

**RECORD OF PROCEEDINGS  
MINUTES OF REGULAR MEETING  
JULY 7<sup>TH</sup>, 2011**

The Medina Township Board of Trustees met in regular session at the Medina Township Hall on July 7<sup>th</sup>, 2011, to conduct the business of the Township. President Todd called the meeting to order at 7:04 pm with the following Trustees in attendance: Michel D. Todd, Sarah (Sally) Gardner and Ray Jarrett. Also in attendance were the Fiscal Officer, Linda DeHoff, Fire Chief, Mark Crumley, Road Foreman, Denny Miller and the general public.

**Roll Call**

Mr. Todd asked for a roll call of all members present. Trustees present were Mr. Todd, Mrs. Gardner and Mr. Jarrett.

**Pledge of Allegiance**

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**

**Domestic Relations Court – Site – 4046 Medina Road**

Mr. Todd motioned to accept the recommendation of the Zoning Commission and approve the change of use for Medina County Domestic Relations Court Parenting Programs to be located at 4046 Medina Road, as presented. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mrs. Gardner.

**Western Reserve Masonic Community – Pavilion – 4931 Nettleton Road**

Mr. Todd motioned to accept the recommendation of the Zoning Commission and approve a change of use for the addition of a 280 square foot pavilion for Western Reserve Masonic Community located at 4931 Nettleton Road, as presented. Mrs. Gardner seconded the motion. Voting aye thereon: Mr. Todd, Mrs. Gardner and Mr. Jarrett.

**Champlins Cleaners – Wall Sign – 3848 Medina Road**

Mr. Todd motioned to accept the recommendation of the Zoning Commission and approve a wall sign for Champlins Cleaners located at 3848 Medina Road not to exceed 28 square feet, as presented. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mrs. Gardner.

**Champlins Cleaners – Panel Sign – 3848 Medina Road**

Mr. Todd motioned to accept the recommendation of the Zoning Commission and approve a panel sign to be placed on the existing identification sign for Champlins Cleaners located at 3848 Medina Road not to exceed 7.77 square feet, as presented. Mrs. Gardner seconded the motion. Voting aye thereon: Mr. Todd, Mrs. Gardner and Mr. Jarrett.

**Kumon – Site – 3725 Medina Road, Ste. 114**

Mr. Todd motioned to accept the recommendation of the Zoning Commission and approve the change of use for Kumon to be located at 3725 Medina Road, Ste. 114, as presented. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mrs. Gardner.

**Kumon – Wall Sign – 3725 Medina Road, Ste. 114**

Mr. Todd motioned to accept the recommendation of the Zoning Commission and approve a wall sign for Kumon located at 3725 Medina Road, Ste. 114, not to exceed 13.26 square feet, as presented. Mrs. Gardner seconded the motion. Voting aye thereon: Mr. Todd, Mrs. Gardner and Mr. Jarrett.

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**SITE PLANS CON'T**

**Kumon – Tenant Panel Sign – 3725 Medina Road, Ste 114.**

Mr. Todd motioned to accept the recommendation of the Zoning Commission and approve a tenant panel sign to be placed on the existing pylon sign for Kumon located at 3725 Medina Road, Ste 114 not to exceed 4 square feet as presented. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mrs. Gardner.

**Medina Creative Living IV – New Construction – Building C Phase 2**

Mr. Jarrett motioned for Medina Creative Living IV, New Construction Building C Phase 2, as presented by the Zoning Commission. Mrs. Gardner seconded the motion. Vote was withdrawn. Mr. Jarrett added to motion, Building C Phase 2 of Medina Creative Living IV as presented with the modification of placement of sidewalk and the reference by the Fire Chief to have the building sprinkled as previously agreed to. Mrs. Gardner seconded the motion. Roll call vote as follows: Mr. Jarrett aye, Mrs. Gardner aye and Mr. Todd abstain.

**OTHER BUSINESS**

**Opening of Depository Contracts**

Mrs. DeHoff, Fiscal Officer, opened the depository contracts. Trustees reviewed the depository contracts.

**RESOLUTION NO. 07072011-019  
DESIGNATING FINANCIAL INSTITUTION AS PUBLIC DEPOSITORY**

Mr. Todd moved the adoption of the following resolution:

**WHEREAS**, this is the day advertised for the receipt of applications of financial institutions to be public depositories for the public moneys of said Medina Township, Medina County, Ohio, and the Board finds that written notice of said applications was duly given to each eligible depository, as required by law; and the time so designated having arrived, said Board proceeded, in open session, to open said applications.

**WHEREAS**, applications described below have been received from the following named institutions in the maximum amount indicated after each said name; at the rate of interest as to inactive and interim deposits indicated.

**FOR INACTIVE DEPOSIT –NONE- NOT APPLICABLE**

<u>NAME OF INSTITUTION</u>	<u>FOR ACTIVE DEPOSIT</u> <u>LOCATION</u>	<u>MAXIMUM AMOUNT</u>
PNC	Cleveland, Ohio	\$20,000,000.00
Chase Bank	Cleveland, Ohio	\$20,000,000.00
U.S. Bank	Cleveland, Ohio	\$20,000,000.00
First Merit	Medina, Ohio	\$8,000,000.00

**WHEREAS**, each of the above named institutions making application for public moneys of the Medina Township, Medina County, Ohio, has agreed, pursuant to section 135.18 of the Revised Code, in consideration of the award of public moneys, before receiving the initial or any subsequent deposits, to pledge to and deposit with the treasurer of Medina Township as security for repayment of all public moneys of Medina Township to be deposited in the institution during the period of designation pursuant to award, eligible securities of aggregate market value equal to the excess of public moneys to be at the time so deposited, over and above such portion or amount of such moneys as is at such time insured by the Federal Deposit Insurance Corporation or by any other agency or instrumentality of the federal government, or surety company bonds which, when executed, shall be for an amount equal to such excess amount.

**Depository Contracts Con't**

**THEREFORE**, be it resolved that the interim and active deposits of public moneys of said Medina Township be and the same are awarded to the following named institutions hereby designated depository of the type indicated, in the maximum amount indicated after each said name, at a rate of interest as to interim deposits indicated, for a period of five years commencing on the 23<sup>rd</sup> day August, 2011, and ending the 22<sup>nd</sup> day of August 2016, both inclusive, subject to the limitations of Chapter 135, Ohio Revised Code.

**FOR INTERIM DEPOSIT**

<b><u>NAME OF INSTITUTION</u></b>	<b><u>LOCATION</u></b>	<b><u>MAXIMUM AMOUNT</u></b>
PNC	Cleveland, Ohio	\$20,000,000.00
Chase Bank	Cleveland, Ohio	\$20,000,000.00
U.S. Bank	Cleveland, Ohio	\$20,000,000.00
First Merit	Medina, Ohio	\$8,000,000.00

**FOR ACTIVE DEPOSIT**

<b><u>NAME OF INSTITUTION</u></b>	<b><u>LOCATION</u></b>	<b><u>MAXIMUM AMOUNT</u></b>
PNC	Cleveland, Ohio	\$20,000,000.00
Chase Bank	Cleveland, Ohio	\$20,000,000.00
U.S. Bank	Cleveland, Ohio	\$20,000,000.00
First Merit	Medina, Ohio	\$8,000,000.00

**BE IT RESOLVED**, further, that a duplicate copy of this Resolution of Designation and award shall be certified to the Fiscal Officer of Medina Township who shall deposit the public funds of the Township in accordance with the awards hereby made after causing each of the institutions to which public moneys of the Medina Township have been awarded to pledge and deposit with the Fiscal Officer the security in the manner required by Section 135.18 of the Revised Code.

Mrs. Gardner seconded the resolution and the roll being called upon its adoption the vote resulted as follows: Mr. Todd aye Mrs. Gardner aye Mr. Jarrett aye

**INVESTMENT POLICY RESOLUTION NO. 07072011-020**

The purpose of investing Medina Township funds is to manage our monies in a prudent manager allowing them to increase in value and worth, while diligently safeguarding these assets for the residents of Medina Township. The primary objectives, in priority order of investment activities, shall be safety, liquidity, and yield.

As funds are available they will be invested by the Fiscal Officer of Medina Township and agreement of the Board of Trustees in conformance with federal, state, and other legal requirements, including ORC Chapter 135.

Monies will be invested in any of the following depending upon need and prevailing interest rates, at the Fiscal Officer's discretion and agreement of the Board of Trustees. Invested monies will be fully secured by the institution receiving the investment as required by the ORC. The "delivery versus payment" requirement for Repurchase Agreement is hereby deleted for eligible institution's (commercial banks).

- Current Depository Sweep Account (Repurchase Agreement)
- Star Ohio (State Investment Pool)
- Certificates of Deposit and other evidences of deposit at financial institutions
- US Treasury Bills, notes, bonds or any other obligation guaranteed as principal and interest by the United States
- No-load money market mutual funds regulated by the Securities & Exchange Com.

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**Investment Policy Resolution Con't**

Authority to manage the investment program is granted to the Medina Township Fiscal Officer, who will keep the Board of Trustees informed with a monthly Investment Report.

Investments may be redeemed or sold prior to maturity only if funds would be necessary for the operation of township business or in the event of any unforeseen emergency.

This policy requires that all entities conducting business with the Fiscal Officer or Board of Trustees of Medina Township must sign and agree to this document.

**OLD BUSINESS**

**LST Contract**

Mrs. Gardner said they are waiting to hear from Mr. Thorne of the Prosecutors Office.

**Comprehensive Plan**

The Trustees discussed the forming of another Comprehensive Plan Steering Committee. Mr. Todd wants to be sure the Committee is an odd number in case of a tie. Mr. Jarrett said if they keep the same members he and Mrs. Gardner would have to step down, which would make it a smaller committee. Mrs. Gardner felt they should think about replacing the members of the committee who did not attend all the meetings. Mr. Todd asked if they could agree to a composition of 13 people and they did. He said they will ask the members deemed appropriate, that were on previously, to serve again. And, for any places where there is a vacancy we will identify which demographic that person represented and try to find a replacement in that demographic. Mr. Jarrett said either that or just reduce the size of the Board. The secretary will send the list of committee members to the Trustees.

**Township Newsletter**

The Trustees tabled the Township Newsletter.

**Auction Date**

Mr. Todd motioned to use Harold Farnsworth, Auctioneer, LLC as the auctioneer for the auction of materials that will be conducted by Medina Township for Medina Township, Seville/Guilford Township, Brunswick Hills Township and Montville Township on August 15 or 16. Mrs. Gardner seconded the motion. Voting ay thereon: Mr. Todd, Mrs. Gardner and Mr. Jarrett.

The time will be 4:00 pm. and it will be an absolute auction. Mr. Miller asked for permission to scrap all the items that are in lots that people pay for but don't take, technically it is paid for. The Trustees said if it is paid for then it is off our books and can be scrapped.

**Health Department Off-site Clinic Contract**

Mrs. Gardner said there has been no word on the Health Department Off-site Clinic Contract.

**Tax Budget 2012**

The Trustees reviewed the Tax Budget for 2012 and made the necessary changes.

**RESOLUTION #07072011-021**

Mr. Todd motioned to put forth a resolution to approve the Tax Budget for 2012 as stated on the record for the last 20 minutes and incorporate a revised and updated, I will incorporate my document by reference right now, is yours probably cleaner but mine is a wreck, and incorporate one of the hand written by reference. Mrs. Gardner seconded the motion. Voting aye thereon: Mr. Todd, Mrs. Gardner and Mr. Jarrett.

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## NEW BUSINESS

### Adjustment to Mileage Reimbursement

Mrs. Gardner said the IRS has increased the mileage reimbursement that is allowable from July 1<sup>st</sup> through the end of the year to \$0.55 ½ cents per mile and she wants to increase the reimbursement for the employees that claim mileage to \$0.54 cents per mile.

Mrs. Gardner motioned to increase the mileage allowance for all of the people using their own vehicles for township business from \$0.50 cents per mile to \$0.54 cents per mile, effective July 1 through the end of the year. Mr. Jarrett seconded the motion. Roll call vote: Mrs. Gardner aye, Mr. Jarrett aye and Mr. Todd nay.

### Blakslee Park Gates

Mrs. Gardner asked if there was a policy regarding the opening/closing of the gates at Blakslee Park. Denny Miller said the gates are always open. She said the gates were closed on the Fourth of July. He doesn't know who closed them.

## OTHER BUSINESS

### Approval of Accounts Payable

Mr. Todd motioned to approve warrant #22059 to warrant #22107 in a total amount of \$73,838.88. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mrs. Gardner.

### Approval of Payroll

Mr. Todd motioned to approve payroll check #15127 thru #15183 in the total amount of \$48,295.89 with \$4,604.64 going to OPERS, Deferred Compensation, post tax health and union dues. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mrs. Gardner.

### Approval of Payroll

Mr. Todd motioned to approve payroll check #15184 in the amount of \$654.05 with \$71.52 going to OPERS. Mrs. Gardner seconded the motion. Voting aye thereon: Mr. Todd, Mrs. Gardner and Mr. Jarrett.

### Supplemental Appropriation Changes

Mr. Todd motioned to approve the 2011 Appropriation Changes and incorporate the document dated Regular Meeting July 7, 2011, by reference. The total amount of appropriation changes are \$19,885.00 for 1000 account number accounts and \$700.00 for 2081 account numbers and \$30,000.00 for 2031 account numbers. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mrs. Gardner.

### Approval of Minutes

Mr. Todd motioned to approve the minutes for the regular meeting on June 23, 2011. Mrs. Gardner seconded the motion. Voting aye thereon: Mr. Todd, Mrs. Gardner and Mr. Jarrett.

## DEPARTMENT PURCHASE ORDERS AND TRAINING REQUESTS

### Medina County Engineer Service Cost

Mr. Todd motioned to approve the expenditure of \$9,100.00 for the Medina County Engineer service cost for the Nettleton Road Culvert Project. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mrs. Gardner.

**DEPARTMENT PURCHASE ORDERS AND TRAINING REQUESTS**

**Foam – Finley Fire Equipment**

Mrs. Gardner motioned for a purchase order requisition for the Fire Department to Finley Fire Equipment in Mc Connellsville, Ohio; it's for 16 pails of Class A foam concentrate at \$80.00 a unit, total amount, \$1,280.00. It's going to be picked up so there won't be shipping charges. It's needed because over the weekend the Fire Department used a substantial amount of foam on a fire in front of Prince of Peace Lutheran Church on 18 because the smoke was obscuring the view on 18. Mr. Todd seconded the motion. Voting aye thereon: Mrs. Gardner, Mr. Todd and Mr. Jarrett.

**OTA Summer Work Session**

Mrs. Gardner motioned for an appropriation of \$90.00 for her to attend the OTA Summer One-Day Session in Canton, Ohio, on July 29 for continuing education. She went to Finley last year and this is a better topic. Mr. Todd seconded the motion. Voting aye thereon: Mrs. Gardner, Mr. Todd and Mr. Jarrett.

**Frank Gates Avizent**

Mr. Todd motioned to approve a purchase order for \$3,821.00 for the Bureau of Workers Compensation Group Rating Fee for the Ohio Township Association and Frank Gates. It's a re-enrollment. Mrs. Gardner seconded the motion. Voting aye thereon: Mr. Todd, Mrs. Gardner and Mr. Jarrett.

**ADDITIONAL DEPARTMENT HEAD COMMENTS**

**Dispatch System**

Fire Chief Crumley said along with Montville Township and Medina City, both Fire and Police have had discussions regarding Medina City Police Chief Beraducci wanting to change the dispatch program. They are now using Spillman and it is rather expensive and not user friendly. They are going to change this system and there will be cost involved. Mr. Todd said, that falls under the grant because the grant states, it will help offset the cost if the agencies get together to cut costs and the grant will pay up to \$250,000.00 if it offsets the cost of a specific project.

**Nettleton Road Culvert Project**

Denny Miller, Road Foreman, said the Nettleton Road Culvert is in, all the dirt is in and they are paving on Saturday, the base course. The guard rail is going up and they are grass seeding. The project is ahead of schedule.

**Department Reports**

Mr. Todd tabled department reports until the next meeting.

**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 Mrs. Gardner.

Robin Gray (4074 Remsen Road) asked how she could be on the Comprehensive Plan Steering Committee. Mr. Todd told her to send the Trustees a letter of intent. She also asked the status of the stone issue with Fabrizi. Mr. Todd said the Township did the best they could to resolve the issue. It is no longer the responsibility of the township. Mr. Miller said the Tiltons and Beckowitz's were supposed to mark the stones that they wanted but they never did.

Denny Miller, Road Foreman, asked if he could have a plaque made to put on one of the stones and put it at the Service Department. Trustees agreed.

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## **PUBLIC COMMENT CON'T**

Robin Gray also asked the status of the Doraty issue. Mr. Todd said that will be discussed in Executive Session.

Peggy Jarrett (3757 Foskett Road) asked why there wasn't anything in the budget for the ballfields. Mr. Todd money was in the budget for Parks. She asked if there would be future seating. Mr. Todd said more revenues have been coming in for the ballfields and that will be looked into when they prepare the budget. Mrs. DeHoff said the committee, Friends for Medina Township, was looking into helping to get funding for those types of projects.

Mr. Todd found in the ORC that Township Board of Trustees is allowed to donate money to 501C3 Corporations if it is determined that they support a public purpose for the Township.

Mr. Todd spoke with the sewer district regarding the Medina Marsh project and asked if the Township could be moved up on the list if someone backs out. He stated to them the importance of the project to preserve the marshland in the township, they agreed.

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

### **Executive Session**

Mr. Todd motioned for the Board of Trustees to go into Executive Session with the Board of Trustees and the Fiscal Officer to discuss potential land acquisition for Medina Township and pending or potential legal matters for Medina Township. We can go into Executive Session at the same time. Mrs. Gardner seconded the motion. Voting aye thereon: Mr. Todd, Mrs. Gardner and Mr. Jarrett. The Board entered into Executive Session at 9:36 p.m.

Mr. Todd motioned for the Medina Township Board of Trustees to reconvene from Executive Session where the Board of Trustees discussed potential land acquisition for the Medina Township Board of Trustees and for Medina Township and potential and imminent litigation for the Board of Trustees with the Medina Township Board of Trustees present and the Fiscal Office at 10:11 p.m. No decisions were made during that meeting.

### **Legal Services for Elaine Ridgley at the Board of Zoning Appeals Meeting**

Mr. Jarrett said there is a BZA meeting July 20 in regards to the Bill Doraty issue. He has filed for a temporary sign permit and this is regarding Mrs. Ridgley's denial of the application. Legal counsel highly recommends that Elaine have representation at that meeting.

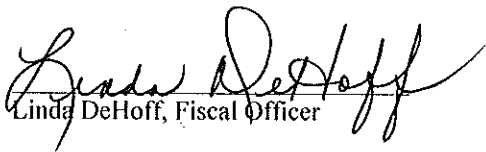
Mr. Jarrett motioned to enter in a contract with Walter and Haverfield, Attorneys at Law, for legal services for Elaine Ridgley at the BZA meeting July 20, 2011. The attorney and his original engagement letter, June 7, 2010, legal services will remain the same as far as services and legal fees. Roll call vote: Mr. Jarrett aye, Mrs. Gardner aye and Mr. Todd abstain.

### **Complaint about the Lawncare Services Parking on Roads**

Mr. Jarrett said Donald Rhodes complained at the last Trustees meeting about the lawncare services parking their vehicles in the road right-of-way. Mr. Rhodes does bring out a valid point because when the vehicle is parked within 50 to 100 feet of a stop sign on a 45 mph road it makes it kind of a dangerous situation. Although we do not have the legal right to give a citation we can have the police inform them that they are liable if there is an accident. They have the ability to pull off the road into the driveway. Mr. Todd said the ORC states, when practical, the vehicle should pull off the road. Mr. Jarrett will speak with Chief Arbogast and have the Police Officers kindly ask the lawncare companies to pull off the road.

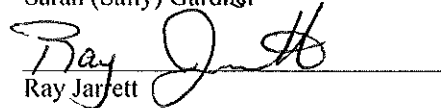
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Mr. Todd motioned to adjourn the meeting at 10:28 p.m. Mr. Jarrett seconded the motion. Voting aye thereon: Mr. Todd, Mr. Jarrett and Mrs. Gardner.

  
Linda DeHoff, Fiscal Officer

  
Michael D. Todd, Chairman

  
Sarah (Sally) Gardner

  
Ray Jarrett