

**Minutes of Regular Meeting: October 3, 2012**

**6:00 pm Meeting called to order by Bob Mack**

Pledge of Allegiance

**Roll Call:** Mr. Mack, Mr. LaHote, Mr. Britten, Mrs. Haar, Mr. Hrosko, Chief Hetrick, Chief Brice (6:19), Kraig Gottfried and Grant Garn  
Robert Warnimont was absent

**Britten made a motion (seconded by LaHote) to approve the minutes of the September 19, 2012 Regular meeting All Yes Motion Approved**

**LaHote made a motion (seconded by Britten) to approve the minutes of the September 12, 2012 Department Head meeting Mack – yes LaHote – yes Britten – abstain Motion Approved**

**Britten made a motion (seconded by LaHote) to approve the minutes of the September 25, 2012 Special Meeting**

**LaHote made a motion (seconded by Britten) to approve the minutes of the September 26, 2012 Department Head meeting All Yes Motion Approved**

**Britten made a motion (seconded by LaHote) to approve the amended agenda. All Yes Motion Approved**

**6:30 Zoning Hearing 2012-01 for Barrington Place II**

Grant Garn read a letter to the Trustees (copy in file). Garn then called George Oravec Consulting Engineer for Redman to speak. Mr. Oravec stated there was one error in Garn's letter and that was that there are 37 units not 38. Mr. Oravec said that when this project was originally approved twelve years ago there were actually three more units than now. Mr. Oravec said that the Township has historically used multi family units as transition between commercial and single family homes. Mr. Oravec said that some residents told him they were worried about the apartments being rented by less than desirable tenants. Mr. Oravec said the rent will be \$1,300.00 per month and that is higher than what a lot of the single family homes are paying in mortgage payments. He stated the tenants will not be undesirables. Mr. Oravec spoke about the issue of children overcrowding the school system and said that he did not see this as a problem. Mr. Oravec then addressed the pump station issue. He said the pumps have been repaired and two of the three pumps are running. The third can be turned on manually as needed but by the end of October should be fully automated. Mr. Oravec said that one person in the current single family homes had a problem with water and his sump

pump running constantly. Mr. Oravec sent out people to check out the problem and the resident's yard was excavated. Once the problem was diagnosed it was repaired. Since the repairs the problem seems to be fixed. Mr. Oravec then discussed the roads and traffic. Mr. Oravec stated that he felt what he is proposing is the best use of the land and that all development will be high end. Mack asked for public comment;

*Dave Bogstad* asked if Mr. Oravec's company was involved in the placement of the stores. Mr. Oravec said he was the engineer of record for the Bostleman Corporation when the entire area was zoned in the PUD. Mr. Oravec said that only Kohl's was constructed when they started the Simmons Rd extension and the closing in of the ditch. After that Lowe's came in and was designed by the Poggemeyer Design Group. The other stores were designed by other design groups. Mr. Bogstad said that the original plan approved 12 years ago showed Kohl's was going to be closer to the road with a parking lot in back. This was changed and the stores were moved closer to the homes. Now the loading docks are in peoples back yards. Mr. Bogstad also commented about the problems with access to Route 20 and the speed of the cars. He stated that he is moving and already had lost property value and that this project could further lower the value of the homes.

*Steve Mitchell* the developer of Woodmont said that in retrospect they should have asked for multi family units 12 years ago and for a buffer zone. Mr. Mitchell also stated that all property values have gone down county wide.

*Gloria Moore* said she was the only house in Plat 4 and wants to see the area developed but still had concerns with the pump station. She said that they are being told the maintenance for the pumps would be Barrington Place and the apartment's responsibility but wondered who would have to pay if they were to go bankrupt. Mack said this would be a tax assessment and therefore the County would maintain it. He said the cost would be assessed on the two properties owners' taxes. Mr. Oravec said he started submitting documents 12 years ago with the County Engineer on this. He said he thought some of the County Engineer's and Commissioners concerns were the number of parcels dumping into the pond. On 9-18-2012 Mr. Oravec sent a prepared document to the County Engineer assuming liability by the two entities to for the pump station. Mr. Oravec said he advised the County Engineer to send them to the County Prosecutor.

*Julie Denko* voiced her concern on the maintenance issues, property values, traffic and congestion. She stated that it seems like a lot of asphalt where grass would have been. She also said that while Wood County Planning Commission approved this, Dave Steiner and his employees were not in favor of this.

*Mary Gorka* stated she did not want apartments behind her and asked why they could not build villas instead. Steve Mitchell replied that these will be similar to the two family villas but for multi families. He said they have a large investment here and this just completes the project. Mr. Mitchell said they just broke ground on a new home there and they are self financing them. He said he wouldn't be wasting his time or money if he thought what they are proposing was going to lower the homes values. .

*Pam Woznicki* said she attended the Zoning Commission meetings and gave them a list of 60 signatures of residents who are opposed to that many families moving into such a small area. Ms. Woznicki gave the Trustees a copy of the signatures. Mack said that the decision before the Board tonight is not only for the reduction in density but that they are going to build exactly what they built before. Garn said they are showing range style apartments

*Mike Leonard* said he was glad Mr. Oravec had met with the residents on this issue. Mr. Leonard said his concerns were over the water issues. He said the home owners with basements want some kind of guarantee that there is a plan in place for future maintenance of the pump station. Mr. Leonard said that in his opinion the PUD change at this current time is the best use of the land. He also commented that the home owners would like some assurance that moving forward, no more apartment creep or changes to Plat 4.

*David Riegger* talked about the difference in building apartments and villas. He said that in this development they are talking about apartments which are rented and not villas which are purchased. Mr. Riegger said on the issue of schools the multi family units could acerbate the crowding problems.

*Bob Zinn* said he appreciated the developers working with the residents. He said he is thinking about selling his house and wanted to know if the capacity of the ponds is adequate. He also wondered if he was to sell would he have to have a disclosure on the property. Mr. Oravec said the pond was designed to handle all the storm water for all the residential areas. The piping within the system was designed to handle the water. The commercial developments drain into their own systems. Mr. Oravec said that some water is actually retained in the pipes then he

explained how the filtered system works. It all meets the EPA standards under the clean water act. Mack pointed out to Mr. Zinn that about 10 years ago the Township instituted a policy where we did not rely entirely on the County Engineer to review plans and calculations for a storm drainage close. We now require developers who apply for zoning site plan reviews to pay a retainer fee which is paid to the Township Engineer of record (currently Feller Finch). Everything is then reviewed.

*David Riegger* then made some additional comments about other resident's comments.

*Mike Leonard* made a re-address and said he still has concerns the County will not take care of the water. Britten said that the County maintains their ditches that are under maintenance very well. Mack also stated that the County takes their ditch maintenance very seriously. Britten talked about private ditch maintenance and how that cost the residents.

*Trustee Britten* said he met with Mr. Mitchell and Mr. Oravec on his concerns on the density of the evergreen trees. He said he thinks 10 foot is too close. Britten asked if they are mostly spruce trees. Mr. Oravec replied that they are mostly spruce and that the direction they were given by the Zoning Commission was to make the landscaping as dense as possible. Mr. Oravec said that normally he would put the trees 15 feet apart and staggered. Britten asked who will be responsible if a tree dies and needs to be replaced. Mr. Oravec replied it would be the developer / complex's responsibility. He said he could have the landscaper re-look at this and re-access the plantings. Britten said he wants this planted right. Mack said he agreed and that this should be incorporated in the PUD. Britten then said his other issue is the water. He said until these pumps are turned over to the County the developer needs to have their maintenance take care of them. They need to stay on top of them. Britten then discussed the size of the pipes. He said that moving forward the Township, County and ODOT should get together and discuss how to correct the problem. Britten said he thought the best transition is how the developers have it laid out but he understands the people's concerns. He said he is concerned with building anything on the property until the water problems have been solved. Mr. Oravec said the pump station should be fully automated in two weeks. Mr. Mitchell said that they have only had one failure of the pumps in 12 years. The system has worked flawlessly as designed. He said he is doing everything he can to get this turned over to the County. *Mr. Mitchell* said he would be more than happy to escrow the funds for repairs. He said this could be part of the approval that he writes a check so the Township

would know they have the funds to fix it. The parts are all on order and he is just waiting for them to be made so they can put them in. I have the invoice for the parts and am willing to double that amount in escrow.

*Mack* asked is there is anyway, not knowing what the County Engineer's office is going to do with the storm water district, that we can condition our approval on our making sure it gets resolved with the County Engineer's office. *Britten* replied the way he understands it works is the County Engineer's office recommends it to the County Commissioners office. Then have some hearings and an onsite hearing.

*Mr. Mitchell* said the pumps are working now. *Gottfried* said that failure of pump one they didn't know when pump two was going to kick on because it has never happened before. The floats had to be adjusted before. *Gottfried* said the contractor has lowered the floats on pump two so it will kick on sooner. *Britten* asked why the pumps were set so high before. *Mr. Oravec* said that the pumps were set there was very little development and they were very capable of handling the water. He said that the floats probably should have been lowered years ago. *Mr. Oravec* stated that the Township and the County Engineer agree the pumps can handle the water even with the new development. *Mr. Oravec* also stated he was willing to escrow monies for pump maintenance until the County takes over. *Mr. Mitchell* told the Trustees he would be willing to escrow the amount of the parts from Ohio Pump Co for \$2594.00, the electric at about \$50.00 a month and he would be willing to add \$2500.00 for the Township maintenance man. The issue of the County taking over was discussed. *Mr. Mitchell* discussed the process of the zoning on these properties and the water problems.

*LaHote* stated that he had some questions about the pumps and drainage but it seemed like we are getting that resolved. He said he was comfortable that we are on the right track and that we could end up with the situation better than we have had there in a long time. *LaHote* then discussed the area and the roads. *LaHote* asked *Chief Brice* if the Fire Department was comfortable with the road development. *Brice* replied the *Inspector Feeney* worked with the developers on the roads. The traffic patterns and road construction were then discussed.

*Pam Woznicki* spoke and said she just wanted say that the people in Oakmont are concerned with having a very congested dense amount of apartments directly behind their private properties. She said that was their main concern to start with and she just wanted to refresh that memory.

*Trustee Mack* said that the one thing he would say about what is being proposed is that despite the nature of the living units being different than single family, they are a very quality product and the people wanting to live there pay a pretty healthy

rent to live there. Mack said the density for the entire project is less than was originally approved 12 years ago.

*LaHote* said that seems like backing up to the stores that are there it is a difficult area to develop and what ever goes in there will be some kind of compromise. He said what he is looking at is proposed and the reputation of the people involved.

Mack asked “is the Board was ready to take action this evening?”

Mack “We have before us Zoning Hearing 2012-01 for Barrington Place II and we have the ability to call it for a vote or we can also have the ability to defer this evening.” Mack asked Garn if there was anything he had heard that was noteworthy. Garn said that the Trustees have 20 days to accept, reject or modify. He told the Trustees that was the three options they had. Mack then said the only thing he heard in regards to modification was in regards to the landscaping barrier / the evergreens. Britten said he would like to see the developers re-visit that before they are planted. Britten said he was somewhat satisfied with the aggressiveness they are now taking on the pump stations. He said he was a little more comfortable on that and that was probably his biggest concern.

*LaHote* said he didn’t see any reason to delay and didn’t see where they would get any more information

*LaHote* said “**I will move that we approve the 2012-01 change for Barrington Place. Britten said “I will second it.”** Mack said “before I call for a vote would you accept discussion?” *LaHote* said yes. Mack asked “could we consider the \$5,000.00 escrow or retainer that may be Grant has the ability to hold in his zoning account”. Mack then said “just to satisfy that everything we are trying to work through with Wood County and at least a years worth of maintenance would be more than adequately covered financially.” Garn said they have done landscaping performance bonds before and Mack agreed. Mack then asked Britten if he was interested in having any further discussion on the layout of the trees. Britten said yes that “maybe we need to include that in the motion.” Britten said “I would like to see at least a couple of the people that live directly behind it to give us a little input on what they what they think and maybe they can research that.” He said at his previously house he had a row of trees that were at least 75 foot high that he planted 12 foot apart and about a third of them are dying inside. They are 25 years old. Britten said it is such a beautiful row of trees and the developers are trying to block anything and help the people of Oakmont and would hate to see anything happen to them. Britten said that he thought it would be better to leave a few out and space then a little further. *LaHote* said one or two people did voice a concern about the transparency at least initially. He asked Mr. Oravec to address the issue

of the maturity of the trees and how it would compare to the drawings. Mr. Oravec said that as these trees mature they get tall. They are spruce trees and they will get 75 foot tall. They grow about 2 or 3 inches a year. Mack asked if “it would be a safe amendment or modification to say we would like to see the trees somewhat staggered and approximately 10 to 15 feet apart.” Mr. Oravec said yes. Britten said that should cover it he thought. Mr. Oravec said he would have the landscaper draw him a plan showing the staggered trees with the smaller trees in between keeping the integrity of the spruce tree. The trees should be about 8 foot tall at planting.

Mack said **“so we have an amendment that seems acceptable for 10 to 15 feet apart on the trees with potential staggering and we have an amendment for a performance bond to make sure there is adequate funds to service the drainage district for at least the next year while they are waiting for approval from the County.”** LaHote asked Garn about continuities on the approval. Garn replied that he was not a lawyer but the Zoning Commission voted to approve but it was voted down. It is a disapproval. Garn said “I’m not sure how you are voting because you are taking their recommendations. You shall either adopt or deny the recommendations of the Zoning Commission or adopt a modification thereto.” Mack said “we adopting with a modification” Britten said correct. Mack the asked “This is a PUD right?” and Garn replied it was.

Mack then said **“So there has been a motion, there has been a second; there has been discussion that has resulted in modification, which seems to have concurrence on the modifications. So now I will ask the Fiscal Officer for a roll call vote.”**

**Mr. Britten – yes   Mr. LaHote – yes   Mr. Mack – yes   Motion carried.**

A resident then asked the Mack if he would state for the record what they just voted on. Mack replied “what we voted on was approval of the Zoning Change with a modifications being” The resident interrupted and said “all right, thank you. You voted it down.” Mack said we voted it with two modifications and the resident said that didn’t matter.

Garn said “this is how it reads; The above Board, the Township Trustees shall either adopt or deny the recommendations of the Zoning Commission or adopt some modifications thereof. In the event the Township Trustees deny or modifies the recommendation of the Zoning Commission the unanimous vote of the Township Trustees is required.” Mack then said well we were unanimous.

Mr. Mitchell suggested the Trustees read into the record what they voted. Mr. Mitchell then said “you are approving the zoning with two modifications”. Mack said yes. LaHote said that was what their intent was to approve the zoning change.

Mack suggested someone make a motion to re-assert their intentions to have the project approved as presented by the developer. A discussion was held. It was decided that the Solicitor should listen to the audio of the meeting.

Britten then said “Sounds like we have a little confusion. It was the Boards intent to deny the recommendations of the Zoning Commission and approve the zoning as presented to us this evening with the two modifications which were included in the motion.” Mack – second Mr. Mack – yes Mr. LaHote – yes Mr. Britten – yes **Motion Approved**

**Maintenance:** Kraig Gottfried asked for a PO to Detroit Salt in the amount of \$34,000.00. This will cover 800 net tons of salt at a cost of \$41.90 per net ton.

**Britten made a motion (seconded by LaHote) to approve the PO. All Yes Motion Approved**

Gottfried asked permission to attend the Superintendent and Mechanics conference in Deer Creek on October 31<sup>st</sup> and November 1<sup>st</sup>. He would like to attend this with Marvin Conner. The cost would be \$145.00 each for the conference plus the cost of meals and lodging. **LaHote made a motion (seconded by Britten) to approve the request. All Yes Motion Approved**

Gottfried brought up the purchase of a new dump / snow plow truck to replace the 1997 truck. Gottfried said that only two bids out of the three met the specs and the lowest one was from Stoops. Their bid came in at \$133,507.00 and would have a February delivery date. Gottfried was asked what the problems with the old truck are and he stated it has hydraulic and intermittent electrical issues. Mack said he would like to see the truck fixed and kept in service another year or two. Britten stated that finding the electrical problem could be very costly. He said he told Gottfried that in the future he needs to get an extra two or three years out of a truck but the time to replace this truck is now. Gottfried was asked if he had the money to buy the truck. Haar said that the truck was approved in Gottfried’s 2012 budget and that a transfer of \$150,000.00 from the general fund was approved by the Trustees for 2012. LaHote voiced his concern over pulling the money out of the general fund and said he would like to see estimates for repairing the 1997 truck. The pros and cons of keeping and fixing the truck were discussed as well as the pros and cons of replacing it. It was decided to have Gottfried get some estimates on fixing the old truck so the issue could be discussed at another meeting.

**Police:** Chief Hetrick asked the Trustees to approve the Independent Contractor Agreement between the Township and Sandra L Wiechman’s (copy in file).

**Britten made a motion (seconded by LaHote) to approve the contract. All Yes Motion Approved**

Hetrick read the media release (copy in file) concerning the arrest of the alleged arson suspect in the Mosque fire. Hetrick said he wanted to credit Detective Sergeant Jim Gross with the arrest. Hetrick also congratulated the Fire department on their handling of the Mosque fire. Brice said the Detective bureau and the State Fire Marshal's office did most the work. Brice said the Islamic Center was happy with all the departments.

**Fire/EMS:** Chief Brice mentioned the Open House at the Fire department Saturday 10-6-2012 from 11am to 3:00pm

**Recreation:** Bob Warnimont – absent – no report

**Zoning:** Grant Garn said the Zoning Commission will meet on October 9th @ for Zoning Change No. 2012-02 for FedEx for the property next to the FedEx drop-off property.

**Office:** Shirley Haar had the Trustees sign the check reports, the cash position report, the bank statement and the bank report (copies in file). The Trustees signed the reports.

Haar brought up the date for Halloween and asked if the Trustees were going to keep it on the 31<sup>st</sup>. **LaHote made a motion (seconded by Britten) to keep trick or treating on Halloween October 31<sup>st</sup>. All Yes Motion Approved**

**Administrator:** John Hrosko gave the Trustees a packet of papers to read and review for future meetings.

Hrosko asked for an executive session for personnel hiring for the Police Department and for Fire/EMS.

Mack asked for public comments; Hearing none;

**LaHote made a motion (seconded by Britten) to adjourn into executive session for discussion of personnel hiring. No further business will be conducted.**

**Britten made a motion (seconded by LaHote) to adjourn executive session and to adjourn. All Yes Motion Approved**

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Shirley A Haar –Fiscal Officer

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Robert Mack - Chairman