

December 7, 2021

The Board of Trustees of Marion Township, Marion County, Ohio met in a regular meeting. Ms. McCleary called the meeting to order 5:32 pm with the following members and visitors present:

Ms. Karen McCleary	Present	Mr. Larry Ballinger	Present
Mr. Lynn Thomas	Present	Ms. Sheila Perin	Present

**EMPLOYEES:** Chief Meddles, Ron Phillips

**GUESTS:** Gary Bailey, Michael Williams

Mr. Ballinger made a motion to approve the November 2, 2021 meeting minutes. Ms. McCleary seconded. Motion carried.

Correspondence: Ms. Perin reported that everything she has received was submitted via email to township individuals.

**PUBLIC COMMENT:** Gary Bailey, 1514 Lusch Rd. addressed the Board of Trustees regarding salting of intersections. Ron Phillips has previously spoken to Mr. Bailey and they are going to widen the spread area with two passes and then evaluate.

### **OLD BUSINESS**

ARPA funds for Lusch Rd. drainage improvement project. We will be using ARPA monies due to the OPWC loan being denied.

Resolution 2021 – 0803 was read by Ms. McCleary but inadvertently omitted from the meeting minutes of August 3rd, 2021. A public hearing was held that night, and was voted to eliminate item #22.014 “Action on Application: Time Limit”.

### **MARION TOWNSHIP RESOLUTION 2021 – 0803**

**IN THE MATTER OF A RESOLUTION AUTHORIZING THE BOARD OF MARION TOWNSHIP TRUSTEES TO ELIMINATE ITEM #22.014 “Action on Application: Time Limit” FROM THE MARION TOWNSHIP ZONING CODE, WHICH STRIKES THE 10 DAY ZONING CODE RESPONSE TIME FOR ZONING APPLICATIONS AND TO END THE 2021-0105-03 RESOLUTION MORATORIUM REGARDING THE SAME**

**WHEREAS**, the Marion Township Zoning Inspector and Zoning boards are tasked with providing a timely response to Zoning Applications as well as the Marion Township Zoning Code, and have been required to handle zoning applications in response to limited in person meeting accessing during Covid-19 pandemic, and

**WHEREAS**, following a hearing held by the Marion Township Zoning Commission and a second hearing held by the Marion Township trustees to eliminate the “Action on Application: Time limit” from the Marion Township Zoning Code, and to end the moratorium 2021-0105-03 resolution set forth in January 2021, and

**WHEREAS**, it was moved by Karen McCleary, seconded by Lynn Thomas to authorize the Board of Marion Township trustees to remove #22.014 from the Marion Township Zoning Code and to also place an end to the zoning time limit moratorium.

Vote by roll call: Ms. McCleary, yes; Mr. Ballinger, yes; Mr. Thomas, yes

**THEREFORE, BE IT RESOLVED**, that this action by the Marion Township Board of trustees hereby removes item #22.014 from the Marion Township Zoning Code and ends the previous moratorium from January 2021.

**WHEREUPON** the resolution was declared adopted this 3<sup>rd</sup> day of August 2021.

Zoning inspector Mark McCleary reported that the payroll room windows will be replaced in the second or third week of January 2022.

Property sale (Marion Waldo Rd.) status is waiting to hear from realtor on closing date.

Per email received regarding Paul Lafayette is now working for another law firm and the Board needs to provide documentation that they will retain Mr. Lafayette for current legal services. Ms. McCleary made a motion to retain Paul Lafayette; Mr. Thomas seconded.

### **NEW BUSINESS**

2022 township budget – discussion held and questions answered. Budget will be further discussed at year end meeting.

Problem properties – no resolution in place. ORC 505.87 addresses garbage, trash on property, etc.

Motion to approve resolution # 2021-1207. Ms. McCleary made a motion to send the resolution to Randall Hartley who resides at 1934 Matheny Ave. via certified mail. Roll call as follows: Ms. McCleary; yes; Mr. Thomas, yes; Mr. Ballinger, yes. Motion carried.

Ms. McCleary read resolution provided by Bill Owens for bed tax reimbursement. This is in regards to an overpayment made for bed tax at Country Inn & Suites by US Yachiyo dating back to 2016.

#### **RESOLUTION NO. 2021-1207**

#### **IN THE MATTER OF REFUND OF LODGING TAX OVERPAYMENT**

#### **RESOLUTION to authorize payment of funds to US Yachiyo Inc.**

WHEREAS, pursuant to R.C. Section 5739.09 the Marion Township Board of Trustees is the recipient of a lodging excise tax not to exceed three per cent on transactions by which lodging is furnished to transient guests by a hotel; and

WHEREAS, the Board has established all regulations necessary to provide for the administration and allocation of the tax; and

WHEREAS, it is established that US Yachiyo Inc., with headquarters in Marion County, Ohio leases hotel rooms from Country Inn and Suites by Radisson located at 20091 Marion-Mt. Gilead Road, in the Township of Marion; and

WHEREAS, Country Inn & Suites by Radisson is a Residential Hotel as defined in R.C. Section 3731.01(A)(4) having both dwelling unit features for transient residence purposes and non-transient residential occupancy in accordance with the residential group R-1 use and occupancy classification adopted by the board of building standards pursuant to Chapter 3781 of the Revised Code; and

WHEREAS, "transient guest" as set forth in R.C. 3731.01(A) and 5739.01(N), is a person occupying a room or rooms for sleeping accommodations for twenty-nine consecutive days; and

WHEREAS, a "non-transient guest" is a person occupying a room or rooms for sleeping accommodations for 30 consecutive days or more as permitted by law; and

WHEREAS, US Yachiyo Inc., a person <sup>1</sup>was a transient guest for all rentals for twenty-nine consecutive days in duration, and US Yachiyo Inc. was a non-transient guest for the rental of rooms rented by it, for its use, for periods in excess of twenty-nine consecutive days; and

WHEREAS, residential hotels are permitted to charge the aforementioned lodging tax to transient guests, but no such lodging tax shall be imposed to persons in a non-transient status; and

WHERE, between August 21, 2016 and January 2, 2019 the payor US Yachiyo Inc. leased multiple hotel rooms in the residential hotel Country Inn & Suites by Radisson in Marion Township on a continuous basis for 29 days as a transient guest subject to the lodging tax, and thereafter in excess of 29 days whereupon it became a non-transient guest and not subject to the lodging tax; and

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WHEREAS, US Yachiyo Inc. was charged by Country Inn & Suites by Radisson as a transient guest during Yachiyo's non-transient status resulting in the lodging tax overpayment of \$30,369.60 to Country Inn & Suites by Radisson, and

WHEREAS, the amount, \$30,369.60 which was erroneously collected from U.S. Yachiyo Inc. was thereupon tendered by Country Inn & Suites by Radisson to Marion Township as a taxing authority; and

WHEREAS, pursuant to R.C. 5739.09(A), when a vendor has erroneously collected taxes from the person and such taxes are, thereupon, paid to the taxing authority (Marion Township), the taxing authority shall refund the amount of taxes the vendor has collected and paid to the taxing authority to the person; and <sup>2</sup>

WHEREAS, US Yachiyo Inc., has submitted to Marion Township a claim for a refund of the erroneously collected sum of \$30,369.60, the amount owing having been verified, THEN,

THEREFORE, BE IT RESOLVED, the Board of Township Trustees herein authorizes payment of \$30,369.60 as a refund to US Yachiyo Inc. as required by law and acknowledge the same by the signatures below.

**THE AFORESAID** matter came before the Board of Trustees on the 7<sup>th</sup> date of December, 2021.

Ms. McCleary made a motion to approve the resolution; seconded by Mr. Ballinger.

ROLL CALL AS FOLLOWS:

Ms. McCleary, yes; Mr. Thomas, yes; Mr. Ballinger, yes.

A fuel policy needs to be written for OTARMA. This is now being required by the Auditor of State's office. Chief Meddles will work on this and Ms. Perin will assist.

Ms. McCleary provided 2022 winter conference classes for anyone who is interested in attending. The conference will be held Wednesday, January 26 through Friday, January 28.

Employee manual – should be finished in a few weeks.

Chief Meddles is asking for approval to spend an additional \$30,000 on the new Sutphen pumper. Ms. McCleary made the motion; Mr. Thomas seconded the motion.

### **Committee Reports**

#### **Zoning**

1	November 2021
Fence	Amy Holsinger
\$50.00	1767 Summerset Dr.
\$50.00	

#### **Road Department**

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- 1.) Building #3 was cleaned out
- 2.) Checked signs throughout for OTARMA
- 3.) Bobcat was reconditioned
- 4.) Dura Patch machine was totally reconditioned and submitted invoice to Sheila for payment.
- 5.) Repaired hump on Garden Place
- 6.) Cleaned up and repaired signs on Adare and Yorkshire.
- 7.) Cleaned out leaves on catch basins throughout.
- 8.) Spent many hours training new snow plow driver employee, Virgil Spurgeon, Jr.
- 9.) Cleaned all trucks inside an out.
- 10.) Did Pothole patching throughout the township where needed.
- 11.) Cleaned intersections where needed by sweeping lose stones
- 12.) Put out yard markers for snow removal

Contracted Lynn Clabaugh to cut tree limbs. Keener area on Woodbine.

Brush hog – Rich Amrine is looking at the new gear which would run around \$500.

Wood for our trailer.

### **Fire Department**

Everything is going well at the firehouses.

Health Insurance renewal rates have come in and essentially there is no increase in 2022. This is due to controlling our claims. Township even has the potential to see some refund from over payment once the 2021 run out claims are paid. Those normally take 6 months to handle.

Fire department has taken delivery of the new Pumper/Tanker. Currently this truck is at Fire and Marine Inc to have equipment mounted and shelving put in. This cost was saved from manufacture and added to the extras after delivery. I should be seeing a quote very soon.

Chief has been in contact with Auditors Office about future levies. It appears both the 3.0 mil for fire and the 1.5 mil for Roads can be placed on the Fall 2022 ballot. Angie was in meeting today and sent me a general idea. Will confirm and pass along as soon as I'm told for sure. We certainly need to renew the fire levy.

Chief would like to thank on behalf of the membership, Township Board Trustees for the ARP Premium Pay for Covid-19.

2022 Fire Budget as presented to Ms. Perin.

Chief has been attending Central Dispatch CAD Demos for a new CAD system. This is important to attend as we need to take an active role in our dispatch center. Chief keeps hearing rumors about a potential cost for the county to maintain this service. Nothing clear yet.

Zoning Inspector Mark and Fire Chief had a good meeting with Marion County Prosecutor's Office about ongoing problem properties. We feel we have some good direction moving forward.

Mr. Ballinger made a motion to adjourn into executive session. Ms. McCleary seconded. The Board adjourned out of regular session and entered into executive session at 7:42 pm.

Mr. Ballinger made a motion to adjourn out of executive session. Ms. McCleary seconded. The Board adjourned out of executive session and entered back into regular session at 8:33 pm.

With no further business to discuss, Mr. Thomas made a motion to adjourn; Ms. McCleary seconded. The motion carried and the meeting adjourned at 8:34 pm.

_____	Ms. Karen McCleary, Chairman
_____	Mr. Larry Ballinger, Vice-Chairman
_____	Mr. Lynn Thomas, Trustee
_____	Ms. Sheila Perin, Fiscal Officer

All formal actions of the Board of Trustees of Marion Township concerning and relating to the adoption of resolutions and /or motions passed at this meeting were adopted in the meeting open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.