

Orange Township Trustees
April 16, 2018
Regular Meeting

The audio recording, resolutions passed, and any attachments constitutes an accurate record of the Orange Township Trustee Minutes at the above dated meeting as determined by the Fiscal Officer. The following summary is provided as an overview of the meeting and a “road map” to the audio recording. Copies of this record are available by request at the Orange Township Fiscal Office, 1680 East Orange Road, Lewis Center, Ohio 43035.

Ms. Knapp called the meeting to order at 7:00 p.m.

This meeting was held at the Orange Township Hall, 1680 East Orange Road, Lewis Center, Ohio 43035.

ROLL CALL: Lisa F. Knapp – present, Ryan Rivers – present, Deborah Taranto – present.

TOWNSHIP OFFICIALS ALSO PRESENT

Matt Noble	Fire Chief
Joel Spitzer	Fiscal Officer
Amanda Sheterom	Human Resources/Communications Manager
Beth Hugh	Maintenance and Parks Director
Michele Boni	Planning and Zoning Director
Lee Bodnar	Township Administrator
Michael McCarthy	Township General Counsel

PLEDGE OF ALLEGIANCE

The minutes were prepared by Administrative Assistant for Maintenance and Parks Mary Ann Ross.

PUBLIC COMMENTS

Ms. Knapp asked for comments about anything other than items on the agenda. No one came forward.

APPROVAL OF MINUTES

MARCH 19, 2018, REGULAR TRUSTEE MEETING

RES.18-138 APPROVAL OF MINUTES

Motion by Ms. Knapp to approve the March 19, 2018, regular trustee meeting minutes as presented.

Seconded by Mr. Rivers.

VOTE Knapp – yes, Rivers – yes, Taranto – yes.

MARCH 20, 2018 TRUSTEE ZONING HEARING MEETING

RES.18-139 APPROVAL OF MINUTES

Motion by Ms. Knapp to approve the March 20, 2018, trustee zoning hearing meeting minutes as presented.

Seconded by Mr. Rivers.

VOTE Knapp – yes, Rivers – yes, Taranto – yes.

ZONING REPORT

ORANGE TOWNSHIP ZONING HEARINGS/MEETING REPORT

Zoning Director, Michele Boni commented tonight the Board would be hearing Zoning Case #ZON17-09 of CCBI Lewis Center LLC. The Board of Zoning Appeals will be hearing 5 variances on Thursday, April 19, 2018. The Zoning Commission will hear two rezoning cases on Tuesday, April 24, 2018 and on Tuesday, May 8, 2018, another rezoning case and on Tuesday, May 15, 2018 the Comprehensive Land Use Update. Tonight she would be asking the Board to schedule 2 hearing dates.

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SET DATE FOR BOARD OF TRUSTEES HEARING REGARDING ZONING CASE #ZON-17-08 WAL-MART REAL ESTATE BUSINESS TRUST

SET DATE FOR BOARD OF TRUSTEES HEARING REGARDING ZONING CASE #ZON-17-10 GRAND COMMUNITIES LLC

Ms. Knapp asked to table the setting of the hearing dates to later in the evening after discussion regarding the May 7, 2018, trustee meeting.

NEW BUSINESS

DISCUSSION OF FIELD USE AND SURVEY

Mr. Rivers commented at the last meeting property planning was discussed; our wants versus our needs. He thought at the top of the list was for youth sports fields. There is no shortage of youth athletes in this area and a large demand for field use. We have new soccer fields at North Road Park; however there is a severe shortage of soft ball and baseball fields in this area. He has heard this again and again. He felt there was a great opportunity to help with this demand. He introduced Eric Parker the president of Ambush baseball.

Eric Parker came forward he commented;

- He is current president of Olentangy Ambush baseball
- His organization started 6 years ago with 2 teams
- Like the area, they have had significant growth
- There are 11 teams offering 110 boys and girls the opportunity to play baseball
- They are tied to the Olentangy School District
- They are currently allotted 3 fields for their teams; which they pay the district for
- Only one of the three fields do they have full time access
- The other two fields are the Orange Middle School fields; which are used by the middle and high school teams
- They do not have complete access to these fields until mid May after school is completed
- They met with the district last fall to find out how their teams could find better field access
- Their response was not how can we help you; but, you should probably not have so many teams
- They always try to create more opportunities for their children; not taking away from them
- He thanked Mr. Rivers allowing him the opportunity to speak

Mr. Rivers commented he thought there were plans for more baseball fields at Evans Farms. There are questions as to whether they will be exclusive to the residents at Evans Farms or not. Mr. Rivers felt there will be a need for much more. Mr. Rivers asked the Board for consensus for him to go forward to work with our local organization and putting together a proposal for different options and opportunities that the township may be able to present and bring a baseball complex to the area. The only expense to the township would be Mr. Rivers' time. He believes there are resources out there to bring the complex to the area. There was consensus. There was discussion among the Board, and Ms. Hugh, Maintenance and Parks Director. Mr. Rivers is hoping in 4 to 6 weeks they could get something put together.

Mr. Rivers also asked for consensus, while on the topic of property planning, for the Old Township Hall, regarding deed restrictions. He has checked with Mr. Scott Miller who has done some past title work. For less than \$200.00; they can pull the deed and see exactly what restrictions there are. Ms. Taranto and Ms. Hugh thought the township already had that. Township General Counsel thought possibly it was somewhere. There was a short discussion. Mr. Rivers felt there was nothing current.

MAINTENANCE REPORT

DISCUSSION AND POSSIBLE ACTION REGARDING MAINTENANCE WORKER – SPOT LABOR POSITION AND DESCRIPTION

Ms. Hugh turned it over to the Human Resources/Communications Manager Ms. Sheterom. She explained currently there were 5 collective bargaining maintenance employees. There is one employee out on medical leave. They would like to hire a spot labor that would allow the township to fill in when people are on vacation, or medical leave. They are going to be pretty busy with parks and roads construction projects. The contract does allow the township to hire outside labor during snow plow season. She has talked with their union rep. They are okay with it as long as it doesn't take away from them. Ms. Sheterom went on to explain the details. Ms. Hugh and Ms. Sheterom answered the Board's questions.

RES.18-140 CREATE EMPLOYMENT POSITION OF MAINTENANCE WORKER - SPOT LABOR AND ESTABLISH POSITION DESCRIPTION

Ms. Knapp moved the adoption of the following resolution:

BE IT RESOLVED that the at-will, part-time, non-exempt, non-bargaining unit position of Maintenance Worker - Spot Labor is hereby created.

BE IT FURTHER RESOLVED that this position shall serve under the direction of the Roads and Parks Manager, Maintenance and Parks Director, Township Administrator and Board of Township Trustees and under the terms and provisions stated in the position description for this employment presented to the Board and bearing the version identifier of 04/16/2018a, the content of which is incorporated by reference into this resolution.

BE IT FURTHER RESOLVED that the aforementioned position description is presented for informational purposes only and can be changed at any time by the Board, with or without notice.

BE IT FURTHER RESOLVED that neither the aforementioned position description nor this Resolution are an employment contract, express or implied, and an employee in such position is an employee at will and either the employee or the Board can terminate the employment relationship at any time (for any reason or no reason).

BE IT FURTHER RESOLVED that, unless otherwise provided by the Board, all appointments to this position shall be contingent upon the applicant's satisfactory completion of a drug screen, physical examination, background investigation and PRADCO assessment.

Motion seconded by Ms. Taranto.

VOTE: Knapp – yes, Taranto – yes, Rivers – yes.

PURCHASE ORDERS

Ms. Hugh explained the purchase orders

RES.18-141 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO THE A-1 CONCRETE LEVELING NORTH

Motion by Ms. Knapp to authorize the issuance of a purchase order to A-1 Concrete Leveling North, in the amount of \$2,200.00, to level walks at Township Hall.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – yes.

RES.18-142 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO TRUGREEN

Motion by Ms. Knapp to authorize the issuance of a purchase order to Trugreen, in the amount of \$440.00, for lawn fertilization.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – yes.

THEN AND NOW PURCHASE ORDER

RES.18-143 AUTHORIZE THE ISSUANCE OF A THEN AND NOW PURCHASE ORDER TO TRUGREEN

Motion by Ms. Knapp to authorize the issuance of then and now a purchase order to Trugreen, in the amount of \$244.83, for lawn fertilization.

Motion seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – yes.

PARK REPORT

DISCUSSION AND POSSIBLE ACTION REGARDING RACE AGREEMENT WITH GREENSWELL, LLC FOR ONE WARM COAT

Ms. Hugh explained this was in conjunction with Mount Carmel.

RES.18-144 ENTER INTO A RACE AGREEMENT WITH GREENSWELL LLC, FOR USE OF RECREATIONAL TRAIL PREMISES LOCATED AT NORTH ORANGE PARK AND ORANGE TOWNSHIP TRAIL SYSTEM

Ms. Knapp moved the adoption of the following Resolution:

BE IT RESOLVED that the Board of Township Trustees of Orange Township, Delaware County, Ohio, approve and enter into an agreement with Greenswell LLC for the use of recreational trail premises located at North Orange Park and Orange Township Trail System for the Greenswell, LLC 4 Mile Run/Walk on December 8, 2018. The agreement shall be in the form presented to the Board as being made with Greenswell LLC, titled *Orange Township Race Agreement* and bearing in its footer the identifying version date of 050718.

BE IT FURTHER RESOLVED that Beth Hugh shall execute such agreement on behalf of the Board.

Motion seconded by Ms. Taranto.

VOTE: Knapp – yes, Taranto – yes, Rivers – yes.

ACCEPT DONATION OF \$15.00

Ms. Hugh explained this was over payment for a season pool pass.

RES.18-145 ACKNOWLEDGE AND ACCEPT DONATION

Motion by Ms. Knapp to accept a donation in the form of \$15.00.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – yes.

PURCHASE ORDERS

RES.18-146 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO THE A-1 CONCRETE LEVELING NORTH

Motion by Ms. Knapp to authorize the issuance of a purchase order to A-1 Concrete Leveling North, in the amount of \$1,500.00, to level walks at North Orange Aquatic Center.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – yes.

RES.18-147 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO TRUGREEN

Motion by Ms. Knapp to authorize the issuance of a purchase order to Trugreen, in the amount of \$10,931.00, for lawn fertilization.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – yes.

THEN AND NOW PURCHASE ORDER

RES.18-148 AUTHORIZE THE ISSUANCE OF A THEN AND NOW PURCHASE ORDER TO TRUGREEN

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Motion by Ms. Knapp to authorize the issuance of then and now a purchase order to Trugreen, in the amount of \$4,607.79, for lawn fertilization.

Motion seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – yes.

PUBLIC SAFETY REPORT

Fire Chief Matt Noble commented last Thursday evening he attended the Sri Sai Baba Temple. They gave a monetary donation of \$750.00 to the fire department. They wanted to give back to the community. Currently there are no plans as to how the money will be spent and the temple did not put any stipulations on it. One idea was for education materials for children

ACCEPT DONTATION FROM A LOCAL ORGANIZATION

RES.18-149 ACKNOWLEDGE AND ACCEPT DONATION

Motion by Ms. Knapp to accept a donation in the amount of \$750.00 from the Sri Sai Baba Temple Society of Ohio.

Seconded by Ms. Taranto.

VOTE: Knapp – yes, Taranto – yes, Rivers – yes.

7:30 P.M. RECESSED ZONING HEARING – REZONING APPLICATION #ZON-17-09 OF CCBI LEWIS CENTER LLC

Zoning Hearing minutes provided by Ms. Cindy Davis.

Rezoning Application #ZON-17-09, CCBI Lewis Center LLC. *Requesting to rezone four (4) parcels totaling 23.3 +/- acres from a Farm Residential (FR-1) District to a Single Family Planned Residential (SFPRD) District to be known as the Lewis Center Ravine Condominium. The subject properties are currently owned by CCBI Lewis Center LLC, Emily K. & Ralph Robert Reid Co Trustees, and Jack E. & Brandy L. Weisenstein. The area being rezoned from FR-1 to SFPRD are located at 374, 390, 426 and 544 Lewis Center Road, Lewis Center OH 43035 having permanent parcel numbers 318-220-04-011-000, 318-220-04-010-000, 318-220-04-009-000 and 318-220-04-008-000.*

Ms. Knapp called the hearing for Rezoning Application #ZON-17-09, CCBI Lewis Center LLC, which was tabled from the meeting of April 12, 2018, to order.

Ms. Boni: Surrounding area of the site, to the north is the Olentangy HS as well as Olentangy Crossings East; northwest is Olentangy Crossings Multi-Family District and Triple T Commercial District parcel; south is Kerbler Farm; and east and west are single family homes. There is a large ravine that runs thru the property. Asking for 55 single family detached condos with attached 2 car garages on approximately 23.3 acres. Applicant is proposing a single family cluster housing development having 55 homes. Density would be 2.36 dwelling units per acre, thus a divergence is requested as current Zoning Code is 2 units per acre. Materials include, but not limited to, wood, wood shakes, cementitious siding, stone, brick or stucco; aluminum siding is prohibited. More open space is provided than required, approximately 56.76%. There will be 4 off street parking spaces per unit along with 4 off street spaces at the proposed clubhouse and an additional 9 throughout the community. No on street parking will be allowed unless the Fire Department approves the divergence requested. Entry sign is on Lewis Center Road. Divergences requested, as mentioned, a divergence request for density as well as a divergence for lot width. As applicant is proposing a condo project that doesn't fall into the multi-family or single family per se but we did want the applicant to file as a single Family Planned district whether or not lots are going to be platted. Applicant is requesting side yard divergence for structure separation of 10'; typically we propose a setback of 12.5' on each side. For front and rear yard setback, our front setback is a minimum of 30'; applicant is proposing 19'. For rear, our minimum is 35'; applicant is proposing varying as to lot locations, but minimum can be as low as 10'. Divergence request for lot coverage, but again, since it is a condo, there are no lots created, so based on what we can see, it would exceed the 25% required but that's hard to determine since there are no lots created. I believe all the technical agencies have reviewed this plan, and we have received letters from all

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the appropriate departments. Orange Township Zoning Commission recommended denial by a vote of 3 to 2 at their meeting on February 27, 2018. The Trustees received a revised submittal from what the Zoning Commission made their recommendation from; applicant addressed the list of comments and concerns in my Staff Report. Their product still remains the same; there are just some revisions to the language that need to be addressed.

Steve Martin, attorney representing CCBI. The revised binder submitted was intended to be submitted before it went to the Zoning Commission but there was miscommunication and it was held up. The project is kind of an in-fill project. There are currently 4 residential dwellings with 4 curb cuts; those cuts would be eliminated and go to 1 main entrance with an emergency entrance with bollards. Across Lewis Center Road is the school site which is more of a commercial site, and the Triple T facility that is zoned for the commercial building along with 2 others. Per the County Engineer, the drive will be across from the Triple T drive so you don't have the offset. There are 3 residential dwellings to the west and the rear of the storage area of Ohio Mulch, so you're in an in-fill. This is going to be buffered in kind of an enclave. There's going to be a 70' setback from the new right-of-way of Lewis Center Road and Lewis Center is going to have a right-of-way of 80' even though the Traffic Plan was set for 120' because the County Engineer's Office said go with 80'. Along Lewis Center there will be 6-8' high mounds with trees and a 5' sidewalk. There's tree buffering to the east, tree buffering on most of the west, but the southern portion of the site, as there's a ravine and trees, there's no reason to mound there. You'd be cutting down trees to put in a mound and install trees on it, and you've also got water flow issues. In discussions with the neighbors, the mound and fencing are acceptable between neighbors. Close to 2/3 of the site will remain natural; more trees will be added than removed. You basically have home sites that are flat, then you have the ravine, flood way and treed area. Detention pond will have fountains in it along with some sort of amenity for the residents. All residents will have access to the wooded area and all of the space. Pursuant to the request suggested, we put limitations on both the maximum size of the unit as well as the normal size of the unit. These will be condos, so there's no lot, and they are clustered and it's a buffered site. Given the type of dwelling, price range, it is anticipated it will basically be an "empty nester" project, so you're not adding to the schools but will have a fairly significant tax valuation because it's anticipated the units will be \$400-\$500,000. We have applied for a divergence on density but also indicate we don't think one is needed; we think we are within the special permitted density under 10.07 a)1). Although The Villages at Olentangy Crossing, which is directly across the street, is zoned Multi-Family Residential, your Code in 10.07 doesn't refer to the zoning; it says an existing single family residential project. The Villages at Olentangy Crossing may be zoned multi-family, but, like this proposed project, is single family. Its density is 4.51 units per acre and at 4.51, under your Code you can go 2/3 of that, would permit basically 3 units per acre. Three units per acre on this site would be 70 rather than 55, so we don't think we need a divergence. Most of the divergences are due to 2 things. One, your Single Family Planned Residential District is not really drafted for condos, so we're trying to squeeze something, lots, when you don't really have lots. And for both aesthetically and economically, cluster use less than half the site and leave the other natural. The Kerbler property to the south is going to have a similar type buffer, and that's what's protecting the ravines. The Zoning Commission recommended on a 3, 2 vote to deny. And again, we did not make the changes and submit them for that hearing because of miscommunication. They were done and ready to go, and we have essentially addressed all comments and concerns they adopted and suggested. I say essentially because in one place it referred to an exhibit that had a wall across section detail and the Fire Code in the exhibit; the Fire Code was not in the exhibit. We've taken reference to the Fire Code out of the exhibit because it is voluminous, it incorporates other codes and it's subject to change. But in the text we provide we will comply with the Fire Code. The units are close together because in certain groups that is the desire, the style, but because of the cluster and that there are not that many units, you're not going to have the impact. As mentioned earlier, one of the single family units across the road now has an office building on it and is approved for 2 others. The subdivision with the 6 houses to the west will probably change at some time simply because you have commercial along 23 immediately to its west and they're not that deep. There have been discussions of taking part or all of that older subdivision and turning it into a commercial use because of the depth, so it's not out of character and it's going to be a good project. Architecturally it's good. The setback in front is 19' from face to curb or the sidewalk but the face of the garage so that your drive as to be

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20' so that you've got parking for 2 vehicles in the driveway as well as 2 in the garage. As for a variance for parking on one side of the street, we have committed to apply for that per the request of the Zoning Commission so we could have additional parking in the event somebody had a party or such. If that is not granted, you've got 4 spaces, including 1 handicapped, at the clubhouse and 9 additional spaces disbursed here and there. The feeling was if you put all 9 at the clubhouse, you're going to have some illegal parking; people want to park reasonably close. Regional Planning recommended approval with 2 conditions. The various changes the Zoning Commission asked for, we were never asked about density. There was a lot of discussion about parking, setbacks, how you describe lots, and technical things that we made an effort to comply with. The letter to the Board of Trustees said if you don't follow the 3, 2 recommendation of denial, they suggested you impose certain conditions. We tried to comply with all those in the resubmitted text and exhibits. It was not the intention to not follow what the Zoning Commission wanted in those changes; it was simply the miscommunication mentioned.

Paul Cugini, 155 Green Meadows Drive, Lewis Center, I believe our project was well designed, and we want to keep that green space and I think we're able to do that. I believe we can provide a good product to the community and this is not a burden to the schools; it's an empty nester project. I know the Township doesn't have zoning for it, so we're trying to ask for a divergence for it. I think that's where the market is today and what people would like to stay in Orange Township.

Ms. Knapp: Can these units have up to 3 bedrooms?

Mr. Cugini: Primarily they have 2 bedrooms but they have an option if they want to do a third bedroom. There are a couple of different plans, and the square footage ranges from 1500 to 2900.

Mr. Martin: It goes to 2900 except for certain units that can be larger with a finished walkout basement, but at the request of the Zoning Commission, we put a cap on the square footage, which you don't normally have in your Code. As far as it being an empty nester, being a condo project with no yards, no swing sets; it's simply not really conducive to a family with children at home.

Ms. Knapp: Are there any other developments like this that are existing?

Mr. Martin: There's one in Liberty.

Ms. Knapp: Is that developed, completed?

Mr. Cugini: We have it underway. Primarily its empty nester, ranging from 1600 to 3700, and 100% of them are just husband and wife, no children.

Ms. Knapp: What percentage of that development has been completed?

Mr. Cugini: There are 39 units and 50% are already sold.

Ms. Knapp: None of them have children?

Mr. Cugini: No.

Ms. Knapp: It's similar to this?

Mr. Cugini: Very similar, an empty nester project.

Mr. Martin: Epcon is doing in Orange Township and southern Delaware County similar units. In the past I have had occasion to inquire as to the condo project how many school age children there were. At the condo project east of the Epcon project at Hidden Ravines there were no school aged children and people we talked to, to their knowledge, there hadn't been.

Ms. Knapp: Those are attached?

Mr. Martin: From my understanding, the newer units north of Hidden Ravines are detached, single family condos. The south section has duplexes in it. I was involved in

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the original rezoning in 2007, and we were going to go to four-plexes, and it was zoned with the multi-family.

Ms. Knapp: So those are detached units.

Mr. Martin: I also believe you have some detached single family condos in Little Bear.

Ms. Knapp: Michele, has any of the detached single family that he's referring to been developed?

Ms. Boni: There's the Courtyard at Hidden Ravines.

Ms. Knapp: When was that approved?

Mr. Martin: 2007 but that was for multi-family four-plexes. The market went south and when we got out of the recession, Epcon kept it at multi-family but the bulk of the units north of Hidden Ravines are single family courtyard.

Ms. Knapp: And they're detached units?

Mr. Martin: Yes.

Ms. Knapp: And there are no children there and they're detached units?

Mr. Cugini: Yes, and there are no children as far as I know. I've also done 2 developments in Columbus and unit-wise, same product and all of those there are no children.

Ms. Knapp: And the density of this is 2.3 units per acre?

Mr. Martin: 2.36. Your single family density max is 2.0 unless you fit into the exception. Because of The Village at Olentangy Crossing, we were permitted without having to get a divergence to go to 3.0. 3.0 would be 70 units and this is at 55, so you're about 18% below the permitted maximum density.

Ms. Knapp: Mike, is that correct?

Mr. McCarthy: This was discussed at the Zoning Commission at some length, and at that time I indicated that the typical density would apply, 2.0 now; it was different when that change was made to the Code. It was property on Lazelle Road that the Township was trying to keep from getting annexed. They modified the Code; it didn't work but it stayed in the Code. I think the operative language of that does say if there is a single family project....

Mr. Martin: Single family residential project.

Mr. McCarthy: Yes, it does not say single family zoning district, so that is a fact the Zoning Commission apparently worked thru.

Ms. Knapp: That Olentangy development, is that multi-family or single family?

Mr. McCarthy: It's multi-family zoning but they are detached single family units. All appear to be 2 story, 4 bedroom, not your typical empty nester type of construction and from what I've been told, there are children and young couples living in it. But they are a different style of unit than what is being proposed here.

Ms. Knapp: That exception where we allowed greater density when it's adjacent to a use with higher density, does that apply to this situation?

Mr. McCarthy: That in the end lies with you to determine but the language says if you are adjacent, abutting or across the street...

Mr. Martin: Contiguous or directly across the street.

Mr. McCarthy: A portion of this site it does tag the corner of this Olentangy Falls.

Ms. Knapp: So even if it's multi-family, that exception still applies?

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Mr. McCarthy: It says single family, it does not say zoning district. It says either project or development...

Mr. Martin: It goes with type of housing, not the zoning for that housing.

Ms. Knapp: And where is that exception located in the Zoning Resolution?

Mr. Martin: 10.07 a)1).

Mss. Knapp: Michele, could you read that section?

Ms. Boni: "Exception – Adjacency to Pre-existing Developments. In regard to a single Family Planned Residential District development within Orange Township which is located contiguous to or directly across the street from an existing single family residential project situated within Orange Township or any other township, city or village, which existing project has a maximum density in excess of that otherwise permitted, the number of permitted dwelling units per gross acre may be increased to a density equal to 2/3 that of the adjoining development."

Ms. Knapp: So this single family residential development does not refer to the zoning district?

Mr. McCarthy: The use of that language tells us we're not necessarily looking at the zoning, we're looking at the use, and the use there is detached single family. And for the record, that change was not done by the Zoning Commission; it was taken thru the Board.

Ms. Knapp: When did that change occur?

Mr. McCarthy: It's been awhile; I couldn't tell you when.

Ms. Knapp: Tonight is the first I've heard of it.

Mr. McCarthy: The western most portion of this application abuts across the street to the Falls project.

Ms. Knapp: You have a small amount of open space up near Lewis Center Road?

Mr. Martin: You've got 70' setback there and then an additional 20' of road right-of-way we're giving, 6-8' mounds with staggered trees and sidewalk, so it's effectively buffered from Lewis Center Road, and there's buffering to the east and the west where you've got units. And again, there's no reason to cut trees to plant trees and put a mound in, use your natural. This site is close to 60% unmaintained passive open space.

Ms. Knapp: Is it correct that you would lose 8 units to comply with the 2 units per acre?

Mr. Martin: That's probably close, but we think we're in compliance with your Code as it has been drafted based upon the proximity directly across the road of The Village at Olentangy Crossing.

Public Comment:

Kabeya Ross, 7469 Walker Wood Boulevard, Lewis Center, Ohio: You've made reference that this will be an empty nester subdivision. I'm confused as to why, but as an empty nester, I don't imagine I would want to live directly to a high school football field, and traveling in and out of a school zone. You mentioned it's not conducive to children, but you've got an entire subdivision with people with children right behind you, so with that said, how does that plan to the crowding of the school district? Have you worked with the school board and asked them what kind of impact this would have? You don't have any regulations for a senior community; what would be the impact of having children in this subdivision?

Mr. Martin: I've had discussions in the past, not on this project, with the school district as to the number of children out of various condo projects, and you have very

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small numbers. I did an extensive study in 2007, studying every parcel fronting on US 23 from the County line to Orange Road and looked at the number of children, the tax valuation per acre, and those condos with 2 and 3 bedrooms and in the range of \$250-\$300,000. They had a higher valuation on a per acre basis than any commercial parcels along 23 other than the outlots. The valuation on a per acre basis of Wal-Mart, Giant Eagle, Meijer is low. You've got a lot of asphalt and cheap, cost-wise construction on a per square foot basis. With these units, you've got 55 units and if they go for \$400,000, you've got tremendous valuation per acre. On the zoning of what's now GFS, Aldi and Epcon, we talked to the schools, and kids don't live in condo projects like that.

Ms. Knapp: Is this one directly in front of the high school driveway? Where does the drive line up?

Mr. Martin: It will line up with Triple T; that's what the Engineer wants.

Ms. Knapp: She had a good point though; you're going to be right near the high school and elementary school, so you would think some people might want to purchase homes in that area with small children.

Mr. Cugini: They're not going to because there's a big segment of the market that's reaching a certain age where they want to move into a development where they don't have the maintenance, they don't have to worry about maintaining their yard. You're not going to be able to put a swing set out there or have the amenities that a new family is going to want to come in and have children.

Ms. Knapp: What about teenagers though; teenagers don't play outside.

Mr. Cugini: The house is not conducive to that. Most of these floor plans are master bedroom on the first floor then a spare bedroom if the grandchildren come to stay a night or two but that's a lifestyle. They're not designed for teenagers or to have a family like across the street where they have 4 bedrooms. They're smaller, more compact, the type of home where they're only going to be there a couple of months out of the year, they're not even going to live there.

Ms. Knapp: I guess you get more home in other neighborhoods for less money for children. There's homes in the upper \$300's with 4 bedrooms, but it is a good point that you would think that it could attract people with teenagers but...

Ms. Ross: I'm not sure it would necessarily attract people with children as much as it would deter people who don't necessarily want to be near children, so if you deter the population you're trying to gear to, what happens then? Do you reduce your prices and try and accommodate families coming in? I think your development looks fantastic but my concern is having children in the school district and what does this do to Olentangy Schools if you don't make any kind of regulation for this to be a 55 and over community? What are the implications with children due to that?

Mr. Martin: If you put regulations on for age restriction, you get into a lot of other things. Even if you're a 55 age restricted, you can have one spouse 55 or over and only 80% of the units have to have an age eligible person of 55 or older. If you talk to the school people, people with small children or teenagers aren't buying these types of units; they're not designed for families. That's the deterrent. If you're going to spend \$400 or \$500,000 to live in this area, you're not going to pick that unit.

Ms. Ross: I just know when I don't have children in my house, I'm not going to spend \$400-\$500,000 listening to every football play that happens on Friday night or every track meet coming up; you're going to hear it. I just fear that you start development and in the fall when you're showing these properties and these people are hearing it, you alienate the community you're aiming for; you will potentially end up with families in there.

Mr. Cugini: There are a lot of people that want to sell their home and still stay in this area, and they can't find anything close to buy a home and there's a big demand for it. The site with the green space at the back, that type of buyer can have that green space and that's very attractive for them.

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Ms. Knapp: You would think it would be more hidden away in a more isolated part of the Township than near so much activity.

Mr. Martin: Epcon at North Orange was done a number of years ago; it is sold out. Epcon's Hidden Ravines off of Hidden Ravines Drive I understand went out quickly. There's a market and if there wasn't, people wouldn't be building them. It's responding to boomers.

Ms. Knapp: Is there any concern about traffic and people trying to get in and out of there, because that's a very busy road.

Mr. Martin: The County Engineer doesn't have any.

Ms. Knapp: Did they come up with a number of average trips per day it's expected to generate; what was that number?

Mr. Martin: I don't recall. This type of unit is lower than single family homes.

Mr. Cugini: It's different times.

Wes Mayer, 4396 Crimson Maple Lane, Westerville: I live in an Epcon community on the corner between Worthington and Africa Roads, it's over 55, 152 units and we have 3 children in the whole place. We did a census and there's 1.5 people per unit. The price of the units has gone up 30% over the last 4 years since we moved there. We have people cruising thru our neighborhood all the time. If you put a For Sale sign in your window, you can sell it yourself in a week.

Ms. Knapp: Are these the attached units?

Mr. McCarthy: This is Maple Creek and that is an age restricted community. That was age restricted by the developer; it wasn't requested by the Township.

Mr. Mayer: It's one of the few age restricted communities in here, so we could discriminate and not allow children in there but we do. But the people who live in condos, from what I see, families aren't attracted to them. They may live in apartment buildings but there's not enough yard. We have a lot of land and we still don't have a lot of families.

Ms. Knapp: But these are detached condos.

Mr. Mayer: I understand, but there's yard which is a plus for somebody like me because you don't want that maintenance. Listening to this, I think I know a lot of people who would sign up for that, and I don't think the school proximity would be a problem. It's better than some other things that could be there. We have a nursery next door where people drive tractors around all the time and it doesn't bother the people. I think there's a huge need for good prime housing for older people. I don't think the children issue is going to be an issue and it certainly won't impact the schools. I'd be surprised if there are 2 children in a community of 55.

Doug Wenzel, 620 Lewis Center Road, Lewis Center, Ohio: We live next door and we don't hear the football games. We're further back off the road than some of these units they have, but we see the lights, it doesn't bother us. We bought it before they even thought about building the high school, and the high school had the main entrance right next to our driveway, so for a long time in the morning we did have problems getting out. In the summer when the beach is popular, Lewis Center gets busy; that's going to go away when Home Road gets extended. The high school has since added a major first entrance off 23, so traffic has been reduced a lot coming in and out of the high school, and at the end of the day the Sheriff comes and directs traffic on Lewis Center Road. Sometimes it's a problem to get out of the driveway, it's going to get better but it's also going to get worse with some of the other developments around there.

Ms. Knapp: Mr. Wenzel, are you in support of the development then?

Mr. Wenzel: We're not in disagreement.

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Ms. Boni: For the record, we received an email on April 9 from John and Melissa Edwards; they had a concern about the landscaping on the west border.

Ms. Knapp: Was that addressed?

Mr. Cugini: Yes, it was addressed prior to the February 27th meeting.

Ms. Taranto: So the west border will include a 3-4' mound with a staggered double row of 10-12' tall spruce trees?

Ms. Knapp: Is it in the map and the plan?

Mr. Martin: Yes.

Ms. Knapp: Maybe they just missed it.

Mr. Martin: Well, the text and the map.

Mr. McCarthy: There's a little bit of a divergence. In Exhibit B1 it does call out where those types of trees are going to be planted and it calls for 2 types of spruce, each running from 6-12' in height.

Ms. Boni: The resident is requesting the western border to include a 3-4' mound with a staggered double row of 10-12' spruce trees.

Mr. McCarthy: That's the only divergence I'm aware of from the letter and that came in after this.

Ms. Knapp: What is the difference?

Mr. Martin: Discussions with the Zoning Commission was a 6-8' mound. Then in discussions the landscape architect had with the neighbors on the west, it was decided it made more sense with a 3-4' mound and the trees as specified by the landscape architect.

Mr. McCarthy: The only difference was the landscape plan calls for 6-12'; their letter calls for 10-12'.

Mr. Cugini: The plan that we proposed was presented to them and they agreed to it.

Mr. McCarthy: The letter didn't say that.

Mr. Martin: What was the date of the letter?

Ms. Boni: April 9.

Mr. McCarthy: I sent you a memo following the 30th submission and sent you an email on April 1 of how we compared it to the 2/6 version; Mr. Martin summarized it correctly. The observations I had were an issue, for example, was addressed 2 times albeit the 5 times it was in the book; it should be consistent all the way thru. Those are the only nature of the changes I recall. I drafted 3 alternative resolutions, any one of which could be modified to the Board's satisfaction. The resolution indicating adoption of the modification, the attachment to that addresses the other 3 places on those items. The only thing that got bumped, and I don't know how significant it is, the Zoning Commission had been pushing for a lot width equivalent. The 2/6 version had a 52' minimum lot width equivalent, that being the distance between the side yard on the one side and the side yard on the other would be not less than 52'. It was requested that a detail be added to the landscape plan depicting that. The 3/30 version took that out and put in the side yard language indicating the minimum separation between structures would be 10', so minimum lot width equivalent would be 5' either side plus the width of the structure, what-ever that might be, rather than a 52' minimum.

Mr. Martin: The Code requirement for lots doesn't work for condos because there are no lots.

Ms. Knapp: But this is single family zoning, correct?

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Mr. McCarthy: It's a detached structure. They requested a divergence because the base line code is 12-1/2/25.

Ms. Knapp: But you would have to for condos, you couldn't do it without that?

Mr. McCarthy: No.

Ms. Knapp: We have an 8:30 hearing that we need to go to in executive session and I have a couple of questions for Mike that I need to ask about that situation that I hadn't heard about, so can we recess this until after executive session?

Mr. McCarthy: Yes. Unless someone in the room objects, they will re-address this when they return from executive session. Hearing no objections.

Ms. Knapp made a motion to go to executive session; seconded by Mr. Reynolds.

Vote on Motion: Ms. Knapp-yes, Mr. Rivers-yes, Ms. Taranto-yes

8:30 PM. EXECUTIVE SESSION

Motion by Ms. Knapp to go into Executive Session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official.

The following were invited to attend: Township Administrator, Mr. Bodnar; Township General Counsel, Mr. McCarthy; Mr. Wiseman; Fire Chief Noble; and Human Resources/Communications Manager, Ms. Sheterom.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – yes.

Motion by Ms. Knapp to return to regular session.

Seconded by Ms. Taranto.

VOTE: Knapp – yes, Taranto – yes, Rivers – yes.

REGULAR SESSION (continued)

7:30 P.M. RECESSED ZONING HEARING – REZONING APPLICATION #ZON-17-09 OF CCBI LEWIS CENTER LLC (CONTINUED)

(Cindy Davis' zoning minutes continued)

Ms. Knapp made a motion to return to regular session; seconded by Ms. Taranto.

Vote on Motion: Ms. Knapp-yes, Ms. Taranto-yes, Mr. Rivers-yes

Ms. Knapp: Are there any questions from the Trustees? Are there any concerns about the density? As Mr. Martin said, there is a provision that allows additional density but I'm still concerned because I have a pretty strong stance; I don't want anything over 2 units per acre in Orange Township anymore and that's been holding strong for several years. Evans Farm is somewhat of an exception, so is there any chance that you could reduce the number of units in this development because I don't want to set a precedent for future developments.

Mr. Martin: This is the first request we've had to reduce the density. We feel we fit within the Code and we're below it, and you're talking about reworking everything. If you don't want more than 2.0, amend the Code and take that provision out. We could come in here under your Code not asking for a divergence at 70 units and we relied on the Code.

Ms. Knapp: Michele, can you add that to the list of things that are being discussed for changing the Zoning Resolution, maybe take that part out? I don't think it applies to most areas any longer.

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Mr. McCarthy: To go thru the resolutions, the first is to adopt the recommendation of the Zoning Commission to deny the application; that simply needs adopted. The second is to deny the recommendation of the Commission and approve the application. If that would be the case, in the last paragraph the practical effects which were voted on the February 6 version would be to make the February 6 version effective and there were changes made between the February 6 and March 30. The third is to adopt the modification of the application. In that one there were a number of issues, and the stipulations with one exception were all addressed. There were a couple places where it was addressed 2 times and it showed up 4 or 5, so a list was made of the other places where they showed up, but there was no change to the substance of the comment. Later in the text they just said there will be a 10' separation but there's nothing for example and there's nothing in there that nothing's going to intrude, so that there be no intrusion into that 10' was added all the way thru. There was a statement it would be 19' from the front of the house, 20' from the face of the garage; one other location in the text just said 19' from the residence, so the 20' was inserted into that. There was one relic of the acreages being off; it was 910 and it should have been 917. Those are the only additional stipulations that were made to the 3/30 version. As discussed, 19.12 is not that clear as to what it does mean. It can be more clear if you look at the Zoning Commission language in 519.12. As far as the Board adopting a modification when there is a recommendation of denial, I think it's unclear. We've had this happen one other time and in that instance I did what I'll do now and that is state that the applicant is aware of that and if they would like to proceed on that basis if that's the direction of the Board, to that extent that will be their risk.

Mr. Mayer: I've gotten to know a lot about condos over the last 4 years, and in our condo development, we have a lot of open space. It's 145 acres, 152 units, 3.3 units per acre and that's above.....

Ms. Knapp: That's multi-family I believe.

Mr. McCarthy: I think back then we just had the PRD. I'd have to check to be certain but in the beginning there was just a PRD; the SF and MF came later.

Ms. Knapp: Multi-family allows up to 4 units per acre; that's the difference.

Mr. Mayer: If it's not multi-family, there will never be a condo built on it because there aren't any that would be 2 per acre; I just don't think it would work. If you're multi-family but I thought it was being used for a single family purpose.

Ms. Knapp: Which has 2 units per acre max technically, but he's using the exception that's in the Code. My concern is setting a precedent for other developments in the Township.

Mr. Martin: My comment again on setting the precedent, you set the Code, you can simply take the exception out of it, then there's no precedent.

Ms. Knapp: Michele, how long does that take?

Ms. Boni: We're working on updating the Comp Plan right now. Once that gets done, we'll do a Code update.

Mr. McCarthy: If you want, that could be done relatively quickly.

Ms. Boni: We have appropriated funds to hire a consultant to do an update.

Ms. Knapp: But you can make one single change.

Mr. McCarthy: A modification to the Code initiating either a resolution of the Trustees or a motion of the Zoning Commission. If you were to pass a resolution, Michele would advise the Zoning Commission, they would schedule a hearing; then it would go to Regional Planning.

Ms. Knapp: Is the Zoning Resolution the only place that this is in?

Mr. McCarthy: Yes.

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Ms. Knapp: So the Trustees could initiate that change, that would go to Regional Planning, and it would go to the Zoning Commission....

Mr. McCarthy: And then it would come back here.

Ms. Knapp: So any of us could...

Mr. McCarthy: With the recommendation of the Board.

Ms. Knapp: What do the other Board members want to do?

Mr. Rivers: I know this has been a long process and a very difficult decision. I think the Zoning Commission's recommendation is pretty consistent with past situations and where we're at now. I understand the dilemma and some of the things being discussed, and I feel the Zoning Commission's decision has stayed pretty consistent with similar situations in the past.

Mr. Martin: The Zoning Commission, during the course of going thru this, made a number of suggestions of changes that we got in writing twice. Density never appeared.

Mr. McCarthy: I believe actually in the early on phase it did.

Mr. Martin: There was a comment on density, but the written conditions or comments, density was never raised.

Mr. McCarthy: I'm thinking the first set.

Ms. Knapp: The problem here is there is an exception which can allow if you have an adjacent development that's more dense, then its density can be increased. How many units are there, 55?

Mr. Cugini: Yes, but that's including the clubhouse.

Ms. Knapp: Does the clubhouse count into the density? I thought it was dwelling units per acre. Is the clubhouse included as a unit?

Mr. McCarthy: The baseline density for a single family is 2 units per acre. The clubhouse was included in the plan; the Zoning Commission was aware of it.

Ms. Knapp: But did it need to be counted as a unit?

Mr. McCarthy: I don't think that issue has ever come up.

Ms. Boni: The first set of stipulations, density was pointed out, it was Number 10; the second set of stipulations, density was not discussed.

Ms. Taranto: And I believe their vote was based on density; do you know why it was not brought up in the second list?

Mr. McCarthy: In drafting stipulations, if 2 members weigh in on it, it's on the list. I believe Ms. Trebellas raised density, nothing was said by anyone else. Later in the hearing they were talking on one of the setback adjustments, and Ms. Trebellas made the comment it is what it is. I drafted the motion both ways because I wasn't sure if she was indicating acceptance or concession of the density or if she was indicating so what. Turned out in the voting it was a so what. In any event, it was brought up once. Maybe going forward we'll use more comments from everybody. The list is also disseminated to all parties as well as the Commission and Zoning Office, and they are told if they have comments, let me know; I received no comments.

Ms. Knapp: Is there any chance to reduce the density at all?

Mr. Martin: To reduce density, we have to redo the plan and basically start over. That's the practical problem, and your Code permits it and the buyers want it.

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Ms. Knapp: If we took that part out of the Code, that would pretty much guarantee that this doesn't happen again and doesn't set a precedent because they wouldn't be entitled to that exception in any other area. So if we approve this, that would remove the precedent because that's what I'm mostly concerned about.

Ms. Taranto: I like the fact that it's really not adding any more kids to our school system or traffic to the roads.

Ms. Knapp: Is it possible that if this development is not successful that you could build smaller homes there instead?

Mr. Cugini: 1600 is the type of home that we have and basically you have a kitchen, great room, master bedroom, den, spare bedroom, they're not that large. We've had other ones that were done, they're different ranges, this seems to fit the need of what the demand is.

Ms. Knapp: Have you considered building traditional single family homes on these lots?

Mr. Cugini: You're sitting right across from a commercial development, you've got Triple T right in front and we don't know what the other two buildings are going to be. In reality, the property to the west is going commercial, so the property we're abutting up to is an unknown. The property to the south is already commercial and you've got the high school to the front. To make that single family with kids, when you're that close, you're going to have to walk to school, they're not going to get bussed. That's not really a conducive situation to walk across that street if you make that single family.

Ms. Knapp: Plus half of it can't be built on because of the ravine area.

Mr. Cugini: And that's the nice thing; we can keep all that green space in the back and not disturb that. When looking into this, it was the best use.

Mr. Reynolds: In reviewing everything and with what Mr. McCarthy explained as far as the issue with density and how that was a little clouded in the process, the decision that there's clarity in whatever decision is made in regard with the Code as you stated because I do appreciate as he explained as how between the Zoning Commission and yourself there was some confusion.

Mr. Cugini: If you can't do this type of development, the only thing that could really go there is commercial because you've got commercial across the street; you're not going to be able to build single family homes. I may be wrong but that's the way I look at it.

Mr. Martin: If it were a single family site, he wouldn't have bought it.

Ms. Knapp: I kind of came in with the idea that I wasn't going to approve this at all; I wanted to respect the Zoning Commission's opinion and I don't want anything over 2 units per acre at all anywhere in Orange Township any longer because we have things that bring school children in, we have so many problems with our traffic density and services, and it's really becoming over crowded. But, based on this new information, I am more inclined to approve it because I do think you meet the exception, and if we can take the exception out of the Code so it doesn't happen again. I think it could be developed as single family homes. It would be fewer than 55 but it could bring in many school children, it would require many divergences. I'm still worried about the density but if we can get rid of this exception in the Code, I'd feel better about it.

Mr. Reynolds: And again, Michele, what would that process be for getting rid of that exception in the Code?

Ms. Boni: It would go as a Zoning Amendment, go thru Regional Planning Commission, the Zoning Commission would make its recommendation and it would be accepted by the Board of Trustees.

Mr. Reynolds: Would you consider that a common sense update?

Ms. Boni: If it's something that the Board of Trustees does not want in the Code, yes.

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Mr. McCarthy: Also, and I'm not saying do it right now, there's some other language in there that at least one member of the Board has indicated that they'd like to see out. It concerns the 10.06, 11.06, 14.06, and 17.06, get that administration modification business out of there.

Ms. Boni: I can meet with Mr. McCarthy on this.

Mr. McCarthy: I'll leave it to the applicant; are you comfortable proceeding under them adopting an amendment of the February 6 book, your 3/30 submittal?

Mr. Martin: Yes.

Mr. McCarthy: With those stipulations.

Ms. Knapp: Would these stipulations meet all the issues the Zoning Commission had other than the density?

Mr. McCarthy: With the exception of that and lot equivalent and structure separation remains at 10'. I guess if there's a very narrow house, it would make a difference. I think they addressed all the rest.

Ms. Boni: If the Trustees adopt the modification, is the 2/6 version still the final submittal?

Mr. McCarthy: If they deny the recommendation of the Zoning Commission period, that would make the February 6 version effective. The Code indicates the Zoning Commission will make its recommendation to the Trustees, the Trustees will then adopt, deny or adopt some modification of those recommendations.

Mr. Martin: Which is not a model of clarity but it's been in the statute for 50 years.

Mr. McCarthy: And I could not find one case citing to that issue. You're adopting a modification of the 2/6; to that extent it is a modification, you're adopting it, it should be rewritten.

Ms. Knapp: It would be the March 30 if we adopt the modification.

RES.18-150 ADOPTING A MODIFICATION OF ZONING APPLICATION #ZON-17-09 OF CCBI LEWIS CENTER LLC FOR THE LEWIS CENTER RAVINE CONDOMINIUM.

Ms. Knapp moved the adoption of the following Resolution:

WHEREAS, the Zoning Commission, by its *Motion* adopted on February 27, 2018, recommended the denial of Zoning Application #ZON-17-09 of CCBI Lewis Center LLC, authorized by the owners and requesting the rezoning of 23.300 +/- Acres from Farm Residential District (FR-1) to a Single Family Planned Residential District (SFPRD); and

WHEREAS, the version of the application which was the subject of the *Motion* of the Zoning Commission was that submitted by the applicant in a hard copy binder dated February 6, 2018 and titled *Lewis Center Ravine Condominium SFPRD - Single Family Planned Residential District*, the pages of which are stamped RECEIVED with ORANGE TWP. ZONING above and FEB 6 2018 superimposed over RECEIVED by Orange Township Zoning ("Development Plan"); and

WHEREAS, the Zoning Commission incorporated into its *Motion* a listing of comments and concerns regarding the Development Plan for the Board's consideration; and

WHEREAS, a replacement version of the Development Plan in loose bound binder form, dated March 30, 2018 and having a cover sheet and contents all stamped RECEIVED with ORANGE TWP. ZONING above and MAR 30 2018 superimposed over RECEIVED by Orange Township Zoning ("Replacement Version"), has been received from the applicant, which version addresses the comments and concerns of the Zoning Commission and fully resolves a vast majority of them; and

WHEREAS, the Board of Township Trustees ("Board"), following the required public hearing, determines that the Replacement Version should be adopted and approved, with changes to fully address those comments and concerns of the Zoning Commission deemed most important;

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NOW THEREFORE BE IT RESOLVED that the Replacement Version of the Development Plan is adopted and approved as modified by those changes agreed to by the applicant individually and on behalf of the owners and listed in Attachment "A" of this resolution, all of which materials are incorporated by reference herein.

Mr. Reynolds: I would like clarity for the Board as I stated. I think, as we discussed, it is necessary to clear up the Code; I think we have an understanding on that. So based upon that, I'll second.

Vote on Motion: Ms. Knapp-yes, Mr. Rivers-yes, Ms. Taranto-yes

Ms. Knapp: And yes, the only reason I would allow this is because we will be changing the Code.

Mr. McCarthy: Mr. Martin, for the record, since we had the vote, are the changes acceptable to the applicant?

Mr. Martin: Yes.

Attachment "A"

Listing of Changes

Re: Zoning Application #ZON-17-09 of CCBI Lewis Center LLC, requesting the rezoning of 23.300 +/- acres from Farm Residential District (FR-1) to a Single Family Planned Residential District (SFPRD).

1. Regarding Item 1 of *Attachment 1* of the Zoning Commission's *Motion*, a change is made to the Title Page, on page 1 of Tab 1 of the Replacement Version, to amend the title to read:

PROPOSED ZONING AMENDMENT TO A SINGLE FAMILY PLANNED RESIDENTIAL DISTRICT (SFPRD) FOR CLUSTER HOUSING FOR LEWIS CENTER RAVINES CONDOMINIUM."

2. Regarding Items 3 and 4 of *Attachment 1* of the Zoning Commission's *Motion*, changes are made to the Development Plan Text of the Replacement Version as follows:

a) The fourth sentence of the reply to Section 10.06 b) 2) on page 10 is changed to read:

The minimum distance between buildings will be 10 feet side without intrusion of any type into this area (e.g., roof overhangs, egress windows, bay windows, bumpouts, etc.) and 20 feet rear.

b) The last sentence of the reply to Section 10.07 c) on page 22 is changed to read:

There will be a minimum of 10 feet side separation between residences and there shall be no intrusion of any type into this area (e.g., roof overhangs, egress windows, bay windows, bumpouts, etc.).

c) The response to Section 10.07 e) on page 23 is changed to read:

- *Side yard setback divergences. This SFPRD will not comply with this requirement as it does not have lots. There will be divergences at all locations, except for locations 1, 9 (one side), 10-19, 23-24, 37-42, 45-48 and 51-54 where structures will have a minimum of 10 feet side separation without intrusion of any type into this area (e.g., roof overhangs, egress windows, bay windows, bumpouts, etc.), with the total of the 2 adjacent units side yards being a minimum of 10 feet without intrusion of any type into this area (e.g., roof overhangs, egress windows, bay windows, bumpouts, etc.); locations 1, 8, 9, 22, 25, 26, 30, 31, 35, 36 and 42 will have a side yard, with the adjacent unit, on one side of a minimum of 10 feet without intrusion of any type into this area (e.g., roof overhangs, egress windows, bay windows, bumpouts, etc.).*

d) The detail of the Replacement Version included on Exhibit C-1 and titled *Typical Configuration* is changed to add a Note that no intrusion of any type (e.g., roof overhangs, egress windows, bay windows, bumpouts, etc.) will be permitted within the indicated 10' MIN. side separation.

3. Regarding Item 5 of *Attachment 1* of the Zoning Commission's *Motion*, the third sentence of the reply to Section 10.06 b) 2) on page 10 of the Replacement Version changed to read:

Homes will be located so there is a minimum of 19' from the front of the residence and a minimum of 20' from the garage face to the edge of sidewalk or from the face of curb in locations where there is not a sidewalk.

4. Regarding Item 6 of *Attachment 1* of the Zoning Commission's *Motion*, the second sentence of the reply to Section 10.06 b) 12) on page 15 of the Replacement Version is changed to read:

The divergence from the provisions of Section 21.03 is justified in order to obtain the clustering appropriate to maintain the southern portion of the site, 9.17± acres in its current natural condition as Unmaintained Passive Open Space.

Minutes prepared by Cindy Davis, Zoning Secretary

Ms. Knapp recessed the hearing until after Executive Session.

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Ms. Knapp called for a quick one minute recess. Ms. Knapp called the meeting back to Regular Session. (heard via video recording)

REGULAR SESSION (continued)

RESULTS OF 8:30 PM. EXECUTIVE SESSION

Ms. Knapp explained that the next, the Board would be taking action on a firefighter. (heard via video recording)

RES.18 - 151 ADOPTING FINDINGS AND RECOMMENDATIONS SET FORTH IN HEARING OFFICER'S REPORT, SUSTAINING CHARGES AGAINST FIRE-FIGHTER/PARAMEDIC JOSHUA LONEY AND IMPOSING DISCIPLINE

Motion by Ms. Knapp;

BE IT RESOLVED by the Board of Township Trustees of Orange Township, Delaware County, Ohio that the findings and recommendations set forth in the Hearing Officer's Report, dated March 19, 2018 and regarding allegations of misconduct against Firefighter/Paramedic Joshua Loney are hereby adopted by the Board.

BE IT FURTHER RESOLVED that, pursuant to such adoption, the following charges against Firefighter/Paramedic Joshua Loney are sustained:

1. Insubordination with regards to Section 3 of the *Inappropriate Behavior Policy*; and
2. Neglect of Duty with regards to Section 4 of the *Inappropriate Behavior Policy*; and
3. Inappropriate Behavior with regards to Section 2, Item I of the *Inappropriate Behavior Policy*; and
4. Away With Out Leave/Absent from Work with regards to Section 2 of the *Reporting For Work Policy*; and
5. Conduct Unbecoming with regards to Section 17 of the *Standards of Conduct Policy*; and
8. Conduction Unbecoming with regards to Section 7 and Section 17 of the *Standards of Conduct Policy*; and

BE IT FURTHER RESOLVED that, pursuant to such adoption, the following discipline is imposed:

- (a) An unpaid Suspension is hereby imposed Firefighter/Paramedic Loney.
- (b) The unpaid Suspension imposed upon Firefighter/Paramedic Loney will include the following:
 - (1) It shall consist of twenty (20) unit days (sixty (60) calendar days) of unpaid suspension, to be served consecutively effective May 9, 2018, at 07:30 a.m. and continuing until July 9, 2018 at 07:30 a.m.
 - (2) During the period of unpaid suspension, Firefighter/Paramedic Loney shall not report to work, shall not receive pay for the period, shall not accrue collective bargaining leaves (i.e. Sick Time and Vacation Time) and shall not be permitted to utilize any available paid time off from work (i.e. Compensatory Time, Earned Day Off Time, Holiday Time, Sick Time or Vacation Time).
 - (3) During the period of unpaid suspension, Firefighter/Paramedic Loney shall be required to pay premium contributions for his health insurance in the amount of \$443.28, as well as \$14.76 for his standard life insurance premium, for a total sum of \$458.04.

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This shall be paid in two equal installments of \$228.02, due on May 15, 2018, and June 15, 2018, respectively.

BE IT FURTHER RESOLVED that a Last Chance Agreement will be entered into between Firefighter/Paramedic Loney, the Orange Township Board of Trustees and the Orange Township Professional Firefighters Association, IAFF Local 3816. Barring changes agreed to by Firefighter/Paramedic Loney and the Orange Township Professional Firefighters Association, IAFF Local 3816, and acceptable to the Orange Township Board of Trustees in its sole discretion, such agreement shall be in the form presented to the Board and bearing the identifier of CO\5812103.2 in its footer, the contents of which are incorporated by reference into this Resolution. However, if FF Loney and/or the Union fails or refuses to sign the Last Chance Agreement, its terms and conditions will be incorporated as part of the discipline imposed herein.

BE IT FURTHER RESOLVED that either the Fire Chief or Human Resources/Communications Manager shall advise Firefighter/Paramedic Loney of this decision pertaining to the Hearing Officer's Report.

Motion seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – yes.

FISCAL OFFICER REPORT

DISCUSSION AND POSSIBLE ACTION CONCERNING THE TRANSFER OF LIQUOR LICENSE

There was a consensus of the Board not to have a hearing on the transfer of liquor license.

SUPPLEMENTAL APPROPRIATION

Removed from agenda.

THEN AND NOW PURCHASE ORDER

Mr. Spitzer reviewed the purchase order and the then and now purchase order.

RES.18-152 AUTHORIZE THE ISSUANCE OF A THEN AND NOW PURCHASE ORDER TO JEFFERSON HEALTH PLAN

Motion by Ms. Knapp to authorize the issuance of then and now a purchase order to Jefferson Health Plan, in the amount of \$51,217.29, for roll out.

Motion seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – yes.

PURCHASE ORDER

RES.18-153 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO ICE MILLER LLP

Motion by Ms. Knapp to authorize the issuance of a purchase order to Ice Miller LLP, in the amount of \$3,751.25, for March invoice that was dated April 5, 2018.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – yes.

ADMINISTRATIVE REPORT

DISCUSSION AND POSSIBLE ACTION CONCERNING THE DELAWARE COUNTY LAND REUTILIZATION CORPORATION (LAND BANK)

Mr. Bodnar explained a letter received from the county regarding the following resolution.

RES.18-154 AUTHORIZATION OF APPOINTMENT TO THE DELAWARE COUNTY LAND REUTILIZATION CORPORATION

Orange Township Trustees
April 16, 2018
Regular Meeting

Motion by Ms. Knapp that pursuant to ORC Section 1724.03 and with the support affirmation of Liberty and Genoa Townships, the appointment of the Orange Township Administrator, Mr. Lee Bodnar, to serve as a member of the Board of Directors on the newly formed Delaware County Land Reutilization Corporation (Land Bank).

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – yes.

DISCUSSION AND POSSIBLE ACTION CONCERNING THE RESIDENTS SURVEY PARTNERSHIP WITH THE YMCA

Mr. Bodnar explained he had a discussion with Brian Kreider who is the Senior Vice President of the YMCA. Mr. Kreider commented on a survey they were going to do. Mr. Bodnar wondered if the township could piggyback on the survey. Mr. Kreider looked into it and Orange Township's share would be \$2,500.00 of the \$20,000.00. He went on to explain the specifics of the survey and the township would have all the information gathered. Mr. Bodnar answered the Board's questions. Mr. Rivers thought it was a good opportunity.

RES.18-155 AUTHORIZATION TO CONTINUE TO EXPLORE AND ENTER INTO AGREEMENT

Motion by Ms. Knapp to authorize the Township Administrator to continue to explore and enter into a survey partnership agreement with the YMCA not to exceed \$2,500.00.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – yes.

DISCUSSION REGARDING THE ELECTRONIC RECYCLING EVENT ON APRIL 21, 2018 AT HOME DEPOT

Mr. Bodnar reminded everyone of the second annual electronic recycling event on April 21, 2018, at Home Depot.

OLD BUSINESS

TABLED ITEM: POSSIBLE PURCHASE ORDER – POOL FURNITURE -\$TBD

Ms. Hugh asked that it be tabled.

TABLED ITEM: DISCUSSION AND POSSIBLE ACTION KORDA TASK ORDER #1 \$2,500.00 – VETERANS MEMORIAL PARK – SURVEY

TABLED ITEM: DISCUSSION AND POSSIBLE ACTION KORDA TASK ORDER # 2 \$4,500.00 – VETERANS MEMORIAL PARK – DESIGN

Mr. Bodnar wondered if the Korda items have been tabled at prior meetings. He wondered if the Board wanted to table, address or remove these items.

Mr. Rivers asked that they be tabled until the next meeting. Ms. Taranto asked why. Mr. Rivers commented there are still things he would like to review. He added he would be happy to address these at the next meeting. He would like to review all that he wished. Ms. Taranto commented if they could just talk about it a little bit and then table to the next meeting. Ms. Knapp commented she would like to table until next meeting. Ms. Taranto asked; does that mean I can't discuss it at this meeting. Ms. Knapp commented it can be discussed at the next meeting. Ms. Taranto asked again. Ms. Knapp asked what did she want to discuss. Ms. Taranto commented about the Vet's Memorial and the importance of it. Ms. Knapp asked if there were additional research. Ms. Taranto commented just to discuss it, it is not a big deal; we can leave it.

Ms. Knapp tabled the items.

DISCUSSION AND POSSIBLE ACTION REGARDING THE HIRING OF TEMPORARY HELP FOR THE ISSUANCES OF 2018 POOL PASSES

Orange Township Trustees
April 16, 2018
Regular Meeting

Ms. Sheterom reviewed the information she had accumulated and was provided in their packet. She answered the Board’s questions.

RES.18-156 AUTHORIZING EXECUTION OF AGREEMENT WITH MANPOWER FOR RECEPTIONIST SERVICES

Ms. Knapp moved the adoption of the following Resolution:

BE IT RESOLVED that the Board of Township Trustees of Orange Township, Delaware County, Ohio, enter into and execute a *Rate & Service Confirmation Letter, Addendum* and related paperwork with Manpower for receptionist services. The agreement shall proceed at a *Pay Rate* of \$12.50 per hour, a *Bill Rate* of \$17.00 per hour and consist of the proposal presented to the Board by Manpower, dated 04/03/2018 and referencing the *Job Description of Receptionist*, together with the related *Addendum* bearing the identifier of 04/03/2018 in its footer.

BE IT FURTHER RESOLVED that Lee Bodnar shall execute such agreement and related paperwork on behalf of the Board.

Motion seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – yes.

ADDENDUM

WHEREAS, Manpower and Client (Orange Twp.) have entered into a RATE & SERVICE CONFIRMATION LETTER dated 04/03/2018 for the provision by Manpower of Receptionist services to Client;

NOW THEREFORE, with receipt of sufficient consideration being acknowledged by both parties, the Manpower and Client agree as follows:

Manpower agrees that all individuals employed by it who provide personal services to the Client are not public employees for purposes of Ohio Revised Code (“O.R.C.”) chapter 145.

Client is a public employer as defined in O.R.C. §145.01(D) and classifies Manpower as an independent contractor or another classification other than public employee. As a result no contributions will be made to the Ohio Public Employees Retirement System (“OPERS”) for or on behalf of Manpower and/or its officers, officials, employees, representatives, agents, and/or volunteers for services and/or deliverables rendered and/or received under or pursuant to the agreement. Manpower will acknowledge and agree that the Client, in accordance with O.R.C. §145.038(A), has informed it of such classification and that no contributions will be made to OPERS. If Manpower is an individual or has less than five employees, it will complete and have each of its employees complete, pursuant to O.R.C. §145.038, an *OPERS Independent Contractor Acknowledgement Form*.

Manpower

Client (Orange Twp.)

By: _____

By: _____

(Printed Name)

(Printed Name)

_____, 2018

_____, 2018

NEW BUSINESS

DISCUSSION OF MAY 7, 2018 REGULAR TRUSTEE MEETING

Orange Township Trustees
April 16, 2018
Regular Meeting

Ms. Knapp asked the Board to consider moving the May 7, 2018, regular trustee meeting to a day time meeting. She has a conflict on that day. She conferred with Ms. Boni if one of the zoning hearings could be heard in the day time.

RES.18-157 CANCELLATION OF REGULAR TRUSTEE MEETING AND SPECIAL TRUSTEE MEETING

Motion by Ms. Knapp to schedule a Special Trustee Meeting for May 7, 2018, at 1:00 p.m. as a replacement for the Regular Trustee Meeting scheduled for May 7, 2018, at 7:00 p.m. and also cancelling the Regular Trustee Meeting for May 7, 2018, at 7:00 p.m.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – yes.

Mr. Spitzer noted he had a conflict that day and would not be able to attend.

ZONING REPORT (CONTINUED)

SET DATE FOR BOARD OF TRUSTEES HEARING REGARDING ZONING CASE #ZON-17-08 WAL-MART REAL ESTATE BUSINESS TRUST

RES.18-158 SET HEARING DATE

Motion by Ms. Knapp to hold the zoning hearing for Case #ZON-17-08; Wal-Mart Real Estate Business, on Monday, May 7, 2018, at 1:00 p.m. at township hall.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – yes.

SET DATE FOR BOARD OF TRUSTEES HEARING REGARDING ZONING CASE #ZON-17-10 GRAND COMMUNITIES LLC

RES.18-159 SET HEARING DATE

Motion by Ms. Knapp to hold the zoning hearing for Case #ZON-17-10; Grand Communities LLC, on Monday, May 21, 2018, at 7:30 p.m. at township hall.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – yes.

EXECUTIVE SESSION

Motion by Ms. Knapp to go into Executive Session to consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee or official.

The following were invited to attend: Township Administrator, Mr. Bodnar; Human Resources/Communication Manager, Ms. Sheterom and Township General Counsel, Mr. McCarthy.

Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – yes.

Motion by Ms. Knapp to return to regular session.

Seconded by Ms. Taranto.

VOTE: Knapp – yes, Taranto – yes, Rivers – yes.

REGULAR SESSION (continued)

18-160 APPROVING THE HIRING OF LEGAL COUNSEL TO REPRESENT THE TOWNSHIP AT THE BUREAU OF WORKER'S COMPENSATION

Motion by Ms. Knapp;

Orange Township Trustees
April 16, 2018
Regular Meeting

WHEREAS, the Orange Township Board of Trustees (“Board”) has authority under R.C. 309.09 to employ outside legal counsel to represent the Board and the Township in legal proceedings; and,

WHEREAS, the Board has a need for representation in a matter before the Ohio Bureau of Worker’s Compensation (“BWC”); and,

WHEREAS, the law firm Sybert, Rhoad, Lackey & Swisher, LLC has expertise in the worker’s compensation practice area and before the BWC; and,

WHEREAS, the Board desires to contract with Sybert, Rhoad, Lackey & Swisher, LLC to represent it at the BWC.

NOW THEREFORE BE IT RESOLVED by the Board of Trustees of Orange Township, that:

Section 1. The Board hereby authorizes and agrees to employ and contract with Sybert, Rhoad, Lackey & Swisher, LLC for the purpose of representing the Board and Township before the BWC.

Section 2. The Board authorizes Mr. Bodnar to sign an agreement on its behalf necessary to employ Sybert, Rhoad, Lackey & Swisher, LLC, with compensation under the agreement not to exceed \$300.00.

Section 3. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.

Section 4. This Resolution shall be in full force and effect immediately upon adoption.

Motion seconded by: Ms. Taranto.

VOTE: Knapp – yes, Taranto – yes, Rivers – yes.

There was no further business, meeting adjourned at 10:55 p.m.

Lisa F. Knapp, Chairman

Ryan Rivers, Vice Chairman

Deborah Taranto, Trustee

Attest: _____
Joel M. Spitzer, Fiscal Officer