

**RECORD OF PROCEEDINGS
MINUTES OF REGULAR MEETING
AUGUST 6TH, 2009**

The Medina Township Board of Trustees met in regular session at the Medina Township Hall on August 6th, 2009, to conduct the business of the Township. President Wilkins called the meeting to order at 7:00 pm with the following Trustees in attendance: Mead Wilkins and Michael D. Todd. Also in attendance were the Fiscal Officer, Fire Chief, Road Foreman, Asst. Road Foreman, Sports Field Manager, Zoning Inspector and the general public.

Roll Call

Mr. Wilkins asked for a roll call of all members present. Trustees present were Mr. Wilkins and Mr. Todd.

Mr. Wilkins led the Pledge of Allegiance.

SITE PLANS

Fenn Crossings – Revisions to existing Site Plan - 3823 Pearl Road

Mr. Wilkins motioned to accept the recommendation of the Zoning Commission and approve the revised site plan for Fenn Crossing dated 6/30/09, for a proposed covered walkway consisting of 1,258 square feet and 2 canopies on the south side of the building consisting of 60 square feet and 68 square feet (total 128 square feet) respectively. The total square footage of this new construction to consist of 1,368 square feet. Mr. Todd seconded the motion. Voting aye thereon: Mr. Wilkins and Mr. Todd.

QDRO Consultants – Change of Use – 3071 Pearl Road

Mr. Wilkins motioned to accept the recommendation of the Zoning Commission and approve the change of use for QDRO Consultants, LLC to be located at 3071 Pearl Road. Mr. Todd seconded the motion. Voting aye thereon: Mr. Wilkins and Mr. Todd.

DES Equities, LLC – Ground Sign – 3745 Medina Road

Mr. Wilkins motioned to accept the recommendation of the Zoning Commission and deny the ground sign for DES Equities, LLC as presented as it is not in compliance with Section 605 H. and Section 405.3.d.1 (a) 1. of the Medina Township Zoning Resolution regarding front and side yard setback requirements. Mr. Todd seconded the motion. Voting aye thereon: Mr. Wilkins and Mr. Todd.

OTHER BUSINESS

Land Conservancy

Mr. Wilkins said an agreement has been reached with the Western Reserve Land Conservancy and the Medina Park District for property that the township owns on Route 3 at the Hamlin Road intersection. The agreement has been approved by the Medina County Prosecutor. In 1989 the township purchased 33 acres with the intention of building a maintenance building and a salt shed which was not constructed at that location. The maintenance building and salt shed has since been built at Blakslee Park. The land has been unused during that time and has been a problem for the Maintenance Department because of dumping and other kinds of things. An agreement with the WRLC to grant an easement for the Riparian Flood Plain area in exchange for the 8 acres in back of TSC which also has a conservation easement on it. An agreement has also been reached with the Medina Park District to lease both of those properties to them with no necessary intention at this point with the TSC property but they hope to create a green corridor going over to the Medina Sanctuary owned by the Natural History Museum. The 33 acres off of Route 3 will be a natural preserve and will be restored in the condition that it was in, pre-settler. They will be working with a Botanist and also working to find the resources to restore it to the wildlife and floral life that existed in Medina Township before the settlers came here in 1818.

**RESOLUTION NO. 08062009-024
TO TRANSFER REAL PROPERTY OWNED BY THE TOWNSHIP
OF MEDINA ON WEYMOUTH ROAD TO WRLC PROPERTIES, LTD.**

Mr. Wilkins motioned to adopt a resolution to transfer the real property owned by the Township of Medina on Weymouth Road to the Western Reserve Land Conservancy Properties.

WHEREAS, R.C. §505.10 authorizes a board of trustees to transfer its title to real property, upon unanimous vote of its members and by resolution, to any person upon whatever terms are agreed to between the board and that person; and

WHEREAS, Medina Township holds title to two parcels of land on Weymouth Road within the Township, Permanent Parcel Number 26-06B-29-026 consisting of (11.46 acres) and Permanent Parcel Number 26-06B-29-021 consisting of (22.28 acres); and

WHEREAS, WRLC Properties, LTD is exempt from federal taxation under Internal Revenue Code of 1954 ("IRC") Subsection 501(a) and is described in IRC Subsection 501(c), as amended, and is organized for the purpose of preservation of land areas for public outdoor recreation and education, scenic enjoyment, the preservation of historically important land areas or structures, and the protection of natural environmental systems, and is therefore a charitable organization under Ohio Revised Code ("ORC") Section 5301.69(B); and

WHEREAS, portions of the Township property listed above possesses significant scenic, natural, aesthetic and open space values, which values (collectively "Conservation Values") are of great importance to the residents of Medina Township and Medina County; and

WHEREAS, the Board of Medina Township Trustees desire to protect the Conservation Values on said properties as set forth in a Base Line Document Report for said properties attached as Exhibit A; and

WHEREAS, WRLC Properties, LTD is willing to take title to said properties and imposes upon them a "Conservation Easement" as set forth in Exhibit B and create in the grantee an obligation to defend the terms thereof; and

WHEREAS, WRLC Properties, LTD is thereafter willing to transfer back said properties to the Township subject to the "Conservation Easement" terms set forth in Exhibit B, as well as transfer a 8.116 acres parcel of land on Fenn Road in the Township (Permanent Parcel Number 026-06A-24-065) to the Township; and

WHEREAS, the Medina Prosecutor's Office has advised that because of the inability of Trustee Rita Holt to set a decision by the remaining Board Members would be considered unanimous pursuant to existing case law and Ohio Attorney General Opinion.

NOW THEREFORE BE IT RESOLVED UNANIMOUSLY BY THIS BOARD OF MEDINA TOWNSHIP TRUSTEES, that:

It transfer to WRLC Properties, LTD, Permanent Parcel Numbers 26-06B-29-026 and Permanent Parcel Number 26-06B-29-021 upon the terms and conditions set forth above and that the properties be transfer back and forth between the parties, the conservation easement agreed to in Exhibit B be placed on the property per Exhibit A, and the Fenn Road property subject to a like conservation easement as set forth in Exhibit B transfer to the Township, only after all documents necessary to consummate this transaction pursuant to this Resolution have been executed by all parties as outlined in the escrow instructions to Surety Title Agency, Inc. attached as Exhibit C.

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BE IT FURTHER RESOLVED THAT: the Trustees are authorized to execute a Quit Claim Deed to the Weymouth Road properties and that it agree to the closing of this transaction as set forth in Exhibit C.

Mr. Todd seconded the motion. Voting aye thereon: Mr. Wilkins and Mrs. Todd.

**RESOLUTION NO. 08062009-023
RESOLUTION AUTHORIZING A LEASE OF
PROPERTY TO THE MEDINA COUNTY PARK DISTRICT**

Mr. Wilkins motioned to adopt a resolution authorizing a lease of property to the Medina Park District.

WHEREAS, the Ohio Attorney General in Opinion No. 80-028 has found that a Board of Township Trustees has the implied power to lease real property of the Township not needed for a current Township public use, for a reasonable term, and where a clause reserving to the Township the right to revoke the easement should the public interest so require be included; and

WHEREAS, the Medina County Park District desire to lease Permanent Parcel Number, 26-06B-29-026, 26-06B-29-021 and 026-06A-24-065, for park purposes consistent with the conservation easements to be place upon said parcel, and in existence upon their transfer to the Township; and

WHEREAS, the Board has determined that said parcels are not needed for a current Township use; and

WHEREAS, the term and revocation period set forth in the Lease attached are in the Boards opinion reasonable in light of the commitment of the Park District to utilize said land as part of the County Park System for the benefit of Township and County-wide residents, and the difficulty involving a major portion of said land, because of wetland conditions and the conservation easements on them to protect their conservation values, for not only Township residents, but the benefit of the public generally, which hinders their use for any purpose other than park or agricultural uses.

NOW THEREFORE BE IT RESOLVED BY THIS BOARD OF MEDINA TOWNSHIP TRUSTEES, that:

The lease to the Medina County Park District attached as Exhibit "A" be approved and Board Members be authorized to execute the Lease for filing with the Medina County Recorders Office.

Mr. Todd seconded the motion. Voting aye thereon: Mr. Wilkins and Mr. Todd.

OTHER BUSINESS CON'T

Name of New Park on Weymouth Road

Mr. Wilkins stated that the Park District felt it was important that the township name the property on Weymouth Road.

Mr. Wilkins motioned to name it the Rita M. Holt Nature Preserve. Mr. Todd seconded the motion. Voting aye thereon: Mr. Wilkins and Mr. Todd

Approval of Payroll

Mr. Wilkins motioned to approve payroll checks #13225 to #13281 totaling \$52,356.23 with \$4,134.84 in deductions. Mr. Todd seconded the motion. Voting aye thereon: Mr. Wilkins and Mr. Todd.

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OTHER BUSINESS CONT

Approval of Minutes

Mr. Todd motioned to approve the minutes for the May 28, 2009, regular meeting. Mr. Wilkins seconded the motion. Voting aye thereon: Mr. Todd and Mr. Wilkins.

Mr. Wilkins motioned to approve the June 9, 2009, minutes. Mr. Todd seconded the motion. Voting aye thereon: Mr. Wilkins and Mr. Todd.

Mr. Wilkins motioned to approve the minutes for the regular meeting June 25, 2009. Mr. Todd seconded the motion. Voting aye thereon: Mr. Wilkins and Mr. Todd.

Mr. Wilkins motioned to approve the minutes for the regular meeting July 9, 2009. Mr. Todd seconded the motion. Voting aye thereon: Mr. Wilkins and Mr. Todd.

Mr. Wilkins motioned to approve the minutes for the July 23, 2009, special meeting. Mr. Todd seconded the motion. Voting aye thereon: Mr. Wilkins and Mr. Todd.

Mr. Wilkins motioned to approve the July 23, 2009, regular meeting minutes. Mr. Todd seconded the motion. Voting aye thereon: Mr. Wilkins and Mr. Todd.

Approval of Purchase Order and Super Blanket

Mr. Wilkins motioned to approve the purchase order for Summacare for \$3,810.00. Mr. Todd seconded the motion. Voting aye thereon: Mr. Wilkins and Mr. Todd.

Mr. Wilkins motioned to approve the super blanket for office supplies in the amount of \$1,500.00. Mr. Todd seconded the motion. Voting aye thereon: Mr. Wilkins and Mr. Todd.

Liquor License Hearing Request

Mr. Todd motioned that we don't ask for a public hearing on the renewal of Certified Oil Corporation's liquor license located at 3980 Pearl Road. Mr. Wilkins seconded the motion. Voting aye thereon: Mr. Todd and Mr. Wilkins.

Purchase Order Approval for Fire Force, Inc.

Mr. Todd motioned to approve the purchase order for \$542.00 to account for the overage on purchase order #132-2009. Mr. Wilkins seconded the motion. Voting aye thereon: Mr. Todd and Mr. Wilkins.

Training Requests Approval

Mr. Todd motioned to approve the amount of \$275.00 for Chief David Arbogast to go to Law Enforcement Training for Elderly Abuse in Columbus August 13 and August 14. Mr. Wilkins seconded the motion. Voting aye thereon: Mr. Todd and Mr. Wilkins.

Mr. Todd motioned to approve \$565.00 for training for Officer Mike Oyler to attend Basic Sex Crimes Investigations in Reynoldsburg, Ohio from August 25 to August 27. Mr. Wilkins seconded the motion. Voting aye thereon: Mr. Todd and Mr. Wilkins.

Mr. Todd motioned to approve \$15.00 for Chief David Arbogast to attend the Summit County Sexual Assault Symposium on August 7. Mr. Wilkins seconded the motion. Voting aye thereon: Mr. Todd and Mr. Wilkins.

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OTHER BUSINESS CON'T

Training Requests Approval

Mr. Todd motioned to approve the expenditure of \$1,183.00 for training for Sergeant Shari Polomsky and Sergeant Todd Zieja to attend Supervising and Managing Problem Officers in Columbus from 9-16 through 9-18, 2009. Mr. Wilkins seconded the motion. Voting aye thereon: Mr. Todd and Mr. Wilkins.

Mr. Todd motioned to approve the expenditure of \$520.00 for Sergeant Todd Zieja and Officer Cliff Nicholson to attend the Enforcement Expo-Great Lakes at the Columbus Convention Center, September 1 and September 2, 2009. Mr. Wilkins seconded the motion. Voting aye thereon: Mr. Todd and Mr. Wilkins.

Mr. Todd motioned to approve the expenditure of \$75.00 for Jonathan DeVault to attend the Responding to Oil Field Emergencies at the Wayne County Fire and Rescue Training Facility on November 7th and 8th, 2009. Mr. Wilkins seconded the motion. Voting aye thereon: Mr. Todd and Mr. Wilkins.

OLD BUSINESS

Multi-use Bike Path

Mr. Wilkins stated that after looking at the property where the multi-use bike path would go, and although it is a good idea to try to connect the neighborhoods, unfortunately it goes through the Bohaty property. Mr. Wilkins spoke with the Prosecutors Office and they believe, based on the Bohaty's past and current involvement, the Bohaty's would not be supportive of granting us an easement. It then would have to be taken by eminent domain, and in this case, it is not a feasible proposition.

REPORTS

Zoning Department

The Zoning Inspector reported that for the month of July 2009, 25 permits were issued as follows:

Comm. Change of Use	3	Accessory Bldg.	3
Residential Additions	2	Comm Temp Trailer	1
Residential	1	Decks	4
Signs	11		

For a total value of permits issued of \$375,000.00. Fees collected \$2,372.30.

Mr. Wilkins motioned to approve the report from the Office of the Zoning Inspector. Mr. Todd seconded the motion. Voting aye thereon: Mr. Wilkins and Mr. Todd.

Selection of Trustee to fill Vacant Position

Mr. Wilkins explained that due to time constraints and the number of applicants that applied to fill Mrs. Holt's position, and since there was no fair way to conduct 14 interviews in the time frame allotted, the Trustees will hold an Executive Session to review the 14 applications. Mr. Wilkins thanked all the applicants that applied and said that all were qualified and had good credentials but they could only choose one. He also explained the term limits and that all three (3) Trustee positions will be on the ballot in November, two (2) for re-election and one (1) for election.

PUBLIC COMMENT

Mr. Wilkins motioned to open the floor for public comment. Mr. Todd seconded the motion.

Sally Gardner (3333 Foskett Road) said there is standing water near the new culvert on Remsen Road.

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PUBLIC COMMENT CONT

Ed Unaitis (4985 Fenn Road) said the trees at Blakslee Park are in distress.

Ralph Holt (4420 Nettleton Road) expressed his gratitude to the Township Police and Fire Departments and Trustees for the ceremonial procession for the funeral of Rita M. Holt, Trustee. He also thanked the Trustees for naming the new park the Rita M. Holt Memorial Park.

Matt Galla (3503 Hamilton Road) said there is standing water near the new culvert on Remsen Road. Can ODOT grind the bumps by Bob Evans and Applebees?

EXECUTIVE SESSION

Mr. Wilkins motioned to enter into Executive Session with Fiscal Officer George to discuss personnel matters. Mr. Todd seconded the motion. Voting aye thereon: Mr. Wilkins and Mr. Todd. The Board and Fiscal Officer entered into Executive Session at 7:44 pm. The Board reconvened at 8:58 pm. No decisions were made during this meeting.

Appointment of Trustee

Resolution No. 08062009-025

Mr. Todd motioned to put forth a resolution to appoint Mike Stopa to fill the remaining term for Rita Holt's seat with the understanding that he will have to run for election this November. Mr. Wilkins seconded the motion. Voting aye thereon: Mr. Todd and Mr. Wilkins.

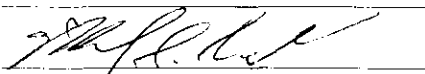
Approval of Accounts Payable

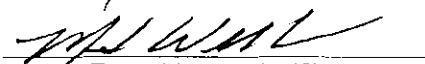
Mr. Wilkins motioned to approve accounts payable warrants number #20022 to #20076 totaling \$65,544.43. Mr. Todd seconded the motion. Voting aye thereon: Mr. Wilkins and Mr. Todd.

Mr. Wilkins motioned to adjourn the meeting. Mr. Todd seconded the motion. Voting aye thereon: Mr. Wilkins and Mr. Todd. There being no further business to come before the board the meeting was adjourned at 9:05 pm.



Medina Township Fiscal Officer





Medma Township Board of Trustees



Medina Township

from the Office of Zoning Inspector
Medina Township Hall
3799 Huffman Road
Medina, OH 44256

ZONING REPORT – JULY, 2009

MONTHLY TOTALS

3	Commercial Change of Use		
1	Commercial Temporary Trailer		
1	Residential (Single Family)		
2	Residential Additions		
3	Accessory Buildings		
4	Decks		
11	Signs		
25	TOTAL PERMITS	<u>TOTAL VALUE:</u>	\$375,000

Respectfully Submitted,
Mary Ann Heiss
Assistant Zoning Inspector
August 4, 2009

Fees collected on permits total excluding signs	\$ 972.30
Fees collected on sign permits:	<u>\$ 1,050.00</u>
TOTAL PERMIT FEES COLLECTED:	\$ 2,022.30
Fees collected in July for August Zoning Comm. Agenda	75.00
Fees collected in July for August BZA Agenda	<u>275.00</u>
TOTAL FEES COLLECTED:	\$ 2,372.30