

BERLIN TOWNSHIP TRUSTEES

7:00 p.m. Trustee Meeting September 9, 19

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

CALL TO ORDER: Ken O'Brien, Trustee Chairman

PLEDGE OF ALLEGIANCE: Ken O'Brien led the Pledge of Allegiance

ROLL CALL: Ken O'Brien, Tom D'Amico, Ron Bullard and Claudia Smith, Fiscal Officer, Theresa Taylor, Fiscal Officer Assistant

ATTENDANCE: Barbara Sherman, Rob Platte, Steve Spangler, Dan Cottrill, Roy Cottrill, Gene Cottrill, Philip Germann, Jeff Cottrill, Rich Cottrill, Michael Shade, Dan Pardi, John Pardi, Mike Reeves, Greg Chillog and Scott Yant

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

Approval of Minutes –

RESOLUTION 19-09-01 APPROVE THE 8/12/19 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING

Motion: Bullard
Second: D'Amico
Vote: O'Brien yes, D'Amico yes and Bullard yes

RESOLUTION 19-09-02 APPROVE THE 8/28/19 SPECIAL AND EMERGENCY MEETING MINUTES AND DISPENSE WITH THE READING

Motion: Bullard
Second: O'Brien
Vote: O'Brien yes, D'Amico abstain & Bullard yes

Old Business –

Fairview Cemetery – O'Brien said he hasn't received any new updates.

Employee Handbook Updates – O'Brien said he has not received the final form but did talk with the attorney and discussed smoke free and tobacco free to make sure it would be compliant with what the township would allow to happen. The attorney was confident it would comply. O'Brien asked for confirmation and an email of dates for the ethics meetings.

The Cloud – Bullard stated he has received many emails from residents with questions about the Cloud. O'Brien suggested putting an article out with information. Bullard will be spearheading the article.

Permissive Tax – O'Brien still has heard nothing from the prosecutor's office. He will follow up.

Mound on 3 B's and K Road – Residents are happy with how it is being handled. O'Brien asked who will be in charge of maintaining it and there is still no definite answer. Doug Riedel will be asked to next meeting to find out answers.

Hearing for Case BZC 92-004 GERMANN BROTHERS 7:15 P.M.

O'Brien called to order Case BZC 92-004 Germann Brothers. Philip Germann is attempting to sell and amend the zoning of five acres of his land for boat and RV storage along with expanding zoning codes for the office buildings. At the previous hearing, the trustees asked for a landscape plan, which he has since provided along with the engineered plans that has the grading. Germann stated that the engineer did not want to add mounds to the existing grade, as there are already trees on the property line, which is required by code. They will be installing a six-foot privacy fence. O'Brien said with the type of storage he thinks mounding is important as it cuts down on noise. D'Amico said if Germann does some of the NAICS codes, he won't have the requirements as you will on others. Germann said if someone wants to rent and they need more parking spaces they would not be able to rent.

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They discussed the NAICS codes that would work for the size of the building for rent and limiting it to 3 or 4 people. Germann said employees are limited on site to the number of employees as allowed by the county (including general health district) as is currently allowed by the occupancy permit. O'Brien asked that Germann add the following statement to his application: If there are any changes to the structures size or footprint, it will be considered a major modification. Any use not previously zoned except outside storage will require approval. Employees are limited on site to the number of employees as allowed by the county (including general health district) as is currently allowed. Number of persons would not exceed occupancy permits. Additional NAICS code operations are limited to four part-time or full-time employees and no additional outside equipment involved.

The following NAICS codes were approved: 531130 – Outdoor Storage, 621330 - Mental Health Practitioner, 621399 - Misc. Health Care Practitioner and 190.52 - Finance and Insurance. Germann wrote up the changes to the plans that were agreed on and signed it and it was entered into the record as exhibit 15.

RESOLUTION 19-09-03 APPROVE ALL EXHIBITS THROUGH 15 ALONG WITH THE APPLICATION FOR CASE # 92-004 AMENDMENT # 2 GERMANN BROTHERS

Motion: Bullard
Second: O'Brien
Vote: D'Amico yes, Bullard yes and O'Brien yes

RESOLUTION 19-09-04 APPROVE BASED ON ZONING COMMISSION RECOMMENDATION APPLICATION FOR CASE # 92-004 AMENDMENT #2 GERMANN BROTHERS AND ALL ASSOCIATED EXHIBITS THROUGH 15 WITH LATTER EXHIBITS TAKING PRECEDENT OVER EARLIR EXHIBITS

Motion: Bullard
Second: O'Brien
Vote: D'Amico yes, Bullard yes and O'Brien yes

Hearing for case BZC 18-003 LONGHILL LIMITED PARTNERSHIP II 8:00 P.M.

O'Brien called to order Case BZC 18-003 Longhill Limited Partnership II. Aaron Underhill, attorney for the applicant gave an update on the plans for the development of 278 acres north of Berlin Station Road. There will be three sections in the development. One section is The Enclave, which is targeted to empty nesters. There will be one HOA that will apply to the entire community for maintenance of the open and common spaces. The Enclave will have a sub-association that will be formed and enforced which will maintain all of the lawns and landscaping for The Enclave portion of the development. The Enclave will have its own amenities and will not be available to members of the other two parts of the development.

There are plans for an Agrihood along Berlin Station Road, which can be used for agricultural purposes such as a community garden or animals including chickens. Mr. Chillog said they have committed to a minimum of three separate playgrounds in the neighborhood parks and greenway areas each being a minimum of 3,000 square feet. One will have a basketball court 50 feet x 30 feet with hard surface and court markings and a permanent pole, a minimum of two multipurpose playfields within the neighborhood parks and greenways each being at least 45 yards by 70 yards. Mr. Reeves stated there will not be a storm catch base in the middle of the playfields. None of these will be in The Enclave portion of the development.

O'Brien stated his concerns with having only one access point in and out of the large development. Bullard questions the number of community mailboxes in regards to having enough and stresses his concerns with parking and the township not being responsible for maintaining parking lots. Bullard also stated his concerns with the agriculture building/structure being put in, knowing that the HOA will not come to an agreement on how the area should be used. They do not want residents coming to the township complaining about the uses for the agriculture area and it should be up to the residents to decide what can be done with the area. The largest discussion was on side load and front load garages. O'Brien and Bullard did not agree with where/how Longhill wants to put them into the development. O'Brien called a recess to the hearing to allow the applicant to make

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the changes that the trustees requested and they continued with the next item on the agenda.

Fiscal Officer Items- Trustees signed the August 2019 bank statement and electronic payment list.

Official Certificate of Estimated Resources and Tax Rates for 2020 -

RESOLUTION 19-09-05 APPROVE 2020 OFFICIAL CERTIFICATE OF ESTIMATED RESOURCES AND ACCEPT 2020 TAX RATES AS APPROVED BY THE DELAWARE COUNTY BUDGET COMMISSION-INSIDE MILLAGE @2.10 AND OUTSIDE MILLAGE @5.93 FIRE LEVY

Motion: O'Brien
Second: Bullard
Vote: Bullard yes, O'Brien yes and D'Amico yes

Cemetery – None

**Fire Department –
Fire Fighter Resignation –**

RESOLUTION 19-09-06 APPROVE RESIGNATION OF FIRE FIGHTER KEITH ERNSBERGER EFFECTIVE OCTOBER 3, 2019

Motion: O'Brien
Second: Bullard
Vote: Bullard yes, O'Brien yes and D'Amico yes

RESOLUTION 19-09-07 APPROVE RESIGNATION OF TOBIAS COOK FROM FULL TIME FIREFIGHTER TO PART TIME FIRE FIGHTER, AT THE RATE OF \$14.03 AN HOUR, EFFECTIVE DATE TO BE DETERMINATION BY THE FIRE CHIEF AND COMMUNICATED TO THE FISCAL OFFICER

Motion: O'Brien
Second: Bullard
Vote: O'Brien yes, D'Amico yes & Bullard yes

Temporary Captain Position –

RESOLUTION 19-09-08 APPROVE THE APPOINTMENT OF MALACHI SWANSON AS A FULL TIME CAPTAIN FOR THE BERLIN TOWNSHIP FIRE DEPARTMENT SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS OF EMPLOYMENT AT THE BASE PAY OF \$46,741.76 A YEAR WITH THE EFFECTIVE DATE TO BE SEPTEMBER 10, 2019

Motion: O'Brien
Second: Bullard
Vote: O'Brien yes, D'Amico yes & Bullard yes

RESOLUTION 19-09-09 APPROVE THE APPOINTMENT AND EMPLOY JACOB SHAW AS A FULL TIME FIREFIGHTER FOR THE BERLIN TOWNSHIP FIRE DEPARTMENT SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS OF EMPLOYMENT AT THE BASE PAY \$41,836 A YEAR WITH AN EFFECTIVE DATE TO BE DETERMINED BY THE FIRE CHIEF PENDING THE RESULTS OF AN OP&F MEDICAL EXAM BUT NOT PRIOR TO OCTOBER 6, 2019. THE FISCAL OFFICER SHALL BE NOTIFIED OF THE EFFECTIVE HIRE DATE ONCE DETERMINED

Motion: O'Brien
Second: Bullard
Vote: D'Amico yes, Bullard yes and O'Brien yes

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RESOLUTION 19-09-10 APPROVE \$2,220. TO PRECISION ALIGNMENT & TIRE INC. FOR 8 REAR TIRES AND VEHICLE ALIGNMENT ON ENGINE 393

Motion: O'Brien
Second: Bullard
Vote: D'Amico yes, Bullard yes and O'Brien yes

Road Department-

Ditch Inspections – D'Amico said Irwin has been doing ditch inspections but now the county wants to do them. They were not clear on what type of ditch inspections the county wants to do whether it is enclosed ditches or all ditches. D'Amico will check into it.

RESOLUTION 19-09-11 APPROVE AS CLARIFICATION THAT WE WANT THE COUNTY TO BE INVOLVED IN ALL DITCH ENCLOSURES NOT ALL DITCH INSPECTIONS

Motion: Bullard
Second: O'Brien
Vote: Bullard yes, O'Brien yes and D'Amico yes

Trustee Items –

Disaster Recovery Plan- O'Brien is concerned about the disaster recovery plan for our computer system as to if it is backed up sufficiently. Bullard thought the Disaster Recovery Plan was if we had a tornado and if we had a recovery plan not just a computer recovery plan. O'Brien said we have insurance to replace the building but how do we recovery our computer systems. He stated he would go to Kaitsa for information.

Zoning Department –

Monthly Zoning Report – Bullard said we are behind last year's budget revenue by \$21,000. We are also behind commercial development by \$12,735 from years 2018-2019. Bullard said we are still on target for the development of 100 homes for the year 2019.

Future Meetings -

- 9/23/19 Trustee Meeting
- 10/14/19 Trustee Meeting
- 10/20/19 Open House
- 10/28/19 Trustee Meeting

Late Items – Claudia verified the portion of Peachblow Rd. that was previously discussed has been annexed to the City of Delaware.

O'Brien calls back to order hearing of BZC 18-003 Longhill at 12:47 AM. Underhill said they can agree to the following: In sections of the subdivision containing Type B lots, there shall be no more than six homes in a row with front-facing garages. Type B lots containing homes with front-facing garages shall have a minimum side yard of 10 feet. Type B lots containing homes with garages that are not front-facing shall have a minimum side yard of 8 feet. Bullard asked if they could identify the lots ahead of time and they said yes. They review all the changes that the trustees requested and more changes were made so O'Brien asked them to rewrite them and they will be entered into the record as Exhibit 15. Hearing was recessed but the meeting was continued.

Economic Development Updates -

RESOLUTION 19-09-12 RECESS TO EXECUTIVE SESSION PURSUANT TO ORC 121.22(G)(8) TO CONSIDER INFORMATION RELATED TO THE MARKETING PLANS, SPECIFIC BUSINESS STRATEGY, PRODUCTION TECHNIQUE, TRADE SECRETS OR PERSONAL FINANCE STATEMENTS OF AN APPLICANT FOR ECONOMIC DEVELOPMENT ASSISTANCE, OR TO NEGOTIATE WITH OTHER POLITICAL SUBDIVISIONS RESPECTING REQUESTS FOR ECONOMIC DEVELOPMENT ASSISTANCE AND DETERMINE THAT THE REQUEST FOR ECONOMIC DEVELOPMENT ASSISTANCE

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THAT IS TO BE PROVIDED OR ADMINISTERED UNDER CHAPER 715 OF THE ORC, AND THAT THE EXECUTIVE SESSION IS NECESSARY TO PROTECT THE INTERESTS OF THE APPLICANT OR THE POSSIBLE INVESTMENT OR EXPENDITURE OF PUBLIC FUNDS TO BE MADE IN CONNECTION WITH THE ECONOMIC DEVELOPMENT PROJECT-THREE TRUSTEES, FISCAL OFFICER, FISCAL OFFICER ASSISTANT AND ROB PLATTE TO ATTEND – 11:51 P.M.

Motion: O'Brien
Second: Bullard
Vote: Bullard yes, D'Amico yes and O'Brien yes

**RESOLUTION MOTION TO RETURN TO REGULAR SESSION 12:47 AM
19-09-13**

Motion: O'Brien
Second: Bullard
Third: O'Brien yes, D'Amico yes and Bullard yes

O'Brien "We met in executive session and no decisions were made and actions were taken".

O'Brien called the hearing for BZC 18-003, Longhill back to order at 12:48 p.m. Trustees reviewed the list of changes that the applicant compiled and it was entered into the record as exhibit 15.

Exhibit #15

Conditions of Approval – Longhill Limited

1. Fountains shall be installed in each phase of development prior to the issuance of the first zoning permit for a non-model home in that phase if the Delaware County Engineer approves of the timing of such installation. If the Engineer does not approve the timing, the developer of that phase shall obtain a bond to ensure such installation at the earliest permissible time.
2. All exposed manmade materials installed in and around stormwater management basins shall be covered with stone or other natural or natural-looking materials.
3. The master homeowners' association shall be responsible for maintaining off-street parking areas near mailboxes in locations where the mailboxes must be located, which must have off-street parking.
4. Developer is requesting payment of a special assessment for use in contributing toward construction of Piatt Road to the north of Berlin Station Road.
5. Sizes of open space amenities shall not be reduced, including due to increases in rights-of-way or drainage detention or retention ponds or swales.
6. Front-facing garages on Type B lots shall not extend greater than 12 feet from the primary front façade of a home. At least 20% of the Type B lots shall be prohibited from having a garage extending more than two feet from such front façade.
7. All ponds must be unobstructed so that they are accessible to pedestrians on all sides.
8. No trees shall be located within tree lawns between the sidewalk along the lot frontage and street pavement. Required street trees shall be located on lots and behind the sidewalk.
9. A clubhouse and pool shall be provided in "The Enclave" portion of the subdivision within Reserve B, with both to be completed on or before such date that occupancy permits have been issued for 40% of the lots in The Enclave. In addition, a clubhouse and pool shall be provided in Reserve N, with both to be completed on or before such date that occupancy permits have been issued for 40% of the lots in the entire subdivision.
10. Required improvements to Reserves within the community, other than as identified in Condition #9 above and as determined in a final development plan, shall be completed on or before the date when

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occupancy permits have been issued for 75% of the lots in the phase in which the particular Reserve is located.

- 11. Amenities that are permitted pursuant to Section 11.04.D of the regulating text shall require approval of the homeowners' association prior to installation or operation. The Developer shall turn control of the master homeowners' association to the residents of the subdivision once occupancy permits have been issued for 80% of the lots in the subdivision. In addition, the Developer of "The Enclave" portion of the subdivision shall turn control of the sub-association to the residents of The Enclave once occupancy permits have been issued for 80% of the lots in The Enclave. Any uses allowed pursuant to Section 11.04 D which involve animals or insects shall require prior consent of 80% of residents then living in the subdivision at the time they are proposed for operation.
- 12. The divergence to allow lot widths to be measured at the front setback line shall apply only to those lots which are colored in Exhibit B of Exhibit 12.
- 13. In sections of the subdivision containing Type B lots, there shall be no more than six homes in a row with front-facing garages. Type B lots containing homes with front-facing garages shall have a minimum side yard of 10 feet.
- 14. Type B lots containing homes with garages that are not front-facing shall have a minimum side yard of 8 feet.
- 15. If the Developer does not fulfill the requirements of Condition #14 for any reason, including but not limited to a divergence as part of a Final Development Plan, then all Type B lots will be required to have a minimum building side yard setback of 12.5 feet.
- 16. No trees shall be permitted in side yards of 10 feet or less.

Agreed & Accepted by



Aaron L. Underhill, attorney for applicant
September 10, 2019

RESOLUTION 19-09-14 ACCEPT APPLICATION BZC 18-003 LONGHILL LIMITED PARTNERSHIP II, RDRG FARMS INC. AND STEVE SPANGLER SR. AND ALL REVISIONS WITH EXHIBITS 11 THROUGH 15 WITH THE LATTER EXHIBIT TAKING PRECEDENCE OVER EARLIER EXHIBITS

Motion: Bullard
Second: O'Brien
Vote: O'Brien yes, D'Amico yes and Bullard yes

RESOLUTION 19-09-15 APPROVE APPLICATION BZC 18-003 FOR PRELIMINARY DEVELOPMENT PLAN BY LONGHILL DEVELOPMENT LIMITED PARTNERSHIP II, RDRG FARMS INC. AND STEVE SPANGLER SR. PLUS ALL EXHIBITS THROUGH EXHIBIT 15, AS RECOMMENDED BY THE ZONING COMMISSION, AS AMENDED BY THE EXHIBITS

Motion: Bullard
Second: O'Brien
Vote: D'Amico no, Bullard yes, O'Brien yes

RESOLUTION 19-09-16 MOTION TO ADJOURN

Motion: Bullard
Second: D'Amico
Vote: D'Amico yes, Bullard yes and O'Brien yes

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Meeting adjourned by Chairman O'Brien at 1:48 A.M.

Ken O'Brien, Trustee

ATTEST:

Tom D'Amico, Trustee

Theresa Taylor, Fiscal Officer Assistant

Ron Bullard, Trustee