January 24.

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Trustee Meeting

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HELD AT:	This meeting was held at 3271 Cheshire Rd, Delaware, OH
CALL TO ORDER:	Ken O'Brien, Trustee Chairman
PLEDGE OF ALLEGIANCE:	Ken O'Brien led the Pledge of Allegiance
ROLL CALL:	Ken O'Brien, Ron Bullard, Meghan Raehll, Claudia Smith, Fiscal Officer and Theresa Taylor, Assistant Fiscal Officer

ATTENDANCE: Todd Faris, Joe Thomas, Chris Rinehart, Scott Sanders and AJ Miller

Public Comment- There were no public comments.

6:00 p.m.

Approval of Minutes-	
RESOLUTIO	N APPROVE THE 12/27/21 END OF YEAR MEETING MINUTES
22-01-49	AND DISPENSE WITH THE READING
Motion:	Bullard
Second:	O'Brien
Vote:	O'Brien yes, Raehll yes and Bullard yes

RESOLUTIONAPPROVE THE 01/03/22 2022 ORGANIZATIONAL MEETING22-01-50MINUTES AND DISPENSE WITH THE READING

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

RESOLUTIO	N APPROVE THE 01/10/22 REGULAR TRUSTEE MEETING
22-01-51	MINUTES AND DISPENSE WITH THE READING
Motion:	Bullard
Second:	Raehll
Vote:	Raehll yes, Bullard yes and O'Brien yes

Scott Sanders from Delaware County Regional Planning gave a presentation on the updated Comprehensive Plan Act. He said that once you take what is already zoned and what is already in the development process there are only a few areas left for development. Other items included in the plan; population growth over the last 3 years, change of demographics over the last 3 censuses, statistics over zoning cases throughout the county, development of pipelines at the end of each year and projected project locations and when they are to begin.

There were newly generated maps for all the townships. Sanders took the liberty of taking Berlin Township's two overlays and putting them both into a word document and inserting them into the code, without changing any words. O'Brien stated that his vision of the comp plan is that he wants it to be extremely well established, because whatever it says, that is what he wants the township to follow. He would like the plans to explicitly say that the township will follow the comp plan unless there are extraordinary circumstances. This will help to alleviate any gray area. Raehll agreed. Raehll suggested that if we incentivized a more neutral population with a survey that covers a wide range of topics, we may get a better understanding of what residents would like to see and want within the township. Sanders stated that pictures would also be helpful within the survey.

Raehll stated that she is hesitant to have the overlay placed into the text unless it is stated exactly as the overlay is because they are operating in two very different manners. The first, being administrative to include an ARB which the other does not. Her concern is that some of the processes that were intended in creating the cloud zoning, could be circumvented through the standard zoning procedures if it was part of the comp plan. O'Brien agreed. Sanders stated that they tried to help by having the maps acknowledge and state what the overlay is and what the overlay in the area can be. Also, by establishing the uses as described in the zoning code will show what can be done in the area and what

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design standards apply. O'Brien expressed dislike over Orange Township's approval of Jennings Park because it changed the character of Evans Farm. He stated that if he could, he would cancel the entire project because it is now, not a walkable community. He is concerned that the agreed upon bridge over Shanahan Road railroad tracks will not be built.

Old Business -

Request for Engineering Assistance- Bullard stated that this can be dropped as Olentangy schools will be putting in the multi-use walking trail.

Parks & Trails Committee- Raehll would like to have an official notice posted for the Parks & Trails first meeting, February 10th at 6:30 p.m. A note taker has been identified and Raehll would like to pay \$2,255 from the funding that is allocated for this. There are eight (8) identified board members, who will be appointed to standard positions at their first meeting. Raehll asked if there was any information that the board of trustees would like to gather in advance before they would be put forth as a committee member in a volunteer capacity. Bullard stated he would be concerned about anyone having a conflict of interest. O'Brien agreed. Bullard would also like to have a power point put together of what property/inventory the township has now along with what preservation parks plans to put in Berlin Township. O'Brien would like to see a good makeup of representation of the township. Raehll stated that she feels there is a good representation. Bullard would like each member to fill out an application before being appointed to the committee. Raehll will have applications filled out and bring them back to the next trustee meeting.

Succession Planning- Raehll stated that after the last trustee meeting, she researched more information about having a Township Administrator. After reviewing the scope of the position, she feels that having an Administrator is not what the township needs at this time. She does think that we need general clerical administrative support to assist with the aspects related to trustee items, zoning and roads because there are a number of individuals who have indicated retiring in 23 months. She suggests having someone come in and work directly with the chairman of the board and then go into special projects and get trained in areas where there are both current gaps and imminent future gaps. This person should be very organized and a good communicator on more of an administrative level.

Fire Department- Chief Miller spoke with Consolidated about bringing fiber to the town hall and the fire house. He was quoted \$25,000-\$35,000 to do this. We would not own the fiber; which Miller feels is good because then the township would not have to maintain it other than the parts directly in the building. He would like to bring the county in to manage the technology part of the system, which they would be able to do remotely. In order to get more precise information a site survey would have to be done. O'Brien wants to have the price and length of time of service for the fiber memorialized.

RESOLUTIONMOTION TO AUTHORIZE CHIEF MILLER TO OBTAIN A SITE22-01-52SURVEY IN REGARD TO FIBER AS DISCUSSED

Motion:O'BrienSecond:RaehllVote:Raehll yes, Bullard yes and O'Brien yes

Miller stated that they have concluded the interview process for possible candidates. O'Brien stated that he was happy with some of the candidates for a full-time position and feels some would be good to consider for part-time with a possibility of eventually becoming a full-time fire fighter.

RECESS AT 7:36 P.M. RETURNED AT 7:48 P.M.

****TIME CERTAIN 7:30 PM******MAEVE MEADOWS BZC 21-004*********

Chairman O'Brien called BZC 21-004 Maeve Meadows Zoning Hearing to order.

Todd Faris stated that BZC 21-004 Maeve Meadows was previously brought before the trustees for a submittal of a review for a developmental plan modification. The trustees declared it to be a major modification and that it would need to go to the planning

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commission. They stated that they would not approve it as is and it would need to be rezoned.

The below changes were recommended by the BZC and agreed upon on 10/27/2021:

*Lot 38 was removed, and lots 36 & 37 were widened to 20'

*Lots 1-15 shifted to east 10'

*Green space reconfigured to shift activity area south away from neighboring parcel and to add in a shelter (20' x 20' shelter w/concrete pad) by the tot lot

*8' multi-use path added to connect site to Cheshire Road

*Change application from TPUD to R-3 zoning

Faris stated that they are asking for 2 divergences. The first, that the width of the lot frontage go from 80' to 75'. Second, is lot area for the R-3 to go from 10,890 sq feet to 10,125 sq feet on the smallest lots.

O'Brien stated his concern for the divergence with the width is that 2-3 of the side load car garages are corner lots and face the road. He feels they would not have a diversity of look that having side load garages located throughout the neighborhood would. O'Brien questioned the distance between one of the driveways and the stop sign. Faris stated that there was approximately 60 feet. O'Brien thought that there had to be 100 feet from the stop sign. Faris stated that it was not a county requirement but rather a township requirement which Berlin Township does not have in their language. O'Brien would like to see some kind of a controlled stop be put at the intersection of Road A and Road B, because at some point Road A will be a through-way from another development and will need the speed to be managed. Raehll and Bullard agreed.

Bullard stated that he would like to see the mailboxes put in one area to help with the safety, for when people stop to get their mail. Bullard suggested that a fence be put along the multi-use path along Piatt Road, for safety reasons. Faris agreed.

There were questions about who gets the Fee Simple. O'Brien stated that we need to find out from the prosecutor if the county gives the Fee Simple to the township, or do they still own it after the road is tuned over for the township to maintain.

There was a lengthy discussion on where to safely place the crosswalks for the neighborhood to get to the common open space, where the tot lot and shelter house are located.

Raehll stated that although there are redeeming aspects that make the plan better, there are also things that make it worse. She is concerned that there are 27 lots that require a frontage divergence. Faris stated that they were hoping to get more of a setback that was adjacent from existing property owners. She asked about there being 25% side load garages. Thomas said that the zoning commission did not require it but that the BZC did pick the lots that would have the side loads. She echoes the concern of the other trustees that Road A will become a drag strip if a stop sign is not added. She would like to see wire fencing added along the east border of parcel #41831001073000 and parcel #41831001074000. She suggested eliminating lot 34 and extending lot 35 further back, which then would allow a safer path to cross Road B to get to the common area. Another suggestion would be to eliminate lot 1, 2 or 3 and make the remaining 2 lots bigger, which would also allow a safer pathway for pedestrians to cross Road A. O'Brien agreed and stated that it would be more aesthetically pleasing when entering off of Piatt Road. Raehll asked that evergreens be considered with a minimum of 6 feet in height located in the open space behind lots 1-14 to help with wind safety and possible noise issues.

Bullard wants it in writing to make sure the garage door shall be no more than 4 feet in front of the main front of the house door. O'Brien agreed.

The trustees wrote out what changes they wanted and recessed the hearing so that Faris and Thomas could type up the amendments.

RECESS BZC 21-004 HEARING AT 9:34 P.M.

Old Business Cont'd-

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Township Newsletter- O'Brien will get the dates to the trustees as to when he would like the articles given to him for a first draft. He is hoping for the end of February.

Media/Technology- Raehll sent forward a website upgrade for Berlin Township executive summary. She said we are not ADA Compliant, which we need to be as a local government with our website. There are also some cyber security issues. At this point, we need to make a good faith effort to come into compliance and become more secure as soon as possible. Raehll said that the website is not very easy to navigate, which creates office hours and phone calls perhaps unduly. She provided three (3) quotes for the board to consider and recommended Revize LLC. She said that they are currently being used by Genoa Township and feels they are best tailored to fit what our townships website needs are. Revize bases their website design on research from thirteen (13) different townships to include residents and leaders of the each of the townships. Raehll also feels that since they focus on compliance and they are continuously revising security to keep it up to date, that they are the best company to choose. Bullard suggested working with the OTA and to also talk with Paul Wise, from Genoa Township and hear his thoughts on the company. Bullard asked who would maintain it. Raehll said they allow two unique log ins, and she feels at this time it would be her and Cathy Rippel. O'Brien would like it to eventually move away from a trustee having a log on, since trustees change, and have a technology liaison with the ability for trustees to put on what they would like. There are two different costs, the first is to set up the design (\$2,700 one-time fee) and the second would be the hosting, maintenance and support (\$1,400/year). Training will be included. O'Brien and Bullard are comfortable with moving forward with it. O'Brien would like Raehll to make sure there is no indemnification clause. Raehll will find out.

BZC 21-004 HEARING RESUMED AT 10:00 P.M.

O'Brien stated that we received from the applicant a list of amendments:

Maeve Meadows Amendments 1/24/2022

- 1. Crossbuck fencing to be located at the west of the multi-use path along Piatt from North Property line to the South except at Road B entrance.
- 2. 3 Way Stops with ADA ramps with cross walk markings at intersection of Road A and Road B.
- 3. Garage door will not exceed 4 feet in front of the main front façade.
- 4. Remove 1 lot of lots 1-15 in Exhibit 14.
- 5. Eliminate lot 34 in exhibit 14.
- 6. Total 8 side-loaded garages two of which are lots 24 and 21 of Exhibit 14. Six of which are the first three lots (North and South each (total of 6)) contiguous to Piatt Road houses will have minimum of 95 feet of frontage and shall have side loaded garages that face to the east. The remainder frontage equally divided among the 11 lots on the South side of Road B.
- Wire fencing to be additionally along east border of Cheryl Butler, Delaware County Parcel Number: 41831001073000 as of 1/24/2022 and west border of Cynthia Colvin, Delaware County Parcel Number: 41831001074000 as of 1/24/2022.
- 8. Mailboxes will be exclusive located on Road B as marked on Exhibit 14.
- 9. Evergreens, excluding white pines, 20 feet on center, minimum 6 feet in height located in the open space behind lots 1-14.
- 10. 8' multi-use path noted on exhibit 14 in between lots 35 and 36 to be relocated to between lots 33 and 34 on exhibit 14, directly across from the mailboxes.

RESOLUTIONMOTION TO ACCEPT PER THE APPLICANTS REQUEST, EXHIBITS22-01-53#1-15 AS DESCRIBED IN THE MEMO DATED 11-22-21 FORBZC 21-004 MAEVE MEADOWS, WITH LATTER EXHIBITSTAKING PRECEDENCE OVER ANY EARLIER EXHIBITS

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

RESOLUTIONMOTION TO APPROVE BZC 21-004 MAEVE MEADOWS AS22-01-54MODIFIED WITH EXHIBITS #1-15, WITH LATTER EXHIBITS
TAKING PRECENCE OVER ANY EARLIER EXHIBITS AS

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RECOMMENDED BY THE BZC, AND AS MODIFIED AT THE REQUEST OF THE APPLICANTS AS NOTED IN THE EXHIBITS

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

Chairman O'Brien concluded the hearing of BZC 21-004 at 10:20 P.M.

Old Business Cont'd-

JEDD/TIFF- This was discussed in executive session.

Township Building- Raehll stated that there are some key signs that we have outgrown our spacing in the township hall which includes some of the following; closet and cabinets have overflown into rooms that are not properly maintained, difficulty for everyone to meet in a designated meeting area, unable to keep tools as needed for tool use in specified areas, technology upgrades are insufficient to be able to conduct meetings (such as projectors etc.) and there are not enough workstations built out to accommodate immediate operations. The question she poses is do we explore an investment in sprucing up the space to make it adequate for functionality or do we explore other options, such as building locations or expanding.

O'Brien agrees we will need a building in the future, and he feels it makes more sense to invest in what we need as opposed to major sprucing up and then trashing it to only reconfigure it. He stated that he sees the existing building being used for the road department and the cemeteries. Bullard agrees with a new building but since it will be a few years before that happens, he feels some money should be spent in updating the existing town hall. O'Brien agrees. Raehll asked what in particular would the board like to see as a prioritization. Bullard stated he would like to see the carpet in the main hall replaced as soon as possible with carpet tiles. O'Brien would like the hallway carpet also replaced. O'Brien stated that he is not in a rush, but he is not opposed. Raehll would like to revisit a technological investment soon and will bring back three different quotes.

RESOLUTION **RECESS TO EXECUTIVE SESSION PURSUANT TO ORC** 22-01-55 121.22 (G)(6)(8) FOR DETAILS RELATIVE TO THE SECURITY ARRANGEMENTS AND EMERGENCY RESPONSE PROTOCOLS FOR A PUBLIC BODY OR A PUBLIC OFFICE, IF DISCLOSURE OF THE MATTERS DISCUSSED COULD REASONABLY BE EXPECTED TO JEOPARDIZE THE SECURITY OF THE PUBLIC BODY OR PUBLIC **OFFICE; AND TO CONSIDER CONFIDENTIAL INFORMATION** RELATED TO THE MARKETING PLANS, SPECIFIC BUSINESS STRATEGY, PRODUCTION TECHNIQUES, TRADE SECRETS, OR PERSONAL FINANCIAL STATEMENTS OF AN APPLICANT FOR ECONOMIC DEVELOPMENT ASSISTANCE, OR TO NEGOTIATIONS WITH OTHER POLITICAL SUBDIVISIONS RESPECTING **REQUESTS FOR ECONOMIC DEVELOPMENT ASSISTANCE**, **PROVIDED THAT BOTH OF THE FOLLOWING CONDITIONS APPLY- THREE TRUSTEES, FISCAL OFFICER, ASSISTANT FISCAL OFFICER AND CHRIS RINEHART TO ATTEND- 10:32 P.M.**

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

RESOLUTION MOTION TO RETURN TO REGULAR SESSION- 11:40 P.M. 22-01-56

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

O'Brien "We met in executive session and no decisions were made and no actions were taken".

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Zoning Department-

Set Date and Time for Evans Farm -Lot Classifications- Raehll stated that at a later date she would like to discuss the procedure on how setting date and times of meetings are being done. She said that our text indicates the zoning inspector is supposed to be providing this information to the trustees, which then the board would simply vote on the matter at hand.

RESOLUTIONMOTION TO SCHEDULE A DATE AND TIME CERTAIN FOR22-01-57FEBRUARY 14[™], 2022 AT 7:00 P.M. FOR THE CONSIDERATION
OF EVANS FARMS LOT CLASSIFICATIONS MODIFICATIONS

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

Overlay Procedures-CLUP- Raehll sent the workflow application and stated that there is pressure from Yates to get something in place. Bullard does not like it because then we would have to take it and translate it to each of the paragraphs in the zoning text. He would rather have them do the work to say what they have done to meet the requirements of the Berlin overlay. He would like as part of their applications, to have them send the zoning text with each paragraph laid out. O'Brien asked if they know that has to be done. Bullard said yes, it is in the application. Raehll suggested that with the application, it can say that the applicant shall clearly delineate meeting the following requirements for the overlay by the following section. Bullard agreed and would like the whole chapter with every paragraph to say specifically what they are doing associated with each paragraph. Raehll will talk with Rippel.

Road Department- Bullard stated that they are in the process of getting tree trimming done in Harbor Pointe. Bullard said that during last week's snowstorm, one of the snowplows was damaged and it will be approximately \$350 to fix. Raehll stated that she had a resident from The Marina contact her about the dissatisfaction of snow plowing that was done in the subdivision. O'Brien said that he does not feel it is as good this year and suggested that the newer drivers should plow the easier roads until some experience has been gained.

Late Items- Bullard spoke with Chief Miller and told him the height issue for the Temple was for the fire department and the board will do whatever he recommends. Miller will look into it. Bullard stated that the Temple would like more time to work on the Piatt Road issue and Fowler agreed to it. O'Brien stated that the attorney for the Temple sent us paperwork on what they are proposing, and he said that it is not allowed. Since we have an attorney, everything needs to go directly between each attorney. O'Brien wants everyone to go through Fowler when it comes to anything with the Temple, because he wants to make sure everything is being done correctly.

Raehll stated that MI Longhill would like to come before the board on February 28th, 2022, for date and time certain to consider a modification.

RESOLUTIONMOTION TO SET THE DATE AND TIME CERTAIN FOR FEBRUARY22-01-5828™, 2022 AT 7:00 P.M. TO CONSIDER MI LONGHILLDEVELOPMENT MODIFICATIONS, AND TO DETEMINE WHETHERIT IS A MAJOR OR MINOR MODIFICATION

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

Fiscal Officer Items-Accept 1st Amended Certificate-

RESOLUTIONAPPROVE 2022 FIRST AMENDED CERTIFICATE OF22-01-59ESTIMATED RESOURCES AND APPROVE PERMANENT
APPROPRIATIONS NOT TO EXCEED \$13,167,154.25

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1ST AMENDED CERTIFICATE OF ESTIMATED RESOURCES

 1000 General Fund 2011 Motor Vehicle License Tax Fund 2021 Gasoline Tax Fund 2041 Cemetery Fund 2042 SPRBA 2111 Fire Fund 2181 Zoning Fund 2231 Motor Vehicle Permissive License Tax Fund 2272 Coronavirus Relief Fund 2273 American Rescue Plan 3101 General (Note) Hollenback Rd 3102 General (Note) Piatt Road 	\$ 58.86 \$ 413,714.31 \$ 2,681.75 \$ 50,000.00	
3102 General (Note) Piatt Road \$ 50,000.00		
4303 Capital Project - Park	\$ 2,255.88	
4401 Public Works Commission Project	\$.40	
4901 Capital Project – Fire	<u>\$ 930,000.00</u>	
- Total First Amended Certificate Motion: O'Brien	\$13,167,154.25	

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

Chairman O'Brien recessed the January 24, 2022, trustee meeting at 12:10 A.M. to Thursday January 27, 2022, at 6:30 P.M. to be held at 3271 Cheshire Road.

Chairman O'Brien called to order the continuation of the January 24,2022 trustee meeting on January 27,2022 at 6:30 P.M.

Raehll stated that Evans Farm cannot do the meeting on February 14, 2022.

RESOLUTIONMOTION TO RECONSIDER RESOLUTION 22-01-57 EVANS22-01-60FARM LOT CLASSIFICATIONS MODIFICATIONS

Motion: Raehll Second: O'Brien

Discussion: Evans Farm would like to change the date and time to February 28th, 2022, at the time that is convenient for the board. The board agreed to annul resolution 22-01-57. Vote: Bullard yes, O'Brien yes and Raehll yes

RESOLUTIONMOTION TO SET A DATE AND TIME CERTAIN FOR22-01-61FEBRUARY 28[™], 2022 AT 6:30 P.M. FOR THE CONSIDERATIONOF EVANS FARMS LOT CLASSIFICATIONS MODIFICATIONS AT3271 CHESHIRE ROAD

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

Bullard stated that a snowplow had backed into a mailbox in Summerwood, that is worth \$250. Bullard said that normally we allow \$75 but he authorized \$250. O'Brien agreed and said that the prosecutor has said we are to replace like for like.

Bullard stated that there had been an emergency meeting in 2018, that regarded counting holiday pay toward overtime, and it had not been updated in the employee handbook and he felt that it needed to be corrected in the handbook. Below is the resolution being discussed:

RESOLUTION	APPROVE COUNTING CHRISTMAS, NEW YEAR'S AND
18-01-38	MARTIN LUTHER KING DAY AND HOURS WORKED THOSE
	DAYS TO COUNT TOWARD OVERTIME PAY FOR DECEMBER 2017 AND JANUARY 2018

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Motion:	Bullard
Discussion:	O'Brien said for clarification this is for December 2017 and January 2018.
Second:	O'Brien
Vote:	Bullard yes and O'Brien yes

O'Brien said it was not incorrect. Bullard said holidays don't count toward overtime, the way it is written now, and he thinks that it should. O'Brien stated that when he voted yes for that emergency meeting was because they were under a false impression and he felt to be fair they should receive it because that is what they were told, but at that meeting it was made clear that's not what was supposed to happen and in the future that is not how holiday pay would work. O'Brien stated that the handbook was not incorrect because he has always been opposed to holiday pay counting towards hours worked. He said when we were in negotiations with the union, that it was pointed out, so if it is changed, we would have to go back to negotiate it. Bullard asked if it was in the union contract, O'Brien couldn't recall. Bullard said that it could be done that way, the problem he sees is that some holidays fall in the middle of the week and the employees are still expected to work weekends if needed (i.e., funerals) for straight pay. O'Brien said on holidays they would get the holiday pay on top of what they're working, which would be double pay and with what Bullard is saying they would get triple pay. Bullard said that they are getting holiday pay regardless of whether they work or not. O'Brien stated that when an employee is hired, they know what is expected of them and what they will get paid.

Smith said that if that is the way it is going to be, people will not show up to work on holidays. O'Brien said then they might not get to keep their job. Raehll looked in the employee handbook under 'Work on Holidays', it says: Full-time employees required to work on a scheduled holiday, will be paid holiday pay as set forth up above, in addition to 1½ times their regular rate of pay for hours actually worked on the holiday, holiday pay is not considered hours worked for the purposes of calculating overtime." Raehll said if they work on the day that is the holiday, that is 1½ times even if they haven't hit overtime, but it doesn't then calculate into the afforded hours that within would be considered overtime after they come back. Raehll said she thinks it is explicit toward what Bullard is saying. Bullard stated that he would prefer the holiday time be counted toward time worked. O'Brien stated that as it is right now when there is a holiday, they are working 48 hours and getting paid for 60 hours, he said with what Bullard is saying they would be getting an additional time and a half. O'Brien said no. O'Brien said if Bullard is doing this because of incentivization, then he feels their pay should be reduced.

Smith said that since it was done that way with the emergency meeting, the employees thought that this is how it would be handled from then on. O'Brien said that it only applied to that particular holiday season. Raehll said that she doesn't have a strong opinion either way, except that she doesn't think we should just modify the handbook and look at one clause and change it to match something that was clearly an emergency in 2017-2018. O'Brien said he voted for it then because Bullard had a strong opinion about it, in they thought that was the way it was. Smith said that she just wants whatever decision is made to be extremely clear. Raehll said when she is asked about it she should cut and past the passage from the handbook. Smith said that is what she did. O'Brien stated that an employee needs to go to their respective liaisons if there is any confusion, then that liaison can bring it to the board. Bullard said there is time before the next holiday and they can figure it out and make it clear. Raehll said that for now, it is clear in the handbook and since the employees signed it, the information should be clear. O'Brien said that if the handbook is going to be modified, he would like all the issues to be grouped together before pursuing any modifications.

Bullard stated that he still is moving forward with getting a cold storage unit. He said when he went to the OTA conference, he spoke with people and got ideas.

Zoning Department Cont'd- O'Brien stated that he thinks there is case law, that states your allowed to change the zoning text rules before the application is voted on by the trustees. This is different from what was the trustees were told by the prosecutor, which was that it was the date of the application. Bullard said that another thing that needs to be considered is that there is a 30-year referendum on changing the text, which comes into

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play as far as the date it can be modified. So, if you modify the text, it is being said that the application is being accepted and approved.

Raehll wrote up a template for future zoning applications to help make it clear and understandable about what each step is and when it needs to be completed before the application can move forward to the next step. Fowler agreed with the template and application. He stated that the ARB will make it to the Zoning Commission, who will then make it to the Board of Trustees, which will then consider both the ARB and Zoning Commission. Fowler wants it made clear that what is being done by the ARB is not the same as what is being done by the Zoning Commission, because the ARB is serving at an advisory capacity only related to the design standards being met. Raehll made sure to clearly state Fowler's recommendation.

O'Brien asked if the applicant is allowed to modify the application upon the trustees' recommendations. Raehll said that all along the way the application can be modified. She stated that the way it is set up, it is intended to have the zoning inspector make sure that all the paperwork is in order and then the application will begin moving through each entity for approval or denial. Raehll stated that she feels this process should be what is followed in the zoning department and that the zoning inspector should serve as some kind of conduit to ensure that everything is in order. Bullard agreed to move forward with it, knowing that issues may come up along the way. O'Brien agreed.

RESOLUTIONMOTION TO ADOPT THE APPLICATION OVERLAY FEES22-01-62ASSOCIATED WITH ARTICLE 15 AND ARTICLE 19,
COLLECTIVELY KNOWN AS THE BERLIN BUSINESS PARK
PROVIDED IN MEMO DATED JANUARY 27, 2022, AT 5:52 P.M.

DEVELOPMENT PLAN TEMPLATE FOR BERLIN BUSINESS PARK/CIRCLE ONE: ARTICLE 15 (BCO) – ARTICLE 19 (BIO)

The following maps, at minimum are required:

. A survey plat and legal description by a registered Ohio surveyor showing the size and location of the proposed development.

I. A finished grading plan drawn at a scale of 1"=100' or other scale acceptable to the Zoning

II. An exhibit demonstrating environmentally-sensitive areas such as the 100-year floodplain, wetlands, and slopes greater than 20%

III. A Development Plan drawn to a scale of at least 1"=100' or other scale acceptable to the Zoning Inspector demonstrating the details listed therein.

The Development Plan Contents shall include in text and map form the following proposed features:

. The general development character and all permitted uses, identified by NAICS code, and accessory uses to be located on the tract including the limitations or controls to be placed on all uses, with proposed lot sizes, and minimum setback requirements. Other development features, including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities, common open space areas, and all commonly owned structures shall be shown in detail identifying the quantity and type and typical section of each.

[Insert Applicant Response here]

B. Architectural design criteria including materials, colors and elevations for all structures and criteria for proposed signs that comply with the architectural requirements of this resolution.

[Insert Applicant Response here]

C. Building heights and dimensions. [Insert Applicant Response here]

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6:00 p.m. Trustee Meeting January 24,

- D. Off-street parking. [Insert Applicant Response here]
- E. Landscape Plan identifying each plant, shrub, or tree by name, its size at planting, and rendering of how that area of the development would look in elevation. [Insert Applicant Response here]
- F. Signage plan, showing all proposed signage and dimensions. [Insert Applicant Response here]
- G. Exterior Lighting Plan to show how exterior lighting fixtures will be shaded whenever necessary to avoid casting direct light upon any adjoining property. [Insert Applicant Response here]
- H. The proposed provisions for water, fire hydrants, sanitary sewer, and surface drainage with engineering feasibility studies or other evidence of reasonableness. Line sizes and locations, detention basins and drainage structures shall be drawn. A copy of letters from the County Engineer and Sanitary Engineer stating general feasibility road geometries, surface drainage, and the provision of sewer shall be included. [Insert Applicant Response here]
- I. A Traffic Impact Analysis by a competent traffic engineer, based upon new trip generation as estimated by the Delaware County Engineer's standards and showing the proposed traffic patterns, public and private streets, and other transportation facilities, including their relationship to existing conditions, topographical and otherwise. An internal traffic flow diagram showing the vehicle movements and circulations internal to the site (including any private roads) shall also be submitted. [Insert Applicant Response here]
- J. The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
 [Insert Applicant Response here]
- K. Location of all uses within the site and the location of schools, parks and other public facility sites within or adjacent to the site.
 [Insert Applicant Response here]
- L. The proposed time schedule for development of the site including streets, buildings, utilities, and other facilities.
- M. [Insert Applicant Response here]
- N. If the proposed timetable for development includes developing the land (including open space) in phases, all phases developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give Township Officials definitive guidelines for approval of future phases. This schedule shall include a detailed list of all items to be constructed in each phase of the development, including but not limited to any amenities such as fountains, tot lots, etc. This information must also include a set of documents for establishing any proposed Homeowners' Association including the proposed time frames for turning said association over to the residents. The phasing plan must also include information to clearly indicate that the requirements of Section 15.05(A)(5)(b) are being met.

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[Insert Applicant Response here]

O. The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.

[Insert Applicant Response here]

- P. Evidence of the applicant's ability to post a bond or an irrevocable letter of credit if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer. [Insert Applicant Response here]
- Q. All drawings that are a part of the Development Plan shall respectively bear the seals of the preparing architect, landscape architect, and/or professional engineer. The respective professional attaching his or her seal to the drawings must be licensed to practice in the state of Ohio. [Insert Applicant Response here]
- R. The manner and method to be utilized in order to achieve and maintain compliance with the general criteria for the respective district.
 [Insert Applicant Response here]
- S. The manner in which the applicant will mitigate any nuisance effects of the proposed uses such as, but not limited to: a) Fire and Explosion Hazards; b) Air Pollution; c) Glare, Heat and Exterior Lighting; d) Dust and Erosion; e) Liquid or Solid Wastes; f) Vibration and Noise; g) Odors. [Insert Applicant Response here]
- T. The proposed locations of any proposed cluster mailbox units, associated off-street parking spaces, and proposed methods for maintaining said units and parking spaces. [Insert Applicant Response here]
- U. Letters required include: Delaware County Regional Planning Commission (DCRPC), Berlin Township Fire, Delaware County Engineer (see above); Delaware General Health District and/or Ohio EPA (for On-site Water and/or Wastewater System): Delaware Soil and Water; Any other applicable Federal, State, and/or local agencies. [Insert Applicant Response here]
- V. The Township Zoning Commission and Board of Township Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed. This includes but is not limited to landscaping, development, improvement, and maintenance of common open space as well as any other pertinent development characteristics. [Insert Applicant Response here]

Below is the Application:

6:00 p.m. Trustee Meeting January 24, 22

Application for	740-548-6350 www.berlintwp.us Application for Berlin Business Park/Circle one: Article 15 (BCO) - Article 19 (BIO) Name of applicant
3271 Cheshire Rd Delaware, OH 43015	Name of applicant

Address of applicant				
City		State	Zip	
Phone	Email _			
Name of Property owner				
Address of property owner				
City		State	Zip	
Phone	Email _			
Location/address of proper	ty to be rezoned			
Parcel number(s)				
Current zoning	Current use		Total acres	
NCAIS Code No.	Proposed Use		Acres to rezone	

The applicant(s) shall hold pre-application meetings with the Berlin Township Zoning Inspector and provide three (3) draft copies for consideration.

Once the Zoning Inspector confirms completeness, the applicant shall prepare and submit **twenty (20)** copies of this application, the Development Plan, and all attachments, along with one PDF copy and all applicable fees to the Berlin Township Zoning Inspector. The application shall be signed by the applicant and all owners of property included in the application. The Berlin Township Zoning Inspector will provide the copies to the Architectural Review Board upon receiving a fully completed application.

The undersigned hereby certify that the information contained in this application and its supplements are true, correct, and complete. The undersigned agree to be bound by the provisions of the Berlin Township Zoning, and also gives Berlin Township permission to place signage on the subject property to announce hearings.

Property Owner:	Date:
Property Owner:	Date:
Applicant:	Date:

The application must be accompanied by a development plan, which must *clearly address by way of header and summary in sequence*, the following supporting information and documentation in text and map form: Article 15 - 15.06 (B-C); Article 19 - 19.06 (B-C). (Please see template for example)

- I) A survey plat and legal description by a registered Ohio surveyor showing the size and location of the proposed development.
- II) A finished grading plan drawn at a scale of 1"=100' or other scale acceptable to the Zoning

III) An exhibit demonstrating environmentally-sensitive areas such as the 100-year floodplain, wetlands, and slopes grater than 20%

IV) A Development Plan drawn to a scale of at least 1"=100' or other scale acceptable to the Zoning Inspector demonstrating the details listed therein.

The Development Plan Contents shall include in text and map form the following proposed features:

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A. The general development character and all permitted uses, identified by NAICS code, and accessory uses to be located on the tract including the limitations or controls to be placed on all uses, with proposed lot sizes, and minimum setback requirements. Other development features, including landscaping, entrance features, signage, pathways, sidewalks, recreational facilities, common open space areas, and all commonly owned structures shall be shown in detail identifying the quantity and type and typical section of each.

B. Architectural design criteria including materials, colors and elevations for all structures and criteria for proposed signs that comply with the architectural requirements of this resolution.

C. Building heights and dimensions.

D. Off-street parking.

E. Landscape Plan identifying each plant, shrub, or tree by name, its size at planting, and rendering of how that area of the development would look in elevation.

F. Signage plan, showing all proposed signage and dimensions.

G. Exterior Lighting Plan to show how exterior lighting fixtures will be shaded whenever necessary to avoid casting direct light upon any adjoining property.

H. The proposed provisions for water, fire hydrants, sanitary sewer, and surface drainage with engineering feasibility studies or other evidence of reasonableness. Line sizes and locations, detention basins and drainage structures shall be drawn. A copy of letters from the **County Engineer** and **Sanitary Engineer** stating general feasibility road geometries, surface drainage, and the provision of sewer shall be included.

I. A Traffic Impact Analysis by a competent traffic engineer, based upon new trip generation as estimated by the **Delaware County Engineer's standards** and showing the proposed traffic patterns, public and private streets, and other transportation facilities, including their relationship to existing conditions, topographical and otherwise. An **internal traffic flow diagram** showing the vehicle movements and circulations internal to the site (including any private roads) shall also be submitted.

J. The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.

K. Location of all uses within the site and the location of schools, parks and other public facility sites within or adjacent to the site.

L. The proposed time schedule for development of the site including streets, buildings, utilities, and other facilities.

M. If the proposed timetable for development includes developing the land (including open space) in phases, all **phases** developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give Township Officials definitive guidelines for approval of future phases. This schedule shall include a detailed list of all items to be constructed in each phase of the development, including but not limited to any amenities such as fountains, tot lots, etc. This information must also include a set of documents for establishing any proposed Homeowners' Association including the proposed time frames for turning said association over to the residents. The phasing plan must also include information to clearly indicate that the requirements of Section 15.05(A)(5)(b) are being met.

N. The ability of the applicant to carry forth this plan by control of the land and the engineering feasibility of the plan.

O. Evidence of the applicant's ability to post a bond or an irrevocable letter of credit if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.

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P. All drawings that are a part of the Development Plan shall respectively bear the seals of the preparing architect, landscape architect, and/or professional engineer. The respective professional attaching his or her seal to the drawings must be licensed to practice in the state of Ohio.

Q. The manner and method to be utilized in order to achieve and maintain compliance with the general criteria for the respective district.

R. The manner in which the applicant will mitigate any nuisance effects of the proposed uses such as, but not limited to: a) Fire and Explosion Hazards; b) Air Pollution; c) Glare, Heat and Exterior Lighting; d) Dust and Erosion; e) Liquid or Solid Wastes; f) Vibration and Noise; g) Odors.

S. The proposed locations of any proposed cluster **mailbox** units, associated off-street parking spaces, and proposed methods for maintaining said units and parking spaces.

T. Letters required include: Delaware County Regional Planning Commission (DCRPC), Berlin Township Fire, Delaware County Engineer (see above); Delaware General Health District and/or Ohio EPA (for On-site Water and/or Wastewater System): Delaware Soil and Water; Any other applicable Federal, State, and/or local agencies.

U. The Township Zoning Commission and Board of Township Trustees may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed. This includes but is not limited to landscaping, development, improvement, and maintenance of common open space as well as any other pertinent development characteristics.

Basis of Approval

Basis of Approval. In determining whether or not to approve an Application and Development Plan, the reviewing authorities shall consider the following:

Article 15 (BCO) - Section 15.06(E)

1. That the proposed development is consistent in all aspects with the purpose, criteria, intent, and standards of this Zoning Resolution.

2. That the proposed development meets all applicable requirements of this Article and Zoning Resolution.

3. That the proposed development is in conformity with the comprehensive plan as adopted or concurrently amended or portion thereof as it may apply.

4. That the proposed development promotes the health, safety, and general public welfare of the township and the immediate vicinity.

5. That the proposed plan meets all of the design features required in this Resolution.

6. That the proposed development will be compatible in appearance with surrounding existing or proposed land uses.

7. That the development promotes the efficient use of land and resources, promotes greater efficiency in providing public utility services and encouraging innovation in the planning and building of all types of development.

8. That the proposed development is in the interest of public health, safety, welfare and morals of the township.

Article 19 (BIO) - Section 19.06(E)

1. That the proposed development is consistent in all aspects with the intent, and general standards of this zoning resolution.

2. That the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.

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3. That the proposed development advances the health, safety and morals of the township and the immediate vicinity.

4. That the proposed development is in keeping with the existing land use character and physical development potential of the area.

5. That the proposed development will be compatible in appearance with the remainder of the district.

6. That the minimum open space as required herein has been provided.

7. That the proposed development is in the interest of public health, safety, welfare and morals of the township.

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

Architectural Review Board (ARB)- Raehll asked Fowler about having the same people serve on the Zoning Commission as the ARB, because there are two members identified for serving on the ARB that serve on the Zoning Commission. He said that while there is not inherent conflict of interest it could be construed suspiciously. Bullard suggested appointing three of the members to a longer term and have the two members that are to serve on both, a shorter appointment term, which would make a full committee. This will allow the trustees time to advertise for two new ARB members. O'Brien is in favor of appointing one BZC member to also be on the ARB but not two. This could cause a problem on voting when all members are not able to attend a meeting because two votes could become a majority vote. O'Brien suggested to make the appointments and then have Fowler advise the trustees as to if the board would be established with those appointments.

Raehll asked if the ARB members should be paid. Bullard suggested to establish it as a volunteer board, with the ability to change it at a later date. O'Brien agreed. Raehll asked for recommendations about compensating the person that will be taking the minutes. Bullard suggested to ask Lisa Knapp about taking the minutes. Raehll suggested that either O'Brien or Bullard be the trustee on the ARB. Bullard stated that it should not be him because that is not his forte and doesn't feel like he would be a good voice for it. O'Brien does not want to be on it so Bullard said that he would.

RESOLUTION MOTION TO APPOINT THE FOLLOWING MEMBERS AS UNPAID 22-01-63 VOLUNTEERS WITH THE RESPECTIVE APPOINTMENT DATES TO THE ARCHITECTURAL REVIEW BOARD; ANGELA BROWN WITH THE APPOINTMENT DATE EFFECTIVE 1/27/2022 AND THE TERM ENDING 12/31/2022, KRISTYN YORKO WITH THE APPOINTMENT DATE EFFECTIVE 1/27/2022 AND THE TERM ENDING 12/31/2026 AND TRUSTEE BULLARD WITH THE APPOINTMENT DATE EFFECTIVE 1/27/2022 AND TERM ENDING 12/31/2023, ALL TERMS SET TO EXPIRE ON THEIR RESPECTIVE DATES AT 12:00 P.M.

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

Old Business Cont'd-

Media/Technology- Raehll stated that she spoke with Paul Wise, the Genoa Township Administrator, who spoke very highly of Revize LLC, and she would like to move forward and utilize them to redesign and post our website. O'Brien asked if there was an indemnification clause in the program. Raehll said no. She said that we will continue to use our current website until the new one becomes available.

RESOLUTIONMOTION TO UTILIZE REVIZE LLC., FOR THE PURPOSE OF WEB22-01-64DESIGN, HOSTING SERVICES AND MAINTENANCE IN THE
AMOUNT OF \$4,100, \$2,700 OF WHICH WILL BE TO DESIGN

6:00 p.m.

Trustee Meeting January 24,

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THE WEBSITE WITH \$1,400/YEAR FOR THE ANNUAL COSTS, EACH YEAR THEREAFTER WILL BE \$1,400/YEAR AND TO BE PROVIDED ANY DOCUMENTS NEEDED TO MAKE IT SO

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

Parks & Trails- Raehll stated that she had received 5 applications back for the park & trails committee. She has confirmed that there are no conflicts of interest with the applicants.

RESOLUTION MOTION TO APPOINT THE FOLLOWING MEMBERS AS UNPAID 22-01-65 VOLUNTEERS TO THE PARKS & TRAILS COMMITTEE EFFECTIVE IMMEDIATELY - ZACH BROWN, HILARY CERNY AND JOANN DOUGLAS WITH TERMS TO EXPIRE ON 12/31/2022 AT 12:00 P.M., ALSO EFFECTIVE IMMEDIATELY – CHRISTINA LITTLETON, COLYNDA LUCAS AND MARK RAWDON WITH TERMS TO EXPIRE ON 12/31/2023 AT 12:00 P.M.

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

Bullard stated that he wants people to be aware that nothing is being promised until voters agree to it. O'Brien asked if anything would go to a levy, would it be a protected levy. Raehll said she is envisioning starting with a survey of the residents, which is critical for grants and then going from there. O'Brien said that on the survey he would like it to be made clear of how things will be maintained is critical for the establishment of anything.

Raehll said that Christina Littleton would like to serve as the note taker for parks & trails. She stated that she thought it would be appropriate and would fit under 'other clerical administrative' category in the amount of \$14.83 an hour, not to exceed 50 hours in a calendar year. Smith said she has a concern, the money for parks is in the Capital Outlay Fund for engineering and she does not know if the money can be used for that. O'Brien does not think that money can be taken out and used. O'Brien said he thinks she would do a parks & recreation under the general fund. Bullard would like it to not be a parks & recreation fund but rather something like a general exploring alternatives fund, that could be used in different areas within the township. O'Brien does not like that idea and would rather it be a more specific fund. Bullard wants confirmation from Fowler that it is ok to spend on parks & recreation. O'Brien agrees.

Raehll stated that she would like to have the first meeting on February 10, 2022, and she wants to run a legal ad (which would cost money), at this time minutes could be taken voluntarily until Fowler gets an answer on spending. Until then, Littleton will not be appointed because it was proposed to her as a paid position. O'Brien said the money for the legal ad could be taken out of the administrative fund. Raehll will double check with Fowler about where the legal ad money can come from. Bullard questioned if February 10th would be too early because of the time needed to have the ad advertised. Raehll stated she will check with Rippel and if needed, she would modify the date of the meeting. After the first meeting, all meetings to follow will be the 2nd Thursday, every other month.

Township Building- Raehll would like Chief Miller to work with Irwin and coordinate having three different vendors to come out and give quotes about getting new locks at the town hall and the fire department.

RESOLUTION RECESS TO EXECUTIVE SESSION PURSUANT TO ORC 22-01-66 121.22 (G)(1)(8) TO CONSIDER APPOINTMENT, EMPLOYMENT, DISMISSAL, DISCIPLINE, PROMOTION, DEMOTION, OR COMPENSATION OF A PUBLIC EMPLOYEE OR OFFICIAL AND TO CONSIDER CONDIDENTIAL INFORMATION RELATED TO MARKETING PLANS, SPECIFIC BUSINESS STRATEGY, PRODUCTION TECHNIQUES, TRADE SECRETS, OR PERSONAL FINANCIAL STATEMENTS OF AN APPLICANT DEVELOPMENT

6:00 p.m.

Trustee Meeting January 24,

22

ASSISTANCE OR TO NEGOTIATIONS WITH OTHER POLITICAL SUBDIVISIONS – THREE TRUSTEES, FISCAL OFFICER AND AND ASSISTANT FISCAL OFFICER TO ATTEND -8:46 P.M.

Motion:RaehllSecond:O'BrienVote:O'Brien yes, Raehll yes and Bullard yes

RESOLUTION MOTION TO RETURN TO REGULAR SESSION- 9:34 P.M. 22-01-67

Motion:O'BrienSecond:BullardVote:O'Brien yes, Raehll yes and Bullard yes

O'Brien "We met in executive session and no decisions were made and no actions were taken".

RESOLUTION MOTION TO APPROPRIATE UP TO \$1,500 TO ALBERS & 22-01-68 ALBERS FOR THE PURPOSE OF WORKING ON THE JEDD WITH THE FINANCE AUTHORITY AND THE COUNTY AND NOTIFYING THEM THAT THIS IS THE ENTIRETY OF THE AMOUNT APPROPRIATED, AND TO AUTHORIZE TRUSTEE O'BRIEN TO APPROVE ANY INVOICES

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

RESOLUTIONMOTION TO AUTHORIZE TRUSTEE RAEHLL TO ADVERTISE22-01-69FOR A WEEKEND ZONING SUPPORT POSITION AT THE RATE
OF \$20.56/HOUR

Motion:BullardSecond:RaehllVote:Raehll yes, Bullard yes and O'Brien yesDiscussion:All trustees concurred to amend the motion to add the rate of pay at\$20.56/hour.

Future Meetings-

02/14/22	Trustee Meeting
02/28/22	Trustee Meeting
03/14/22	Trustee Meeting

Adjourn-

RESOLUTION MOTION TO ADJOURN

22-01-70 Motion: Bullard

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

Meeting adjourned by Chairman O'Brien at 9:46 p.m.

Ken O'Brien Trustee

ATTEST:

Meghan Raehll, Trustee

Theresa Taylor, Assistant Fiscal Officer

Ron Bullard, Trustee