

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m. Regular Meeting February 27, 17**

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

**CALL TO ORDER:** Ron Bullard, Trustee Chairman

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

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

**ATTENDANCE:** Joe Pichert, Toni & Joe Korleski, Chet Heid, Ray Armstrong, Barb Sherman, Jenn Baerwaldt, Tammy Schueler, Gus Hoster. Rick Gemienhardt, Candice Myers, Bill McNamara, Tim McNamara, Chris Paykoff, Mark Fowler, Dan Griffin and Tony Eyeran

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

**RESOLUTION 17-02-18 APPROVE THE 2/13/2017 MEETING MINUTES AND DISPENSE WITH THE READING**

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

**FISCAL OFFICE:**

**Chase Bank** – Smith said a representative from Chase Bank came in the other day and they have a government program where there would be no fees to us to use the Positive Pay and Remote Deposit which would save us approximately \$900 to \$1,000 a year. Flaherty said he was open to looking at and it would be worth evaluating to see what the details and terms are. Fleischer said if we have an opportunity to save money we should and Chase is who he banks with and always thought they were fantastic. Flaherty said he would review. Bullard said from what he saw it looked good. Smith said she would ask Delaware County Bank if they had the same type program.

**Deferred Comp** – Smith said employees have asked for deferred comp. Bullard said what he has read if someone wants it we have to provide it. Fleischer said according to the Ohio Revised Code employers are required to make it available to any eligible employee. Flaherty said there was no cost to us.

**RESOLUTION 17-02-19 APPROVE ADOPTION OF A PLAN UNDER THE PROGRAM BY ELIGIBLE EMPLOYER**

This Resolution has been approved as to form by the Ohio Attorney General

A RESOLUTION adopting the Plan under the Ohio Public Employees Deferred Compensation Program administered by the Ohio Public Employees Deferred Compensation Board for participation by "eligible employees" of the Berlin Township – Delaware County.

WHEREAS, Ohio Revised Code Section 148 (the "Enabling Statute") creates the Ohio Public Employees Deferred Compensation Board (the "Board") and establishes the Ohio Public Employees Deferred Compensation Program (the "Program") and a copy of the uniform Plan Document for the Program has been provided to the appropriate officer(s) of the Berlin Township – Delaware County; and

WHEREAS, the Berlin Township – Delaware County is an employer of "Eligible Employee(s)" (as defined by Ohio Revised Code Section 148.01(A)(1)), and thereby may adopt a Plan under the Program; and

WHEREAS, the Berlin Township – Delaware County desires to or is required to adopt the Plan under the Program for participation by "eligible employees."

NOW THEREFORE, the Governing Body of the Berlin Township – Delaware County hereby resolves as follows:

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The Berlin Township – Delaware County hereby adopts the Plan under the Program, and shall properly contract with any Eligible Employee who desires to participate in the Plan. The Berlin Township – Delaware County’s Plan shall be the uniform Plan as promulgated by and as amended from time to time by the Board.

The Board is hereby authorized to administer the Plan under the Program, and to do all things necessary or proper for the administration of the Plan, consistent with the Enabling Statutes and all the Rules and Regulations promulgated by the Board, whether by the Ohio Administrative Code or otherwise, and consistent with the Adoption Agreement executed by the Berlin Township – Delaware County.

The Fiscal Officer (title of individual) is hereby appointed the Responsible Official who is authorized and directed by the Governing Body to execute the Adoption Agreement.

Consistent with the Adoption Agreement and the Rules and Regulations promulgated by the Board, the proper officials, officers, employees, and agents of the Berlin Township – Delaware County are authorized to provide the Board with any information it may properly require for the administration of the Plan under the Program.

ADOPTED at a meeting of the Governing Body on the date written below, and duly executed.

17-02-19 February 27, 2017  
Number and/or Date of Resolution

Ron Bullard Berlin Township Trustee February 27, 2017  
Member of Governing Body Signature Title or Position Date

Claudia Smith Fiscal Officer February 27, 2017  
Witness or Responsible Official Signature Title or Position Date

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

**Vacation Credit** – Smith said as previously discussed when they gave Rippel vacation credit for years she worked part-time she didn’t think she had been doing that with other employees. She checked and since the others just started full-time last July she asked if she was to give them time also. Flaherty said we need to follow the same rule.

**RESOLUTION 17-02-20 APPROVE GIVING CREDIT DUE FOR PART-TIME WORK FOR MARK CAREY AND TIM CARR FOR VACATION HOURS EARNED TO BE HALF OF THEIR YEARS OF SERVICE FOR THEIR PART-TIME SERVICE**

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

**Video Service Provider Fee** – Fleischer said he spoke with the Frontier representative and she said that the resolution that we passed in 2013 was sufficient and he forwarded it to her and she said we were squared away.

**OLD BUSINESS:**

**Cemetery Updates/Columbarium’s** – Flaherty said he talked to the landscape company but does not have anything to present as they are updating their figures from 2016 to 2017. Bullard asked that he explain to the audience what we were planning on doing which he did.

**Jake Brake** – Fleischer said he just saw that Fowler emailed him an hour ago apologizing for the delay but here it is so Fleischer will have this and the noise ordinance at the next meeting.

**Noise Ordinance** – See above.

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**Job Description** – Bullard said he has worked on a draft but that’s as far as he has gotten. Smith said that Flaherty had asked her if there were things that she had that Rippel could do and so she came up with somethings: deal with sales people, order supplies, update employee handbook as needed, update records retention schedule as needed, scan checks received, keep track of BZA & BZC emails and cancel or add as needed and place hall rentals in electronic form for everyone to see. Heid asked to have an electronic schedule for meetings. Flaherty said we have talked about using Goggle calendar and we are evaluating the website update and the calendar would be viewable through the website to the public. We would have to have two calendars one for the hall rental and one for township meetings that would be internal for the employees. Flaherty said ComputerSmith is working up a quote for their cloud program and Fleischer is getting one from Accent. Smith asked if this would take care of the drives that keep going out and Flaherty said yes.

**\*\*\*\*\* 7:30 P.M. TIME CERTAIN\*\*\*\*\*EVANS FARMS HEARING\*\*\*\*\***

Bullard asked Smith if this had been property advertised and if we had all the exhibits and Smith said yes. Bullard said we had three applications and Tony Eyerman was here representing them. Tony Eyerman and Dan Griffin with Evans Farms presented the plans for Evans Farms and showed a slideshow presentation. Eyerman said Evans Farms is around 1415 acres and spans two townships; Orange Township is on the south with 550 acres which has already been zoned. The concept is a New Urbanism community which has taken 8 years to get to this point. The town center is retail and residential. Eyerman said the entire site is in the Olentangy Local School district. Eyerman said the property is currently owned and farmed by the Evans family as it has been for over 50 years. He said eight years ago the Evans Family began exploring how they want the property to be developed and they want to do something different that honors their agricultural legacy and their bond to the Delaware County land. They also want to be a good neighbor and will match the adjacent lot sizes, as well as respect the community’s comprehensive land use plan which includes creating a township center that is a central community gathering place. Both townships call for town centers, he noted. He said the last desire of the Evans family is to be a good steward of the environment. Eyerman said his company wants to integrate the agricultural values associated with the Evans Farm into a New Urbanism community with New Urbanism principals. The family is frequently approached by tract builders but the Evans family insists they want to do something different and unique that they and the community will be proud of. Eyerman said the Evans Family and the Paykoff family are very good friends and they set out to see how they could marry these two plans. He pointed to an area on the plans and said it is owned by the Paykoff family and is included in the zoning application. The area is contiguous on the north side of Peachblow and is divided by Peachblow on the south side and the piece in the center. 15.2 acres, is the currently used and continues to be used Pat Payoff’s offices and his operations. This would have been included in zoning application however because it has been a continuous commercial use it’s grandfathered in as part of current uses within the township. So that has been emitted since it is grandfathered in. He pointed to the other areas that are part of the zoning application and each of them were included in the planned residential district.

Eyerman pointed out the agricultural center which will have classrooms that will help teach agricultural and other concepts. Eyerman said that at the first meeting 8 years ago, Rouann Stewart said there must be a legacy item included in this development that helps teach future generations about agriculture and the value of the family farm and from that came the ag center. The ag center is part of the open space system in Berlin Township, and it was placed there intentionally because it is across the street from Olentangy Schools. Eyerman said this was discussed with former Olentangy superintendent Wade Lucas and current Mark Raiff; both thought this was one of the “most fantastic things” they have ever seen and they both made a commitment that if that is done, they will bring 4H and FFA back into the curriculum at Olentangy schools. Eyerman said his intention is to bring in and repurpose a few old barns into Evans Farm and use them as community buildings. He is proposing an ag center where there is an opportunity to create a working farm that has community gardens and opportunities to have 4H projects such as raising sheep. There will be opportunities for classrooms for these activities. This is intended as an education center and the unique entry feature/sign into Berlin Township which is included in the CLUP. Eyerman says he has not done the final design for the barns yet but there will be accommodations for farming, the pasture and the boarding of animals. Eyerman said he has had conversations with a local, very well-recognized composting facility just west of Delaware, Price Organics, and he is very much interested in running a satellite composting facility here and information has been included in the back of the book. There will be many yard scraps from not only this

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community but also the regional community and they can be used to compost and to replenish the soils being taken from the site for sustainability. Eyerman said that OYAA and little league are interested in using classrooms for their meetings and Olentangy is interested in using them for overflow classes as that district continues to grow. There will also be a nursery with nursery stock. They also have areas for ball fields that will be open to the entire community and will be managed by the HOA.

Eyerman said just as the streets connect throughout the community the green spaces do to. They are putting in a pedestrian bridge over the railroad tracks so people can walk to the school and over Old State to get to Alum Creek State Park. Eyerman pointed out the village center where there would be commercial development and a town center as well. Eyerman said there are many empty nesters looking for a place to downsize while they remain in the community. Eyerman said that the principals of New Urbanism include walkability, connectivity, mixed use diversity, and increased density in order to make it a viable space so people have to walk less to get to other places in the community. Eyerman said the developer is all about biking, walking and trails; for example, there will be a horse trail that will be used as a public walking trail and it will access Alum Creek State Park. Eyerman has proposed that he is willing to commit to constructing over 4 miles of paved trail that is not just for the Evans Farm community but also for the Berlin Township community. The Orange Township site includes about 4 miles of trail as well. Eyerman provided renderings that show the quality of the architecture, and noted that the street trees are not shown so they do not block the homes. Griffin said all garages will be behind the homes; this provides the appearance of an old town appearance. He said the quality and level of architecture drives the cost up; small houses here do not equal cheap houses. In Orange Township, over 70 lots have already been sold to individuals. The taxes generated will pay for the schools and taxes, but the development will not generate very many students. Griffin said these homes will be built by custom home builders so they will not look alike. The goal is to let people scale down the size of their yard if they want to. When people's lives change they can move up or down in this community.

Griffin said they proposed to build an elementary school and lease it to the school district as the school board feels that in five years they will need another elementary school. Fleischer said he heard that Arrowhead and Heritage were underutilized. Bullard asked about trees near the sidewalks and Griffin said they will take care of all the maintenance responsibilities of the trees and have their own landscaping maintenance group taking care of them. That is why they need the new community authority. Bullard said he wants to make sure that the street is clear so if they don't do their job it will become the townships responsibility. Bullard asked about the bridge ownership and Eyerman said once the ag center is better defined, there is a commitment that a trail will lead to the bridge. Griffin said they will be putting it in and maintaining it. They are prefabricated bridges. Fleischer asked about the overpass and Eyerman said they are all for it if someone wants to pay for it. They have been working to find a way to pay for it as it would cost approximately \$15,000,000. Flaherty asked how many retail outlets they estimate there will be and Eyerman said they didn't have that yet. Flaherty said in the past they talked about having land available for the township whether donation or not for a salt bin and asked where it was intended. Eyerman said in one of the open spaces but they have to be mindful of the needs of the baseball complex as they don't want to put a salt bin near one. Griffin said they committed two to five acres and are waiting for direction. Fleischer asked if there would be lights at baseball diamonds and Eyerman said yes. Flaherty said they have talked with the county, Orange Township and you guys in the past about the willingness to work within a JEDD so he would like that same commitment brought forward and put into action in some way shape or form that you guys would be willing to work with us from an economic development stand point. Griffin said their goal has always been to work with the townships and the county to make sure that this is sustainable financially. Gemienhardt asked Flaherty to explain JEDD to the audience so he did.

Bullard said he would like to see something that says the trees on the street side will be fourteen feet up for township road maintenance trucks. Griffin said he is sure it is in there. Bullard also asked if they had something in there that covered the alleys stating that they are the responsibility of the HOA. Griffin said there was. Bullard asked Fowler if he had anything and he said he had a list of things that they talked about as modifications. Bullard read the list:

### Exhibit 16

- 1.) Every park and open space will have additional features, not just empty fields.

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- 2.) Ag center buildings will be built at developer expense and will be open to school use.
- 3.) All trees will be cared for and replace by the developer and will be kept back from the roadway, tree height over roadway will be kept at least 14 feet from roadway.
- 4.) Developer/HOA will own, maintain and repair the pedestrian bridges and trails throughout the development.
- 5.) The private alleys will be private roads and the developer/HOA/property owner will own, maintain and repair them.

**RESOLUTION 17-02-21 APPROVE ADDING EXHIBIT 16 TO BZC 16-001 APPLICATION EVANS FARMS**

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

**RESOLUTION 17-02-22 APPROVE ACCEPTING EXHIBITS 12 THROUGH 16 FOR BZC CASE 16-001 EVANS FARMS**

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

**RESOLUTION 17-02-23 APPROVE ACCEPTING APPLICATION BZC CASE 16-001 WITH ALL THE EXHIBITS AND ADOPT THE ZONING COMMISSIONS RECOMMENDATION WITH MODIFICATIONS**

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

Flaherty thanked the developers and stated that it was not a usual development for us but he appreciated them working with the neighboring subdivisions and taking into consideration that this is a different density. Fleisher seconded the sentiment and said they did an excellent job. Griffin said they appreciate the people they have worked with, and the people in this community have been incredible and his family looks forward to spending the rest of their lives here. Bullard said he looks forward to working with them in the future.

Bullard asked for a five minute recess.

**OLD BUSINESS CONTINUED:**

**4 - 10 Hour Days** – Bullard said he didn't have this done.

**BZA Open Positions –**

Smith said she has not received any applications and Fleischer said he will try to get some by the next meeting.

**CEMETERY:** Nothing

**FIRE DEPARTMENT:**

Pichert said the fire chief had an accident with a deer last night on 3 B's & K so the pickup truck is out of service and the insurance adjuster is coming out Tuesday or Wednesday to take a look at it.

**ROAD DEPARTMENT:**

**Requisitions -**

**RESOLUTION 17-02-24 APPROVE \$7,182.00 TO B & C COMMUNICATION FOR 7 MOBILE RADIOS FOR THE ROAD DEPARTMENT WITH THE EXPECTED COST BEING \$6,863.**

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

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**2016 Mileage Certification –**

Bullard said he talked to Irwin and they don't have a way to get a more accurate figure so they have to go by what ODOT gives them.

**RESOLUTION 17-02-25 APPROVE ACCEPTING ODOT'S 2016 HIGHWAY MILEAGE CERTIFICATION IN THE AMOUNT OF 34.770 MILES**

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

**Work Zone Traffic Control & Safety Course –**

Bullard said Irwin wanted Paykoff and Hubbard to go to this class but it is now full.

**TRUSTEE ITEMS:**

**RESOLUTION 17-02-26 APPROVE \$54,629.14 & \$2,896.45 TO THE DELAWARE COUNTY COMMISSIONERS FOR THE SCOTT 604 LATERAL #2 DRAINAGE IMPROVEMENT PROJECT**

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

**ZONING DEPARTMENT:** Nothing

**FUTURE MEETINGS:**

- 3/13/17 Trustee Meeting
- 3/14/17 Health Department
- 4/2/17 Easter Egg Hunt 1:00 p.m.

**LATE ITEMS:**

**RESOLUTION 17-02-27 APPROVE NOT TO EXCEED \$1,500 FOR SPRING NEWSLETTER**

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

**RESOLUTION 17-02-28 MOTION TO ADJOURN**

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

Meeting adjourned by Chairman Bullard at 10:26 p.m.

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Ron Bullard, Trustee

ATTEST: \_\_\_\_\_  
Steve Flaherty, Trustee

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Claudia Smith, Fiscal Officer

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Adam Fleischer, Trustee