

BOARD OF TRUSTEES

Daniel Frederick
Gerald Nickoli
Mike Shover

FISCAL OFFICER

Zachary Rospert



MILAN TOWNSHIP

www.milantwp.org

MILAN TOWNSHIP

1518 State Route 113 E
Milan, Ohio 44846
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ZONING INSPECTOR

Colleen Arthur

The Milan Township Board of Trustees met for the second meeting of the month on Wednesday, December 19, 2018 at 7:00 p.m. Present at the meeting were Fiscal Officer Zachary Rospert, Trustees Dan Frederick and Gerald Nickoli, Zoning Inspector/Secretary Colleen Arthur, Sparky Weilnau, Bill Muthig, and John Rockwell Jr. Trustee Mike Shover, Maintenance Supervisor Dave Fox and Fire Chief Brian Rospert were not in attendance.

GENERAL

Chairman Daniel Frederick called the meeting to order at 7:00 p.m. as all stood to recite the Pledge of Allegiance.

ROLL: Mr. Rospert called the roll. Mr. Frederick, present. Mr. Nickoli, present.

MINUTES: The payment listing was added to the minutes of the Dec. 5, 2018 and a few minor corrections. A paragraph concerning information about the bike path was omitted as there was a misunderstanding concerning information which had never actually been published. With those changes noted Mr. Nickoli moved and Mr. Frederick seconded a motion to approve the minutes of the December 5, 2018 meeting. The motion carried.

EXPENSES: Mr. Nickoli moved and Mr. Frederick seconded a motion to approve payment of expenses as presented by Mr. Rospert. The motion carried. Expense vouchers 235-240 and warrants 18665-18684 totaling \$39,340.14

GUESTS: John Rockwell addressed the Board concerning semi and bus traffic coming down Kelley Road. GPS is directing large trucks which cannot pass beneath the railroad overpass down Kelley Road. There have been several incidents when the overpass has been stuck in the past year and several more where trucks and buses have had to turn around in Mr. Rockwell's yard. Mr. Rockwell has seen considerable damage to his yard and has incurred the expense of repairs. He is asking that the Trustees erect signage to warn off these over-height vehicles on Strecker and Kelley Roads and suggested the solar powered LED lighted type signs.

Mr. Nickoli noted that Kelley Road is not a truck route and that at the Trustees last meeting this subject was discussed. The Trustees are in the process of getting signs posted on both Kelley and Strecker Roads. Mr. Frederick responded by explaining the Trustees may post cautionary type signs, however, regulatory signs must be approved by the Erie County Commissioners. In fact, a resolution to that effect will be on tonight's agenda. It was further noted that there are mandates where and at what distance the signs must be posted. Also, CertainTeed needs to better inform drivers of directions and entrance locations and may also need additional signage.

Mr. Rockwell would like to be compensated for the costs to repair his yard. Estimates were given to the County Commissioners.

Mr. Frederick read the following resolution and moved for its adoption.

**RESOLUTION 2018-27 SUPPORTING THE ESTABLISHMENT OF A NO TRUCK ZONE
ON A PORTION KELLEY ROAD IN MILAN TOWNSHIP**

WHEREAS, Kelley Road is located within Milan Township and is intersected by an overhead railroad bridge with a low clearance of 11'-6" located between Strecker Road and Mason Road,

WHEREAS, this low clearance is not adequate for the safe passage of truck traffic,

WHEREAS, the frequency of incidents where trucks have either physically collided with the underside of the train bridge or caused significant damage within the road right of way and adjacent private property while attempting to turn around to avoid colliding with the bridge,

WHEREAS, there is no beneficial reason for through truck traffic to use this portion of Kelley Road,

WHEREAS, the Erie County Board of Commissioners has established a procedure to approve the establishment of regulatory zones on township roads and to install and maintain appropriate signage according to ODOT Traffic Engineering Manual 210-7 standards,

WHEREAS, the Milan Township Trustees have determined that the establishment of a No Truck zone will serve the best interests of Milan Township by eliminating truck collisions with the low clearance bridge and resulting temporary road closure and necessary road repairs,

BE IT RESOLVED, that on behalf of the residents of Milan Township, the Board of Trustees hereby resolves to respectfully request that the Erie County Board of Commissioners establish and enforce a No Truck zone on Kelley Road between Strecker Road and Mason Road.

Mr. Nickoli gave a second to the motion to adopt Resolution 2018-27. The roll being called resulted as follows:

Mr. Frederick, Yes; Mr. Nickoli, Yes.

Adopted on December 19, 2018. This Resolution shall take effect immediately.

MAINTENANCE

Mr. Frederick reported on the County Engineer's annual road meeting. The Engineers Office wants a report sheet filled out concerning planned for 2019 road project for Milan Township. Mr. Frederick noted that chip sealing of a few area roads should be scheduled, new guardrail on Shaw Mill Road and planning the bike path. The guardrail project on Shaw Mill Road may or may not be the recipient of grant funding. Mr. Fox will need to complete the annual road report and have it to the County Engineers Office by March 15, 2019.

Although Mr. Fox was not able to attend due to illness, he did report to Mr. Frederick that the County will be doing work on the berms of Shaw Mill Road and Milliman Road and will be supplying materials for the same.

The Comfort Station next to the Township Hall has been re-opened to the public.

Mr. Fox ordered 100 ton of road salt under the old contract to finish out the year. This is in addition to the 100 tons already in the salt shed and is ample supply for this winter and well into winter 2019-20.

A resident asked for berm on Bryan Road to be improved.

Mr. Nickoli noted that he will be submitting cemetery projects and looking at a work schedule for the maintenance crew.

FIRE

Fire Chief Brian Rospert was not able to be in attendance due to a Milan Village meeting commitment.

The Board received a letter of resignation from Dave Fox after 20 years on the Department. Mr. Frederick moved and Mr. Nickoli seconded the motion to accept Mr. Fox's resignation. The motion carried. Chief Rospert had reported that he has four applicants for positions on the Department.

The Trustees set the date for the annual Fire Fighters' Dependents' Fund Board meeting for January 16, 2019 at the start of the Trustees meeting. The Fire Department will hold elections on January 7, 2019.

ZONING

IWORQ: Mrs. Arthur noted that the IWorQ system is up and running. All of the 2018 permits and current pending violations have been entered into the system and all future permits, pending cases and violations will be entered and tracked on the system.

PARCEL NUMBER MAINTENANCE: Mrs. Arthur received a spreadsheet from GIS Coordinator Mark Wroblewski with 380+ parcels that are missing the parcel numbers or address points on the GIS system. This is apparently a problem throughout the entire County as other political subdivisions received the same notice. Mrs. Arthur is not sure why this is. These numbers should have been included when the information was transferred from the County. This will take some time to manually update the parcel numbers for each GIS record.

VIOLATIONS:

Mrs. Arthur has heard back from Prosecuting Attorney Gery Gross concerning two cases of zoning violations.

First, the trailer on River Road (Adams): The Prosecutors Office has received the case file and will move forward with the court date.

Second, the newly formed junk yard on Wikel Road (Amanda Gede and Clayton Howard): Mr. Gross has suggested approaching it on two fronts. Mrs. Arthur has composed the appropriate violation notice, which will go out this week. Mr. Gross will also approach it from a criminal nuisance perspective (outside of zoning). He is also just sending them a letter from the Prosecutors Office which is sometimes enough to get the desired result. Mr. Gross noted that he has previously had to deal with this same property owner concerning land use issues in another township.

2018 ZONING REPORT: Mrs. Arthur presented a year-end zoning report containing zoning permits issued, commercial building permits, violations, lot splits, Zoning Commission and Board of Appeals meetings and a gave a comparison to the 2017 stats. Additionally, a report of the Township Hall usage was included.

SCHEDULING: Since the Trustees Room will be open to the public after the completion of the elevator, Mr. Frederick moved that meetings not be scheduled in the Township Hall on the first and third Wednesdays of each month, so that the Trustees meetings may be held without interruption. Mr. Nickoli seconded the motion. The motion carried.

OLD BUSINESS

ELEVATOR PROJECT:

CONSTRUCTION UPDATE: Mr. Frederick reported that the outside of building is complete. The elevator itself is supposed to be delivered to a Toledo warehouse on Dec. 20th. Hopefully, the installation will be completed by Feb. 1, 2019. The State inspection is needed before the elevator is operational.

CHANGE ORDER: During construction it was determined necessary to move the storm sewer pipe at a cost of \$2380.00. Mr. Frederick moved and Mr. Nickoli seconded the motion to approve change order #1 in the amount of \$2380.00. The motion carried.

SIDEWALK: Also, during construction some damaged to the sidewalk in front of the Township Hall occurred. Additionally, some of the sidewalk needs to be replaced due to normal wear and not due to construction. Since this is in the Village, the Village of Milan has agreed to split the cost of replacing 50' of sidewalk. The cost is estimated at \$1960.00. Mr. Frederick moved and Mr. Nickoli seconded the motion for the Township to pay half the cost (\$980) to replace 50' of sidewalk on Park Street. The motion carried.

TRUSTEES ROOM: Mr. Frederick reported that the Trustee Room renovation is going well and is being done with the help of friends and family and will hopefully to be done when elevator is complete. Repainting the ceiling will incur some expense.

LOGO: The Township logo has been installed on the new road truck. Mrs. Tina Frederick produced the signs and Allure Signs installed it for \$65. Mr. Nickoli moved and Mr. Frederick seconded a motion to pay Allure Signs. The motion carried.

NEW BUSINESS

FLAG POLE LIGHT: The flag pole light at the fire department is out. Fire fighters Lou Kalin and Tyson Metz would to replace it with new light for \$150. Mr. Nickoli moved and Mr. Frederick seconded a motion to approve the purchase of a new flag pole light not to exceed \$150. The motion carried.

Z.C. MEMBER: The Zoning Commission needs a new member as Kevin Smith is retiring. Mr. Matt Ehrhardt has been contacted and said he desires to serve. Mr. Frederick moved to recommend Matt Ehrhardt to serve on the Zoning Commission. Mr. Nickoli seconded the motion. An official appointment will be made at the organization meeting. The motion carried.

Mr. Weilnau noted that Kathy Weilnau is still receiving the quarterly Fire Fighters' Dependents' Fund verification letters. Mrs. Cindy Rospert had been appointed in 2018 and notification was sent to the FFDFB. The matter will be looked into further when new appointments are made for 2019.

FINANCIAL

Motel Tax: Mr. Rospert noted that since 1996 the Township has collected 3 % from area hotels. As of January 1, 2019, it will be the County's policy to collect these same taxes from bed & breakfast and house or room rentals of less than 5 units. It was unclear if the Village of Milan falls under the jurisdiction of the Township or if they will collect independently of the Township. Mr. Nickoli noted that the stays over 30 days would not be subject to these taxes and should be noted in the resolution. Mr. Nickoli moved and Mr. Frederick seconded a motion for the approval of the following resolution.

RESOLUTION NO. 2018-28

RESOLUTION OF THE BOARD OF TOWNSHIP TRUSTEES
OF MILAN TOWNSHIP, ERIE COUNTY, OHIO, FOR THE
PURPOSE OF AMENDING THE MILAN TOWNSHIP HOTEL
LODGING EXCISE TAX CODE OF REGULATIONS.

The Milan Township Board of Trustees of Erie County, Ohio, met in regular session on this the Nineteenth Day of December, Two Thousand Eighteen, at the Milan Township Hall located on the Village Square, Milan, Erie County, Ohio with the following members being present: Mr. Daniel Frederick and Mr. Gerald Nickoli. Mr. Mike Shover was absent.

Mr. Nickoli introduced the following resolution and moved its adoption.

WHEREAS, this Board did, by Resolution No. 96-20, adopted October 9, 1996, (the "Resolution"), enact and levy hotel lodging excise taxes (a total of three-percent) on all transactions by which lodging in a hotel is or is to be furnished to transient guests in Milan Township; and

WHEREAS, Section 2, letter c of Resolution 96-20 defines a "Hotel" as an establishment in which five or more rooms are used for the accommodations of guests; and

WHEREAS, Ohio Revised Code Section 5739.09(G) authorizes a board of township trustees to adopt a resolution specifying that, for purposes of any lodging tax that may be imposed by the board under O.R.C. Section 5739.09 or O.R.C. Section 5739.08, "hotel", as otherwise defined in O.R.C. Section 5739.01, includes establishments in which fewer than five rooms are used for the accommodation of guests; and

WHEREAS, O.R.C. Section 5739.09(A)(1) allows for the imposition of a penalty for late payments provided that the penalty does not exceed ten percent (10%) of the amount of tax due; and

WHEREAS, O.R.C. Section 5739.09(A)(1) allows the County to retain the real and actual costs of administering the tax; and

WHEREAS, it has been determined that these rules are in need of amending; and

WHEREAS, it is the intent of the Board of Milan Township Trustees to amend Resolution 96-20, to impose this three-percent lodging tax on transactions in establishments in which fewer than five rooms are used for the accommodation of guests for less than thirty (30) consecutive days;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF MILAN TOWNSHIP:

THAT, this Board hereby authorizes, for the purpose of the Milan Township lodging tax, that the definition of "hotel" will include establishments in which fewer than five rooms are used for the accommodation of guests, effective January 1, 2019; and

THAT, the lodging tax shall be collected and remitted by those establishments in accordance with the applicable provisions of the Ohio Revised Code and the rules and regulations set forth by Milan Township; and

THAT, this Board of Milan Township Trustees hereby finds and determines that all formal actions relative to the adoption of this resolution were taken in an open meeting of this Board; and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Revised Code.

Mr. Frederick seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

Roll Call: Mr. Nickoli, aye; Mr. Frederick, aye.

Adopted: December 19, 2018

Mr. Rospert explained that the County is willing to collect for the Township for 2% of what the Township will receive.

Mr. Rospert noted that since the Township has had no problem collecting on our own from large hotels, he would like to collect independent of the County; thus saving the Township about \$4000. Audit shows that we are getting what we should be.

TEMPORARY BUDGET PRESENTED: Mr. Rospert presented a temporary budget for 2019. He highlighted some areas of change.

In the future, particular funds out of which the maintenance crew is paid will be noted.

Enough funds were included to cover change orders and rest room project.

Extra funds in the fire levy were included up to \$400,000 in case a new tuck is purchase is planned.

Mr. Rospert asked if there were any other projects anticipated. Mr. Frederick noted the path to Edison Park, but not until 2021, and the Township may get grant help with that. Another project that may require some funding is the business incubator in the old police station. There may be some need of funds to renovate that building for use.

**RESOLUTION # 2018-29
COUNTY,
EXPENSES AND
ENDING**

**RESOLUTION OF THE BOARD OF TOWNSHIP TRUSTEES OF MILAN TOWNSHIP, ERIE
OHIO, FOR THE PURPOSE OF TEMPORARY APPROPRIATIONS FOR THE CURRENT
OTHER EXPEDITURES OF SAID BOARD OF TRUSTEES, DURING THE FISCAL YEAR
12/31/2019.**

The Milan Township Board of Trustees of Erie County, Ohio, met in regular session this the Nineteenth Day of December, Two Thousand Eighteen, at the Milan Township Hall located on the Village Square, Milan, Erie County, Ohio with the following members being present: Mr. Daniel Frederick, and Mr. Gerald Nickoli. Mr. Mike Shover was absent.

Mr. Nickoli introduced the following resolution and moved its adoption.

Mr. Frederick seconded the motion for the adoption of said resolution; and the roll being called upon its adoption, the vote resulted as follows:

Roll Call: Mr. Nickoli, aye; Mr. Frederick, aye.

Adopted: December 19, 2018

Mr. Frederick moved and Mr. Nickoli seconded a motion to approve the Temporary Budget, as presented by Fiscal Officer Zachary Rospert. The roll was called. Mr. Frederick, yes. Mr. Nickoli, yes. The motion carried.

Other issues:

The Board received a letter from Columbia Gas concerning the installation of a gas line on Deihl Road. The County Engineer takes care of granting permission.

Mrs. Arthur noted that the Culinary Vegetable Institute called about obtaining and temporary alcohol permit. She directed the caller to the State Board of Liquor Control.

As there was no further business brought before the Board, Mr. Frederick declared the meeting adjourned at 7:58 p.m.

Mr. Daniel Frederick, Chairman

Mr. Zachary Rospert, Fiscal Officer