

BERLIN TOWNSHIP TRUSTEES

6:00 p.m. Trustee Meeting December 13, 21

HELD AT: This meeting was held at 3271 Cheshire Road, Delaware, OH

CALL TO ORDER: Ron Bullard, Trustee Chairman

PLEDGE OF ALLEGIANCE: Ron Bullard led the Pledge of Allegiance

ROLL CALL: Ken O'Brien, Tom D'Amico, Ron Bullard, Claudia Smith, Fiscal Officer
Theresa Taylor, Assistant Fiscal Officer

ATTENDANCE: Meghan Raehll, Laurie Karr & Rick Karr, Joe & Casey Mayhew, Tami & Tom Adams, Tyler & Leanne Winslow Jarod Burks, Tim Foor and Chris Paykoff

RESOLUTION 21-12-03 MOTION TO APPROVE 11/22/2021 REGULAR MEETING MINUTES AND DISPENSE WITH THE READING

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

RESOLUTION 21-12-04 MOTION TO APPROVE 12/6/21 SPECIAL MEETING MINUTES AND DISPENSE WITH THE READING

Motion: D'Amico
Second: Bullard
Discussion: O'Brien stated that clarification was needed to specify that Bullard meant to have said that, "the proposal as it stood before them could not be voted upon without more information." Bullard said he would look at the minutes and come back with the correct wording.
Motion Withdrawn

Old Business-

TIFF- O'Brien stated that he had received a letter from the attorneys that they want him to start the TIFF application over.

Fiscal Officer Items-

November Bank Statement and Electronic Payments- The November bank statement balanced and electronic payments were signed by the trustees.

Add Fire Chief to Township Credit Card- Smith stated that a resolution was needed to have the fire chief added to the township credit card.

RESOLUTION 21-12-05 MOTION TO ADD FIRE CHIEF MILLER TO BERLIN TOWNSHIP'S CREDIT CARD, WITH A LIMIT OF \$2,000/MONTH

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

OPEC Attorney Change- Bullard stated that Mr. Lafayette will be changing firms and wanted to know if the township would like to stay with him or have a new attorney assigned to the township for the OPEC lawsuit. Bullard would like to see what the other entities are doing. O'Brien said that he is not happy with how things are progressing. Bullard agreed.

RESOLUTION 21-12-06 MOTION TO AUTHORIZE TRUSTEE BULLARD TO INVESTIGATE THE OPEC ATTORNEY SITUATION AND TO DECIDE AND EXECUTE ANY DOCUMENTS THAT EITHER KEEP THE TOWNSHIP WITH THE CURRENT LAW FIRM OR REMAIN WITH MR. LAFAYETTE AT HIS NEW FIRM

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

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Cemetery-

Ground Penetrating Radar- Jarod Burks with Ohio Valley Archaeology Inc. gave a presentation of the findings of the ground penetrating radar at Fairview Cemetery. He explained a map that shows there are 2,048 grave markers and 2,144 possible and/or probable graves. D’Amico asked if there was anything in the ODOT right-of-way. Burks said that there seems to be graves remarkably close to the line and if there were to be a utility put in east of the cemetery property line, it would probably hit a vault. Bullard commented that the problem is the survey only shows where a grave is located, and the question remains as to what it is not showing. Burks agreed and said that it is particularly true in the Islamic section, as the map does not fit what is currently located there. O’Brien asked if any of the graves were located in Liberty Township. Foor stated that all of Babyland is located in Liberty Township. O’Brien asked Burks to make a copy of his findings so that it can be given to Liberty Township. Burks said that he would.

Fire Department-

Fiber at Fire Station- Nothing new.

Provident Emergency Accident & Health Policy- Miller explained that the Provident Emergency Accident & Health Policy was a supplemental policy that is for everyone but mainly for the volunteer fire fighters and the part-time fire fighters.

RESOLUTION 21-12-07 MOTION UPON CHIEF MILLER’S RECOMMENDATION TO APPROVE THE RENEWAL OF THE ACCIDENT AND HEALTH POLICY TO PROVIDENT EMERGENCY SERVICES IN THE AMOUNT OF \$8,605

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

Lexipol User Agreement- Nothing new.

Candidate Written Examination- Miller stated that there are sixteen applicants taking the written examination on December 18, 2021. O’Brien said that he, the chief, a full-time fire fighter and a person at large will be interviewing those that pass the examination the last week of December. Miller said he received a letter of resignation from a full time fire fighter that would like to stay on as a part time fire fighter.

RESOLUTION 21-12-08 MOTION TO APPROVE THE RESIGNATION FROM FULL-TIME FIRE FIGHTER STEVEN THOMPSON AND ALLOW CHIEF MILLER TO POTENTIALLY KEEP HIM ON AS A PART-TIME FIRE FIGHTER, EFFECTIVE DECEMBER 23, 2021, AT THE END OF THE BUSINESS DAY

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

****7:00 PM TIME CERTAIN**BUCKEYE SWIM CLUB ZONING HEARING**BZC 12-003**

RESOLUTION 21-12-09 MOTION TO RECONVENE THE HEARING OF BZC 21-003, BUCKEYE SWIM CLUB

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

RESOLUTION 21-12-10 MOTION THAT THE FILE BE UPDATED TO INCLUDE EXHIBITS 1-30 WITH THE LATTER EXHIBITS TAKING PRECEDENCE OVER ANY EARLIER EXHIBITS

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

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Rick Karr began the presentation and addressed points that the trustees brought up at the previous meeting. First, was water access and the request for a letter from the city of Delaware, which was obtained. Second, was a traffic study that was submitted. Thirdly, that they would be willing to decrease the square footage in the two buildings that do not house Buckeye Swim Club to 18,000 sq ft. each, which would make the entire area 56,000 sq ft. Just as a note, the height on all three buildings will be a maximum of 22-feet and the pool dome will be 32-feet. They agreed that if, in the future, a multi-use pathway would be coming from the north to the south adjacent to their property, they would via access onto their property.

Bullard stated that he wants to see wording that all the NAICS codes will be for office use within the buildings. Karr agreed to this. Bullard commented that the truck access did meet the requirements. Bullard suggested that the hours of the site be 7 a.m. to 11:00 p.m. and that the swim facility will be 5:30 a.m. to 9:00 p.m.

O'Brien stated that he would like to see more of reduction in the entire square footage, to a total of 50,000. He also wants it documented that the parking would meet the Berlin Township Zoning code and if they find they want fewer spaces, that it will be considered a major modification and then it would have to go back through the BZC. O'Brien stated that he would like to see the JEDD be at 2%. D'Amico agreed with 2%. O'Brien also wants it noted that all signage will adhere to the Berlin Township Zoning Code.

D'Amico stated that he is in favor of the pool but not the location. Bullard opened up the discussion for public comment.

Tom Adams spoke of his frustration that in 2014 a conditional use was granted, but the Karr's could not make it work and feels like he and his neighbors were not considered with this current plan. Adams is worried that if something goes wrong and the 5-acre lot that houses the swim facility would be sold, there will be even more commercial offices. Joe Mayhem, Casey Mayhem, Leeann and Tyler Winslow spoke, and all agreed with Mr. Adams and expressed that they were ok with the pool but not the location or the commercial real estate.

Recess at 8:06 p.m. Returned at 8:11 p.m.

Laurie Karr read the following changes:

In respect to Berlin Township Zoning Application #21-003, Buckeye Swim Club agrees to the following modifications to the application:

1. A maximum of 50,000 square feet of buildings comprised of 3 buildings none to exceed 20,000 square feet.
2. Buckeye Swim Club agrees to a JEDD on the respective parcels of up to 2.0%
3. Agree that the NAICS codes listed on the memo dated 9-14-21 will be for office use within the building.
4. Parking will be per the Berlin Township Zoning Code. A request for reduction would require a major zoning modification.
5. Business hours shall not exceed 5:30 am to 11 pm at the swim facility and 7 am to 11 pm at the other two buildings. Deliveries will not be outside those hours.
6. All building signage will adhere to Berlin Township Zoning Code.
7. Agree to multi use path in the front of the property along Peachblow Rd.

Recess at 8:25 P.M. Returned at 8:30 P.M.

**RESOLUTION
21-12-11**

MOTION TO ACCEPT EXHIBIT #31 TO BZC 21-003 BUCKEYE SWIM CLUB WITH LATTER EXHIBITS TAKING PRECEDENCE OVER ANY EARLIER EXHIBITS

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

**RESOLUTION
21-12-12**

MOTION TO APPROVE BZC 21-003 ALONG WITH 31 EXHIBITS, WITH THE LATTER EXHIBITS TAKING PRECEDENCE OVER ANY

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EARLIER EXHIBITS

Motion: Bullard
Discussion: O'Brien wanted to add wording to the resolution so Bullard let O'Brien make a new motion.

Motion Withdrawn

RESOLUTION 21-12-13 MOTION TO APPROVE BZC 21-003, BUCKEYE SWIM CLUB 1895 PEACHBLOW ROAD, FOLLOWING THE BZC'S RECOMMENDATION FOR APPROVAL AND THE BOARD OF BERLIN TOWNSHIP TRUSTEES REQUEST FOR MODIFICATIONS WITH 31 EXHIBITS, WITH THE LATTER EXHIBITS TAKING PRECEDENCE OVER ANY EARLIER EXHIBITS

Motion: O'Brien
Second: Bullard
Vote: D'Amico no, Bullard yes and O'Brien yes

Bullard concluded the hearing of BZC 21-003, Buckeye Swim Club.

Recess at 8:35 P.M. Returned at 8:40 P.M.

Road Department-

FMLA- Bullard explained that a road employee had a family member who became injured and needed care. He gave them last week off and he returned today, December 13, 2021. Bullard said that he did not mean for them to return because he wanted to discuss FMLA at tonight's meeting before he did. Raehll commented that if he is indeed on FMLA, he would not be allowed to come back to work until he was released off of FMLA. She also said that all vacation and/or sick time available would need to be exhausted before the FMLA would kick in. O'Brien said that FMLA is a total of 12-weeks, including vacation and sick time. Smith stated that her understanding of it was that it did not have to be taken all at once, that any time they requested off for said situation would be covered whether it was one day here and there or weeks at a time. She also stated that FMLA had not been applied for yet, but she wanted to know if he is off for an extended period of time what the trustees wanted to do. Smith gave him the information from the handbook and explained to him that he would have to qualify for it and then could apply. Bullard will contact employee to see what he wants to do and then contact Riepenhoff if needed for direction.

O'Brien stated that he is not happy with the Piatt Road ditch, and he would like to have Riedel come to an upcoming meeting. Bullard will check with him on his availability.

Trustee Items- Nothing new.

Zoning Department-

November Zoning Report- There were 28 new builds for the month of November and the YTD total is 188.

Public Comment- There were no public comments.

Future Meetings-

12/27/21 End of the Year Meeting
01/03/22 Organizational Meeting

Late Items- Bullard said that Fowler and Riedel informed him that The Temple on Piatt Road is obligated to pay the \$359,000 per the left lane development agreement that was established before the Piatt Road extension took place.

Bullard stated that someone representing AEP was in the office and discussed the power lines along Shanahan Road. He indicated AEP wanted to move the distribution lines from the transmission poles on the north side of the road to the south side in the area of North Road. Bullard referred him to Rob Riley at the DCE office. The Transmission lines are federally controlled/sighted and will stay on the north side of the road.

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RESOLUTION MOTION TO ADJOURN

21-12-14

Motion: O'Brien

Second: Bullard

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

Meeting adjourned by Chairman Bullard at 9:37 p.m.

Ron Bullard, Trustee

ATTEST:

Ken O'Brien, Trustee

Theresa Taylor, Assistant Fiscal Officer

Tom D'Amico, Trustee