

LITCHFIELD BOARD OF TRUSTEES
REGULAR MEETING
June 22, 2020

The Litchfield Township Board of Trustees met in regular session on Monday, June 22, 2020, at the Litchfield Town Hall after the requirements of the Sunshine Law were met by notification and posting. Chairman Reynolds called the meeting to order at 6:00 p.m. with Trustees Horvath and Pope present. There was an audience of 7. All stood to recite the Pledge of Allegiance. Trustee Pope made a motion to approve the minutes from the May 26th regular meeting and the June 8th special meeting as written; second by Horvath. Voting yes: Reynolds, Pope, Horvath. Motion carried.

Trustee Horvath stated that Melissa Clifford, President of the Historical Society, Patti and he met to discuss repairs to the historical building/museum and thought that a structural engineer should be consulted to determine if the building was structurally sound. Trustee Horvath contacted Kyle Wittel, a civil engineer from Engineering For Historical Structures, and asked him to attend tonight's meeting. Kyle stated that he has been consulted for a number of historical buildings. Kyle stated that he would walk through the museum and will look at the issues and problems to determine what is causing them and then write up a report on the order in which the work should be done or a report with a maintenance plan and schedule showing what work to do and when to do it. This work would be stamped so a contractor could use it to obtain permits from the building department. Trustee Pope asked if Kyle was asked to look over the whole building or just the basement and Trustee Horvath stated that Kyle would do a report over the entire building. Trustee Pope asked the cost of assessing the entire building. Kyle stated that it would be \$700-750 for the complete report which he prefers because it would show where the problems are, why there are problems and how to take care of the problems. Trustee Horvath stated the the money for the complete report would be well spent. Trustee Pope stated that it would be a great idea to hire a professional engineer to look over the building. Trustee Reynolds stated that this would help prioritize the necessary work. Kyle stated that his report would be a non-biased one since he does not work with any contractors. Melissa asked if Kyle would meet with them to go over the report. Trustee Horvath asked Kyle if he would present the report at a trustees' meeting. Kyle stated that he would attend another meeting. Trustee Horvath made a motion to approve up to \$800 for Engineering Historical Structures LLC to write up a report on the historical building; second by Pope. Voting yes: Reynolds, Pope, Horvath. Motion carried.

Trustee Horvath stated that he met with Jim Madden from LYM (Light Year Music LLC) to discuss the best sound system for the town hall. Jim, who was present at the meeting, stated that a permanent sound system would do damage to the walls/ceiling of the town hall and would limit where and how the system could be used. Jim checked into a linear stick for the speaker which could be located anywhere in the meeting room. The system would include 7 wireless lapel mics and one hand held mic. Trustee Horvath

asked if Jim would still recommend hanging more decorative quilts on the walls. Jim stated that that would help reduce the echo in the room. Patti stated that the portable speaker would be more practical for the boards' meetings. Trustee Reynolds stated that a new system is needed since this has been an on-going problem at meetings. Trustee Pope stated that the current microphones are difficult to use since they need to be directly in front of the person making it difficult to speak and write at the same time. Trustee Horvath made a motion to approve \$3550.95 to LYM LLC for the 4 dual – 8 channel Lavalier Wireless System packet with 7 lavaliers and 1 hand held transmitter; second by Pope. Voting yes: Reynolds, Pope, Horvath. Motion carried.

Fire and Rescue: Chief Davis' report: from 5/25 – 6/22 there were 9 medical emergency calls and 3 fire calls. We received no mutual aid during this time. We gave mutual aid once to Erhart for EMS. Chief Davis stated that the township was toned out by dispatch for 2 calls that were not in our township; the sheriff department will look into this. There was no training on May 28th since it was the 4th Thursday and the Fire Association decided not to meet. Chief Davis and Lt. Comuzie held fire training on ventilation and reading smoke on June 4th. On June 8th, Chief Davis, Captain Yoroko and Lt. Comuzie met with the new med control doctor from Medina Hospital. Captain Yoroko and Lt. Yoroko held work night on June 11th where truck and building maintenance was preformed. Chief Davis attended the monthly Fire Chiefs' meeting via Zoom on June 17th. Captain Kean and FF Simon held EMS training on mass casualty incident where triage and setup triage areas were performed on June 18th. Chief Davis stated that the radios approved by the board have arrived, are being programmed and will be installed in the near future. 47-2 was taken to General Maintenance for brake work and may need to be taken back as the AC in the box is not working. The annual hose testing was performed June 15th and all hoses passed. Chief Davis stated that the battery was replaced on 46-1. Chief Davis stated that planning has begun for a training with UH Medevac in August; other mutual aid departments will be invited. Chief Davis stated that Captain Kean, Lt. Comuzie and Lt. Butcher updated our MABAS so that we will have the appropriate apparatus responding from our mutual aid departments. Chief Davis stated that Jim Horwedel has submitted his letter of resignation. Trustee Horvath made a motion to accept James Horwedel's resignation letter effective June 11, 2020; second by Pope. Voting yes: Reynolds, Pope, Horvath. Motion carried. Chief Davis stated that the following items are no longer needed at the station: 15 - National Fire Code Binders, 1- old microwave, 2 – suspenders, 1 – pair of fire gloves, 1 - blue dress shirt and 3 – white dress shirts. Trustee Horvath made a motion to declare the items listed above as junk to be disposed; second by Pope. Voting yes: Reynolds, Pope, Horvath. Motion carried. Chief Davis thanked the Litchfield Garden Club who planted flowers by the station and by the road sign. Fiscal Officer Shaw asked if the department would need a resolution to provide coverage at track events at the fair this year. Chief Davis stated that he has not heard from the fair board if there are any events scheduled.

Roads: Trustee Pope read the road report from 5/23 – 6/19: mowed and trimmed all township properties as needed; completed one full round of road ditch mowing; trimmed

around the signs; trimmed back intersections; began replacing the road signs with the ones Trustee Pope obtained from a state ODOT grant; repaired a culvert end on Stone Rd. between Rt. 83 & Bryenton – culvert will need to be replaced in the future; filled pot holes on Stone, Branch and Yost Rds; marked Stone, Jones and Yost Rds. for repairs and obtained the repair estimate from Melway Paving; cleaned out the inlet and the outlet of a culvert on Stone Rd. between Beat & Erhart; approval given for road repairs at a Special Trustee Meeting; Melway Paving repaired Stone and Jones Rds. and did repairs on Spieth Rd. which will be chip sealed later. Trustee Pope suggested holding clean-up days on Aug. 28th & 29th. It was noted that a sheriff deputy stated that the sheriff office hasn't opened anything up yet. Trustee Horvath stated that it would make a huge difference without the help from the inmates and since there is usually a long line of vehicles waiting to unload, he thought the clean-up days should not be held without the additional help. Chief Davis suggested just providing the dumpsters at the garage and having the residents unload their own vehicles. Trustee Pope stated that he would try to bring a list of volunteers to the next meeting.

Safety: The MC Safety Council meetings have been cancelled until further notice.

Police: For the month of May: days worked:18; hours worked: 99; miles driven: 1140; calls/complaints investigated: 6; police/fire personnel assisted: 2/0; citizens assisted: 29; suspicious people/vehicles checked: 1/0; business checks: 164; traffic stops: 1; traffic citations issued: 0; warning issued: ATV on the road: 1; arrests: 0. Trustee Reynolds stated that people are still parking in the cemetery and walking over to the flea market; 1 vehicle was towed on Sunday. Trustee Pope asked if the township should put up “no parking” signs. The board stated that he should check with the county and purchase some.

Town Hall: Trustee Reynolds read the June report: town hall used once for a meeting; cleaned annex restrooms; set up and broke down after meeting; sanitized tables, chairs, and door handles after use; purchased gardening material and planted flowers; watered (every other day) and weeded flower beds at town hall, annex, circle park, historical building, and triangles; cleaned leaves and weeds from the fenced barn area; met with Trustee Horvath and Melissa Clifford for the historical building concerns; total hours: 32.25. Trustee Pope stated that the flower towers at the circle look nice. Patti thanked the Litchfield Friendly Workers 4-H group for planting the additional flowers by the town hall. Trustee Pope stated that the one front door needs to be checked because the locking mechanism is bent. Patti stated that she would check to see if she could fix it. Patti stated that AJ Contractors will be out to begin replacing the railing at the town hall and would look at the base of the gazebo.

Historical Building/Museum: Melissa stated that the Historical Society had a General Meeting with 6 people in attendance; the meeting was held outdoors. Some members have been cleaning the museum on Thursdays. Melissa stated that she was glad to see that Kyle will be submitting a report so work can begin on the building.

Cemetery and Park: Trustee Pope read the report for June: 1 funeral, 0 lot sales, 2 inquiries; 1 dead tree removed; tilled and leveled new graves adding topsoil and seeding;

leveling and straightening of head stones continues by Jack; dug up and poured 5 new bases for headstones; installed 2 new bases at Crow Cemetery. Trustee Pope stated that he worked with Patti removing all the shabby shrubs around the gazebo. The dirt will be rototilled and then Patti will plant some different shrubs and bushes there. Trustee Pope stated that the mortar is coming out on some corners of the gazebo causing some of the bricks to come out so Jim from AJ Construction was asked to look at the work needed there. Trustee Pope stated that the gazobo's wood railings need to be replaced and wondered if the board wanted to keep the railings wood or replace them with vinyl. Trustee Reynolds stated that all the wood should be replaced with vinyl. Trustee Pope stated that he would obtain a cost estimate to do this.

Zoning: ZI Noderer's report for May: site visits: 8; meetings attended: 1; miles driven: 133; zoning certificates issued: accessory building: 3; fence: 1; above ground pool: 2. Lot split: 0. AG structure: 0. Zoning violations: 9696/9706 Crow Rd. - zoning certificates pending MCE ECSW permit; monitor use status of building south of the creek; motion to show cause case #09 CIV 2309, awaiting prosecutor disposition; 2835 Avon Lake – trailer loaded with used tires stored on front lawn for over 30 days; compliance after receiving a letter; a non-agriculture usage of an agricultural structure. Trustee Horvath stated that this issue has been dealt with but ZI Noderer stated that it has not. ZI Noderer stated that he would like to take this matter to the prosecutors for legal action. ZI Noderer stated that in Oct. 2019 a family made improvements to an AG building and began storing non-AG items (household furnishings) in the building. ZI Noderer stated that the property owner obtained a zoning certificate for a temporary trailer for sleeping but kept the trailer in the barn and began using the barn for non-AG items. ZI Noderer read from the ORC regarding the regulations for an AG structure which states 2 requirements and he stated that the structure in question has not met the 2nd requirement. ZI Noderer wanted the majority of the board's approval to take this issue to the prosecutors. Trustee Horvath stated that he disagreed with the zoning inspector and stated that a judge would “laugh” the case out of court. Trustee Horvath stated that he met with the property owner and ZI Noderer and the property owner agreed to correct some of the matters and stated that the family would be in a house within 4-5 months. Trustee Pope asked what would be needed zoning-wise to correct this issue. ZI Noderer stated that the owner would need to obtain a permit for an accessory building. Chief Davis stated that it is his property that is being discussed and stated that if he pulled an accessory building permit then it would no longer fall under AG structures requirements. Chief Davis stated that he obtained a trailer permit before he sold his previous house and he had pulled the trailer into the barn due to weather conditions but the trailer is out of the barn now. Chief Davis stated that everything in the barn has been permitted through the county and that per the winery zoning case only 4% of an AG barn had to be used for AG. Chief Davis stated that after being told that he had 20 days to appeal the issued violation he brought his concerns to Trustee Horvath and ZI Noderer and thought that the issue had been resolved. Chief Davis asked if he could have just a trailer on the property. ZI Noderer stated that he could but that was not the

issue and he was sure that the prosecutors would agree with him as they did in the Nimer case. Chief Davis stated that per the lawyers he consulted, there is no precedent on what part of a building is used for AG purposes. Trustee Pope asked if Chief Davis would change his barn now from AG to an accessory building. Chief Davis stated that he would not because he would then need a permit(s) for any changes he made to the structure in the future. Trustee Horvath asked what AG items were stored in the building and Chief Davis listed the items. Trustee Reynolds stated that he doesn't see a problem with it being an AG building if farm vehicles are stored there. Trustee Horvath stated that he thought that this issue was over since Chief Davis moved the trailer out of the AG building when he was asked. ZI Noderer stated that household items can not be stored in an AG building. Trustee Horvath stated that the house would probably be built before the case would even go to court. Trustee Pope asked if all 3 agreed to the decisions made. ZI Noderer stated that Trustee Horvath said he would take the issue to the prosecutors. Trustee Horvath stated that he did not say he would take it to the prosecutors because he thought the matter was over when Chief Davis said he would remove the trailer from the barn. Chief Davis stated that he never hid what he was doing. Chief Davis stated that he needed to file a BZA application within 20 days of the violation letter and tomorrow (Tuesday) would be the 20th day; he had not obtained the application because he thought the issue was handled but he did not want to be subjected to a daily fine for not submitting an application. Trustee Horvath stated that the trustees make the decision how to handle that and whether ZI Noderer is to take the matter to the prosecutors. Trustee Pope made a motion to have ZI Noderer go to the prosecutors to look into the issue and to take legal action if necessary. Trustee Reynolds asked who would decide if something goes forward if the prosecutor says something should be done. Trustee Pope stated that if this motion is passed, Chief Davis would need to file for a zoning appeal right away. The motion died for a lack of a second. Chief Davis asked if someone could build an accessory building and live in it and ZI Noderer stated that this would be allowed. Trustee Reynolds stated that he was contacted by the owner of property at Beat and Branch Roads. who has owned the property for 22 years with the intention of building on it but now does not have the required frontage. Trustee Reynolds stated that the owner should be "grandfathered in". ZI Noderer stated that the problem was created by the board in 2018 so the owner would need to go to the BZA before building there. Melissa asked the status of zoning meetings. Trustee Horvath stated that he asked Zoning Secretary Fozio to email zoning board members to ask their willingness to begin meeting and they said they would like to begin with the July meeting. Trustee Horvath made a motion to approve restarting zoning commission meetings beginning the 2nd Tuesday in July; second by Pope. Voting yes: Reynolds, Pope, Horvath. Motion carried. Chief Davis asked if he needed to do anything with the violations he has received; Trustee Horvath said no. ZI Noderer stated that the trustees didn't want to take the matter to court.

Trustees: The trustees had no report.

Fiscal Officer: Fiscal Officer Shaw stated that the trustees received their monthly reports and signed the bank reconciliation statement. Fiscal Officer Shaw stated that the trustees received the budget for 2021. Trustee Pope made a motion to approve the budget for 2021; second by Reynolds. Voting yes: Reynolds, Pope, Horvath. Motion carried.

Old Business: There was no old business.

New Business: There was no new business.

Public Comment: ZI Noderer asked why with COVID-19 still around no one at the meeting (besides him) was wearing a face mask. Chief Davis stated that he is not permitted to wear a mask per his carry conceal license.

Trustee Pope made a motion to approve Purchase Orders 24-20 to 26-20 and Blanket Certificates 50-20 to 52-20 and authorize payment of vouchers 27529-27551 and 27571-27613; second by Horvath. Voting yes: Reynolds, Pope, Horvath. Motion carried.

Trustee Reynolds made a motion to adjourn; second by Horvath. Voting yes: Reynolds,

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