

**RECORD OF PROCEEDINGS
MINUTES OF REGULAR MEETING
AUGUST 1ST, 2013**

The Medina Township Board of Trustees met in regular session at the Medina Township Hall on August 1st, 2013, to conduct the business of the Township. Chairman Todd called the meeting to order at 7:17 pm with the following Trustees in attendance: Michael D. Todd, Ray Jarrett and Ken DeMichael. Also in attendance were Police Chief Arbogast, Fire Lieutenant Draiss, Road Foreman Miller 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 at home and overseas.

SITE PLANS

Backbone of Health (Health Food Store) – Wall Sign – 4483 Weymouth Road

Mr. Todd motioned to accept the recommendation of the Zoning Commission and approve a wall sign for Backbone of Health (health food store) located at 4483 Weymouth Road not to exceed 64.52 square feet as presented. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

Backbone of Health (Health Food Store) – Directional Sign – 4483 Weymouth Road

Mr. Todd motioned to accept the recommendation of the Zoning Commission and approve a directional sign for Backbone of Health (health food store) located at 4483 Weymouth Road not to exceed 3.375 square feet as presented. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Todd, Mr. DeMichael and Mr. Jarrett.

Pat O'Brien Laser Wash – Site – 3880 Pearl Road

Mr. Todd motioned to accept the recommendation of the Zoning Commission and approve the use for new construction for Pat O'Brien Laser Wash to be located at 3880 Pearl Road with the addition of landscaping around the vacuum islands and additional space added to dumpster area. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Todd, Mr. DeMichael and Mr. Jarrett.

Pat O'Brien Chevrolet – Wall Sign – 3880 Pearl Road

Mr. Todd motioned to approve a wall sign for Pat O'Brien Chevrolet located at 3880 Pearl Road not to exceed 49.8 square feet as presented. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

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SITE PLANS CON'T

Pat O'Brien Chevrolet – Second Wall Sign – 3880 Pearl Road

Mr. Todd motioned to accept the recommendation of the Zoning Commission and deny the request for a second wall sign as it does not comply with Section 605 I.1 of the Medina Township Zoning Resolution. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Todd, Mr. DeMichael and Mr. Jarrett.

Pat O'Brien Chevrolet – Third Wall Sign – 3880 Pearl Road

Mr. Todd motioned to accept the recommendation of the Zoning Commission and deny the request for a third wall sign as it does not comply with Section 605 I.1 of the Medina Township Zoning Resolution. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

Soccer Post – Site – 3707 Pearl Road

Mr. Todd motioned to accept the recommendation of the Zoning Commission and approve the change of use for Soccer Post located at 3707 Pearl Road as presented. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Todd, Mr. DeMichael and Mr. Jarrett.

Soccer Post – Wall Sign – 3707 Pearl Road

Mr. Todd motioned to accept the recommendation of the Zoning Commission and approve a wall sign for Soccer Post located at 3707 Pearl not to exceed 39.5 square feet as presented. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

Totten Financial Consulting – Site – 5041 Victor Drive Unit B

Mr. Todd motioned to accept the recommendation of the Zoning Commission and approve the change of use for Totten Financial Consulting to be located at 5041 Victor Drive Unit B as presented. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Todd, Mr. DeMichael and Mr. Jarrett.

OTHER BUSINESS

Presentation of Life Saving Awards

Mr. Todd turned the presentation of the lifesaving awards over to Police Chief David Arbogast who was the inspiration for these awards. The awards for saving the life of Richard Nestor were presented as follows:

- Officer Jesse Bynum, Medina Township Police Department
- Jennifer Chidsy, Medina Life Support Team
- Nancy Jewitt, Medina City Dispatch
- Sean Kavlick, Medina Township Fire Department
- James Kuruc, Medina Township Fire Department

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OTHER BUSINESS CON'T

Presentation of Life Savings Awards Con't

Dennie Simpson, Medina Life Support Team
Chris Shuster, Medina Township Fire Department
Mike Stopa, Medina Township Fire Department
Alan Vondriska, Medina Life Support Team
Christie Wise, Medina Life Support Team
Sergeant Todd Zieja, Medina Township Police Department

Mr. Todd said the Trustees value training and feel it is important that all departments get training and they value the Life Support Team. Because of the cooperation between all the departments, Mr. Nestor was able to be saved. Mr. Todd thanked everyone for their support and said that is why money has to be spent for these services. Dr. Tom Telusiak, President of Medina Hospital, said he is very proud of all the capabilities that the Townships, the City and the LST are able to provide to all the residents. He again thanked them all for their services and said he is very proud of them. Mr. DeMichael thanked all the heroes and said we are very fortunate to have them in our community. Mr. Nestor also thanked everyone and stated he is back to golfing.

Mr. Todd motioned to go into recess at 7:42 pm. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

Mr. Todd motioned to reconvene the meeting at 8:08 pm. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Todd, Mr. DeMichael and Mr. Jarrett,

Erica Graffain – Medina County Auditor's Office

Erica Graffain of the Medina County Auditor's Office reminded the audience that the first wave of reappraisal information will be going out to property owners. You can file a complaint formally from January 1 through March 31. Second half tax bills were due Friday, July 12. If you have property that was destroyed structurally from storms you need to fill out a property destruction form. The Homestead Reduction Program has big changes. For those who turn 65 in 2014 the Homestead Reduction Program will be income based. The Auditor's Office has gone social; they are on Facebook, Twitter and LinkedIn. Mr. Todd asked about the dog licenses. Ms. Graffain said they don't have the numbers yet. Mr. Jarrett asked if the property values have gone down. She said they are going down a little bit overall but things are very good here. You will see a small reduction in taxes because of the effective rate of the levies that were passed for services. Mr. Jarrett said they compensated in the budget by 5% for the reduction. Ms. Graffain said there are changes in the state law where we all get a 10% rollback on an owner occupied property and a 2 ½% rollback on top of that. That is going away on any new levies or additions. If there are no changes it will stay the same.

Approval of Accounts Payable

Mr. Todd motioned to pay warrant #24343 to #24384 in the amount of \$24,933.57. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

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OTHER BUSINESS CON'T

Approval of Payroll

Mr. Todd motioned to approve payroll checks #17473 to #17529 total amount of \$49,296.70. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Todd, Mr. DeMichael and Mr. Jarrett.

Approval of Minutes

Mr. Todd motioned to approve the minutes for July 18th, 2013, regular meeting. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

OLD BUSINESS

Awarding of the Cook Road Paving Bid

Mr. Todd motioned to approve the Cook Road paving bid to Karvo paving Company in the \$169,675.00. Roll call vote: Mr. Todd abstained, Mr. Jarrett aye and Mr. DeMichael aye.

Temporary Inflatable Sign Zoning Amendment

Mr. Todd said to remove Sign Amendments from the agenda because public hearings are being held. The next public hearing is scheduled for September 5, 2013, at 7:00 pm at the Townhall.

Sign at Remsen and Huffman Roads

Mr. Todd tabled this issue until Mr. Miller speaks to the Engineer's Office.

Replacement of Flat Roofs at Remsen Building

Mr. Miller sent the Trustees a quote from Premier Roof Systems. Mr. Jarrett was satisfied with Premier's estimate compared to the previous company's quote. Mr. DeMichael would like to get one more estimate. Mr. Todd tabled the selection until one more quote is received.

NEW BUSINESS

Authorization for Fiscal Officer to Prepare Accounts Payable for August 15, 2013

Mr. Todd motioned to authorize the Fiscal Officer to prepare accounts payable checks for the regular meeting dated August 15, 2013, because due to the annual steak roast held in York Township in which either all the Trustees or some of the Trustees and Fiscal Officers of Medina County will be attending the Board of Trustees will not be able to attend the meeting. The Board of Trustees will allow the Fiscal Officer to print those checks and the Trustees will sign the checks. Trustees will then approve the checks by vote at the August 29, 2013, meeting. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

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NEW BUSINESS CON'T

Authorization for Fiscal Officer to Prepare Payroll for August 15, 2013

Mr. Todd motioned to authorize the Fiscal Officer to prepare payroll for the pay dated August 15, 2013, to allow those funds to be direct deposited as usual to Township employees. The Trustees will approve the payroll at the next regular meeting of August 29, 2013, and sign this here documentation. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Todd, Mr. DeMichael and Mr. Jarrett.

Block Party - Pine Lake Drive

Mr. Todd read the letter from Terry George requesting the use of barricades for a block party on Pine Lake Drive. Mr. Todd asked if the department heads had any issues and he was told no.

Mr. Todd motioned to set up blockades for Pine lake Drive on Sunday September 22, 2013, between the hours of 1 pm and 5 pm and the alternative for a rain date, Sunday September 29, 2013. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

PURCHASE ORDERS AND TRAINING REQUESTS

Ohio State Firefighter Association Conference

Mr. Jarrett motioned to appropriate \$85.00 for Mark Roberts to attend the Ohio State Firefighters Association Conference in Boston Heights, Ohio August 8th through the 11th for firefighter training. Mr. Todd seconded the motion. Voting aye thereon: Mr. Jarrett, Mr. Todd and Mr. DeMichael.

Froggy's Fog – Fire Department Smoke Machine

Mr. Jarrett motioned for a purchase order requisition in the amount of \$1,020.00 for Froggy's Fog in Columbia, Tennessee. This is for a smoke machine and smoke fluid for their training purposes. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Jarrett, Mr. DeMichael and Mr. Todd.

Anylab – Fire Department

Mr. Jarrett motioned for a purchase order requisition for the Fire Department in the amount of \$1,314.00 for Anylab and this is for the six (6) lab drug testing of the new firefighter candidates. Mr. Todd seconded the motion.

Mr. Todd asked Lt. Draiss the status of the policy regarding compensation for the new firefighters training and uniforms. He explained that new firefighters are hired, they are trained and supplied with uniforms and then they take jobs elsewhere. The Township doesn't always get that time and money back. Mr. Jarrett said he and Chief Crumley spoke with the new recruits and they are willing to follow the verbal policy. Mr. Todd asked that Mr. Jarrett and Chief Crumley get together to write a policy for the August 29 meeting if possible.

Voting aye thereon: Mr. Jarrett, Mr. Todd and Mr. DeMichael.

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PURCHASE ORDERS AND TRAINING REQUESTS CON'T

Medical Consultants for Business

Mr. Jarrett motioned for a purchase order requisition in the amount of \$2,550.00 for the Fire Department. Vendor information is Medical Consultants for Business of Medina, Ohio, and this is for six (6) of our candidates for the physicals for the Fire Department. Mr. Todd seconded the motion. Voting aye thereon: Mr. Jarrett, Mr. Todd and Mr. DeMichael.

Fallsway Equipment – Emergency Lighting for 2014 Ford Utility Vehicles

Mr. Jarrett motioned for a purchase order requisition in the amount of \$24,000.00 for the Fire Department. The vendor information is Fallsway Equipment and this is to equip two (2) of our new 2014 Ford utility vehicles. This is for all the emergency lighting, equipment and the installation. Mr. Todd seconded the motion. Mr. Jarrett asked Denny to check with the vendor to see if it's cost effective to have equipment delivered on site to them instead of the Township. Mr. Miller said it is being delivered to them. Mr. Jarrett asked for an approximate date when the units will be in service. Mr. Miller said approximately a month. Mr. Todd asked what the super auto eject auto charge kit was and Mr. Miller said it is a charger for the flashlights and radios. Mr. Jarrett asked where the vehicles were coming from. Chief Arbogast said they are coming out of Chicago. Voting aye thereon: Mr. Jarrett, Mr. Todd and Mr. DeMichael.

RUDD Equipment Company

Mr. DeMichael motioned for a purchase order requisition. Vendor information is RUDD Equipment Company. This is for a two (2) year warranty for the Volvo ECR 58 excavator serial number 13259 in the amount of \$1,120.00 Mr. Todd seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Todd and Mr. Jarrett.

ADDITIONAL DEPARTMENT HEAD COMMENTS

Road Department

Mr. Miller said he picked up the new cemetery signs but they are not installed. They removed the hedges by the Weymouth Cemetery and hope to install the fence next week. To protect the stones in the winter they will put up protective burlap.

Police Department

Chief Arbogast reminded everyone that National Night Out will be August 6, 2013, from 5:00 pm to 9:00 pm at Wal-Mart.

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Weymouth Preservation Society Report

Sally Gardner (3333 Foskett Road) said the Weymouth Cemetery looks better with the shrubs gone. Approximately 20 stones have been taken care of and they have found other stones. The pump has been replaced and put in the original location. The potluck is August 17 at 6:00 pm at the Weymouth Church. Mr. Todd discussed changing Flag Day to be more of a community event in conjunction with Weymouth Days and they would like to start planning now. He asked Mrs. Gardner to talk to Susan McKiernan if she would like to do this. And form an Adhoc committee to do this.

Split Trees near Weymouth Cemetery

Mr. Miller said there are a couple of trees on the Shurell property that are badly split but they are not in the road right-of-way and asked what the procedure to have them removed would be. Mr. Todd said if they are a potential hazard to the cemetery you would have to get permission from the property owner and then the Trustees would have to make a finding that it does affect public property and that it is a sufficient expenditure of public funds.

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.

Sandra Bilek (3414 Hamlin Road) commented on the compressor station on Watkins Road and asked if it is a utility. Mr. Todd said he could not answer that. They have given that question to the Prosecutor's Office.

Thomas Kenski (3586 Watkins Road) said he said he lives 500 feet from the compressor station and is concerned.

Linda Kenski (3586 Watkins Road) said she was told, prior to this, other fuel went through the pipeline but now it is going to be ethane and fracking material.

Lt. Brian Draiss, Medina Township Fire Department, spoke with Sunoco and was told it is a multi-product line and is now a dedicated ethane line.

Ray Jarrett, Trustee, asked if the Township has ever been notified about what was going through the line and if they are changing the transmission component why wasn't the township notified.

James Bilek feels something was different because they sought local zoning permitting. As far as grandfathering, if ethane is not one of the seven then it sounds like a new building.

Mr. DeMichael, Trustee, asked what makes it an H2.

Sandra Bilek said H2 requires a very significant fire suppression system. Mrs. Ridgley was told this was going to be an addition and it is a new building.

Mr. Todd said the building was leveled and a new frame was put up.

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PUBLIC COMMENT CON'T

Thomas Kenski explained that ethane is a gas at normal temperature and it has to be liquid to be pumped. It needs to be refrigerated, pressurized and cooled. If there is a leak, it will turn to vapor or gas. All that is needed is 5% in oxygen to be an explosive mixture and he is very concerned.

Linda Kenski said she was told it is fracking material coming from Pennsylvania and being sent to Canada.

Mr. Todd said the Trustees were never notified until Mrs. Bilek told them.

Jim Bilek said the Zoning Department should have informed the Trustees. He also said the County Commissioners did not give it their full attention. He asked the Trustees to contact PUCO and the Ohio Siting Board.

Sandra Bilek said the SP315, PUCO and Ohio Power Siting Board said ethane is not a utility. She asked the Trustees to contact these departments.

Mr. Todd said what the township has authority of and what PUCO and the Ohio Siting Board have different authority.

Mr. Jarrett asked Mrs. Bilek if they were not pumping ethane through the pipeline would we be having this conversation.

Sandra Bilek said it's because it is an end product, a liquid.

Mr. Todd asked if they have to add an odor to the ethane and was told no.

Robin Gray (4074 Remsen Road) asked if Sunoco or Mariner got any tax abatement from the Township or County. Mr. Todd said the Township does not give tax abatements and he can't answer for the County.

Alliss Strogan, Zoning Commission Chairperson, said they were verbally told by the Prosecutor's Office that this was a utility. Sunoco applied for a permit with the Zoning Inspector as a common courtesy and it is not necessary for them to go before the Zoning Commission.

Jim Bilek was curious how it was presented to the Prosecutor's Office.

Sandra Bilek said it would be difficult for the Prosecutor to make a decision if it is a utility or not because they don't know what the product is.

Linda Kenski said have they changed completely to fracking material in the form of ethane. She said the building is a huge compressor.

Joanne Slorgie (129 S. Broadway St. Lodi) said she has the information that Sunoco has not answered.

Jim Bilek thanked the Trustees for the forum and they are counting on them greatly.

Mr. Todd said the Trustees passed a resolution six (6) years ago to contribute \$250,000.00 and Medina City was to contribute \$1,000,000.00 for the widening of Pearl Road. The State was going to pay the rest.

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.

OTHER BUSINESS

Retaining of Outside Counsel to Represent Township Regarding the Utility Issue

Mr. Todd entertained the idea of appointing an outside attorney that specializes in pipeline and utility issues. Mr. Jarrett asked what would happen if they rescinded the zoning permit issued to Sunoco. Mr. Todd said that would be a question for the attorney. Mr. Jarrett said he has no problem hiring outside counsel. Mr. DeMichael asked if we are forgoing anything that our County Prosecutor told us. Mr. Todd said we are not bound to follow their opinions as long as we have legal advice. The questions that need to be answered are:

- A. Is this a utility
- B. Is it grandfathered in
- C. Does the township have the ability to issue a permit for the usage if the building is completely torn down does that fall under the scope of the townships authority

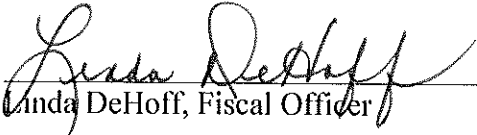
He has more questions but he will need to break them down. Mr. DeMichael asked the Audience if they had any objection to the Township spending money for an outside attorney and they feel that would be the best thing. Mr. Jarrett said to move forward.

Executive Session to Discuss Land Acquisition

Mr. Todd motioned for the Board of Trustees to go into Executive Session to discuss land acquisition for the Township; I'd like to have the Board of Trustees present with Chief Arbogast. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael. The Board entered into Executive Session at 10:11 pm.

Mr. Todd motioned to go back into regular session at 10:31 pm. The Board of Trustees was in Executive Session with the Police Chief to discuss land acquisition. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Todd, Mr. DeMichael and Mr. Jarrett.

Mr. Todd motioned to adjourn the meeting at 10:31 pm. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.


Linda DeHoff, Fiscal Officer


Michael D. Todd, Chairman


Ray Jarrett, Vice-Chairman


Ken DeMichael, Trustee