

Orange Township Trustees
May 21, 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 7:01 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.

Additions or corrections to the Agenda.

Jamie Stabl, 6266 Westwick Place, Lewis Center, Ohio, 43035 commented:

- There was reasons, for some of these things removed; he wondered why some were removed

Ms. Hugh asked which items he was referring to. Mr. Stabl commented the pool furniture. Ms. Hugh commented they were going to order more tables and additional chairs. They have found a company that can completely redo the chairs for less than half the cost of new. That is the direction she will go in the fall. She described how she would purchase them.

Mr. Stabl asked about the Korda items. Ms. Taranto commented the reason was we are not moving forward with the park at this time. There was no need to move forward on those task orders until that happens. Ms. Hugh and members of the Board addressed his concerns and listened to his thoughts.

Chris Hagan, 8678 Praire Frost Lane, Lewis Center, Ohio 43035 commented to say it is conceptual only; this is something that has been known for some time; the middle schools have been raising money for some years; saying that would be the site of the future memorial. Ms. Knapp explained it has been a private plan; not a township plan; there has been no details. Ms. Knapp commented they needed to get the funds gathered. Ms. Hagan asked if this area was currently under construction and would this not be the best time to clean up the area.

Mr. Rivers commented they will be addressing all these issues soon. Ms. Hagan wondered would the meeting be taking place prior to the construction ending.

Ms. Taranto noted that it was not a private endeavor until this year when Mr. Quigley did not win the re-election. There was consensus from the Board to move forward. Ms. Hagan asked if there was support from the community as a whole. Ms. Taranto commented yes. Ms. Hagan wondered if the Board supported the community. Ms. Taranto commented she did; she couldn't speak for the rest of the Board. Ms. Hagan commented she could speak for many of the community this is a great disappointed; they are to be in support in what we believe in, and she didn't believe by continuing to table this is appropriate at all.

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Ms. Knapp commented it is a private design. Ms. Hagan commented it was her opinion and it was not appropriate.

PUBLIC COMMENTS

Ms. Knapp asked for comments from the public.

Ben Grumbles, 1371 Sunflower Street, Lewis Center, Ohio 43035 came forward. He commented on the last meeting he had attended and there was talk about the Veteran's Memorial. He reviewed what he thought was discussed at the meeting and asked for verification from others who were in attendance. He wanted to mention that he had discussed location with other veterans and one veteran commented the people who are going to want to go are going to go; but if you put it centric to the community the people who do not go will see it in passing; they will acknowledge it. It would not be out of site; out of mind. He encouraged all to work together. He asked questions about the funding. There was discussion about funding and timing of funding. There was discussion about what had happened in the past. He thought the sticking point right now is; is it private or public; where we are collectively from the funding standpoint and what is the Board allowed to do and the community being aware of that. He continued to give his thoughts. He didn't want a feeling of discontent in the community; this is all good. He felt it was critical someone connect with former Trustee Quigley, if he is leading the private effort; make sure he is participating and partnering along the way. He felt Mr. Quigley's intent was pure.

Ms. Knapp commented she had not heard from Mr. Quigley all year, so she had emailed him today with a list of questions.

Ms. Taranto asked Mr. Bodnar if he had forwarded an email to all of them from Mr. Quigley regarding funding. She thought there was another one also. Mr. Bodnar believed he had. Ms. Knapp commented she didn't receive that. Mr. Grumbles addressed funding again and what ifs.

Ms. Knapp asked if there was additional comments.

Brian Lorenz, 4111 Village Club Drive, Powell, Ohio 43065 came forward. He commented:

- He was here in his capacity as a Councilman for the City of Powell
- He encouraged the Board to support the endeavors of; kinda going around about; allowing the Olentangy kids the use the pool at whatever cost or what not
- One of the initiatives when he was mayor of Powell, when the Olentangy redistricting happened; to try and build the community together, now that we have two high schools; he wanted to continue with that
- He wanted to come and support whatever endeavor or proposal that may come in front of the Board; to kinda give kids a head start through the summer
- He appreciate the Board; he didn't know if it was on the agenda or not; we are all one community even though we have 4 schools

Ms. Knapp commented she meant to add this under New Business.

APPROVAL OF MINUTES

APRIL 16, 2018, REGULAR TRUSTEE MEETING

RES.18-193 APPROVAL OF MINUTES

Motion by Ms. Knapp to approve the April 16, 2018, regular trustee meeting minutes as presented.

Seconded by Ms. Taranto.

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

MAY 1, 2018 SPECIAL TRUSTEE MEETING

RES.18-194 APPROVAL OF MINUTES

Motion by Ms. Knapp to approve the May 1, 2018, regular trustee meeting minutes as presented.

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Seconded by Ms. Taranto.
 VOTE Knapp – yes, Taranto – yes, Rivers – yes.

ZONING REPORT

ORANGE TOWNSHIP ZONING HEARINGS/MEETING REPORT

Ms. Boni, Planning and Zoning Director, commented this evening there would be zoning hearing regarding ZON-17-10 Grand Communities LLC. She continued to review the report that could be found on the table as you enter the meeting room.

MAINTENANCE REPORT

PURCHASE ORDER

Ms. Hugh explained the purchase order.

RES.18-195 AUTHORIZE THE ISSUANCE OF A PURCHASE ORDER TO DELAWARE COUNTY ENGINEERS OFFICE

Motion by Ms. Knapp to authorize the issuance of a purchase order to Delaware County Engineers Office, in the amount of \$6,265.22, for repair of culvert on First Street.

Seconded by Mr. Rivers.

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

Tabled: DISCUSSION AND POSSIBLE ACTION REGARDING SHELLY & SANDS INC. – ORANGE ROAD/US23 INTERSECTION - \$5,948.42

This item was tabled. Ms. Hugh commented the reason this was tabled was her numbers do not match Shelly & Sands numbers.

PARK REPORT

MODIFY RESOLUTION TO INCREASE BEVERAGE PRICE FROM \$1.50 TO \$1.75

RES.18-196 AMENDING RESOLUTION #18-099

Motion by Ms. Knapp to amend Res.18-099, under 2018 North Orange Aquatic Center Rates; In Exhibit “A” under the heading Concessions pop should now read \$1.75 instead of \$1.50.

Seconded by Mr. Rivers.

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

RES.18-099 SET NORTH ORANGE AQUATIC CENTER RATES FOR 2018 SEASON

Motion by Ms. Knapp to set the rates for the North Orange Aquatic Center for the 2018 season as found in “Exhibit “A” and as modified this evening:

Exhibit “A”

2018 NORTH ORANGE AQUATIC CENTER RATES

Season Passes (ages 2 and under free)	Resident Rate	Non-Resident Rate
Youth	\$90.00	n/a
Adult	\$95.00	n/a
Senior Citizen	70.00 (with Golden Buckeye Card)	n/a
Family of 2	\$155.00	n/a
Family of 3	\$170.00	n/a
Family of 4	\$185.00	n/a
Family of 5	\$200.00, plus \$15.00 for each additional	n/a

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	person over 5	
Babysitter w/family pass	\$30.00	n/a

Note: \$.50 for "Swimmies" diapers to pool patrons on an as-needed basis

Other Passes (ages 2 and under free)	Resident Rate	Non-Resident Rate	Season Pass Holder
Daily pass	\$6.00	\$12.00	\$0
Twilight Day Pass	\$4.00	\$10.00	\$0
Special Event/BBQ	\$8.00	\$8.00	\$8.00
Special Event – Swim Only	\$2.00	\$2.00	\$0
Night Swim	\$2.00	\$2.00	\$0

Swimming/Diving Lessons/Water Aerobics	Resident Rate	Non-Resident Rate
Group Lessons - Season Pass Holder	\$55.00	n/a
Group Lessons - Non-Season Pass Holder	\$65.00	\$75.00
Private Lessons (all)	\$35.00 per 30 minutes	\$35.00 per 30 minutes

Rentals	Resident Rate	Non-Resident Rate
Community Room Deposit	\$100.00 per rental	\$100.00 per rental
Rental Rate	\$ 35.00 per hour	\$ 60.00 per hour
Township Hall Resident Weekend Deposit	\$100.00 per room	n/a
Rental Rate(Friday 5:00pm –Sunday 11:30pm)	\$ 50.00 per hour	n/a
Shelter Deposit	\$ 25.00 per rental	n/a
Rental Rate	\$ 10.00 per hour	n/a
Pool Shelter Deposit	\$50.00 per 2 hour rental (\$25.00 refundable deposit)	\$75.00 per 2 hour rental (\$25.00 refundable deposit)
Rental Rate	n/a	n/a

Miscellaneous	Rate
Life Jacket Rental	no charge - provide ID for return of jacket)
Family Night - Wednesdays after 5:00 PM	\$2.00 per hotdog
Employee Discount	no discount

Concession Items	Price
Hot Dog	\$2.50
Pizza	\$2.00
Pretzel	\$1.50
Popcorn	\$1.00
Nachos	\$2.00
Chips	\$1.00
Water	\$1.50
Slushie	\$1.00
Cotton Candy	\$2.00 (cone or bag)
Pop	\$1.50
Gatorade/Juice	\$1.50
Candy	\$1.50

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Cup of Ice	\$0.50
Cup of Cheese	\$0.50
Ice Cream	\$1.50 (novelty)
Ice Cream	\$2.00 (premium)

Veteran Discount – Memorial and July 4th – no charge for Orange Township Resident Veterans with valid military ID and immediate family (spouse and dependent children) on Monday, May 28, 2018 and Wednesday July 4 2018.

Seconded by Mr. Rivers.

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

Tabled: DISCUSSION AND POSSIBLE ACTION REGARDING NAMING CONTEST FOR PARK ON NORTH ROAD

This item was removed.

Tabled: APPROVE RACE PENGUIN AGREEMENT

This item was tabled.

PUBLIC SAFETY REPORT

Ms. Knapp commented the Chief could not be here this evening and asked Mr. Bodnar to present the next item.

DISCUSSION AND POSSIBLE ACTION REGARDING REIMBURSEMENT OF SICK LEAVE DUE TO INJURY LEAVE

Mr. Bodnar asked Ms. Sheterom, Human Resources/Communications Manager, to address this item. Ms. Sheterom commented this was in conjunction with the union agreement and hours were verified with Worker's Compensation.

RES.18-197 AUTHORIZE THE REIMBURSEMENT OF SICK LEAVE HOURS

Motion by Ms. Knapp to authorize the reimbursement of 81.0 hours of sick leave due to injury for Paul Grutsch.

Motion seconded by Mr. Rivers.

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

DISCUSSION AND POSSIBLE ACTION REGARDING FIRE LEVY

Mr. Bodnar commented it was part of the process in placing a tax renewal on the ballot. He explained the need for this resolution and Township General Counsel, Mr. McCarthy helped in the explanation.

ORANGE TOWNSHIP
DELAWARE COUNTY, OHIO

RES.18-183 A RESOLUTION OF NECESSITY TO LEVY A RENEWAL TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES, BUILDINGS OR SITES THEREFOR, OR SOURCES OF WATER SUPPLY AND MATERIALS THEREFOR, OR THE ESTABLISHMENT AND MAINTENANCE OF LINES OF FIRE ALARM TELEGRAPH, OR THE PAYMENT OF FIREFIGHTING COMPANIES OR PERMANENT, PART-TIME, OR VOLUNTEER FIREFIGHTING, EMERGENCY MEDICAL SERVICE, ADMINISTRATIVE, OR COMMUNICATIONS PERSONNEL TO OPERATE THE SAME, INCLUDING THE PAYMENT OF ANY EMPLOYER CONTRIBUTIONS REQUIRED FOR SUCH PERSONNEL UNDER SECTION 145.48 OR 742.34 OF THE REVISED CODE, OR THE PURCHASE OF AMBULANCE EQUIPMENT, OR THE PROVISION OF AMBULANCE, PARAMEDIC, OR OTHER

**EMERGENCY MEDICAL SERVICES OPERATED BY A FIRE DEPARTMENT OR
FIREFIGHTING COMPANY.**

(R.C. §§ 5705.03, 5705.19(I), 5705.191 and 5705.25)

The Board of Trustees of Orange Township, Delaware County, Ohio (“Board”) met in regular session on May 21, 2018 with the following members present:

Lisa Knapp

Ryan Rivers

Deborah Taranto

Ms. Knapp moved the adoption of the following Resolution:

PREAMBLE

WHEREAS, the amount of taxes that will be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of Orange Township, Delaware County, Ohio (“Township”); and,

WHEREAS, it is necessary to levy a tax in excess of the ten-mill limitation; and

WHEREAS, the levy would be for the purpose of providing and maintaining fire apparatus, appliances, buildings or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, said purposes being authorized by R.C. § 5705.19(I); and,

WHEREAS, a resolution declaring the necessity of levying a renewal tax, pursuant to R.C. § 5705.19, outside the ten-mill limitation must be approved and certified to the Delaware County Auditor (“Auditor”) in order to permit the Board to consider the levy of such a tax and must request that the Auditor certify to the Board the total current tax valuation of the Township, and the number of mills required to generate a specified amount of revenue, or the dollar amount of revenue that would be generated by a specified number of mills.

RESOLUTION

NOW THEREFORE, BE IT RESOLVED, by the Board, at least two-thirds (2/3) of all of the members of the Board concurring, as follows:

1. The amount of taxes that will be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the Township.
2. It is necessary to levy a tax in excess of the ten-mill limitation.
3. Pursuant to R.C. § 5705.03(B)(1):
 - a. The purpose of the tax is as follows:

providing and maintaining fire apparatus, appliances, buildings or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of firefighting

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companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company.

b. The type of levy is as follows:

additional levy
proposed levy rate: _____ mill(s)
 renewal levy: 0 increase 0 decrease
current levy rate: 7 mill(s)
amount of proposed increase/decrease: 0 mill(s)
total proposed levy rate: 7 mill(s)
 replacement levy: _____ increase _____ decrease
current levy rate: _____ mill(s)
amount of proposed increase/decrease: _____ mill(s)
total proposed levy rate: _____ mill(s)

c. The sections of the Revised Code authorizing submission of the question of the tax are R.C. §§ 5705.03, 5705.191, and 5705.25 and the following:

R.C. § 5705.19(I);

d. The term of the tax is as follows (in years or continuing):

3 years;

e. The territory where the tax is to be levied is as follows:

Upon the entire territory of the Township
 If authorized by the Revised Code, the following described portion of the territory of the Township:
_____;

f. The date of the election at which the question of the tax shall appear on the ballot is as follows;

November 6, 2018;

g. The territory where the ballot measure is to be submitted is as follows:

Upon the entire territory of the Township
 If authorized by the Revised Code, the following described portion of the territory of the Township:
_____;

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h. The tax will be first levied and collected as follows:

The tax year in which the tax will first be levied is 2019;

The calendar year in which the tax will first be collected is 2020;

i. The Township has territory in Delaware County and each of the following listed counties:

Delaware County only.

4. Pursuant to R.C. § 5705.03(B)(1), the Fiscal Officer is hereby directed to certify a copy of this resolution to the Auditor. The Board hereby requests that the Auditor certify to this Board the following:

a. The total current tax valuation of the Township;

b. The number of mills required to generate the following amount of revenue; or,

\$ N/A

c. The dollar amount of revenue that would be generated by the levy of the following mills:

7 mill(s).

5. 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.

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

Ms. Taranto seconded the motion.

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

Voted on and signed this _____, 2018 in Orange Township, Delaware County, Ohio.

**BOARD OF TRUSTEES
ORANGE TOWNSHIP
DELAWARE COUNTY, OHIO**

Lisa Knapp, Trustee

Ryan Rivers, Trustee

Deborah Taranto, Trustee

State of Ohio :
Delaware County :

I, the undersigned Fiscal Officer of Orange Township, Delaware County, Ohio, hereby certify that the foregoing Resolution No. 18- 183 is taken and copied from the

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record of proceedings of the Board of Trustees of Orange Township, Delaware County, Ohio, and that it has been compared by me with the resolution on the record and is a true and accurate copy. Further, I certify that the adoption of such resolution occurred in an open meeting held in compliance with R.C. § 121.22.

Date: _____

Joel Spitzer, Fiscal Officer
Orange Township
Delaware County, Ohio

7:30 P.M. ZONING HEARING REGARDING ZON-17-10 GRAND COMMUNITIES LLC

Zoning hearing minutes were done by Cindy Davis.

May 22, 2018 Trustees' Meeting

LEGAL NOTICE

Notice is hereby given that the Orange Township Board of Trustees will hold a public hearing on Monday, May 21, 2018 at 7:30 p.m. to consider the following application:

Rezoning Application #ZON-17-10 North Orange Development LLC, Requesting an amendment of the currently effective development plan for three (3) parcels, totaling 20.59 +/- acres, within the North Orange Single Family Planned Residential (SFPRD) District and North Orange Planned Commercial & Office (PCD) District, approved under application #10747 and

#15634 of Planned Communities to a Single Family Planned Residential (SFPRD) District. The subject properties are currently owned by North Orange Development LLC. The area being amended consists of permanent parcel number 318-230-02-007-007, 318-230-02-007-000 and 318-230-02-011-000.

The hearing will be held at the Orange Township Hall, 1680 East Orange Road, Lewis Center, Ohio 43035.

The application and plans are available for inspection from today's date through the date of the hearing at the Orange Township Zoning Office, 1680 East Orange Road, Lewis Center, Ohio 43035. Zoning Office hours are Monday through Friday, 8 a.m. to 4:30 p.m., except legal holidays.

Lisa Knapp, Chairperson
Michele Boni, Orange Township Zoning

Publish one time on or before Friday, May 11, 2018 in the Delaware Gazette.

Ms. Boni read the Legal Notice.

Ms. Knapp: Were all the adjacent property owners notified?

Ms. Boni: Yes. This is a rezoning for a Single Family Planned Residential District (SFPRD) for 3 parcels located on west side of Gooding Boulevard across from North Orange Subdivision. North is The Village of North Falls, south is North Orange Park, west is single family homes, east is commercial lots. Grand Communities would continue the construction of Harness Way to Gooding Boulevard. Development includes no more than 35 single family homes on approximately 21.36 acres; gross density = 1.64 dwelling units per acre, net density + 1.91 dwelling units per acre, under requirements in our Zoning Resolution. Materials include but not limited to natural wood siding, cultured stone, limestone, stone and brick. Minimum of 50% of front face of structure will be natural materials; vinyl siding is prohibited, however aluminum and vinyl is permitted for trim details. Windows may be aluminum and vinyl; entry doors and garage doors shall be metal or wood. Roof will have minimum pitch of 6:12 and colors will be limited to muted or earth tones per the Munsell charts provided. Proposing 9.73 +/- acres of open space which calculates to 46% of the site. A trail easement is provided along western side of property in case we decide to build a trail in the future. Each dwelling unit has an attached 2 car garage and an additional 2 parking spaces to meet requirement of 4 off-street parking spaces. On-street parking is permitted along one side; no parking is permitted on cul-de-sac bulbs. Development is broken into 2 phases. There were concerns about a construction route on Harness Way but that won't happen until Phase 2. Proposing an entry sign and 2 internal community marketing signs; requesting 2 divergences for entry sign. Cluster mailboxes (CBU's) came up with the Zoning Commission, and we reached out to the Post Master. They are making CBU's a requirement in

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new developments; that is something new throughout the Township. We asked the Post Master to have them outside the right-of-way, so that's what they're proposing. We don't have much enforcement outside of asking them to be outside the right-of-way, but the Post Master is getting deed restrictions and guidelines to enforce those in the development. They are requesting 7 divergences from our Zoning Resolution:

- *Divergence from minimum lot width. Requirement is lot width of 75' with 60' frontage; requesting a minimum lot width of 60' with 50' frontage.*
- *Divergence from minimum lot depth. Requirement is 135'; they will have at least 1 leg with a minimum lot depth of 135', so it could be that not every lot line has that depth.*
- *Divergence from minimum structure separation, I combined this with side yard setback as they go hand in hand. Requirement is that no building or structure shall be located closer than 12-1/2' to any side lot line, totaling 25'; requesting 10' structure separation.*
- *Divergence for maximum lot coverage. Requirement is that no more than 25% of the lots be covered; requesting 40%.*
- *Divergence for monument sign, they are proposing 2 divergences. Sign height, maximum is 8' above average grade; requesting 10'-6" above final grade.*
- *Maximum display area of monument sign. Based on our square footage calculations with the setback, they would be permitted up to a maximum of a 128 square foot total display; their total display area will not exceed 56 square feet on each side and they want a setback of 15', so that's what the divergence request is.*

We've received letters from the Parks Department; there were no other comments or concerns from any other technical entities, and the Zoning Commission unanimously voted for recommendation of approval at their meeting held April 10, 2018. The Trustees received a revised packet based on their recommendation. There were stipulations and statements to address, and after reviewing the application, we believe they addressed all of those based on their recommendation.

Jason Wisniewski, Vice President of Planning and Zoning for Grand Communities, 3940 Olympic Boulevard, Erlanger, KY 41018. Grand Communities is the affiliated development company of Fischer Homes. Fischer is a privately owned company started in 1980 based out of Cincinnati. Our approach to communities, our homes is a little different than others, our values are a little different. Columbus was our first expansion out of Cincinnati in 2008, Indianapolis in 2009, we're also in Atlanta and Louisville, KY. Value is our focus. We're a conservative company and it's not just about velocity, it's about how to create a community that lasts and endures because we look at our residents as our stakeholders. We have to please them so they come back and buy more homes or recommend us to friends and family. Our mission is to deliver the best total home solution, not just the home itself, but also the community, looking at how we set up residents financially in terms of HOA's, how we reach out to communities and make them part of something bigger, creating communities and homes of enduring value. We try to do that in high quality locations, and the area around North Orange and Orange Township is a high quality location. We're already in Orange Township in Park Place and in Nelson Farms in Liberty Township, Heritage Preserve in Hilliard was our first development community in Columbus. We continually invest in our homes and design, trying to keep things modern and fresh so we don't date ourselves with our architecture thru our buildings. The site is about 21 acres with Home Road to the north, Orange Road to the south, North Falls adjacent to the north, and the Township Park to the south. It's a great location. Some of the amenities are convenience, access to shopping, schools, work, close to Polaris and downtown. There is an existing tree line right along a stream corridor that buffers the residents to the north. Some residents asked if those trees were going to stay; they are, they must, they're in a platted easement along that stream corridor. There is not a tremendous amount of natural features on this but what features are there we want to preserve as they create value for the existing residents as well as our future residents. There's the power line to the south, with a 150' easement that goes thru the southern part of the site. We have provided a trail easement to connect the park thru the community at some point in the future to connect adjacent properties to the park, library, all within walking distance of the community. One challenge of the site is making that road connection. When we started conversations with the County and Township, we said we don't need it; everybody said you're going to put it in, so how do we accomplish that? Not only is it the cost of the road, but it's the easement that goes thru so you can't utilize that space, there's a lot of infrastructure that you get no benefit for both up front from a development cost or the long term ownership and maintenance costs from the County's/Township's perspective. There are 2 stream crossings; the one to the south smaller, the one to the north is a fairly large culvert. And again, how do you pay for those things? Our solution was to come up with the plan in front of you; 35 home sites, minimum of 60' building setback and with what we call our Executive Masterpiece Collection. We're targeting a lifestyle purchase, people looking for narrow lots and maintenance included in the HOA. We've built other communities like this, same concept, very popular. Corduroy Road is extended to Harness Way, Harness Way comes thru into a cul-de-sac and the connection is made, 35 sites of our Executive Masterpiece Collection, minimum 2000 square feet for a ranch, 2300 square feet for a two story. These are front entry garages predominantly and the low maintenance lifestyle. Showed examples of homes they are currently building. This is the feel, the character we're after. We've had a high degree of success in Villa Grande and we're excited about replicating that here. We are asking for a couple divergences for our entry monument. This is a unique location, a

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business/commercial site today that we are changing up so it's single family zoned, but we've got to stick out a little. We have those 3 sites out in front which are critical to set the tone up front to let people know there's something back there. It's not just from a sales perspective, it's also to give someone that trail that I'm on the right path to where Grand Pointe is, create a sense of arrival into this community. We engaged early on with a number of people from the County, staff, the residents. We met with residents on September 29, 2017 to show what our plan is and ask what they think. It was well received, everything has been positive. We have obtained positive recommendations from both Delaware County Regional Planning and your Zoning Commission. This is a unique opportunity, your staff and the residents have been open minded about what we need to do to accomplish mutually beneficial things, the road connections, high quality community, and we're excited about what we've done here.

Ms. Knapp: What is the price range?

Mr. Wisniewski: There are some nice sites along the stream on the north that will develop it down depending, but we're thinking mid-4's for the rest of the land.

Ms. Knapp: I saw what the minimum square footage is, but what are the averages?

Mr. Wisniewski: Probably 3000 square feet but along the stream we have opportunities for walkouts, so it would be larger.

Ms. Knapp: It's a really nice site, very pretty.

Ms. Taranto: And I know it was a difficult site to work with.

Mr. Wisniewski: Your staff has been fantastic.

Mr. Rivers: We had a unanimous approval from Zoning Commission?

Ms. Boni: Yes.

Mr. Rivers: And I understand the project has been very well received by the residents.

Public Comment:

Robert Steele, 7515 Overland Trail, Delaware, Ohio 43015. I'm both a resident in the community and part of a community watch group that's been very active in watching this particular area for several years. Thru this experience, this group has been very transparent and really seeking input from the community, taking that to heart and making adjustments, obviously working thru the Township and your staff to comply as much as possible to make it even greater. I have not heard any opposition from the residents. We have met with both the North Falls to the north within the North Orange and Park Place to the south, and it's all been very favorable from what we've seen.

Kirby Nielsen, 7408 Falls View Circle, Delaware, Ohio 43015, it seems like a good idea.

Mr. McCarthy: The latest submittal was reviewed against the prior submittal, and the stipulations of the Zoning Commission and a myriad of details have been addressed and resolved, although some issues remain. As to when an HOA member would be appointed, the Zoning Commission pursued the idea of 75% of the lots being sold in the first phase. Grand Communities/ Fischer Homes wanted it to be the entire development and proposing it at 60%. The Zoning Commission yielded on that point but our text indicates rather than the 60% that was accepted, the 75% made the trip without the limitation as to the first phase. That is the first modification of the draft motion presented to the Board. The second, the CBU's, there was a question as to the concept of a detached single family subdivision being put into these clustered together on a post mailboxes. The stipulation of the Zoning Commission was that if the mail-boxes were required to be clustered, they be outside the right-of-way. As Ms. Boni indicated, we obtained a letter from the Postal Service indicating they support the location outside the right-of-way, but the text still indicated the CBU's would be in the right-of-way. To resolve that conflict in favor of the stipulation, the language on Page 18 was modified to provide the CBU's would be outside the right-of-way on the opposite side of the waterline. I think that was just a relic that didn't get caught. The third is a formatting issue that called into question the response to 22.03 h)10). The response to a section is indented as though it was the response to a sub-section and recently we had a request concerning some billboards where this argument was made and addressed, so that is the third change. The fourth change is just the difficulty of modifying the development plan, the scale to indicate 15' from the right-of-way for the internal marketing signs. The text itself indicates 15' from the right-of-way but Exhibit G, the sign location plan, still scales at 5', so this is just the modification of the plan to provide that those signs will be 15' from the right-of-way so there is no later discussion on that. Those are the only comments that existed following the review. Mr. Wisniewski, you are with Grand Communities?

Mr. Wisniewski: Yes.

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Mr. McCarthy: We need Grand Communities' acceptance of those changes for this to unfold under this resolution.

Mr. Wisniewski: We are fine with all these changes.

Mr. McCarthy: The only other point I would make, probably the most significant thing as far as property values and all, this project will provide for the completion of Harness Way to Gooding that will provide 2 public road accesses to a large section of the North Orange residential single family development, some-thing I know has worn both on the Zoning Office and Fire Department for the better part of 12 years, so that is something that should be acknowledged that is being brought to the table by Grand Communities.

Ms. Knapp: Are you saying Items 1 and 2 still need to be changed?

Mr. McCarthy: These types of provisions are construed most strongly against the public authority, so if you leave them in there, don't plan on enforcing them in the future. As far as the formatting issue, it was argued that the punctuation on the reply was such that it really didn't apply to anything but the sub-section and had nothing to do with the response itself. I would say all 4 of those modifications need to be had and Mr. Wisniewski has indicated their agreement and consent to them so I think we're in a position to go forward.

Ms. Boni: If the Board chooses to make a motion for approval tonight, we would ask for a revised submittal to address those 4 stipulations.

Mr. McCarthy: Possibly just those pages.

Ms. Boni: And we would have that before issuing any permits or plat review.

Ms. Knapp: Is that listed in there?

Mr. McCarthy: That last point is not in there, but there's space where you can add it.

Ms. Taranto: I would just like to thank the Zoning Board and their wisdom and guidance; they always do a nice job. And for the residents of North Orange, the more the residents get involved, the better things happen in the community.

RES.18-18-186 ADOPTING A MODIFICATION OF ZONING APPLICATION #ZON-17-10 OF GRAND COMMUNITIES, LLC FOR GRAND POINTE AT NORTH ORANGE.

Ms. Knapp moved the adoption of the following Resolution:

WHEREAS, the Zoning Commission, by its *Motion* adopted on April 10, 2018, recommended the conditional approval of Zoning Application #ZON-17-10 of Grand Communities, LLC (formerly Grand Communities, Ltd), authorized by the property owner, North Orange Development, LLC and requesting the rezoning of 21.360 +/- acres from a Planned Commercial and Office District (PC) to a Single Family Planned Residential District (SFPRD); and

WHEREAS, the version of the application which was the subject of the *Motion* was that submitted by the applicant in a hard copy binder dated April 3rd, 2018 and titled *Zoning Map Amendment and Development Plan for Grand Pointe at North Orange*, the pages of which are stamped RECEIVED with ORANGE TWP. ZONING above and APR 04 2018 superimposed over RECEIVED by Orange Township Zoning ("Development Plan"), as modified by those stipulations listed for correction/modification in the *Statement of Stipulations* attached to the *Motion* as its Attachment "A" and incorporated therein by reference (collectively "Development Plan"), all of which stipulations were agreed to by the applicant on its own behalf and that of the owner; and

WHEREAS, a replacement version of the Development Plan in a loose bound binder form bearing the same title, dated May 21st, 2018 and having a cover sheet and contents all stamped RECEIVED with ORANGE TWP. ZONING above and MAY 14 2018 superimposed over RECEIVED by Orange Township Zoning ("Replacement Version"), has been received from the applicant, which version extensively edits the Development Plan, 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, resolve a conflict between an Exhibit of the Replacement Version and its *Development Standards Text* and address a formatting issue;

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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, both for itself and on behalf of the owner, and listed in Attachment "1" of this resolution, all of which materials are incorporated by reference herein.

Seconded by Ms. Taranto

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

Attachment "1"

Listing of Changes

Re: Zoning Application #ZON-17-10 of Grand Communities, LLC, requesting the rezoning of 21.360 +/- acres from a Planned Commercial and Office District (PC) to a Single Family Planned Residential District (SFPRD)

- (1) Regarding Item 5 of the *Statement of Stipulations* of the Zoning Commission's *Motion*, the second paragraph of the reply to Section 10.07 o) on page 27 of the *Development Standards Text* of the Replacement Version is changed to read:

A resident of the development shall be appointed to the HOA Board on January 1st of the year following the sale of sixty percent (60%) of the lots in the development to a third-party buyer.

- (2) Regarding Item 15 of the *Statement of Stipulations* of the Zoning Commission's *Motion*, the second paragraph of the reply to Section 10.06 b) 14) (h) on page 18 of the *Development Standards Text* of the Replacement Version is changed to read:

Site amenity elements, such as cluster box units (CBU's), will be located in clusters of twelve to twenty (12-20) and, unless otherwise required by the United States Postal Service, shall be located outside of the right-of-way on the opposite side of the street of the waterline. See Exhibit H for indication of the general locations of the cluster box units (CBU's).

- (3) To clarify the formatting of the reply located after the end of Section 22.03 h) 10) on page 56 of the *Development Standards Text* of the Replacement Version, that response shall apply to the entirety of Section 22.03 h).

- (4) To resolve the apparent conflict between Exhibit G *Sign Location Plan* of the Replacement Version and its *Development Standards Text*, no part of an Internal Marketing Sign shall be closer to any street right-of-way line than fifteen (15) feet.

- (5) No Zoning Permit shall be issued for this development until corrected copies of the relevant pages are provided to the Zoning Office.

FISCAL OFFICER REPORT

DISCUSSION AND POSSIBLE ACTION REGARDING LIQUOR PERMIT

Mr. Bodnar asked for consensus regarding a liquor permit for Beck Suppliers Inc. dba Friendship Food Store 86 at 45 Coal Bend Road. Mr. Bodnar answered the Board's questions. Consensus was given to not have a hearing.

ADMINISTRATIVE REPORT

Nothing to report.

OLD BUSINESS

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

Item removed from agenda.

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

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Item removed from agenda.

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

Item removed from the agenda.

TABLED: DISCUSSION AND POSSIBLE ACTION REGARDING APPROPRIATIONS

Item removed from the agenda.

TABLED: DISCUSSION AND POSSIBLE ACTION REGARDING SECURITY ISSUES &
UPGRADES

Item Removed from the agenda.

NEW BUSINESS

DISCUSSION AND POSSIBLE ACTION REGARDING ATTORNEY

Ms. Knapp commented the township has been inundated with records requests and numerous issues and she would like to propose hiring Mr. Brian Zets. He has been helping in a court case and she would like him to assist them in public records requests and any other thing we may need. He has extensive township experience; he is a public records person for Washington Township. Mr. Bodnar when asked; commented there were over 50 record requests. He has handled most himself; but when they are highly sensitive he would like legal guidance in those. Ms Knapp has also talked to Mr. Zets about updating and reviewing the policy and also record retention.

Ms. Taranto commented her only concern is how costly he is; \$205.00/hour when we have access to the prosecutor's office. She felt our legal fees are extremely high. She hated to see the Board add to it.

Mr. Rivers commented he would like to see the records policy updated. Mr. Rivers felt he was a great resource; have a specialist take a look at it; where we are at and getting us where we need to be. He would provide a strong value.

Mr. Spitzer commented the prosecutors were experts as well. Ms. Taranto commented the township follows the Ohio Revised Code.

Ms. Knapp named other attorneys the township have used and since we have over 50 records requests they need to responded to in a timely manner. She didn't think the prosecutors could do it.

Ms. Taranto commented she was not against it or updating the code. She is against the cost; we have created a lot of additional costs this year. It is her biggest concern.

RES.18-198 ENGAGE ATTORNEY

Motion by Ms. Knapp to engage, for the remainder of 2018, the services of Mr. Brian M. Zets and the firm of Isaac Wiles to review, assist, advise and represent the Township, and its officers, boards, and commissions in their official capacities and to advise them on legal matters concerning official public records requests, and any additional legal matters as directed by the Board of Trustees, with a fee structure in the amount of \$210/hour for partner services, \$150/hour for associate services, and \$85/hour for paralegal services to be supplied to the Seconded by Mr. Rivers.

VOTE: Knapp – yes, Rivers – yes, Taranto – no.

Mr. Jamie Stabel came forward from the audience and voiced his questions and concerns. He used to be in the public sector and it didn't appear too hard to pull public record requests. There were some sensitive issues. He didn't understand why the issue. Ms. Taranto thought it happens during election seasons and she thought this was coming off of an election year. Ms. Knapp

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commented there were quite a few and they were very complicated. He questioned the need for the attorneys. Ms. Knapp explained it was to protect ourselves and the township.

Mr. Spitzer started to comment. Ms Knapp commented she didn't authorize him to speak. He continued to speak and Ms. Knapp called for a 5 minute recess. There was continued debate between Mr. Spitzer and Ms. Knapp.

Ms. Knapp called the meeting back to Regular Session and asked Mr. Stabel to continue.

He thought he would like to have Mr. Spitzer continue; to hear what he had to say. Ms. Knapp commented no, he was not going to respond because he is making it all up and it is not true. She went on to say if he would care to discuss with Mr. Bodnar later on about these record requests; this is not the proper time.

Mr. Stabel wondered how he would know if she was not making this up. Mr. Spitzer was elected like everyone else. Ms. Knapp commented he was not a Board member. Mr. Stabel commented he had attended meetings before and it had never been an issue before.

Mr. Rivers commented to get back to the question of expense, there have been some question about some of the policies; possibly need updating.

Mr. Stabel continued to voice his concerns.

Ms. Knapp and Mr. Spitzer continued.

Mr. Stabel asked additional questions and Ms. Knapp responded.

Ms. Hagan came forward and asked for spelling of Mr. Zets name. She asked questions regarding cost and the budgeting for legal services. She voiced her concerns about an opened ended amount for legal fees; but not willing to support the veteran's memorial. Ms. Knapp reminded her the township could only do \$5,000.00. Ms. Knapp explained some of the issues with some of the records requests. She asked Mr. Spitzer a question and there was discussion with different opinions and much talk over.

Mr. Rivers commented the township has appropriations set aside; they are adding an attorney which is available to them. As far as the memorial, they want it to go forward.

Ms. Hagan asked for the record to hear from the Board that none of the three of them have had utilized this firm or Brian Zets; personally or professionally. They answered no, but the township has used him. Ms. Hagan continued to ask questions regarding the use of the attorney, time and cost.

Ms. Taranto asked Mr. McCarthy about what the \$5,000.00 could be spent on. Mr. McCarthy gave his thoughts. There was a brief discussion between the Board and Mr. McCarthy.

DISCUSSION AND POSSIBLE ACTION REGARDING NIGHT SWIM

Ms. Knapp commented she had received emails from Mr. Lorenz and Sheri Eikorn regarding some residents who would like to help some of the kids that are transitioning to Olentangy High School from the Liberty High School. They would like for the township to set something up. She would like discounted rates for them to get into the pool. Ms. Knapp didn't think that would work out since they are not tax payers. Ms. Knapp did point out they could get a discount rate if they attended the pool with an Orange Township pool pass holder.

They also discussed setting aside a certain night swim night that would still be open to the public, but specially invite kids who are transitioning to Olentangy High School, or anyone transitioning to another school.

Mr. Bodnar asked that Ms. Hugh investigate this and return to the Board with some substance. Mr. Rivers asked the Board for consensus. Ms. Taranto agreed, she thought a night swim would be a good idea.

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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, and Human Resources and 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 Mr. Rivers.

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

Ms. Knapp noted that Ms. Taranto is no longer at the meeting.

There was no further business, meeting adjourned at 9:20 p.m.

Lisa F. Knapp, Chairman

Ryan Rivers, Vice Chairman

Deborah Taranto, Trustee

Attest: _____
Joel M. Spitzer, Fiscal Officer