list all sorts of different buildings and

14 driving ranges and tennis courts, but they didn't list

15 greenhouses and --

16 MR. GALLOWAY: This is under R-8?

17 MS. LUHTA: It's under R-8, Page 21.1, and then

18 21.2 goes on with the buildings and so forth, but they don't

19 -- they didn't put in greenhouses.

20 MR. GALLOWAY: Wouldn't a botanical center be a

21 greenhouse?

22 MR. BRUCE: Yeah. It would come under that

23 scope.

24 MS. LUHTA: Okay.

25 MR. GALLOWAY: We could add the word, "greenhouse"

26 if you want just to clarify.

27 MS. LUHTA: Yeah, I would think that would be

28 nice.

29 CHAIRMAN MALCHESKY: Under 21.04B.

30 MS. LUHTA: Yeah.

1 CHAIRMAN MALCHESKY: No. 8 would be greenhouse.
2 MR. GALLOWAY: In 21.03 you have to add it.
3 MS. LUHTA: 21.03 has --
4 CHAIRMAN MALCHESKY: Those are the permitted uses.
5 MS. LUHTA: -- the permitted uses and the
6 accessory to the principal uses --
7 MR. GALLOWAY: Got it.
8 MS. LUHTA: -- is where I wanted to put
9 greenhouses.
10 MR. GALLOWAY: I also have some concerns under the
11 hot tub regulations.
12 MS. LUHTA: Me too.
13 MR. GALLOWAY: I don't own a hot tub.
14 CHAIRMAN MALCHESKY: You aspire to own one some day --
15 MR. GALLOWAY: Some day.
16 CHAIRMAN MALCHESKY: -- and you don't want to be
17 restricted?
18 MR. GALLOWAY: That's right. Give me hot tub or
19 give me death.
20 MS. LUHTA: Actually, the County Planning
21 Commission recommended removing that.
22 MR. GALLOWAY: Yeah, my whole thing about it's a
23 locked cover or fence around a hot tub, hot tubs when they are
24 not in use, correct me if I'm wrong --
25 MS. LUHTA: They have covers.
26 MR. GALLOWAY: -- they're drained.
27 MS. LUHTA: Is it drained or they're covered?
28 MR. GALLOWAY: You don't leave the water in it.
29 MS. LUHTA: You do.
30 CHAIRMAN MALCHESKY: That's a jacuzzi.

1 MR. GALLOWAY: What's the difference?
2 CHAIRMAN MALCHESKY: Jacuzzi's in the house, a hot tub is
3 outside.
4 MR. GALLOWAY: Outside hot tubs keep the water in
5 all the time?
6 MS. LUHTA: Yes, and they have a cover on them to
7 keep the heat in.
8 CHAIRMAN MALCHESKY: Usually it's an insulated cover or
9 foam.
10 MS. LUHTA: Yeah. I don't have one, but --
11 CHAIRMAN MALCHESKY: They are not very -- I mean,
12 usually --
13 MR. GALLOWAY: I'm not hot tub literate.
14 MR. LUCAS: Usually, so I've been told, the water
15 is retained in the hot tub.
16 MS. LUHTA: Right.
17 MR. GALLOWAY: I see.
18 CHAIRMAN MALCHESKY: I think the concern is that some hot
19 tubs are about the size of pools now. And I think the
20 concern, you know, you start to have these hot tubs, the
21 ability to kind of swim laps stationary, you know, where you
22 are actually swimming in the water moving and they get to be
23 about three feet deep and ten feet long.
24 MR. GALLOWAY: That said -- that said, in the back
25 of my mind, this still hits me in the spot where I go, there
26 is a point where government just becomes --
27 MS. LUHTA: Yes, obtrusive.
28 MR. GALLOWAY: You know, what's next, a fence around
29 a koi pond?
30 MR. DAVIES: Where do you draw the line? Do you

1 draw the line?

2 MS. LUHTA: Exactly.

3 MR. GALLOWAY: You know, I agree with you.

4 MS. LUHTA: Let me read to you, it says here,
5 "The Planning Commission recommends not accepting Section
6 31.04, Hot Tubs. They felt this would be too difficult to
7 enforce."

8 MR. GALLOWAY: Well, the enforcement thing aside,
9 yeah, although Bruce can try to test them all out.

10 CHAIRMAN MALCHESKY: It's going to be generally a neighbor
11 that's complaining because they think their child may get into
12 that hot tub and that's how it's going to occur. It's not
13 going to be Bruce walking around in someone's backyard.

14 MR. GALLOWAY: Yeah, okay, obviously that comes back
15 to a parenting thing.

16 CHAIRMAN MALCHESKY: It's true.

17 MS. LUHTA: Right.

18 MR. GALLOWAY: Why is your child wondering around
19 the neighborhood opening up hot tubs and diving in, I mean? I
20 mean, I come back to that, you'll say, "Our children are
21 playing in the street."

22 "Well, why are they playing in the street?"

23 CHAIRMAN MALCHESKY: I'm just raising it that that --

24 MR. GALLOWAY: I understand.

25 CHAIRMAN MALCHESKY: -- is some of the discussion that's
26 going on with the topic. As long as we talk about the topic,
27 then appropriate vote, I just want to make sure we're all out
28 there.

29 MR. GALLOWAY: No, no, I understand. It's a lot
30 like the pool thing has come about because of the liability

1 over fences because somebody wanders in and drowns in somebody
2 else's pool. There is that whole safety thing. I don't
3 necessarily agree with that, but --

4 MS. LUHTA: I think there will be enough to do.

5 CHAIRMAN MALCHESKY: That's the whole hot tub.

6 MR. GALLOWAY: That's the whole hot tub thing.

7 CHAIRMAN MALCHESKY: We have hot tubs and bunnies and --

8 MS. LUHTA: Yep.

9 MR. GALLOWAY: Bunnies in hot tub.

10 CHAIRMAN MALCHESKY: -- zucchini.

11 MS. LUHTA: Zucchini.

12 MR. GALLOWAY: You know, the first four amendments I
13 went through a couple times, I didn't have any real issues
14 with. Did you have any with the first four?

15 MS. LUHTA: Uh-huh.

16 MR. GALLOWAY: Okay. Let's hear it.

17 MS. LUHTA: It's the parking -- well, the parking
18 of stuff on -- it has to be on a paved surface or gravel
19 surface and sometimes that is a hardship, I think, to people
20 who have -- who have to put something beside their house and
21 it happens to be grass. I don't see a problem with that.

22 MR. GALLOWAY: Why is it a hardship?

23 MS. LUHTA: Because if it's grass and they want
24 to park something there, then they have to go to the expense
25 of putting gravel or paving it.

26 MR. GALLOWAY: What are they parking there?

27 MS. LUHTA: A trailer or RV.

28 MR. GALLOWAY: So you can afford an RV but not some
29 gravel?

30 MS. LUHTA: Uh-huh.

1 MR. GALLOWAY: Oh, okay.

2 MS. LUHTA: Maybe.

3 MR. GALLOWAY: I'm just getting to the idea of
4 hardship.

5 MR. LUCAS: That's a hot topic for enforcement
6 purposes.

7 MS. LUHTA: Yes.

8 MR. GALLOWAY: It is. We get a lot of calls and
9 emails with many vehicles stacked all over their yards.

10 MS. LUHTA: Well, I'm talking about one. I see
11 many. I can understand many is a problem. But it's again, if
12 you can't do it in a township, where can you do it? This is
13 the least restrictive form of government in the State of Ohio
14 and I would like to keep it that way.

15 MR. GALLOWAY: Well, I agree with you.

16 MR. DAVIES: I agree. Yes, we are not a city.

17 MS. LUHTA: Exactly, yeah. If I thought I could
18 get away with it, I would recommend throwing out the entire
19 agricultural section, but I don't think I can get away with
20 it.

21 MR. GALLOWAY: Throw out all zoning, you
22 libertarian.

23 MS. LUHTA: Yeah.

24 MR. GALLOWAY: Inside joke.

25 MS. LUHTA: Yep.

26 CHAIRMAN MALCHESKY: All right. So besides the parking?

27 MS. LUHTA: And I haven't consulted with my
28 agricultural expert yet about this, but I really would like to
29 go through it and regards to the changing of the wording of
30 these things, I would like to have time until next meeting --

1 MR. GALLOWAY: That's fine with me.

2 MS. LUHTA: -- to make sure that it's okay with
3 our legal counsel and you guys can --

4 CHAIRMAN MALCHESKY: Okay. Anything else based upon our
5 discussion? Anybody else? Any other comments?

6 MR. GALLOWAY: I'm sorry your Bible study was
7 canceled, but I'm glad you guys made it out.

8 MS. LUHTA: I am too. I'm very glad you came

9 MR. KING: I would have liked to see this on the
10 community channel.

11 MR. GALLOWAY: Well, they had public -- you know,
12 the Zoning Commission had multiple public hearings on this.

13 CHAIRMAN MALCHESKY: Yeah.

14 MR. GALLOWAY: They worked on it for a while.

15 MS. LUHTA: They worked on it for many, many
16 meetings and that is also televised. The meetings are
17 televised.

18 MR. KING: The meetings are.

19 MS. LUHTA: Yes, the meetings are televised.

20 CHAIRMAN MALCHESKY: And they're rerun, reran.

21 MS. LUHTA: Yeah.

22 MR. GALLOWAY: The other thing I would say is even
23 without the internet, if you ever want a copy of anything
24 that's going on, you can come right up here --

25 MS. LUHTA: And get a copy.

26 MR. GALLOWAY: -- and get copies of this.

27 MS. LUHTA: This whole thing.

28 MR. GALLOWAY: And it's all publicly available.

29 MR. KING: All right. I'll take you up on that.

30 CHAIRMAN MALCHESKY: With that it's my intent to close the

1 public meeting.

2 MR. BULLARD: Do you really want to close the
3 hearing? If you're going to make changes, you want to table
4 it and close the public hearing at the next meeting?

5 MR. GALLOWAY: No. I know what he's --

6 MS. LUHTA: He said that we had to have the
7 public hearing within 30 days of the time the zoning, but we
8 have 20 days after we close it to approve it and our next
9 meeting is 14 days away.

10 MR. BULLARD: Just want to make sure if you are
11 going to have any kind of additional information, if you want
12 a public meeting, that's all.

13 MS. LUHTA: You don't want the public who
14 couldn't get here because of bad weather to have a chance to
15 come and speak to you?

16 MR. GALLOWAY: It's not a matter of taking away
17 their --

18 MR. LUCAS: Yeah, what are you trying to pull
19 there, Chris?

20 MR. GALLOWAY: I just wanted to -- you know, this is
21 a process that the Zoning Commission had many public hearings
22 and meetings on.

23 MS. LUHTA: Yes, right.

24 MR. GALLOWAY: It's come to us, we had a public
25 hearing.

26 MS. LUHTA: But most people weren't aware of it
27 until Sue Karel put that article in the paper.

28 MR. GALLOWAY: So this is all Sue's fault.

29 CHAIRMAN MALCHESKY: I have no problem recessing, but we
30 have to have a consensus before we do that.

1 MS. LUHTA: Yeah, right.

2 MR. GALLOWAY: What?

3 CHAIRMAN MALCHESKY: I have no problem recessing it.

4 MR. GALLOWAY: You're the chairman, do whatever you
5 feel.

6 CHAIRMAN MALCHESKY: Connie, would you like to recess it?

7 MS. LUHTA: I would.

8 MR. GALLOWAY: I'm fine with either.

9 CHAIRMAN MALCHESKY: All right. I will recess the public
10 hearing, so we will continue that at a later date.

11 MS. LUHTA: Thank you.

12 CHAIRMAN MALCHESKY: You're welcome. We have six more
13 minutes then we'll be back here.

14

15 (Recess held.)

16

17 CHAIRMAN MALCHESKY: Okay. I will now call the Concord
18 Township Board of Trustees February 2, 2011 meeting to order.
19 Please stand for the pledge of allegiance.

20

21 (Pledge of allegiance.)

22

23 CHAIRMAN MALCHESKY: Roll call.

24 MS. DAWSON: Mr. Malchesky.

25 CHAIRMAN MALCHESKY: Present.

26 MS. DAWSON: Mr. Galloway.

27 MR. GALLOWAY: Here.

28 MS. DAWSON: And Ms. Luhta.

29 MS. LUHTA: Here.

30 CHAIRMAN MALCHESKY: With regards to the approval of

1 minutes, Christopher, any changes?

2 MR. GALLOWAY: Mr. Chairman, I have one change on
3 the December 1st minutes. There was a typo under Resolution
4 2010-25 called the Lake County Multi-Jurisdiction Hazard
5 Mitigation Plan. One, two, three, four, five, six paragraphs,
6 third line, probably first sentence, only sentence, third
7 word, minimum of every five years. O-F, it's missing an O.

8 MS. LUHTA: Okay.

9 CHAIRMAN MALCHESKY: All right. That aside, approve
10 December 1st, December 8th, December 15th and December 30th
11 minutes and we'll table January 5th and January 19th; okay?

12 MR. GALLOWAY: Those work with me.

13 MS. LUHTA: Those are fine.

14 CHAIRMAN MALCHESKY: With regards to correspondence, Amy?

15 MS. DAWSON: I have the list on file at Town Hall.

16 CHAIRMAN MALCHESKY: Chris?

17 MR. GALLOWAY: Just some emails on, you know, the
18 public hearing we just had. That really was -- that really
19 was it of consequence.

20 CHAIRMAN MALCHESKY: I had those same emails. Connie?

21 MS. LUHTA: I had the same emails, plus phone
22 calls.

23 CHAIRMAN MALCHESKY: Okay. Okay. With regards to
24 department reports, Amy Dawson, Treasurer's report?

25 MS. DAWSON: Thank you, Mr. Malchesky. The total
26 revenue that we have budgeted for 2011 is approximately \$10
27 million. Of that total approximately sixty percent or \$6
28 million will be generated by your real estate taxes, including
29 levy proceeds. Another three percent or 200,000 will come
30 from state and local government funds and another 200,000 from

1 vehicle license and gas taxes account. The remaining 3.5
2 million or 35 percent is generated from interest income,
3 zoning permit fees, community center rentals and classes, EMS
4 building, grants, JED revenue, cable franchise fees, lighting
5 assessment, cemetery fees, hotel excise tax and sales of
6 equipment and gifts. Residents pay their real estate taxes in
7 February and July and the Township receives our portion of
8 those settlements from the Lake County Auditor in March and
9 August. Concord Township receives only around eleven percent
10 of the real estate taxes that you pay. The other eighty-nine
11 percent goes to Lake County, the park district, Lakeland
12 Community College, Special Services of Lake County, the
13 library district and your school district. To date we have
14 incurred no extraordinary items of revenue or expenditures and
15 I am happy to say we are currently on budget in all accounts.

16 If you have any questions, please do not hesitate to call
17 me, 354-7510, Extension 128. Thank you.

18 CHAIRMAN MALCHESKY: Okay. With regards to reports,
19 Administration Department, Jack Nettis?

20 MR. NETTIS: I just have one and it's a recurring
21 either call or email complaint that we receive and, Frank,
22 this really has to do with your area, but if you don't mind,
23 I'll address it, because I answered the last one, which was
24 this morning. Residents often are calling complaining at this
25 time of the year wondering about their neighbor's plow service
26 plowing snow onto their lawns and do we have a law, an
27 ordinance, in our case it would be a resolution that would
28 prohibit it. And that may be so in some cities, as we were
29 discussing, but there are no ordinances or in our case
30 resolutions that would forbid you from pushing that snow

1 across the street. However, it is certainly an understandable
2 courtesy that if neighbors talk to each other and coordinate
3 that, it may be easier for your plow driver to take your snow
4 and push it to the other side of the street, but you would
5 expect some reciprocation from the other side if that's, in
6 fact, going to occur. Otherwise neighbors should keep their
7 snow on their property unless they work things out together
8 and that's basically the way we ask that we answer it.

9 Now, if you are pushing snow across the street and there
10 is enough snow that it would cause a hazard left in the
11 street, I mean, a hazard, maybe big chunks of ice like we were
12 seeing today, that could be something that we may have to look
13 into further even with law enforcement. But generally we are
14 not going to call law enforcement to deal with light snow
15 that's left in the street. I'm sure you're happy to hear
16 that, Lieutenant. So just some common courtesies and the
17 service department did put up the notice a couple weeks ago
18 about winter courtesies. That's all.

19 CHAIRMAN MALCHESKY: Thank you, Jack.

20 Fire department, Chief Warner.

21 CHIEF WARNER: Good evening.

22 MS. LUHTA: Good evening.

23 CHIEF WARNER: 153 calls for the month of January
24 and we had 17 motor vehicle crashes, 62 paramedic calls, 16
25 basic rescue calls and five structure fires to run on.

26 The first thing is I would like to have approval to hire
27 part-time firefighter/EMT basic Adam Friedell subject to
28 passing background, physical and completion of new hire
29 payroll documentation.

30 MR. GALLOWAY: So moved.

1 MS. LUHTA: Second.

2 CHAIRMAN MALCHESKY: All in favor say, "Aye."

3 MS. LUHTA: Aye.

4 MR. GALLOWAY: Aye.

5 CHAIRMAN MALCHESKY: Aye.

6 CHIEF WARNER: Thank you.

7 A little bit on the new radio system. We've been working
8 with telecommunications people, Paul Stefanko, and his group,
9 along with the county are getting ready to put our new radio
10 system that should go into effect next year. And what it's
11 going to cost each community at least for the initial backbone
12 cost. We went from a \$10 million new system with Paul
13 Stefanko. I'm sure some of this stuff has already been in the
14 paper, but just to let them know, the county, the sheriff,
15 along with other county officials and fire officials, along
16 with Paul Stefanko who put all this together to get grants and
17 to bring together a system that will have interoperability
18 between three or four counties and eventually statewide from
19 10 million down to 1.3 and it will be divided up amongst the
20 communities in Lake County. And Concord's contribution will
21 be around \$12,700, which is pretty good. And that's average
22 for our size community.

23 And we'll be purchasing radios. We've been putting money
24 away for the last ten years since the last radio upgrade to be
25 able to upgrade our new radios. We won't have to purchase
26 quite as many right off the bat, because of big group
27 purchasing, thanks to your approval, along with Geauga County
28 to buy some newer radios so we won't have to buy quite as many
29 upfront. We're progressing. I think it's going to be a good
30 system. I think it's what we really wanted the last time,

1 just didn't have the ability to do and now, after many
2 disasters that have happened, not only with Fairport, but
3 Concord with the house explosion, the floods, the train
4 derailment, a countywide radio system is the best thing to
5 happen for our county and our residents. So I'm very pleased
6 in part to be part of this.

7 The next thing is equipment update. Recently we took our
8 pickup truck over, which was a '98 Chevy pickup that we
9 purchased from the road department that had quite a few miles
10 on it, but was mechanically sound, and we took it to Auburn
11 Career Center and they're going to work on it, do the body
12 work, paint it. We pay for the parts.

13 MS. LUHTA: Nice.

14 CHIEF WARNER: That's a good thing. It's good
15 cooperation with the students, gives them something to do and
16 it saves us a little bit of dollars and no need to go buy a
17 new pickup when this one will look like a new one.

18 MS. LUHTA: That's great.

19 MR. GALLOWAY: Very good.

20 CHIEF WARNER: EOP drill, we did an emergency
21 operation plan drill training session with the road service --
22 service department, recreation, administration and the fire
23 department to test our skills to see if we're ready for major
24 disasters. We averted one this week, because of the
25 snowstorm. If we would have listened to all the newscasters,
26 we would have thought we really would have been in a lot of
27 trouble. It missed us and I'll tell you that ice and rain and
28 having those guys out, the service guys out, saved us a lot of
29 calls and I appreciate that. Frank, your guys did a great job
30 of getting the slush off the road and the ice, along with the

1 county. The county did a pretty good job as well.

2 So just a couple of things on the EOP. It takes
3 cooperation amongst the township and we've learned that from
4 our own incidents that we've had, that cooperation between all
5 the departments makes everything work a whole lot better.

6 Our safety tip. Concord Fire Department has promoted
7 over the last several years, Get Ready with Freddie and I'm
8 really glad Captain Sparkman is not here tonight, because he
9 would be making fun of my Get Ready With Freddie information
10 here. This program helps to deal for each individual in
11 preparing for emergencies, whether it be a fire, weather or
12 man-made emergency. Many of us just watched our neighbors in
13 Fairport leave their homes early in the morning without any
14 personal belongings. By planning for emergencies you'll be
15 better able to cope with those hectic first moments to have a
16 bag ready with certain things. And I have forms here and I'll
17 leave them at Town Hall so people can look at what kind of
18 things do you want to have and it's a checklist to have at
19 your home to make sure you're ready. Have a plan with medical
20 needs to assist with first responders when we are trying to
21 get you out of the house. You may have medicines that you
22 need to take with you. Having a plan can be the first step in
23 putting pieces of your life back together. The Concord Fire
24 Department will be there during and after your emergency. We
25 can help you with your plan.

26 That's our report.

27 MS. LUHTA: Thank you.

28 CHAIRMAN MALCHESKY: Thank you.

29 MR. GALLOWAY: Thank you, Chief.

30 CHAIRMAN MALCHESKY: Chief, one more question. With

1 regards to the last couple of days, how were your calls?

2 CHIEF WARNER: Actually, they were down.

3 CHAIRMAN MALCHESKY: Good.

4 CHIEF WARNER: We usually get more accidents and
5 stuff with a little bit of snow and as icy as it was, I think
6 keeping people alerted with how bad it was going to be and the
7 service department doing their job out on the highway reduced
8 our calls for accidents, so we didn't have any calls for wires
9 down or any serious fires during the evening, so we were very,
10 very pleased. We had a few people slip on the ice that we got
11 called for rescues. That was not intended for anybody that
12 might have slipped on the ice, but we did have a few calls for
13 some elderly people that slipped on the ice.

14 CHAIRMAN MALCHESKY: Okay. I was behind my building.

15 CHIEF WARNER: You were fine. You were out of
16 sight, out of mind.

17 But I can't stay enough about the service department out
18 there with the salt and getting that slush cleared off the
19 road for the morning traffic. So that was a good thing, so
20 thank you.

21 CHAIRMAN MALCHESKY: Thank you.

22 MS. LUHTA: Thank you.

23 CHAIRMAN MALCHESKY: Okay. Service department.

24 MR. GALLOWAY: Man of the our.

25 CHAIRMAN MALCHESKY: Frank Kraska.

26 MR. KRASKA: I don't know what to say. The
27 compliments are not for me, but for our department who really
28 have given a dedicated approach throughout the winter.

29 Needless to say, I'm not letting the cat out of the bag
30 by saying the last 48 hours were not interesting. We've had

1 crews out on a pretty much regular basis to deal with the
2 sleet, snow. Started out as snow, sleet, freezing rain last
3 night and we did have some icing conditions this morning.
4 Fortunately it wasn't the type of icing conditions a little
5 further south of here or the snow conditions that were a
6 little west of here. With that said, I do want to thank Chief
7 Warner for the training exercise that we took on Friday which
8 certainly could benefit us down the road in the event that we
9 have a blizzard much like they had west of us and we should
10 probably be giving thanks to Chicago for taking that one for
11 us.

12 So needless to say, the winter -- the crews have pretty
13 much been dealing with all the winter-related activities since
14 November and to put that in numbers, we dispatched crews on 55
15 occasions this winter and each of these events have called for
16 anywhere from five to eleven crew members to be out in
17 vehicles at any given time. So right up until just before
18 this meeting we had guys out this evening even.

19 During those 55 dispatches we've used a little bit over
20 2,000 tons of salt. This represents about 40 percent of our
21 normal winter usage to this point and I would like to think
22 that we're at least halfway home as far as winter goes.

23 So the other thing I wanted to mention is -- I think
24 that's about it. I covered everything I had to say about
25 that, but I do want to again show appreciation to the
26 residents for having patience with us during these operations
27 and giving us the chance to get the roads opened up and keep
28 them safe so they can travel around the community. And,
29 again, thanks goes out to the guys. They really put out the
30 extra effort.

1 That concludes my report.

2 CHAIRMAN MALCHESKY: Thank you, Frank.

3 Building Department, Bruce Bullard.

4 MR. BULLARD: Good evening. Last month we issued
5 nine permits, six of which were for new dwelling units. It
6 should be noted that the YMCA house again is going to be in
7 Concord Township over at Nature Preserve South. We're going
8 to coordinate with the sheriff's department as far as parking
9 and the fire department as far as any kind of safety issues
10 and make sure there are no real traffic problem over there.

11 The other thing I would like to mention is when we do
12 zoning changes, it goes through Zoning Commission for their
13 consultation, research based on the information staff has
14 given them. There are hearings at the Zoning Commission level
15 and then from there the Zoning Commission recommendations are
16 passed onto the Trustees for their public hearing sequence.
17 At any time if anybody has any questions as to whether we have
18 a certain part of the text or some kind of change in the
19 works, please don't hesitate to contact the Zoning Office at
20 any time and if you are not computer savvy, we are more than
21 happy to have you come down or if you want to pay postage or
22 copy price for hardcopies to go out, we're more than happy to
23 do that so that you can stay abreast of what information is
24 out there. If you have any concerns, do not hesitate to
25 either write, email or give us a call and we will forward the
26 information to whatever session is reviewing those issues.

27 So that's my report for the evening.

28 MS. LUHTA: Thank you.

29 CHAIRMAN MALCHESKY: Thank you, Bruce.

30 MR. GALLOWAY: Thank you, Bruce.

1 CHAIRMAN MALCHESKY: The Recreation Department is hard at
2 work, so no report from Linda Legg today.

3 That leaves us with Concord Law Enforcement Report and
4 Captain Sparkman has put a reserve in, Carl Dondorfer, Lake
5 County Sheriff's Office.

6 LIEUTENANT DONDORFER: Good evening. For the month of
7 January the Sheriff's Office handled 902 calls for service.
8 Of those we issued 37 citations. There were 59 traffic
9 warnings issued, ten -- or, correction, seven DUI arrests, two
10 arrests for driving under suspension. There were 21 property
11 damage motor vehicle accidents, six injury accidents, 90
12 business checks, 45 community policing cards initiated and 55
13 alarms. There were five arrests during the month of January.
14 There was a domestic violence arrest on Morley Road, domestic
15 violence arrest on Colleen Drive, possession of marijuana
16 arrest on Johnnycake, receiving stolen property arrest on 44
17 and 84, and a domestic violence arrest on Ridgeview Trail.

18 There were several investigations initiated in the month
19 of January. There was a theft investigation on Winding Trail
20 Place, an assault complaint on Auburn Road, another theft
21 complaint to Stone Hallow, a vandalism on Deer Haven, a theft
22 investigation on South Forest Drive, a drugs investigation on
23 Cobblestone and Old Johnnycake, a harassment complaint on
24 Williams Road, a theft complaint on Johnnycake, another theft
25 on Candlestick Lane. There was a sex offense initiated on
26 Johnnycake Ridge, another theft investigation on Country
27 Scene, and two other theft complaints, one on Kellogg Road and
28 one on Johnnycake Ridge. That's the report from the Sheriff's
29 Office for the month.

30 MR. GALLOWAY: We all had an email a couple days

1 ago, resident regarding the bus stop there at Prouty and
2 Hampton Bay and I guess there is a continual problem with bus
3 stops there, that intersection, people turning into and out of
4 Hampton Bay where the buses stop. Behind the bus, they can
5 sneak behind and drive in. The resident was asking if you
6 guys could make an effort to be over there at 3:20 to 3:40
7 time frame maybe a little bit here and there.

8 LIEUTENANT DONDORFER: That's just in the afternoon?

9 MR. GALLAGHER: Yeah, I imagine mornings fly as
10 well, typically people are leaving. There was just a safety
11 concern with respect to that bus stop location.

12 LIEUTENANT DONDORFER: I'll make sure I type up a patrol
13 request and make sure somebody is there in the afternoon, make
14 sure somebody sits there and it's safe.

15 MR. GALLOWAY: Excellent.

16 CHAIRMAN MALCHESKY: Thank you.

17 That brings us to the audience portion. Anybody from the
18 audience that wants to come up here and make a comment?

19 Sir, go ahead.

20 MR. RICHARDS: My name is Jack Richards. I'm a
21 resident of Concord Township, proudly so for the last almost
22 year. I really love Concord Township. I think it has a lot
23 to offer. We live in a new development. I'm representing
24 seven other people who could not make it here tonight.

25 CHAIRMAN MALCHESKY: What development is that?

26 MR. RICHARDS: Prescott Mills Condominiums,
27 Country Scene Lane off of 84 near St. Gabriel's Church. We
28 have some ongoing issues there that kind of concern me in
29 light of the fact that you have already given approval for
30 development of other properties by the same developer/builder.

1 I'm kind of concerned what's going to happen in our area with
2 regard to the drainage issue. We have significant drainage
3 issues in our area and most noticeably probably the last eight
4 to ten homes on the block. It grades from the front toward
5 the back on a downward path and we have many residents who
6 have complained about water in their basement, sump pumps not
7 stopping, operating not on a continuing basis but more than a
8 frequent basis.

9 I have myself a pile of dirt on the vacant lot nearly as
10 tall as my house. It's been there from -- we were told it
11 would be gone by Memorial Day last year, so many holidays have
12 come and gone. They all fall on empty promises. I'm kind of
13 getting frustrated what to do.

14 Secondly, we live on a -- there is a unit -- the
15 development of that particular development has twenty-one
16 homes total. Currently, I'm going to guess, there are maybe
17 five or six lots empty with the prospect of selling and
18 developing new ones there. We have no overflow parking, which
19 we were promised. We live on a street where there are
20 hydrants on both sides. I'm a retired firefighter. You can't
21 park on the street where there are hydrants, in the proximity
22 of a hydrant. There was supposed to be parking for guests.
23 We've been told to park at the Country Scene Condominiums
24 behind us or in the parking lot of the nursing home. That's
25 not suitable.

26 What else? Yeah, what kind of direction -- I mean, can
27 you help us with -- we try to follow up with this developer,
28 Ryan Sommers, and we don't get any response from this guy
29 whatsoever, none. He sends his superintendent out, which is a
30 great guy, Mike is his name, Mike Warner, he's a great man,

1 but his hands are tied. He can't do anything without Ryan's
2 say-so. This guy is kind of like running wild, it seems to
3 me. He's not being held accountable by anybody.

4 I tried to contact the Lake County Engineer already with
5 regard to the sewer runoff, the drain runoff, and he tells me
6 he's basically hand tied, he can't do anything. That's where
7 there was supposed to have been a bioswale installed at the
8 rear of the property starting at Johnnycake Ridge through our
9 development by the beginning -- November 1st they had to begin
10 that. That hasn't happened. And my home and the neighbors to
11 the left of me are getting compromised by that pile of dirt.
12 I have floor issues in my home and a lot is depended on the
13 water. We have downspouts that are connected to the storm
14 drain that goes underneath our beds in the front which are not
15 even connected, so the gutters are just basically leaching out
16 all over the sidewalk. I've had a couple people fall at our
17 house already. And it's just very frustrating. We can't get
18 anything done there.

19 CHAIRMAN MALCHESKY: First of all, I want to kind of make
20 one comment. With regards to our approval on him taking over
21 where Aria's Way --

22 MR. RICHARDS: Yes.

23 CHAIRMAN MALCHESKY: -- from my perspective, we had a
24 developer that went bankrupt --

25 MR. RICHARDS: Right.

26 CHAIRMAN MALCHESKY: -- and the only reason why I
27 approved him taking over that project is because before he
28 does anything, he has to fix the drainage in there. Before
29 one house gets built, he has to fix the drainage in there.

30 MS. LUHTA: Right.

1 CHAIRMAN MALCHESKY: Now, whether or not he builds a house
2 is up to whether he fixes the drainage. But that was my
3 concern, which is the same concern we had over there.

4 MR. RICHARDS: Yes.

5 CHAIRMAN MALCHESKY: So we were not -- we are not trying
6 to give him a benefit for saying a job well done somewhere
7 else, we were just hoping that anybody who is going to go over
8 there and build a house over in Aria's Way would be required
9 to fix all the drainage over there.

10 That being said, what does Mike or Ryan say regarding
11 that drainage?

12 MR. RICHARDS: They're working on it. In fact, the
13 dirt pile that's next to my house and has been since I moved
14 in, like I said before, it's been getting moved since I moved
15 in. Now, the other lots have been cleared. That dirt's been
16 hauled away to wherever, I don't know, and theoretically that
17 dirt pile of mine was supposed to have been moved in November
18 and it hasn't happened.

19 CHAIRMAN MALCHESKY: So it's your dirt pile and how many
20 others dirt piles?

21 MR. RICHARDS: There's only one, this one here.

22 CHAIRMAN MALCHESKY: Just yours?

23 MR. RICHARDS: It impedes the flow. It's not my
24 dirt pile. It's on the lot next to mine, but it impedes the
25 water flow so much so that we have ice as wide as this area
26 where I'm on right now in front of those last several homes,
27 because the water is being diverted out into the street. But
28 even more so than that, I think it's the connection of the
29 downspouts and drains that have already been installed. I
30 think I got off track here. I'm nervous.

1 MS. LUHTA: That's okay.

2 CHAIRMAN MALCHESKY: What's going on over there, Bruce?

3 What's the position of the county engineer's office?

4 MR. BULLARD: I'd have to, you know, give Laszlo a

5 call and find out what Laszlo has to say about that.

6 MR. RICHARDS: I had George out there from the

7 county engineer's department.

8 MR. LUHTA: And Laszlo's been there too, so what

9 do they say?

10 MR. BULLARD: I have not talked to them.

11 MS. LUHTA: Okay.

12 MR. RICHARDS: The last time I spoke with them, they

13 said they are really basically hand tied because they can't do

14 anything until -- because it's on private property.

15 MS. LUHTA: Okay.

16 MR. BULLARD: I will call them tomorrow and talk to

17 the engineer's office and find out what they have to say.

18 MS. LUHTA: Right. Yeah, the plans have to be

19 followed.

20 MR. RICHARDS: But the pile of dirt that's next to

21 mine, get back on point to what you said before, sir, is that

22 pile of dirt was supposed to have been used in Aria's way to

23 resolve some of the drainage issues that they have over there,

24 but it's still there.

25 CHAIRMAN MALCHESKY: Well, how about this, and

26 Mr. Galloway just suggested this, Bruce, if we could with

27 regards to Mr. Sommers or Mr. Sommers' corporations or his

28 projects, if we could produce from our zoning office a punch

29 list of items, complaints or issues, however you would prefer

30 to label that, and if we could, once that is complete, forward

1 that to both, I guess, the Trustees' Office and the Zoning
2 Commission and to the BZA and to Mr. Lucas and to the Lake
3 County Engineer's Office and the County Planning Commissioner
4 and then each, I guess, body could see if there is any
5 appropriate action that needs to be taken by them
6 individually.

7 MS. LUHTA: And Soil and Water too.

8 MR. LUCAS: And the Prosecutor's Office.

9 MS. LUHTA: And the Prosecutor's Office.

10 MR. RICHARDS: There is a laundry list of things
11 that haven't been done which should be done or aren't getting
12 done. I'm not going to nitpick you with those specifics.

13 MS. LUHTA: We need that.

14 MR. GALLOWAY: I would like you to have that
15 conversation with Bruce --

16 MS. LUHTA: Yeah.

17 MR. GALLOWAY: -- either on the phone tomorrow or
18 whatever. Give him all the nitpicks because we want to know.

19 MR. RICHARDS: We got -- a week or so ago we all
20 determined it was probably in our best interest to come here
21 and air our feelings to you as a group, because you represent
22 this community. And as beautiful as this community is, we
23 want to continue along the same pathways. We want it to be a
24 good place to live. I mean, I can't wait to sit out in my
25 backyard and sit on the patio and not have gutter water
26 running down my driveway or on my sidewalk or in my patio or
27 in my home. So there is a lot of issues regarding the
28 moisture that are related to the drainage problems there. I
29 have \$12,000 worth of floors in my house that are destroyed,
30 but I can't get them fixed until the drainage problem gets

1 fixed and I'm running out of time and warranty on my house.

2 What I echo here tonight is echoing from just about
3 everybody in there. Not everybody has the same issues with
4 drainage. Those on the higher end of the development don't
5 have any issues right now, mounds of dirt impeding the water,
6 nor do they have a bioswale which would quickly irradicate
7 some of those problems, I'm certain of it, but that's not
8 happening.

9 CHAIRMAN MALCHESKY: We will -- there is no doubt in my
10 mind we'll produce that list pretty quickly and we're going to
11 ask for your input, so feel free to leave voicemail messages,
12 if something else comes to your mind, leave a voicemail
13 message to us or shoot us emails.

14 MS. LUHTA: Yeah.

15 CHAIRMAN MALCHESKY: And if you process those emails,
16 we'll put those issues down in writing and let's get to the
17 appropriate bodies and see what we can do.

18 MR. RICHARDS: Appreciate it. Thank you very much.

19 CHAIRMAN MALCHESKY: Anything else?

20 MS. COFFIN: I want to say something. I've been
21 there the longest. I'm been there a year in September.

22 CHAIRMAN MALCHESKY: I'm going ask you to give us your
23 name.

24 MS. COFFIN: Shirley Coffin and I live at 9851
25 Country Scene Lane. I moved from Brightwood, which is right
26 across the way. I thought things would be easier and they
27 have not. I have a letter here and pictures. My main, main
28 complaint is the sump pump that I have, because I have a
29 basement unfortunately, and it has a pipe that goes out the
30 side towards Jack's house and it continuously in the spring,

1 summer goes. It is even going in the wintertime. There is
2 always a puddle, always water all around.

3 CHAIRMAN MALCHESKY: From your sump pump discharging?

4 MS. COFFIN: Yes, yes.

5 CHAIRMAN MALCHESKY: Which is about -- it goes out about
6 three feet from your home?

7 MS. COFFIN: It doesn't go out three feet. At
8 first they put it so that it ran down the siding and wrecked
9 the siding. It stained it. And then they put a little bit of
10 another pipe to it and it just flows like a faucet and so that
11 is just unacceptable. I've tried. I've worked with Mike.
12 I've even had to get an attorney initially because when they
13 first built the gal next to me and my house, whoever the
14 project manager was at that time put the electric line too
15 close to the house; therefore, CEI would not approve it so
16 they had -- so that's how I got a full basement of water,
17 which led to mold going up the sides of the, you know, walls
18 and things like that. And they wanted to clean it up with
19 Chlorox, which they tried a little bit, but my son who works
20 for Travelers in the diaster claim area as a manager said,
21 "Mom, you've got to have a remediation company come out, shut
22 it down and clean it right." It took two tries before they
23 finally gave in and it took me hiring an attorney in order to
24 make this happen, at my own expense obviously. So now I'm out
25 of warranty and I still have this major problem. I have a few
26 minor ones. That's okay, I can deal with it, but this one is
27 just something I can't deal with. So I have some pictures
28 here and a letter and I will just leave this with you, Connie,
29 and you will pass it around and thank you for your time.

30 MS. LUHTA: Okay. Thank you.

1 CHAIRMAN MALCHESKY: Thank you.

2 MR. GALLOWAY: Thank you.

3 CHAIRMAN MALCHESKY: I'm just going to remind you, though,
4 despite your warranty, you have a -- you have a contract to
5 get a good home and you certainly can't accept an unacceptable
6 piece of property, as well as you can't accept negligence and
7 so --

8 MS. COFFIN: And we never even got an occupancy
9 permit.

10 MR. RICHARDS: That's another thing too. Just to
11 reiterate back on that point is that there are many residents
12 currently living in there who do not have occupancy permits.

13 CHAIRMAN MALCHESKY: Sir?

14 MR. RAIMONDO: My name is Al Raimondo. I live on
15 Country Scene.

16 CHAIRMAN MALCHESKY: Come on up here so we can get you on
17 tape.

18 MR. RAIMONDO: I've been living in my house for six
19 months. The inside is still not finished, the outside is not
20 finished and I've got no occupancy permit yet. I think we are
21 all in the same boat on that street.

22 MR. GALLOWAY: Make sure before you leave you give
23 all your information to Mr. Bullard.

24 MR. RAIMONDO: What?

25 MR. GALLOWAY: Make sure Mr. Bullard has all your
26 information, everything that's gone on.

27 CHAIRMAN MALCHESKY: Some contact information would be
28 helpful.

29 MS. LUHTA: Give them your card, Bruce. Give
30 them all your card.

1 MR. RAIMONDO: Also, they put a lien on my property,
2 because they sent a Tub Doctor out to fix my tubs and they
3 haven't been paid, so they put a lien on my property.

4 MR. GALLOWAY: A mechanic's lien?

5 CHAIRMAN MALCHESKY: The Tub Doctor did?

6 MR. RAIMONDO: Huh?

7 CHAIRMAN MALCHESKY: The Tub Doctor did?

8 MR. RAIMONDO: The Tub Doctor.

9 MS. COFFIN: There are other people have liens on
10 their property.

11 CHAIRMAN MALCHESKY: Has the group decided to get an
12 attorney together?

13 MR. RICHARDS: Yes, we're going to try -- myself and
14 another gentleman are meeting next Wednesday with an attorney
15 just to kind of air what legal grounds do we have to respond
16 by.

17 CHAIRMAN MALCHESKY: I truly suggest you guys do retain
18 someone, make sure they contact the Township some way and
19 Bruce is our contact person, so we have that information.

20 MR. RICHARDS: Okay.

21 CHAIRMAN MALCHESKY: All right. Anyone else? Any other
22 comments?

23 All right. How about these students over here?

24 MR. GALLOWAY: Come on down. We have tradition.
25 Give us your name and what brings you here.

26 CHAIRMAN MALCHESKY: Name and your school.

27 MR. SANDACZ: My name is John Sandacz and I go to
28 Notre Dame Cathedral Latin and I know you're going to ask
29 about colleges, so I'm thinking about Case Western.

30 MS. LUHTA: Very good.

1 CHAIRMAN MALCHESKY: You are the first Case Western guy
2 we've had.

3 MR. GALLOWAY: We had a lot of Dayton.

4 MR. SANDACZ: Dayton is also another option for me,
5 but I just think Case gives a better software engineering.

6 MS. LUHTA: Oh, engineering.

7 CHAIRMAN MALCHESKY: Congratulations.

8 MR. GALLOWAY: That's great.

9 CHAIRMAN MALCHESKY: All right. Thank you.
10 Come on up.

11 MS. MARTIS: My name is Sydney Martis and I go to
12 Notre Dame Cathedral Latin and I think I might go to
13 University of Akron.

14 MS. LUHTA: Very good.

15 MS. MARTIS: Yep.

16 MS. LUHTA: What will your major be?

17 MS. MARTIS: Economics and I'm in the honors
18 college there.

19 MS. LUHTA: Super.

20 CHAIRMAN MALCHESKY: Thank you very much for being here.
21 Anyone else?

22 Okay. With that I will close the audience portion and
23 we'll move to our new business, approving the January
24 financial reports.

25 MR. GALLOWAY: So moved.

26 MS. LUHTA: Second.

27 CHAIRMAN MALCHESKY: All in favor say, "Aye."

28 MR. GALLOWAY: Aye.

29 MS. LUHTA: Aye.

30 CHAIRMAN MALCHESKY: Aye.

1 Table that.

2 And we've already had C and so we'll move to Zoning
3 Department Board of Zoning Appeals resignation of Richard
4 Smith effective 1/24/11.

5 MS. LUHTA: I move that we accept with regret the
6 resignation of Richard Smith from the Board of Zoning Appeals
7 effective January 24th.

8 MR. GALLOWAY: I second and vote, "Yes."

9 CHAIRMAN MALCHESKY: All in favor say, "Aye."

10 MS. LUHTA: Aye.

11 MR. GALLOWAY: Aye.

12 MR. MALCHESKY: Aye.

13 CHAIRMAN MALCHESKY: Richard was an excellent member of
14 the Board of Zoning Appeals.

15 MR. GALLOWAY: He will be missed. Our appointee has
16 big shoes to fill.

17 CHAIRMAN MALCHESKY: Yes, he does. And that's what we
18 have next is Zoning Department appointment of -- the Board of
19 Zoning Appeals of Gerard Reis.

20 MR. GALLOWAY: I make a motion to appoint Gerard
21 Reis to the unexpired term of Richard Smith to the Board of
22 Zoning Appeals.

23 MS. LUHTA: I'll second that.

24 MR. RICHARDS: Can I interupt you? I'm sorry.

25 MS. LUHTA: Sure.

26 MR. RICHARDS: We have to leave. Is that a problem?

27 CHAIRMAN MALCHESKY: No, No. Go ahead.

28 MR. RICHARDS: I'm sorry to interrupt, but we have
29 to get these people home.

30 MS. LUHTA: I'm glad you came.

1 CHAIRMAN MALCHESKY: Connie, seconded that.
2 MS. LUHTA: Yeah, I seconded that.
3 CHAIRMAN MALCHESKY: All in favor say, "Aye."
4 MS. LUHTA: Aye.
5 MR. GALLOWAY: Aye.
6 MR. MALCHESKY: Aye.
7 With regards to recycling change order, Jack?
8 MR. NETTIS: Okay. I'm sorry, the change order,
9 Trustees, I would ask that you consider tabling that change
10 order for the recycling, because I would like to ask Mr. Lucas
11 to go over that and perhaps by next meeting we will be set.
12 CHAIRMAN MALCHESKY: We'll table that.
13 With regards to permission for O.R Colin/Wilbur Smith
14 Associates to perform property appraisals, do I have a motion,
15 Christopher?
16 MR. GALLOWAY: I make a motion to allow Wilbur O.R.
17 Colin/subcontractor for the Wilubr Smith Associates to perform
18 the property appraisal for amount not to exceed \$6500.
19 MS. LUHTA: Second.
20 CHAIRMAN MALCHESKY: All in favor say, "Aye."
21 MR. GALLOWAY: Aye.
22 MS. LUHTA: Aye.
23 CHAIRMAN MALCHESKY: Aye.
24 With regards to --
25 MS. DAWSON: It's an announcement.
26 CHAIRMAN MALCHESKY: Announcement, Board of Zoning
27 Appeals opening effective April 1, 2011 through -- through a
28 term of March 31st of 2016.
29 MS. LUHTA: Yeah, it's a five-year term.
30 MR. GALLOWAY: I would also like to point out that

1 technically even though --

2 CHAIRMAN MALCHESKY: 2016 sounds like a long time.

3 MR. GALLOWAY: What I'm asking for is anyone that's
4 interested in the public and wanting to serve in that capacity
5 to send us a letter of interest.

6 MS. LUHTA: Right, and resume.

7 MR. GALLOWAY: And resume. But I would also like to
8 point out that there is a vacancy on the Zoning Commission as
9 well. Now, the current member has given us a letter email
10 asking to be reappointed, but we have historically, this Board
11 has opened that up as well for anybody that would want to be
12 considered. So technically there is going to be a new term on
13 both the BZA and the Zoning Commission.

14 CHAIRMAN MALCHESKY: And recently we had introduced a new
15 concept of having alternates and those alternates have served
16 us very well and --

17 MR. GALLOWAY: They've been moving up pretty fast.

18 CHAIRMAN MALCHESKY: Moving up pretty fast, so it's always
19 good to have resumes in so we have a nice pool to pick from.

20 MS. LUHTA: Right.

21 MR. GALLOWAY: So if you want to spend your Tuesday
22 or Wednesday evenings talking about side yard setbacks, sheds,
23 square footage, hot tub fences, agricultural uses, send us
24 your letter.

25 MS. LUHTA: This is once a month normally.

26 MR. GALLOWAY: Once a month and send us letter of
27 interest and a resume so that we can -- so that way we know
28 who's interested.

29 CHAIRMAN MALCHESKY: Anything else? Anything for the good
30 of the order?

1 MR. GALLOWAY: Mr. Chairman, I want to point out
2 next week Fiscal Officer Amy Dawson and myself will be going
3 to Columbus for the Ohio Township Association annual
4 conference. As part of that we have the CLOUT, I'm on the
5 executive board, large township group, we have a legislative
6 breakfast that Wednesday morning and then there is a number of
7 meetings going on throughout the week. And Amy has a fiscal
8 officer things to do.

9 MS. DAWSON: I have six classes of certification
10 that I have to take annually and I will take care of that next
11 week down in Columbus.

12 MR. GALLOWAY: So just wanted to mention that.

13 CHAIRMAN MALCHESKY: Thank you for representing us and I
14 think every time that we go to the conference, something is
15 taken back to the township that we generally need.

16 MR. GALLOWAY: Yeah, there is a lot of good
17 information. They put on good seminars and it gives you an
18 opportunity to network with others, especially the larger
19 townships like we are, with folks from different parts of the
20 state and bounce things off them, "How do you handle this,"
21 and it can be a very good exchange of ideas. And regarding
22 CLOUT and our legislative meeting with members of the
23 legislature, obviously there is a lot going on right now with
24 respect to that and that's going to be a very important
25 meeting. I think there are probably over thirty legislators
26 that supposedly are already signed up for that breakfast to
27 meet with us and discuss issues, so hopefully we will have a
28 productive three or four days and I'll be able to report on
29 that at our next meeting.

30 MS. LUHTA: Excellent.

1 CHAIRMAN MALCHESKY: Great. With regards to that, our
2 future meetings and announcements, on February 8th at 6:30
3 P.M. we will have the Officers' Meeting at Fire Station No. 1;
4 on Wednesday, February 9th at 7:00 Board of Zoning Appeals at
5 Town Hall; on Monday, February 14th at 10 A.M. we will have
6 bid openings on JEDD proposal in the conference room; on
7 Wednesday, February 16th at 6:30 P.M. we will have the
8 Trustees' office hours again here at Town Hall and we will
9 have the Trustees' meeting at 7:30 at Town Hall.

10 MS. LUHTA: And public hearing at 7:00 that
11 night; shall we?

12 CHAIRMAN MALCHESKY: Sure.

13 MR. GALLOWAY: Sure.

14 CHAIRMAN MALCHESKY: So we'll insert the --

15 MR. GALLOWAY: Why don't we back up Trustees' hours
16 then to 6:00 because we won't have a staff meeting before
17 that.

18 CHAIRMAN MALCHESKY: Okay. We'll start off with Trustees'
19 office hours at 6 P.M. on February 16th. We will have the
20 continuation of our public hearing --

21 MS. LUHTA: At 7:00.

22 CHAIRMAN MALCHESKY: -- at 7:00 and we'll start the
23 Trustees' meeting --

24 MS. LUHTA: At 7:30.

25 CHAIRMAN MALCHESKY: -- either at 7:30 or right after --

26 MS. LUHTA: 7:30, yeah.

27 CHAIRMAN MALCHESKY: -- the public hearing.

28 MR. GALLOWAY: And also we have our appropriations
29 meeting at 5:00 on that day.

30 MS. LUHTA: Oh, yes.

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MS. GALLOWAY: So it's actually 5:00.

MS. DAWSON: It's not on there. My apologies.

MR. GALLOWAY: So appropriations at 5:00, hours at
6:00 --

MS. LUHTA: Big night.

MR. GALLOWAY: -- public hearing at 7:00, so on and
so forth.

MS. LUHTA: That will be fine.

CHAIRMAN MALCHESKY: Okay. With that we'll close the
meeting.

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(Meeting Adjourned at 8:15 P.M.)

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CERTIFICATE

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

WITNESS MY SIGNATURE THIS 9th day of February, A.D. 2011.

SUSAN GOODELL

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