

RECORD OF PROCEEDINGS

BEAR GRAPHICS 800-325-8094 FORM NO 10148

Held

Tuesday, May 24,

2022

PUBLIC HEARING: ZONING AMENDMENT 2022-01

The Public Hearing for Zoning Amendment 2022-01 was called to order at 5:30 pm by Chair Jim McCaskey, with Trustees Irene McMullen and Andy Bushman and Fiscal Officer Todd Ray present. Mr. McCaskey led the Pledge of Allegiance.

Chair Jim McCaskey noted that the legal notice was published Thursday, May 12, 2022, in the *Geauga County Maple Leaf*, and that the text of Zoning Amendment 2022-01 was available for public review May 12 through May 24, 2022.

Trustee Andy Bushman moved to waive the reading of the legal notice. Irene McMullen seconded the motion. With a unanimous vote, the motion carried.

The Trustees did not read aloud the entire amendment due to the length of the document. Andy Bushman read aloud the recommendations of the Munson Zoning Commission, dated April 13, 2022.

Ms. McMullen read aloud the recommendations of the Geauga Planning Commission, dated April 12, 2022.

Chair Jim McCaskey asked for any public comment.

Resident Joe Otto made a statement that, in the past, questions have not been answered by the Board, information is being withheld, and it feels like censorship. He stated that he believes the obligation of the Trustees is to “look out for the benefit of the community.”

Assistant County Prosecutor Susan Wieland was present, and she reminded those present that public comments should address the proposed amendment.

Mr. Otto stated that no one has answered the questions “Who initiated this amendment?” and “What is the benefit to the community to remove this language from the Zoning Resolution?”

Resident Dawn Bastulli stated that some residents suspect the worst because of a “veil of secrecy” around this amendment. She believes Zoning Inspector Jim Herringshaw saw a problem and initiated the amendment to remove it. She opposes the amendment, and she believes the Trustees and the Zoning Commission don’t care.

Resident Joan Otto asked if the part of the zoning resolution being eliminated had been used in applications for variances in the past.

Trustee Jim McCaskey made a comment that he has reservations and doesn’t see the benefit of removing it from the Zoning Resolution.

Resident Joe Bastulli stated that he believes the language being removed is only illegal if the BZA misuses it. He recommends sending it back to the Zoning Commission to have them re-work it. He believes it is about commercialization of the Township, allowing a hodge-podge collection of uses around the Township, due to an inconsistent application of “unnecessary hardship” conditions applied by the BZA when they approve variances.

Resident David Partington provided the Trustees with a written statement and urged the Trustees to focus on the future and consider what removal of this language from the Zoning Resolution will do to the Township. He believes the proposed changes will forfeit a tool the BZA currently has in the toolbox, diminishes the authority of the Trustees and the Township, eliminating the little control that the BZA has.

Resident Joe Zacarro commented that it seems like they are striking this language from the Zoning Resolution that allows some check on development that is a balance in favor of community interests.

Resident Rich Ferlin stated that he believes a hearing is allowed to be a two-way street for communication and he does not like it that it is not. He held up papers that he said are a compilation of public records and he believes that the APA recommended the change, and noted that Jim Herringshaw met with Linda Crombie from the Geauga Planning Commission, and it sounds like the amendment was started the wrong way and was worked out backward. He pointed out that the next step, if the Trustees approve the amendment, will require opponents to gather 280 signatures to place the issue (referendum) on the ballot. He encouraged the Trustees to send it back to the Zoning Commission to fix it.

Resident Tom Matthews stated that he moved to Munson from Mentor and wants to keep Munson as it is.

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Resident Bernadette Alpers commented on the amendment process timeline and would like to see a special meeting to address the amendment.

Joe Otto commented that if one person wants an amendment and 99 don't, and the Trustees vote with the one, they are not representing the best interests of the community.

Susan Wieland pointed out that this matter is difficult to discuss in a public comment period because both sides have lawyers and are "represented parties." Typically, only the legal representatives speak to each other. This public hearing creates discomfort when the represented parties are responding to people in the hearing.

Joe Bastulli responded by saying "The reason we have a lawyer involved is because of a lack of answers." He would like to see protective language added to prevent misuse. He would also like the Township to notify the County Auditor and the Fire Department of all zoning variances and permits.

Joan Otto said she would like to see the Zoning Commission add more protections to the Zoning Resolution.

Rich Ferlin made a comment that if the Geauga Planning Commission intends to remove this same language from the model zoning resolution, why does Munson need to be the pioneers to go ahead and remove it from our Resolution?

Mr. Bushman moved to close the Public Hearing on Zoning Amendment 2022-01 at 6:29 pm.

Ms. McMullen seconded. Motion carried with a unanimous vote.

Trustee Jim McCaskey called for a two-minute recess before moving into the Regular session.

REGULAR SESSION

The Regular meeting was called to order at 6:36pm by Chair James McCaskey, and Mr. McCaskey led the Pledge of Allegiance.

Following the Pledge, Mr. McCaskey asked for a moment of silence to recognize the victims of a mass shooting in a school in Uvalde, Texas earlier in the day.

Minutes

Andy Bushman moved to approve the minutes of the Trustees Regular Meeting Tuesday May 10, 2022, as presented. Irene McMullen seconded; with a unanimous vote, the motion carried.

Cemetery Deeds

Mr. McCaskey stated that the Trustees had a cemetery deed to sign. Trustees signed deed #5-347 for Roy and Linda Williams, Maple Hill Cemetery, section 3, lot 339, graves 5 and 6.;

Mr. McCaskey noted that the Trustees had warrants to sign. The Trustees signed warrants 18712 through 18733 dated 5/24/22, totaling \$23,203.74, and 5/27/2022 bi-weekly payroll EFT vouchers 110 through 117, totaling \$8,943.67. Between meetings the Trustees had signed warrants 18702 through 18711 dated 5/16/2022 totaling \$28,993.12.

ZONING AMENDMENT 2022-01

Chair McCaskey stated that he was not prepared to vote on the proposed Zoning Amendment. Andy Bushman moved to schedule a Special Meeting for Tuesday May 31 at 6:30 pm to address Zoning Amendment 2022-01. Irene McMullen seconded. With a unanimous vote, the motion carried.

Public Comment

Mr. McCaskey called for any public comment.

Resident Dave Partington offered a comment that he appreciates what the Trustees do, and expressed confidence that, no matter how each Trustee votes to decide the matter of the amendment, he knows the Trustees will do what they feel is in the best interest of the Township.

FIRE DEPARTMENT

Munson Fire Chief Mike Vatty noted that after the recent budget meetings, he thinks there is a need to revisit the process. There are levies coming up that should be discussed. He stated the

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need to “take care of our people” in order to maintain a well-trained and well-staffed Department, and continue with the vehicle-replacement schedule, all of which will require keeping up with adequate funding. He believes that with the new County offices building opening near Geauga Hospital, there will be an increase in traffic and potentially an increase in calls.

Andy Bushman stated that Fiscal Officer Todd Ray had provided the Trustees with the details for levies and a timeline for taking action to place levies on the November ballot, so the Trustees are prepared to take necessary actions.

Irene McMullen noted that the Fire Department was preparing for upgrading some areas in the Fire Station with new flooring. Chief Vatty confirmed that there are four areas that they are getting estimates for new flooring, and will forward the information to the Trustees.

ROAD DEPARTMENT

Road Superintendent Kirk Walker reported that the bids for resurfacing Fowlers Mill Road had been reviewed by the County Engineer’s office, and the Trustees had the recommendation. Andy Bushman moved to award the Asphalt Resurfacing of Sections A-B of Fowlers Mill Road to Ronyak Paving, Inc. in the amount of \$591,850. Ms. McMullen seconded the motion; with a unanimous vote, the motion carried.

TOWNSHIP BUSINESS

NOPEC rate change

Irene McMullen explained that she will gather information on the utility rate changes through NOPEC and will report back to the Board at the next meeting.

Demolition of condemned property

Mr. McCaskey reported that he had not heard back from the owner regarding a plan for correcting unsafe conditions on the property at 10416 Mayfield Road. Andy Bushman moved to have the Board proceed with the demolition process at 10416 Mayfield Road. Ms. McMullen seconded; with a unanimous vote, the motion carried.

RESOLUTION 2022-18

Andy Bushman moved to approve Resolution 2022-18, a resolution to Authorize Legal Counsel to Pursue Action to Remove Junk Vehicles and Eliminate Overgrown Vegetation at 10416 Mayfield Road. Ms. McMullen seconded the motion, and with a unanimous vote, the motion carried. (The Resolution, in its entirety, is included on a separate page of the minutes.)

Zoning Training

Andy Bushman moved to authorize Township Zoning Board officials and the Zoning Inspector to attend the NEO Planning and Zoning Workshop June 24, 2022, and to cover registration fees and reimburse for expenses. Irene McMullen seconded; with a unanimous vote, the motion carried.

ESID

Ms. McMullen reported that she attended the County Auditor’s meeting today to explore the possibility of establishing an ESID (Erosion Control Special Improvement District.) As it currently stands, Munson Township does not appear to have enough residents with severe flooding problems who might benefit from this funding source, but she will continue to follow the proposed District idea.

FISCAL OFFICER

RESOLUTION 2022-19

Fiscal Officer Todd Ray presented Resolution 2022-19, a Resolution to create a Special Revenue Fund for Scholarships. Andy Bushman moved to approve Resolution 2022-19, to establish Fund 2902, for Scholarships. Ms. McMullen seconded; with a unanimous vote, the motion carried. (The Resolution, in its entirety, is included on a separate page of the minutes.)

Mr. Ray noted that Munson Fire Chief Mike Vatty had requested that he be granted read-only access to the Township bank account that receives EMS billing payments. Access to the account records will help facilitate reconciling payments received and outstanding payments against the Fire Department billing records.

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Andy Bushman moved to allow Chief Vatty read-only access to the Township EMS Billing Lockbox account. Ms. McMullen seconded; with a unanimous vote, the motion carried. Mr. Ray said he would follow-up with Middlefield Bank to get the necessary paperwork ready for signatures.

Other Business

Boy Scout Eagle Projects

Jim McCaskey noted he would like to see a formal, written process established for approval of Eagle Scout projects on Township properties, so that everyone knows what that process involves. He asked if Andy Bushman would be willing to prepare a draft of that approval process to present to the Board. He asked that the process include a first step that a scout seeking approval present the project to the Township Parks and Rec Board. Mr. Bushman agreed to prepare the draft.

Other Meetings

No meetings were reported.

Public Comment

Resident Rich Ferlin offered comment that he is extremely concerned the Township is not collecting full tax revenue when zoning permits are granted. He believes the Township should have a system whereby when a permit is granted, it is sent to the appraiser at the County Auditor's office and a determination can be made whether the building is appraised and taxed as residential or commercial use.

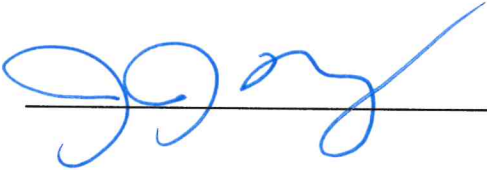
Encumbrances

Andy Bushman moved to approve the encumbrance sheet as written. Irene McMullen seconded; motion carried with a unanimous vote.

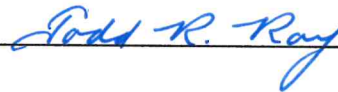
Blanket	Zoning training	\$500.00
Blanket	Administration training	\$300.00
Blanket	Other expenses, Town Hall	\$100.00
Lyle Stusek	Cemetery plot buy-back	\$150.00

Motion to Adjourn

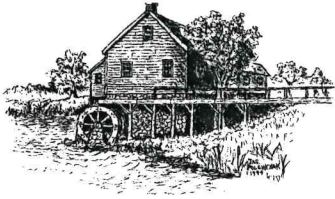
Andy Bushman moved to adjourn the meeting at 7:18pm. Irene McMullen seconded; motion carried with a unanimous vote.



Chairman



Fiscal Officer



A Resolution of the Munson Township Trustees No. 2022-18

**RESOLUTION TO AUTHORIZE LEGAL COUNSEL TO PURSUE ACTION FOR THE
REMOVAL OF JUNK VEHICLES AND ELIMINATE THE OVERGROWN PROPERTY
CONDITIONS IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY, CONVENIENCE,
COMFORT, PROSPERITY, OR GENERAL WELFARE PER RC 519.03(A)**





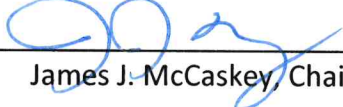

WHEREAS, the Munson Township Board of Trustees have declared that the outdoor storage of junk vehicles located at 10416 Mayfield Road, Chardon, Ohio is a direct violation of Section 516.3 of the Munson Township Zoning Resolution; and

WHEREAS, the Munson Township Board of Trustees seeks to abate the outdoor storage of these vehicles and the unsafe property conditions specifically the grass and driveway are overgrown, and may harbor unwanted pests which may become a public health nuisance; and

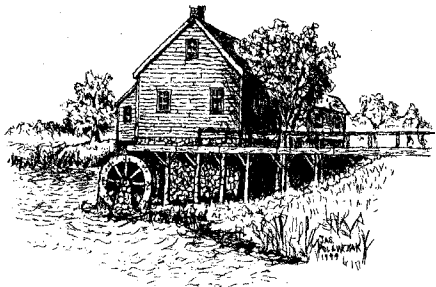
WHEREAS, the Munson Township Board of Trustees seeks to authorize Munson Township's Legal Counsel, Susan Wieland, as the person responsible for taking legal action to resolve the above issues in the interest of the public health, safety, convenience, comfort, prosperity, or general welfare of the community per RC 519.03(A);

NOW THEREFORE, BE IT RESOLVED that the Munson Township Board of Trustees in accordance with the above-mentioned determinations seeks to abate the outdoor storage of junk vehicles and the overgrown property conditions at 10416 Mayfield Road, Chardon, Ohio and authorizes the Township's legal counsel, Susan Wieland to take legal action to resolve the above issues per RC 519.03(A).

Approved this 24th day of May 2022, by the Munson Township Board of Trustees, voting

	
Andrew J. Bushman, Trustee	
	
Irene H. McMullen, Trustee	
	
James J. McCaskey, Chair	

Attest:  May 24, 2022
Todd R. Ray, Fiscal Officer



Munson Township

12210 Auburn Road, Chardon OH 44024-9454
Phone: (440) 286-9255 Fax: (440) 286-1180

Resolution 2022-19

A RESOLUTION ESTABLISHING A SPECIAL REVENUE FUND for Scholarships

Be it resolved by the Trustees of Munson Township, in a regular session on the 24th day of May, 2022, with the following members present, Andrew J. Bushman, James J. McCaskey, and Irene H. McMullen, that Andy Bushman moved the adoption of the following resolution:

Whereas, Munson Township currently places proceeds from its Township sponsored Flea Markets and Community Picnic, as well as donations from local residents and businesses in the General Fund, in account lines set aside for the purpose of scholarships; and

Whereas, funds received for the purpose of awarding scholarships are restricted, and

Whereas, in the recently completed audit of Munson Township financial statements, independent auditing firm Charles E. Harris & Associates, after consultation with Ohio Auditor of State, has determined that the Township should not segregate restricted donations and revenue within the unrestricted General Fund; and

Whereas, Charles E. Harris & Associates, after consultation with Ohio Auditor of State, has advised Munson Township to establish a Special Revenue Fund for Scholarships, for the tracking of revenues and expenditures relating to the restricted and particular purpose of scholarships, and

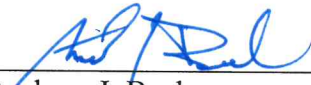

Whereas, Auditor of State Bulletin 99-006 states that permission to create a new fund must be submitted to the Auditor of State's Local Government Services division if 1) when management wishes to create a new fund in order to capture additional financial information about a specific source of revenue or a specific activity; 2) when the fund will be used to account for restricted gifts or bequests that will not be held in trust; and 3) when management wants to impose internal restrictions on the use of otherwise unrestricted resources,



Now, therefore, be it resolved, that the Board of Township Trustees of Munson Township shall

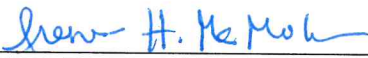

- 1) Establish the following Special Revenue fund for private donations: Fund 2902 – Scholarships
- 2) Direct the Fiscal Officer to submit the request for Fund 2902 approval to the Auditor of the State of Ohio.

Irene Mc Mullen seconded the motion, and the roll being called resulted as follows:

voting

, 
Andrew J. Bushman

, 
James J. McCaskey

, 
Irene H. McMullen

Attest: , May 24, 2022

Todd R. Ray, Fiscal Officer