

**RECORD OF PROCEEDINGS
MINUTES OF SPECIAL MEETING AND PUBLIC HEARING
SEPTEMBER 5TH, 2013**

The Medina Township Board of Trustees held a special meeting and a public hearing on September 5th, 2013, regarding the business of the Township. Chairman Todd called the meeting to order at 7:04 pm with the following Trustees in attendance: Michael D. Todd, Ray Jarrett and Ken DeMichael. Also in attendance were the Fiscal Officer, Linda DeHoff, Zoning Inspector, Elaine Ridgley and the general public.

Mr. Todd explained the reason for the meeting.

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.

Kaleidoscope Therapies

Mr. Todd asked Mr. Jarrett and Mr. DeMichael if they had any concerns about Kaleidoscope Therapies going into the Remsen Building. Mr. Jarrett said his only concern is with the type and size of signage that is being proposed for the building. Chief Arbogast presented the Trustees with the proposed tenant panel sign. Mr. Todd said he would rather have directional signage but he is comfortable with moving forward with the signage. Chief Arbogast will prepare the documents and take them to the Zoning Commission. Regarding Kaleidoscope, Mr. Todd said the terms of the agreement are \$4.50 per square foot and \$0.12 cents per square foot for maintenance fees for a total of \$4.62 per square foot for a term of five (5) years that is renewable. The total rental amount is \$616.00 per month. There is language that says if we lose our tax exemption they will pay the prorated portion of the taxable fees. It also talks about business signs. Mr. Todd is concerned with the traffic this business could create. Mr. Todd asked if the business hours could be incorporated into the contract so Mrs. Thompson-Repes could have one (1) client at a time, just to restrict traffic. Mrs. Thompson-Repes was concerned that if she did have some evening hours what would she do? Mr. Todd said they could amend the written agreement. They want to make the property owners around there more comfortable. Mr. Jarrett said they would like to have a little control on the time span because with an open ended agreement you could be there 24 hours. Mr. Todd said the hours would be listed as 8am to 6pm and he would like the sentence ‘Township allows for business signage’ removed. Mrs. Stogin wanted clarification that the Trustees only wanted directional signs and don’t want additional signs on the building. Mr. Todd said they don’t want a lot of signs on the building and maintaining the character of the area is important.

Mr. Todd motioned to incorporate the Memorandum of Understanding between Kaleidoscope Therapies, LLC, Karen Thompson-Repes, President and Medina Township. It is dated August 12, 2013, obviously today is September so actually the MOU would be entered into on September 5, 2013. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.

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Medina Creative Housing MOU

Trustees signed the corrected Memorandum of Understanding for Medina Creative Housing. There was a clerical error.

OPERS Changes for Zoning Commission and Zoning Board of Appeals Members

Mrs. DeHoff told Trustee that Zoning Commission and Zoning Board of Appeals Members who are paid per meeting no longer will have OPERS taken out. She received the documentation from OPERS with instructions on how to proceed with getting refunds for employees who had OPERS taken out in previous years. She will begin that project.

PUBLIC HEARING REGARDING ZONING TEXT AMENDMENTS

Mr. Todd motioned to re-open the public hearing portion for the four (4) zoning text amendment changes. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Todd, Mr. DeMichael and Mr. Jarrett.

Mr. Todd summarized the four (4) text amendment changes.

- 1) To tighten up the definition of temporary signage. There were questions about the actual definition of it. It adds the definition of inflatable signs in the portion of the code, static air gas filled structure.
- 2) Change the portion for Section 605 K Temporary Signs. Essentially to put a time limitation for the signage for any given year and how many. It is fourteen (14) days three (3) times a year for a total of forty-two (42) days a year.
- 3) Deals with non-conforming lots. Basically it allows the Township to let the non-conforming lot come in without abandoning the current usage of that parcel. To combine two (2) adjoining lots that are adjacent to each other without losing their non-conforming status.
- 4) To permit inflatable signage essentially consistent with the temporary signage forty-two (42) days per calendar year on one property. There is a height restriction of fourteen (14) feet, a setback restriction and a couple of other restrictions.

Mr. Todd said he had surgery and wasn't able to review this properly so he is not ready to make a decision. The other Trustees agreed.

Beverly Provagna (2890 Substation Road) asked the Trustees if any of them have received a campaign donation or any inkind stuff from Mr. Doraty and if that would sway their vote. Mr. Todd said he never received any money from Mr. Doraty when he ran for Trustee but he did receive money when he ran for County Treasurer. Mr. Jarrett said he has not received any donations from Mr. Doraty. Mr. DeMichael said he has received a donation from Mr. Doraty. Ms. Provagna said does that mean he shouldn't vote on this? Mr. DeMichael stated that he made it perfectly clear when he ran for Trustee that he supported Mr. Doraty and the inflatable issue. He made it clear at that time and, he thinks that may or may not have to do with a lot of the votes he received. He is not so sure that that has any bearing on his vote one way or another. Mr. Todd said this is not a Bill Doraty issue. This has been looked at long before Mr. Doraty was involved and the issue has been discussed back and forth for quite some time. That is why he didn't want the letter brought in unless the writer was here to ask the question specifically.

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PUBLIC HEARING CON'T

Mac Overmyer, Zoning Commission Member, wanted to reiterate for the record that the Zoning Board is adamantly and unanimously opposed to inflatables.

Dianna Huffman, (4025 Remsen Road) said Zoning specifically took inflatables out of the zoning code back in 1988.

Mrs. Strogin, Zoning Chairperson, said all four townships met and decided to keep their zoning codes regarding signs the same so there wouldn't be any competition.

Matt Galla (3503 Hamilton Road) asked if there was a big demand for inflatables and verbally attacked the Trustees.

Jim Apana, Zoning Commission Member, asked if Mr. Todd was opposed to eminent domain and restrictions on private property and what does it do to all the zoning regulations. Mr. Todd said zoning regulations spring out of the Fifth Amendment and public safety, health and welfare. They have to do with the police powers of any given state. It is to the extent that you exercise the police powers of any state and you always run into a conflict of private citizen's rights. Mr. Apana asked what that had to do with the size of a sign and with private property and zoning. Mr. Todd asked Mr. Apana if he thinks zoning affects the usage of a property and Mr. Apana said yes.

Peggy Jarrett (3757 Foskett Road) said she had mentioned the safety issues at the previous meeting. She said there was something on the internet regarding a car dealers inflatable. There was a storm and the inflatable came untethered and was hitting cars in the lot. She is very concerned with the safety factor of the inflatables. Mr. Todd said the question is, are these acceptable risks. It is the likelihood of it happening plus the consequences and that is risk management. Mrs. Jarrett said the gas filled inflatables create a safety issue.

Alliss Strogin, Zoning Commission Chairperson, suggests going to Wayne County to see what can happen to a community that doesn't have fair and clear zoning laws. She feels our township has developed nicely because of our zoning regulations. Mr. Todd said there has to be a balance in zoning and he is trying to make up his mind as to what needs to be done.

Gene Kraus (4123 Monterey Drive) said there needs to be a good compelling interest before any government inserts itself into the private or business affairs of an individual at the management of their property. He would draw the line at more restrictive because he believes there is more than just public safety, health and welfare, aesthetics is an important value. He feels the regulations are in place because of aesthetics and should not be determined by a single individual but by the community. He encourages the Trustees to draw the line in such a way that it includes maintaining the positive aesthetic appeal that exists today in this community.

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PUBLIC HEARING CON'T

Sally Gardner (3333 Foskett Road) wants to reiterate the safety issue. She read an item about the inflatable that broke away in Switzerland and broke a window at an Orphanage. She also said zoning has no control of content. She also said Medina Auto Mall said the Dealers are asking the Managers to no longer put signs in the window and streamline the way they look.

Matt Galla (3503 Hamilton Road) said Mike Todd and Ken DeMichael were in cahoots with Bill Doraty.

Jim Apana, Zoning Commission Member, said it seems downtown Medina is starting to revitalize itself. They are using aesthetics to attract customers.

Mr. Todd and Mr. Jarrett said Brunswick City is redoing their signage. Mrs. Strogin said it is their pole signs. Mr. Todd said they are fighting the approval of a large electronic billboard that is being proposed. Mr. Todd asked Mrs. Ridgley to find out the permitting process that Brunswick uses for inflatables, how many inflatables they have had in the course of the last five (5) years and what the time period is that are allowed up. Mr. Todd asked Mrs. Shoemaker to contact Montville, Medina City, Granger and Sharon and send them a copy of the proposed regulations and ask for their feedback. Ken DeMichael, Elaine Ridgley and Mrs. Strogin met with Medina Auto Mall regarding signage. Mr. Todd said he is worried about public safety, health and welfare and aesthetics to the extent it affects property values.

Mr. DeMichael suggested having a second pick-it-up day because of all the trash in the Township. He said doesn't that hurt property values more than Doraty's inflatable on 18. He keeps a clean lot over there. Mr. DeMichael said he doesn't know why we don't talk about proactive things like cleaning up the trash. Let do some positive things. Mr. Jarrett said that is self-inflicted aesthetics. Mr. Todd said this is not about Bill Doraty. Mr. DeMichael said he agrees, there is an issue and you don't want the inflatables lined up and down Route 18.

Julie Kraus (4123 Monterey Drive) said the issue she has is that the zoning rule states no inflatables and the rule should be followed.

Sally Gardner (3333 Foskett Road) asked Ken DeMichael when the last time was that he went around his neighborhood and picked up trash. Mr. DeMichael said today as a matter of fact. Mrs. Gardner feels the issue is about Doraty.

Peg Jarrett (3757 Foskett Road) asked if they have collected fines for zoning violations. Mr. Todd said we couldn't if we wanted to. The statute is up to \$150.00 fine per day. The fine technically doesn't necessarily revert to the Township, it is a fine and where that goes is decided by the Court. It is a law in equity. You would have to win; they would have to find that there is a certain amount of days of violation and then they would have to charge them and the statute does not require them to do that. We are a limited Government.

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Public Hearing Continuance

Mr. Todd motioned to continue the Hearing to October 17, 2013, at 7:00 pm. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Todd, Mr. DeMichael and Mr. Jarrett.

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.

Gene Kraus (4123 Monterey Drive) thanked the three (3) Trustees for serving.

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

OTHER BUSINESS

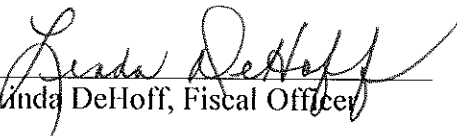
Mr. Todd motioned to approve Western Preserve Society to maintain a space at the Remsen Road building and display historical items for residents to view and to put out a letter on behalf of Weymouth Preservation Society. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Todd, Mr. DeMichael and Mr. Jarrett.

Mr. Jarrett reminded the public that the Township is collecting food donations until October 5 and no expired foods please.

Mrs. Shoemaker said Weymouth Day is September 21.

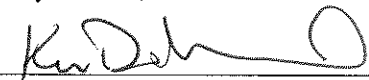
Mr. Todd said land acquisition will be discussed at the next meeting and asked Chief Arbogast to update Mr. Jarrett and Mr. DeMichael on that issue.

Mr. Todd motioned to adjourn the meeting at 8:27 pm. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mr. DeMichael.


Linda DeHoff, Fiscal Officer

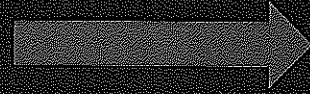

Michael D. Todd, Chairman


Ray Jarrett, Vice-Chairman

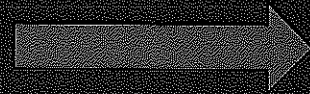

Ken DeMichael, Trustee

WEYMOUTH COMMUNITY CENTER

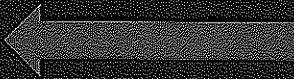
MEDINA TOWNSHIP POLICE DEPARTMENT



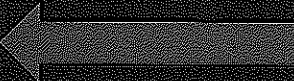
KALEIDOSCOPE



MEDINA SOCCER ASSOCIATION



WEYMOUTH HISTORICAL PRESERVATION SOCIETY



CREATIVE OPPORTUNITIES
ENTRANCE AT REAR OF BLDG.

