

LITCHFIELD BOARD OF TRUSTEES
REGULAR MEETING
November 20, 2017

The Litchfield Township Board of Trustees met in regular session on Monday, November 20, 2017, at the Litchfield Town Hall after the requirements of the Sunshine Law were met by notification and posting. Chairman Wargo called the meeting to order at 6:00 p.m. with Trustees Horvath and Pope present. There was an audience of 12. All stood to recite the Pledge of Allegiance. Trustee Pope made a motion to approve the minutes from the Oct. 23rd regular meeting as corrected; second by Wargo. Voting yes: Horvath, Pope, Wargo. Motion carried. Trustee Wargo made a motion to go into executive session with Asst. Pros. Karris for pending litigation at 6:04; second by Pope. Voting yes: Horvath, Pope, Wargo. Motion carried. Trustee Wargo made a motion to add discussion of personnel to the executive session and to reconvene the regular meeting at 6:30; second by Pope. Voting yes: Horvath, Pope, Wargo. Motion carried. Trustee Horvath stated that no decisions were made.

Erica Graffain, from the auditor's office, was present. Erica stated that residents can call the auditors office to find out how the recently passed levies will affect their real estate tax. The winners of the Top Dog contest will be announced next week.

Trustee Horvath stated that Carl May from Medina Signs was present to discuss a new electronic sign for in front of the town hall. Carl stated that the lighted header and digital sign would have multiple messages running throughout the day. The sign would have a 5 year warranty. The proposed cost for the sign is \$8492.96. Carl stated that an example of the type of sign he proposed is at the Auburn Township Fire Department.

Fire and Rescue: Chief Davis' report: from 10/20 – 11/17 there were 12 medical emergency calls and 8 fire calls. We received mutual aid once from Grafton Twp., Spencer and Chatham for a barn fire and we gave mutual aid to Valley City during the storm and twice to Erhart (1 rescue call and 1 structure fire). Chief Davis held the officers meeting on Oct. 26th. Work night where the station was cleaned and prepared for the pancake breakfast was held on Oct. 26th. The monthly chiefs' meeting scheduled for Nov. 8th was canceled due to the severe storm damage that involved cleaning up by departments. On Nov. 9th, Capt. Yoroko and Lt. Butcher held fire training on fire ground set up and water shuttle operation. On Nov. 16th, Capt. Yoroko held fire/EMS training on CO calls symptoms and treatment. Chief Davis, Lt. Butcher, Lt. Yoroko, FF Comuzie, and FF Strickland helped to instruct HS students at the MCCC on live burn training on Nov. 18th. Chief Davis stated that the new hose have arrived and will be put into service this month. The new carcinogenic blocking fire hoods purchased as part of the AFG grant have arrived and been issued. The BWC FEEG grant for an exhaust removal system was awarded to the department for the full amount of \$15,000; when the funds are received the equipment will be ordered and an installation time scheduled. Chief Davis stated that this year the department acquired these hoods, a gear washer and gear dryer with grant money. Chief Davis stated that in the last 5 years, the department has been awarded \$243,000 in grant money. The department

provided traffic control for trick-or-treat night and manned the station during election hours on Nov. 7th. Chief Davis stated that the Fire/EMS renewal levy passed so that will be good for the next 6 years; he thanked Fiscal Officer Shaw for suggesting placing it on the ballot early. The Fire and Rescue Association hosted the semi-annual pancake breakfast on Nov. 5th along with the Red Cross blood drive; there was a great turn-out. The first meeting for specking out a replacement tender/pumper was held on Nov. 7th. The department will again be helping Santa deliver presents by driving him in the fire truck on Sat., Dec. 23rd from 5-8. Chief Davis thanked Jim Meermans for bringing the back hoe and helping to remove debris during overhaul at the barn fire on Bryenton Rd. Chief Davis stated that Sam Petek has been removed from the department; he was in a probationary status and was not performing the necessary tasks – did not attend a 36 hour training and missed the department trainings – to be on the department. Trustee Horvath made a motion to remove Sam Petek from the fire department, he was still on probationary status; second by Pope. Voting yes: Horvath, Pope, Wargo. Motion carried. Fiscal Officer Shaw stated that members to the Fire Fighter Dependency Fund need to be chosen. Trustee Horvath, Zoning Secretary Fozio and 3 members of the fire department were chosen. Fiscal Officer Shaw reminded Chief Davis that the inventory will be due soon.

Roads: Trustee Wargo read the road report from 10/21 – 11/24: plow equipment installed on the trucks; 6 trees and branches were cut after wind damage from the storms; TreeMasters cut down a tree on Yost Rd.; the road flags were removed and new ones ordered to replace damaged ones; military flags and flowers removed from the cemetery; back-up alarm on the truck replaced; damaged headstone repaired; annual fire extinguisher inspection conducted by Kish; dirt added to the cemetery lots which were low. Trustee Pope stated that Dan Becker contacted him regarding next year's road bid. Trustee Pope stated that the following roads were chip-and-sealed in 2011: Beat (between Spieth and Rt. 18), Gross, Kennedy, Martha Circle, Zenith, Donald (east) and Indian Creek. Trustee Horvath stated that the engineers should be asked to draw up estimates for these roads and that he would like to see the depth increased on chip-and-sealed roads. Fiscal Officer Shaw stated that the engineers sent their agreement with the township for the purchase of materials from the county. Trustee Horvath made a motion to adopt Resolution 29-17 for the purchase agreement between the township and the MC Engineers; second by Pope. Voting yes: Horvath, Pope, Wargo. Motion carried.

Police: For the month of Oct.: days worked: 22; hours worked: 91; miles driven: 1,151; calls/complaints investigated: 5; police/fire personnel assisted: 3/1; citizens assisted: 46; suspicious people/vehicles checked: 0/3; business checks: 145; traffic stops: 6; traffic citations issued: 3; warning citations issued: 5; arrests: 0. Traffic citations: driving under suspension: 3. Traffic warning: speed: 2; unsecured load: 1; no front plate: 1; stop sign: 1.

Town Hall: Oct.'s report: the town hall was used for 2 meetings, 7x by groups, 2 town hall rentals - 1 at \$100, 1 at no charge; cleaning, setting up and breaking down for meetings, groups, rentals; changed out burnt bulbs in the town hall; changed filters in town hall and annex; laundered dust mop heads; purchased batteries at Home Depot for candle lights; reset clocks in the buildings; removed planters for winter; placed information on letter board;

total hours = 20.25. Trustee Horvath stated that there was an issue after the last zoning meeting when the town hall was locked and the band could not enter to store their instruments. Patti came and unlocked the door but Trustee Horvath wondered if the board wanted to give the band a key to the town hall. After some discussion, it was decided that Patti would just come up and lock the door after the meeting and he asked Zoning Secretary Fozio to keep the door unlocked after a zoning meeting when the band is practicing in the annex. Trustee Horvath stated that a resident would like to rent the meeting room at the annex building. The trustees never established a rental fee for the annex building. Fiscal Officer Shaw stated that her only concern was the accessibility to the copier room when the annex meeting room is being rented. Trustee Wargo stated that Patti could email the trustees and the fiscal officer a rental calendar so everyone would know the buildings accessibility. Trustee Horvath made a motion to approve rental of the annex meeting room for \$30 with the same rules/contract as rental of the town hall; second by Wargo. Voting yes: Horvath, Pope, Wargo. Motion carried. Trustee Pope asked about Christmas decorations and Trustee Horvath stated that decorating would begin next week. Trustee Wargo stated that she would like to start up the cemetery/park group that had existed in the past to take over the decorating of the park and cemetery. Chief Davis stated that the Historical Society and cemetery/park group combined; the cemetery/park group is a line item in the Historical Society books. Trustee Wargo stated that she would speak with Celia Kruggel to find out how this was handled in the past.

Cemetery and Park: Trustee Wargo stated that the benches in the cemetery are in bad condition. Trustee Horvath stated that he did not want to spend township money on new benches and wondered if benches in the cemetery are needed, if anyone sits on the benches. Trustee Wargo stated that people do sit on the benches. The trustees decided to remove the damaged wood benches from the cemetery.

Zoning: ZI Noderer's report for Oct.: site visits: 8; meetings attended: 3 including the APA Seminar; miles driven: 187; 7 zoning certificates issued: house - 2; accessory building - 4; fence - 1. Ag structure: 2. Lot split: 1 – Buckeye Storage Condo, approve plat phase 3 building. Zoning violations: 8109 Branch Rd – case #15CIV0677, case #16CA0083, awaiting decision of court of appeals; 9696/9706 Crow Rd. - zoning certificates pending MCE ECSW permit, monitor use status of the building south of the creek; 8676 Norwalk – outside storage of “portable toilet units” for Type 2 Home Occupation Business, referred to the MC Prosecutor Office, partial compliance; 8963 Spieth Rd. - Case #16 CIV 0711 – MCHD vs Bates, follow up on permanent injunction compliance. Zoning Secretary Fozio brought the up-dated zoning book (after the public hearings) for the trustees to look over. Trustee Horvath stated that the board should look over the material so that they could vote on the up-date at the next meeting.

Trustees: Trustee Pope stated that information has been received for the OTA Convention in Columbus. Trustee Pope made a motion to approve attendance at the OTA Convention for the trustees, fiscal officer, fire chief, cemetery sexton and zoning inspector and expenses for 3 nights in a hotel, meal stipend for 4 days, and mileage per the township's travel reimbursement policy; second by Horvath. Voting yes: Horvath and Pope. Abstaining: Wargo. Motion carried.

Fiscal Officer: The trustees received their monthly reports and signed the bank reconciliation statement. Fiscal Officer Shaw reminded everyone that the Dec. meeting has been moved from 12/25 to 12/27.

Old Business: Trustee Horvath stated that he met with Asst. Pros. Karris regarding the new carry conceal law in regards to township employees. The law states that an employee can have a weapon in their vehicle as long as it is locked. Trustee Pope stated that this is the House Bill that he wanted added to the township employee handbook. Trustee Pope stated that he would bring the wording to have the new law added to the handbook. Trustee Horvath stated that he checked about having WI-fi at the town hall. North Coast would add a dish to the top of the building for 3 megabytes for \$34.95/month and Armstrong Cable for 100 megabytes for \$69.95/month. Chief Davis suggested checking with Verizon regarding a hot spot at the town hall. Trustee Horvath stated that the judge sent an order that the township needs to remove a section of the fence so the neighboring resident can turn around a vehicle on the pad; the resident does not need to be given access through the parking lot. The trustees discussed how sections of the existing fence need to be removed and re-positioned to allow this to happen. Trustee Wargo stated that it is important to ensure the safety of those using the township parking lot. Trustee Horvath stated that he will contact fence companies to obtain estimates to make this change. Trustee Horvath stated that he check about the mailbox regulations but there seems to be a discrepancy regarding who enforces them since the engineer's office stated that it is not their responsibility but the prosecutor's office stated that it is up to the county. Trustee Horvath stated that there is a home occupation at Vandemark and Rt. 18 that deals with porta-pots which is in violation of the zoning for home occupations; the porta-pots are out in the open and visible from the road. ZI Noderer and the prosecutor have sent courtesy letters; ZI Noderer has been working on this issue since Feb. 13th. Trustee Horvath asked how the board wanted to proceed. Trustee Wargo stated that the board needs to follow through with the zoning rules. BZA member Hook stated that Type II home occupations need to be kept inside a building. Zoning member Wargo stated that the business could be considered a commercial business due to its location. ZI Noderer stated that if the use of the land is for a primary residence, then the business is a home occupation since it is in a mixed zone. Trustee Horvath made a motion to approve ZI Noderer permission to file with the prosecutor's office against 8676 Norwalk Rd. for not following township zoning; second by Pope. Voting yes: Horvath, Pope, Wargo. Motion carried. Trustee Horvath stated that the property involving the old Heberlein store and the house behind it have multiple owners; if the township cleans up the property and mow there and then assess the property taxes, it is possible the township may not recoup our expenses. Trustees Wargo and Pope stated that the township should go ahead with the clean-up anyway. Trustee Horvath made a motion to adopt Resolution 30-17 declaring the property located at 9275 Norwalk Rd. a nuisance; second by Pope. Voting yes: Horvath, Pope, Wargo. Motion carried. Trustee Horvath stated that people resigned from the zoning board and the BZA before the election – Mike Setser from the zoning board and Dan Ankney from the BZA – and he would like to reinstate them to their positions. Trustee Horvath made a motion to approve putting Dan

Ankney on the BZA and Mike Setser on the zoning board. The motion died for lack of a second. It was noted that Mike's term expires on Dec. 2017 and Dan's term expires on Dec. 2021. Trustee Wargo stated that all employees who were forced to resign due to running for a township office should be reinstated. Trustee Horvath made a motion to reinstate Dan Ankney to the BZA, Mike Setser to the zoning board, Chuck Reynolds to the road crew and John Kollar to the road crew; second by Wargo. Voting yes: Horvath, Pope, Wargo. Motion carried.

New Business: There was no new business.

Correspondence and Communications: A thank you note and donation was received from the Litchfield Friendly Workers 4-H group for the use of the town hall for their meetings.

Public Comment: Chief Davis stated that at the candidate's night there was a question regarding the 2nd Amendment and all candidates were in favor of it so he wondered if the trustees would allow carry conceal in township buildings. Trustee Horvath stated that he thinks that is a good idea and will bring wording to the next meeting for discussion. Zoning member Wargo stated that since the trustees are taking legal action against the property at Vandemark and Rt. 18 because it is considered a home occupation, what action would be taken against the business on the SW corner of Vandemark and Rt. 18. ZI Noderer stated that that business has had 2 site plans, it is an outdoor retail, approved site plan of mechanical vehicles and is a primary commercial property. Zoning member Wargo stated that the property no longer looks like a used car lot. ZI Noderer stated that they are following the zoning resolution. BZA member Hook stated that the owner is licensed through the state to be a motor vehicle dealer and he is not in violation of state licensing.

Trustee Wargo made a motion to adopt Resolution 28-17 to amend appropriations; second by Pope. Voting yes: Horvath, Pope, Wargo. Motion carried.

Trustee Wargo made a motion to approve Purchase Orders 40-17 to 45-17 and Blanket Certificates 75-17 to 78-17 and authorize payment of vouchers 25220-25290; second by Horvath. Voting yes: Horvath, Pope, Wargo. Motion carried.

Trustee Wargo made a motion to adjourn; second by Horvath. Voting yes: Horvath, Pope, Wargo. Motion carried. Meeting adjourned at 9:20 p.m.