

July 16, 2018

PROCEEDINGS

Lordstown Village Council Regular Meeting

(WHEREAS, the regular meeting before the Lordstown Village Council commenced on Monday, July 16, 2018, at 6:05 p.m. and proceedings were as follows:)

(Lord's Prayer and Pledge of Allegiance to the Flag)

MAYOR HILL: Bill, can we have roll call, please.  
MR. BLANK: Mayor Hill?  
MAYOR HILL: Present.  
MR. BLANK: Mr. Bond?  
MR. BOND: Here.  
MR. BLANK: Mr. Liming?  
MR. LIMING: Present.  
MR. BLANK: Mr. Radtka?  
MR. RADTKA: Present.  
MR. BLANK: Mrs. Jones?  
MRS. JONES: Present.  
MR. BLANK: Mr. Sheely?  
MR. SHEELY: Present.  
MR. BLANK: Mr. Reider?  
MR. REIDER: Present.  
MR. BLANK: Clerk Blank, present.  
Treasurer, George Ebling?  
MR. EBLING: Here.  
MR. BLANK: Solicitor Paul Dutton?  
SOLICITOR DUTTON: Present.  
MR. BLANK: Police Chief Brent Milhoan?  
CHIEF MILHOAN: Present.  
MR. BLANK: Fire Chief Travis Eastham?  
CHIEF EASTHAM: Present.  
MR. BLANK: Planning and Zoning, Economic Development, Kellie Bordner?  
MS. BORDNER: Present.  
MR. BLANK: Parks, Buildings, Grounds, Street Commissioner, Dale Grimm?  
MR. GRIMM: Present.  
MR. BLANK: Recreation, Marty Gibson?  
MRS. GIBSON: Here.  
MR. BLANK: Board of Public Affairs?  
MR. DIETZ: Here.  
MR. BLANK: Municipal Engineer Chris Kogelnik? (Mr. Kogelnik arrived at approximately 6:10 p.m.)  
MAYOR HILL: I'll entertain a motion to excuse Chris. He sent me a text here about an hour ago and said he was delayed in traffic in Cleveland and said he didn't think he could make it.  
MR. RADTKA: So moved.  
MAYOR HILL: Moved by Radtka. Second?  
MRS. JONES: Second.  
MAYOR HILL: Second by Jones. Comments?  
(NO RESPONSE FROM COUNCIL.)  
All in favor?  
COUNCIL: Aye.  
MAYOR HILL: Opposed?  
(NO RESPONSE FROM COUNCIL.)

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**(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)**

Motion carried.  
I'll entertain a motion for adoption of the agenda.  
MR. LIMING: So moved.  
MR. REIDER: Second.  
MAYOR HILL: Moved by Liming; second Reider. Comments?  
(NO RESPONSE FROM COUNCIL.)  
All in favor?  
COUNCIL: Aye.  
MAYOR HILL: Opposed?  
(NO RESPONSE FROM COUNCIL.)

**(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)**

Motion carried.  
I'll entertain a motion for disposal of the minutes for the public hearing June 16, special meeting June 16, regular meeting June 18 and special meeting June 21, 2018.  
MR. SHEELY: So moved.  
MAYOR HILL: Moved by Sheely. Second?  
MR. BOND: Second.  
MAYOR HILL: Second by Bond. Comments?  
(NO RESPONSE FROM COUNCIL.)  
All in favor?  
COUNCIL: Aye.  
MAYOR HILL: Opposed?  
(NO RESPONSE FROM COUNCIL.)

**(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)**

Motion carried.  
I'll entertain a motion for payment of the bills.  
MR. REIDER: So moved, Mr. Mayor.  
MAYOR HILL: Moved by Reider. Second?  
MR. LIMING: Second.  
MAYOR HILL: Second by Liming. Comments?  
(NO RESPONSE FROM COUNCIL.)  
All in favor?  
COUNCIL: Aye.  
MAYOR HILL: Opposed?  
(NO RESPONSE FROM COUNCIL.)

**(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED)**

(Mr. Radtka abstained on line 9, page 4 only.)  
MR. RADTKA: Yes, Mr. Mayor. I'll be abstaining from line 9 on page 4.  
I'm in favor of all the rest.  
MAYOR HILL: Motion carried.  
Mayor's report. As reported in caucus, I did turn in a packet, which came from First Energy Solutions, which has filed bankruptcy, over to the Solicitor to have him review it. See if that will affect us in any way. First Energy Solutions is our electric aggregate. So he's checking that.  
I'd like to congratulate Marty for a great picnic we had. I think everything went well. And I also think things are going real well up there at Fun Days also.

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MRS. GIBSON:  
MAYOR HILL:

They are.  
I have appointments to the Rec. Program and also appointments to the Water Department. Also, at this time, Mark Walker is here and also some other people who are here from Trumbull MetroParks and the Western Reserve Land Conservancy. And Mark's here from TJX and Nick Coggins is here from the Planning Commission. There's been some dialogue as far as how we're going to get the buffers, the conservancies, things like that. We also have Carl here from MS Consultants. So, I'm going to turn the floor over to Mark and let him explain some of the things that have been going on.

MR. WALKER:

Thank you. Mark Walker, Vice President of Real Estate, TJX/HomeGoods. Good evening, Mr. Mayor, Council, Attorney Dutton, nice to see everyone. I'm pleased here tonight to provide the Council with an update on our plans for the distribution center, especially as Mayor Hill has asked, as it relates to the buffer area and how we're committed to that.

Before I speak to the buffer, I'd like to take a minute to reiterate that we are extremely excited about the project. We believe it will be mutually beneficial to the village and the valley and the greater regional area. And HomeGoods very much looks forward to starting construction.

As a company, we have a long history of supporting communities in which we do business. And, as you've hopefully heard over the last months, we're committed to responsible development in Lordstown. We believe the distribution center, if we are able to build it as proposed, will bring a host of economic benefits to the area.

First, we expect to bring a thousand or more jobs within our first five years of operation, from entry-level roles to supervisory and managerial positions in facilities, operations, human resources, information technology systems, finance, and others.

Second, during this process, we have engaged with local colleges to explore developing internships, campus recruiting at the schools similar to the kinds of programs we've developed with other institutions near our other distribution center locations. This has all occurred within the last couple weeks as we set up some of the benefits and some of the involvement we'll have here in Lordstown.

Next, we've listened to the needs of the Lordstown Local School District and have offered to contribute \$500,000 for projects that the School Board has prioritized.

In regards to the land itself, we've completed a thorough and valid evaluation process, which included an assessment of various other sites across the region with our team of engineers and other experts. We selected the Ellsworth-Bailey Road location as the only location that met all criteria for our distribution center project.

Now, to the buffer. In terms of the buffer, we wanted to provide the following update on our work to permanently give away a minimum of a hundred acres of land on the site to a third-party environmental or conservancy organization that can maintain the land as buffer or conservation space.

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So, where have we started? We've been working with the Ohio EPA on this land donation and last week they provided us a draft of a covenant agreement—which I'll hand out in a second—which I can share with you or anybody in the public that might want to take a look at it. This covenant, which is standard EPA practice, will run with the land. Meaning that it cannot be changed. It provides guidance on how the land can be used going forward, including restrictions on activity, use and alteration. Attorney Dutton, if it's okay, may I hand out a copy of—

SOLICITOR DUTTON:

Sure. Ask the Mayor, not me—

MAYOR HILL:

Sure.

MR. WALKER:

So this was given to us by the EPA. And this form contains a lot of the material that would make it into an agreement with the Western Reserve Group. I'm going to bring Alex—

MR. BLANK:

Mark, I need one.

MS. COTTERMAN:

Can I have one, too?

MR. WALKER:

I'm going to ask Alex Czayka, who is with the Western Conservancy Group to come up and give us a little overview on their role as a third-party conservation easement holder. The two organizations have started work and will, over the next 60 days, really spring into a lot of the details on a conservation easement that will protect this land and keep it in its natural state in terms of buffering, timber, restrictions and preserving the natural amenities of the property.

MR. CZAYKA:

Thank you, Mark. Alex Czayka, Eastern Field Director, Western Reserve Land Conservancy. Hello Council, Mayor. Thanks for having me tonight. As Mark said, Western Reserve Land Conservancy—I'll just give you guys all a brief background of who we are. You may have heard of us because of our involvement in Henn Parkway, a very similar project, that happened a couple years ago.

We're a 501(c)(3) nonprofit organization. We're a conservation organization that works in Northeast Ohio. We function in about 18 counties, including Trumbull, Mahoning, Ashtabula Counties. All the counties around here. Our primary role as an organization is to protect the natural resources of our region. To date, we've protected about 55,000 acres in our region. We've been in this business for quite a long time.

Typically, our land deals that we work on are with private individuals that own land or private individuals that are looking to sell or buy land. We have been involved in several, what we call mitigation-type of transactions where a company—in this instance, HomeGoods or TJX—may be impacting on some wetlands or streams on a site. In order to do so, the federal agencies get involved and they say you have to replace this many or restore this many to accommodate what impacts you have. This situation, from what I've seen, has really not that many impacts. In terms of conservation, they're not really doing that much conservation harm.

In this process, the EPA and Army Corp. and consultants are working together on this project to try to find an entity, like ourselves, that hold a conservation easement. A conservation easement in its most basic form protects the

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surface of the property. So, if a conservation easement is on a property, a hundred acres, for example, if it goes on that property tomorrow, that conservation easement runs with that land in perpetuity. It's not an easy thing to be taken off the property. It can only be extinguished through judicial proceedings. So it's not something that, you know, Western Reserve Land Conservancy and the owners of that property ten years from now can say, "Hey, this conservation thing isn't working out. Let's just agree to let it go away." That can't happen.

Our organization holds that conservation easement. We don't own the land. I think in this situation when there's a third party—and hopefully MetroParks public entity can own that land and provide a public benefit, public use for the public. But our role really is to work with the different agencies involved and assure—and I understand there are some residents that are concerned about the protection of this land—that we are an organization that essentially guarantees that protection in perpetuity, and it's our obligation on an annual basis to show up to that property and make sure there's not another Family Dollar or Burger King that went in there and wasn't supposed to go in there. So that's our obligation as an organization.

We think this is actually a great project. Typically, when we work on this type of project, we're talking about 10, 15 or 20 acres. In this situation, from what we understand, is it could be up to a hundred acres. So that's significant conservation value for what we're interested in and what we protect. And we're excited to be a part of it. Questions? Yes, sir.

MR. BOND:

What about gas and oil development on there?

MR. CZAYKA:

Yes. I guess I should talk about that. What really a conservation easement protects. First and foremost, it protects from all future development. So no residential development; no commercial development. Timbering will be restricted. There will be no timbering. Future oil and gas will be restricted. So there's currently, as I understand it, some oil and gas infrastructure on the property. A lot of times that's grandfathered in. It will depend on really what the agencies decide on what to do there. But in terms of moving forward, there will never be an oil and gas pad or a new pipeline that goes through that property.

MR. BOND:

Even though the current lease will allow it?

MR. CZAYKA:

If the current lease allows it, it may be possible. Again, that depends on what the agencies decide on whether or not that has to go away or not.

MR. WALKER:

Councilman Bond, we are working with the current holder of the easement to get things to come together to remove those gas wells and cap them off. There is discussion but it's not formalized yet—

MR. BOND:

Right. The letter of intent mentioned gas wells, current or future.

MR. WALKER:

We would not be putting it in, in the future.

MR. CZAYKA:

Absolutely not.

MR. WALKER:

We've already talked about that. If they don't want it, we don't want it. So that would be written into the document itself as well. So there are safeguards established.

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MAYOR HILL: Any other questions for Alex?  
(NO RESPONSE FROM COUNCIL.)  
Thank you.

MR. WALKER: Again, consistent with the letter that I handed out at the last meeting, we wanted to give assurances, intent to work with the EPA and the Arm Corp., Alex's organization. We'll go work hand-in-hand with them so that they all agree on the same language. There's actually precedent here because the organizations have worked in the past. So it all comes together very nicely.

MAYOR HILL: Any other questions for Mark?  
(NO RESPONSE FROM COUNCIL.)

MR. WALKER: I just have a few more points if I can do that. Just need two minutes—

MAYOR HILL: Take as long as you want.

MR. WALKER: Okay. We do have Zachary Svette from Trumbull County MetroParks here. We have had a number of meetings and the intention right now and the thought process is that we would deed the land over to MetroParks, and they would take the actual deed, the ownership of the property. That would occur after everything is worked out with the Western Reserve Conservancy Group. So we have the setup here. The time frame for all this is probably September, October. But, as you can see, we have the right people in place, I believe. We have the right purpose. And I think everything is coming together very nicely as it relates to what we want, what the village wants, what the residents want. And I think we can do something very nice here. Finally, I'd like to reiterate that in addition to the land donation we've also committed to constructing a significant berm and swale along Hallock-Young Road. That's been discussed at other meetings. That is still very much a part of the engineering process that we will be going through. Just, finally, HomeGoods has been in business many, many years. We're proud of our great relationships with the communities and we enjoy the places we've built. We expect that we'll have many, many good years here of citizenship here. Thank you very much. Any questions, would be happy to—

MAYOR HILL: Any questions from Council for Mark?  
(NO RESPONSE FROM COUNCIL.)  
Thank you very much.

MR. WALKER: Thank you.

MAYOR HILL: I have nothing else for the Mayor's report.  
Is there a Clerk's report this evening?

MR. BLANK: No report, Mayor.

MAYOR HILL: Solicitor's report?

SOLICITOR DUTTON: No report.

MAYOR HILL: Is there a Treasurer's report?

MR. EBLING: No report.

MAYOR HILL: Is there a Board of Trustees of Public Affairs report?

MR. DIETZ: Got a meeting tomorrow night at 4:30-4:00 here.

MAYOR HILL: Thank you, Tom. I see the Village Engineer did make it in.  
Do you have a report, Chris?

MR. KOGELNIK: Thank you, Mayor. Yes. I have four primary things to update you on.

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The air release valve project, I sent an email to the Water Clerk stating that one can be paid in full, that construction is completed.

Highland Avenue sanitary sewer system, we're going to wait about 30 days for everything to go in order so that the village can enter into an agreement with Trumbull County Sanitary Engineers for the connection of that sanitary sewer.

The public warning system, the contract agreements are being signed now. I have the agreements to hand over to you to finish off signing those. And shop drawings will be distributed right after that.

Tomorrow we're going to be reviewing the water and sewer rules and regulations of the BPA, of which, I believe, the water are close to being done.

That's all I have. Any questions?

MAYOR HILL:

Questions for Chris?

(NO RESPONSE FROM COUNCIL.)

MR. KOGELNIK:

Thank you.

MAYOR HILL:

Special reports. Police Chief Milhoan?

CHIEF MILHOAN:

Yes, Mr. Mayor. I submitted my monthly report for June.

Answer any questions if you have any.

MAYOR HILL:

Any questions for Brent?

(NO RESPONSE FROM COUNCIL.)

Fire Chief Eastham?

CHIEF EASTHAM:

No report tonight, Mr. Mayor.

MAYOR HILL:

Any questions for Travis?

(NO RESPONSE FROM COUNCIL.)

Planning and Zoning Administrator and Director of Economic Development, Kellie?

MS. BORDNER:

No report, Mr. Mayor.

MAYOR HILL:

Questions for Kellie?

(NO RESPONSE FROM COUNCIL.)

Parks, Grounds, Buildings, Street Superintendent, Mr. Grimm?

MR. GRIMM:

Yes, Mr. Mayor. Just wanted to let everybody on Council know that the scrap tire program went well again this year. We were originally going to be granted back—I think it was around \$1,435. The total bill this year come in just shy of \$2,500. The Geauga/Trumbull Board met and come up some additional monies, so we'll be getting full reimbursement back. So there won't be anything coming out of the village funds. That's all I have.

MAYOR HILL:

Any questions for Dale?

(NO RESPONSE FROM COUNCIL.)

Recreation, Marty?

MRS. GIBSON:

I have no report. Just agree with you the Community Day/Fishing Derby went off quite lovely. Had a couple minutes of rain. And Summer Fun Days is going well. I've got between 85 and 95 kids coming pretty much every day.

MAYOR HILL:

Any questions for Marty?

(NO RESPONSE FROM COUNCIL.)

Bill, do we have any correspondence this evening?

MR. BLANK:

No correspondence, Mayor.

MAYOR HILL:

Public remarks. If you'd like to make a public remark, after I acknowledge you, please come to the microphone and give your name and address so that we can get it recorded in the

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minutes correctly. Public remarks?

(NO RESPONSE.)

Hearing none, are there any Council remarks?

MR. REIDER:

Yes, Mr. Mayor, if I may?

MAYOR HILL:

Yes.

MR. REIDER:

I would like to ask our Solicitor—you know, we've had a lot of issues dealing with the TJX project. I think a lot of them have been put to rest. But I keep hearing one. It keeps coming up about the issue of spot zoning. I don't particularly think it is, and I would like to ask you if you wouldn't mind explaining to the audience here about spot zoning, that this issue is not.

SOLICITOR DUTTON:

Actually, thank you for the heads up earlier today so I was able to resurrect an opinion that we wrote in response to a similar question from Kellie Bordner in March of this year. Then we also discovered that we had issued a memorandum to the Planning Commission and to Village Council way back in 2014. It was just an update about some issues involving zoning. And one of the issues that we talked about was what is spot zoning? The opinion that we did in March of 2018 is consistent with what we said about spot zoning back in 2014.

What you have to know is, spot zoning is a term of art. It's not really a legal term. It is a conclusion from the facts and circumstances. As previously described in our opinion, which we shared with Council in March, spot zoning refers to the singling out of parts of a parcel or area of land for discriminatory treatment from that accorded to the surrounding lands, which are similar in character.

Admittedly, spot zoning is a confusing term and people often incorrectly assume that zoning of a single parcel without altering the zoning around the parcel as being impermissible spot zoning. This is incorrect. To qualify as impermissible unconstitutional spot zoning, the rezoning would have to be discriminatory or unreasonable considering the totality of the circumstances. For clarity of this opinion—well back up—we talked about two parcels, the Harvey Lutz parcel and the DBR parcel, which was the largest acreage. The Lutz parcel—this parcel was vacant land currently zoned Residential-1. The application, which had been submitted before the Planning Commission, sought to change it to Industrial-1, which occurred. To conduct a baseline determination, one must look at the overall characteristics of the area concerning the zoning of the surrounding properties and the intent of the commission absent a formal master plan. Keep in mind, the Village of Lordstown does not have a master zoning plan.

Here, the property is vacant. It is bordered by additional vacant Residential-1 property to the west; the Ohio Turnpike property to the north/northeast; a four-lane road, which is Ellsworth-Bailey; and the General Motors Plant, which is currently zoned Industrial-1 to the east/northeast. To the south/southeast, the property borders land zoned B-1, Business-1, and additional vacant Residential land. Clearly, when considering the nature of the property, a vast, vacant tract, its proximity to the Ohio Turnpike, and its direct



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opposition to the largest industrial space in the Village, the GM Plant, this parcel could be changed by the Commission from Residential-1 to Industrial-1 without fear of implicating the tenets of unconstitutional spot zoning. If it were the pleasure of the Commission, the undersigned would not take a position of caution to that change.

Now, the second parcel was the 52 and a half acre parcel owned by DBR of Ohio. This parcel is vacant land currently zoned Residential-1. The application before the Planning Commission seeks a zone change to Industrial-1. To conduct a baseline determination, one must look at the overall characteristics of the area concerning the zoning of surrounding properties and the intent of the Commission absent a formal master plan. Here, the property is vacant. It is bordered by the other property currently extending application to the north. To the south by vacant Residential-1 property and high tension power lines. To the east, vacant Residential and one, single-family residence and Ellsworth-Bailey Road. To the west, by additional, vacant Residential land. Clearly, when considering the nature of the property, a vast, vacant tract, its proximity to the Ohio Turnpike, and its direct opposition to the largest industrial space in the Village, the GM Lordstown plant, this parcel could be changed by the Commission from Residential-1 to Industrial without the fear of implicating the tenets of unconstitutional spot zoning.

Now, If you go back to the memo that we did in 2014, we defined what spot zoning was. It's Item No. 6 on Page 4 of that memo, which was given to the Planning Commission and to the Village Council. What is spot zoning? You may hear residents using the term spot zoning. It has frequently been discussed but there has only been one case in Ohio where the court actually found that a zoning decision constituted spot zoning. That case is *State ex rel. Phillips Supply Company v. The City of Cincinnati*. In other words, spot zoning is rare and it's difficult to prove. Spot zoning refers to the singling out of a lot or small area for discriminatory or different treatment from that accorded to surrounding land which is similar in character.

A leading planning and zoning treatise had this to say: Spot zoning is another confusing term. Many people think that a rezoning of a single parcel of land constitutes spot zoning and is unconstitutional. This is incorrect. Spot zoning is simply a phrase used to conclude that a rezoning is unconstitutional for a specific reason. Rezoning a single parcel or a small area is not unconstitutional per se.

Rezoning a small area in a discriminatory or unreasonable manner is. Just think in terms of a residential street and you've got all single-family homes and somebody wants to put up a Dairy Queen in the middle of a street or whatever, so you go in and you rezone that one parcel.

The single case cited, the *Phillips Supply Company* case stated that the unanswered question in the courts is how differently the zoning of a property must be from the surrounding properties before it constitutes spot zoning. And much depends upon the particular facts and circumstances.

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So, in our opinion and our advice to Ms. Bordner and the Planning Commission back in March and the advice that we gave in 2014, is consistent. We do not believe that the HomeGoods, TJX zoning reclassification constitutes as spot zoning.

MR. REIDER: Thank you.

MAYOR HILL: Are there any other Council remarks?  
(NO RESPONSE FROM COUNCIL.)

MR. RADTKA: Hearing none, committee reports. Finance, Mr. Radtka?  
Yes, Mr. Mayor. The only thing I have is one piece up for emergency passage tonight I'd like to have support for.

MAYOR HILL: Any questions for Ron?  
(NO RESPONSE FROM COUNCIL.)  
Parks, Buildings, Grounds, General Improvements, Streets and Sidewalks, Mrs. Jones?

MRS. JONES: We have no report this evening, Mr. Mayor.

MAYOR HILL: Questions for Karen?  
(NO RESPONSE FROM COUNCIL.)  
Public Safety and Police, Mr. Reider?

MR. REIDER: No report, Mayor.

MAYOR HILL: Questions for Don?  
(NO RESPONSE FROM COUNCIL.)  
Public Safety, Fire, and EMS, Mr. Sheely?

MR. SHEELY: No report this evening.

MAYOR HILL: Questions for Howard?  
(NO RESPONSE FROM COUNCIL.)  
Public Utilities, Mr. Bond?

MR. BOND: Yes. As I stated in caucus, we have the two Ordinances coming in tonight. We'd like to see both of them passed emergency. One project has been completed and we'd like to get that paid. The other one needs to get the gas aggregation passed to hold that rate.

MAYOR HILL: Thank you. Any questions for Bob?  
(NO RESPONSE FROM COUNCIL.)  
Recreation and Planning, Mr. Liming?

MR. LIMING: No report.

MAYOR HILL: Questions for Lamar?  
(NO RESPONSE FROM COUNCIL.)  
Bill, first piece of legislation.

MR. BLANK: From Utilities Committee For Emergency Passage, **AN ORDINANCE APPROVING CHANGE ORDER NO. 1 IN THE AMOUNT OF \$5,418.15 FOR J.S. BOVA EXCAVATING OF STRUTHERS, OHIO, IN CONNECTION WITH THE EASTSIDE SANITARY SEWER PUMP STATION 2 FORCE MAIN AIR RELEASE VALVES PROJECT AND DECLARING AN EMERGENCY.**

MAYOR HILL: Comments or motions?

MRS. JONES: Motion to suspend.

MAYOR HILL: Motion to suspend the rules by Jones. Second?

MR. SHEELY: Second.

MAYOR HILL: Second by Sheely. Roll call, please.

MR. BLANK: Mr. Bond?

MR. BOND: Yes.

MR. BLANK: Mrs. Jones?

MRS. JONES: Yes.

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MR. BLANK: Mr. Liming?  
MR. LIMING: Yes.  
MR. BLANK: Mr. Radtka?  
MR. RADTKA: Yes.  
MR. BLANK: Mr. Reider?  
MR. REIDER: Yes.  
MR. BLANK: Mr. Sheely?  
MR. SHEELY: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 6, ayes; 0, nays. Motion carried to suspend the rules. Is there a motion to adopt?  
MR. LIMING: So moved.  
MAYOR HILL: Moved by Liming. Second?  
MR. BOND: Second.  
MAYOR HILL: Second by Bond. Comments?  
(NO RESPONSE FROM COUNCIL.)  
Roll call, please.  
MR. BLANK: Mr. Sheely?  
MR. SHEELY: Yes.  
MR. BLANK: Mr. Reider?  
MR. REIDER: Yes.  
MR. BLANK: Mr. Radtka?  
MR. RADTKA: Yes.  
MR. BLANK: Mr. Liming?  
MR. LIMING: Yes.  
MR. BLANK: Mrs. Jones?  
MRS. JONES: Yes.  
MR. BLANK: Mr. Bond?  
MR. BOND: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 6, ayes; 0, nays. Motion carried to adopt. Ordinance 43-2018. Next, please.  
MR. BLANK: From Utilities Committee For Emergency Passage, **AN ORDINANCE AUTHORIZING THE VILLAGE OF LORDSTOWN TO EXECUTE AN AMENDMENT TO THE NATURAL GAS AGGREGATION AGREEMENT WITH CONSTELLATION NEW ENERGY — GAS DIVISION, LLC (FKA CONSTELLATION ENERGY SERVICES-NATURAL GAS, LLC) TO PROVIDE NATURAL GAS SUPPLIER SERVICES TO ENABLE THE VILLAGE TO OBTAIN CERTIFICATION FROM THE PUBLIC UTILITIES COMMISSION OF OHIO TO BECOME AN AGGREGATOR OF NATURAL GAS FOR AN AGGREGATION GROUP WHICH INCLUDES THE VILLAGE OF LORDSTOWN AND DECLARING AN EMERGENCY.**  
MAYOR HILL: Comments or motions?  
MRS. JONES: Motion to suspend.  
MAYOR HILL: Motion to suspend the rules by Jones. Second?  
MR. RADTKA: Second.  
MAYOR HILL: Second by Radtka. Roll call, please.  
MR. BLANK: Mr. Radtka?

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MR. RADTKA: Yes.  
MR. BLANK: Mr. Bond?  
MR. BOND: Yes.  
MR. BLANK: Mrs. Jones?  
MRS. JONES: Yes.  
MR. BLANK: Mr. Reider?  
MR. REIDER: Yes.  
MR. BLANK: Mr. Liming?  
MR. LIMING: Yes.  
MR. BLANK: Mr. Sheely?  
MR. SHEELY: Yes.

**(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)**

MAYOR HILL: 6, ayes; 0, nays. Motion carried to suspend the rules. Is there a motion to adopt?  
MR. BOND: So moved.  
MR. SHEELY: Second.  
MAYOR HILL: Moved by Bond; second by Sheely. Comments?  
(NO RESPONSE FROM COUNCIL.)  
Roll call, please.  
MR. BLANK: Mr. Liming?  
MR. LIMING: Yes.  
MR. BLANK: Mr. Bond?  
MR. BOND: Yes.  
MR. BLANK: Mrs. Jones?  
MRS. JONES: Yes.  
MR. BLANK: Mr. Radtka?  
MR. RADTKA: Yes.  
MR. BLANK: Mr. Sheely?  
MR. SHEELY: Yes.  
MR. BLANK: Mr. Reider?  
MR. REIDER: Yes.

**(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)**

MAYOR HILL: 6, ayes; 0, nays. Motion carried to adopt. Ordinance 44-2018. Next, please.  
MR. BLANK: From Finance Committee For Emergency Passage, **AN ORDINANCE CONSENTING TO THE ASSIGNMENT AND TRANSFER OF THE ENTERPRISE ZONE AGREEMENTS GRANTED PURSUANT TO ORDINANCE NOS. 33-2011 AND 20-2017 BETWEEN THE BOARD OF COMMISSIONERS OF TRUMBULL COUNTY, OHIO AND ANDERSON-DUBOSE, INC./ADUCO PROPERTY LLC BY ADUCO PROPERTY LLC TO BROADSTOWN ADB OHIO, LLC AND DECLARING AN EMERGENCY.**  
MAYOR HILL: Comments or motions?  
MR. RADTKA: Motion to suspend.  
MAYOR HILL: Motion to suspend the rules by Radtka. Second?  
MR. SHEELY: Second.  
MAYOR HILL: Second by Sheely. Roll call, please.  
MR. BLANK: Mr. Reider?  
MR. REIDER: Yes.  
MR. BLANK: Mr. Radtka?

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MR. RADTKA: Yes.  
MR. BLANK: Mr. Sheely?  
MR. SHEELY: Yes.  
MR. BLANK: Mr. Bond?  
MR. BOND: Yes.  
MR. BLANK: Mr. Liming?  
MR. LIMING: Yes.  
MR. BLANK: Mrs. Jones?  
MRS. JONES: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 6, ayes; 0, nays. Motion carried to suspend the rules. Is there a motion to adopt?  
MR. LIMING: So moved.  
MR. RADTKA: Second.  
MAYOR HILL: Moved by Liming; second by Radtka. Comments? (NO RESPONSE FROM COUNCIL.)  
Roll call, please.  
MR. BLANK: Mr. Bond?  
MR. BOND: Yes.  
MR. BLANK: Mrs. Jones?  
MRS. JONES: Yes.  
MR. BLANK: Mr. Liming?  
MR. LIMING: Yes.  
MR. BLANK: Mr. Radtka?  
MR. RADTKA: Yes.  
MR. BLANK: Mr. Sheely?  
MR. SHEELY: Yes.  
MR. BLANK: Mr. Reider?  
MR. REIDER: Yes.

(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)

MAYOR HILL: 6, ayes; 0, nays. Motion carried to adopt. Ordinance 45-2018. Next, please.  
MR. BLANK: From Council as a Whole For Emergency Passage, A **RESOLUTION PROCLAIMING SEPTEMBER NATIONAL PROSTATE AWARENESS MONTH AND DECLARING AN EMERGENCY.**  
MAYOR HILL: Comments or motions?  
MR. SHEELY: Motion to suspend the rules.  
MAYOR HILL: Motion to suspend the rules by Sheely. Is there a second?  
MR. RADTKA: Second.  
MAYOR HILL: Second by Radtka. Roll call, please.  
MR. BLANK: Mr. Sheely?  
MR. SHEELY: Yes.  
MR. BLANK: Mr. Reider?  
MR. REIDER: Yes.  
MR. BLANK: Mr. Radtka?  
MR. RADTKA: Yes.  
MR. BLANK: Mr. Liming?  
MR. LIMING: Yes.  
MR. BLANK: Mrs. Jones?  
MRS. JONES: Yes.  
MR. BLANK: Mr. Bond?

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MR. BOND: Yes.

**(VOTE: 6, AYES; 0, NAYS; 0, ABSTAINED.)**

MAYOR HILL: 6, ayes; 0, nays. Motion carried to suspend the rules. Is there a motion to adopt?

MRS. JONES: So moved.

MAYOR HILL: Moved by Jones. Second?

MR. LIMING: Second.

MAYOR HILL: Second by Liming. Comments?  
(NO RESPONSE FROM COUNCIL.)

Roll call, please.

MR. BLANK: Mr. Radtka?

MR. RADTKA: Yes.

MR. BLANK: Mr. Bond?

MR. BOND: Yes.

MR. BLANK: Mrs. Jones?

MRS. JONES: Yes.

MR. BLANK: Mr. Liming?

MR. LIMING: Yes.

MR. BLANK: Mr. Sheely?

MR. SHEELY: Yes.

MR. BLANK: Mr. Reider?

MR. REIDER: Yes.

**(VOTE: 6, AYES; 0, NAYS; 0, ABSTAINED.)**

MAYOR HILL: 6, ayes; 0, nays. Motion carried to adopt. Resolution 17-2018.

Is there any old business Council would like to discuss at this time?

(NO RESPONSE FROM COUNCIL.)

Hearing none, new business. I'll go first. Recommended by Bruce Platt to have two employees put on for the Water Department. The first one is Robert Luzadder, II, as a full-time labor machine operator in the Water and Sewer Department. He passed his physical and background check. I'll entertain a motion to have him appointed.

MRS. JONES: So moved.

MR. RADTKA: Second.

MAYOR HILL: Moved by Jones; second by Radtka. Comments?

(NO RESPONSE FROM COUNCIL.)

All in favor?

COUNCIL: Aye.

MAYOR HILL: Opposed?

(NO RESPONSE FROM COUNCIL.)

**(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)**

Motion carried. Welcome aboard, Bob.

MR. LUZADDER: Thank you.

MAYOR HILL: I'd also like to recommend Kelsie N. Daniel as a temporary, part-time employee in the Water and Sewer Department pending passage of the background check and physical. I'll entertain a motion to that effect.

MR. BOND: So moved.

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MAYOR HILL: Moved by Bond. Second?  
MR. SHEELY: Second.  
MAYOR HILL: Second by Sheely. Comments?  
(NO RESPONSE FROM COUNCIL.)  
All in favor?  
COUNCIL: Aye.  
MAYOR HILL: Opposed?  
(NO RESPONSE FROM COUNCIL.)

**(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)**

Motion carried.  
Marty's got some recommendations. Substitute Instructor, Holly DeBernardo, effective June 11 and—actually, it's July 11.  
MRS. GIBSON: Yes. Correct?  
MAYOR HILL: Marty asked me about that one. Also, she has an aide, Martin Elder, II, and take off two employees, Jared Bosley and Marcel Jenkins. She did give me a call and asked those to be effective June 22. I'll entertain a motion for those appointments and removals.  
MR. LIMING: So moved.  
MAYOR HILL: Moved by Liming. Second?  
MR. REIDER: Second.  
MAYOR HILL: Second by Reider. Comments?  
(NO RESPONSE FROM COUNCIL.)  
(NO RESPONSE FROM COUNCIL.)  
All in favor?  
COUNCIL: Aye.  
MAYOR HILL: Opposed?  
(NO RESPONSE FROM COUNCIL.)

**(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)**

Motion carried.  
I will be having an appointment for the open Planning Commission seat at our next meeting.  
Is there any other new business Council would like to discuss at this time?  
MRS. JONES: Mr. Mayor, I believe some time ago you had mentioned that you'd like to have Mr. Reider put on the Business Review Committee. But I don't think that motion was ever made.  
MAYOR HILL: Okay.  
MRS. JONES: So I think we need to get that done.  
MAYOR HILL: He would be filling in for Mr. Radtka during the negotiations. I'm not sure. I can't remember, Karen. We haven't been meeting that much but I will take a motion to have Mr. Reider put on the Business Review Committee in Mr. Radtka's place for the TJX negotiations. I'll entertain a motion to that effect.  
MR. LIMING: So moved.  
MAYOR HILL: Moved by Lamar. Second?  
MR. SHEELY: Second.  
MAYOR HILL: Second by Sheely. Comments?  
(NO RESPONSE FROM COUNCIL.)  
All in favor?

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MRS. JONES: Aye.  
MR. BOND: Aye.  
MR. SHEELY: Aye.  
MR. LIMING: Aye.  
MR. REIDER: Aye.  
MR. RADTKA: I'll abstain on that.  
MAYOR HILL: Opposed?  
(NO RESPONSE FROM COUNCIL.)

**(VOTE: 5, AYE; 0, NAY; 1, ABSTAINED.)**

Motion carried. Thank you, Karen. I don't know if that was in there or not.

MRS. JONES: I didn't see that in any of our minutes, and I thought we should probably do that. I know you mentioned it in one of our meetings, but I don't think there was ever a motion made.

MAYOR HILL: We actually haven't had a meeting yet so that's fine. Actually, that does go through Trumbull County Planning Commission first. So basically when application is made for TJX through the Planning Commission, that basically comes up for concurrence—

MRS. JONES: I figured it needed taken care of.

MAYOR HILL: Is there any other new business Council would like to discuss at this time?

MR. RADTKA: I have one question. Have we gotten anywhere, Bob, with the Layer Road—I'm sorry. Not Layer Road—for that easement.

MR. BOND: That's on Layer Road.

MR. RADTKA: Layer Road.

MR. BOND: I talked to Dale. Dale, we've got to get down there, the two of us, and talk to Bill about that. Give me a call and we'll set it up.

MR. GRIMM: Okay.

MAYOR HILL: Anything else under new business?  
(NO RESPONSE FROM COUNCIL.)  
We're at second public remarks. Are there any other public remarks? Martin?

MR. JONES: Martin Jones, 2786 Hallock-Young Road. I just would like to make a couple comments about what the Solicitor explained about spot zoning. I totally agree with legalities that you were talking about as far as there really is no spot zoning in Ohio, for that matter, maybe nowhere. I don't know. But whoever wrote that opinion, I don't think they've ever been here or looked at a map because it kept saying that it was surrounded by undeveloped Residential land. It never made any comment about—there are definitely Residential. There are—to the west and to the south, there are a hundred houses. To the east, there are 300 residences in Imperial. This thing is being plopped into the middle of 400 dwellings that are in two square miles. So to say that it's all undeveloped Residential is ridiculous. Like I said, whoever actually wrote that wasn't thinking or they never even looked at a map. Thank you.

MAYOR HILL: Are there any other public remarks? Yes, Glenn?

MR. HOLMES: Glenn Holmes, State Representative, 63rd District. I just wanted to say publicly I appreciate what the residents have



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done to protect their quality of life and also TJX and the way they've been very forthright and open in every negotiation I've been in and every conversation I've been in. And it's my opinion that they fully intend to do everything that's necessary to be neighborly here in the Village of Lordstown. I just wanted to publicly say that.

MAYOR HILL: Thank you, Glenn. Any other public remarks?  
(NO RESPONSE.)

Hearing none, I'd like to thank everybody for coming this evening. I'll entertain a motion to adjourn.

MR. REIDER: So moved, Mr. Mayor.

MAYOR HILL: Moved by Reider. Second?

MR. RADTKA: Second.

MAYOR HILL: Second by Radtka. Comments?  
(NO RESPONSE FROM COUNCIL.)

All in favor?

COUNCIL: Aye.

MAYOR HILL: Opposed?  
(NO RESPONSE FROM COUNCIL.)

**(VOTE: 6, AYE; 0, NAY; 0, ABSTAINED.)**

Motion carried. Meeting adjourned.

**(WHEREAS, THE REGULAR MEETING BEFORE THE VILLAGE OF LORDSTOWN COUNCIL ADJOURNED AT 6:45 P.M.)**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk

STATE OF OHIO            )  
  )  
COUNTY OF TRUMBULL    )

I, Sharon K. Vigorito, a Notary Public, within and for the State of Ohio, do certify that the foregoing meeting before the Lordstown Village Council was written in the presence of witnesses and by me transcribed. I further certify that the foregoing is a true and accurate transcript to the best of my abilities.

\_\_\_\_\_  
Sharon K. Vigorito, Notary Public  
My commission Expires May 9, 2022