

## SAGAMORE HILLS TOWNSHIP – SPECIAL

**Thursday, January 13, 2011 – media notified**  
**Reconvene Friday, March 4, 2011 – media notified**

The special meeting was called to order by Chair Snell at 7:30 pm. R/C Barrett-present; Hunt-present; Snell-present; Fiscal Officer Gale-present.

Attorney Jeff Snell, Attorney Alexander Gertsburg, members of the Zoning Commission, and Zoning Administrator were present. Twenty-five (25) residents were also present.

Pledge of Allegiance to the flag of the United States of America.

The purpose of the special meeting was to consider the settlement proposal of Donald Schaub d/b/a Stewart Landscaping at 7641 Chaffee Road, Sagamore Hills, Ohio who is operating a commercial business located on a residentially zoned property and any other business that may come before the Board.

Mrs. Snell turned over the meeting to Attorney Snell. A description of the Schaub property and buildings erected on the property was given to those in attendance.

The Zoning Commission held a series of meetings and then the Township filed suit. The Township requested Mr. Schaub to terminate his existing business and remove the structures that were not permitted on the property.

A zoning permit and building permit were not issued prior to construction of an addition on the existing storage building and a hearing was not held before the Zoning Board of Appeals for a variance for an oversize building.

Dr. David Koncal explained the zoning regulations for residential properties and regulations on open burning, fuel storage tanks, and additional outbuildings. Jim Virost, a 10-year member of the Zoning Board of Appeals, commented on the importance of zoning regulations.

Mr. Schaub was represented by his attorney Mr. Alexander Gertsburg who explained that Mr. Schaub would like to avoid burdening the Township and taxpayers with legal expenses. He requests that Mr. Schaub keep his building and he (Mr. Schaub) would remove his business from the property.

Residents and others spoke on behalf of Mr. Schaub. The property is well kept and the trucks and equipment did not bother the neighbors.

### **EXECUTIVE SESSION**

Mrs. Snell moved to adjourn to Executive Session for conference with legal counsel to discuss disputes with the board which are the subject of pending or imminent court action set forth in Section 121.22 (G)(3) Revised Code. Seconded by Mr. Hunt. R/C Vote: all in favor.  
ADJOURN: 8:40 pm, RECONVENE: 9:36 pm. R/C: All officials in attendance.

No decisions were made during the executive session.

An additional matter was discussed. An adjustment to Dispatch Supervisor Janell Mucha's compensation needs to be made to Resolution 10-78 adopted 12-27-10.

Mrs. Snell moved to **AMEND RESOLUTION 10-78** in order to make a correction on the 2011 Compensation Resolution. An adjustment to Dispatch Supervisor Janell Mucha's compensation was made in order to mirror the OPBA contract. Seconded by Mr. Hunt. R/C Vote: all in favor.

There was no further business to discuss. Mrs. Snell moved to RECESS at 9:38 pm. Seconded by Mr. Hunt. R/C Vote: all in favor.

Chair Snell moved to RECONVENE the meeting on Friday, March 4, 2011 at 5:00 pm. R/C Hunt-present; R. Snell-present; Barrett-present; Fiscal Officer Gale-present.

Attorney Jeff Snell was in attendance.

The Sagamore Hills Township Board of Trustees special meeting held on Thursday, January 13, 2011 at 7:30 p.m. was recessed and reconvened on Friday, March 4, 2011 at 5:00 p.m. The purpose of the meeting was to consider the settlement agreement between the Township and Donald Schaub d/b/a Stewart Landscaping at 7641 Chaffee Road, Sagamore Hills, Ohio who is operating a commercial business located on a residentially zoned property. The Media was notified on Thursday, March 3rd.

Mrs. Snell moved to adjourn to executive session to discuss the settlement agreement and any other pending litigation. Seconded by Mr. Hunt. R/C Vote: all in favor. ADJOURN 5:02 p.m. RECONVENE 5:45 p.m. All officials in attendance.

A decision was made to enter into a settlement agreement to resolve the matter and the Board approved per legal counsel's advice to enter into the agreement. Mr. Barrett made a MOTION to enter into the settlement agreement. Seconded by Mrs. Snell. R/C Vote: all in favor.

Mr. Barrett moved to adjourn at 5:46 p.m. Seconded by Mrs. Snell. R/C Vote: all in favor.