

BERLIN TOWNSHIP TRUSTEES

7:00 p.m.

Special Meeting

July 31,

2008

HELD AT: Berlin Township House, 3271 Cheshire Rd., Delaware, OH

CALL TO ORDER: Ron Bullard, Trustee Vice Chairman

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was led by Tom D'Amico

ROLL CALL: Ron Bullard and Tom D'Amico, present. Phil Panzarella, absent.

ATTENDANCE: Ray Armstrong, Earlene Skeels, David DuRivage, David Johnson, Mike Shade, Warren Stewart and John Oney

BZC CASE # 08-004 Application to rezone 5.637 +/- 2 parcels, Planned Commercial District & Farm Residential District to Planned Industrial District

Ron Bullard verified with the fiscal officer that the hearing was properly advertised. Cannon reported that the advertisement was in the Delaware Gazette on July 17th. Cannon then read into the minutes the following exhibits:

Exhibit 17: BZC conclusion letter dated July 7, 2008

Exhibit 18: Proof of publication in the Delaware Gazette on July 17th

Exhibit 19: Certified mail receipts dated July 15, 2008

Mike Shade, attorney for the applicant introduced John Oney, architect for the project, Dave DuRivage, Vice President of Operations and Dave Johnson, manager of proposed KIA Dealership. Shade said they were here to answer any questions the trustees may have. Bullard asked if there was a map that could be on display. Shade pointed out where Route 23 is on the map as well as the proposed road that would run behind the car dealership. D'Amico asked if this was a final plan. Shade said this is the 1st of 3 phases. D'Amico asked if they could restate the divergences. Mr. Oney said the divergences that are requested deal with the sign code. The first is to allow a white background for the KIA wall and ground sign. The second divergence is to allow the two KIA and Byers wall signs 26' in height. He said this was proportionate to the size of the building. The third divergence is for a directional sign. He said the placement would be 170 feet from the highway. The last divergence is for a change in the maximum size of a wall sign from 32 SF to 40 and 42 SF. Bullard asked if they could operate with a septic tank until sewer is available. Shade said the plans have been reviewed with the Sanitary Engineer and adjustments have been made. He said they have also talked with the Health Department and Ohio EPA about what can be done temporarily. Bullard said he wants to make sure that is covered. DuRivage said they are allotted 300 gallons per day for customers and employees. He said we are working on a mix on how we can operate with regards to employees and hours of operation. Bullard asked if car washing would be an issue. DuRivage said that will have to be included as well. He said there is no car wash on site.

Bullard asked about the right in and right out. He questioned cars being brought in on semis. Johnson said that the cars are not unloaded on 23. He said cars are unloaded on the lot. He said it is tight but they are able to do it. Skeels commented that on July 23rd the bottom level of a semi was unloaded on 23. Johnson said that is dangerous not only for the trucker but others as well. He said they could put in their trucker's contract that cars have to be unloaded on the lot. He commented that since January 1st this is the only one that he knows of. Shade said this is another reason they would like to see the road behind them. He said all have granted except one and commented that they had no authority or eminent domain. Shade also said he hoped Columbus State would expedite the installation of a traffic light. Shade said they can't control all things.

Bullard commented that on the plan the new entrance looked the same width. He said he was still not convinced you could get an 18 wheeler in. Bullard said he was also concerned with the amount of black top. He commented the detention pond was small and said it needed to handle storm water run off. He asked how the water would run. Oney said he has spoke with Doug Reidle from the Engineers office about another small retention to the north. He said the existing basin would take anything tributary to the south. He said he was aware of the area across the street. He said they have done a conceptual phase in 2 and 3. Bullard asked about the leach bed area. Oney said it would be paved over.

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D’Amico asked about the access point to the north. Oney said this was not set in stone. He said they have to talk with ODOT to get their standards. D’Amico said this is just conceptual. He said yes. Phase one is the only thing that has been approved. He said at this point we have one curb cut that wraps around to the back. Bullard said you will need to explain to ODOT that you will be bringing in 18 wheelers with cars.

D’Amico asked what the possibility of having a color other than white as a background color on the sign.

Johnson said when it was discussed with the BZC it was determined that this was not a white sign box but more of an oval. He said what they heard was they could pursue the white background even though it was a divergence. Shade said it is difficult when you have an international sign working with local governments. Bullard said the divergence isn’t as much the color as it is the brightness. He said they do not want a safety issue. He added the brightness draws eyes away from the road. Shade said the sign is a significant distance from the road. Bullard said the one on the building does not bother him. Johnson said they would work with the township to get an acceptable lumination level. Oney said the sign is more of an opaque than bright white. Johnson said they have toned down lighting before. D’Amico said the township does not state a specific lumen level. He said it is subjective as far as being enforced. Johnson said they lease the sign from KIA and that Da Nite signs does the work. D’Amico said this is his only issue. Bullard asked if there were any other comments. Skeels asked how many cars would be on the lot. She asked if the cars had to be parked on the blacktop. Johnson said the cars will only be parking on the blacktop. He said they have temporarily parked on the gravel and Mr. Armstrong has been aware of it. Armstrong said he is fine with the plan. He said he has talked with all members of the team. He said more information will be presented during phase 2 and phase 3. He said he has a pretty good handle on what to expect during the different phases. Bullard asked when the next phase would be presented. Shade said approximately 1 year. He said there are several things they don’t have control over including the proposed road. Bullard said he did not want back lighting on the lollipop sign until the lumination level can be determined. DuRivage said they are ready to ship the signs and we need to tell them to use a dimmer white and lumens. Bullard said he is not comfortable with that. DuRivage asked if they could work with Armstrong on that. He said they could view other signs with different lumen levels. Bullard said he is not looking for this to be less than what other businesses have. Shade said he understands the lighting is relative. He said they should contact KIA because this probably is not the first time they have heard this. Armstrong said that should not be a problem. Johnson said they could measure different sign lumens before the sign is made. He said once the sign is made it would be hard to change. D’Amico said the KIA sign will not exceed brightness of other signs in the area. Johnson said there aren’t as many signs as you think along 23. He said he would do some more research. Bullard said in time there will be more signs. Shade suggested an agreement that KIA will agree to an acceptable level of lighting. Johnson asked if Armstrong could be a go to person. D’Amico said the agreement should be part of the record. DuRivage said they will work with Da Nite and Ray Armstrong. Bullard asked Shade if he had a contract they could work with. Bullard verified that all security lightning had eyebrows and there was not spot lighting. Shade presented the following: Applicant agrees to meet an acceptable level of lighting that is agreeable to Berlin Township, Delaware County, Ohio as to its front monument sign. David Johnson and Jay DuRivage both signed the agreement.

RESOLUTION

08-07-15

MOTION TO ENTER EXHIBIT 20 - APPLICANT AGREES TO MEET AN ACCEPTABLE LEVEL OF LIGHTING / BRIGHTNESS FOR THE FRONT MONUMENT SIGN

Motion: D’Amico
Second: Bullard
Vote: Bullard yes and D’Amico yes

RESOLUTION

08-07-16

MOTION TO APPROVE BZC CASE #08-004 WITH EXHIBITS 1 THRU 20

Motion: D’Amico
Second: Bullard
Vote: D’Amico yes and Bullard yes

Mr. Shade said that Ray Armstrong has been extremely helpful. Bullard said this concludes the BZC hearing and the case will take affect after the 30 day referendum period.

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3B's & K Road- Bullard said he has not driven on the road in a couple of weeks. He said the school paved the south entrance and Shelley has done some patching on the west side of the road. Bullard said Hart relayed to him that the road looked okay. D'Amico commented that the closed sign was still up between 36 and Cheshire Road. Armstrong noted that they still had to do the three culverts. He said they did not do them before the caps.

Roloson & Curve Road- Bullard said there is a sight distance issue with corn growing at the corner making it difficult to see. He said Panzarella went to the courthouse to find out information regarding right-of-way on the road. He said the ROW is 60 feet however we don't know if it is from the center of the road. He said we have to do some work to find out where the center is. He said one solution is to compensate the farmer for removing corn stalks. Before this is done we would have to know where the ROW is. Cannon said they may want to contact the prosecutor before using taxpayer's money to pay for this especially if it is planted in the ROW. Armstrong said he went out to measure and used the center of the road and the corn was anywhere from 21 to 25 feet. Bullard said we could take out any that were in the ROW. D'Amico said that a mortgage survey should state where the center of the road is. Bullard added there have been several new homes that should let us know where the ROW is. Armstrong said he would pull any mortgage surveys and put them in Mike Hart and the trustee's mailboxes.

Bullard said that covered the special meeting items.

RESOLUTION

08-07-17

MOTION TO ADJOURN

Motion: Bullard
Second: D'Amico
Vote: D'Amico yes and Bullard yes

Meeting adjourned by Vice Chairman Bullard at 8:10 p.m.

ABSENT
Phil Panzarella, trustee

ATTEST:

Ron Bullard, Trustee

Theresa Cannon
Fiscal Officer

Tom D'Amico, Trustee