

AUSTINTOWN TOWNSHIP

MAHONING COUNTY, OHIO
82 OHLTOWN ROAD
AUSTINTOWN, OH 44515

REGULAR MEETING OF JULY 30, 2018

The Regular Meeting of the Board of Trustees of Austintown Township was held Monday, July 30, 2018, at Town Hall, 82 Ohltown Road, Austintown, Ohio.

The meeting opened at 12:00 P.M. with a salute to the flag led by Chairperson James Davis. Roll Call was as follows: Mr. Davis, present; Mr. Carano, present; and Mr. McGlynn, present.

Mr. Davis introduced the Board Members, Department Heads, and Sergeant at Arms.

RESOLUTION #18-07-30-01: Motion by Mr. Carano to approve Minutes of the Regular Meeting of July 9, 2018.

Mr. McGlynn seconded the motion. Roll Call Vote: Mr. Carano, yes; Mr. McGlynn, yes; and Mr. Davis, yes.

ADMINISTRATOR'S REPORT

DEPARTMENT BUSINESS

ROAD DEPARTMENT AND CEMETERY

POLICE DEPARTMENT

Chief Gavalier said the department received a \$1000.00 donation from the Fraternal Order of Eagles.

FIRE DEPARTMENT

ZONING DEPARTMENT

RESOLUTION #18-07-30-02: Motion by Mr. McGlynn to approve the following:

RESOLUTION

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The Board of Trustees of Austintown Township, Mahoning County, Ohio, meeting on Monday, July 30, 2018, did adopt the following Resolution:

WHEREAS: The Board of Trustees of Austintown Township has determined that the following properties constitute a public nuisance pursuant to Ohio Revised Code 505.87:

2434 Amberly Street

Parcel 48-004-0-136

High grass and weeds within the rear yard; miscellaneous items, junk, and debris including an inflatable pool with stagnant water within rear yard;

3974 Brandomyne Avenue

Parcel 48-074-0-138

Miscellaneous items, junk, and debris throughout the property;

3866 Burkey Road

Parcel 48-008-0-015

Discarded furniture at front of garage;

Canfield-Niles Road North

Lot No. 13, Lloyd Plat No. 1

Parcel 48-030-0-073

High grass and weeds;

3877 Elmwood Avenue

Parcel No. 48-009-0-280.000

High grass and weeds;

90 Forest Hill Drive

Parcel No. 48-010-0-233.000

High grass and weeds;

Forest Hill Drive

Lot No 311A – Wickliffe Annex

Parcel No. 48-010-0-233.000

High grass and weeds at curb;

251 Forest Hill Drive

Parcel No. 48-009-0-149.000

High grass and weeds within the rear yard;

303 Forest Hill Drive

Parcel No. 48-009-0-281.000

High grass and weeds;

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**321 Forest Hill Drive
Parcel No. 48-009-0-286.000
High grass and weeds within the rear yard;**

**3770-3772 Frederick Street
Parcel 48-009-0-078
Discarded furniture placed at the front curb;**

**4302 Kirk Road
Parcel 48-074-0-034
High grass and weeds within fenced in play-ground area north of building;**

**2550 South Meridian Road
Parcel 48-044-0-169
High grass and weeds within the rear yard;**

**657 Purdue Avenue
Parcel No. 48-110-0-029.000
High grass and weeds;**

**3652 South Raccoon Road
Parcel 48-112-0-008
Trash at the side of the dwelling (Allison Brothers discontinued service eight (8) weeks ago due to non-payment);**

**232 South Roanoke Avenue
Parcel No. 48-012-0-248.000
High grass and weeds throughout entire yard and at perimeter of the dwelling;**

**248 South Roanoke Avenue
Parcel No. 48-012-0-248.000
Miscellaneous items, junk, and debris within rear yard and behind detached garage;**

**44 Rosemont Avenue
Parcel 48-011-0-556
High grass and weeds throughout entire yard and rear chain-link fence; miscellaneous items, junk, and debris including upholstery chairs within rear yard and junk on front porch;**

**4942 Signature Circle
Parcel No. 48-097-0-255.000
High grass and weeds;**

546 Southward Drive

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Parcel 48-095-0-118

High grass and weeds with fenced in rear yard;

4308 Wedgewood Drive

Parcel No. 48-104-0-007.000

High grass and weeds;

4260 Wedgewood Drive

Parcel No. 48-108-0-086.000

High grass and weeds within the rear yard;

4125 Westmont Drive

Parcel 48-095-0-114

High grass and weeds within the rear yard;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Austintown Township that the above referenced properties constitute public nuisances and the property owners are hereby **ORDERED** to abate, control, or remove said nuisances:

If said nuisances are not abated, controlled or provision for abatement, control, or removal is not made within **SEVEN (7) DAYS** from the below date of adoption, the **BOARD OF TRUSTEES** will provide for the abatement, control, or removal, and any expenses incurred - **\$500 minimum** - by the Board of Trustees in performing that task will be entered upon the tax duplicate and will be a lien upon the land from the date of entry.

Mr. Carano seconded the motion. Roll Call Vote: **Mr. McGlynn, yes; Mr. Davis, yes; and Mr. Carano, yes.**

RESOLUTION #18-07-30-03: Motion by Mr. Carano to find the following motor vehicles meet all of the following criteria: 1) Three model years or older; 2) Apparently inoperable; and 3) extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission and to declare the following vehicles public nuisances under Ohio Revised Code 505.871 and order the removal of the junk vehicles within 14 days after noticed is served to the property owner:

273 North Yorkshire Boulevard - An inoperable and unlicensed 2003 Mitsubishi Lancer parked an exposed manner within the devil strip grass; and

248 South Roanoke Avenue - An inoperable, dismantled, and unlicensed blue GMC parked an exposed manner within the driveway and an inoperable, dismantled, and unlicensed silver GMC parked an exposed manner within the driveway.

Mr. McGlynn seconded the motion. Roll Call Vote: Mr. Davis, yes; Mr. Carano, yes; and Mr. McGlynn, yes.

RESOLUTION #18-07-30-04: Motion by Mr. Carano pursuant to ORC 505.86 for the demolition of the detached accessory building located at 4018 Lanterman Road.

WHEREAS, the AUSTINTOWN TOWNSHIP FIRE INSPECTOR has declared insecure, unsafe, and structurally defective the accessory building located at 4018 Lanterman Road, Austintown Township, Mahoning County, Ohio, 44515, being further described as Parcel #48-072-0-023, Great Lot No. 1, based on the detached accessory building located at the east property line being declared insecure, unsafe, and structurally defective by the Austintown Township Fire Inspector and directing the razing of the condemned detached accessory building;

WHEREAS, the BOARD OF TRUSTEES OF AUSTINTOWN TOWNSHIP have now determined that it is necessary to provide for the razing of the condemned detached accessory building at the property located at 4018 Lanterman Road that has been declared a public nuisance;

NOW, THEREFORE, BE IT RESOLVED, that the BOARD OF TRUSTEES OF AUSTINTOWN TOWNSHIP, by authority of ORC 505.86, deems it necessary to raze the condemned detached accessory building located at 4018 Lanterman Road, Austintown Township, Mahoning County, Ohio, 44515:

AND, BE IT FURTHER RESOLVED, that the owner thereof receive proper notice, at least thirty (30) days prior by certified mail and in accordance with ORC 505.86, of the intention to remedy said matter through the razing of the condemned detached accessory building at said property, and the intention to collect the total costs in accordance with the methods prescribed in ORC 505.86, which includes directing the Fiscal Officer of the Township to certify the total costs, together with a property description of the lands to the county auditor who shall place the costs upon the tax duplicate wherein such costs are a lien upon such lands from the date of entry and collected as other taxes and returned to the township general fund.

Mr. McGlynn seconded the motion. Roll Call Vote: Mr. Carano, yes; Mr. McGlynn, yes; and Mr. Davis, yes.

RESOLUTION #18-07-30-05: Motion by Mr. Carano to schedule a public hearing to be conducted by the Board of Trustees regarding Amendment 2018-02-Z-DCMD Holdings, LLC on Monday, August 13, 2018 at 7:00 P.M., pursuant to the letter of certification dated July 27, 2018 from the Austintown Township Zoning Commission.

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Mr. McGlynn seconded the motion. Roll Call Vote: Mr. McGlynn, yes; Mr. Davis, yes; and Mr. Carano, yes.

PARK DEPARTMENT

SENIOR CENTER

FISCAL OFFICER

RESOLUTION #18-07-30-06: Motion by Mr. McGlynn to approve June Reports submitted to Board at the July 9, 2018 meeting

- a. Fund Status
- b. Revenue Status
- c. Appropriation Status

Mr. Carano seconded the motion. Roll Call Vote: Mr. Davis, yes; Mr. Carano, yes; and Mr. McGlynn, yes.

NEW BUSINESS

RESOLUTION #18-07-30-07: Motion by Mr. Carano to approve Advances from General Fund (1000) to:

- \$72,000.00 to Permissive Motor Vehicles (2231)
- \$75,000.00 to Communications (6002)

Mr. McGlynn seconded the motion. Roll Call Vote: Mr. Carano, yes; Mr. McGlynn, yes; and Mr. Davis, yes.

RESOLUTION #18-07-30-08: Motion by Mr. Carano to proceed with the submission to the electors pursuant to ORC 5705.19 (J) of the question of levying a tax of 3.2 mills of which levy is a replacement of 2.4 mills of an existing levy and an increase of 0.8 mills – *see attached*

Mr. McGlynn seconded the motion. Roll Call Vote: Mr. McGlynn, yes; Mr. Davis, yes; and Mr. Carano, yes.

RESOLUTION #18-07-30-09: Motion by Mr. Carano to NOT request a hearing on Notice to Legislative Authority – Transfer to Infinite Reign, LLC DBA Litaliano 3661 Mahoning Ave & Patio, Austintown TWP, Austintown, Ohio 44515. Permit Number 4131096: Permit Classes D1, D2, D3, D3A From Asset & Property Relief, LLC, DBA Ball Busters, 3661 Mahoning Ave & Patio, Austintown TWP, Youngstown, Ohio 44515. Permit Number 03003390005; Permit Classes D1, D2, D3, D3A
No objections from Chief Gavalier.

Mr. McGlynn seconded the motion. Roll Call Vote: Mr. Davis, yes; Mr. Carano, yes; and Mr. McGlynn, yes.

PUBLIC RESPONSE

OFF CAMERA:

Louise Ward: 129 Fitch Blvd.

- Asked if anything is in the works to control the raccoons?

Robert Anderson: 4237 Timberbrook

- Complained about 4226 Burgett Rd. – the grass needs to be cut; it's causing health problems

Anthony Elmo – O'Reilly Auto Parts

- Questioned as to why the Township is no longer using O'Reilly Auto Parts? Sending money out of Austintown over a personal issue.

ON CAMERA:

Cecilia 'Cookie' Chepke: 216 N. Main

- Member of the Senior Center – wanted to know why we have to go out of the area to hire employees?

Jim commented; the company finds senior citizens, trains them and then sends them to the center at no cost to the township for 18 months.

REMARKS FROM THE BOARD MEMBERS

FISCAL OFFICER LAURA L. WOLFE:

- Commended Jim on his skydiving
- Congratulated Mike on the birth of his granddaughter

TRUSTEE DOUG MCGLYNN:

- Commended Jim on his jump as well
- Congratulated Ken
- Congratulated Mike Dockry
- Addressed Mr. Anderson's concern

TRUSTEE KENNETH A. CARANO:

- Thanked all for their accolades
- Talked about the Police Levy – the township has lost over 6 million dollars since 2010 to the state's 'Rainy Day Fund'

TRUSTEE JAMES C. DAVIS:

- Congratulated Doug on 37 years of marriage
- Congratulated Ken on his 50th wedding anniversary
- And congratulated Mike on his new granddaughter

RESOLUTION #18-07-30-10: Motion by Mr. Carano to Recess to Executive Session at 1:05 P.M. for the following:

- A. To consider the appointment, employment, discipline, or compensation of public employees

Mr. McGlynn seconded the motion. Roll Call Vote: Mr. Carano, yes; Mr. McGlynn, yes; and Mr. Davis.

RESOLUTION #18-07-30-11: Motion by Mr. McGlynn to reconvene from Executive Session at 3:25 P.M.

Mr. Carano seconded the motion. Roll Call Vote: Mr. McGlynn, yes; Mr. Davis, yes; and Mr. Carano, yes.

RESOLUTION #18-07-30-12: Motion by Mr. Carano to deny Fire Grievance hearing #18-002.

Mr. McGlynn seconded the motion. Roll Call Vote: Mr. Carano, yes; Mr. Davis, yes; and Mr. McGlynn, yes.

RESOLUTION #18-07-30-13: Motion by Mr. McGlynn to adjourn meeting at 3:30 P.M.

Mr. Carano seconded the motion. Roll Call Vote: Mr. Davis, yes; Mr. Carano, yes; and Mr. McGlynn, yes.

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This is to certify that the foregoing is an accurate record of the proceedings of the board of township trustees at its meeting held on the date listed above.

Date: 08-13-18 Sandra S Wayne
Fiscal Officer

Approved:
Jan Cook
Chairperson Board of Trustees

Resolution # 18-07-30-08

**A RESOLUTION DETERMINING TO PROCEED WITH THE SUBMISSION
TO THE ELECTORS OF THE QUESTION OF LEVYING A TAX
IN EXCESS OF THE TEN-MILL LIMITATION**

The Board of Trustees of Austintown Township, Mahoning County, Ohio, met in Regular Session on the 30th day of July 2018, at the Austintown Township Government Center, 82 Ohltown Road, Austintown, Ohio 44515 with the following members present:

Jim Davis, Ken Carano, Doug McGlynn

MR. CARANO moved the adoption of the following Resolution:

WHEREAS, on the 9th day of July, 2018, this Board adopted a resolution determining to submit to the electors of Austintown Township, the question of levying a tax in excess of the ten-mill limitation, as described below, a copy of which resolution was certified to the County Auditor of Mahoning County; and

WHEREAS, the County Auditor has certified to this Board that the total current tax valuation of Austintown Township is \$ 622,057,040 and the dollar amount of revenue that will be produced annually by the millage stated below would be \$ 1,990,583.

NOW, THEREFORE, BE IT RESOLVED, by the Austintown Township Board of Trustees of Mahoning County, Ohio, two thirds of all members elected thereto concurring, that:

Section 1. This Board has determined that the amount of taxes that may be raised within the ten mill limitation will be insufficient to provide for the necessary requirements of the subdivision and that it is necessary to levy a tax in excess of that limitation.

Section 2. This Board will proceed with the submission of the question of the tax to electors of Austintown Township, Mahoning County, Ohio, pursuant to ORC 5705.19 (J), for the purpose of providing and maintaining motor vehicles, communications, and other equipment used directly in the operation of a police department, or the payment of salaries of permanent police personnel, including the payment of the policemen employer's contributions required under section 742.33 of the Revised Code, at a rate not exceeding 3.2 mills for each one dollar of valuation, as estimated by the Mahoning County Auditor, which amounts to thirty-two cents (\$0.32) for each hundred dollars of valuation for a continuing period of time commencing in tax year 2018, first due in calendar year 2019, and which levy is a replacement of 2.4 mills of an existing levy and an increase of 0.8 mills.

Section 3. The question of approving the levy shall be submitted to the electors of Austintown Township at the General election to be held on the 6th day of November, 2018, and that said levy be placed on the tax lists, commencing in tax year 2018, first due in the calendar year 2019, if a majority of the electors voting thereon vote in favor thereof.

Section 4. This Board shall certify this Resolution, a copy of the Mahoning County Auditor's Certification, and the Resolution of Necessity to the Mahoning County Auditor and to the Board of Elections of Mahoning County, Ohio, not less than ninety days before the election, in the manner prescribed by the section of the Revised Code governing submission of the question.

Section 5. It is found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with law.

MR. MCGLYNN seconded the Resolution and the roll being called upon its adoption, the vote resulted as follows:

The Roll Call resulted as follows:

| | <u>AYE</u> | <u>NAY</u> |
|--------------------|------------|---------------|
| <i>Mr. Carano</i> | <u>X</u> | <u> </u> |
| <i>Mr. McGlynn</i> | <u>X</u> | <u> </u> |
| <i>Mr. Davis</i> | <u>X</u> | <u> </u> |

Adopted the 30th day of July, 2018.

BY ORDER OF THE AUSTINTOWN TOWNSHIP BOARD OF TRUSTEES,
MAHONING COUNTY, OHIO:

Jim Davis
Jim Davis, Chair

Ken Carano
Ken Carano, Vice Chair

Doug McGlynn
Doug McGlynn, Trustee

CERTIFICATION

I, Laura Wolfe, Fiscal Officer of Austintown Township, do hereby certify that the foregoing is taken and copied from the Minutes of Austintown Township of July 30, 2018 that the same has been compared by me with the "Resolution Determining to Proceed with the Submission to the Electors of the Question of Levying a Tax in Excess of the Ten-Mill Limitation" of said Minutes, and that same is a true and correct copy thereof.

Laura Wolfe
Laura Wolfe
Fiscal Officer