

**AGENDA**  
**OLMSTED TOWNSHIP BOARD OF TRUSTEES**  
**SPECIAL MEETING**  
**THURSDAY, NOVEMBER 1, 2007 – 7:30 P.M.**

- I. MEETING CALLED TO ORDER
- II. OLD BUSINESS
  - 1. Executive Session (Legal Matters)
- III. NEW BUSINESS
  - 1. Consideration of Application #20070481 - PRD Rezoning (Michael DiSanto)
  - 2. John E. Bergmann, et. al., vs. Olmsted Township, Ohio et. al (Case Nos. CV-05-572934, CV-07-625376)
  - 3. Reconsideration of Resolution 4-06
- IV. COMMENTS LIMITED TO NEW BUSINESS
- V. ROLL CALL ON PROPOSED RESOLUTIONS AND/OR MOTIONS
- VI. ADJOURNMENT



## **OLMSTED TOWNSHIP BOARD OF TRUSTEES – November 1, 2007**

The Olmsted Township Board of Trustees' Special Meeting of November 1, 2007 was called to order at 7:45 P.M. Present were Trustee Ralph Bertonaschi, Trustee Jim Carr, Trustee Karen Straka, Fiscal Officer Lois Arcuri and legal counsel Tim Grendell.

### **Old Business**

Trustee Straka moved to recess and convene to executive session to discuss legal matters. Seconded by Trustee Carr.

Trustee Straka moved to adjourn the executive session and reconvene to the regular meeting at 8:12 PM. Seconded by Trustee Bertonaschi.

### **New Business**

Trustee Straka noted that prior to consideration of application #20070481 – PRD Rezoning (Michael DiSanto) that Mr. Rinker, legal counsel for Michael DiSanto, respond to the following questions:

1. "Are all the fact and representations made by the applicant to the Board of Zoning Appeals and Zoning Commission with respect to the applicant's property to be rezoned still accurate?" Mr. Rinker: "Yes."
2. "Does the applicant understand that if we approve this rezoning, the property will be zoned PRD?" Mr. Rinker: "Yes."

Trustee Straka stated that based on the applicant's representations and subject to the requirements of the Township Zoning Resolution with respect to PRD use, she moves to modify Resolution E-07 as read. Trustee Straka read the resolution as modified in to the record. (See Attached modified Resolution) Seconded by Trustee Carr. Mr. Rinker questioned the purposes of the modifications. Mr. Grendell noted that the "whereas" clauses were pulled out of E-07 for zoning purposes. Mr. Rinker noted that on 6/7/07, the history in the "whereas clauses" was accurate. Trustee Straka so noted. Roll call: All approved.

Trustee Straka moved to authorize Olmsted Township to file an appeal regarding the John E. Bergmann, et. al., vs. Olmsted Township, Ohio et. al (Case Nos. CV-05-572934, CV-07-625376). Seconded by Trustee Bertonaschi. Roll call: All approved. Trustee Straka moved to authorize Grendell & Simon to file the appeal on behalf of Olmsted Township. Seconded by Trustee Carr. Roll call: All approved.

Trustee Straka moved to withdraw Resolutions 4-06 and 5-06. Seconded by Trustee Bertonaschi. Roll call: All approved.

### **Comments Limited to New Business**

### **Roll Call on Proposed Resolutions and Motions**

### **Adjournment**

Trustee Straka moved to adjourn the November 1, 2007 Special Meeting at 8:22 PM. Seconded by Trustee Bertonaschi. Roll Call: All approved.



Respectfully submitted,

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Ralph Bertonaschi, Trustee                      Date

*Carr*

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Jim Carr, Trustee                                      Date

*Karen H. Straka*

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Karen Straka, Trustee                              Date