

REGULAR SESSION
September 23, 2008

Mr. Dwelle called the meeting to order at 4:30 p.m. to meet with the department heads prior to the meeting.

Roll call was answered by Trustees Jeffrey Ferrell and William Dwelle.

Chief Myosky advised the Board that they had filed complaints on a number of homes in Columbus Park. Mr. Ferrell asked the Chief to contact John Coppeler to see if the Township could charge for boarding up houses and then assess it on the tax duplicate.

Mr. Ferrell moved to go into executive session. Mr. Dwelle seconded the motion. Roll call: Mr. Ferrell, yes; Mr. Dwelle, yes.

Mr. Coleman joined the meeting while in executive session.

Mr. Coleman moved to come out of executive session. Mr. Ferrell seconded the motion. Roll call: Mr. Coleman, yes; Mr. Ferrell, yes; Mr. Dwelle, yes.

Mr. Dwelle explained that the Board had been in an executive session prior to the meeting.

Daryel Sternberg announced that because of the recent storm Township residents have been permitted to take limbs and brush to the Cemetery prior to the fall cleanup program on Sept. 27th.

Mr. Sternberg updated the Board on the road-paving project. He is going through the punch list for Bell, Michigan, and Boardwalk. The Peterson Lane project is being started. Mr. Dwelle said that he had received a report that Michigan Avenue was crowned improperly. Mr. Coleman asked if the catch basin at Ohio Terrace had been reset. Mr. Sternberg said that they had been.

Chief Myosky updated the Board on the status of the Fire Truck. It should be ready ahead of schedule.

Chief Myosky updated the Board on the Spaghetti dinner for Steve Westcott. Donations had been received from Berardi's and the American Legion. Community support was fantastic.

Lt. Parthemore said that the Triad was scheduled for tomorrow at the Fairgrounds.

Mr. Ferrell said that he had received a couple of complaints of speeding on Marshall Avenue. He asked that the speed sign be placed in the area. There was a discussion as to the speed sign not functioning properly.

Mr. Sternberg advised that Peterson Lane would be closed starting shortly for the paving program. Mr. Ferrell asked if the Board had received notification of the closing of Perkins Avenue. No one had.

Mr. Dwelle explained that the Board had started their meeting early to cover business with department heads.

Mr. Dwelle asked Jeff Printy for an update on the Bell Avenue park project. He is currently securing bids for the fencing. Mr. Dwelle asked Mr. Printy to ask Mr. Speer for a price to knock down the hill of dirt.

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Cheryl Best Wilke, Pennsylvania Avenue, asked if the Board was going to look for someone for the position that was offered to Linda Scherer. The Board said that they would, based on a recommendation from Jim Lamb.

Ruth Speer, Ransom Road, reported that there was excessive stone after the chipping program. Mr. Sternberg said that he would have the street sweeper go down the street to get some of the excessive stone picked up.

Accept Resignation of James Laws from the Zoning Commission

Mr. Ferrell moved to accept the resignation of James Laws from the Zoning Commission due to health reasons. Mr. Coleman seconded the motion. Mr. Coleman said that Mr. Laws has served on the Board for many years. Mr. Ferrell said that he had sat on the Board with Mr. Laws and he had served as a mentor for him. Mr. Ferrell asked that the Board send Mr. Laws a letter or proclamation for his 28 years of service. All were in favor

Resolution #2008-0121

APPOINT MATTHEW LESCH TO THE ZONING COMMISSION

Mr. Ferrell moved to appoint Matthew Lesch to the Zoning Commission for the term ending December 31, 2012. Mr. Coleman seconded the motion. Mr. Coleman stated that Mr. Lesch was the alternate so that position is now vacant. Roll call: Mr. Coleman, yes; Mr. Ferrell, yes; Mr. Dwelle, yes. Resolution adopted.

Mr. Dwelle announced that the Board would be in recess until 6:00 pm to allow for the set up for the zoning hearing. Mr. Coleman suggested that the students get their papers signed now.

Mr. Dwelle called the meeting to order. Mr. Dwelle said that they had started with their public meeting earlier to meet with department heads in executive session. Then they went into regular session to answer some questions other than zoning. There were a couple of recordkeeping items to take care of.

The next public meeting will be October 14, 2008.

Mr. Coleman moved to accept the agenda as presented. Mr. Ferrell seconded the motion. All were in favor.

Mr. Coleman moved to accept the minutes of September 9, 2008. Mr. Ferrell seconded the motion. All were in favor.

Mr. Coleman moved to accept the Financial statement for the period September 10 through September 23, 2008. Mr. Ferrell seconded the motion. All were in favor.

Mr. Dwelle then opened the zoning hearing. Mr. Dwelle outlined the procedure for the hearing on the zoning matter. Mr. Myosky, replacing Jim Lamb who is on vacation, will be representing the zoning department.

ZONING HEARING – Mike Taus

The Fiscal Officer then read the notice of the Zoning Hearing. The application was filed by Mike Taus for property located at the rear of Birchwood Drive containing 21.346 acres. The request is asking for a change from Residential (R-1-A) to Planned Unit Development (PUD).

Mr. Dwelle then asked the applicant and/or his representatives to present their request. Attorney John Kocher introduced Mike Taus, the developer, and Dean Frederick, professional engineer/surveyor. Mr. Kocher explained that this was not the final design

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plan. He presented booklets to the Board members summarizing the entire project with the steps that had been taken up to this point.

Dean Frederick then gave a presentation of the engineering plans of the project. They have submitted the plans for a concept review of drainage, access, and safety to the Erie County Engineer and the Township. Access would be off Pennsylvania Avenue. The project contains the 21 acres that are identified as the PUD. The roads will be a combination of public road and private roads. The private roads are built to County specifications with the exception of the typical curb and gutters. All other factors are per the code. The sewer comes from the truck sewer on Birchwood.

One of the challenges of the project location is the bedrock that will limit construction to slab. They were asked to loop the water line to provide better flow. They have addressed drainage concerns to store drainage from a 100-year storm. The project would be included in Erie County ditch maintenance. Traffic counts were conducted which indicated that traffic is less than the thresholds requiring a traffic impact study. The access point was approved by the County. If the project were evaluated as a single-family project, the traffic flow would increase.

From a public safety standpoint the project was approved by the fire and police departments.

Mr. Kocher then reviewed a few points of the project. There is a buffer zone between the existing residential area and the PUD created by Route 2, a field, and residential property owned by Mr. Taus. The water runoff would be controlled to be released over a 24-hour period as opposed to a 50-minute period. He submitted an opinion letter from Realtor Dale Coffman listing the benefits of the project. He also presented the tax benefits of the project as projected by the Erie County Auditor's office.

Mr. Kocher then reviewed the zoning regulations. The PUD allows for more control. There is more open space. As a condominium association the Association maintains the open spaces. All the utilities are underground. Additional plans have been submitted for approval even though not required at this time. Mr. Taus is committed to this project to see that it is completed within the two-year period. The streets have been approved by the County and are built to County standards with the exception of the curbs. Because the street is private there will be no additional services to be provided by the Highway department such as snow plowing. The project is strictly residential, no commercial. The Township will have control of the project. The project will not adversely affect the surrounding property. The density is less. The height restrictions are less. The looping of the water line will benefit the residents that are currently in the area on Pennsylvania. They have met with the emergency agencies to be certain that those issues have been addressed.

It will not be a gated community. There will be streetlights on the road. Mail delivery will be a central location that is located in the development itself in one of the green spaces. The project complies with the Comprehensive Development plan. The house will be built on site, not trucked in. Also they are not planned as rental units.

Mr. Dwelle asked if there was anyone else in attendance to speak in favor of the project. There was none.

Mr. Dwelle then asked for comments in opposition to the project, reminding the audience to give their name and address, and to speak loudly for the recorder to pick up the comments.

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Carol Smith, Michigan Avenue, commented on the traffic patterns. She questioned the traffic pattern because of the safety issues. She asked if there was a pool proposed in the project. Mr. Frederick said no because of the bedrock.

Don Miller, Pennsylvania Avenue, said that the project may be good, but it doesn't take in consideration the people that live in the area. Houses are not selling now. They are now being rented.

Terry Volz, Pennsylvania Avenue, asked for the results of the Zoning Commission. He said that they had not been sure if it was approved or not. Mr. Dwelle said the vote was 2 for, 2 against, and 1 abstention. According to our legal counsel that is a denial of the request because there failed to be a majority. He also questioned the increased traffic because there are no sidewalks in the area. There is no place to walk other than the street.

Thomas Whaley, Pennsylvania Avenue, asked if the Trustees had visited the neighborhood recently. All the Trustees had. He is not against development. There have been positive changes such as Birchwood and Kelley Lane. But there are other changes that bother him such as 30–40 alpacas and the smell that comes with them, a camel and the barn, horses and that barn, unattractive fencing, no trespassing signs. The area has become very hodge podge. The Zoning Commission voted it down. It should remain R-1A.

Russ Panas, Pennsylvania Avenue, also questioned the traffic and the speed that the traffic is going. He said that the streets are not wide enough for the increased traffic.

Mark Adams, Indiana Avenue, questioned why the applicant would come to the Board if the Zoning Commission turned them down. Are they asking you to overturn the Zoning Commission's decision? Mr. Dwelle explained the Zoning process per the ORC. The actions of the Zoning Commission are a recommendation only. There is also a recommendation made by Erie Regional Planning. The Board of Trustees then either grant or deny the request for the Zoning Change. Mr. Adams asked if the 64 units were going to be built and then sold or were they were going to be built on an individual basis. Mr. Frederick said that there would be one spec unit and then built as they are sold. There would be no rentals.

Cheryl Best-Wilke, Pennsylvania Avenue, clarified that there were two applications to the Zoning Board. The first application was slightly different.

Brad Castle, Pennsylvania Avenue, said that the original plans showed an access onto Birchwood. He thinks that should be a consideration. Mr. Castle said that some of the property for the original 71 lots had been sold. As a result the density for the PUD would be greater than the remaining residential area. He also noted that Mr. Taus' other properties had turned into rental property and he thinks this would have an adverse effect on the present neighborhood.

Carol Moats, Pennsylvania Avenue, questioned the noise from Route 2. She also questioned the demand for the units. She is opposed because of the traffic. She believed that there should be another access. Mr. Frederick said that there was a buffer mound between the project and Route 2, which will be started in Phase I.

Peter Zeiher, Pennsylvania Avenue, questioned the salability of the units as residential. He believes that if there are unsold, they will become rentals and the property will not be maintained as a homeowner would do. He is opposed to the project. But if approved, perhaps there could be a rider requiring that there be no renting; there be a maintenance standard; curbs be installed on the road; economic reimbursement for loss in value.

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Debbie Voight, Michigan Avenue, questioned the length of time for the completion of the project in addition to the increased traffic. The time frame would depend on the market but it would be no different than that of the single-family homes.

Brian Martin, Pennsylvania Avenue, also questioned the traffic. He questioned the amount of equipment needed to do the construction because of the amount of rock. He questioned whether the Township roads could handle that much traffic. He also spoke to Eric Dondril, Erie County Soil and Conservation, and wondered why his comments had not been addressed. He also asked that alternate access be considered.

Jeff Dalton, Birchwood Drive, questioned the drainage in the area. He also questioned the average price of the homes and the square footage of the homes. He wanted to know why the developer would want the PUD when the property was already zoned for residential which allows for more homes per acreage.

A gentleman questioned whether an access through Industrial Parkway had been considered. There is private property separating the two developments therefore currently there is no access. A stub is provided to go in that direction.

Carol Smith asked that the flood plan be pointed out. Mr. Frederick explained the retention program.

Tim Steele, Birchwood, wanted to know if the flood plain could be developed. Mr. Frederick said the under current restrictions it could not. There area is included in the density figures. Mr. Steele said that the sanitary sewer on Birchwood has issues. Mr. Frederick said that they are not tying into the Birchwood sewer, but into the trunk line sewer.

Brian Martin asked for the elevations in various areas of the development. Mr. Frederick gave the elevations requested.

A gentleman asked if there were reasons given for the two descending votes of the Zoning Commission. Mr. Ferrell said that there was a discussion of public roads verses private roads.

Don Miller asked if it would be proper to ask those in attendance of the feelings. The Board agreed that this was obvious.

A gentleman asked who would maintain the retention ponds. Mr. Dwelle asked if they were dry or wet ponds. Mr. Frederick said that they are dry ponds. Mr. Frederick said if maintenance were needed, it would be done by the Homeowner Association or by the County since they would be in the ditch maintenance program.

Mike Zorn, Birchwood Drive, asked if the County would mow and keep clean. Mr. Frederick said that the Homeowners Association has the responsibility to do it. If not, the County would do it as part of the maintenance program.

A gentleman asked about the stub streets. These are covered by the subdivision regulations.

Mr. Kocher asked if the road would even have to be maintained the private portion of the road. Mr. Frederick said that this could happen if the Homeowners Association petitions the Township to maintain the road.

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Bob Johnson, Woodridge, asked if this was a condominium association. Mr. Kocher said that is was and as such there was another layer of government to maintain the high standard of living desired.

Carol Smith asked if Mr. Kocher would live in the units next to Route 2 in the summer. Mr. Kocher said that this is Mr. Taus' problem. He is aware of the problems and will do what is necessary to market them.

A gentleman asked if the people that rented the units would pay the same fees as an owner. Mr. Kocher said that Mr. Taus plans to sell every one of the units. Generally a condominium association does allow for 30-day rentals, but Mr. Taus does not plan on doing that.

Bob Johnson said that the By-laws of the Condominium Association are recorded and spell out no rentals. Mr. Kocher said that normally a 30-day rental is allowed.

Mr. Kocher then summarized the positives of the development. It would increase the water flow. It would improve the water run off. The PUD would generate less traffic than a subdivision. The PUD has more controls. The developer has exceeded all the criteria needed.

Bob Johnson addressed the rental issue again. If rentals are not permitted, it needs to be in the Bylaws from the very beginning.

At this point Mr. Dwelle closed the public portion of the meeting.

Mr. Coleman recused himself from participation due to the effects on his property since he lives in the area.

Mr. Ferrell asked how many lots could be developed as residential after taking off the property already sold. Mr. Frederick said 59 lots. Mr. Ferrell asked how many accesses would there be. Mr. Frederick said that the original plan calls for 2 accesses. The difference would be that the streets would be public and maintained by the Township. Mr. Ferrell asked if the trenches would be like that done at Lake Crest. Mr. Frederick said no, the depth was not as great. Permits are required for the hauling. Mr. Ferrell stated that the Association would do all the maintenance.

Mr. Dwelle asked for the difference between the private road verses the Township roads. Basically the road does not have curbs and gutters. If the road were to be turned over to the Township as some point, curbs and gutters would need to be added.

Mr. Dwelle said that the one access bothers him. Mr. Dwelle asked why they want to develop it as a PUD. Mr. Kocher said that it is flexibility as to design and layout. They can cluster things. Also there is control from both the Township's standpoint and the buyers.

Mr. Dwelle questioned the mail pickup points. The area is paved and it is in the PUD itself, not at the intersection. Mr. Dwelle then asked where the trunk sewer was located. Mr. Frederick pointed to the tie in point. The property at the beginning, which is not part of the PUD, remains R-1A and serves as a buffer.

Mr. Dwelle asked Mr. Myosky, assistant zoning inspector, and John Coppeler, legal counsel, if they had any questions. Mr. Myosky said the project was well within the regulations for a PUD.

Mr. Dwelle and Mr. Ferrell then discussed their questions regarding the project.

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Resolution #2008-0119

**TO REAFFIRM THE ZONING COMMISSION RECOMMENDATION
AND TO DENY THE REQUESTED ZONING CHANGE**

Mr. Ferrell moved to reaffirm the recommendation of the Zoning Commission and deny the requested zoning change. Base on Mr. Coleman abstention, Mr. Dwelle seconded the motion. Roll call: Mr. Coleman, abstained: Mr. Ferrell, yes; Mr. Dwelle, yes. Resolution adopted, zoning change denied.

Resolution #2008-0122

CERTIFICATION OF NOXIOUS WEEDS TO ERIE COUNTY AUDITOR

Mr. Ferrell moved to certify the cost form cutting of Noxious Weeds to the Erie County Auditor as follows:

| | | |
|----------------------|------------------------|----------|
| Parcel #32-02168.000 | Debra Saunders | \$200.00 |
| Parcel #32-01141.001 | MEA Partnerships Homes | \$200.00 |

Mr. Coleman seconded the motion. Roll call: Mr. Coleman, yes; Mr. Ferrell, yes; Mr. Dwelle, yes. Resolution adopted.

Resolution #2008-0120

RENEW CONTRACT WITH AT&T FOR CENTREX SERVICE

Mr. Coleman moved to renew the contract with AT&T for Centrex Service. Mr. Ferrell seconded the motion. Mr. Ferrell reported that the cost would be \$508.19 per month, which is a savings of \$186 per month. We would also get a \$40 credit per line. We are also canceling one line from no use. The local rate will also decrease. This includes phone service to all buildings. Roll call: Mr. Coleman, yes; Mr. Ferrell, yes; Mr. Dwelle, yes. Resolution adopted.

Notices:

There will be a zoning hearing on October 14, 2008 for Sandusky Holdings LLC (Matthews Ford).

Correspondence & Reports:

The August & September park repair report has been received.

The August Motel/Hotel Tax through August shows that motel taxes for the month of August 2008 increased over August 2007, but the year to date amount for 2008 still shows a decrease.

Highway Foreman Kevin Boos and Fiscal Officer recently attending the WCU in Toledo. Ms. Schaefer also attended a WC training in Toledo that detail the new requirements effective January 1, 2008 for public employers to maintain a PERRP 300P log. This material will be distributed to the department heads for compliance. Mr. Coleman stated that they would come in to evaluate the workplace. Ms. Schaefer said there are also grants available to correct hazardous situations.

Trustees:

Mr. Ferrell presented a proposal from Northwest Regional Systems that would upgrade on telephone system. There would be a 5-year warranty on the system. Therefore, we would have a new system and eliminate the need for a maintenance agreement. Over the five-year period there would be a savings. Most of our problems are due to lightning strikes. All the equipment would be portable and compatible with any County system.

Resolution #2008-0123

APPROVE LOAN APPLICATION FOR PURCHASE OF FIRE TRUCK

Mr. Coleman moved to enter into an agreement with Unity National Bank for a loan to purchase the fire truck. Mr. Ferrell seconded the motion. Terms of the loan include:

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Amount of loan \$350,000.00, at 4.05% interest, 5 year loan with no penalty for prepayments or early payoff. Roll call: Mr. Coleman, yes; Mr. Ferrell, yes; Mr. Dwelle, yes. Resolution adopted.

The Board had a brief discussion for paying for flu shots for the employees with no definite decision being made.

With no further business to be conducted, the meeting was adjourned at 9:30 pm.

William Dwelle, Chairman

Diane Schaefer, Fiscal Officer