

**RECORD OF PROCEEDINGS
MINUTES OF REGULAR MEETING
AUGUST 27th, 2015
7:00 PM**

The Medina Township Board of Trustees met in regular session at the Medina Township Hall on August 27th, 2015, to conduct the business of the Township. Chairman DeMichael called the meeting to order at 7: 01 pm with the following Trustees in attendance: Ken DeMichael, Bill Ostmann and Ray Jarrett. Also in attendance were the Fiscal Officer, Asst. Fire Chief, Police Chief, Road Foreman, Zoning Inspector and the general public.

Roll Call

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

Pledge

Mr. DeMichael led the Pledge of Allegiance to the flag.

Moment of Silence

Mr. DeMichael asked for a moment of silence for our military personnel both here and overseas.

SITE PLANS

Pearl Road Storage Condos – Pearl Road – Site

Mr. DeMichael motioned to accept the recommendation of the Zoning Commission and deny Pearl Road Storage Condos due to failure to meet the following zoning requirements:

Section 404.3, North Front yard setback requirement is 100 feet, 20 feet shown on drawing;

Section 404.3D2b1, South Side yard setback requirement 100 feet, 27 feet shown on drawing;

Section 404.3D2b1, North Side yard setback requirement is 100 feet, 30 feet shown on drawing as presented. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

Arby's – 5081 Eastpointe Drive - Signs

Mr. DeMichael motioned to accept the recommendation of the Zoning Commission and

1. Approve the request for 2 directional signs for Arby's, located at 5081 Eastpointe Drive, not to exceed 3.9 square feet each, as presented.
2. Approve the ground sign for Arby's, located at 5081 Eastpointe Drive, not to exceed 31.9 square feet as presented.
3. Deny the request for a high-rise sign for Arby's, located at 5081 Eastpointe Drive, due to the fact it exceeds the limit of 160 feet in height, as presented.
4. Approve the request for one wall sign for Arby's, located at 5081 Eastpointe Drive, not to exceed 17.7 square feet, as presented.
5. Deny the request for a second wall sign for Arby's located at 5081 Eastpointe Drive, due to the fact it exceeds the number of allowable wall signs, as presented.
6. Deny the request for a third wall sign for Arby's, located at 5081 Eastpointe Drive, due to the fact it exceeds the number of allowable wall signs, as presented.
7. Deny the request for a fourth wall sign for Arby's, located at 5081 Eastpointe Drive, due to the fact it exceeds the number of allowable wall signs, as presented. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann.

Doraty KIA (Auto Max) – 2925 Medina Road – Signs

Mr. DeMichael motioned to accept the recommendation of the Zoning Commission and

1. Approve a new ground sign for Bill Doraty KIA, located at 2925 Medina Road, not to exceed 31.33 square feet as presented.
2. Approve a new high rise sign for Bill Doraty KIA, located at 2925 Medina Road, not to exceed 159 square feet as presented.

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SITE PLANS CON'T

Doraty KIA (Auto Max) – 2925 Medina Road – Signs Con't

3. Approve a second wall sign for Bill Doraty KIA, located at 2925 Medina Road concurrent with previous variance granted on 12-20-06, not to exceed 67.20 square feet as presented.
4. Approve a wall sign on the south side of the building for Bill Doraty KIA, located at 2925 Medina Rows not to exceed 54.9 square feet as presented.
5. Deny the request for a third wall sign for Bill Doraty KIA, located at 2925 Medina Road as it exceeds the allowable number of wall signs as presented.
6. Deny the request for a fourth wall sign on the south side of the building for Bill Doraty KIA, located at 2925 Medina Road , as it exceeds the allowable number of wall signs as presented. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

Then and Now Purchase Order

Mr. DeMichael motioned to approve a then and now purchase order in the amount of \$77.50. This is for Intech Computer Solutions located in North Canton. Mr. Jarrett seconded the motion. Mr. Jarrett asked what the additional charge was for. Mrs. DeHoff said this was \$77.50 over the original purchase order and it didn't look like they gave credit for the keyboard we returned. Mr. Jarrett asked Mrs. Shoemaker to find out if we were credited for the keyboard. Mr. DeMichael asked if we were going to return the speaker and Mrs. Shoemaker said that would be returned to SonicClear. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann.

Accounts Payable

Mr. DeMichael motioned to approve warrant #26546 through #26586, total amount of \$319,520.08. Mr. Jarrett seconded the motion. Mr. DeMichael said the biggest part of that was for paving Huffman Road. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann.

Approval of Payroll

Mr. DeMichael motioned to approve payroll check #20562 to Check#20620, total amount \$45,106.69 with \$5,954.39 being deferred. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

Approval of Minutes

Mr. DeMichael motioned to approve the July 30, 2015, regularly scheduled meeting minutes. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

Mr. Ostmann motioned to approve the minutes for the August 13 regular meeting. Mr. DeMichael seconded the motion. Roll call vote: Mr. Ostmann aye, Mr. DeMichael abstain and Mr. Jarrett aye.

OLD BUSINESS

Dog Barking Resolution

Mr. DeMichael tabled the dog barking resolution until Chief Arbogast hears back from the Prosecutors office.

Field Naming Rights for Blakslee Park Ballfields

Mr. DeMichael tabled the field naming rights for Blakslee Park Ballfields until there is more information.

Solid Waste Management District Host Agreement

Mr. DeMichael said we have a revised agreement from Medina County Solid Waste Management for the Recycling Bins drop-off sites. Mr. DeMichael motioned to enter into this Host Agreement with Medina County Solid Waste Management District as presented here, two (2) pages. Mr. Ostmann seconded the motion. Mr. Jarrett and Mr. DeMichael thanked Mr. Miller for following up on this agreement. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

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Solid Waste Management District Host Agreement Con't

Mr. DeMichael motioned to be the one to sign this for Board. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann.

Department Reports

Mr. DeMichael motioned to approve the reports for July for our Zoning, Police, Fire and Service Departments. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

Office for Older Adults

Mrs. Gardner reported that the Office for Older Adults will be holding an Amish Country Christmas tour on Saturday, November 14 and the cost is \$60.00 per person. There is a 2 hour show, family style lunch and transportation is included in the price. September 4, 2015, the Medina County Clerk of Courts is holding a Senior Walk to benefit the Home delivered Meals Program. Registration is at 10:00 am. There will be food, entertainment and health screenings.

OTHER BUSINESS

PURCHASE ORDERS AND TRAINING REQUESTS

Amazon –Wireless Printer - Admin

Mr. DeMichael motioned to approve \$159.99 for our admin department. The vendor is Amazon. This is for a Canon wireless printer and Canon combo ink cartridges. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

Medina County Sanitary Engineer – Township Clean-up Days

Mr. DeMichael motioned to approve a purchase order requisition for our admin department. Vendor is Medina County Sanitary Engineers. Total amount is \$1,041.35, for solid waste received at Medina County Central Processing Facility during Medina Township clean-up days. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann.

DEPARTMENT COMMENTS

Police Department

Chief Arbogast said Job and Family Services is now requiring the Police Department to enter into a Memorandum of Understanding with them for adult protective services, not only child protective services. This will help us to assist those in the age group that fall through the gaps.

Chief Arbogast said they are working with representatives of the Senate and the House to rectify a situation regarding an error in the Ohio Revised Code that states, a Township Police Department cannot enforce certain traffic laws on the interstate system. There is a word missing in the ORC that caused a DUI to get away on a technicality. We get approximately \$5.00 for a traffic ticket and the cost for an officer to go to court if the ticket is disputed is approximately \$130.00. He asked for our support in getting this corrected.

He said there was a good turnout for Guns and Hoses. Medina City came in first but the good news is we beat our Fire Department.

Administration

Mr. DeMichael thanked Chief Arbogast for bringing up the homeless situation and said he spoke with a resident who works with a local church. Mr. DeMichael would like to have a meeting with the resident and Chief Arbogast to see what can be done to help. Chief Arbogast agreed.

Mr. DeMichael said Trustees received an anonymous letter from nineteen (19) residents of Windfall Road who are concerned about a POD in a neighbor's driveway. Mrs. Ridgley spoke to the person and was told her Father passed away and she is trying to empty the house. The POD was rented for two (2) months and is scheduled to be removed September 4.

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DEPARTMENT COMMENTS CON'T

Road Department

Mr. Miller received a call from a gentleman who wants to use Blakslee parking lot for a park n ride with another co-worker for a month. The Trustees saw no problem with it as long as the Police were notified that the vehicle would be there.

Mr. Miller said they have been using the crack sealing machine that they share with Hinckley and Sharon Townships and it is working out fine.

Special Events Coordinator

Mrs. Shoemaker said Shop-with-a-Cop Back to School was a success. The FOP wrote a check for \$4,125.00 for thirty-three (33) children and MC Sports gave over \$7,000.00 in merchandise. The plans for Shop-with-a-Cop Christmas have started.

Mrs. Shoemaker should have the quote for the bulk mailing of the newsletter soon. She will e-mail the first draft of the newsletter to the Trustees by Sunday.

Mrs. Shoemaker thinks she has all the information for the AFG grant and asked Mrs. DeHoff if she got with Gatchell about that. Mrs. DeHoff said she did. Mrs. Shoemaker has spoken with Asst. Chief Kasson to see if they want to work on submitting something else because the one they are submitting is a redo for the wellness and fitness AFG grant.

She has also spoken to Mr. Miller and Mr. Kessler about the Ohio DNR major works grant. It is a seventy-five percent (75%) reimbursement grant for developing and rehabilitation for parks and recreation.

NEW BUSINESS

Liquor Control Hearing for Lavish Beauty Lounge D5 Liquor License

Mr. Ostmann said the request for a hearing for Lavish Beauty Salon's D5 Liquor License was put on hold because the landlord, Zaremba, said it is a violation of their lease. Mrs. Ridgley said Zaremba is going to wait and see if they do go ahead with it knowing it is against their lease. Mr. Ostmann motioned that we not request a hearing for the liquor license transfer to Lavish Beauty Lounge. Mr. DeMichael seconded the motion. There was discussion regarding the legality of this and Chief Arbogast said, to be in compliance, they would have to charge a fee for the beverages. Some beauty salons offer wine, coffee, tea and water to their customers. Mr. Jarrett wanted to clarify that they could have wine and hard liquor and they could be open until 2:30 am. Mr. Ostmann said there is really nothing they can do. Voting aye thereon: Mr. Ostmann, Mr. DeMichael and Mr. Jarrett.

NEW BUSINESS

3996 N. Huntington Street

Mr. DeMichael discussed the issue of the storm drain at 3996 N. Huntington Street. Joan Prince of that address said their storm drain backed up into the garage. The storm drain drains into the swale adjacent to her property which is owned by the township. The ground has shifted and it blocks the drainage of her stormwater. She asks that the township maintain the area where our storm drains enters the swale so it will drain properly. She made adjustments to her storm system to minimize the problem. Mr. DeMichael looked at it and saw where the soil had eroded and was blocking. Ms. Prince spoke to the county and was told to talk to the township. Road Foreman Miller was told by the County that the township did not have to do anything with the swale unless water was coming over the road or damaging the road. He said there are a lot of swales in the Township that would then need to be maintained and the way he understands the law, legally you cannot dump your water onto township property or on your neighbor's property. Mr. DeMichael's question is why the county issued a permit like that. Mr. DeMichael will contact the Prosecutor's Office to get more answers. Mr. Jarrett asked if it is township property, does she have sanitary sewer and if there are storm sewers in the front of the property. Mr. Ostmann asked if it backed up into her garage and was told yes. Mr. Miller said when he talked to the county they said when the houses were built they tied the sump pump line and the footer drain into the downspout line and with a four (4) inch pipe trying to run all that ground water into it the pipe will not be able to hold it. Mr. Ostmann said the builder should not have done that and the county should not have issued a permit.

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Executive Session to Consider Sale of Property by Competitive Bid

The Trustees tabled this executive session

PUBLIC COMMENT

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

Dianna Huffman (4025 Remsen Road) wanted clarification if the recycling was voluntary or mandatory. She was told it is voluntary.

Matt Galla (3503 Hamilton) commented on the haircuts given by Fiesta Hair Salon.

Gary Vene (3783 Hamilton Road) asked if the people who were pumping the sanitary sewers abandoned their equipment. Mr. Ostmann said that is sanitary and he will contact them to find out what they are doing.

Jim Apana (3993 Dogleg Trail) asked if the triangular piece of property at the intersections of Weymouth, Bagdad and Pierce that is never maintained. Mrs. Ridgley said it is full of poison ivy and the owner tried to maintain it but couldn't. Mr. Ostmann said we cannot force the owners to maintain it unless it is a site distance problem. Mrs. Ridgley will check it out.

Matt Galla (3503 Hamilton Road) asked if we had a resolution on unkempt property. Mrs. Ridgley said we cannot tell people what to do with their property.

Phil Hascher (S. Weymouth road) said the paving of Nichols Road was atrocious. Road Foreman Miller said it is a county road and he spoke to the County about it and was told the road was fine. Mike Salay is the County Engineer and we have no authority to tell the county what to do with their roads.

Sally Gardner (3333 Foskett Road) relayed a message from a resident about the excellent job the entire service department crew did regarding a tree that fell across Plum Creek Parkway. She asked if all the elected officials take the health insurance and is it single or family. Mr. DeMichael and Mrs. DeHoff take the single insurance and Mr. Jarrett and Mr. Ostmann do not take the insurance.

Robin Gray (4074 Remsen Road) asked what the situation of the islands on Route 18 was.

Mr. DeMichael said, for the record, so it is clear to everyone, he read Mrs. Huffman's and Mrs. McKiernan's letters to the Editor in the Gazette and clearly I wouldn't, and obviously my partners here wouldn't be because they voted it down, but clearly, I wouldn't be for anything that was going to impede the service of Police or Fire or anything like that. The islands, as they, proposed needed to be moved. That was the one thing, whether they were going to restrict the service vehicles. Number two (2) was entrances into and out of businesses, that was an issue. Where they had them, in my opinion, was that they were not going to work and the third (3rd) thing was the maintaining of them. Now, we had Montville lined up where they agreed to do all the work to maintain the islands, so overall, do I think they would have been nice, well of course they would have been nice, I thought they would have been nice, where they were located, but where they had them originally in the plans wasn't going to work. Ray and Bill voted to just abandon the idea altogether and I was for sending it back to ODOT and see if they could come up with a better plan because Montville wanted it pretty badly and they were offering to maintain it and I thought it was going to still be a possibility. So where we are at now they sent it to the County Commissioners and..... Mr. Ostmann said the County Commissioners, I guess, are not going to actually vote one way or another on it. Adam Friedrich was quoted in the paper as saying he talked to me because the majority of it is in Medina Township, we should have the final say. I received a call from Bill Thorne of the Prosecutor's Office last week and Montville wanted to have another joint meeting to discuss the islands and I told him we've already had a joint meeting and I don't think anybody's mind is going to be changed, so I said we really don't need another joint meeting. Ostmann said he has not heard anything else so he assumes it is going to die but it is going to die slowly I guess and that is all I can say.

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

Executive Session to Consider Employment of a Public Employee

Mr. DeMichael motioned to go into Executive Session to consider employment of a public employee, into Executive Session, with the three Trustees, the Fiscal Officer and Celia and Elaine. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann. The Board entered into Executive Session at 8:08 pm. Mr. DeMichael motioned to come back from Executive Session at 8:39 pm. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann. Mr. DeMichael said no decisions were made during that meeting.

Hiring of a Part-time Secretary

Mr. DeMichael motioned to hire an assistant secretary. This person will work at \$11.00 per hour, 25 hours per week with no benefits provided. What we would like is to advertise it for a week in the Gazette for the next six (6) days and then two (2) weeks in the Post the next two available Saturdays, take applications until September 24, and then hire after that. Mr. Jarrett seconded the motion. Mr. Jarrett stated that we are not going to hire right after that. We will look at the applications and hopefully we will make a decision shortly thereafter through the interview process. We are asking staff input to help us make that decision. Ultimately it comes down to the Board of Trustees to make the final decision. Mr. Ostmann agreed. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann.

OTHER BUSINESS

Policy and Procedures Employee Handbook Update

Mr. Jarrett asked if the other Trustees had finished looking at the Policy and Procedure Handbook and they said they have not finished reviewing it. Mr. DeMichael asked if Paychex is coming to review it with them or do they just need responses from the Trustees. Mrs. DeHoff said the Trustees need to review it; she then will talk to each Trustee to discuss any changes or questions and then contact Paychex with any changes. Mr. Jarrett said he reviewed it and found a lot of minor mistakes. He asked if the Trustees would give him authorization to go over the errors with Mrs. DeHoff and then get the corrected copy back to them. Mr. DeMichael said that is the most efficient way to do it and Mr. Ostmann agreed.

Mr. DeMichael motioned to have Trustee Jarrett work with Fiscal Officer DeHoff in order to make corrections to our Employee Procedure and Policies Handbook and make those corrections and get us back a copy. Mr. Ostmann seconded the motion. Mrs. DeHoff asked that the other Trustees give her any changes they have so she can add them to Mr. Jarrett's corrections. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

OTARMA – KLA Risk Management – Hold Harmless Agreement


Mr. Jarrett said there were four (4) recommendations that OTARMA's Risk Management Consultants (KLA) asked the township to take action on after their loss control visit. He asked if we have done anything about the recommendations. Mrs. Goe, Township Secretary, is waiting for the Prosecutor's Office to supply a Hold Harmless Agreement. The Hold Harmless Agreement would be for all contractors, Homeowners Associations and individuals and organizations utilizing township property. Mr. Miller, Road Foreman, is handling the road and sign inspection document and the pre-trip vehicle inspection document. Mr. Jarrett said the Hold Harmless Agreement is to protect the township from lawsuits. Mrs. Goe was told that technically, children should not be on or in the fire trucks but many of the Fire Departments don't follow that rule and there have been lawsuits. Also, homeowners associations who use the townhall have to sign the agreement. Mrs. Shoemaker asked about the children who ride in the police cars for special events. Mr. Miller said when he did an event at the Goddard School they sent him a letter stating the township wasn't responsible. Mr. Jarrett said we just have to tell them, sorry, our insurance does not allow people to go into the vehicles. Mr. Jarrett said it is like the field trips that school children take, all the parents have to sign a hold harmless agreement and this is nothing different. Mr. Jarrett asked that this be kept on the agenda.

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Mr. DeMichael motioned to adjourn the meeting at 8:48 pm. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.


Linda DeHoff, Fiscal Officer


Ken DeMichael, Chairman


Bill Ostmann, Vice-Chairman


Ray Jarrett, Trustee