

# RECORD OF PROCEEDINGS

Minutes of

MADISON TOWNSHIP BOARD OF TRUSTEES' REGULAR

Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

December 12, 2023, at 7:00 P.M.

Held

20

Chairman Wayman called the Trustees' Regular Meeting of December 12, 2023, to order at 7:00 P.M. and welcomed everyone to the meeting being held in the Trustees' Meeting Room at the Administration Building.

Mr. Wayman called for a roll call: Mr. Gauntner, Mr. Anderson, Mr. Wayman, Chief Hager, Mr. Brown, Mrs. Gerred-Ditchcreek, and Mr. Pasqualone were in attendance.

Mr. Wayman led the audience in the Pledge of Allegiance.

Mr. Wayman stated at this time we will have a "Moment of Silence" to reflect on things and to remember people who have recently passed away. Please remember Donald Jacobson and Craig Shinabary.

Mr. Wayman requested a motion to approve the minutes from the November 14, 2023, Trustees' Workshop Meeting that were tabled at the last meeting, and the November 14, 2023, Trustees' Regular Meeting that were tabled at the last meeting.

Mr. Gauntner made a motion to remove the November 14, 2023, Trustees' Workshop Meeting Minutes and the November 14, 2023, Trustees' Regular Meeting from the table, seconded by Mr. Anderson. Roll Call: Mr. Gauntner: Yes Mr. Anderson: Yes Mr. Wayman: Yes

Mr. Anderson presented a motion to approve the minutes from the November 14, 2023, Trustees' Workshop Meeting, the November 14, 2023, Trustees' Regular Meeting, seconded by Mr. Gauntner. Roll Call: Mr. Anderson: Yes Mr. Gauntner: Yes Mr. Wayman: Abstain

Mr. Wayman requested a motion to approve the minutes from the November 28, 2023, Trustees' Regular Meeting.

Mr. Gauntner presented a motion to approve the November 28, 2023, Regular Trustees' Meeting minutes, seconded by Mr. Anderson. Roll Call: Mr. Gauntner: Yes Mr. Anderson: Yes Mr. Wayman: Yes

Mr. Wayman requested a motion to approve the bill list in the amount of one hundred, one thousand, three hundred eighteen dollars and six cents (\$101,318.06) (actual) attached to and made part of these minutes, payroll in the amount of one hundred four thousand, three hundred thirty-seven dollars and ten cents (\$104,337.10) (actual) for December 15, 2023, and payroll in the amount of three thousand, nine hundred dollars (\$3,900.00) (actual) longevity non-contracted employees.

Mr. Anderson presented a motion to approve the bill list in the amount of one hundred one thousand, three hundred eighteen dollars and six cents (\$101,318.06) (actual) attached to and made part of these minutes, payroll in the amount of one hundred four thousand, three hundred thirty-seven dollars and ten cents (\$104,337.10) (actual) for December 15, 2023, and payroll in the amount of three thousand, nine hundred dollars (\$3,900.00) (actual) longevity non-contracted employees.

## **TRUSTEES:**

Mr. Wayman stated the Board should decide on a date and time for their 2024 Organizational Meeting in early January. Mr. Gauntner said he was okay with January 2<sup>nd</sup>. The Board decided on January 2<sup>nd</sup> at 12 noon.

Mr. Gauntner presented a motion to set the 2024 Organizational Meeting for Tuesday, January 2, 2024 at 12 noon. Roll Call: Mr. Gauntner: Yes Mr. Anderson: Yes Mr. Wayman: Yes

Mr. Brown stated the Board also needed to change the second Trustees' Regular Meeting in December from December 26<sup>th</sup> to Thursday, December 28, 2023, at 12 noon.

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Mr. Anderson presented a motion to change the second Trustees' Regular Meeting in December from December 26<sup>th</sup> to Thursday, December 28, 2023, at 12 noon, seconded by Mr. Gauntner: Roll Call: Mr. Anderson: Yes Mr. Gauntner: Yes Mr. Wayman: Yes

**RESOLUTIONS:**

Mr. Wayman stated Mr. Brown will read **Resolution #23-127** regarding a donation from Dr. Robert & Candice Barr.

Mr. Brown requested a motion to approve **Resolution #23-127**, A Resolution accepting a donation of fifteen thousand dollars (\$15,000.00) from Dr. Robert & Candice Barr, to be used toward the improvements of an exercise trail located within Bill Stanton Park, and depositing said donations into line item #1000-801-0000.

Mr. Gauntner presented a motion to approve **Resolution #23-127**, seconded by Mr. Anderson. Roll Call: Mr. Gauntner: Yes Mr. Anderson: Yes Mr. Wayman: Yes

Mr. Wayman said the Township really appreciates the Barr's donation for the exercise trail at Bill Stanton Park. It is a big donation and helps out a lot. The Barr's will use the trail, as will many other residents. Their donation, plus some funding from a Community Development Block Grant (CDBG) from the County Commissioners, and a portion from Township funds will cover the cost of the project. Mr. Anderson stated he would also like to thank Dr. Barr personally for the donation which will make the path a lot safer for the elderly and everyone using the trail. The asphalt grindings that are there now are very uneven. Dr. Barr said he had prepared a very long speech for tonight.

*Robert Barr, 5525 Chapel Road, Madison*

*"Three (3) years ago, when the start of Stanton Park Trail was initiated, living next door, I noticed that people were slowly starting to use the trail. A wide variety of individuals of age groups were present – old, middle age, and young - baby strollers, dog walkers, exercise teams, even people with disabilities with walking sticks.*

*The trail was only packed crushed asphalt, and I could see it was somewhat difficult on the ones who were not steady on their lower extremities and had balance issues.*

*My wife and I settled in Madison in 1991 with only a \$500 used car and some clothes. The Madison community has been very good to us for over forty-two (42) years since I started my practice here.*

*Realizing that asphalt paving the Stanton Park Trail would be a tremendous improvement to those who have mobility difficulties, I am honored to present the Madison Township Trustees and Madison community with a fifteen thousand dollar (\$15,000.00) check to put toward the paving of the trail. I am pleased to be a part of this great community and very honored to give back and encourage an active healthy lifestyle on the Stanton Park Trail for more generations to come!!!"*

The Trustees thanked Dr. Barr and few photographs were taken. Dr. Barr stated his father was a World War II Veteran and today was his birthday. Dr. Barr said "It's good to give back". Mr. Gauntner stated the asphalt grindings are very difficult to walk on. Once the trail is paved, a lot more people will use the trail. Even people in wheelchairs will be able to use the trail. It is so nice to be able to walk along the Lake and enjoy it.

**DEPARTMENT REPORTS**

**POLICE DEPARTMENT:**

Chief Byers stated in the month of November, 2023, the Madison Township Police Department had 969 calls for service.

Calls for Service	969	911	15
Abandoned Vehicle	3	Abuse	0
Administrative	16	Alarm	30
Animal Complaint	20	Arrest on Warrant	2

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Assault	1	Assist Fire Department	231
Assist Other	8	Assist Police	11
Business Check	69	Burglary in Progress/Burg Report	2
Civil	8	Court	8
Community Policing	5	Disabled Vehicle	9
Disturbance	15	Damage Accident	22
Custody Dispute	7	Drugs	2
Domestic Violence	3	Criminal Damage	1
Family Dispute	3	Hcheck	1
Fraud	7	Fireworks Complaint	1
Harassment	3	Phone Harassment	2
Hazard	11	Hit & Run	4
Investigation Follow-Up	35	Information	37
Injury Accident	5	Checks	1
Juvenile Complaint	9	Littering/Illegal Dumping	1
Lockout	21	Mental Subject	1
Miscellaneous	1	Missing Person	0
Neighbor Complaint	5	Noise Complain	11
Overdose	3	Private Property Accident	2
Parking Violation	2	Property Damage	6
Property Found	5	Prowler	1
Pumps	1	Repossession	5
Runway	1	Security Check	45
Sex Offense	5	House Check	0
Shots (Noise)	2	Sick Call Off	6
Special Detail	7	Suicide Threat/Attempt	2/1
Suspicious Circumstances	43	Suspicious Person	5
Suspicious Vehicle	14	Test Call	10
Theft	11	Threat	1
TPO Violation	1	Traffic Stop	36
Training	5	Transport	1
Trespassing	3	Traffic Complaint	17
Traffic Detail	0	Unwanted Subject	4
Vandalism	0	Welfare Check	10

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Rape	0	Weapons Offense	0
Vehicle Recovered	2	Bad Checks	1

Chief Hager stated the department wanted to start utilizing the K-9 the first of the year. The department was still unable to get the equipment needed for the new car. The equipment may be here by the second or third week of January, and will take a week to be installed. The car should be ready for use by the end of January.

Chief Hager he would like to have the new K-9 come in and meet with the Trustees, if they are interested, at the next meeting. The trustees were okay with meeting the dog. Mrs. Gerred-Ditchcreek asked if donations are still coming in for the project. Chief Hager said the department is still getting donations, but he does not have the final tally yet. Chief Hager said the Pizza Night at Joey's Restaurant last week to raise donations went very well, but there is no tally yet.

Mr. Gauntner said the number of calls for service in November were down quite a bit from the average which was a good thing, maybe due to the arrival of winter. Chief Hager said the officers are getting a break.

Mr. Gauntner stated he received some complaints regarding a car that goes around the township backfiring. Mr. Gauntner said he also has heard the car go up and down Green Road on numerous occasions. Mr. Gauntner asked Chief Hager if the Police Department has received any complaints about this car. Chief Hager said he has not heard anything, but can find out who owns this vehicle. The car is set up to backfire on purpose. Chief Hager stated he did know that the previous Muni Court Judge did not want to hear exhaust complaints. Mr. Gauntner said the backfire noise is quite loud. Chief Hager said perhaps a disorderly ticket could be handed out. Mr. Anderson said he would warn the driver once and then issue a citation, if necessary. The driver has been on Lake Road and Red Bird Road and also has driven past Mr. Anderson's home. Chief Hager said he could find out who the owner of the vehicle is and just pay him a friendly visit. Mr. Wayman said maybe the visit is the best idea to start.

**LEGAL:**

Mr. Pasqualone stated he had nothing for this meeting, but would require an Executive Session at the end of tonight's meeting.

**FISCAL OFFICER:**

Mrs. Gerred-Ditchcreek requested a motion to approve **Resolution #23-128**, A Resolution to deposit sixty-eight thousand, seven hundred seventy-six dollars and forty-one cents (\$68,776.41), accepted by the Board of Madison Township Trustees via Resolution #23-108, into a permanent appropriation line item: #2275-539-0000, Other State Receipts.

Mr. Anderson presented a motion to approve **Resolution #23-128**, seconded by Mr. Gauntner. Roll Call: Mr. Anderson: Yes Mr. Gauntner: Yes Mr. Wayman: Yes

Mr. Brown stated this was just house cleaning because the township accepted the funds from the American Rescue Plan Act (ARPA) for the Police Department but did not designate where the funds were going.

Mrs. Gerred-Ditchcreek requested a motion to adopt **Resolution #23-129**, A Resolution adopting the 2024 Temporary Appropriations Budget.

Mr. Gauntner presented a motion to adopt **Resolution #23-129**, seconded by Mr. Anderson. Roll Call: Mr. Gauntner: Yes Mr. Anderson: Yes Mr. Wayman: Yes

Mrs. Gerred-Ditchcreek stated regarding appropriations for eleven (11) months of 2023, The General Fund is at 69%, Road & Bridge is at 69.6%, and the Police Department is at 81.8%. Overall, for so far this year, the township is at 65%. Mr. Wayman said that was very impressive.

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## ZONING:

Assistant Zoning Inspector, Mr. Bernard gave the November, 2023, Monthly Zoning Report:

- 6 Zoning Permits issued for an estimated construction cost of \$ 45,000.00.
- Zoning Permit and application fees collected totaled \$ 405.00.

The Zoning Commission met once in November and held a Public Hearing for Rezoning Request #23-002, and to recommend text amendments to the Zoning Resolution.

The Board of Zoning Appeals met once in November, as well, to hear three (3) Variance Requests. All three requests were approved.

31 Zoning Complaints:

- 5 High Grass.
- 11 Excessive Refuse.
- 15 Out-of-Compliance.

128 phone calls received.

Mr. Bernard requested a motion to approve **Resolution #23-130**, A Resolution to approve rezoning of Permanent Parcel #01-B-108-0-00-026-0 located on Hubbard Road, owned by John Petrizzo, from R-2 Single Family Residential District, R-4 Multiple Dwelling District, and P-1 Professional District to the entire parcel zoned to R-2, Single Family Residential District.

Mr. Gauntner presented a motion to approve **Resolution #23-130**, seconded by Mr. Anderson. Roll Call: Mr. Gauntner: Yes Mr. Anderson: Yes Mr. Wayman: Yes

Mr. Bernard requested a motion to approve **Resolution #23-131**, A Resolution to amend various sections of the Madison Township Zoning Resolution, and to adopt said changes to the zoning text as set forth herein.

Mr. Gauntner presented a motion to approve **Resolution #23-131** (except for a few minor changes, accessory building five (5) feet, not 10 feet), seconded by Mr. Anderson (except for accessory building, should stay at 10 feet). Roll Call: Mr. Gauntner: Yes Mr. Anderson: No Mr. Wayman: Yes. Mr. Gauntner stated this resolution would include the modifications discussed by the Trustees in the Zoning Hearing earlier this evening. One major modification being accessory buildings can now be five (5) feet from a dwelling rather than the current requirement of ten (10) feet from a dwelling. Mr. Anderson was not in favor of the change in the accessory building distance and his no vote reflects that.

Mr. Bernard stated he would make the modifications presented by Mr. Gauntner and return them to the Trustees. Mr. Bernard also suggested having Zoning Books with the Zoning Text and Zoning Map made up in three-ring binders as many people have requested them. The township should also have the Zoning Book recorded with the Lake County Recorder's Office.

## SERVICE DEPARTMENT/PUBLIC WORKS:

Road Supervisor, Paul Cook, was absent tonight.

## ADMINISTRATOR:

Mr. Brown, Administrator, requested a motion to approve **Resolution #23-132**, A Resolution approving an Indemnification Agreement between the Board of Madison Township Trustees and 1300 Madison Properties, LLC, allowing for a set of stairs to be built at Madison Township Park.

Mr. Gauntner presented a motion to approve **Resolution #23-132**, seconded by Mr. Anderson. Roll Call: Mr. Gauntner: Yes Mr. Anderson: Yes Mr. Wayman: Yes

Mr. Anderson inquired as to the reason for the stairs. Mr. Brown stated the stairs provide access to the new winery that just recently opened that is on the eastside of Madison Township Park. Mr. Pasqualone stated there is just three or four steps, and part of the agreement is that the stairs can be removed at any time at the request of the township. Mr. Anderson stated his concern is that people will carry alcohol into the park, and it is a liability

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issue. Mr. Pasqualone said the Indemnity Agreement holds the township harmless. Liability issues are covered under the agreement. Mr. Gauntner stated this indemnity agreement is better than what the township currently has along Lake and Hubbard Road. People park all along Lake and Hubbard Road on township property, going to the bars & restaurants and there is no indemnification agreement for that. Mr. Pasqualone said at least people will have a better access to the park with the stairs than what is there now. Mr. Pasqualone did not see a problem with the stairs. Mr. Anderson said he just did not want anybody getting hurt. That is his main concern. Mr. Wayman said as long as the township is covered as to liability, he is okay with the stairs.

**OTHER:**

Mr. Wayman reminded everyone the Administrative Offices will be closed Friday, December 22, 2023, and Monday, December 25, 2023, in observance of the Christmas Holiday.

**CITIZEN COMMENTS:**

Tom Brass, 6957 Chapel Road, addressed the Board. Mr. Brass stated the Trustees did a great job this year and wished everyone Happy Holidays. Mr. Brass stated the guys in the Service Department also did a great job with the Chipper/Yard Waste Program this year. Mr. Brass thanked everyone.

Mr. Wayman stated the next Trustees' Regular Meeting will be held on Thursday, December 28, 2023, at 12:00 P.M. Noon.

Mr. Wayman requested a motion to enter into Executive Session in compliance with *Ohio Revised Code* 121.22 G (1): enter into Executive Session to consider the appointment of a public employee or official, Board of Zoning Appeals; and in compliance with *Ohio Revised Code* Section 121.22 G (3): Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action.

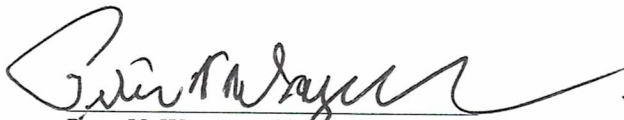
Mr. Anderson presented a motion to enter into Executive Session, seconded by Mr. Gauntner. Roll Call: Mr. Anderson: Yes Mr. Gauntner: Yes Mr. Wayman: Yes

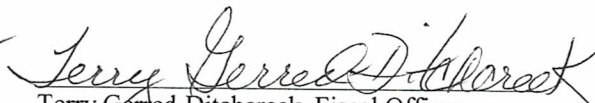
Mr. Wayman wished everyone a Merry Christmas and Happy New Year. Mr. Wayman convened the Trustees into Executive Session at 7:29 P.M.

Mr. Wayman reconvened the Regular Meeting at 7:47 P.M. after discussing two items in Executive Session; hiring and possible litigation. Mr. Wayman said with no further business to discuss, he would entertain a motion to adjourn the meeting.

Mr. Gauntner presented a motion to adjourn the Meeting, seconded by Mr. Anderson. Roll Call: Mr. Gauntner: Yes Mr. Anderson: Yes Mr. Wayman: Yes

Chairman Wayman adjourned the Trustees' Regular Meeting at 7:48 P.M.

  
Peter V. Wayman, Chairman

  
Terry Gerard-Ditchcreek, Fiscal Officer