

RECORD OF PROCEEDINGS

Minutes of

AUSTINBURG TOWNSHIP

Meeting

Held

JULY 2

2007

The meeting held July 2, 2007 was called to order at 7:30pm with the Pledge. Trustees Burke, Frank, and Spade were present. Also present were Ginny and Ted Seifert, Marcie and David Turk, John Kusar Jr., Jim and Valerie Cox, Cord Cox, Sue Avsec, Leona McClenaghan, Allison Milligan, and Connie Coons.

Res. 731-07 Janie moved to approve the minutes of the previous bid opening meeting and regular meeting as presented. Jerry seconded. The roll call vote; Frank, aye. Spade, aye. Burke, aye.

Res. 732-07 Jerry moved to pay the bills as the lawful obligation to the township. Lynn seconded. The roll call vote; Burke, aye. Frank, aye. Spade, aye.

The fiscal officer reported bills totaled \$55,492.50. Receipts totaled \$20,575.68 plus \$350.00 turned in from zoning.

Janie stated she would like the record to reflect the fund balance is \$798,862.28. Jerry said he feels Janie should explain further where the money is going when she states the fund balance. Some of the money is earmarked already and by stating only the balance, it gives the wrong impression to residents.

In correspondence, we received a letter from the Boy Scouts requesting to use the Tote Rd. park for camp outs.

Res. 733-07 Jerry moved the BSA be permitted to use the park for their camp outs. Janie seconded. The roll; Burke, aye. Frank, aye. Spade, aye. The fiscal officer will send a letter informing them.

A letter from the County Prosecutor was received regarding HB 694. This addresses political contributions from vendors the township contracts with.

Information from the Dept. of Liquor Control outlined how to object to the renewal or issuance of a liquor license.

A letter from the Community Improvement Corp. of Geneva was received regarding support of an outdoor drama project.

At this time Barb read a letter submitted to the township from Sue Avsec, ZBA member. The letter concerned questions the ZBA has with the 1,000 feet between Bed and Breakfast establishments as written in the zoning text. A copy of the letter is available in the township office file. The letter requests the Trustees ask that the issue be looked into work by the Zoning Commission, keeping in mind the following; 1) Revisit the distance requirements between B&Bs: keeping in mind the ZBA has historically granted 30% variances

consider whether distance requirements for B&Bs should be based on frontages or door to door distances on the same side of the street.

consider whether there should be different distance requirements for state routes than for lesser thoroughfares

and 2) Consider health and safety issues when establishing this distance or any other zoning rules.

Sue suggested a public statement would be the best route to go in explaining the guidelines after the issue is looked at.

Connie Coons stated that when the Zoning Commission made the regulation of 1,000 ft, they did some research. The APA articles on line were looked at as well as other regulations from other townships. 1,000 feet was an average. She stated the decisions the commission makes are researched, not just arbitrary numbers.

Jerry questioned why wineries were mentioned in the letter from the ZBA. Sue explained they were mentioned because they are part of the county tourism industry.

Res. 734-07 Janie said she sees no harm in the letter being referred by the Trustees to the Zoning Commission and asking them to revisit this issue, with the listed considerations, and bring their recommendations back to the trustees. Lynn added that the issue also be clarified for the ZBA. Jerry seconded. The roll; Frank, aye. Spade, aye. Burke, aye.

Mrs. McClenaghan asked if the township can override state zoning. John Beninato said the Zoning Commission can't pass a resolution that supercedes the law.

Zoning Administrator John Beninato gave his zoning report.

In trustee reports, Jerry said he has taken the paperwork regarding the agreement between the township and the Mill Creek Rd. resident to the Prosecutor. He has not heard back yet.

Jerry said he spoke to Pete Haas about the town hall steps, and Pete said he will begin

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when he is finished with the house he is working on. With the possibility of the location of elections changing, a ramp for the town hall should be looked into.

Jerry asked what the township will be doing with the old dump truck. Discussion on what to do with it was held.

Res. 735-07 Lynn moved to advertise the truck in the OTA magazine. Jerry seconded. The roll call; Spade, aye. Burke, aye. Frank, aye. Jerry will check on this further, and bring information back for the board.

Jerry stated he looked at roads with Pete on Friday. Some MC70 is coming loose in soft spots. Discussion was held on addressing this. Janie suggested changing materials to something that will compliment what we are using and adhere better.

Janie reported the NAD meeting is rescheduled to July 11, 2007 at 6:00pm.

Janie said she will be out of town for the next meeting date of July 16, and wondered if it could be changed to July 23. It was decided to make the change. The next meeting is July 23, 2007 at 7:30pm.

Lynn mentioned she has made many calls to the zoning secretary candidate, but has not heard back from her. Lynn stated the next applicant in line is Sarah Masek. Lynn will check with Sarah to see if she is still interested in the position.

Lynn stated she is done with the typing of the Ohio Attorney General opinion on adult businesses, and sent it to the Prosecutor. Her areas of concern are fees, and number of days the Board would have to deliberate on the licensing.

Lynn addressed the information she provided on comprehensive planning. She will report back on Miami U information when she receives it.

Lynn received a call from Larry Meaney regarding the informational meeting on the sewer project. He said letters will be sent out to all involved. Lynn said she would like to take some handbills out to residents affected by the project, to make sure people know about the meeting.

Lynn reported on Water Advisory Board. No meeting will be held in July.

Lynn stated that regarding the salt purchase from ODOT as discussed in a letter from Tim Martin at the last meeting, we would still be able to purchase salt/sand mix from the county. If we are not using much salt, however, Tim Martin stated the ODOT purchase program would not be worthwhile.

Lynn said she has the Koski contract signed and will deliver it to Koski.

In audience participation, Dave Turk inquired about the Ravinewood project. He asked about driveway aprons and mailbox approaches being paved. Jerry stated most of the time, it is understood that aprons and mailbox areas are to be paved when the road is paved.

Jim Cox asked where he and his wife stand on the variance request they have regarding their B&B property. Is the issue going to go to the Zoning Commission? Lynn stated the Commission won't address the variance but are going to look at the 1,000 feet. The ZBA is also going to look for clarification.

Ted Seifert asked for clarification on what the Trustees expect of the Zoning Commission. He said they will respond to the letter from the ZBA and clarify the issue for them. If changes are made to the Zoning Resolution, then they will have to come back to the process of hearings. Mr. Cox asked Ted for a ballpark estimate of the time involved in the process. Ted said at the next meeting, the Zoning Commission can answer the letter from the ZBA addressing the issues stated. The Commission may or may not decide to revisit the 1,000 feet. Ted cited the three ways to change the text. 1) The trustees can ask for a review of certain areas. 2) a resident can pay the fee and request a zoning change. This is what Mr. Farinacci did when placing his B&B in an R-1 district. 3) The Zoning Commission sees a pressing need for a change and can undertake this on their own. Ted stated the Commission has been asked to revisit the issue by the trustees.

Mrs. Cox commented on B&Bs. She stated they are peaceful places to stay, and the homes are always well kept. These things should be looked at when making these zoning decisions.

Dave Turk commented on guests at hotels, and strangers staying in the area. Mrs. Cox responded stating that even neighbors aren't watching neighbors' properties and hotel comparisons don't apply to B&Bs.

Mr. Cox said there are no disagreements from the neighbors of their B&B and none from

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the other B&B owner. He stated they have been misled from the get-go, and if they had received the same information as Mr. Farinacci, they would not be here now. Mr. Cox said they have been fighting this for 2 ½ years. He said this should not take another year. John Beninato said the Cox's could ask the Court of Appeals to reverse the decision of the ZBA or wait and see what happens when the township Zoning Commission readdresses the issue of 1,000 feet. John said it will probably take at least 90 days.

Leona McClenaghan inquired how the center line of roads are determined. She has spoken to the County Engineer about establishing the center line of Allen Rd. Discussion was held on road footage. John Beninato stated as Zoning Inspector, he takes measurements from the road right of way. He said sometimes roads are off-center.

Connie Coons asked on what roads is the MC70 not holding up. She asked Lynn for a copy of the Water Advisory Board report.

Ted Seifert stated the trustees have made a motion for the Zoning Commission to revisit the 1,000 feet issue. He is unclear exactly what the board wants the Commission to do. Janie said her motion stated that the letter from the ZBA presented tonight, is to go to the Zoning Commission. They are to look at the issue, keeping the ZBA considerations in mind. Ted asked if the board is starting the process of review. Janie said they are to revisit the three issues raised by the ZBA and bring their comments back to the trustees. Ted mentioned public hearings and reviewed the three ways to change the zoning text. Jerry stated he would like the Commission to revisit the issue and if changes are warranted, then the process should begin. Ted was unclear what Lynn and Janie wanted concerning public hearings and the review process. Lynn said she believes the letter came to the trustees from the ZBA to have the issue looked at. John Beninato interjected that if a change is suggested, public hearings would need to be scheduled. Lynn and Janie agreed.

Ted Wilms turned in the name of a probationary fire dept. member to the fiscal officer. He reported the switch to change the light at the intersection is now operational. It can be changed to allow for emergency vehicles to pass through the intersection.

Res. 736-07 With no other business to come before the board, Lynn moved to adjourn the meeting. Janie seconded. The meeting ended at 9:25pm.

Barbara Schaub
Jerry Burk