

# RECORD OF PROCEEDINGS

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

Held May 9, 2023, at 7:00 P.M. 20

Chairman Wayman called the Trustees' Regular Meeting of May 9, 2023, to order at 7:03 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. Anderson, Mr. Gauntner, 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 family, friends, and neighbors, who are no longer with us. Please remember Madison residents' Thomas Fisher, Dianne Broberg, Alfred Hutson, Gary McKenna, Michael Spence, and Clifford Holroyd. Mr. Wayman stated Diane Broberg was his oldest cousin on the Gress side. Diane was a good mother, a good wife, and a good cousin. Mr. Gauntner offered his condolences. Mr. Gauntner mentioned Mark Girton, a lifetime Madison resident, who passed away last week at the age of 62 after battling cancer. Mr. Gauntner said he knew Mark well. Mark's brother is one of his best friends. There was a very nice "Celebration of Life" yesterday for Mark who wanted everyone to have a good time and not be sad.

Mr. Wayman requested a motion to approve the minutes from the April 25, 2023, Trustees' Regular Meeting.

Mr. Gauntner presented a motion to approve the minutes from the April 25, 2023, Trustees' Regular Meeting, 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 seventeen thousand, eight hundred ninety-eight dollars and forty-three cents (\$117,898.43) (actual) for May 9, 2023.

Mr. Anderson presented a motion to approve the bill list in the amount of one hundred seventeen thousand, eight hundred ninety-eight dollars and forty-three cents (\$117,898.43) (actual) for May 9, 2023, attached to and made part of these minutes, seconded by Mr. Gauntner. Roll Call: Mr. Anderson: Yes Mr. Gauntner: Yes Mr. Wayman: Yes

Mrs. Gerred-Ditchcreek stated eighteen thousand, three hundred seventy-five dollars (\$18,375.00) was paid to TEC Computer, Inc. for the Police Department, ten thousand, one hundred twenty dollars (\$10,120.00) was paid to Demo Guys, Inc. for Stanton Park, eight thousand, nine hundred twenty-three dollars and seventy-five cents (\$8,923.75) was paid to Lake County Engineers for road pavement markings, and nine thousand, one hundred thirty-two dollars and twelve cents (9,132.12) was paid to the Illuminating Company.

Mr. Wayman requested a motion to approve payroll in the amount of one hundred eleven thousand, five hundred eighty-nine dollars and eighty-two cents (\$111,589.82) (actual) for May 5, 2023, and payroll in the amount of one hundred nine thousand, seven hundred sixty-two dollars and seventy-three cents (\$109,762.73) (estimate) for May 19, 2023.

Mr. Gauntner presented a motion to approve payroll in the amount of one hundred eleven, five hundred eighty-nine dollars and eighty-two cents (\$111,589.82) (actual) for May 5, 2023, and payroll in the amount of one hundred nine thousand, seven hundred sixty-two dollars and seventy-three cents (\$109,762.73) (estimate) for May 19, 2023, seconded by Mr. Anderson. Roll Call: Mr. Gauntner: Yes Mr. Anderson: Yes Mr. Wayman: Yes

## DEPARTMENT REPORTS

### **POLICE DEPARTMENT:**

Chief Hager stated in the month of April, 2023, the Madison Township Police Department had 944 calls for service.

Calls for Service	944	Traffic Stops	64
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May 9, 2023, at 7:00 P.M.

Held \_\_\_\_\_ 20 \_\_\_\_\_

Arrests	29	Citations	25
Reports	79	Supplemental Reports	156
Accidents	12		

Chief Hager stated he wanted to thank the Trustees for giving him the opportunity of serving the Madison Township community. Since taking over, Chief Hager has tried to meet with each shift and introduce himself. Chief Hager said many of the officers and staff do know him, but many do not. He has tried to meet with each employee on a personal level.

Chief Hager said he has been making assessments of several items here. He was approached by another towing company to see about servicing our area. After checking with staff and officers, he determined that King's Towing will remain the department's provider. Kings Towing rates are competitive and no raises are expected. Staff and officers report King's Towing is extremely responsive and timely. Chief Hager stated he saw no reason to change towing companies.

Chief Hager reported that Madison Township officers respond to many calls of theft at our Walmart. Chief Hager said that his assessment revealed there is some room for improving our response. Chief Hager held a meeting with Painesville City Prosecutor Joseph Hada, and Painesville Municipal Judge, Paul Malchesky and have tried to streamline Madison Township's reports to provide an easier report system for the officers. Chief Hager said he has also asked other police departments with a Walmart and the solution is similar such that we will keep pace with other agency standards with an agreement presented to the store.

Chief Hager reported that he has applied to the State of Ohio for a Bullet-Proof Vest Grant, which has a twenty-five percent (25%) match. Hopefully, the next five (5) vests will cost the department only approximately fourteen hundred dollars (\$1,400.00). Chief Hager said he will not know until the end of June if the department will get the grant. Mr. Gauntner stated former Chief Byers was using the grant program also. Chief Hager said Chief Byers was using the federal program, and the program he is using is through the State of Ohio and a little easier, but very similar.

### LEGAL:

Mr. Pasqualone, Solicitor, stated everyone is aware of the proceedings going on with the C4 Shooting & Training Center case so it is not necessary to go into Executive Session. Visiting Judge James Kimbler has ruled in Madison Township's favor on the Preliminary Injunction sought by the township. The attorney for C4 Shooting & Training Center has filed a request for a "Stay" with the 11<sup>th</sup> District Court of Appeals in Warren, Ohio to overturn the Preliminary Injunction granted by Judge Kimbler. That Temporary Injunction has restricted shooting activity at their facility to Trap & Skeet Shooting only. Mr. Pasqualone stated three (3) judges will hear the request for the Stay. Mr. Pasqualone will present his brief to the Court of Appeals regarding C4's request for a Stay. C4's attorney will have the opportunity to respond to Mr. Pasqualone's brief. Then oral arguments will be scheduled which does not include providing evidence but strictly based on the law. Mr. Pasqualone advised the Trustees this process will be a lot slower in the 11<sup>th</sup> District Court of Appeals than in the Lake County Common Pleas Court. It takes a lot longer to get to the arguing and decision by the court. Mr. Gauntner asked Mr. Pasqualone if it was safe to say the case could take up to a year and a half to two years. Mr. Pasqualone said he always warns his clients it could take that long as it is a long and lengthy ordeal. A Permanent Injunction would still have to be sought which will make the process even longer. Mr. Gauntner said everyone knew this would not be easy. Mr. Pasqualone said he would keep the Board posted.

### FISCAL OFFICER:

Mrs. Gerred-Ditchcreek, Fiscal Officer, stated she had nothing to report tonight.

### ZONING:

Zoning Inspector, Mr. Ungers gave the April, 2023, Monthly Zoning Report:

- 9 Zoning Permits issued for an estimated construction cost of \$ 947,500.00.
- Zoning Permit fees and application fees collected totaled \$ 850.00.

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The Zoning Commission met once in April on their regular meeting date to hold a Public Hearing for Smolen Engineering. The Commission approved their expansion of two (2) additional self-storage structures at "Madison Local Storage", formerly known as "Blue Spruce Storage", on South Ridge Road in Unionville.

The Board of Zoning Appeals met once in April to hear a Variance Request from Jean Brennan regarding a lot line adjustment. The Board continued the hearing to this Thursday, May 11<sup>th</sup>.

14 Zoning Complaints:

- 8 Excessive Refuse.
- 6 Out-Of-Compliance.

144 Total Calls received & responded to by the Zoning Office in April.

Mr. Ungers stated the Zoning Department has recently received a lot of calls for high grass and also a complaint about advertisement signs for businesses and garage sales that are being placed in the road right-of-way's near popular intersections such as Green Road and Chapel Road. These signs are in violation of Section 128.9 of the Madison Township Zoning Resolution. Mr. Ungers said he just wanted to let the Trustees know that he does try to pick up these signs when he sees them while out enforcing zoning code during work hours. Mr. Ungers said he currently has about ten (10) signs in his office. The standard tactic in dealing with the signs is to call the number on the signs and let the recipient know why they were taken down and that they will be available at the Administrative Office should they want to retrieve them. If Mr. Ungers does not hear back, they will be discarded by the end of this season.

### SERVICE DEPARTMENT/PUBLIC WORKS:

Road Supervisor, Paul Cook, reported the April, 2023, Monthly Service Department Report:

- Servicing of all trucks and spring and summer equipment on going.
- New picnic tables and trash cans constructed for use at Stanton Park.
- Backfilled graves, stump removal, plow damage, and fall pipe jobs top soiled and seeded.
- Footers for headstones installed.
- New 42" stormwater culvert installed on Roe Boulevard to replace failing steel culvert ahead of the Township Paving Program.
  - New Storm lines installed on Easton Avenue and Deermont Avenue.
  - Two (2) catch basins dry wells installed on Homestead Road.
  - Two (2) catch basins rebuilt on Dave Drive and Old Mill Road.
- Clean-Up of all winter equipment completed as it was removed and put into storage.
- Yard Waste Numbers: April & May: Residents: 264 Yard Waste: 132 Brush: 132.
- All parks and cemeteries will be ready for Memorial Day.

### ADMINISTRATOR:

Mr. Brown, Administrator, stated he updated the Trustees on everything during the Workshop Meeting so he has nothing to add at this time. Mr. Gauntner asked if a date had been set up for the punch list walk thru at the Stanton Park Chapel/Pavilion. Mr. Brown stated he would let the Board know just as soon as he knows a date and time.

### OTHER:

Mr. Wayman stated the Lake County Township Association has taken some action regarding the Ford Road Bridge. Mr. Wayman said there are five (5) townships in Lake County that make up thirty-seven percent (37%) of the population. The Townships are planning on attending the Lake County Commissioners Meeting next Thursday (May 18<sup>th</sup>) at 10:00 a.m. to get a point across that the Commissioners need to cut a check to the Lake County Engineer to fix the failed bridges in our townships. Mr. Gauntner stated the Ford Road Bridge is out in Madison Township, Leroy Township has the Paine Road Bridge out, and the Williams Road Bridge in Concord will be shut down after school is out. The Blair Road retaining wall in Perry township is in very poor condition and needs replaced, and the retaining wall on Madison Avenue in Painesville Township has been shut down in the past.

# RECORD OF PROCEEDINGS

Minutes of

MADISON TOWNSHIP BOARD OF TRUSTEES' REGULAR

Meeting

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

May 9, 2023, at 7:00 P.M.

Held \_\_\_\_\_ 20 \_\_\_\_\_

The Lake County Township Association is stepping up their game and maybe if everyone goes as a group, we can get the attention of the Commissioners.

Mr. Wayman stated the Trustees talked about the Trustees' Summer Meeting Schedule during the Workshop Meeting. Mr. Wayman said there will be one Trustees' Meeting in the summer months of June, July, and August. Mr. Anderson presented a motion to hold one Trustees' Regular Meeting on June 13<sup>th</sup>, July 11<sup>th</sup>, and August 8<sup>th</sup> at 7:00 P.M. with a Workshop Meeting beginning at 6:30 P.M., seconded by Mr. Gauntner. Roll Call: Mr. Anderson: Yes Mr. Gauntner: Yes Mr. Wayman: Yes

Mr. Gauntner thanked Mr. Pasqualone for his help in getting the Burger King on Route 20 destroyed by a fire boarded up by talking to the land owner's attorney in Texas. Mr. Pasqualone stated the attorney was very reasonable and understood the situation. The problem was the leasee of the property, the building owner is in bankruptcy court. The owner of the land which is different than the building owner will have to decide to renovate or tear the building down.

Mr. Gauntner stated the Fire Board Meeting will be next Wednesday, May 17<sup>th</sup>. The Fire District did receive some applications for Fire Chief as Chief Baker is retiring in July. Mr. Gauntner said the Board will probably go into Executive Session to review the applications. Interviews will then have to be scheduled. Mr. Gauntner stated the Fire District got through the State audit with flying colors with no citations. The Fire District will be good for another two (2) years.

### CITIZEN COMMENTS:

George Ditchcreek, 6300 Ford Road, addressed the Trustees and asked Mr. Pasqualone if C4 Shooting & Training Center neighbors who hear gunfire other than shot guns should they contact the Police Department. Mr. Pasqualone said yes you should call in the complaint as this is something he can use in court. Mr. Ditchcreek stated he has been making calls since March 31<sup>st</sup> and he has noticed that the shooting stops right after he makes his calls to the police. Mr. Ditchcreek said he thinks the business may have a police scanner that advises them when someone calls the Police Department. By the time a patrolman gets to the business, the shooting has stopped. Chief Hager asked Mr. Ditchcreek if he could discern which gun club the shooting is coming from. Mr. Ditchcreek said ninety-five percent (95%) of the time he can. Chief Hager said the Police Department has ways to dispatch differently. Mr. Wayman thanked Mr. Ditchcreek for his comments.

Lori Boban, 6067 Ford Road, asked if the Commissioners Meeting was next Thursday, May 18<sup>th</sup> and not this Thursday, May 11<sup>th</sup>. The Commissioners Meeting is May 18<sup>th</sup>. Ms. Boban asked Mr. Pasqualone if the C4 Shooting & Training Center case would be completed in a year and a half. Mr. Pasqualone said yes but that is just an estimate. Ms. Boban asked if C4 has to abide by Judge Kimbler's ruling until then. Mr. Pasqualone said yes unless a Stay is granted by the Court of Appeals. Ms. Boban also wanted to know how long it would take for the three (3) judges to hear and consider a Stay. Mr. Pasqualone said that would be much quicker. Mr. Gauntner stated if the Court of Appeals rules in Madison Township's favor, the Township would still have to go back to the Court of Common Pleas for a Permanent Injunction and go through the entire process again. Mr. Pasqualone said we have not even gotten close to the end. Mr. Anderson said this could take three (3) years. Mr. Pasqualone said it possibly could.

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

Mr. Wayman adjourned the Trustees' Regular Meeting at 7:34 P.M.

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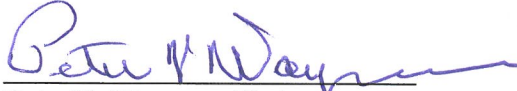
Minutes of MADISON TOWNSHIP BOARD OF TRUSTEES' REGULAR

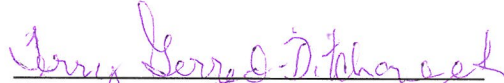
Meeting

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Held May 9, 2023, at 7:00 P.M. \_\_\_\_\_ 20 \_\_\_\_\_

Mr. Wayman stated the next Trustees' Regular Meeting will be held Tuesday, May 23, 2023, at 7:00 P.M.

  
Peter V. Wayman, Chairman

  
Terry Gerred-Ditchcreek, Fiscal Officer

**RECORD OF PROCEEDINGS**

Minutes of

**MADISON TOWNSHIP BOARD OF TRUSTEES' REGULAR**

Meeting

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

**May 9, 2023, at 7:00 P.M.**

Held \_\_\_\_\_ 20 \_\_\_\_\_

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