

**RECORD OF PROCEEDINGS
MINUTES OF REGULAR MEETING
JULY 5TH, 2012**

The Medina Township Board of Trustees met in regular session at the Medina Township Hall on July 5th, 2012, to conduct the business of the Township. Chairman Todd called the meeting to order at 7:05 pm with the following Trustees in attendance: Michael D. Todd, Ray Jarrett and Ken DeMichael. Also in attendance were the Police Chief, Fire Chief, Zoning Inspector and the general public.

Roll Call

Mr. Todd asked for a roll call of all members present. Trustees present were Mr. Todd, Mr. Jarrett and Mr. DeMichael.

Pledge

Mr. Todd led the Pledge of Allegiance.

Moment of Silence

Mr. Todd asked for a moment of silence for our military personnel serving at home and overseas.

SITE PLANS

MC Sports – Site – 4297 Grande Shops Avenue

Mr. Todd motioned to accept the recommendation of the Zoning Commission and approve the change of use for MC Sports to be located at 4297 Grande Shops Avenue as presented. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

MC Sports – Wall Sign – 4297 Grande Shops Avenue

Mr. Todd motioned to accept the recommendation of the Zoning Commission and approve a wall sign on the east side of the building (exhibit B) for MC Sports located at 4297 Grande Shops Avenue not to exceed 76 square feet as presented. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Todd, Mr. DeMichael and Mr. Jarrett.

MC Sports – Second Wall Sign – 4297 Grande Shops Avenue

Mr. Todd motioned to accept the recommendation of the Zoning Commission and approve the second wall sign (exhibit C) per the variance request granted for MC Sports. This sign will be located on the south side of the building not to exceed 76 square feet as presented. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

MC Sports – Tenant Panel Sign – 4297 Grande Shops Avenue

Mr. Todd motioned to accept the recommendation of the Zoning Commission and approve a tenant panel to be placed on the existing pylon sign for MC Sports not to exceed 22.5 square feet as submitted. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Todd, Mr. DeMichael and Mr. Jarrett.

Thirsty Cowboys, LLC – Patio Addition – 2743 Medina Road (Plaza 71)

Mr. Todd motioned to accept the recommendation of the Zoning Commission and approve the patio addition for Thirsty Cowboys, LLC located at 2743 Medina Road (Plaza 71) to consist of 305 square feet as presented. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

OTHER BUSINESS

Erica Graffain – Medina County Auditor Representative

Erica Graffain, Medina County Auditor Representative, said if you had structural damage to your home from a storm or fire you can pick up a destroyed property form at the Auditor's office to reduce the property value for a short time. Senior citizen Homestead Reduction is being accepted year round. Tax bills are due July 17, 2012.

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OTHER BUSINESS CON'T

2013 TAX Exemption Forms for Weymouth Community Center

Erica Graffain said the 2013 tax forms are finished and ready for signature. She said the state is becoming more stringent with government entities and the township will be receiving a letter asking for more specific information regarding the tax exemption. She said having Medina Creative Housing may or may not make a difference but what matters is that you are not making money. You can only charge entities what it costs to maintain the building. Mr. Jarrett asked if you can bank some of the fees for future capital improvements. Mr. Todd said you can use it for capital improvements. Also, if you have different entities coming and going you will have to refile on that square footage only, not the whole parcel. Internal renovations can now be granted at the county level so.

Mr. Todd motioned to allow himself, as the Chairman of the Board of Trustees, to sign the paperwork for the Real Property Tax Exemption for the property known as the Weymouth Community Center located at 3334 Myers Road. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

Approval Accounts Payables

Mr. Todd motioned to approve warrant #23152 to #23196 in the amount of \$34,745.58. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Todd, Mr. DeMichael and Mr. Jarrett.

Approval of Payroll

Mr. Todd motioned to approve payroll checks #16117 to #16178 total amount of \$50,130.68 with \$5,924.96 going to union dues, OPERS, Deferred Comp and post-tax health. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

Department Reports

Mr. Todd motioned to table department reports. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

LST Contract

Mr. Jarrett said there has been no update regarding the LST contract.

Temporary Inflatable Sign Zoning Amendment

The Zoning Commission will be having a meeting on July 24 at 7:30. Mr. Todd asked if there were any additional questions and Mrs. Stogin said the Zoning Commission discussed options with legal counsel and most of their legal questions were answered. Mr. Todd said that some things are problematic and some are policy issues. If it's a policy issue he asks that it be laid out "based on policy", and some type of justification for it and if it is a legal issue, put that in as well, "based on advice of legal counsel this can't be done" or whatever. That way Trustees can distinguish between what is a policy issue and a legal issue.

Tax Budget Resolution

Resolution #07102012-022

Mr. Todd motioned to approve the 2013 Tax Budget and incorporate the document dated June 26, 2012, at 10:24 pm by reference. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Todd, Mr. DeMichael and Mr. Jarrett.

PURCHASE ORDER AND TRAINING REQUISITIONS

Finley Fire Department

Mr. Jarrett motioned for a purchase order requisition in the amount of \$9,880.00 for the Fire Department, vendor information, Finley Fire Department, 2 of the SCBA units \$3,500 apiece, for the composite cylinders at \$625.00 apiece and 2 of the face masks and again for the total of \$9,880.00. Mr. Todd seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

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PURCHASE ORDERS AND TRAINING REQUESTS

Kiesler's Police Supply

Mr. Todd motioned for a purchase order requisition in the amount of \$1,614.00 for ammunition payable to Kiesler's Police Supply in Jeffersonville, Indiana. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Todd, Mr. DeMichael and Mr. Jarrett.

Standard Law Enforcement

Mr. Todd motioned to approve a purchase order requisition in the amount of \$1,707.50 for ammunition payable to Standard Law Enforcement in Willoughby Ohio. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

Ohio Tactical Officers Association – Officer Cliff Nicholson

Mr. Todd motioned to approve \$430.00 for Cliff Nicholson to attend Basic Swat Training in Lakewood, Ohio, from July 30 to August 3 as one of our representatives to the countywide SWAT team. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

EMS/Ambulance (LST) Renewal Levy

**TOWNSHIP OF MEDINA
County of Medina, State of Ohio
Resolution No. 07052012**

A RESOLUTION REQUESTING THE MEDINA COUNTY AUDITOR DETERMINE AND CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE TOWNSHIP AND THE DOLLAR AMOUNT OF THE REVENUE THAT WOULD BE GENERATED BY THE RENEWAL OF THE 1.00 MILL EMERGENCY MEDICAL SERVICE AND AMBULANCE SERVICE OR BOTH FOR A CONTINUING PERIOD.

Mr. Todd motioned to put forth the following resolution that,

Whereas, Medina Township has a current five year (5) 1.00 mill levy for emergency medical service or ambulance service or both that expires tax year 2011, with the last collection year being 2012;

Whereas the purpose of the levy is needed to continue to support the Township and the services as authorized under Ohio Revised Code Section 5705.19(U) including being for the purpose of providing ambulance service, emergency medical service or both;

Whereas, the renewal of the Ambulance and EMS or both levy would be for a five-year period of time at 1.00 mill and authorized by the Ohio Revised Code Section 5705.19 (U);

Be it Resolved, that the Medina Township Board of Trustees, County of Medina, State of Ohio, that pursuant to Ohio Revised Code Section 5705.03 (B), the Board of Trustees hereby requests the Auditor of Medina County, Medina County, Ohio, to certify the current tax valuation of the Township and the amount to be generated by a 1.00 mill for the Emergency Medical Service and Ambulance Service or both Levy Renewal of an existing tax for a five-year period beginning with tax year 2012, with first collection year 2013.

It is Further Resolved, that this Emergency Medical Service/Ambulance Service Levy shall be submitted to the electors of Medina Township at the General Election to be held on November 6, 2012.

Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

ADDITIONAL DEPARTMENT HEAD COMMENTS

Gazette Meeting Advertisements

Mrs. Stogin discussed the fact that the Gazette is no longer advertising our meetings. She asked what could be done. Mr. Todd asked that we send a letter to the Gazette.

New Police Cars

Chief Arbogast said all the new police cars will be in service tomorrow (Friday)

Waiver of Fees for Medina Creative Housing

Mr. Todd discussed Mrs. Ridgley's request to waive the fees for Medina Creative Housing. The amount would be anywhere from \$550.00 to \$1,000.00.

Mr. Todd motioned to waive the fee for Medina Creative Housing to seek permits to move in to what is now currently being called Weymouth Community Center. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

Medina Soccer Association - Weymouth Community Center

Representatives from the Medina Soccer Association submitted a proposal to the Trustees to lease approximately 8,600 square feet of the Weymouth Community Center (see attached). The Trustees will enter into a Memorandum of Understanding with a more structured agreement to be done at a later date. Mr. Todd reviewed the Medina Soccer Association agreement and because the Township doesn't know what the cost will be for the building use they would like a clause put in stating "the Township has the potential to increase the annual lease payment not to exceed 10% annually for the first 5 years and not to exceed 5% annually for the second five years". Erica Graffain of the Auditor's Office needs the leases before she submits the tax exemption forms. Mr. Jarrett agreed with this. Mr. DeMichael has a concern with the asbestos. Mr. Todd said the occupants are okay with the encapsulating of the asbestos. Mr. Todd also asked if they can incorporate in the agreement not to have any children use it prior to November 1. Mr. Todd also asked for a copy of their Certificate of Liability Insurance. Sally Gardner (3333 Foskett Road) said the Weymouth Preservation Society would like access to a restroom and also storage for their paint supplies. She also said Weymouth Church was interested in use of the gymnasium. Mr. DeMichael said Chief Grice had interest also. Mr. Todd asked if MSA wanted exclusive use of the gymnasium and was told yes. The hours of operation are 4pm to 10pm on weeknights and Saturday and Sunday 8am to 10pm and this will be indoors only. Sally Gardner (3333 Foskett Road) commented on the cost. Erica Graffain said to be sure property taxes are figured in just in case it comes back as a partial tax exemption.

Mr. Todd motioned to approve the use of the area in which is currently being called the Weymouth Community Center for Medina Soccer Association and outlined in this, I'm going to incorporate this by reference, the graph that you gave us, or the diagram with the terms that it's about approximately 8,600 square feet, that it would be for a ten-year lease that will be renewable in five-year increments, that renovation costs would be absorbed by Medina Soccer Association with the following exceptions:

- o Closing off of space and structural renovations to be performed by Medina Township
- o Asbestos removal (if any) or remediation to be paid for by Medina Township
- o Efficiency upgrades to electrical systems to be paid for by Medina Township.

Building maintenance and repairs plus all utilities are to be included in annual lease payment.

Lease payment: \$9,000.00 annually, first year to be prorated based on occupancy at \$750.00 per month with the potential increase of the annual lease payment of up to 10% based on notice by Medina Township Board of Trustees with 60-days notice to Medina Soccer Association prior to that new rate. Medina Soccer Association would be required to provide financial reports to the Township upon request and provide adequate insurance for general liability and then the final thing is that we incorporate some language in there about the potential of its losing its tax exempt status and that Medina Soccer Association may be liable for the taxable portion of the property should the tax exempt status be lost for that portion of the property. Mr. Jarrett seconded the motion. Roll call vote: Mr. Todd aye, Mr. Jarrett aye, Mr. DeMichael no.

Mr. Todd motioned to amend his previous motion to state that the 10% increase would be for the first five years of the 10-year lease and that for the years six through ten; it would be a maximum increase of 5% in rent. Mr. Jarrett seconded the motion. Roll call vote: Mr. Todd aye, Mr. Jarrett aye, Mr. DeMichael no.

PUBLIC COMMENT

Mr. Todd motioned to open the floor for public comment. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

Robert Zollinhofer (3845 Fenn Road) said there was a complaint about his cars for sale and said he didn't mean to offend anyone and he has had no complaints from neighbors. He said he restores antique or classic cars off premise and sells them according to the rules of the state (ORC).

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PUBLIC COMMENT CON'T

Robin Gray (4074 Remsen Road) relayed an incident of a fracking acid spill and a 30 foot methane geyser. She wants the public to know that fracking is very dangerous.

Sandra Bilek (3414 Hamlin Road) said she is concerned with fracking, what is happening to our country and the apathy of citizens and elected officials and that local zoning control has been taken away at the township level and that no Trustees or citizens complained about it. She said concerned citizens may take some action to apply for home rule. Mr. Todd said letters were sent by the Trustees to Senator Obhof and State Representative Batchelder.

Mr. Todd asked Chris Traynor the status of the Comprehensive Plan and how long it may take to finish. Mr. Traynor said the committee is waiting for the RFP draft and they are not sure how long it will take.

Mr. Todd motioned to close the floor for public comment. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Todd, Mr. DeMichael and Mr. Jarrett.

Sound System

Mr. Jarrett asked if we had heard from Chad Riffle about the sound system.

Brunswick Hills Paving of Plum Creek Parkway

Mr. Jarrett asked the Trustees if they would be interested in joining Brunswick Hills in asking the County Engineer to apply for State Issue I grant money to have Plum Creek Parkway paved. Plum Creek Parkway would be paved from Sleepy Hollow south to Hamilton Road.

Mr. Jarrett motioned for the Medina County Highway Engineer to apply for State Issue I grant funding for the paving of Plum Creek Parkway in conjunction with Brunswick Hills Township. Mr. Todd seconded the motion. Voting aye thereon: Mr. Jarrett Mr. Todd and Mr. DeMichael. Mr. Jarrett said the Township portion will be a 25% match and the road is 6/10th of a mile.

Forestview Estates

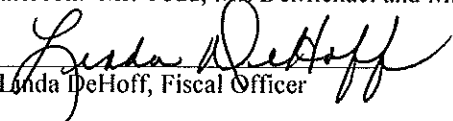
Mr. Todd spoke with Frank Greenland, Northeast Ohio Regional Sewer District, and asked him if he would attend a Trustees meeting regarding who maintains catch basins and streams.

Executive Session


Mr. Todd motioned to enter into Executive Session at 8:46 pm to discuss pending litigation and employee compensation. Mr. De Michael seconded the motion. Voting aye thereon: Mr. Todd, Mr. DeMichael and Mr. Jarrett.

Mr. Todd motioned for the Medina Township Board of Trustees to reconvene from Executive Session at 9:30 pm where the Board of Trustees were present discussing employee compensation and pending litigation. No decisions were made during that meeting. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

Mr. Todd motioned to adjourn the meeting at 9:31 pm. Mr. DeMichael seconded the motion: Voting aye thereon: Mr. Todd, Mr. DeMichael and Mr. Jarrett.


Linda DeHoff, Fiscal Officer


Michael D. Todd, Chairman


Ray Jarrett


Ken DeMichael

