

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m.**

**Trustee Meeting**

**October 28,**

**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-Absent, Theresa Taylor, Fiscal Officer Assistant

**ATTENDANCE:** Rick Gemienhardt, Michael Marchiondo, Dave and Martha Davis, Rita Armstrong, Amy Eiken, Chuck and Sandy Roddy, Debbie Rickabaugh, James Brensa, Christina Littleton, Scott Wieclaw, Joe Pichert, Jasper Christopher, Vanessa Fletcher, Dr. Meghan Raehll, Anne Marchiondo, Gabriella Taylor, George McCabe, Nick and Connie Perrotta, Angela Brown and Shane Erskin

**PUBLIC COMMENT:** O'Brien asked if there were any public comments. The following people got up and spoke for or against the Route 36/37 Berlin Business Park Proposal: Dr. Megan Raehll, Rick Gemienhardt, George McCabe, Anne and Michael Marchiondo, Martha Davis, Chuck Roddy, James Brensa, Christina Littleton, Angel Brown, Amy Eiken, Jasper Christopher and Shane Erskin.

Most are in agreement of wanting transparency and integrity between the trustees and the residents, more communication amongst all, to support local farmers and artisans, more green spaces added to the planned proposal, and mostly wanting the board to listen and hear the voices of the residents and to not make any rushed decisions.

A few concerns from the residents are that trustees are having to recuse themselves and not being able to vote on the plan, where the step down zoning occurs. They are also asking why industrial areas are being placed so close to high-end homes and if the industrial goes in does that mean more roads for trucking. They also want to have current updates on the maps and home values and trying to find a balance between progress and preserving what we have in the township.

O'Brien explained he does agree with keeping things as rural as possible and having things well planned out. He does believe in having backage roads into businesses so there are not that many roads entering directly on and off route 36/37 as this causes many accidents. O'Brien does not agree with getting rid of industrial codes because the township does have industrial and the codes help the township protect what goes in. In the effort of doing everything legal, D'Amico contacted the Prosecutor's office and the Ethics Commission in regards to him being able to vote and was told since it is a general zoning change he will be able to vote on the proposal. D'Amico shares in O'Brien's feelings that when Delaware County came to the Township with a plan and offered to help keep the properties in the township and allow the township to get the resources and the taxes and develop it in a well-managed way. Then when the actual plan came out it was not as they had envisioned it.

Rick Gemienhardt submitted the following suggestions for improvements-2,000 acre "cloud" district:

1. Must preserve Referendum rights on changes of land use within "cloud" district. It is well documented within zoning case law communities must be careful not to violate the "uniformity clause" of the Standard State Zoning Enabling Act by ensuring that all similar properties are treated similarly.
2. If there is an absolute, verifiable need to pre-zone and "Float a Cloud" it should ONLY be done to create devil strips along the west and east township boundaries. Lands east of Roloson including Baker Rd to the North and Curve Rd to the south should not be included.
3. Our current Comprehensive Land Use Plan vision has been to have well planned commercial and industrial growth along route 36/37 with supporting residential growth "behind" this band. Currently, there is no verifiable support, both publicly and/or financially, for 10 units per acre apartments behind these uses. ALL transitional

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m.**

**Trustee Meeting**

**October 28,**

**19**

residential areas from the corridor must be more detailed and with more residential input. This can be done by following through on the updating of the comprehensive land use plan which was discussed in the Spring, 2018 newsletter. Just "Because the City of X offers 10 units" is not an accepted underlying rationale for these Cloud proposals.

4. Outside of the "devil strip" areas, we should continue to adhere to our comprehensive Land Use Plan of 700 to 1,200 depths of commercial and industrial. Greenwood Commons, which is situated on a 1,200 setback, provides a point of reference of what this would look like. It is unconscionable to suggest we need or want 2,500 feet on Dunham Road.
5. Stop fear mongering with the unsupported threats of annexation. The County has confirmed they have rights of first refusal to provide sewer service to lands east of the railroad. The current service agreements work as proven by the Evans Farm development where lands to the west will be served by Delaware and the bulk to the east by Delaware County.
6. Treat attendees at public meetings with dignity and respect. Residents' fears and questions need to be respectfully addressed and acknowledged.
7. Are the Trustees going to publicly notify, through written letter, the same abutting property owners the BZC identified for their initial hearings on this matter? Yes or No?

Meghan Raehll read the following:

Dear Township Trustees,

First and foremost, thank you for your service. Serving as a trustee, as one of my neighbors indicated the other day, can be a thankless job at times, so thank you for representing our interests as residents and fellow neighbors.

The purpose of my letter concerns the Berlin Business Park proposal. The proposal is not only going to change the landscape of Berlin, it is going to change the identity of Berlin. Adopting the recommended version provided by the respected colleagues in the Delaware Economic Department would be a catastrophic mistake for the township. 85% of the jobs that will exist in year 2030 have not been invented yet (Tencer, The Huffington Post, 2017). In adopting such recommendations, you will be solving for future problems with antiquated solutions, much like using a cassette player in today's modern music world. Not only that, but the proposed effort will erode the quality of life for the residents and the values of our properties.

Against that backdrop, I humbly submit two requests. First, I ask you kindly consider the following adjustments to the welcomed and newly revised Zoning Commission's version of the Berlin Business Park Proposal (Draft as of 10/24/19):

- 1) Eliminate all light industrial codes — allow one-off proposals to be submitted to the township through processes currently in place. Replace with commercial.
- 2) Protect the area around the future middle school as only low density residential and similar to what is found around Cheshire, Berlin, and other Olentangy schools
- 3) Set R-6 as the max-imum limit to replace R-10 in high density housing area
- 4) Create a 250 foot setback for all proposed from currently existing residential property lines with no road creation possibility

Second, let us reimagine the solutions now that residents have a better understanding of the very real problems the township faces and let's build Berlin's future differently — and together. Your recently conducted survey results indicate our values. Let us continue to maintain the land-use values that preserve the dignity of the scenery and take Berlin into future focused industries.

More specifically, I would like to ask that you delay any vote from the zoning department until at least 30 days after the final proposal is submitted for your consideration. Within that time, please sponsor and permit the use of the township hall (for free) on a Saturday so that we can convene an appreciative in-quill-y resident summit to invite Berlin residents

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m.**

**Trustee Meeting**

**October 28,**

**19**

to participate In the dynamic strategic planning process through the use of charrettes, engagement feedback, and other demonstrably proven effective measures to move forward. This process will allow residents to thoroughly and holistically participate in the identity changing and rebuilding nature of the proposed and have been shown to be highly effective and lead to greater resident satisfaction. I am, herein, submitting additional documentation and resources on the power of this technique in land-use planning and hope you will approve the township hall use for those purposes.

In closing, I just want to thank you, again, for your time and I hope you will find these requests to be favorable.

I am glad that we gave all of you the chance as elected officials to represent the interests of the residents in the township. Now, I hope that you give us a chance to participate in the process and have a strong voice and with your representation in this watershed moment that is upon us.

Respectfully, Meghan B. Raehl, Ph.D

D’Amico asked Chris Ballard, who is the townships Assistant Prosecutor, to address if D’Amico is permitted to vote on the plan and if the boundary on the western portion is not adjacent to O’Brien’s property, would he be allowed to vote and why there is a west and east on the cloud proposal as he believes it should all be under one cloud.

Ballard confirmed that since D’Amico’s property is by the affected area and not within it, it would not be a conflict of interest and he would be able to vote per the Ohio Ethics Commission. As far as O’Brien, Ballard said he would have to look specifically into his land and O’Brien stated that since it’s in question one way or another he plans to recuse himself regardless because he doesn’t want the decision of his land being taken out or keeping it in because of him. Ballard said he will have to look into the policy making decision of why it is being presented as west and east and what were the legal implications of doing it that way. D’Amico asked since O’Brien is recusing himself would a 1 to 1 vote would be a fail, Ballard confirmed this is correct.

Bullard said the sewer plant planned for Big Run Rd. is what is pushing the development so quickly of this part of Delaware County. Bullard recommended for those pushing for agricultural development to be sure to get the paper work in place now and not wait. Bullard commented his desire was to put in NAICS codes that would not put in a lot of traffic and would make it possible for people to work in the same township as they lived. He encourages that the NAICS codes to be gone through very carefully because those are what would become the cloud district. Bullard said the key part of having the cloud district is to create a JEDD district (Joint Economic Development District) which would marry us up with a municipality and would allow us to collect income taxes, without the JEDD district the township would get very little revenue. O’Brien stated the best way to communicate with the trustees is through email but they are unable to give any decisions since they have not received anything from the BZC. O’Brien is in favor of the cloud in general because with it the township can require land owners to do things that they cannot require them to do if they come in for a rezoning, to include architectural standards.

**Approval of Minutes –**

**RESOLUTION 19-10-16 APPROVE THE 10/14/19 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING**

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

**Old Business –**

**Fairview Cemetery** – O’Brien said the case has gone to the court of appeals and still has not been turned over to the township. Bullard said that once it is turned over to us, there is a \$1,000 grant that can be applied for to help with roads.

**Employee Handbook Updates** – O’Brien said until the firefighters vote whether they will be unionized he doesn’t believe we’ll be able to incorporate all the changes of the handbook.

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m. Trustee Meeting October 28, 19**

O'Brien asked Ballard that if the township adopts a no tobacco policy on township property how will that affect our contract with the county for EMS employees, Ballard will look into it.

**The Cloud** – O'Brien said this was discussed during public comments.

**Permissive Tax** – O'Brien asked if we had a \$5 permissive tax, Ballard said it was his understanding that we do. O'Brien asked Ballard to find out if it has been enacted to the fullest amount that the township is allowed and to let us know.

**Fiscal Officer Items-**

**Resolution for Vacation Carryover-** O'Brien asked that Dave Riepenhoff write a resolution for those that are hired after September 30<sup>th</sup> to be able to carryover 120 hours instead of allocated 80 hours, which will keep us out of trouble and not set a precedent. Bullard asked that we get the resolution ahead of time so the trustees are able to look at it ahead of time.

**Payment to Mazanec, Raskin & Ryder CO, LPA-** Bullard suggested paying our bill and attorneys are working on getting us absolved and dropped out of the law suit.

**RESOLUTION 19-10-17 APPROVE \$4,840.87 TO MAZANEC, RASKIN & RYDER CO, LPA FOR LITIGATION FEES FROM DECEMBER 2017 TO CURRENT FOR OPEC LAWSUIT**

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

**Cemetery-** Bullard told the mowers that they do not need to mow anymore and the leaves that are out there now will just stay. Bullard asked Ballard for an option/request for proposal for the mowing of the cemetery for next year.

**Fire Department** – We received a nice letter from Lieutenant Steve Arnold on a nice open house at the fire department and thanked the trustees for being involved. Pichert said there are sheets with information on the fire levy in their office and also on the website, Facebook and the zoning office.

**Road Department- Requisitions-**

**RESOLUTION 19-10-18 APPROVE REQUISITION #1910009 IN THE AMOUNT OF \$4,500 TO MILEY EXCAVATING TO REPLACE BROKEN TILE THAT RUNS UNDER ROLOSON ROAD**

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

Bullard recommended getting a new John Deere Tractor and this one will include a warranty. This way we don't have to worry about oil changes, changing filters, etc.

**RESOLUTION 19-10-19 APPROVE REQUISITION #1910008 IN THE AMOUNT OF \$4,632.32 TO DEERE & COMPANY FOR A 2020 JOHN DEERE 4052R TRACTOR**

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

Bullard asked Riedel to work on getting the township the right-of-way-for Piatt Rd. so that we can start with the paving of it. O'Brien said it was not his intention to have no parking signs all the way down Piatt Rd. Since the issue of the parking is on Glenmead Rd. beside Cheshire Elementary. Bullard said he thinks the problem is the parking by the ball fields so would a fence possibly work better than no parking signs. With a fence people could not park on the road and get to the ball fields. D'Amico will talk with Superintendent Mark Raiff about possible ideas.

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m. Trustee Meeting October 28, 19**

**Trustee Items-** Nothing.

**Zoning Department** – Zoning office hours will be posted on the door while Ripple is on vacation. D’Amico questioned if Loveless should be taken off probation, both O’Brien and Bullard agreed he should be taken off probation. D’Amico will come up with a recommendation and a review for the next meeting for Loveless.

**RESOLUTION 19-10-20 APPROVE TO PAY THE BOARD OF ZONING APPEALS AND TOWNSHIP ZONING COMMISSION TO ATTEND THE PROSECUTOR’S TRAINING AT THE HOURLY TRAINING RATE**

Motion: Bullard  
Discussion: D’Amico asked if we should include the zoning inspector and the zoning secretary. Bullard agreed they should be added to the training along with the roads supervisor and administrative staff. It is an available training but not mandatory.

**MOTION WITHDRAWN**

**RESOLUTION 19-10-21 APPROVE TO MAKE THE TRAINING AVAILABLE WITH THE DELAWARE COUNTY PROSECTOR AT THE DCBDD BUILDING AT THE MEETING PAY RATE TO THE ADMINISTRATIVE STAFF OF THE TOWNSHIP, THE BOARD OF ZONING APPEALS AND THE ZONING COMMISSIONS**

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

**Future Meetings -**

- 11/04/19 Special Meeting
- 11/12/19 Trustee Meeting
- 11/12/19 Delaware County/Township Engineer Meeting
- 11/13/19 Workplace Conduct and Ethics Training
- 11/15/19 Workplace Conduct and Ethics Training
- 11/16/19 Training with the Prosecutor

**Late Items** – Bullard said he will talk with Rippel and have her keep track of who is soliciting and what they are soliciting for.

Bullard would like to send a letter of thanks, with all trustees signatures, to Grace Point Church and Berlin High School for letting the Township have their zoning meetings there free of charge.

**RESOLUTION 19-10-22 APPROVE REIMBURSEMENT FROM THE DELAWARE COUNTY FINANCE AUTHORITY FOR COST ASSOCIATED WITH BERLIN BUSINESS PARK CREATION IN THE AMOUNT OF \$122.10 AND \$101.20**

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

**RESOLUTION 19-10-23 MOTION TO ADJOURN**

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

Meeting adjourned by Chairman O’Brien at 9:16 P.M.

**BERLIN TOWNSHIP TRUSTEES**

**7:00 p.m.**

**Trustee Meeting**

**October 28,**

**19**

\_\_\_\_\_  
Ken O'Brien, Trustee

ATTEST:

\_\_\_\_\_  
Tom D'Amico, Trustee

\_\_\_\_\_  
Theresa Taylor, Assistant Fiscal Officer

\_\_\_\_\_  
Ron Bullard, Trustee