

Lafayette Township Board of Trustees
and Lafayette Township Fire District Meeting
Special Meeting
May 27, 2022

Trustee Warchola, called the Special meeting to order at 9:00 am

Roll call: Fullerton, O'Neil, Warchola, Ruebensaal - all in attendance

Other township departments in attendance: Jerry Winkler, Fire Department; Bill Thorne, Legal Advisor

Pledge of Allegiance was said.

Trustee Warchola stated as this is a Special Meeting, we don't have any reports. We have a couple of pieces of business that we need to go thru quickly. But before we do that any old business that we need to worry about? Any new business?

Trustee Fullerton: I do. That's why we had to have a special meeting today. I'm sure none of us wanted to be here. But we needed to be here because of a bond coming up for expiration on Tuesday concerning Fechko's maintenance bond for Wedgewood Estates. So, I would move to adopt the following resolution. A resolution requesting the Medina County Highway Engineer and Medina County Commissioners to arrange to have Fechko Excavating, LLC's bond #066507F either extended or called.

Trustee Warchola Seconded that motion. Any discussion?

Trustee O'Neil: I visited there this morning with Rick, and they are making progress. They're not done yet, there's still some work to do. So, I think extending it would at least be a good idea.

Trustee Warchola: ok we can't let it run out or if we do, we've got nothing. Any other discussion? - none

Roll vote all those in favor? Aye.

Fullerton: Aye O'Neil: Aye Warchola: Aye

Those opposed the same sign

Alright motion carries

Trustee Warchola: We have two other resolutions I'd like to present. The first one is Resolution No. 14-2022 Resolution to set limitations on the use and private discharge of consumer-grade fireworks. I sat down with Chief Winkler, and he gave me his recommendations. It's all spelled out in the Resolution. I'm not going to read thru the whole thing but basically it allows New

Year's Eve from 11-midnight. Then New Year's Day midnight til 12:30 in the morning. We have an allocation for Chinese New Year, Cinco De Mayo, Juneteenth, Fourth of July Holiday 3rd 4th, and 5th, and Diwali. There are stipulations basically the Fire Department can override this if they see fit if we have a drought condition. Do we have a motion to approve? (nothing) Ok, let's have some discussion.

Trustee Fullerton: I personally think it's too early to add more provisions to what the state approved. I'd like to see what the residents are going to do and if it gets too crazy then we can revisit it.

Trustee Warchola: Well, the state from the House Bill, I'll read this out of the House Bill

- A county with respect to the unincorporated territory of the county, a township, with respect to the unincorporated territory of the township, or a municipal corporation may do either of the following:
 - (1) Restrict the dates and times a person may discharge, ignite, or explode fireworks pursuant to this section.
 - (2) Ban the discharge, ignition, or explosion of fireworks pursuant to this section

I think they're kind of looking for individual townships to set their limitations. I talked two meetings ago at the Township Association meeting the Prosecutors office was supposed to put together a generic that they were going to present to the entire Township body to see if the entire Township wanted to go with the same thing. As of the last Township meeting, I talked to them again and they hadn't started on it yet. That's why we were requested by the Fire Chief to put something in place.

Chief Winkler: The thought process here is the way the state language is set up basically it's a free for all on all those days for 24 hours a day. There's no limitation on it they can start them at midnight until midnight the next night legally people can shoot off fireworks, you're looking at July 4th depending on where that falls. It's the weekend before and the weekend following plus July 3rd, 4th, and 5th so in theory you can basically have a 9-day stretch there with fireworks every day 24 hours a day and what we're trying to do is limit that not only from a safety and fire prevention standpoint but also the reality is that kind of fireworks for that length of time certainly animals are having an issue with that dogs, livestock, veterans and we're trying to not hurt everyone fun but let's be realistic about it. Let's focus it more additionally on Memorial Day weekend that's one of the weekends that the state allows. Maybe Memorial Day shouldn't be a cause for a raucous celebration it should be much more of a somber affair out of respect. That's our thoughts behind it so again it's up to you.

Trustee Warchola: Part of the resolution gives limitations as to what can happen and where they can be done, and I'll go through those as well

- Not to be set off if rockets or other moving/traveling device etc. lands on or explodes over another person's property unless granted written permission by the property owner.
- Fire Prevention Bureau shall have authority to prohibit fireworks during periods of draught

- Not to be set off in neighborhoods/subdivisions with an average lot size less than 1 acre
- Not to be set off when under the influence of alcohol/drugs
- Must be over 18 years of age
- Must have acceptable, functioning extinguishment method on-site (ABC extinguisher(s), water hose, etc.)
- The sale of fireworks within the boundaries of the Lafayette Fire & Rescue District is prohibited

So, I don't know how many of those particular spots come out of the code or if none of those are included as well.

Chief Winkler: Some of that is in the code, certainly the language about under the influence of alcohol and stuff like that. Again, what we're looking at is primarily trying to do it safely. This past year wasn't a real big issue the year before though there were multiple times we were out on grass fires due to fireworks and so that's one of the thoughts behind you get a close-knit subdivision on smaller lots without a lot of space and you are looking at the potential for disaster there so we're trying to make it as safe as possible without causing a lot of disruption.

Trustee Warchola: So technically the way it's written now in one of our subdivisions you can have people shooting off bottle rockets, M80s all kinds of cracker cannons shooting them all over the neighborhood and nobody can do anything about it. Is that correct?

Chief Winkler: According to the state, they are allowing that basically.

Trustee Warchola: So, this is also going to limit that?

Chief Winkler: So, the State Fire Marshall has very similar rules proposed as ours but they're just sitting there right now and haven't been adopted yet.

Trustee Warchola: But what we have today doesn't allow or would allow for any of those things that we are trying to prohibit

Chief Winkler: Well, this is part of the reason we are trying to talk about it now just so everyone understands. Right now, they're illegal until July 1st, that's why it's time-sensitive here. So right now technically all of it is illegal you cannot legally shoot off consumer-grade fireworks in Ohio period as it's been for years. And we all know that in practice even though it's illegal we have that happen all over the place all the time. Every summer you're getting those issues. So, we're just trying to if it is going to be legalized, we want to make sure that people are responsible for it. Several years ago, I don't know what year it was someone who lost a hand or a finger here before my time thru fireworks. In a densely populated part of the township a couple of years ago no a pretty big fire a grass fire/brush fire. One of the calls we got was in a new development where there were not a lot of houses built at the time so that was kind of lucky that were not a lot of houses so that's where we're at.

Trustee Fullerton: So, is the county pushing?

Trustee Warchola: No, the county was going to write something up and put it together, but I talked to Mike Lyons about it a couple of weeks ago. It was just before the last Township Association meeting and he said yes, they've talked about it but nobody's doing anything with it. It's kind of sitting there idle.

Chief Winkler: From what I understand the City of Medina is taking steps to just outlaw fireworks. Brunswick has, so some of the bigger cities have already taken those steps to basically keep the law as it is. We're not asking for that we're just asking for some common sense. Part of this if you have a neighbor that is fireworks crazy you could be listening to fireworks all day long and it's just a little much, so I just think a time frame is acceptable to me.

Trustee O'Neil: Do we even have the authority to outlaw the sale of fireworks? In the Fire district or even in the Township?

Law Director Thorne: I believe that was in the statute, I think.

Trustee O'Neil: I just think that seems a little restrictive considering what the state's move just was.

Trustee Warchola: Well, what would you propose Chris?

Trustee O'Neil: Whatever the state has lifted as of July 1st let's see what happens. I kind of feel like people ought to have the right to shoot off fireworks if they want to.

Trustee Warchola: Well, that's true but you also start trotting on the steps of the next-door neighbors.

Trustee O'Neil: Yes, but there are already rules in place. You can't shoot stuff off in people's yards.

Law Director: Bill Thorne: That's understood there are no restrictions

Trustee Warchola: As of July 1st, there will be nothing restrictive

Chief Winkler: My only response to that would be that when you talk about Yes, you can say people have a right to do fireworks. The other thing is typically when you sign the paperwork, the title, and deed, and all that for your property there is always a clause in there that says something about quiet enjoyment. So that's where the neighbor issue comes into effect. How do we find a balance to that?

Trustee O'Neil: Does Lafayette Township have a noise ordinance for the subdivisions right now?

Trustee Warchola: No

Law Director Thorne: Believe me, I live in one. Right now, it would be the property owner's obligation to bring the lawsuit to the ordinary sensibilities.

Trustee Warchola: Ok, well it doesn't sound like there's a second for this motion so this resolution will die unless there's a second for it. Ok, the resolution is withdrawn. I'd like to go on record as saying I think this is a mistake not to have something put in place. I agree I'm all for people's rights to do what they want to do and freedom of expression, but I also know that our Township is rapidly moving from an extremely rural township with large lot sizes to a lot of subdivisions and I think once the ban is lifted. I hope to God I am wrong, but I have a feeling we're going to be in for a real mess and once it hits we are going to be inundated with calls.

Trustee O'Neil: This could be revisited again at any time in the future. You could look at this in a month, you could look at it in three months

Trustee Warchola: Well, it is going into effect the state law on July 1st which means you will have the July 4th holiday at the very minimum. It can also be revisited to have it modified but that's fine, ok. Alright moving on we have a second resolution we talked about this last couple of meetings this is with respect to the Police Levy that we have that is expiring. The Board gave me the authority to work together with Law Director Thorne and I have that resolution that we will send to the Auditors Office. Lafayette Township and Lafayette Township Fire District Medina County, Ohio Resolution 15-2022. A resolution requesting the County Auditor prepare a certificate of estimated property tax revenue and then it's about 6 pages long. So, I'm not going to read the entire thing it will be on file if anyone wants to see it though. You guys were all given a copy of it ahead of time, so you had a chance to review it there were a couple of mistakes in there for dates and I corrected the dates on it. I had the meeting date as yesterday not today so those are corrected. But as far as I know, everything else on here is good.

Law Director Thorne: Did you check the millage thing?

Trustee Warchola: I found that one too it said 2- 6/10 and I changed it to 2 - 7/10. You guys remember I did this thing around 2:00 in the morning and it was very early. You're lucky that's the only mistake that was in there.

Fiscal Officer Ruebensaal: Marty will this still be Resolution 15 or are we going to make it 14.

Trustee Warchola: we'll hold Resolution 14 just an open number. We'll skip it right now.

Trustee O'Neil: We have the election date and that should be November 1st, correct?

Trustee Warchola: No, I thought it was November 8th.

Law Director Thorne: I thought it was too the first Tuesday.

Trustee O'Neil: I stand corrected it should be November 8th.

Trustee Warchola: Hang on, I knew it wasn't May 6th, I corrected that one. Election Day 2022, Tuesday, November 8th, 2022. Do we have a second for the motion?

Trustee Fullerton: I will second.

Trustee Warchola: Any further discussion?

Trustee O'Neil: Well, the first sentence there should be necessary to renew instead of necessary to renewal.

Trustee Warchola: No that's corrected as well. A resolution declaring it necessary to renew and increase a levy for a tax above and beyond the 10-mil limitation.

Ok, Roll vote all those in favor? Aye.

O'Neil: Aye Fullerton: Aye Warchola: Aye

Those opposed the same sign - none

Trustee Warchola: Alright resolution carries Anything else under new business.

Public Participation:

Dianne Wenslow: I have a question on that levy. This is to renew it right?

Trustee Warchola: yes

Dianne Wenslow: and increase it?

Trustee Warchola: yes

Dianne Wenslow: Why are we increasing this levy?

Trustee Warchola: Because we need more money to get the same level of protection that we are getting now.

Dianne Wenslow: you know we have two subdivisions in which taxes are coming in. That isn't sufficient?

Trustee Warchola: The renewal levy the way I understand it, remember this is just requesting the information at this point, so this isn't necessarily what is going to go on the ballot. This is what we think we are going to need so we'll get back from the auditor how much we're going to get in. We needed to get a total of \$400,000.00 to continue and maintain police the way we have. In addition to that, there is a fee that the auditor charges to collect it so we never have included that in the levy before now we're including that so it doesn't come out of the general fund. So, there's little bits and pieces, not a tremendous amount that the 2.3 mill levy is set at whatever that last amount was not the new amount it needs to be. It is renewal so we don't lose any of that rollback money. The actual dollar amount changes per \$100,000.00 right now we pay about \$60.00 for a \$100,000.00 on a house and it's going to go up to I want to say it's like 72 or 73 for 100,000. So, it's not a tremendous and large increase but it does cover the expenses of what we need to have covered. There's no fluff put into it.

Dianne Wenslow: I'm not happy with it.

Trustee Warchola: Ok, understood.

Law Director Thorne: The other levy is set you are not going to get any more money. That's why the increase is there. It's set at a certain amount of money that continues to collect and that money that is going to collect will not be enough.

Trustee Warchola: The extra money that we get in just general in taxes from the subdivisions we could use to subsidize. I think that's what you're talking about. We could use that to subsidize the police levy, but other expenses go up as well and that money as it comes in and increases will be earmarked for other expenses. That's why I want to keep the police levy as a separate stand-alone. Alright, anything else? I would move that we pay the warrants of the township and adjourn.

Trustee O'Neil seconded.

All those in favor – Aye.

O'Neil: Aye Fullerton: Aye Warchola: Aye

Those opposed the same sign - none

For those that are interested, we do have the county auditor coming in about another 10 minutes. They made a presentation last Thursday to the Medina County Township Association on levies where tax money comes from and how it gets all brought in. I wasn't able to be there, I wanted to be there, but I missed the meeting, I had another commitment that I couldn't get out of so I asked if they would come and do the presentation again and they will be coming in so anyone that is interested in that it should actually be pretty good. I went thru the PowerPoint presentation and there's a lot of good information in there. So, if you'd like to stay for the meeting you are more than welcome to.

Meeting was adjourned at 9:26 am

Approved:

Martin Warchola, Chair _____

Ty Fullerton, Vice Chair _____

Chris O'Neil, Trustee _____

Laura Ruebensaal, Fiscal Officer _____