

Minutes of _____

Auburn Township Administration Building

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

11010 E Washington Street

January 8, 2013

1

Held **BZA-13-02c**

APPLICATION:

BZA-13-02c, a conditional use certificate request/review for the Pond Ice Rink submitted by Scot Lowry and Elisa/Jim Nash (N.P. Power, LLC and JE3, LLC) (an indoor recreational facility, an ice rink) located at 9999 Washington Street, Auburn Township Ohio 44023 in a B-1 zoning district.

MEMBERS PRESENT: LAURA BELLAR, B. SCOTT BROCKMAN, ROBERT FREEBAIRN, BRIAN STEWART, LEWIS TOMSIC

MEMBER ABSENT: KEVIN GRAHAM

MEMBERS HEARING

THE CASE: Freebairn, Bellar, Brockman, Stewart, Tomsic

DOCUMENTS

IN CASE FILE: See Case File

The meeting continued to the next item on the agenda.

That item being:

BZA-13-02c, a conditional use certificate request/review for the Pond Ice Rink submitted by Scot Lowry and Elisa/Jim Nash (N.P. Power, LLC and JE3, LLC) (an indoor recreational facility, an ice rink) located at 9999 Washington Street, Auburn Township Ohio 44023 in a B-1 zoning district.

Mr. Stewart commented that BZA-12-02c was for the Pond Ice Rink and turbines. He indicated that the turbines have been spinning since September and they are servicing the property with electricity. He also explained that a conditional use does not transfer with new ownership.

Scot Lowry reintroduced himself to the board and took the floor. He indicated that he did not want to be videotaped and asked that the camera be turned off. A brief discussion took place and the camera was turned off. Mr. Lowry indicated that his business is with the Board of Zoning Appeals and not only does he not want to be videotaped and he does not want any audio tape being used.

Mr. Lowry explained that the Pond Ice Rink has always been set up as 2 businesses, the rink [the business] and the property and recently a third business for the turbines. Mr. Lowry also introduced the Nashes. The Nashes are co applicants for the conditional use application and have been instrumental in the successfulness of the operation of the rink facility for the past 7 years.

Mr. Lowry explained that the turbines, at this point in time are providing approximately 25-30% of the annual consumption of electricity used by the Pond facility. He also explained that this time of year the turbines will produce more electricity, so that percentage may go up. He stated that all the electricity that is produced by the turbines is used at the Pond facility.

Mr. Lowry explained the business arrangement—Naromick owns the land and the building, the Pond operates the business and NP Power leases property and sells the power to the facility at a reduced rate. Mr. Lowry indicated that he and his partner Kevin Shaw owned all 3 entities. It was set up this way to secure grants. JE3 is the new owner of the facility, owns a 1% share of NP Power and NP Power continues to own the

11010 E Washington Street	January 8, 2013	2
<i>Held</i> BZA-13-02c		

turbines. Mr. Lowry further indicated that the power that is produced is for the rink, and that there was never intention to sell power to the grid.

Mr. Lowry further commented that all the programs at the rink were established by the new owner, Elisa Nash. She has acted as the general manager of the rink effectively for the last 7 years. Elisa Nash indicated that she and her husband live on Stafford in Auburn. Mr. Lowry indicated in reality it is not much of a change and that there is not anything different than how it has been run previously.

Seth Taylor, a contiguous property owner, indicated that the Rink has been great neighbors for the last seven (7) years. Lighting has not been an issue but the turbine seems to be making a vibrating noise that may be a nuisance.

Mr. Lowry indicated that there is an annual maintenance that is provided by the manufacture and will be conducted on the turbines and he hopes that will eliminate the noise. Mr. Tomsic asked Mr. Taylor to further explain that noise. Fire Chief John Phillips indicated that the noise could occur when the turbines change direction.

A question was asked about why sometimes one turbine spins and the other one does not. Mr. Lowry explained that he thinks one of the turbines is at a higher elevation. He also indicated that there is a prestart motor to help the blades begin turning.

Steth Taylor also commented about the maintenance of the south perimeter fence. It is intact now but may need some maintenance in the future.

A discussion took place regarding the abandonment of the turbines and the 2-\$15,000 bonds that can be used to remove the turbines. Mr. Tomsic was concerned that the amount of the bonds would be enough to cover the removal. Mr. Lowry will check into that and get back with the board for next year's review.

Motion by Lewis Tomsic to grant BZA-13-02c, a conditional use certificate request/review for the Pond Ice Rink submitted by Scot Lowry and Elisa/Jim Nash (N.P. Power, LLC and JE3, LLC) (an indoor recreational facility, an ice rink) located at 9999 Washington Street, Auburn Township Ohio 44023 in a B-1 zoning district with the following conditions:

1. **The fence on the back property line must be maintained in a secure manner.**
2. **Should an exit driveway be put onto Bainbridge Road, the exit itself and safety lights on Bainbridge Road must be approved by the Geauga County Engineer prior to installation.**
3. **The Bainbridge Road access drive will be gated and used only as an exit for west bound traffic onto Bainbridge Road**
4. **Security will be provided on the premises: for high school hockey games by the Geauga County Sheriff's Department; for all other skating functions security will be by at least one adult staff member; security for private parties where alcohol is being served will be provided by the Geauga County Sheriff's Department.**
5. **Mandated maintenance and inspection reports will be provided to the Zoning Department and the AVFD, annually.**
6. **If necessary, filtering will be installed to minimize electromagnetic radiation/interference.**

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3

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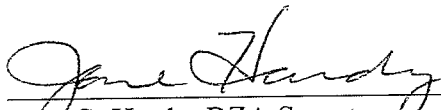
7. Turbines shall be maintained in good working order. Written maintenance reports of inspections shall be provided (as referenced in item #5). A \$15,000 security bond per turbine must be posted on a yearly basis with copies supplied to the Zoning Department. This bond will be used in case of abandonment. If turbine is not operable for a period of 6 months, it will be considered abandoned (an exception would be if there is a documented mechanical error—documentation to be supplied to the zoning office). These bonds can also be used for decommissioning.
8. Commercial markings, messages, signs, or banners on any part of the monopole or turbine will be prohibited, except for the “in case of emergency” notice which is to be posted and the small branded manufacture’s logo.
9. All wiring from the turbine to building will be underground.
10. An emergency shutdown plan to be submitted to the AVFD. The plan will supply the IP address access to the FD should there be a failure.
11. The entrance door to the monopole must be secured.
12. The color of the monopole will remain white.
13. The sound of the operation of the wind turbines will not exceed what is permitted in a B-1 district.
14. All conditions will be reviewed in 1 year or if there is a proposed Phase II of the rink structure, or on an as needed basis.

The motion was seconded by Laura Bellar. Vote: Bellar: yes; Freebairn, yes; Brockman, yes; Stewart, yes; Tomsic, yes. The motion was passed.

The meeting proceeded to the next item on the agenda—the Organizational Meeting.

Minutes submitted by

Minutes Approved on:


Jane G. Hardy, BZA Secretary

January 15, 2013

Brian Stewart, Chairman

Held _____

Motion by Robert Freebairn to approve the minutes from the December 11, 2012, meeting. The motion was seconded by Brian Stewart. Vote: Bellar, yes; Freebairn, yes; Brockman, yes; Stewart, yes; Tomsic, yes. The motion was passed.

Motion by Robert Freebairn to approve the Findings of Fact from the December 11, 2012, meeting. The motion was seconded by Brian Stewart. Vote: Bellar, yes; Freebairn, yes; Brockman, yes; Stewart, yes; Tomsic, yes. The motion was passed.

Motion by Robert Freebairn to approve the minutes from the September 11, 2012, meeting. The motion was seconded by Brian Stewart. Vote: Bellar, yes; Freebairn, yes; Brockman, yes; Stewart, yes; Tomsic, yes. The motion was passed.

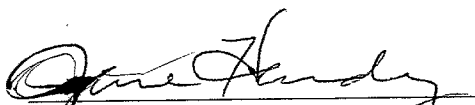
The next meeting will be January 15, 2013, to approve the minutes from this meeting.

Motion by Lew Tomsic to adjourn. The motion was seconded by Robert Freebairn. Vote: Bellar, yes; Freebairn, yes; Brockman, yes; Stewart, yes; Tomsic, yes. The motion was passed.

The meeting was adjourned.

Minutes submitted by:

Minutes approved on:


Jane G. Hardy, BZA Secretary

January 15, 2013

Brian Stewart, Chairman