

May 7, 2024

The Board of Trustees of Marion Township, Marion County, Ohio met in a regular meeting. Mr. Ballinger called the meeting to order 5:30 pm with the following members and visitors present:

Mr. Larry Ballinger	Present	Ms. Karen McCleary	Present
Mr. Ben Creasap	Present	Ms. Sheila Perin	Present

EMPLOYEES: Mark McCleary, Ron Phillips, Chief Meddles

GUESTS: Roger Dietrich, Joe Jacobick, James Spangenberg

PUBLIC COMMENT: Joe Jacobick of Ohio Edison wanted to touch base with the township regarding the number of street lights in the township. ESIP -- energy saving illumination program. His recommendation is to stay on this program as long as we can.

Ms. McCleary made a motion to approve the township meeting minutes of April 3, 2024; Mr. Creasap seconded the motion. Motion carried.

COMMUNICATION: A donation letter was received from Downtown Marion. The trustees declined to donate to Downtown Marion.

OLD BUSINESS

Ms. Perin informed the trustees that she went ahead and renewed the CD;s at Fahey Bank for another 6 months. The interest rate is approximately 5%. She is going to talk to someone at Star Ohio and ask them to make a presentation at one of our meetings about rolling over these CDs to Star Ohio.

Roger Dietrich reported that Trent McDaniel will be putting another catch basin on Oakwood Dr. Brent Davidson said his line is still backed up so a catch basin will be installed by his residence. The county project should be completed by the end of May.

Mr. Dietrich also reported that Mark Pickens will submit a quote to replace the storm tiles on each side of Forest Hill Dr.

Mark McCleary reported that the problem properties are being addressed by the Marion County Prosecutor's Office. Ms. McCleary made a motion to proceed with the quote received from Dan Kelly for \$4500 to clean up the trees and brush at 246 Ruth Ave. Mr. Creasap seconded the motion. Motion carried.

NEW BUSINESS

Ms. McCleary spoke with Brad Irons and he was going to talk to the crews about the damage being done by the contractors who are installing new fiber optic as there have been some complaints by residents.

The following resolution was read for 1934 Matheny Dr.

RESOLUTION NO. 2024-0507

TOWNSHIPS REQUEST FOR COUNTY AUDITOR TO PLACE SPECIAL ASSESSMENT ON PROPERTY TAX DUPLICATE.

Whereas, the Marion Township Trustees were the Plaintiff's in an action before the Marion County Court of Common Pleas to enforce the abatement of nuisance debris from the property located at 1934 Matheny Dr., Marion Township, Marion County, Ohio, and

Whereas, at the conclusion of that lawsuit the Marion Township Trustees caused the property located at 1934 Matheny Dr. to be entered the nuisance to be abated, and

Whereas, Marion Township incurred monetary costs associated with abatement of the nuisance, an invoice of which is attached as exhibit 'A', and

Whereas, a copy of the invoice for the abatement was provided to the property owner of 1934 Matheny Ave., Randall Hartley, and

Whereas, Mr. Hartley has chosen to not pay that invoice for the abatement, and

Whereas, the Marion Township Trustees are requesting the cost of the removal of that nuisance to be assessed as a special assessment against the property tax duplicate of the property located at 1934 Matheny Dr., Marion, Ohio pursuant to R.C. 505.87(F).

Therefore be it resolved, that the Marion Township Trustees respectfully request the Marion County Auditor to place a special assessment on the property tax duplicate for the property located at 1934 Matheny Dr., Marion, Ohio for the costs of the abatement of the nuisance at said address in the amount of \$890.47

Ms. Perin will submit this resolution to Cathy Walker at the county auditor's office.

Chief Meddles submitted an agreement for a voluntary agreement with the paramedic students at Tri-Rivers. Ms. McCleary made a motion to approve the recommendation as submitted by Chief Meddles regarding the 100% tuition reimbursement.

The following resolution was read for charging a fee for false alarms in the township (ORC 505.391).

RESOLUTION NO. 2024-0507(a)

A RESOLUTION OF THE MARION TOWNSHIP FIRE DISTRICT, ESTABLISHING THE MARION TOWNSHIP FIRE DISTRICT ASSESSMENT OF FINES FOR EXCESSIVE FALSE ALARMS IN THE FIRE DISTRICT; PROVIDING DEFINITIONS; ASSESSING A SCHEDULE OF FINES; PROVIDING A PENALTY FOR VIOLATIONS; PROVIDING FOR AN ENFORCEMENT AND APPEAL PROCESS; PROVIDING FOR SEVERITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, it is in the best interests of the health, safety, and welfare of the citizens of the Marion Township Fire District that the fire protection services be readily available; and

WHEREAS, ORC 505.391 STATES, If, after the fire department of a township, township fire district, or joint fire district, or a private fire company with which the fire department of a township, township fire district, or joint fire district contracts for fire protection, responds to a false alarm from an automatic fire alarm system at a commercial establishment or residential building, the board of township trustees gives written notice by certified mail that it may assess a charge of up to three hundred dollars for each subsequent false alarm occurring after three false alarms by that system within the same calendar year, the board of township trustees may assess that charge. This notice shall be mailed to the owner and the lessee, if any, of the building in which the system is installed. After the board gives this notice, the board need not give any additional written notices before assessing a charge for a false alarm as provided by this section.

WHEREAS, If payment of the bill assessing a charge for a false alarm is not received within thirty days, the township fiscal officer shall send a notice by certified mail to the manager and to the owner, if different, of the real estate of which the commercial establishment is a part, or to the occupant, lessee, agent, or tenant and to the owner, if different, of the real estate of which the residential building is a part, indicating that failure to pay the bill within thirty days or to show just cause why the bill should not be paid within thirty days, will result in the assessment of a lien upon the real estate in the amount of the bill. If payment is not received or just cause for nonpayment is not shown within those thirty days, the amount of the bill shall be entered upon the tax duplicate, shall be a lien upon the real estate from the

date of the entry, and shall be collected as other taxes and returned to the township treasury to be earmarked for use for fire services.

NOW, THEREFORE, BE IT RESOLVED, by the Board of the Marion Township Trustees, that:

Section 1. Definitions:

- A. Alarm System means an assembly of equipment and devices, or a single device, arranged to signal the presence of a hazard requiring urgent attention and to which fire personnel are expected to respond.
- B. False Alarm means the activation of an alarm system through mechanical failure, malfunction, improper installation, or the negligence of the owner or lessee of an alarm system or his/her employee or agent but shall not include an alarm caused by a tornado, or other violate condition beyond the control of the owner or lessee of an alarm system or their employee or agent.

Section 2. False Alarm Fee

For the purpose of defraying the cost of responding to false alarms, any person, corporation, partnership, or other legal entity who owns, uses, leases, installs, or directs the installation of an alarm system; or any person who owns, occupies, leases, or controls property where an alarm system is installed, shall pay the service charged provided in Section whenever an alarm system is activated, and a township fire apparatus responds to the location where the alarm was activated, and one or more of the following circumstances exist:

- A. There is no evidence of fire or hazardous fumes.
- B. Activation of the alarm was due to a malfunction in the system.
- C. Activation of the alarm was caused by mistake; or
- D. The alarm was activated by a person(s) working on the alarm system and the appropriate agency was not previously notified that the work was being done.

Section 3. Fee Schedule

Alarm Malfunction:

1. First Malfunction: A Marion Township Fire Department member will conduct an evaluation to assist in determining the cause of the malfunction and shall provide the system owner or premises occupant with a copy of this Resolution. The system owner or premises occupant shall complete all necessary repairs to the system within 72 hours of the evaluation inspection commercial. Additional malfunctions within the repair period shall not be assessed a fine. The owner/ occupant must return the affidavit (proof of repair) to the department within 30 days.
2. Second Malfunction (within one calendar year): \$100.00
3. Third Malfunction (within one calendar year): \$300.00
4. Each Additional Malfunction (within one calendar year): \$300.00

Section 4. Effective Date.

This Resolution shall take effect May 7, 2024, and shall remain in effect until modified or repealed by subsequent Board Resolution.

IT WAS MOVED BY Karen McCleary, seconded by Larry Ballinger to accept this Resolution and move to vote

Vote on the motion: Ms. McCleary, yes; Mr. Ballinger, yes; Mr. Creasap, yes.

WHEREUPON the resolution was declared adopted this 7th day of May, 2024

Chief Meddles is asking for approval to post an opening on the fire dept.

He also stated he is still waiting to hear on the AFG grant.

Road Department

Open up Quarry Park (signs down)
Fixed sign on Colorado Ave.
Fixed air hose @ garage building #3
Picked up litter on Bryant, Arlington, and Lindberg

Mowed Township and Complex three times
 Blowout fixed on Adare Rd. (Pickens)
 Cleaned catch basin on Edgefield Dr.
 Took snow plows off trucks
 New speed signs on Barford and Lawrence
 Installed new street signs on Oxford, Barford, Keener, Selma, and Richland Terrace

Zoning

<u>24-4-18-R-1</u>	18-Apr-2024	Shed	\$50.00	Larry Vasco	500 Meadow Lane
<u>24-4-23-C-1</u>	23-Apr-2024	Pet Store	\$100.00	Gail Fetter	1609 Marion Mt. Gilead Rd.
<u>24-4-23-S-1</u>	23-Apr-2024	Pet Store	\$400.00	Brady Signs	1609 Marion Mt. Gilead Rd.
<u>24-4-25-R-1</u>	23-Apr-2024	Fence	\$50.00	Diana Howard	2572 East Dr

Fire Department

No report received.

With no further business to discuss, Ballinger made a motion to adjourn; McCleary seconded the motion and roll call was as follows: Ms. McCleary, yes; Mr. Ballinger, yes. The motion carried and the meeting adjourned at 6:30 pm.

_____	Ms. Larry Ballinger, Chairman
_____	Mr. Ben Creasap, Vice-Chairman
_____	Ms. Karen McCleary, 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.