

## **BOARD OF TRUSTEES**

Daniel Frederick  
Gerald Nickoli  
Mike Shover

## **FISCAL OFFICER**

Zachary Rospert



## **MILAN TOWNSHIP**

[www.milantwp.org](http://www.milantwp.org)

## **MILAN TOWNSHIP**

1518 State Route 113 E  
Milan, Ohio 44846  
419-499-2354

## **ZONING INSPECTOR**

Colleen Arthur

The Milan Township Board of Trustees met for the first regular meeting of the month on Wednesday, August 1, 2018, at 7:00 p.m. in the Trustees' Room of the Milan Township Hall. Present at the meeting were Trustees Dan Frederick and Mike Shover. Jerry Nickoli was on vacation. Also present were Zoning Commission Chairman Bill Muthig, Road & Maintenance Supervisor Dave Fox, Z.I./Sec. Colleen Arthur, Richard Pitsinger, Frank Lytle, Tyson Metz, Matt Hudson, Kathy & Bob Brouse, and Joe Bibb

Mr. Rospert called the roll. Messrs. Frederick and Shover were present.

Minutes: Mr. Shover moved the approval of the July 18, 2018, minutes. Mr. Frederick gave second to the motion. The motion carried unanimously.

Expenses: Mr. Shover moved the approval of expenses as presented by F.O. Rospert. Mr. Frederick gave second to the motion. The motion carried unanimously.

(warrant listing will be inserted here.)

### **VISITORS**

ELM STREET LAND PURCHASE: Mr. & Mrs. Brouse addressed the Board with an offer to sell property on Elm Street, identified as Parcel 50-00742.000 on the Erie County Auditor's Tax Map, and situated between the Elm Street parking lot of Edison Park and property owned by John B. & Debra A. Wolshuck. The Brouses explained that they have had a garden there for years, but will no longer have need of the property and thought to offer it to the Trustees.

Mr. Frederick commented that the asking price for the .442 acres of property is \$39,900 and that the opportunity to purchase land adjacent to the Edison Park is rare. The addition of this land would be a community asset, and Mr. Frederick felt the Trustees should seriously consider it. Mr. Shover noted that, although he was at first hesitant about the purchase, an informal discussion of the purchase at last Monday's work session convinced him it was a good idea. Mr. Shover noted that the land abuts the Elm Street parking lot and consists of one and half the original lots.

There was a discussion of what benefit it might be to pay for the transaction half now and half in January. One reason was that the Township may be able to get a grant. However, most grants are for development not for land purchase.

F.O. Rospert noted that the Township had not budget for land purchase, but budget could be adjusted. It's a large amount to move between funds, but doable.

A clarification was noted that the two payments were to be made for the land in its entirety and a division of the lot to be purchased in two segments was not the intent. Real estate agent Joe Bibb had written the purchase agreement to include the two payment option.

After some deliberation, it was decided that the land should be purchased by one total payment as opposed to dividing the payment in two.

With that decided, Mr. Frederick moved the adoption of the following resolution. Mr. Shover seconded the motion.

**RESOLUTION 2018-11**

**AGREEING TO THE PURCHASE OF ELM STREET PROPERTY**

WHEREAS, a vacant parcel of land on Elm Street is available for purchase,

WHEREAS, this parcel of land is immediately adjacent to Edison Park,

WHEREAS, Edison Park is an invaluable community asset which contributes to the general health and welfare of Milan Township residents,

WHEREAS, the Board of Trustees desire to allow for continued optimal use, future expansion, and further development of Edison Park,

WHEREAS, the Board of Trustees may purchase land for a township park for recreational purposes as allowed in Ohio Revised Code section 505.26,

BE IT RESOLVED, that on behalf of the residents of Milan Township, the Board of Trustees hereby agrees to purchase vacant land on Elm Street for the amount of \$39,900 and appropriates general funds necessary for this land purchase.

The roll being called resulted as follows: Mr. Frederick-aye; Mr. Shover-aye.

RESOLUTION 2018-11 Adopted: August 1, 2018. This Resolution shall take effect immediately.

Gerald Nickoli, Trustee \_\_\_\_\_

Dan Frederick, Trustee \_\_\_\_\_

Mike Shover, Trustee \_\_\_\_\_

**MAINTENANCE**

WARWICK DRIVE: Mr. Fox reported that Haynes Construction will be on site to dig the trench for the tile on Warwick Drive and Friday or Saturday they will bore under the road. He expects the project to be completed by next week.

Mr. Frederick explained that easements were sought from Edwin Mcconoughey, John Huston & Susie Elmlinger, and Josephine Duncan. It has been difficult to acquire a signature on the Elmlinger property. The drainage plan was reviewed and it was found that if the catch basin were to be moved four feet to

the south, an easement on the Elmlinger property would not be required. This proposed change would fall completely within the construction right-of-way. A tap-in for Simon property will be done by contractor.

ROAD MAINTENANCE: Mr. Fox reported that County Engineer Supervisor Rock Hammond will be applying wedge coat to the curve on Milliman Road and on Kelley Road north of Strecker Road, before the turnpike overpass.

Also, the County took care of the water issue on Mason Road, with which, Mr. Nickoli had expressed concern.

OUTFITTING THE NEW PICK UP: Mr. Frederick noted that the Township took delivery of new pick-up truck. Estimates for outfitting the new truck with a plow and lights were received from Judco in the amount of \$8,800 and from Kalida Equipment of Toledo in the amount of \$8,531.

Mr. Fox pointed out that the plows are identical in both quotes, but the light bars were different manufacturers.

Mr. Brian Rospert noted that Kalida provided a dump truck for the Village of Milan and that the Village was not satisfied with them. Also, the type of light bar Kalida proposes is not as good as what Judco is offering. Also, Judco is closer for service. Mr. Shover moved to accept the proposal of Judco of \$8,800 to outfit the new pick-up truck with plow and light bar. Mr. Frederick seconded the motion. The motion passed unanimously.

GENERATORS: Mr. Fox inventoried the various generators on township building. The generator at the barn on Route 113 is not operational. The generator at Fire Station #1 is good, but the one at Fire Station #2 would not keep running. The Village of Milan, Erie County, and Firelands Hospital retain W.W. Williams Co. to maintain their generators. A representative of WW Williams will come on Tuesday, August 7<sup>th</sup> at 9 a.m. for a review of Township's generators at the various locations to determine what is needed and to offer a maintenance contract.

MAINTENANCE WORKER POSITIONS: The deadline for applications for the maintenance worker position was July 26, 2018. 29 applications were received. The Trustees each have copies of the applications and will review them separately. Then they will meet on Wednesday, August 8<sup>th</sup> at 8:00 a.m. to compare preferences and narrow down the candidates. They may also work on the personnel policy manual at that time.

WIKEL ROAD SPEED LIMIT: Mark Gliatta of 12908 Wikel Road, who lives on the Berlin Township side of Wikel Road, has requested that the Board of Trustees initiate a speed limit reduction. The Board may make a request for the County Engineer to do a traffic study. Mr. Frederick noted that he does not favor a 45 mph all the way to Huron Township; maybe a section only. After some discussion of known traffic and activities involving children at the Wolff property, Mr. Frederick moved to request the Erie County Engineer's Office to conduct a speed study on the southern one (1) mile of Wikel Road. Mr. Shover seconded the motion. The motion passed unanimously.

#### **FIRE**

CALLS: Chief Rospert reported eleven calls in July for a total of 65 calls for the year. There were no calls sent to Ohio Billing in the month of July.

**GRANT:** The Milan Township Fire Department was awarded the Firefighters' Exposure to Environmental Elements Grant from the Ohio Bureau of Workers' Compensation. The award amount was \$14,799.00 which will be used to purchase 80 Majestic HALO hoods and one Unimac Washer. The washing machine will be located at Fire Station No. 2. Funds should be received in approximately eight weeks. The Chief commended Tim Finton, Caylie Shover and Zach Rospert for their assistance with the grant application.

**RETIREMENT:** Chief Rospert reported that Captain Tim Finton has decided to retire at the end of September after more than 30 years of service. A retirement party is planned for a date yet to be determined.

**EQUIPMENT:** While responding to a fatality, it was determined that the Department is in need of additional ropes and pulleys to assist in rescue and recovery efforts. After some research, the Chief estimates the cost of the equipment to be about \$6,000. Mr. Frederick moved to approve the purchase of additional ropes and pulleys at a cost not to exceed \$6,000. Mr. Shover seconded the motion. The motion passed unanimously.

Ten SCBA bottles will expire this year. As part of the rotation program the Chief proposes to purchase 20 new bottles over the next two years at a cost of \$900 each. He plans to begin in October or November with a purchase of the first batch of 10 new bottles. Each bottle has a fifteen year use life.

Breathing Air Systems will be in on Friday to check and service the air compressor.

**MELON FESTIVAL:** The Department is making preparation for the annual Chicken BBQ and raffle at the Melon Festival.

**AUTOMATIC AID CONTRACT:** Chief Rospert met with Captain Nash and a representative from North Central EMS to coordinate dispatch for the Automatic Aid Contract with Huron Fire Department. The contract with the City of Huron and Huron Township is in effect, although there are still some dispatch issues to iron out.

**PERSONNEL:** Matt Fleming has been promoted to the Engineer position vacated by Steve Rockwell's retirement. Since it is a change in paygrade Mr. Frederick moved to approve the promotion of Matt Fleming to Engineer. Mr. Shover seconded the motion. The motion carried unanimously.

**BUILDING MAINTENANCE:** Chief Rospert noted that the man door at Fire Station No. 1 needs to be repaired or replaced.

### **ZONING**

**CERTAINTEED:** Mrs. Arthur reported that the Site Plan Review complete for CertainTeed. However, she is still waiting for Storm Water Drainage Permit from Ken Fortney before Zoning Permit can be issued. Construction is on hold until CertainTeed gets their drainage and building permits. Mrs. Arthur met with Tracy Smoker last week and completed the Lot Split Affidavit for land exchange between Mr. Rockwell and CertainTeed. They will meet again on Friday to approve the lot consolidation of all CertainTeed's property.

**LAKE ERIE ARMS:** Mrs. Arthur reported that Dean Frederick submitted a preliminary site plan for review and is now adjusting parking and green spaces to comply with the Township's minimum parking spot length of 19'. An application for a zoning permit has not yet been made.

APPEAL: Mr. Roger Kusser took out appeals paperwork for a variance on the lot frontage on Plank Road. He would like to build a house on a lot next to his current residence. Once the new home is built, he would like to demolish the current house. The proposed building lot is short of the 150' of required road frontage by only a few feet.

VIOLATIONS: Mrs. Arthur noted that she has yet to hear back from Clayton Howard on Wikel Road about the violation of car sales/service. Nor has she heard from Cheryll Adams on River Road about the trailer. She has a meeting scheduled with Charles Grose concerning a complaint about the bushes at intersection on Fair Oak/Landsdown..

ADDRESSES: Letters were sent to Amy Crase (510) and Ryan & Kelly Barker 517) about address changes on Bryan Road. Neither has responded.

ZONING COMMISSION: The Z.C. rescheduled the public hearing to alter the schedule of Regulations pages for August. 27<sup>th</sup>.

SCHEID ROAD: Mrs. Arthur reported that she responded to numerous complaints from Denise Flugga about the condition of the property at 2202 Scheid Road; particularly overgrowth in the back yard and a pond that is breeding mosquitos. After considerable research Mrs. Arthur found that the land is under contract and should close in 4-6 weeks. FHA loan approval is needed. The new owner will be responsible for the clean-up of the trees and pond issues. She spoke with Mrs. Flugga and explained the process and that during the time when a sale is pending, there is no "liable" party. She further explained private property issues, zoning's responsibilities, the bank's actions, etc. Mrs. Flugga has been advised that she should contact the Health Department about spraying for mosquitos. Mrs. Arthur noted that the real estate agent handling the property believes that there is an ulterior motive for all these complaints; in that, Mrs. Flugga was a bidder on the property and is upset that she did not prevail. Mrs. Flugga maintains that someone died in the house and the body was disposed of in the pond. She maintains that dead animals were dumped in the pond also. None of this has any substance and the real estate agent believes Mrs. Flugga is spreading these rumors to discourage other potential buyers.

### **OLD BUSINESS**

TOWNSHIP HALL ELEVATOR: It was noted that the construction contracts for the new Township Hall elevator have been signed. Construction will soon commence.

### **NEW BUSINESS**

BIKE PATH ON ROUTE 113: Mr. Shover commented that he sees the cross country team practicing and children from the subdivisions precariously walking to school on Route 113. He would like to know how the Township might proceed to get a bike path along Route 113 to Edison High School. Mr. Frederick remarked that because the speed limit along this state highway was 55 mph, a simple bike lane would not be approved due to vehicle speed. The cost of obtaining easements for sidewalks was prohibitive. Now that the speed limit is reduced to 45 mph, it may make a difference and the Township might be able to expand the berm. Mr. Brian Rospert stated that he thinks it possible and grant funding is available. Two grants mentioned were the Active Transportation Grant and the Safe Routes to School. Former Trustee Sparky Weilnau noted that the engineering costs had been too expensive when previously researched. Richland Engineering had done some preliminary work, but the project was never fully engineered.

### **FINANCIAL**

LIGHTING DISTRICTS: F.O. Rospert noted that the assessments for the various lighting districts will be presented at next meeting for approval.

ENTERPRISE ZONES AGREEMENTS: Members of the Board had met with the Erie County Tax Incentive Review and Negotiating Committee (ECTIR) to consider two requests to establish enterprise zone agreements for two businesses within Milan Township for the purpose of granting tax abatements in order to facilitate economic development.

DAVE'S PARK AVERY: The first application was from Joe Fisher, DPF Properties, and d.b.a. Dave's Park Avery LLC. The intent is to build a new building with an expansion of a drive through and then tear down the existing commercial building and the house behind. The scope of the business will remain the same; a gas station, convenience store and food service, but the food service will be expanded with an eat in area in the new structure and a drive-thru for beverages and/or food. Dave's Park Avery is requesting a tax abatement of 100% for 15 years from Milan Township, affected local schools and Erie County.

The ECTIR found that was not a good plan in that it did not accomplish the goals of tax abatement and sent the request onto the schools and Township for review. The Township feels that the tax abatements should be rare and used where the project will have much positive impact in community for the creation of new jobs, potential tax revenue, attract other businesses and/or revival of existing buildings. Township does not feel that Dave's Park Avery meets the needs of these criteria. Additionally, the limited use of tax abatements being granted for retail business has only recently been allowed under certain circumstances. In this instance, those circumstances are dubious so the Township does not wish to create a precedent. F.O. Rospert added that the area where this business is located is not a CRA area and would not be a qualifying retail business.

Mr. Frederick moved the passage of the following resolution. Mr. Shover seconded the motion.

**Resolution 2018 -12                      OPPOSING AN ENTERPRISE ZONE TAX INCENTIVE FOR DAVE'S FOOD MART.**

WHEREAS, the Ohio Enterprise Zone Program is an economic development tool available for Ohio communities to encourage and support economic development,

WHEREAS, Milan Township Board of Trustees have adopted an informal policy to use Enterprise Zone Tax Incentives sparingly under certain circumstances where approval may contribute to the creation or retention of a significant number of high quality jobs, or may result in significant capital investment in new construction or renovation or may result in the creation or expansion of a unique business or service that has regional impact, and may be needed to attract the type of development described above,

WHEREAS, DPF Properties LLC (Dave's Park Avery Food Mart) has applied for an Enterprise Zone Tax Incentive and Proposed an agreement which would result in a 100% tax abatement for a 15 year period,

WHEREAS, The Milan Township Board of Trustees have participated as a member of the Erie County Tax Incentive Review Committee to consider input on this issue from the applicant and other governmental entities affected by this proposed agreement,

Whereas, the Milan Township Trustees have determined that the applicant does not meet the criteria contained in the informal Enterprise Zone Tax Incentive policy described above,  
BE IT RESOLVED, that on behalf of the residents of Milan township, the Board of Trustees hereby opposes approval of the applicant's request for a 15-year, 100% Enterprise Zone Tax Incentive at Dave's Park Avery Food Mart.

The Roll being called resulted as follows: Mr. Frederick- aye; Mr. Shover-aye. Motion carried.

Resolution 2018-12 adopted August 1, 2018. This Resolution shall take effect immediately.

Dan Frederick, Trustee \_\_\_\_\_

Mike Shover, Trustee \_\_\_\_\_

Gerald Nickoli, Trustee \_\_\_\_\_

LAKE ERIE ARMS: The second request application came from Lake Erie Arms, who are also requesting 100% tax abatement for fifteen (15) years, to build an indoor shooting range on 10 acres of an 80 acre site, with the possibility of further development at a later date. This 12 million dollar investment is expected to create 50+ jobs and attract customers within a 500 mile radius. The expansion of utilities and infrastructure will open up further development of the entire 80 acres. Other area communities are likely vying for the project, but it would behoove Milan Township to accommodate the business. Mr. Shover noted that this type of business would likely fill up area hotels in the winter when several shut down after the summer vacation season.

Mr. Frederick added that the ECTIR committee members felt the same way at their meeting. Schools will also consider this proposal. Furthermore, he felt this request is an appropriate use of the economic development tool. Although Lake Erie Arms is requesting 100% abatement for 15 years, Mr. Frederick asked that the Board consider an agreement similar to what was made with CertainTeed. This was a staggered tax abatement of 100% in the first five (5) years, then 75% for next five (5) years and then 25% for last 5 years of the 15 year abatement period.

Mr. Frederick then moved for the approval of the following resolution. Mr. Shover did second the motion.

**RESOLUTION 2018-13                      SUPPORTING AN ENTERPRISE ZONE TAX INCENTIVE FOR LAKE ERIE ARMS**

WHEREAS, the Ohio Enterprise Zone Program is an economic development tool available for Ohio communities to encourage and support economic development,

WHEREAS, Milan Township Board of Trustees have adopted an informal policy to use Enterprise Zone Tax Incentives sparingly under certain circumstances where approval may contribute to the creation or retention of a significant number of high quality jobs, or may result in significant capital investment in new construction or renovation or may result in the creation or expansion of a unique business or service that has regional impact, and may be needed to attract the type of development described above,

WHEREAS, Lake Erie Arms has applied for an Enterprise Zone Tax Incentive and Proposed an agreement which would result in a 100% tax abatement for a 15 year period,

WHEREAS, The Milan Township Board of Trustees have participated as a member of the Erie County Tax Incentive Review Committee to consider input on this issue from the applicant and other governmental entities affected by this proposed agreement,

Whereas, the Milan Township Trustees have determined that the applicant meets several of the criteria contained in the informal Enterprise Zone Tax Incentive policy described above,

WHEREAS, it is the position of the Milan Township Trustees that approval of a 100% tax abatement for 15 years is not fair to other Milan Township taxpayers and that all residents and businesses should pay their fair share of the cost of Township services,

BE IT RESOLVED, that on behalf of the residents of Milan Township, the Board of Trustees hereby supports approval of a 15-year Enterprise Zone Tax Incentive based on granting a 100% tax abatement for the first 5 years, a 75% tax abatement for the next 5 years and a 25% tax abatement for the last 5 years.

The Roll being called resulted as follows: Mr. Frederick- aye; Mr. Shover-aye. Motion carried.

Resolution 2018-13 adopted August 1, 2018. This Resolution shall take effect immediately.

Dan Frederick, Trustee \_\_\_\_\_

Mike Shover, Trustee \_\_\_\_\_

Gerald Nickoli, Trustee \_\_\_\_\_

As there was no further business brought before the Board, Mr. Frederick declared the meeting adjourned at 8:12 p.m.