

Concord Township Board of Trustees

April 18, 2007

The Concord Township Board of Trustees met for regular meeting on April 18, 2007, at 7:30 p.m. in the Township Hall, located at 7229 Ravenna Road. Mr. Galloway called the meeting to order and led in the Pledge of Allegiance. Trustees present were Christopher A. Galloway, Paul R. Malchesky, and Caroline N. Luhta.

PRESENTATION: Riverside Local School District Strategic Plan

Presentation given by Dr. Michael Shoaf, Superintendent of Riverside Local School District.

APPROVAL OF MINUTES:

March 7, 2007 Trustees' meeting minutes approved as written.

March 21, 2007 Trustees' meeting minutes. – TABLED

March 28, 2007 Trustees' Special Meeting minutes. – TABLED

April 4, 2007 Trustees' meeting minutes. – TABLED

CORRESPONDENCE – FISCAL OFFICER:

1. Copy of memo to Pat Nocero from Lake County Stormwater Management Department re: Folk residence.
2. Fax from Aqua, Ohio re: System Improvement Charge.
3. Invitation to Council on Aging Annual Luncheon.
4. Invitation to Lake County Government Day Program from ODOT.
5. April newsletter for Lake County Historical Society.
6. Notification of meeting from Lake County Planning Commission re: Commons of Concord, final plat & improvement plans.
7. Ohio LTAP newsletter for 2nd quarter.
8. Invitation to 8th Annual NOACA Summit.
9. Letter from NOACA re: workshops the week of June 25th.
10. Invitation to Ashtabula, Geauga, Lake, Trumbull Planning & Zoning Workshop 2007.
11. Copy of letter to Mountainside Farm, LLC from Ohio Department of Natural Resources re: Lake Erie College Lake Dam.
12. Request for resolution recognizing May as Motorcycle Awareness Month from Concerned Motorcycle Riders of Ohio.
13. Copy of letter to Lake County Commissioners from Lake County Engineer re; Summerwood Subdivision #2, pledge release #4.
14. Copy of letter to Dan Bishop from Lake County Engineer re: Hazel Road Project 'As-built' FEMA Case.
15. April 11th agenda, 2007 time line, March 28th & April 11th meeting minutes for Concord Community Days.

* Received an anonymous letter. - Letters that cannot be identified as to source do not go on our list of correspondence. If you wish to be acknowledged, please give us your name.

CORRESPONDENCE – TRUSTEES:

Mrs. Luhta:

- Attended the groundbreaking event for the new hospital, along with the other Trustees.
- Attended the Seniors' meeting at the Concord Community Center. The Geauga County Sheriff introduced Midge, the drug-trained Chihuahua.

Mr. Malchesky:

- Commented that Concord Township is lucky to have the hospital moving here.
- Zoning issue on fences. – Referred to Zoning Department.

Mr. Galloway:

- Also commented that the hospital groundbreaking was an amazing event and the new hospital will be an asset to our community.
- Received an e-mail re: Brightwood Lake.
- Call on Ellison Creek.
- Call on the Army Corps Study.

DEPARTMENT REPORTS:

A. ADMINISTRATION DEPT. – Jack Nettis, Administrator

- 1) **Cascade & Fay Roads** – Contracts for the repair of Cascade & Fay Roads will be part of our FEMA project.

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- 2) **Viewmount Dr.** – Preliminary work will include the engineering of Viewmount for the 2008 contract.
- B. FIRE DEPT. – Chief Warner
- 1) **Heroes for Andy** – Honored to attend the “Heroes for Andy,” Andy Nowacki Lakeland Foundation event; also in attendance was Mrs. Luhta.
 - 2) **2006 Annual Fire Department Report** – Has been distributed.

AUDIENCE:

Mary Ann Bitner encouraged a “Yes” vote for Auburn Career Center's .58-mil Bond Issue for May 8th.

Jeanette Kibler, 10320 Prouty Road, owns part of Brightwood Dam. She is concerned about the costs she may face and that her house may be worthless. Wonders who is responsible? What is the extent of Stormwater's involvement? She would like the Trustees to help secure funding to resolve the Brightwood Dam issue.

Mr. Galloway talked about the various solutions for Brightwood Dam and departments involved: Ohio Department of Natural Resources, the Environmental Protection Agency and the State of Ohio. Draining the lake is an option. Water quality is an issue. He would like to pursue the issue on a different track. It is difficult to find funding when Federal and Township funds cannot be spent on private property, including the Dam and the Lake. Mr. Galloway and Mr. Malchesky will be going to Washington, D.C., in May and will generate discussion about this topic.

Mr. Malchesky explained that the Trustees would like to facilitate a solution; they called the meeting of homeowners to start a discussion.

Marlene Smith, 6257 Conley, wants to keep curbside pickup for recycling; her street has high participation.

Mrs. Luhta complimented their commitment to recycling.

Bob Patterson, 10940 Girdled Road, discussed Stormwater. Feels the Trustees should be planning the permitting process if they want to pull out of the county program. He encouraged them to stay in the county program.

The Trustees replied that they are awaiting information from Stormwater. We are committed to the county program for 2007 and working with Stormwater Director Keith Jones. They see some substantial projects for Concord.

Mr. Patterson asked about Town Hall being ‘maxed out.’

The Trustees explained that while Town Hall is at a limit for personnel, there are no immediate plans for a new Town Hall. Trustees have been encumbering for years for the eventual expansion of Town Hall Campus.

Richard Miller, 7053 Teal Cove, also spoke on Stormwater.

OLD BUSINESS:

- A. **DECISION ON RECYCLING.** The contract with World Resources expires 4/30/07. Since the county dropped curbside pickup, Concord opted out of the county program.

Concord combined curbside and drop off, which was within our budget for 5/06 – 4/07. We received two bids for the new contract period. The cost for curbside was way up; Trustees had to decide if we should continue curbside or move to drop-off only—as other entities in the county are doing. It was not fiscally responsible to continue curbside with the cost more than doubling.

World Resources has not been easy to work with, nor have they provided the best service. Waste Management provides solutions, but at an increased price. Weekly curbside would cost \$328k plus potentially a 10% fuel surcharge.

Mr. Malchesky regretfully moved to accept Waste Management's bid for 20-yard doghouse-style drop-off bins at \$157 per pull + the fuel surcharge. This will be within the county's allocation for funds.

Mrs. Luhta seconded.

Discussion: Drop-off bins will be at two locations: Town Hall and Concord Hills Park. The new Service Director will make an attractive location for the drop-off bins at the Park. That is the only property Concord owns on that side of town.

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Trustees welcome a private contractor for a curbside option.

Vote: 3 ayes.

- B. RESOLUTION 2007-07 / TRANSIENT VENDORS. Discussion was held at the 4/4/07 meeting. Mrs. Luhta feels the Resolution is good, to protect residents, and the former Resolution was unconstitutional. Mr. Malchesky moved to adopt the following Resolution regulating transient vendors:

RESOLUTION 2007-7

RESOLUTION REGULATING TRANSIENT VENDORS

WHEREAS, the Board of Township Trustees of Concord Township is authorized by Revised Code Section 505.94 to require registration of and to reasonably regulate the time, place, and manner in which transient vendors may sell, offer for sale, or solicit orders for future delivery of goods within the Township, and

WHEREAS, the Board of Township Trustees has determined that the health, safety, and welfare of the citizens of the Township are served by such regulation.

NOW THEREFORE BE IT RESOLVED:

1. That "transient vendor" shall mean any person who opens a temporary place of business for the sale of goods or who, while traveling about the Township, either sells or offers for sale goods, or solicits orders for future delivery of goods where payment is required prior to the delivery of the goods.

"Transient vendor" shall not include any person who represents any entity exempted from taxation under Section 5709.04 of the Ohio Revised Code, that notifies the Board of Township trustees that its representatives are present in the Township for the purposes of either selling or offering for sale goods, or soliciting orders for future delivery of goods and does not include a person licensed under Chapter 4707. of the Ohio Revised Code.

2. That no transient vendor shall sell, offer for sale, or solicit orders for future delivery of goods in the unincorporated territory of Concord Township without first registering and obtaining a transient vendor's permit from the Township Fiscal Officer in accordance with the procedures set forth in this resolution.

3. Transient vendors shall register and apply for a permit at the Town Hall Offices. Registration and application shall be made to authorize one or more persons to act according to this resolution within the Township, provided that all persons identified by such permit application are employed by the same person, firm, or corporation. The registration and application shall include the information in "Transient Vendor Registration Form" attached hereto and incorporated herein. (Exhibit "A"):

4. The registration application must be accompanied by credentials from the person, firm, or corporation for which the applicant proposes to do business, authorizing the applicant to act as such representative;

5. The permit shall be in effect for 180 days from time of registration.

7. In carrying on activities in Concord Township, no person shall:

a. Obstruct or interfere with public travel on, or public uses of any public street, road or sidewalk or right of way. No stationary temporary locations or stands shall be located within the road right-of-way of any street or highway;

b. Enter any private premises or parts of premises where entry is prohibited by conspicuous notice bearing the words: "No Solicitors," or "No Trespassing" or any similar notice indicating that the residents of such premises do not desire to have their privacy disturbed.

c. Remain on premises, or part of premises, after notice to depart;

d. Possess, sell, offer to sell or solicit orders for any goods in violation of the law.

8. The issuance of the permits may be done by any Township staff; however, the Township Fiscal Officer shall keep a registry which shall contain the number of the permit, the date the permit was issued, the expiration date of the permit (180 days from issuance), the nature of the business so authorized to be conducted, the expiration date of such permit, the place where such Concord

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business is to be carried on under said permit, the name or names of the person or persons authorized to carry on the business. The residence and business address of every such person, the name and address of each company or firm he/she represents, the products to be sold and ordered for sale, and the names and/or addresses where the purchaser may obtain necessary adjustments.

9. The applications filed pursuant to this Resolution may be revoked at any time by the Board of Township Trustees or their duly authorized representatives, for any of the following reasons:

- a. Any fraud, misrepresentation or false statement contained in the application for a permit;
- b. Any violation of the resolutions of Concord Township;
- c. Conviction of the applicant or other persons acting under the authority of the applicant's permit for any felony or misdemeanor involving moral turpitude; or
- d. Conducting the business permitted under this Resolution in an unlawful manner or in such manner as to constitute a breach of the peace or a menace to the health, safety or welfare of the general public.

11. That within three (3) working days of the revocation of the permit, the Township Fiscal Officer shall send to the person whose permit has been revoked, such notice setting forth specifically the grounds of the revocation. Such notice shall be mailed to the person to whom the permit was issued at the address shown on the permit application.

12. That any person aggrieved by a decision of a Township Fiscal Officer in regard to revocation of the permit shall have the right to appeal to the Board of Zoning Appeals. Such appeal shall be submitted and heard according to the rules and procedures of the Board. Such appeal must be filed within ten (10) days of the receipt of the written verification of such denial of revocation.

13. That no transient vendor shall engage in soliciting door-to-door at any place in the Township during the period from either sunset or 7:00 p.m., whichever comes first, until 9:00 a.m. Monday through Saturday, and on Sunday before noon and after 6:00 p.m. or dark, which ever comes first.

14. This Resolution does not apply, to any person invited by an owner or tenant to visit the owner's or tenant's premises to sell, offer for sale, or solicit orders for future delivery of goods.

15. That whoever violates this Resolution is guilty of a minor misdemeanor.

16. The Township Fiscal Officer shall certify copies of this Resolution to the Prosecuting Attorney of Lake County, Ohio.

Mrs. Luhta seconded. Vote: 3 ayes.

C. UNION CONTRACT. Tabled.

D. HIRE MATTHEW SENYES, PART-TIME MAINTENANCE, \$12.00/HR., EFFECTIVE 4-18-07. Mrs. Luhta moved to hire Matthew Senyes, as Part-time Maintenance, at \$12.00 per hour, effective 4-18-07. Mr. Malchesky seconded. Vote: 3 ayes.

E. SET PUBLIC HEARING FOR ZONING TEXT AMENDMENTS ON THE AUBURN-CRILE ZONING RECOMMENDATIONS RE: DISTRICT REGULATIONS, CONDITIONAL USE PERMITS, DEFINITIONS, PARKING, SITE PLAN AMENDMENTS TO FEE SCHEDULE. Public Hearing set for 5-16-07 at 7:00 PM.

F. VOTED AT OFFICE HOURS:

1) Permission to Advertise for the following:

- a. Seasonal Service Department – Mr. Malchesky moved to approve advertising for seasonal help in the Service Department. Mrs. Luhta seconded. Vote: 3 ayes.
- b. Full-time Service Department – Mr. Malchesky moved to approve advertising for Full-time Employee in the Service Department. Mrs. Luhta seconded. Vote: 3 ayes.

2) Viewmount Drive Engineering – Mr. Malchesky moved to contract with Land Design for up to \$103,500 for the engineering of Viewmount. Mrs. Luhta seconded. Vote: 3 ayes.

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G. FUTURE MEETINGS & ANNOUNCEMENTS:

Wed.	4-25	7:00 PM	CONCORD COMMUNITY DAYS MTG / Conference Rm
Tues.	5-1	1:00 PM	TRUSTEE STAFF MEETING / Conference Room
		7:00 PM	ZONING COMMISSION MEETING / Town Hall
Wed.	5-2	6:30 PM	TRUSTEE OFFICE HOURS / Conference Room
		7:30 PM	TRUSTEE REGULAR MEETING / Old Stone Schoolhouse

Meeting adjourned.

Trustees approved and signed the following checks:

(Complete voucher list is available at Town Hall for viewing)