

# RECORD OF PROCEEDINGS

Minutes of

Austinburg Township

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held March 21, 20 16

The Austinburg Township Trustees' Public Hearing for the Zoning Map Change applied for by Grand River Academy held on March 21, 2016 was called to order at 7:00pm. Trustees Burke, Kusar, & Dutton, Tim Viands, Joel Laughlin, Mike Schaab, Lorna Westlake, John Beninato, Ted, Ginny Seifert, Winnie Cerbin, David, Bill Thomas were present.

John K. explained to those in attendance that GRA has applied to the Zoning Commission for a map change, making their property zoned an Educational District. The Zoning Commission held a public hearing and took public comments. At the hearing the Commission passed this map change for GRA. It now moves to the trustees for consideration, comments are welcome from the public and then the trustees may vote on the change in open meeting. It will take effect in 30 days if the trustees pass it, unless someone starts a ballot initiative on the matter. This map change is for the current GRA property only. If they acquire more property they will have to again apply for a map change if they desire to add the new property to the E C District. At this time, the trustees asked for any comments or questions on the matter of the GRA map change to EC District. There were no comments from the audience.

The Public Hearing was adjourned at 7:10pm.

The regular meeting of Austinburg Township held March 21, 2016 was called to order at 7:30pm. In addition to the above attendees, Eva Lebzelter, Susan Allen, Phil Miller, Alan, Pat Yarbrough were in attendance.

Res. 201-16 John moved to approve the minutes of the March 7 regular meeting as written. Jerry seconded. The roll call vote; Kusar, aye. Dutton, aye. Burke, aye.

Res. 202-16 John moved to pay the bills of the township. Byron seconded. The roll; Burke, aye. Kusar, aye. Dutton, aye.

Receipts totaled \$263,760.49 due to receipt of the first half real estate tax settlement. Bills were \$12,279.42.

Res. 203-16 John moved to transfer \$2,000.00 into the zoning fund as requested by the fiscal officer. Jerry seconded. The roll; Dutton, aye. Kusar, aye. Burke, aye.

Res. 204-16 Jerry moved to allow the fiscal officer to make the supplemental appropriation in the amount of \$2,000.00 in the zoning fund requested by the fiscal officer for zoning expenses. John seconded. The roll; Burke, aye. Kusar, aye. Dutton, aye.

Res. 205-16 John moved to declare the old zoning computer obsolete and of no value. The township will donate it to the Ashtabula Maritime Museum. The museum is located at 1071 Walnut Blvd., Ashtabula. Jerry seconded. The roll; Burke, aye. Dutton, aye. Kusar, aye.

Susan Allen inquired about the court case involving Russell Janson to be held in Western Co. Court. John Beninato stated it has been withdrawn pending the outcome of the case being held in the 11<sup>th</sup> District Court of Appeals. There was much discussion on residents following the zoning laws. Ms. Allen expressed her concern that only some people appear to be obeying the zoning and others clearly do not. John K. said the township has to wait and see what the outcome is of Mr. Janson's appeal before the trustees can address the next course of action. Eva Lebzelter asked if that court overturns the decision can Janson go back to his business. The trustees answered he could continue operating his business. John K. said that unfortunately our zoning laws have no real teeth to enforce them. The legislation could look into this and give the trustees more authority to enforce. Phil Miller asked if the court does overturn Judge Yost's decision can the township appeal. The trustees said they'd have to wait and see, but then it would move to the Ohio Supreme Court. They would then consult the township's attorney and make a decision at that time.

Jerry reported that the township OPWC grant application has been approved. The township will receive \$99,950.00 for the Forman Road improvement. Nothing can be started until the grant agreement has been signed and returned to OPWC around July.

Jerry said Amir called from the County Engineer office and the county will go out and flag the ditch on John's neighbor's (Patty) ditch so the drainage problem can be addressed.

Byron discussed the old gas station property. The township has decided to use \$50,000.00

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on the demo of the old building. The Port Authority has spent \$45,000.00 on Phase I and Phase II of the assessment of the property.

Res. 206-16 Byron moved the township send a letter to the Port Authority and let them know the township has reserved \$50,000.00 for the eventual demolition of the building. This is not binding but we can get them to the table to discuss this further. John seconded. The roll; Burke, aye. Dutton, aye. Kusar, aye.

Byron said he received an updated easement agreement from Tom Pope of Koski Construction Co. Our driveway is in and only needs the top dressing. Don Koski will be back in town in a couple weeks and Byron would like to speak with him. Byron suggested the township sign a one year lease as a good faith gesture since the township initially agreed to do that with him.

Byron stated the water tank in Coffee Creek Industrial Park needs an aerator. The cost will be \$150,000.00 as reported at the County Water Advisory Board meeting he attended on March 16.

John reported the newsletter has been sent to the printer.

Res. 207-16 John moved to accept and approve the zoning map change to EC District for which Grand River Academy applied. This change takes effect in 30 days from tonight's vote. Byron seconded. The roll call vote; Kusar, aye. Dutton, aye. Burke, aye.

Res. 208-16 Byron moved to adjourn the meeting. John seconded. The meeting adjourned at 8:10pm.

Barbara Schaefer  
John Kusar