

**BERLIN TOWNSHIP TRUSTEES**

**6:00 p.m. Trustee Meeting February 22, 21**

**HELD AT:** This meeting was held virtually by Zoom, Delaware, OH

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

**PLEDGE OF ALLEGIANCE:** Chris Ballard led the Pledge of Allegiance

**ROLL CALL:** Ken O'Brien, Tom D'Amico (Absent), Ron Bullard, Theresa Taylor, Assistant Fiscal Officer

**ATTENDANCE:** Joe Pichert, Melissa Schiffel, Matt Stypula, Chris Ballard and Molly Gwin

**Approval of Minutes-  
RESOLUTION APPROVE THE 02/08/21 REGULAR MEETING MINUTES  
21-02-13 AND DISPENSE WITH THE READING**

Motion: Bullard  
Second: O'Brien  
Vote: O'Brien yes and Bullard yes

**Old Business -**

**Fulltime Firefighter Hiring-** Pichert stated that all four applicants had completed and passed the physical ability testing. They will be moving on to the written portion of the test within the next few weeks.

**Fairview Cemetery Updates and Fees & Rules-** Nothing new.

**Disaster Plan-** Nothing new.

**Piatt Road Updates-** Ballard stated that he had reached out to counsel on the parcel in concern, who stated that he believes the deceased may have had a will. Ballard will continue to look into finding heirs of the property and if he is not able to, he will move forward and file an appropriation on the property in order to be able to do a quick take of it.

Ballard stated that he does have the formal opinion request done in regard to how to address the zoning process scheduling. He stated that he is working on how to format it. Ballard asked the trustees for their permission to send it out to the other township trustees, in an effort for conformity across the townships.

**RESOLUTION MOTION FOR A SPECIFIC OCCURANCE TO WAIVE ATTORNEY/  
21-02-14 CLIENT PRIVILEGE IN REGARDS TO 519.12E AND THAT THIS  
DOES NOT SET PAST PRECEDENCE**

Motion: O'Brien  
Second: Bullard  
Vote: O'Brien yes and Bullard yes  
Discussion: Bullard stated that he would like to look at the paperwork prior to it being sent out to the other township trustees, to make sure that everything is included.

**JEDD-** O'Brien stated that he spoke with Mr. Albers. Their goal is to make sure the county does what they agreed to do. In an effort to make sure that everyone is on the same page, Albers suggested having a meeting that includes himself, O'Brien, Platte, the county administrator, someone from the finance authority and Eric Hostetler. Bullard stated that the trustees worked with the residents and wants to make sure that what was promised to them, gets done. O'Brien stated that he hopes this meeting will happen before the next trustee meeting.

**Storage Building-** Bullard stated that he feels that there needs to be an ability to expand the building if needed. The area that is being contemplated for the building is the east end of the township hall with the possibility to curve around the back of the hall. Bullard will look into getting a design firm to start the process of getting a design for the building.

**Fire Chief Hiring-** O'Brien stated that he spoke with Dyann McDowell and she explained that there were two ways to go about hiring a fire chief. The first would be to create a committee existing of two residents, two fire fighters and herself, she recommends that no

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trustee be on the committee. They then would interview for an interim fire chief, who would hold the position for 2½ years or less (possibly a retired fire chief).

The second way would be to hire a long-term fire chief. With this McDowell would recommend to hire Ramsey & Associates to conduct the interviewing process. O’Brien asked which of the two McDowell recommends and she stated that she would begin with an interim fire chief. This would allow the trustees to know whether or not they would prefer a full-time fire chief or a part-time fire chief, and also to see what the township looks like in 2½ years regarding the BCO and the BIO. Bullard likes the idea of hiring an interim fire chief to begin with. O’Brien asked Riepenhoff to look into, if hiring an interim fire chief for more than 2 years would be allowed, due to the collective bargaining contract. Pichert is in agreement that starting with an interim fire chief would be the best decision. Since D’Amico was not at this meeting, the other trustees decided to wait to make any final decisions on the subject.

**Fiscal Officer Items-** There were no fiscal officer items.

**Cemetery-** Nothing new.

**\*\*\*\*\*6:30 P.M. TIME CERTAIN DISCUSSIONS WITH LEGAL COUNSEL\*\*\*\*\***

O’Brien spoke with Riepenhoff in regard to, the will of the trustee board being able to speak about hazard pay. Riepenhoff is going to do some research and will come back at the next trustee meeting (March 8<sup>th</sup> at time certain 6:30) for discussion.

**Fire Department-** Pichert stated that he is waiting to hear back from Enzo’s to find out if the static sprayers are still under warranty or if they were going to be credited the money to be able to purchase new ones.

**Road Department-** Bullard stated that the front-end load tractor is out for repairs for the hydraulic system lift and to put in a new clutch. Bullard stated that after the snow season is over the snow blade would need to be replaced on the truck. Bullard stated that there is a salt shortage countywide. The county is working to try to come up with another 2000-ton, which would come from New York, to get the townships through until spring. Bullard suggested that for next year, the township considers purchasing another storage building to hold an extra 1000-ton of salt to have it on hand. This would help to avoid having another salt shortage issue.

**Trustee Items-**

**Spring Newsletter-** Bullard suggested getting some articles in place to be able to get a spring newsletter out to the residents. Some ideas included, Piatt Road updates, trash pick-up, the hiring of a new fire chief and the status of the Berlin Business Park. O’Brien suggested having a deadline. Bullard stated that May 1<sup>st</sup> would make sense.

**Zoning Department-**

**January Zoning Report-** Bullard stated that they had not received the January zoning report yet.

**Public Comment -** Bullard stated that he was happy with everything Ballard has been doing for the township and all the help he has been to the trustees. Melissa Schiffel, county prosecutor, stated that there is going to be another township training at the end of the year. Schiffel asked the trustees to fill out their surveys, as it is a very helpful tool for her.

**Recess at 6:54 p.m.**

**Returned at 7:00 p.m.**

**\*\*\*7:00 P.M. TIME CERTAIN BZC 21-001 CELEBRATION KIA ZONING HEARING\*\*\***

Bullard called to order BZC Case #21-001 Celebration Kia.

**RESOLUTION  
21-02-15**

**MOTION TO ACCEPT EXHIBITS 1-10 OF BZC #21-001,  
WITH LATTER EXHIBITS TAKING PRECEDENT OVER  
ANY EARLIER EXHIBITS**

Motion: Bullard  
Second: O’Brien

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Vote: Bullard yes and O'Brien yes

Molly Gwin, representative for the applicant Celebration Real Estate LLC & Byers Realty, began by stating that the application is a rezoning application from FR1 to a planned industrial district. Previously approved on January 12<sup>th</sup>, 2021 by the BZC, was the planned modification to the existing PID to allow for the expansion of the facility that is presently on this parcel. With the approved expansion, additional parking will be required on the northern portion of the property; this is what is being brought before the trustees tonight. As noted, this rezoning application for a planned industrial district does list all of the uses under the Berlin Township zoning resolution that would be permitted under a PID, minus a few that the applicant does not feel would ever be applicable to this site. The goal is to have as expansive of underlying zoning as possible for the end user. This is proposed with the understanding that in the event there is any sort of change to the existing automobile dealership and/or incidental uses as necessary for the expansion of the dealership, the applicant would be required to apply for a final development plan (21.09) and there would be additional regulatory approval to determine if that final plan was appropriate based upon the underlying zoning.

As indicated, there are 500 parking spaces for the site overall, 272 spaces are located on the southern portion and 228 spaces are located north of the site. There are no adjustments that are made at this point to the existing sewer or water, both are sufficient to meet the needs that the applicant has both for the existing car dealership as well as the expansion with the parking lot.

In terms of finishes, the applicant is proposing the exterior finishes are going to consist of composite, aluminum, composite-panel and split-face block masonry to give some color to the site, including the signage. The lot coverage is less than the 75% maximum and the open space is at 58%, so this proposal does meet the requirements of the PID code.

The only divergent the applicant is asking for deals with the landscaping proposal. The applicant is asking for a waiver of the required 1 per 30 feet of continuous shrubs and trees. The applicant does intend to plant the same number of trees that is required; they are requesting to be able to stagger them in a way to allow for greater visibility and display of the cars.

Bullard asked if the signage is compliant with the sign code. Gwin answered yes and that no divergence is being requested for this. Bullard wanted to make it clear that if any other changes are made other than what is noted, there will have to be a final development plan submitted and will need approval. Bullard asked if the 18-wheelers have a safe entrance and exit route on the site. Gwin stated that there is a one-way in (north portion) and a one-way out (south portion), so this will avoid them from having to try to make any turn-arounds on the site. Stypula stated that they had been working with ODOT and it was determined that a traffic study will not have to be done. Bullard stated that he wants cars ONLY on the hard spaces and NOT on the grass at any time! O'Brien agreed. Gwin stated that the applicant is going to comply with the Berlin Township Zoning resolution.

O'Brien asked if this application went through RPC. Gwin stated that it was presented to them on November 19<sup>th</sup>, 2020 and that it received a unanimous approval from that body, upon compliance with ODOT, which the applicant did do.

O'Brien stated that he looked at the landscaping plan and questioned the section that stated there was no need for it because of the sites current screening. Gwin stated that there is presently some level of screening on the southern parcel, but the divergence does not include that and they intend to plant the number of trees/shrubs that is required, and is just asking to be able to stagger them in a different way.

O'Brien would like to see verbiage included in the plan, that states the screening that currently exists around the entire site, will be maintained to its current capacity so that if any tree or shrub die or are ripped out it is documented that it will be replaced and maintained. Gwin agreed to coming up with language that addresses this. Stypula explained that there is an agreement with an adjacent resident to the west, that there will be a mound put in, followed by screening between the mound and the new parking lot. It will be the same type of screening that exist behind the current dealership. O'Brien stated that photographs of what is already there and what is intended should also be included to avoid any possible disagreements.

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O'Brien stated that he feels additional landscaping amenities should be included due to the variance that is being asked be granted, in regard to the spacing of the trees and shrubs.

O'Brien asked if this plan is for the entirety of the area, so that you can change one or the other without changing both. Gwin stated that the southern parcel is a separate procedure because it already has underlying PID zoning rights. It would only be before the zoning commission and would not require trustee approval.

In regard to the retention ponds, O'Brien stated that he wants verbiage that states, on the inlets and outlets on the head walls that natural looking stone facing material will be used and that no cement will be seen. Bullard asked if the retention pond would have a fountain. Stypula stated that there was no plan on adding a fountain. Bullard would like to see one added as long as the county would allow it. O'Brien agrees.

**Recess at 8:00 p.m.**

**Returned at 8:25 p.m.**

After a discussion with the applicant, the client would prefer to do continued maintenance of the retention pond as opposed to the upfront cost of putting in a fountain. O'Brien and Bullard both prefer the fountain, due to the prevention of algae and mosquitos. Gwin does not have authorization from the applicant to put in a fountain in the retention pond. Bullard wants verbiage that says if the algae cannot be kept under control, he wants a fountain put in so that it does not become an issue, that the township has to take care of.

Gwin recessed to call her client at 8:40 p.m.

**Future Meetings-**

**03/08/21 Trustee Meeting**

**03/22/21 Trustee Meeting**

**Late Items-** Bullard stated that the township association sent the below note regarding grant money for rent subsidy:

United Way of Delaware County received news they are getting money from a federal grant to help Delaware County residents with rent and utilities that qualify. United Way of Delaware County President Brandon Feller told Michelle Gatchell in the radio show Delaware County Matters, that the grant of six million dollars must be spent in 2021. Feller said they hope to have it set up for people to apply by mid-March. They already had a program in place to help with rent and utilities and last year helped many families with around \$250,000. With how fast Delaware is growing he said he thinks this money will help reach more people in need they just need to find ways to get the word out to those people across Delaware including in our townships.

Not only will this help many who may have had their hours cut or even lost their jobs due to COVID related situations with paying rent and utilities, but it is also creating jobs. United Way will need to hire people to help take care of the grant distribution. They have already posted positions on their website that you can share with any of your residents that might be looking.

United Way of Delaware County Ohio

Gwin returned at 8:50 p.m. after speaking with her client.

Below are the changes agreed upon by the applicant, Gwin, Stypula and the trustees:

**EXHIBIT 11**

(January 22, 2021 Meeting; Additional Commitments)

The divergence from 26.03(A)(1) landscaping. The Applicant is requesting a divergence from the landscaping requirement of 1/30' for trees. The Applicant will plant the same number of trees as would be required under Berlin Township Zoning Resolution s. 26.03(A)(1), but requests discretion on

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placement and staggering of the trees. Per the Berlin Township Zoning Resolution s. 26.03(A)(1), 24 trees are required on the eastern part of the property, but the Applicant will plant 27.

For the northern and western landscaping perimeter of the site Celebration Real Estate, LLC site, the applicant will commit to maintaining the level of opacity at final buildout for landscaping as near practicable. Replacement trees, where needed, shall be selected in consultation with the Zoning Inspector, subject to the requirements of the Berlin Township Zoning Resolution.

The headwalls at the inlets and outlets to the retention ponds shall be finished with natural or natural looking materials. The failure to comply with the Delaware County or the Delaware County Soil and Water District approved maintenance schedule may result in the requirement to have a fountain or aerator installed in the retention pond to the north of the site, as determined by either of the aforementioned entities.

s/ Molly R. Gwin, agent for the Applicant

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**RESOLUTION 21-02-16                      MOTION TO ACCEPT EXHIBIT #11 TO BZC #21-001, CELEBRATION KIA ZONING APPLICATION, WITH LATTER EXHIBITS TAKING PRECEDENT OVER ANY EARLIER EXHIBITS**

Motion: Bullard  
Second: O'Brien  
Vote: Bullard yes and O'Brien yes

**RESOLUTION 21-02-17                      MOTION TO APPROVE BZC #21-001 FOR CELEBRATION KIA REZONING AS RECOMMENDED BY THE BERLIN TOWNSHIP ZONING COMMISSION, AND INCLUDE 11 EXHIBITS WITH THE LATTER EXHIBITS TAKING PRECEDENT OVER ANY EARLIER EXHIBITS, AS MODIFIED BY EXHIBIT #11**

Motion: Bullard  
Second: O'Brien  
Vote: O'Brien yes and Bullard yes

**Adjourn-RESOLUTION 21-02-18                      MOTION TO ADJOURN**

Motion: O'Brien  
Second: Bullard  
Vote: O'Brien yes and Bullard yes

Meeting adjourned by Chairman Bullard at 9:10 p.m.

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Ron Bullard, Trustee

ATTEST:

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Ken O'Brien, Trustee

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Theresa Taylor, Assistant Fiscal Officer

**ABSENT**  
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Tom D'Amico, Trustee