

**RECORD OF PROCEEDINGS
MINUTES OF REGULAR MEETING
JULY 2ND, 2015
7:00 PM**

The Medina Township Board of Trustees met in regular session at the Medina Township Hall on July 2nd, 2015, to conduct the business of the Township. Chairman DeMichael called the meeting to order at 7:03 pm with the following Trustees in attendance: Ken DeMichael, Ray Jarrett and Bill Ostmann. Also in attendance were the Fiscal Officer, Fire Chief, Police Chief, 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. Jarrett and Mr. Ostmann.

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

Dental Works – 5014 Grande Blvd., Unit J – Site Expansion

Mr. DeMichael motioned to accept the recommendation of the Zoning Commission and approve Dental Works, Unit J expanding into Unit J3 located at 5014 Grande Blvd. Medina, as presented. They are changing location of sign to go over new addition. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

Ernie's Transmission – 3900 Pearl Road - Site

Mr. DeMichael motioned to accept the recommendation of the Zoning Commission and approve the change of use for Ernie's Transmission located at 3900 Pearl Road Medina, OH, as presented. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann.

OTHER BUSINESS

Then and Now Purchase Order – Consolidated Radio, Inc. - Fire Department

Mr. DeMichael motioned to approve a then and now purchase order for Consolidated Radio, Inc. Total amount is \$3,489.58. Mr. Ostmann seconded the motion. Mr. DeMichael said this is for radio installation and balance of radio face plates. Mr. Jarrett asked what department it was for and was told Fire Department. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

Accounts Payable

Mr. DeMichael motioned to approve accounts payable check #26394 through check #26433, total amount \$58,927.98. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann.

Approval of Payroll

Mr. DeMichael motioned to approve check #20338 to check #20397, total amount is \$45,543.32 with \$6,872.64 being deferred. Mr. Ostmann seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Ostmann and Mr. Jarrett.

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OTHER BUSINESS CON'T

Approval of Minutes

Mr. DeMichael motioned to approve our June 4th 2015, regularly scheduled meeting minutes. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann.

Mr. Ostmann motioned to approve the minutes of our June 18th regular meeting. Mr. Jarrett seconded the motion. Roll call vote: Mr. Ostmann aye, Mr. Jarrett aye and Mr. DeMichael abstain.

OLD BUSINESS

Dog Barking Resolution

Mr. DeMichael tabled the dog barking resolution until Chief Arbogast does more research and discusses the wording of the resolution with the County Prosecutor.

Dan Moran (3812 Foskett Road) said inside an incorporated area the townships do have the legal ability to impose noise ordinances but in the rural areas historically it has not been allowed by the state.

Sonic-Clear Recording System

Mr. DeMichael tabled the Sonic-Clear recording system because Mrs. Shoemaker has that information.

Field Naming Rights

Mr. DeMichael tabled the field naming rights because Mrs. Shoemaker has that information.

PURCHASE ORDERS AND TRAINING REQUESTS

Stonewall Uniform Corp. – Fire Department

Mr. Jarrett motioned for a purchase order requisition for the Fire Department in the amount of \$2,000.00. Vendor information is Stonewall Uniform, Corporation out of Broadview Heights. Mr. DeMichael seconded the motion. Chief Crumley said they keep a blanket purchase order open in case of damage to uniforms. Voting aye thereon: Mr. Jarrett, Mr. DeMichael and Mr. Ostmann.

DPS – Shipping of RICOH Copier

Mr. Ostmann motioned to approve a purchase order requisition. The vendor information is DPS and this is for shipping, packing and insuring return of the RICOH copier and the amount is \$284.00. Mr. DeMichael seconded the motion. Mr. Jarrett asked when it will be returned and was told we did not have a date. Voting aye thereon: Mr. Ostmann, Mr. DeMichael and Mr. Jarrett.

REPORTS

Department Reports

Mr. DeMichael tabled department reports because we only had the Police report.

Office for Older Adults Report

Mrs. Gardner said Office for Older Adults did a year at-a-glance for 2014 and also a quarterly report for contacts in 2014 and 2015. Medina Township had 17 contacts. OFOA provided 4,416 congregate meals (meals eaten at the centers) between Medina and Brunswick last year. The county delivered 32, 370 home meals.

Weymouth Preservation Society

Mrs. McKiernan said a potluck will be held July 18 at 6 pm. Please bring a dish to share if you are planning to attend. They are getting calls regarding Weymouth Day and they have lawn that people can set up on. They are on the County Visitors Bureau webpage and had 192 hits in June. She sent photos to Mark Morton regarding the cemetery restoration. There was an exhibit at the library and they will have an exhibit at the fair and will have the visitor bureaus window in August.

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DEPARTMENT COMMENTS

Police Department

Chief Arbogast said the Police Department did traffic control for the Masonic Parade on July 2. They will handle the Creative Housing parade July 3 and the Reserve Parade July 4th in the morning. He will attend the City Parade in the evening.

Fire Department

Chief Crumley was contacted by the SPCA who is putting together a calendar as a fund raiser and they asked if Medina Township Fire Department be featured on one month of the calendar. He said the employee handbook stated that we can't be using township equipment for profit. This is a non-profit organization. The Trustees said they have no problem with that.

Resolution Relating to Route 42 Widening

Mr. DeMichael said Trustees have been back and forth with the Prosecutor's Office discussing whether this resolution regarding the Route 42 widening was necessary or not. The Prosecutor's most reason opinion is that we have to pass this resolution.

RESOLUTION NO. 07022015-018

Mr. DeMichael motioned to go ahead and approve, or pass, our Resolution No. 07022015-018 relating to a Moratorium on Enforcement of Zoning Setback, Parking and Landscape Requirements Where Nonconformities Result from Governmental Taking of Property as presented (see attached). Mr. Ostmann seconded the motion.

Mr. Jarrett said he has an issue with the resolution and feels they are boxed into a corner by ODOT and that the businesses are put at a disadvantage with ODOT. It was his understanding that if they don't approve the resolution ODOT may run out of money and the project will not be finished. Mr. Jarrett said Trustees have not received confirmation from ODOT that they are going to eliminate the concrete medians on 42 and yet they want us (Trustees) to pass this resolution. ODOT has cut off entrances to two (2) businesses and hindered the entrance to Staples. Mr. DeMichael said he shares Mr. Jarrett's feelings but the fact of the matter is, it is out of our hands. Mr. Ostmann spoke with Mr. Karris and Mr. Thorne of the Prosecutor's Office and they explained that if they didn't pass the resolution we would be named in the pending litigation that is going on and it could get expensive if we lose and, if we win, ODOT will not have enough money to finish the project. Mr. DeMichael and Mr. Jarrett thanked Mr. Ostmann for meeting with the Prosecutor's office but they all feel their hands are tied.

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

Executive Session to Consider Sale of Property by Competitive Bid

Mr. DeMichael tabled the Executive Session to consider sale of real property.

NEW BUSINESS

Approval of 2016 Tax Budget

Mr. DeMichael motioned to approve our 2016 tax budget as presented here. It is an eighteen (18) page document. Mr. Jarrett seconded the motion. Mr. DeMichael thanked Mrs. DeHoff for putting the document together. Mrs. DeHoff said she got input from the department heads. Mr. Jarrett said it looked like revenues were up just a little. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann.

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.

Dan Tizzano (5021 Grande Blvd) asked Ms. DiPasquale-Hagerty, Director of Medina Creative Housing, the status of Creative Pet Play being opened after hours and on weekends. He said dogs are barking as late as 10 pm during the week and on Saturday and Sunday.

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PUBLIC COMMENT CON'T

Ms. DiPasquale-Hagerty, Director of Medina Creative Housing, said this question is for the Trustees. She said Creative Pet Play is in a commercial area and they are operating a facility for dogs in the community and is not here to defend the business.

Mr. Tizzano said it is commercial but the dogs are barking into a residential neighborhood and that is the concern they have. They were under the impression the business was going to be a café or coffee shop not a dog kennel and the incessant barking around the clock is very disruptive.

Mr. Jarrett asked if the dogs are from Medina Township, outside the township, or a county mix. Ms. DiPasquale-Hagerty said they don't ask for residency requirements and they provide a service to the community. They are in the process of moving the facility. Mr. Jarrett said they are not targeting Creative Pet Play. They have to look at everything across the board.

Mr. Tizzano asked at what point you decide if the dogs are barking in a commercial zone or a residential zone because it is abutted to a residential area. Chief Arbogast said that is a legal issue and he is working on getting an answer. Mr. Jarrett said that is why they are moving slowly.

Ms. DiPasquale-Hagerty invited everyone to the Creative Living 6th annual Independence Day walk at 6:00 pm on July 3. The walk starts at 1120 N. Huntington Street and continues to Creative Pet Play and back to 1120 N. Huntington Street for a celebration. She thanked the Township Police Department for their help and also said the residents grow and supply lettuce to the Office for Older Adults for their congregate meals at no cost.

Robin Gray (4074 Remsen Road) informed the Trustees that the Medina County Board of Elections is holding a meeting on Monday, July 6 at 2 pm to certify a proposed ballot initiative from the group called Sustainable Medina County. 5,600 signatures were collected for the county wide ballot initiative that would create a County Charter. It would be on the November ballot if approved. It would include a community Bill of Rights which would give County residents the ability to vote on referendums. Mr. DeMichael asked if the meeting was to see if the Board of Elections approves putting it on the ballot and she said yes.

Matt Galla (3503 Hamilton Road) said he attended a zoning meeting where Creative Living was going to have a Café and not a doggy day care. Mrs. Strogin, Zoning Chairperson, said initially plans were to have their office and a café there but the plans changed. Kennels are allowed in that district and they are following the rules of commercial zoning. Mr. Jarrett said they downsized from six (6) units to four (4) units. Mr. Galla said what about the neighbors. The Trustees are having legal counsel look into it. Mr. DeMichael said Ms. DiPasquale-Hagerty is trying to move the facility to the back of the property.

Dan Tizzano asked why move it if Creative Pet Play is in their rights to keep it there. Mr. Ostmann said they talked about moving it to the back of the property to alleviate the noise.

Chief Arbogast pointed out that Montville and Hinckley Townships do have dog resolutions. We do not have the right as a Township to have ordinances like a city, we are very restricted but we can have resolutions. As he said before, we are not Montville or Hinckley and he really doubts that the situation he is trying to address is the same situation that Montville and Hinckley has. That is why he is getting legal counsel.

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.

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Executive Session

Mr. DeMichael motioned to go into Executive Session to discuss employee compensation with the three (3) Trustees and Fiscal Officer at 7:51 pm. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann.

Mr. DeMichael said it is 8:48 pm and we are back from Executive Session where the Fiscal Officer and three (3) Trustees were talking about employee compensation. No decisions were made during that meeting.

Mr. DeMichael motioned to come back into regular session. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. DeMichael, Mr. Jarrett and Mr. Ostmann.

Overtime Hours

Mr. DeMichael read a page (3.3 Overtime) from the employee handbook regarding overtime hours as follows: Overtime will be paid to appropriate employees classified as non-exempt according to the Federal Fair Labor Standards Act at a rate of one and one-half times their calculated hourly rate for time worked beyond forty (40) hours per standard work week. NOTE: Overtime under the Fair Labor Standards Act (FLSA) is defined as time worked in excess of forty (40) hours in a single workweek. Township employees are regularly scheduled for forty (40) hours in a seven (7) day workweek. No overtime payment is required unless an employee works in excess of forty (40) hours during the workweek. For the purpose of calculating overtime, holidays count as days worked. Sick leave and vacation days do not count as time worked, except for the road department when there is a weather emergency that requires snowplowing beyond regular work hours, or other township emergencies that requires the road department to be called on-site after regular work hours. Mr. Jarrett said you cannot get overtime if you are out on sick time so department heads look at how overtime is calculated. Mr. DeMichael said sick or vacation is not counted as regular hours.

Closing of Salem's Way for Parade

Mr. Ostmann motioned that we authorize the Reserve Homeowner's Association to close Salem's Way for their parade. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Ostmann, Mr. Jarrett and Mr. DeMichael. Chief Arbogast said it would start at 10 am on the Fourth of July and end at Noon.

Collective Bargaining Overtime-Police Department

Chief Arbogast wanted to be sure the Trustees knew that the overtime rule did not apply to the collective bargaining agreement. The Trustees said they knew that.

Credit Card Policy

Trustees reviewed the credit card policy that was before them. Mr. DeMichael wanted to be sure the road department would be able to purchase parts in an emergency situation (when the Township does not have an account). Mr. Ostmann said it states that in the first paragraph of the credit card policy. Mrs. DeHoff wants all authorized purchaser to be sure there is an open purchase order before they purchase anything and not just purchase the item after the fact. Mrs. DeHoff said she cannot pay anything, no matter the amount, without a purchase order and, just because they have a credit card it does not mean they can go out and spend. Mr. DeMichael wanted clarification that no food purchase can be put on the credit card. Mrs. DeHoff said she doesn't want food put on a credit card because there may be fees if you purchase items under \$5.00. We also have to have itemized receipts showing that alcohol was not purchased. If you use room service at the hotel the credit card can be used but the bill still has to be itemized. Mrs. Ridgley asked if she could use the credit card to buy food for an inspector's meeting that would be held at the Townhall. Mrs. DeHoff said she could use the card for that because it is a Township meeting. Mr. DeMichael wondered why the list does not include tire purchases or repairs. Mrs. DeHoff said it was because she does not want the cards used willy-nilly and the main reason for the credit cards was because employees had to pay out of pocket for conference fees, hotels and transportation. Mr. Jarrett asked if "Township Hosted Meetings" could be added to the list and was told yes. Mrs. DeHoff has the list of credit card limits for each authorized purchaser. Mrs. DeHoff added to the Credit Card Authorized Uses list to state "In addition to the above".

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Credit Card Policy Con't

Mr. Ostmann motioned that we adopt the Use of Township Credit Card Policy and put this in the minutes for reference. Mr. DeMichael seconded the motion. Voting aye thereon: Mr. Ostmann, Mr. DeMichael and Mr. Jarrett.

Resolution No. 07022015-019

10.9.1 Use of Township Credit Card

The Medina Township Trustees find it is a proper public purpose and necessary to efficiently carry on the business of the Township for the use of the Township credit cards by elected officials and authorized employees for the Township purchases, services, conferences and training.

Personal use is strictly prohibited. Abuse of the credit card use includes but is not limited to personal use of the card, charging over and above approved limits as set by the Board of Trustees. Both the Township Fiscal Officer and Board of Trustees will monitor the bills for any irregularity. Credit card abuse may lead to discipline including termination upon the first abuse occurrence.

Credit card authorized uses in addition to the above:

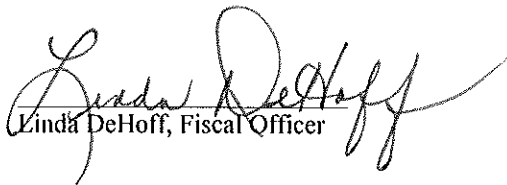
1. Registration fees and/or Conference fee
2. Hotels
3. Transportation costs – Airfare / Taxi
4. No food purchase may be charged to the credit card
5. Township hosted meetings

All persons authorized to use the Township credit cards must provide itemized receipts for the Township Fiscal Officer within three days of the charge or upon return from the conference. The limits to purchase by department will be set by the Board of Trustees and are not to exceed individual credit card limit.

Deer Crossing Signs

Mr. DeMichael received a call requesting deer crossing signs to be posted on Lake Forest Trail. Mr. DeMichael will speak with Mr. Miller to see if legally we are allowed to put those signs up.

Mr. DeMichael motioned to adjourn the meeting at 9:16 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

RESOLUTION NO. 07022015-018

**Relating to a Moratorium on Enforcement of
Zoning Setback, Parking, and Landscape Requirements
Where Nonconformities Result from Governmental Taking of Property**

WHEREAS, the State of Ohio Department of Transportation is constructing a project to widen U.S. Route 42 (Pearl Road) from the southern border of Medina Township to north of County Road 70 (Fenn Road), as well as the widening of both approaches of Fenn Road within Medina Township (the "Project"), which involves acquisition of additional right-of-way along both U.S. Route 42 and County Road 70 ("governmental action") for the Project, and

WHEREAS, this governmental action *may* affect a particular property owner's compliance with requirements relating to the landscaped area between the right-of-way and the developed portion of the site, the minimum number of parking spaces, parking area setback, signage and fencing setback from the right-of-way, and the use of temporary lighting during construction, as set forth in the Medina Township Zoning Resolution ("Zoning Resolution"), and

WHEREAS, this governmental action *may* place property owners along U.S. Route 42 and County Road 70, through no fault of their own, in a non-compliance situation with respect to the Zoning Resolution, which the Board of Township Trustees feels would unfairly burden affected property owners, if required to restore their properties to full zoning compliance, and

WHEREAS, the residents and businesses of Medina Township, as well as the traveling public, will greatly benefit from the State of Ohio Department of Transportation's improvements to U.S. Route 42 (Pearl Road) from the southern border of Medina Township to north of County Road 70 (Fenn Road), as well as the widening of both approaches of Fenn Road,

NOW, THEREFORE, BE IT RESOLVED BY THE MEDINA TOWNSHIP BOARD OF TRUSTEES THAT:

Section 1. This Board declares a moratorium upon enforcement of zoning requirements relating to the landscape area between the right-of-way and the developed portion of the site, the minimum number of parking spaces, parking area setback, signage and fencing setback from the right-of-way, and the use of temporary lighting during construction along U.S. Route 42 and County Road 70 for properties affected by the State of Ohio Department of Transportation's Project.

Section 2. It is the finding of this Board that any property owners along U.S. Route 42 and County Road 70 adversely affected by the acquisition of additional right-of-way by the State of Ohio should not be unfairly burdened with the additional expense of correcting zoning violations created by this governmental action.


Section 3. Pursuant to this moratorium, properties adversely affected by the State of Ohio's acquisition of additional right-of-way for this project shall be deemed legal nonconforming properties under the Zoning Resolution.

Section 4. The Board reserves the right in the event that it finds there is a genuine risk to the traveling public as result of any sign, fence or other improvement being too close to the right-of-way to work with the property owner to resolve the issue and to enforce the setback requirements of the Zoning Resolution after all other reasonable options have been exhausted.

Section 5. This resolution shall not be deemed to constitute an amendment to the zoning resolution or a waiver of the zoning resolution requirements except as to the issues directly arising from the acquisition of additional right-of-way in the Project area.

Section 6. The Board hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in open meetings of this Board, and that all deliberations of the Board, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Adopted: July 2, 2015



Ken DeMichael, Chairman



Ray Jarrett, Trustee



Bill Ostmann, Vice-Chairman