

RECORD OF PROCEEDINGS

Minutes of COPLEY TOWNSHIP BOARD OF TRUSTEE REGULAR MEETING Meeting

BEAR GRAPHICS 800-325-8084 FORM NO. 10148

Held

TUESDAY, AUGUST 14, 2018

20

President Scott Dressler convened the regular meeting of the Board of Trustees at 5:30 p.m.

Pledge of Allegiance

Welcome Guests

Board of Trustees

Public Hearing – Map Amendment

LANDOWNER: Richard W. Burke LOCATION: 447 Rothrock Road PPN: 1501281
CURRENTLY: Residential Medium Density (R-MD) PROPOSED: Residential High Density (R-HD)

Trustee Humphrys moved to open Public Hearing, second by Trustee Koellner; the motion carried.

Zoning Inspector Susan Schultz reported that the applicant asked to continue the hearing until September 11, 2018. Trustee Humphrys asked if anything will change in the application. Ms. Schultz answered not to her knowledge.

Trustee Dressler asked for a motion. Trustee Humphrys moved to continue the Public Hearing on the Map Amendment for 447 Rothrock Road to September 11, 2018 at 6:00 p.m. Trustee Koellner second, **the motion carried.**

Trustee Dressler announced that the trustees would continue with the business portion of the meeting until 6:00 p.m. for the advertised Home Rule public hearing.

Fiscal Officer's Report – Ms. Linda Peiffer presented the following for approval:

Motion: Trustee Koellner moved to approve Board of Trustees July 24, 2018 Regular Meeting minutes, second by Trustee Humphrys; **the motion carried.**

Motion: Trustee Humphrys moved to acknowledge receipt of July 2018 Financial Statements pending audit, second by Trustee Koellner; **the motion carried.**

57-2018 Resolution to Write-off as Uncollectable Ambulance billings in the amount of \$7,665.83. Legal cases to attempt collection range from 2007-2009. Trustee Koellner moved approval, second by Trustee Humphrys. **Roll call vote: Trustee Dressler, Aye; Trustee Koellner, Aye; and Trustee Humphrys, Aye.**

Ms. Peiffer had a liquor permit request, but the trustees wanted to hold until Police Chief Mier was present.

Administration - Mrs. Janice Marshall, Administrator presented the following for approval:

58-2018 Resolution to retain Clemans, Nelson & Associates for labor counsel from June 2018 through May 2019 at a cost of \$2100.00. Trustee Koellner asked to table the resolution. **Trustee Humphrys moved to table, second by Trustee Dressler; the motion carried.**

Motion: Trustee Koellner moved to approve a Purchase Order in the amount of \$3,861.00 to Jones Group Interiors for Tank Chairs for Fiscal/Administration, Fire, Service and Police, second by Trustee Humphrys; **the motion carried.**

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20

Ms. Marshall requested an executive session to discuss employment of personnel in the Fire Department; Benefits of personnel in Police Department and employment of personnel in the Administration. Trustee Koellner also asked for an executive session to discuss the acquisition of land.

Fire Department -Assistant Chief Keith Moore

Assistant Chief Moore reported on the department's activity the last three weeks including its participation in Heritage Days. Acknowledging Chief Benson's retirement and the succession plan Chief Benson put in place, Assistant Chief Moore assured everyone the department is running smoothly.

Police Department – Chief Michael Mier

Chief Mier announced the annual Kylie Rose's Run at Copley High School August 26, 2018. Chief Mier reported the first Coffee with a Cop was successful and announced another Coffee with a Cop at Chick-fil-A, Wednesday, August 15, 2018 from 9-10:30 a.m.

Received notification from the Ohio Division of Liquor Control that Phuong (pronounced Fung) Tran Inc. located at 4161 Heritage Center Drive in Copley Township has applied for a liquor license. Police Chief Mier stated Phuong Tran Inc. is a nail salon that has applied for a beer, wine, and liquor license for the salon. Apparently, it is the new trend. The trustees agreed to not ask for a hearing with a motion by Trustee Koellner, second by Trustee Humphrys, **the motion carried.**

A five minute recess was called at 6:00 p.m. so the meeting could be moved to the fire bays due to the large number of residents attending.

Limited Home Rule Public Meeting

Trustee Scott Dressler opened the public meeting and introduced Mr. John Galonski, Summit County Deputy Chief Assistant Prosecutor and Mr. Irv Sugerman, Copley Township Legal Counsel.

Trustee Dressler explained the bulleted pros and cons on Limited Home Rule and stated that Mr. Galonski and Mr. Sugerman were available to answer questions and concerns.

Trustee Dressler read what townships can do and cannot do with a property maintenance code. "As far as hiring an attorney, the Township already has three attorneys on retainer. One for labor, one for worker's compensation and Mr. Sugerman handles everything else."

Mr. John Galonski stated that he was here to give legal advice. The state of Ohio allows for limited home rule for Townships and it is limited as what you can do. I am not a proponent or opponent; I am here to just give legal advice.

Cameron Gregor asked if all the elements of 504 must be met. Saying the Copley Trustees with 17,000-population could adopt limited home rule or decide to put it on the ballot. Within 30 days residents could petition to repeal it. He asked about existing conditions and if the ex postfacto law would cover it?

Mr. Sugerman responded that the property maintenance code already exists and if conditions violate the property maintenance code, then yes. As far as an established business that is a legal non-conforming use. People know that as a Grandfather Clause, although there are exceptions.

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20

Mark Wasick asked the reasons why the board didn't put it on the November ballot.

Trustee Koellner said Mr. Wasick is alluding to the fact that we are not putting it on the ballot. That is incorrect. I have gone around and talked at a couple meetings myself, Sportsmen and Kiwanis. I am not opposed to going to the ballot because everybody has their say. The problem is it costs \$7500 to place it on the ballot and there will be a section of the public that would not have the proper education on the subject. We are trying to educate the public as much as we can before we decide to go to ballot or not. The decision to go to ballot or not has not been made. It takes a unanimous vote to enact to go forth or not. Does that answer your question? Mr. Wasick indicated it did not answer his question.

Trustee Humphrys said everything Mr. Koellner said is correct. We have discussed Property Maintenance Code and Home Rule for the last three-four years. We endorsed the Property Maintenance Code and it was adopted January 1, 2017. We want to go Home Rule and there are several reasons why. It was discussed with the Copley Homeowners Association three or four years ago. We have been discussing and the next thing was to roll it out to the people. We placed a full-page ad twice in the West Side Leader to get people to come to our meeting to learn about home rule. If it goes on the ballot it won't be until November. We are not in a rush. One reason was to dispel the fears I have read about in the West Side Leader the last two weeks. One, we do not have to hire an engineer. The only thing we do have to do is to hire Mr. Sugerman every year as we do now. It is a "shall" on the attorney, it is not a shall on the engineer. The second part is that under home rule, an engineer can come onto your property without permission and force you to take sewer. I cannot speak for future boards, but we would never do that. The Summit County Health department and/or Ohio EPA can do that now. A friend of mine asked me upstairs if we could force residents to take city water. We have a Joint Economic Development Agreement with Akron and now a water line can run past your home and you are not forced to take it. But in later years if you want it the cost would more than likely be double. As far as controlling guns, we have no authority. We are agents of the state and we operate under state statutes. We just want to roll this out just like we roll out everything else. When we put the police levy on the ballot we discussed it with the residents in the audience. Please come to our meetings. That way you are better informed.

Mike Blinkhorn stated that with the number of people present that this is too important for three people to make a decision. This is an electorate decision. This is forty pages front and back. He also referred to the noxious weeds ordinance, referring to wildflowers being cut down in other communities. "Who is to say what property maintenance is and what isn't."

Trustee Dressler responded that wild flowers are protected under noxious weeds.

Tom Shumway stated the property maintenance code is already on the books. He asked why pass a property maintenance code if you cannot enforce it. "Why do you want something you cannot enforce?"

Trustee Dressler said on the enforcement side, we have volunteer groups, community groups to help people to improve their property that have issues. They donate materials and their time. Mr. Dressler referred to Mr. Sugerman on the enforcement.

Mr. Sugerman said the property maintenance code is generally well received. Mr. Newman is doing a really nice job. The problem is it is up in the air if we have the power to enforce fines. With an abundance of caution, we have chosen not to enforce fines under the property maintenance code. We have always had the ability to file a lawsuit. I have been here 10-12 years and we have filed lawsuits against residences and businesses. Home rule allows us to issue a civil fine without having to go to court.

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Minutes of

COPLEY TOWNSHIP BOARD OF TRUSTEE REGULAR MEETING Meeting

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20

Mr. Shumway asked how successful has it been the last 10-12 years? Mr. Sugerman responded seven lawsuits were successful.

Patricia Luansky stated it seems it is more than just the property maintenance code. "There has to be something more to this".

Trustee Koellner said there is one specific thing that he liked about home rule. "We have the ability to have a building department. And that would be paid for by the building permits. I spent 34 ½ years on the fire department prior to this position and we had issues with the Summit County building department. The other thing is the ability to finance projects for greater than nine years, equipment and buildings. We can go out to 30 years just like a mortgage on your home. Currently we can only go out 9 years as required by law. The other thing is we would have to have two readings before we pass anything. It gives us a moment of pause."

Mike Pritchett said he thought this is a good opportunity to engage with the public is a positive. "Can we show details (analysis) from other townships to show efficiencies? How many are home rule?"

Trustee Humphrys responded there are 53 home rule townships out of 1308; regionally, Jackson Township, Plain Township, Boardman Township, Springfield Township. Copley Township is the 55th largest township in the state. It is very diverse. The positive is that it would be a better operation of government; formalization of meetings. Humphrys did not think there would be a big expense in cost since the township already employs three attorneys and has been a fixed expense. She said she will contact the Ohio Township Association to see if they have a study on home rule government.

Trustee Dressler said there isn't a specific increase in cost. "We already use the county engineer and we have pledged money toward the improvement on Cleveland Massillon Road that is unrelated to home rule."

Nancy Roesner felt \$7500 would be a pittance compared to what the township spent tearing down the community center and buying the homes on Cleveland Massillon Road...

Roger Joseph said it should be up to the people.

Steve Panzner addressed firearms and felt the consensus of the audience was place on the ballot.

The Trustees assured him they have no authority over firearms; or hunting, fishing, or trapping.

Dan Fretz felt it was on the verge of Agenda 21 or Agenda 2030.

Colleen Ahern asked if there was a concern about adult establishments and addressed social media and lack of communication.

Trustee Dressler addressed adult entertainment establishments.

Township Administrator Janice Marshall addressed social media and forms of communication the township uses including print media. The township recently adopted social media guidelines. We have an equal number of residents that do not have computers. The meeting was announced on the website and facebook. It was never any thought to push this through as someone suggested. We are putting out ads; we are putting out flyers, and plan to hold community meetings. It is not a done decision. We have plenty of time, there is no rush. I welcome all of your suggestions. If you have

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Minutes of **COPLEY TOWNSHIP BOARD OF TRUSTEE REGULAR MEETING** Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held TUESDAY, AUGUST 14, 2018 20

questions after tonight, call us. We would be more than happy to answer your questions. And more social media should be coming out in the next couple of months so watch for it.

(It was not on the sign at the Circle as a Home Rule meeting just that the meeting started at 5:30 p.m.)

Jim Warters wanted it on the ballot.

Pam Lohiser said when she wants her ditch maintained; she has to call Summit County. "If this passes and my ditch is not maintained, am I going to be fined?" And someone said if this passes, then someone can walk onto your property without your permission. Ms. Lohiser said it should be on the ballot.

She was answered the ditch is a county issue and it is not legal to trespass.

Peggy Wiseman asked since it cannot be on the ballot until next November; what is going to happen with the trustees decide to pass it before; are we going to be left in the lurch. We only have 30 days to petition.

Although that is allowed by law, the trustees assured Ms. Wiseman that would not happen.

John Gamauf reiterated what he said at the Trustees July 24th meeting that it should be on the ballot.

Addressing incorporating Copley Township, Trustee Dressler spoke to the Joint Economic Development District with the City of Akron that runs 99 years.

Nate Krosiak wanted to keep it a township, keep it small time; no big government.

Janice Marshall asked the opinion of the audience what is the best way to get the information out to the people. Answers: Flyer in the mail, neighborhood meetings, meetings in churches.

Karl Shumway said he feared what could come with home rule. How much further outreach could you have then you do now? Mr. Shumway was worried about the regulation of the color of a home; regulate what you can park in your driveway.

He was assured the township, nor can a city; regulate the color of a home. Zoning can already enact a text amendment to regulate parking setbacks and locations.

A reference to leaving garbage cans out was answered that is already a Summit County Public Health Code and in the Summit County Codified Ordinance.

Trustee Dressler said his position is to place it on the ballot. Asked how many to petition to repeal? Answer: Ten percent (10%) of the last gubernatorial election.

Ted Randles stated that people do not trust the government in general. To allay fears is to place it on the ballot and provide more information and education.

Trustee Koellner said there are two questions – do we want home rule and how do we enact it. There are comments here that what if we don't like it in the future. That is up to you to vote out the trustees. I am for home rule. You folks are going to educate the rest of the folks. Mrs. Marshall, I have known her for over two decades. Her service to the community is pure. She is trying to get out the information to the public the best way she can. She hears from one person, it was only on social media and from another, it was

RECORD OF PROCEEDINGS

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20

only in print. We have to find the best way to get the message out. Please don't be critical, be helpful. It is great that you are here. We need this all the time. It is government by the people.

Mr. David Thomas wanted it on the ballot.

Mr. Jack Miller said to advertise on the circle sign.

Trustee Dressler asked for anymore comments. Hearing none, **Trustee Koellner made a motion to place the question of Limited Home Rule on the November 2019 general election ballot, second by Trustees Humphrys; the motion carried.**

Trustee Dressler called a recess at 8:05 p.m. Trustee Dressler reconvened the meeting at 8:14 p.m.

Service Department – Mr. Mark Mitchell, Service Director

Motion: Trustee Koellner moved to approve to Continue the Senior Snowplow Program for the 2018-19 winter season, Trustee Humphrys second; **the motion carried.**

Motion: Trustee Koellner moved to approve a new Blanket Certificate for \$10,000 to cover Senior Snow Plow, Trustee Humphrys second; **the motion carried.**

Motion: Trustee Humphrys moved to approve a Purchase Order in the amount of \$2800 to Linger Lumberjacks, Trustee Koellner second; **the motion carried.**

Mr. Mitchell addressed the Recycle Center re-opening and monitoring is needed as trash is still being disposed at the site. He also reported Heritage Woods Drive and Adena Knolls to Hollythorn are being repaired.

The trustees signed a deed for Walter Family.

Community & Economic Development – Mr. Matt Springer

59-2018 Resolution to enter into contract with Fesler Excavation for the demolition and cleanup of 2078 Columbus Ave. at a cost of \$8,050. The property has been declared a public nuisance and was condemned by the Code Enforcement Officer and Summit County Public Health. Trustee Koellner moved approval, second by Trustee Humphrys. . **Roll call vote: Trustee Dressler, Aye; Trustee Koellner, Aye; and Trustee Humphrys, Aye.**

60-2018 Resolution to enter into contract with Fesler Excavation for the demolition and cleanup of 2052 Columbus Ave. at a cost of \$8,950. The property has been declared a public nuisance and was condemned by the Code Enforcement Officer and Summit County Public Health. Trustee Koellner moved approval, second by Trustee Humphrys. . **Roll call vote: Trustee Dressler, Aye; Trustee Koellner, Aye; and Trustee Humphrys, Aye.**

61-2018 Resolution to enter into contract with Fesler Excavation for the demolition and cleanup of 2029 Springfield Ave. at a cost of \$8,800. The property has been declared a public nuisance and was condemned by the Code Enforcement Officer and Summit County Public Health. Trustee Koellner moved approval, second by Trustee Humphrys. . **Roll call vote: Trustee Dressler, Aye; Trustee Koellner, Aye; and Trustee Humphrys, Aye.**

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BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held TUESDAY, AUGUST 14, 2018 _____ 20 _____

62-2018 Resolution to enter into contract with Fesler Excavation for the demolition and cleanup of 1965 Marrow St. at a cost of \$9,350. The property has been declared a public nuisance and was condemned by the Code Enforcement Officer and Summit County Public Health. Trustee Koellner moved approval, second by Trustee Humphrys. . **Roll call vote: Trustee Dressler, Aye; Trustee Koellner, Aye; and Trustee Humphrys, Aye.**

63-2018 Resolution to enter into contract with Fesler Excavation for the demolition and cleanup of 3013 Colon Dr. at a cost of \$9,550. The property has been declared a public nuisance and was condemned by the Code Enforcement Officer and Summit County Public Health. Trustee Koellner moved approval, second by Trustee Humphrys. . **Roll call vote: Trustee Dressler, Aye; Trustee Koellner, Aye; and Trustee Humphrys, Aye.**

64-2018 Resolution to increase Account #1000-110-360-0913 \$20,000 and to approve a blanket certificate in the same amount for Demolition and Cleanup of Condemned Structures. Trustee Koellner moved approval, second by Trustee Humphrys. . **Roll call vote: Trustee Dressler, Aye; Trustee Koellner, Aye; and Trustee Humphrys, Aye.**

Mr. Springer requested an executive session to discuss employment of personnel in the Community and Economic Development Department.

Old Business

Trustee Koellner gave an update on the architects for the safety building. Per township counsel, Irv Sugerman, trustees cannot negotiate with two firms. Trustee Koellner said he and Administrator Marshall will meet with Horne and King on Thursday, August 16, 2018.

Correspondence

Received two inquiries from a resident on Misty Lane about underground utilities and about no parking on one side of the street.

Free passes (four tickets per family) to the Akron Zoo for Bath, Copley and Fairlawn residents during September 20, 2018 through September 25, 2018 are available at the town hall reception area.

New Business

Motion: Administrator Marshall presented pricing for natural gas endorsed by NOPEC. Nextera Energy came in at a fixed price of \$3.06 per MCF for 24 months. Trustee Humphrys moved approval, second by Trustee Koellner; **the motion carried.**

Business from the Floor

Copley-Fairlawn School Board member Jim Borchik was present to discuss the issue of a school resource officer for the high school and middle school. First day of school is Wednesday, August 22, 2018. Chief Mier said that he met with Supt. Brian Poe and for the here and now the school would employ off-duty officers.

It was agreed at Trustee Koellner's suggestion that he, Chief Mier and Janice Marshall should meet with Mr. Borchik and discuss and bring back to each board a recommendation.

Bill Daniel asked if the City of Fairlawn would be included. He was answered in the affirmative.

RECORD OF PROCEEDINGS

Minutes of

COPLEY TOWNSHIP BOARD OF TRUSTEE REGULAR MEETING

BEAR GRAPHICS 800-325-8094 FORM NO 10148

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20

With no further business to come before the board, Mr. Dressler moved to enter into executive session at 8:45 p.m. to discuss employment of personnel in the Community & Economic Development department, Administration, Fire Department and acquisition of property, second by Mr. Koellner. **Roll Call: Mr. Dressler, Aye; Mr. Koellner, Aye; and Ms. Humphrys, Aye.**

The session ended at 9:50 p.m. and Trustee Koellner moved to reconvene, second by Trustee Humphrys; **the motion carried.**

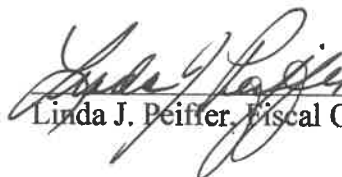
Motion: Trustee Koellner moved to advertise for a fulltime Administrative Assistant for the Community and Economic Development department, second by Trustee Dressler; **the motion carried.**

Motion: Trustee Koellner moved to appoint Selma Muller as the Human Resource Generalist, second by Trustee Humphrys; **the motion carried.**

Trustee Humphrys moved to adjourn at 9:58 p.m., second by Trustee Dressler; the motion carried.



Scott D. Dressler, President



Linda J. Peiffer, Fiscal Officer