

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m.**

**Regular Meeting**

**January 25,**

**16**

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

**CALL TO ORDER:** Adam Fleischer, Trustee Chairman

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was led by Toni Korleski

**ROLL CALL:** Adam Fleischer, Ron Bullard, Steve Flaherty and Claudia Smith, Fiscal Officer.

**ATTENDANCE:** Don & Barb Sherman, Connie Lodge, Brad Cook, Toni & Joe Korleski, Norm Seese, Tom Hart, Jack Mautino, Terry Andrews, Joe Pichert, Scott Belcastro, Jeff Lewis, Steve Arnold & Chris Paykoff

**PUBLIC COMMENT:** Fleischer asked if there were any public comments. Hearing none he moved on to the next item on the agenda.

**RESOLUTION 16-01-44 APPROVE THE 12/28/2015 ORGANIZATIONAL MEETING MINUTES AND DISPENSE WITH THE READING**

Motion: Fleischer  
Second: Bullard  
Vote: Fleischer yes, Bullard yes and Flaherty yes

**RESOLUTION 16-01-45 APPROVE THE 1/11/2016 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING**

Motion: Bullard  
Second: Flaherty  
Vote: Fleischer yes, Bullard yes and Flaherty yes

**FISCAL OFFICE:  
Inventory Disposal –**

**RESOLUTION 16-01-46 APPROVE DISPOSING OF INVENTORY ITEMS ON ASSET CONFIRMATION LISTED DATED 1/21/2016**

Motion: Fleischer  
Second: Bullard  
Vote: Bullard yes, Flaherty yes and Fleischer yes

Smith said she needed to revise her appropriations due to the fact that the auditor’s office increased the amount they were to receive for property taxes from the amount that was given to her in June 2015.

**RESOLUTION 16-01-47 APPROVE 2016 FIRST AMENDED CERTIFICATE OF ESTIMATED RESOURCES AND APPROVE 2016 PERMANENT APPROPRIATIONS NOT TO EXCEED \$5,814,265.93**

**FIRST AMENDED CERTIFICATE OF ESTIMATED RESOURCES**

1000	General Fund	\$3,379,936.20
2011	Motor Vehicle License Tax Fund	\$ 22,713.39
2021	Gasoline Tax Fund	\$ 166,097.57
2041	Cemetery Fund	\$ 106,486.76
2042	SPRBA	\$ 125,000.00
2111	Fire Fund	\$1,665,835.55
2181	Zoning Fund	\$ 144,616.68
2231	Motor Vehicle Permissive License Tax Fund	\$ 113,326.94
4304	Capital Project-Park	\$ 2,255.88
4401	Public Works Commission Project	\$ 87,996.96

**Total First Amended Certificate \$5,814,265.93**

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Motion: Fleischer  
Second: Bullard  
Vote: Flaherty yes, Fleischer yes and Bullard yes

**OLD BUSINESS:**

**Computer Contract** – Flaherty said he meet with Involta and they can provide a virtual system similar to what the county would be providing and they have fiber in the township, he is just waiting on an estimate.

**Glenn Road Railroad Crossing** – Bullard said he has a meeting set for February 3, 2016 with Matt Weber from the City of Delaware and Doug Riedell with the county and they plan to put together an application for federal government funding to put in cross bars at the Glenn Road railroad crossing. Bullard stated this is the highest priority crossing in Delaware County so we have a good chance of getting the money.

**\*\*\*\*\* TIME CERTAIN 7:15 P.M. JOHNNYCAKE CORNERS HEARING\*\*\*\*\***

Bullard asked Smith if the hearing had been advertised and Smith said it had been.

Tom Hart attorney for Westport Homes presented the plans for Johnny Cake Corners for a PRD overlay on an R2 zoning district which meets the zoning code standards for that district. He stated the site includes twenty three, one half acre lots and all the open space requirements under the R2 standards have been met. They believe the site should be approved as presented to the trustees for the following reasons: 1.) The plan in keeping with regional planning recommendations, 2.) The development is consistent, actually less dense than the two closest developments adjacent to it. 3.) Because of the immediate impact on this site of the round-about at Cheshire & 3 B’s & K and the fact that there are two arterial roads that border 50% of the property and the site lacks any natural features as it is flat farm land and this site is not like any other in the township that have been limited to one unit per acre. Limiting this site to one unit per acre density based on the realities impacting this site would be unfair and hurt the value of the property for the owner and any future development and be despaired treatment based on what has already been approved for other developments in the area.

Hart stated that they received a recommendation at regional planning for an R2 zoning with PRD overlay. The executive director said that in light of the road and round-about impact that kind of density and those standards are appropriate. Hart read the following from the regional planning commission minutes: The Comprehensive Plan recommends 1 dwelling unit per net developable acre in this subarea. Looking at Subarea 9, the only land that is developable includes this property and a portion of the golf course to the north. Since the adoption of the plan, the intersection improvement was made at 3 B’s & K and Cheshire. Cheshire road will continue to be a significant east/west route across the county. The applicant has chosen to rezone to the R-3 designation, which is 1.85 DU/NDA, where more recent applications have chosen the R-2 designation, at 1.25 DU/NDA, which would result in 23 units. The lot size is comparable with the nearby Meadows of Cheshire while a lower density might allow the plan to more closely resemble Harbor Point which has a higher price point and increased tax base for the township.

Hart stated that they felt that since the RPC recognized the impact of the road and round-about at the site there needs to be a significant amount of perimeter buffering for this property in terms of mounding and landscape tree planting. He stated the development also fits with existing communities in the area, some with higher densities.

Flaherty asked if the emergency access site was a definite in the planning or was it pending final approval from the county engineer. Hart said it was subject to final engineering but they have strong guidance from the county engineer that it go between lots 9 and 10 instead of between lots 10 and 11 to accommodate the necessary width.

Flaherty asked why the bike paths did not surround the property and Mautino said they thought it was mainly because of the future widening possibility on Cheshire Road and thought they had strong feedback from the county engineer and Mautino said with the impact of the round-about and trying to get the bike path in and around the round-about initially they though to take the bike path through the community through connectivity

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avoiding the round-about and he thought it had something to do with the speed limit on Cheshire Road.

Bullard asked if the pond was a feature for people to walk around and stated that if so the access to it was poor. Mautino said there was a walking path in the prior plan but with the R2 the lots had to be made bigger and the number of households participating has been cut by a third and there are HOA dues that have to maintain the area.

Flaherty asked about their storm plan and what type of structure they had in the pond and was told there was an elevated catch basin with an interceptor. Fleischer asked if the open space to the north was intended to be accessed or was it more a screening than anything else. Mautino said it was a screening buffer for the homeowners.

Norm Seese said they mentioned the impact of the round-about and they stated it was a critical factor but of what as he doesn't see the round-about interfering with the driveway at all. Mautino said from their perspective and the expectations of someone buying a house in the \$500,000 range, that round-about needs significant buffering. Mautino said the lighting on the road is as important as the noise. With the circular motion you have constant lights circulating through the round-about in the evenings. Bullard said Cheshire Road is in the county thoroughfare plan to be a four lane road and it will take some of the green space.

Hart said after talking to Tom, they could put in a mulched walking path to the pond to allow access for the residents. Bullard asked if they planned to do anything with the green space and Hart said just landscaping and buffering and some benches around the pond area. Bullard said the way it is it is more accessible to the community than it is to the development.

Toni Korleski said she thinks the R2 with the PRD overlay is excellent for the property. Fleischer said he agrees and as they noted it is almost immediately continuous with a subdivision with a much higher density and nearby Harbor Point is comparable in density and housing cost in point. Heid agreed with Korleski and Fleischer. Joe Korleski said it looks good the only problem he has is if they don't put a walk way to the green space and the pond they are going to have people that pay half a million dollars for a house that aren't going to be happy with people walking through their back yard to get there. Mautino said that point has been made and they will allow for access internally for the community. Bullard suggested that whatever they do to do it as a developer and not to wait for the homeowners association to do it.

Arnold asked if it was a standard for Berlin Township to use mulch as a path instead of pavement. Bullard said it needs to be a hard surface to allow wheelchairs and strollers access. Fleischer said some subdivisions do have mulch so he doesn't think there's a standard and thinks it up to the developer. He asked if because there is a lower amount of houses, if they are limited in putting in a paved walkway because of the significant dues the homeowners would have to pay. Andrews said there is an up-front cost for pavement but minimal maintenance costs once down and said he could see them paving it. Bullard said you set the tone with the type of development you want by designating the green space for a specific purpose such as walking paths, tot lot, basketball, etc.

Bullard said he would like to see a hand written note to make as an exhibit that says they are agreeing to put in a paved access way to the green space and the pond. Hart said they are willing to do that and add some of the other things they discussed. After a five minute recess Bullard read the conditions for approval submitted by Hart:

- 1.) Move emergency access from Cheshire Road to between lots 9 & 10.
- 2.) Install access path (asphalt) to connect with green space at pond, in reserve "A" with Johnny Cakes Lane.
- 3.) Install another asphalt paved access walkway to access reserve "B" from Johnny Cakes Lane.
- 4.) Move benches to southwest portion of reserve "A".
- 5.) All community improvements done prior to zoning permit issuance.

Subject to approval of Final Development Plan and approval of final engineering by county engineer.

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December 28, 2015

Exhibits BZC Case # 15-001, Westport Homes, Johnny Cake Corners

9.) Rezone conclusion letter for BZC Case # 15-001, Johnny Cake Corners, Toni Korleski, BZC Chair dated November 10, 2015

10.) BZC minutes, agenda & sign in sheet dated November 10, 2015.

11.) Request of publication via email in the Delaware Gazette dated December 9, 2015.

12.) Proof of Publication - Delaware Gazette dated December 11, 2015.

13.) Conditions of approval from Thomas Hart dated January 25, 2016

**RESOLUTION  
16-01-48**

**APPROVE BZC APPLICATION 15-001, JOHNNYCAKE CORNERS  
WITH ALL EXHIBITS THROUGH 12 AS DEFINED BY MEMO  
DATED DECEMBER 28, 2015 AND ADD EXHIBIT 13 CONDITIONS  
OF APPROVAL DATED JANUARY 25, 2016 BY THOMAS L HART**

Motion: Bullard  
Second: Fleischer

Discussion: Toni Korleski asked if they should have two motions on this one for the original application that was denied by the BZC and a second one for the amendments. Bullard said there's only one application and it's all under BZC 15-001. Bullard said do we approve or disapprove your motion and your motion was based on this and you sent it to us with a motion that was not to proceed but not to not proceed as it was a motion to deny as it did not receive three votes. The application was presented to us this way and this complete application should move forward with the amendments. Flaherty said we can deny it, approve it with no changes, or approve it with amended changes. Korleski said she thought they would approve it or deny the application as it stood. Flaherty said then they don't have a case to approve or deny. Smith said they are not approving it based on the original application they are approving it based on the changes requested. Fleischer said he thinks they would approve to overturn their decision by voting yes to overturn it with the amended changes. Bullard said we are voting on the application and attachments and they understand the recommendation from the BZC but their decision was a two to two so since a majority didn't vote for or against it, it didn't pass. Fleischer said when Mr. Sabatino was here with his presentation we said those changes had to go back to the BZC so we have set a precedent now that we can only vote on the case. Korleski said he wanted to add something to the plan that the BZC did not get to see. Jeff Lewis said for full disclosure he represents one of the property owners in this case and if you look at ORC 519.12 Zoning Amendments section H it states: "Within twenty days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission or adopt some modification of them. If the board denies or modifies the commission's recommendations, a majority vote of the board shall be required." He said he has been a zoning lawyer for 35 years and this section used to require a unanimous vote to overturn so your vote tonight is to either approve or deny or approve or deny with modifications.

Vote: Flaherty yes, Fleischer yes and Bullard yes

Hart said he wanted to thank the zoning commission chair as she gave them a lot of good guidance, she didn't always agree with what they were trying to do especially in the beginning but she did it with a lot of grace and professionalism and they appreciate that she worked with them. Flaherty said she does do a great job. Bullard said we appreciate it and we do have an informed group of residents and we're proud of that and what to keep it that way.

**\*\*\*\*\*HEARING CONCLUDED AT 8:48 p.m.\*\*\*\*\***

**OLD BUSINESS CONTINUED:**

Bullard said he received an email from Fowler regarding the gas aggregation stating that he was fine with it and we could go ahead with it. Belcastro said the agreement they put together for us is a very good rate and the lowest they have seen.

**Township Hall Lighting** – Belcastro provided the trustees with pictures and prices to replace the lights in the township hall and the offices with commercial grade lights that are more decorative than the current lights.

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**RESOLUTION 16-01-49 APPROVE THE AGGREGATION CONTRACT BETWEEN BERLIN TOWNSHIP AND VOLUNTEER ENERGY SERVICES AS PROVIDED AND APPROVED BY COUNTY PROSECUTOR**

Motion: Bullard  
Second: Flaherty  
Vote: Flaherty yes, Fleischer yes and Bullard yes

**Special Events Parking** – Flaherty said he is still waiting to hear from Fowler.

**Township Hall Alarm** – Fleischer said he received quotes back and will discuss them with the fire department.

**CEMETERY:** Nothing

**FIRE DEPARTMENT:** Pichert said they have a rough draft put together for moving forward with adding a full-time position and will bring that to the trustees by the end of February.

**ROAD DEPARTMENT:**

**Trails Master Plan** – Flaherty said he emailed everyone the rough draft of a master plan from the county preservation parks showing Cheshire Road, Africa Road and South Old State Road as major thoroughfares, although they are not in our control. Bullard said MORPC has a website where they are looking for input and asked if they are working with them. Flaherty said it is designed with MORPC’s plan in mind. Flaherty said their next step is to look for citizen input.

Bullard said they are trying to set up a meeting with the architect for the new high school to talk about getting some right-of-way and if we can get Piatt Road extended he would like them to make the main entrance face Piatt Road rather than Berlin Station Road. Rob Riley said the county would build the road and then turn it over to the township to maintain.

Bullard also said they used a lot of salt during the last snow fall due to the cold.

**TRUSTEE ITEMS:**

Bullard said he received a brochure from Republic regarding the trash and he would like to place a link on the website and Facebook page. Flaherty said he is receiving feedback from people that are upset that the pickup date was moved to Friday. Bullard said to remind them that they are saving \$360 a year in trash pick-up. Bullard reminded them that they need to be working on the newsletter and he will work on the editing of it.

**ZONING DEPARTMENT:**

Heid said the zoning violations in the township are pretty low and the courts are clogged so he can’t get a court date for the RCD and Jason Hatfield cases. They did hear the Gregory Road case and that has been taken care of. The property on Berlin Station is getting cleaned up also. He said he needs a sign for his car that says “This vehicle makes frequent stops”. Bullard said he has a monthly allowance and Flaherty said he has one he needs to find it. Heid said he still finds some signs on weekends but not like they were. He is also continuing to put parcel numbers on the files so it’s easier to find them.

**RESOLUTION 6-01-50 APPROVE HEID ATTEND OTA CONFERENCE AND PROPER ZONING RELATED SEMINARS AND PAY UPTO \$150 FOR MEETING EXPENSES**

Motion: Bullard  
Second: Flaherty  
Vote: Fleischer yes, Bullard yes and Flaherty yes

**RESOLUTION 16-01-51 APPROVE ACCEPTING RESIGNATION FROM BETTY BRINGARDNER FROM BZC EFFECTIVE MARCH 1, 2016**

Motion: Fleischer  
Second: Bullard  
Discussion: Bullard said this is with great reluctance and Fleischer agreed and said she has been involved in zoning since 1989. Flaherty thanked her for her service.  
Vote: Fleischer yes, Bullard yes and Flaherty yes

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**FUTURE MEETINGS:**

1/27/16 – 1/29/16 OTA Winter Conference  
2/8/16 Trustee Meeting  
2/22/16 Trustee Meeting  
3/14/16 Trustee Meeting

**LATE ITEMS:**

Flaherty said they received an email that House Bill 56 passed which requires us to remove the question that asks if an applicant has a criminal record on employee applications effective March 2016.

**RESOLUTION            MOTION TO ADJOURN**  
**16-01-53**

Motion:            Bullard  
Second:           Flaherty  
Vote:                Bullard yes, Flaherty yes and Fleischer yes

Meeting adjourned by Chairman Fleischer at 9:55 p.m.

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Adam Fleischer, Trustee

ATTEST:

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Ron Bullard, Trustee

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Claudia Smith, Fiscal Officer

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Steve Flaherty, Trustee