

Village of Lordstown Planning Commission

December 10, 2018

The Lordstown Planning Commission met in regular session on December 10, 2018 at 6:30 p.m. at the Lordstown Administration Building. The meeting was called to order by Chairperson Tim Rech, followed by the Pledge of Allegiance to the Flag. Roll call was taken.

In Attendance: Tim Rech, Chairperson
 Richard Rook
 Bob Shaffer
 Arno Hill, Mayor
 Don Reider, Council Member

 Paul Dutton, Solicitor
 Kellie Bordner, Planning and Zoning Administrator

Also Present: Attorney Thomas Schubert
 Larry Tura, Lordstown, Ohio
 Jacquelyn Tura, Lordstown, Ohio

EXCUSE THOSE ABSENT:

MR. RECH: Is there a motion to excuse Denise Dugan?

MR. REIDER: So moved.

MR. RECH: All right, Mr. Reider -- second?

MR. ROOK: Second.

MR. RECH: Mr. Rook -- all in favor, "aye"?

MR. SHAFFER: Aye.

MAYOR HILL: Aye.

MR. RECH: Aye.

MR. ROOK: Aye

MR. REIDER: Aye.

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

MR. RECH: All right, that passes. She is excused.

APPROVAL OF AGENDA:

MR. RECH: Reading and Approval of Agenda -- is there a motion to approve the agenda?

MAYOR HILL: So moved.

MR. RECH: Mayor Hill -- is there a second?

MR. ROOK: Second.

MR. RECH: Mr. Rook -- all in favor, "aye"?

MR. SHAFFER: Aye.

MAYOR HILL: Aye.

MR. RECH: Aye.

MR. ROOK: Aye.

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MR. REIDER: Aye.

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

ELECTION OF OFFICER:

MR. RECH: All right, thank you. First thing we have is Election of Officer. We need a Vice-Chairman as we do not have one.

MAYOR HILL: Should we swear Bob Shaffer in first?

SOLICITOR DUTTON: Yes, so you can then vote on it.

(Whereupon, Mr. Shaffer was sworn in by Mr. Rech.)

MR. RECH: Yes, now we have Election of Officer. We need a Vice-Chairman. Is there a motion -- or is there any nominations, I should say?

MAYOR HILL: Richard Rook?

MR. ROOK: Doesn't make any difference to me.

MAYOR HILL: I'll nominate Richard Rook.

MR. RECH: All right, Mr. Rook is nominated. Is there a second on that?

MR. REIDER: I'll second that.

MR. RECH: All right, Mr. Reider. Are there any other nominations?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

MAYOR HILL: I move we close the nominations.

MR. RECH: All right, nominations are closed -- all in favor of closing nominations, say "aye"?

MR. SHAFFER: Aye.

MAYOR HILL: Aye.

MR. RECH: Aye.

MR. ROOK: Aye.

MR. REIDER: Aye.

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

MR. RECH: All right -- all in favor of Mr. Rook as Vice-Chairman for the Planning Commission -- again, "aye"?

MR. SHAFFER: Aye.

MAYOR HILL: Aye.

MR. RECH: Aye.

MR. ROOK: Aye.

MR. REIDER: Aye.

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

MR. RECH: Mr. Rook, congratulations.

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MR. ROOK: Thank you.

APPROVAL OF MINUTES of October 9, 2018:

MR. RECH: All right, good deal -- all right, the next thing we have is Approval of the Minutes of October 9th, 2018. They were sent to you in the packet a couple of weeks ago. Is there a motion to approve those minutes?

MR. ROOK: Motion to approve.

MR. RECH: Mr. Rook -- is there second?

MR. REIDER: Second.

MR. RECH: I'll give it to Mr. Reider. All in favor, signify by saying "aye"?

MR. SHAFFER: Aye.

MAYOR HILL: Aye.

MR. RECH: Aye.

MR. ROOK: Aye.

MR. REIDER: Aye.

MR. RECH: Any "nays"?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

(VOICE VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.

MR. RECH: Okay, that is approved.

PLANNING AND ZONING ADMINISTRATOR'S REPORT:

MR. RECH: And then we move on to Planning and Zoning Administrator's Report?

MS. BORDNER: No report.

SOLICITOR'S REPORT:

MR. RECH: All right, thank you -- any Solicitor's Report?

SOLICITOR DUTTON: No report.

CORRESPONDENCE:

MR. RECH: Thank you -- any Correspondence?

MS. BORDNER: No, sir.

OLD BUSINESS:

MR. RECH: Any Old Business?

MS. BORDNER: Not that I'm aware of, sir.

NEW BUSINESS:

MR. RECH: All right, New Business, then -- we have Replat for Trumbull Energy Center (TEC) for property located at the corner of Henn Parkway and Tod Avenue. Take it away, Kellie.

MS. BORDNER: Attorney Schubert is present. He is going to represent both Trumbull Energy Center and the McHugh Properties. You have, before you, a Resolution of the Members of the McHugh Properties, LLC, giving him that permission to speak on their behalf; and essentially, as I understand it -- and I am quite sure that Mr. Schubert will be very happy to answer any questions.

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This is just, simply, some preliminary work that is necessary in order for them to move forward, hopefully, with the workup of the second energy plant -- and buying the properties, and developing the properties, and replatting and so on. So this is just going to be, probably, the first step in many.

What they need to do, here, is to purchase some property from McHugh; and in order to do that, they need to subdivide the parcel as it currently exists, from one (1) parcel into two (2). That will leave 100 foot of frontage on the lower parcel, heading south -- the south parcel with 100-foot of frontage on Tod.

So if it is your inclination to permit this replat, then we will need to give Mr. Schubert a waiver, and I'm sure that he will duly request that. Again, this is just simply a first step in doing some replat work that they need to do to move forward with some purchases and to get the development back on track.

So, as I understand it, this particular replat is going to be something that will be temporary in nature, and they will be developing these parcels and asking for another replat in the future. Again, because this is in a replatted area, it is not something that I can approve on my own, as the Planning and Zoning Administrator; whereas, normally, a subdivision or a consolidation is something that I can deal with, and would not have to bring it to you.

So I would ask -- that is what I have to offer, and I would ask Mr. Schubert if he would kindly stand up and come to the microphone, if he would -- and then you all can address any questions that you have of him.

ATTORNEY SCHUBERT: Attorney Tom Schubert, and I'm here tonight representing McHugh Properties -- who are the owners of a platted lot that we want to subdivide or replat; and I just point out to you that if you'd look at the drawing we submitted -- a copy of that -- you'll see a parcel there owned by Gerry Henn -- Henn Development, LLC. We're going to be expecting -- is going to be acquiring that five (5) acres shortly, and then this will be one (1). We'll replat, again, so that we'll have one (1) large parcel here rather than the -- the old Lions Club parcel is the one we have to replat first.

This was the Lions Club property. We did acquire it -- or Clean Energy Future acquired it, and we gave it to -- and sold it back to McHugh -- who, at the time, was integrated; and so we're just putting it back the way it was so that we can combine it, eventually, with the Henn Development Property and make it one (1) parcel.

MR. RECH: Questions?

MAYOR HILL: I have none.

MR. RECH: No?

MS. BORDNER: So, Tom, do you have any idea -- if you can tell the Board how long that this is going to be in this temporary state before you move forward with acquiring the Henn Development parcel, and seeking --

ATTORNEY SCHUBERT: It's anticipated that would happen in March. We have a signed Purchase Agreement for the Henn Property; and then when we do our financial close on the second plant, we'll pay it off.

MS. BORDNER: Okay, and as a result of this current replat, you do recognize and understand that there's only 100-foot of --

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ATTORNEY SCHUBERT: Yes, and we'd ask for a waiver for that since it is Commercial property, in view of the fact that we are going to combine it; and at which time, it would have --

MS. BORDNER: It's Industrial property.

ATTORNEY SCHUBERT: -- 710 feet of frontage.

MS. BORDNER: It would need 300 feet of frontage, but it will definitely meet that on down the road.

ATTORNEY SCHUBERT: Yeah, it will have 710 foot of frontage at that time.

SOLICITOR DUTTON: After March -- and you reconfigure it again, what will it end up looking like? Do you have any idea?

ATTORNEY SCHUBERT: Yes, it will be bounded on the south by the section line; and on the east, by its current eastern border; and the north, on the part that abuts McHugh; and the western boundary, will be Tod Avenue.

SOLICITOR DUTTON: A square?

ATTORNEY SCHUBERT: Yes, a square.

SOLICITOR DUTTON: Okay.

ATTORNEY SCHUBERT: Eventually, we're going to -- after the plan is constructed, we're going to cut it in half -- into two (2) parcels, about 400 -- 350-foot of frontage, each -- and convey one (1) of them to Clean Energy Future, Lordstown. They have needed some added ingress and egress to their plant, and that would facilitate that -- but that's down the road.

SOLICITOR DUTTON: Okay. Are you going to have a common entrance to both plants?

ATTORNEY SCHUBERT: No -- no, the new plant will have its own entrance, which is south of this parcel -- south.

SOLICITOR DUTTON: Okay -- is it immediately south?

ATTORNEY SCHUBERT: Yes.

SOLICITOR DUTTON: It borders? Or it crosses?

ATTORNEY SCHUBERT: I don't know that that actual driveway is on the border, but it's close to that.

SOLICITOR DUTTON: Okay.

ATTORNEY SCHUBERT: Yeah, that's the Fenstermaker property we acquired.

MR. RECH: Is this second plant still in the Courts and everything or --

MAYOR HILL: No, it's -- they were wrapping up the last --

SOLICITOR DUTTON: It is, but accordingly to Arno, it's -- well, you can speak for yourself.

MAYOR HILL: It's in the last few details -- they've come to an agreement, in principle, on where everything is at. Right now, they're drawing up the -- when the first plant got built, they gave -- the majority owner wanted all the land put to LEC.

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Well, now, there was agreements for the second plant to acquire some of that, and the first plant had concerns about that. That's why some of the land is going to probably be transferred back to LEC, but they're real close; and I do know that they want to close out the construction loan for the first plant. So they're going to want to get all the litigation wrapped up as they can't close out and convert the construction loan to a permanent loan for the first plant until all the litigation is straightened around. So it's almost there.

MR. RECH: Okay.

ATTORNEY SCHUBERT: We have a signed Settlement Agreement at this date with Clean Energy Future, Lordstown.

MR. RECH: Okay.

ATTORNEY SCHUBERT: And we're now signing documents for the transfer -- that's in process. There are ten (10) that are still not signed, and we're waiting for those. As soon as they come in and just to close -- transfer.

MR. RECH: The reason for my question is because the last time I heard, they were still in court and everything else.

ATTORNEY SCHUBERT: Well, they worked out a settlement and it's in writing -- but there's a lot to be done.

MR. RECH: Okay.

ATTORNEY SCHUBERT: There are easements that they need to reserve for themselves. Those had to be surveyed and defined, and those kinds of documents aren't all completed. As soon as they are, we will close -- tomorrow if we could. We're anxious to do it.

MR. RECH: Sure.

ATTORNEY SCHUBERT: They're not taking their time, but they're not getting it done as fast as we'd like.

MR. RECH: Okay.

MR. ROOK: The only concern I would have is if we give you the waiver on the 100 feet, and then something falls through, then we have a piece of Industrial property that only has 100 feet instead of the 300.

ATTORNEY SCHUBERT: I understand your concern. I just point out, though, that before we bought that property from Lions Club, you had that. You've had that for years there. Lions had it. It was zoned, but it only had 100 feet. Now how that happened, I don't know whether it was a waiver --

MS. BORDNER: No, I can explain that. Originally, it was an R-1 property, which would require the 100-foot of frontage. When some rezoning came through that area -- but then rezoned Industrial, so that it would kind of match up with the Industrial Parkway there -- we're talking about Henn Properties. So that's when it got rezoned to Industrial, and it was left as it was -- with 100-foot of frontage; which was, the residual of the leftover from being an R-1 property. So it was non-compliant at that time.

MR. SHAFFER: So, actually, the rezoning will clear all this up anyway eventually --

MAYOR HILL: -- replatting.

MR. SHAFFER: -- the replatting, right?

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MS. BORDNER: Right, once they replat, it will clear that all up.

ATTORNEY SCHUBERT: Yes, it will have more than enough frontage.

MS. BORDNER: There will be more than enough frontage on a public roadway.

ATTORNEY SCHUBERT: Yes.

MR. ROOK: And that looks like it's pretty certain to happen --

ATTORNEY SCHUBERT: Oh, it's going to happen.

MR. ROOK: -- not just on paper, here.

ATTORNEY SCHUBERT: It's absolutely going to happen. Otherwise, we would just sell it because we we wouldn't be able to use it. I mean, we need it for lay down, and we need all of it. So that's why we're buying the other five (5), and we have a binding commitment to buy -- a huge down payment made. So he can't not buy the second piece. We would throw away a lot of money.

MS. BORDNER: And the only other thing that I can offer, Mr. Rook, is that our Code specifies that when we grant a replat like that, the developer has sixty (60) days to file with the Court. If they fail to do so, then I would bring that back before the Planning Commission, and we would clear that up. I understand that some of that stuff, maybe, got set to the wayside at times, but these are things that I try to keep on my books -- and make sure that we clear up if we need to.

MR. RECH: Any other questions?

ATTORNEY SCHUBERT: We certainly would appreciate if you could see to it to replat it.

MR. RECH: All right. I guess, at this time, I'll ask -- is there any public comments?

FROM THE FLOOR: No.

MR. RECH: No -- okay, that takes care of that. All right, so how do we need to, well --

MAYOR HILL: -- make a motion to approve the replat, I'll make that motion --

MR. RECH: All right.

MS. BORDNER: -- with the waiver?

MAYOR HILL: -- with the waiver for the 100-foot frontage.

MR. RECH: And do we need to list the specific parcels, here, in the --

SOLICITOR DUTTON: Somebody should read the parcel numbers -- so that you're not just talking in the abstract.

MR. RECH: Sure.

MAYOR HILL: Okay the parcel numbers are -- well, it's Lot 1D -- 1B, with 100-foot frontage on Tod Avenue; and that will, eventually, be merged -- and I don't have a Lot number for that.

MS. BORDNER: Mayor, may I help you?

MAYOR HILL: Yes.

MS. BORDNER: We're talking, here, about Parcel ID numbers 45-904024 -- and that is the original Parcel. That's what it looks like now. So this is the parcel 45-904024,

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is going to be subdivided into lots 1C and 1D; and we do have a Legal Description, which has been provided by Mr. Schubert, that identifies those Lots 1C and Lot 1D of the Replat of Lot 1B of the Replat of Lots 1A and 4A in the Replat of Lot 4, in the Replat of Lot 1, Lordstown Industrial Park Plat No. 1, Volume 57, Page 138 of Trumbull County Plat Records. So you can see it's been replatted a couple of times.

MAYOR HILL: That's my motion.

MR. SHAFFER: All right, I'll second it.

MR. RECH: And Dena is shaking her head that she's got it --

MS. BORDNER: She has it.

MR. RECH: -- so I'm not going to try to rephrase it.

ATTORNEY SCHUBERT: I'll give you a copy.

MR. RECH: All right, very good -- all right. So we have a motion and a second, and we have the wording down. Can we have roll call on this, then, please?

MS. BORDNER: Yes, sir -- Tim Rech?

MR. RECH: Yes.

MS. BORDNER: Don Reider?

MR. REIDER: Yes.

MS. BORDNER: Rich Rook?

MR. ROOK: Yes.

MS. BORDNER: Bob Shaffer?

MR. SHAFFER: Yes.

MS. BORDNER: Arno Hill?

MAYOR HILL: Yes.

(ROLL CALL VOTE: 5, AYE; 0, NAY; 0, ABSTAINED.)

MR. RECH: All right, that passes. Thank you very much. Thank you, Mr. Schubert.

ATTORNEY SCHUBERT: Thank you, sir.

PUBLIC COMMENTS:

MR. RECH: Any other public comments this evening?

(WHEREAS, THERE WAS NO RESPONSE FROM THE FLOOR, AND PROCEEDINGS WERE AS FOLLOWS:)

MR. RECH: No -- okay, there's not much public -- member comments?

MEMBER COMMENTS:

MAYOR HILL: I would like to welcome Bob.

MR. RECH: All right, thank you.

MR. SHAFFER: Glad to be here.

MR. RECH: All right, anything else?

(WHEREAS, THERE WAS NO RESPONSE FROM THE BOARD, AND PROCEEDINGS WERE AS FOLLOWS:)

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ADJOURNMENT:

MR. RECH: Can I have a motion for adjournment?

MAYOR HILL: So moved.

MR. RECH: All right, Mayor Hill -- second?

MR. REIDER: Second.

MR. RECH: All right, a second -- all in favor, "aye"?

MR. SHAFFER: Aye.

MAYOR HILL: Aye.

MR. RECH: Aye.

MR. ROOK: Aye.

MR. REIDER: Aye.

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

MR. RECH: All right, very good -- everybody have a great Christmas.

(WHEREUPON, THE PUBLIC HEARING BEFORE THE LORDSTOWN VILLAGE PLANNING COMMISSION, IN THE ABOVE-CAPTIONED MATTER, CONCLUDED AT 6:50 P.M.)

Submitted by:

Approved by:

Kellie D. Bordner
Planning & Zoning Administrator

Tim Rech
Chairperson

January 2019 monthly meeting cancelled.

Denise L. Dugan
Assistant Planning & Zoning Administrator