

Minutes
LAFAYETTE TOWNSHIP BOARD OF TRUSTEES
Regular Meeting
Monday, May 16, 2011

Meeting called to order: 7:00 p.m. followed by the Pledge of Allegiance.

Members Present: Trustee Lynda Bowers, Trustee Bryon Macron, Fiscal Officer Shirley Bailey.

Absent: Trustee Nanci Shanley (ill)

Minutes - Ms. Bowers motioned to approve the minutes of April 18, 2011 Regular Meeting (draft sent at 3:06 on May 16, 2011) **and May 2, 2011 Special Meeting. Mr. Macron seconded the motion. All voting in favor.** Ms. Shanley had emailed a concern from the April 27, 2011 minutes to Ms. Bowers regarding the department that Mike Salay is associated with. Ms. Bowers suggests adding Medina County Engineer next to Mike Salay's name for clarification. **Ms. Bowers motioned to approve the minutes of April 27, 2011 with this correction. Mr. Macron seconded the motion. All voting in favor.**

Correspondence –

- Medina County Emergency Management Plan – redoing the mitigation plan. This is redone every five years. They request no more than two people from each community to attend two meetings. Ms. Bowers is on the Emergency Management Board so will already be there. One or two others can attend as well. The attendance requirement is for elected officials from the community. The meetings are Monday, June 6th, 12:00 – 3:00 p.m. and Thursday, June 9th, 6:00 – 9:00 p.m. The plan can be located on line through the County's website.
- Smith / Lake Road Industrial Project – The Board was invited to attend a joint construction meeting with the County Engineer on April 21st. Both Smith and Lake Roads are county roads with the Township. This is a \$15.5 million construction project estimated to take two years. It is suggested that the Fire Department check the city's website for construction updates. They will start on Lake Road and the extension of Commerce Drive probably in late June. Their goal is to keep one lane open at all times. It is not anticipated that Smith Road will begin construction until 2012.
- Continental Tire Defect Notice – One of the Service vehicles was affected by this notice.
- Email from Ms. Shanley Regarding Road Ride Clarification – tabled until Ms. Shanley is in attendance.
- Mr. Macron recognized that Ms. Bowers has been chosen to be a part of the Auditor of State Council Board. Ms. Bowers stated that our current State Auditor has the experience of having been a County Prosecutor and a County Auditor. He understands that many times what happens at the State level has unintended consequences to the local level and he is excellent to work with.

Fiscal Report – Ms. Bailey reported the following balances:

Checking - \$ 720,863.69
Investments - \$2,125,481.86
Total - \$2,846,345.55

She reports that the Township is doing fine but the Township is under in the amount of receipts it would normally have. The check that was received for homestead rollbacks had an error and will be reissued to the Township. Mr. Macron reported that the Board will be conducting a five year plan to keep these numbers in check. Ms. Bailey stated that the money received from the state for local funds as well as estate taxes and rollbacks have always just gone into the General Fund and not really been allocated. Lafayette Township does not depend upon these monies but uses them as a buffer. We budget using the tax money received.

Ms. Shanley had requested a separate meeting for Fire and Rescue with regards to the five year plan. The scheduling of that meeting will be tabled until Ms. Shanley is available.

Supplemental Transfers – Ms. Bailey reported that the following supplemental transfers need to be approved:

- Service Department – for flags – Transfer \$600.00 from Contracted Services to Other Supplies & Materials
- Gazebo Site – Estimate of \$1,100 for electrical work – Transfer \$500.00 from Comprehensive Plan to Gazebo. Ms. Bowers explained that the work to be performed is having a line run three different ways that hooks up to the spot light on the monument, a spotlight on the flag, redo box in gazebo. The electrician is not charging for his labor except \$200 to cover fuel and carrying charges. Quite a bit of trenching will need to be done. The electrician is volunteering the majority of his time and is a resident of the Township.
- Penn Care – Fire Department – Transferred \$2,000.00 from Worker’s Comp to Contracted Services for Penn Care.
- Computer Support – Fire Department – Budget only was considered with one company and bills have been received from multiple companies. Transferred \$1,800.00 from Budget Stabilization to Computer Support. This is to cover for Fire Companies. Chief Hall reported this is for the software for the internet and the additional paging through the Sheriff’s Office.
- Braun Ambulance – Transferred \$7,300.00 from Building Fund. The Building Fund balance is now down to below \$140,000.00.

Ms. Bowers moved to approve the transfers as reported. Mr. Macron seconded the motion. All voting in favor.

Requisitions – Ms. Bailey reported the following requisition totals:

Service - \$2,189.92 (brakes, spreader)
Administration - \$1,123.28 (electrical for gazebo included)
Fire - \$ 783.93
Total - \$4,097.13

Ms. Bowers moved to approve the requisitions as presented. Mr. Macron seconded the motion. All voting in favor.

Department Reports:

Service – Mr. Macron reported they have received a quote from HSH Construction for \$7,608.00 to do road work on Egypt Road at Erhart. Mr. Figgers reported there are also three crossovers that need to be leveled due to sinking. This company has done work for the Township before satisfactorily and was also recommended by Mr. Boreman. **Ms. Bowers moved to approve the quote from HSH Construction. Mr. Macron seconded the motion. All voting in favor.**

Mr. Macron reported that neither the Township nor the County can touch the railroad crossings. The only course of action is to constantly send letters on behalf of the Township to the County and they in turn can also send letters to the railroad companies. Ms. Bowers reported that Chippewa and 42, close to Deerview, will be taken care of.

Mr. Macron reported that with all of the rain there have been many water issues. The Service Department was out during the last storm. Zoning Inspector Alliss Strogin stated she received a call asking what was required for a permit for an ark. Ms. Bowers thanked Ms. Strogin for her quick turnaround in helping the Seidel's who had a house fire Thursday evening.

Recreation – Mr. Macron reported that the leagues just want to get some games in. Lion's Park is still taking on water. Ms. Bowers tracked down the information on the letter from the Ohio Department of Natural Resources. Back in the '60's the Board of Trustees accessed a Land and Water Conservation Grant to put in a picnic area at Lion's Park. Forty years later the ODNR has sent a checklist to make sure that it has been done. She has attached the various documents asked for. The ODNR has requested that a sign with the Land and Water Conservation Fund emblem be clearly marked. While there may have been one there at one time, it is no longer there. One can be purchased for \$90 if we are directed to put it up. The form has been filled out indicating we do not have the sign.

Fire – Chief Hall reported that there was a fire Thursday night on Lafayette Road. Fourteen responded from Lafayette and did one heck of a job. They were hampered by flooding and he is very proud of the department. He also asks the Trustees, Fiscal Officer and her assistant as a courtesy that if there are any questions or concerns regarding the Fire Department that those be directed to him. Ms. Bowers stated the incident he is referring to was table top conversation she overheard and was not negative in any fashion. She cautioned the Chief about being sensitive to that issue.

Ms. Bowers reported that she contacted York Township about how they handled a demolition property. Colleen Conley will provide copies of their process to Ms. Bowers who will pass it on to the Chief.

Police – Mr. Macron distributed a call report. This was the first week that the No Parking signs were erected. He previously had averaged about 9 to 10 calls with complaints about parking in the streets. He now averages 1 call and 2 emails. These were from the people who received warning citations. One concern is if a resident is having out of town guests and there is no room in their driveway. After discussion, the Board discerned that the Sheriff's Dispatch could be notified of these situations. There have been about twenty-five warning citations issued with only three responses which have been dealt with. If there is a party, common sense would be used by the Sheriff's Deputies.

Cemetery – Ms. Bowers asked if she could have the assistance of Mr. Figgers one morning to review the cemeteries. Mr. Macron agreed.

Crush Cemetery – The Queberg’s are offering to donate a commercial flag pole for the Memorial Commons. The Queberg’s have been taking care of Crush Cemetery for a very long time even though it is the responsibility of the Township. Ms. Bowers thanks them for their service. If the Township were to put in a public driveway for access to the cemetery it would invite public traffic. This is a very fragile cemetery and Ms. Bowers is going to have Don Weiland visit the property with her. Ms. Bowers has asked the Queberg’s to propose what they would consider a good way to handle the driveway situation. She has also talked to Mr. Grey who owns the adjoining property and explained that the property has been surveyed, marked at the road and that a culvert will probably be installed but not a driveway until such time as the property is sold. Both property owners were great to work with. Ms. Bowers pointed out that the Township may end up with a situation where the Queberg’s continue to oversee the maintenance and provide access through their property. She would like to hear from them first to see what works best for them.

Cemetery Book – This book was compiled by Mike McCann over the past fourteen years. It is 338 pages of the history of every one of the Township’s cemeteries. The County Home Cemetery is very interesting. It ceased to be used in 1947, having been established in 1855. In 1903 the railroad came through and probably covered graves; it is clear that the cemetery wouldn’t have been laid out in the shape it is in now. Contributors to the book were Mike McCann, John Gladden, Eli Beachy, John Stricker and others. Collectively this group was able to identify 101 of the 192 burials in that cemetery. There is an additional list of those that are believed to be buried in that cemetery. The book has every obituary and newspaper clipping that was able to be found.

Ms. Bowers was able to arrange with the County to have all pioneer cemetery maps maintained on their web server at no cost to the Townships, Cities, and Villages. This has been approved by the County Commissioners. Our website will have a link to all of our cemeteries. Lafayette Township will be used as an example for other Townships to see how this can work. We will put all of the burials in alphabetical order by cemetery so people can locate where the burials are.

The Cemetery Book is the property of Mike McCann and copies are available for \$35.00. A copy will also be available in the library. Mr. McCann has photographed every one of the Township’s tombstones and transcribed transcriptions.

RESOLUTION 10-2011 – A RESOLUTION EXPRESSING APPRECIATION TO MIKE MCCANN FOR HIS VOLUNTEER WORK PRESERVING RECORDS AND OTHER HISTORICAL INFORMATION ON LAFAYETTE TOWNSHIP CEMETERIES IN A SINGLE RESOURCE. Resolution 10-2011 moved by Ms. Bowers with a second by Mr. Macron. All voting in favor.

Ms. Bowers reported that after 1947 the indigent burials moved from the County Home Cemetery to Shaw Cemetery. Most of those have been identified. Family members of one of those burials have asked permission to install a flush marker. **Ms. Bowers moved to approve allowing the Hall burial to be marked with a flush marker that would be installed privately. Mr. Macron seconded the motion. All voting in favor.**

Ms. Bailey asked to make known that the 2013 reappraisal process has begun with the County Auditor. This will be placed on the Township website.

Zoning – Zoning Chair Karen Schoonover asked if the Comprehensive Plan could be kept on the pending items of the agenda list until the updates for the census are received. Ms. Bowers stated that she checks regularly for the updates and as soon as they are received the pages will be updated and filed with the County.

Ms. Schoonover reported that the Zoning Commission is now ready to start the process of rewriting, revising and updating the language of the Zoning Code. They would like to talk to agencies and people who would be able to assist them. They are asking for the Board's blessing to have these agencies come to the Zoning Commission to speak with them and answer questions. The Commission would then present their recommendation to the Board. Ms. Schoonover is aware that there is a cost associated with this and is aware that other Townships have taken priority items and worked on those while others have done the whole rewrite. This is costly but also gives a product that is very together.

Ms. Bowers stated that when this was talked about in December it was decided that the Township would take care of the routine tweaks that need to be done. The Zoning Commission is currently working on the signage issues. Ms. Bowers feels the tweaks can be done pretty easily and sent to County Planning for their professional overview. The agreement had been to do that first and cleaned up. Then the scope of services can be proposed and sent out. She feels it would be a waste of their time to do this before the tweaks / reconciling is done. Mr. Macron feels they should be able to handle both of those items at the same time. Ms. Bowers stated it is not a problem to talk with them but the fixes need to be done. There is land on Lake Road that is in serious jeopardy of being lost if these issues are not taken care of. This needs to be a priority.

Ms. Schoonover stated that this is a very slow and precise process. There are still items to take care of with the signage before it is sent to County Planning and the Prosecutor's Office. Ms. Bowers asked if she was concerned about having a professional planner look at the zoning at the same time that we are looking to change the zoning. Ms. Schoonover replied no. Ms. Bowers is concerned. Ms. Schoonover feels it would be a good process; it would empower the Zoning Board and enable them to ask questions and learn what would be needed in the future. They would also provide costs for services. Since the Board will be working on a five year plan, Ms. Schoonover feels it would be beneficial to know the cost of this service. Ms. Bowers feels the cost will be about \$25,000.00. Ms. Schoonover stated that the Zoning Commission wanted to get the blessing of the Board of Trustees for this process even though it is within their powers according to the ORC to go ahead and talk to these people. Ms. Bowers stated the Commission can ask for assistance in reviewing plans and drafting items but she feels the Commission needs to know what they are asking these agencies to do. There are things that need to be finished on the code and we have the ability to finish these items at no cost through Planning Services. She doesn't want another agency reviewing the same thing at the same time that Planning Services is reviewing.

Ms. Schoonover wants to start a process, to start a dialogue and to gather information and an idea of costs to be included in the five year plan. She and her Board will continue working through these priority items. Ms. Bowers asked how long it would take to have draft language on the priority items. Ms. Schoonover asked for specificity on which items. Ms. Bowers stated she was

referring to the list of tweaks that had been compiled that are known items. This list had been emailed to Ms. Schoonover. Ms. Schoonover stated they have talked about items such as renaming zones. Ms. Bowers mentioned issues of swimming pools, gazebos, grandfathered lots for nonconformity. Ms. Marlene Oiler stated these items were already on the list that the Zoning Commission has. Ms. Schoonover will email her list of items to Ms. Bowers. Ms. Bowers feels that some of the items were addressed at the last workshop. The goal was to have all of the language addressed in one process to avoid the cost of handling them separately.

Mr. Macron would be willing to give a blessing as long as the priority list is also addressed while entertaining the agencies. The Zoning Commission will not commit to any agency. Ms. Bowers mentioned that this would need to be bid because of the price involved.

Old Business:

Revenue Sharing Disbursements – Ms. Bowers stated that at the last meeting Ms. Sue Heiszek had presented documents that purported to prove that the Township had collected more on the real estate tax levy for the police levy than the Township had said it would collect. At the time the levy was placed on the ballot we were in a reevaluation for real estate and the concern was that if the valuation came in higher the levy would collect more and they did not want to tax the residents more than was needed. A resolution was passed, and the documents that Ms. Heiszek presented prove that this was the intent of the Board. After the levy passed the Trustees passed a resolution to repeal the existing levies and a second one that had the intention of not having the levy collect more money based on the reevaluation and if that were to happen the mileage would be reduced. The mileage in fact was reduced from 2.5 to 2.3 when the Board saw what the collection was going to be. Some of the funds that go into the levy account are not necessarily collected by levy. Ms. Bowers asked the County Treasurer to go over those numbers with her and he sent the following response:

At your request I reviewed the report sent to you by the Medina County Auditor. This does not appear to be a standard computerized report generated from our shared MVP tax software used in the Auditor and Treasurer's Office. Instead it appears to be an excel spreadsheet created by the Auditor showing revenue receipts and other income for Lafayette Township for the years 2009 and 2010. I have not verified these figures and at this time assume they are accurate for the calendar years 2009 and 2010. Regarding your question as to whether the property tax revenue collection in 2009 and 2010 for the Police District exceeded 289,800.00 in either year, the Auditor has shown the subtotal of \$294,269 as total taxes collected for the Police Fund in 2009 and \$292,206 for 2010. However, this subtotal includes amounts that are not considered property taxes levied on the valuation of real estate owned by taxpayers in Lafayette Township. For example, receipts from tangible reimbursement, public utilities, and public utilities excess are revenue sharing programs from the State of Ohio. Personal property tax revenue was being phased out during this time but also is not based on taxes levied on real estate valuations. Thus when you take out these items from the total taxes collected, figures supplied by the Auditor, it appears the real estate tax collections for the Police Fund did not exceed \$289,800 in 2009 nor in 2010.

Ms. Bowers related that while he pulled out the homestead rule from the State of Ohio, the Board had considered that as part of the taxes. The actual property tax collection includes the property tax collection, the homestead rollback, a special real estate number (one year \$4,700, the other \$5,427 for delinquent taxes) personal property tax, personal property tax exempt, tangible reimbursement (\$5,073 one year and \$5,427.78 the other year), and public utilities (revenue

sharing funds from the State of Ohio – roughly \$20,000 a year split between funds). A copy of Mr. Burke’s letter was handed to Ms. Heiszek. Ms. Bowers stated that it is not her intention to argue this matter but it is a very important matter that will be reconsidered by the voters every five years and to have it tainted by suggestion that it has been handled incorrectly or improperly would not be in the best interest of this community or the voters.

Ms. Heiszek states that the resolution does not refer simply to property taxes. Ms. Bowers reiterated that it does; it refers to the levy which is only on property taxes. Ms. Heiszek stated that monies that have been brought in are because of the levy, that determines how it is divided and it is not simply property tax. She will check again with the Auditor’s Office. Ms. Bowers stated that the tangible property replacement is a formula from the State of Ohio, approved in House Bill 66 passed in 2006 when the tangible personal property tax was repealed. This formula determines how local government funds are sent back into local governments. Ms. Heiszek states that is what the levy generates. Ms. Bowers read from Resolution 22-2007, “Whereas it is the intent to guard against collection of excess taxes due to increased property values, including the tax assessor’s reappraisal and to insure that the total collection for the levy does not exceed the original estimate of \$289,800 as certified by the Medina County Auditor on May 23, 2007 for a 2.5 mill police district levy approved by voters on August 7, 2007.” This resolution is specific to that levy on the tax valuation and that levy only on the tax valuation of the owners of property in Lafayette Township.

Clean-Up Day – The Board would like to table discussion until Ms. Shanley can be in attendance. Mr. Macron reported that Clean-Up Day had occurred on May 7th and went well.

Memorial Project Update – Ms. Turpin reported that committee members have been helping on the Community Saturdays and she invites anyone else who would like to help to come out. Progress has been made; flowers planted, cleaned beds, trimmed bushes, planted forsythia, Service Department adjusted gazebo opening, Fire Department helped clean gazebo. This Saturday the plan is to paint the gazebo and edge the beds if there is no rain. Because of the rain, all timeframes have been adjusted. The footer for the monument has been poured and the stone should be erected the Thursday or Friday before Memorial Day. The licensed electrician has generously offered his services for running the wiring in the area.

Gilbert Street Tree Removal – This had been tabled to allow time for Ms. Shanley to speak with the complainant. Ms. Bowers gave that information to her at the end of the last meeting. Mr. Macron stated that he would not cut down the tree until everyone has their say. The property owner, Jessica Clever, stated that she did speak with Ms. Shanley the day after the meeting and asks to know who the complainant is. Ms. Bowers stated that the original call had come from Jean Noble. Mr. Macron stated that a vote is not necessary for the removal of the tree; the Township is in the right to cut it down. He would like to delay any action on the tree until construction is done on the street. Ms. Bowers stated the tree was the reason the street was not getting widened. Ms. Clever mentioned the utility poles and the tree with address numbers as problems. Ms. Bowers stated those are back further. Mr. Macron does not want to make this a neighborhood issue. At this time there are other issues with other trees and while this particular tree will come up again as an issue, he promises that a discussion will be held before the tree is cut.

Oil & Gas Meeting – Ms. Bowers reported that the meeting was held with somewhere between 300 to 500 people attending. The PowerPoint from Dale Arnold will probably be available on the Planning Commission website. The information can also be sent via email through Ms. Bowers. Mr. Macron encourages anyone with land involved to view the PowerPoint presentation.

OSHA Workshop – Ms. Bowers reported that over a year ago there had been safety issues brought up here in the Township. An OSHA instructor had offered to do an OSHA class for the Township at that time but this was tabled. She is inquiring if there is still any interest in this workshop. Mr. Macron feels the training the Service Department is currently receiving is sufficient. This item will be removed from the pending items.

Comprehensive Plan – Ms. Bowers reported that the census data is still not available. She checks this on a regular basis. The corrections have been made and the only adjustments left to do are the census data tables.

New Business:

Flags – Mr. Macron reported that the flags will be put up for Memorial Day and then taken down. All departments have been busy and overall there has been a lot of good things happening.

RESOLUTION 11-2011 – A RESOLUTION AUTHORIZING INSTALLATION OF THE LAFAYETTE TOWNSHIP VETERANS MEMORIAL MONUMENT AND MEMORIAL WALKWAY ON TOWNSHIP LANDS AT THE SOUTHEAST CORNER OF THE INTERSECTION OF LAFAYETTE AND WEDGEWOOD’S ROADS. Whereas for patriotic and other historical purposes, Lafayette Township wishes to honor veterans by the installation of a monument inscribed with the quotes “Greater love hath no man than this, that a man lay down his life for his friends”, “In honor of those whose service to our nation protects our freedom today”, and “Freedom isn’t free” along with an image of an eagle and an eternal flame as appropriate expressions of honor for the sacrifice and service of township veterans. **Mr. Macron moved to approve Resolution 11-2011, seconded by Ms. Bowers. All voting in favor.**

Public Participation was offered with no responses.

Meeting adjourned at 8:20 p.m.

Approved: _____

Lynda Bowers, Trustee

Nanci Shanley, Trustee

Bryon Macron, Trustee

Shirley Bailey, Fiscal Officer