

SPECIAL COMMISSIONERS MEETING – THURSDAY, JUNE 2, 2005

Patricia G. Geissman called the meeting to order at 1:35 p.m. with Stephen D. Hambley and Sharon A. Ray present.

This meeting was scheduled to discuss the review from Tuesday of the annexation petition for land from Lafayette Township to the City of Medina.

It was noted that the letter from Tax Maps indicates that the legal description and plat are not accurate if the land being annexed is assigned city lot numbers; they are accurate if the city lot numbers are not assigned. Bill Thorne, Assistant Prosecutor, stated that the issue of city lot numbers does not affect the annexation and that the issuance of city lot numbers was from a policy that had been used in the past.

Relative to services being provided by the City, the resolution was received and Barb Dzur stated that the services include road maintenance.

Trina Devanney, Assistant Prosecutor representing the township, stated that parcel J, N and F will become islands and if the agreement for maintenance of the roads ever ceases the county would have to maintain those small areas of the roads.

Through questioning, Mike Salay, County Engineer, stated that the sections of Lake Road and Smith Road in question are currently maintained by the city. If there is a major improvement in those areas the county and city would share in that cost. If the land is annexed, the county would not have 50% of the improvement to pay. Maintenance, such as plowing and care are being taken care of by the city.

James Fisher, Agent for the Petitioners, noted that when the annexation was proposed their engineer, Rolling & Hocevar, ran the plat through Tax Maps before the petition was filed. Roxana Rohrich of Tax Maps objected because of the islands, but the statute only doesn't allow islands if they are completely surrounded by the annexing area. The Prosecutor's Office at that time agreed with that interpretation. There has since been speculation on whether the legislative intent was to not allow islands all together.

Ms. Devanney stated that she has seen the letter that was sent to Tax Maps and there is a difference in opinions. It is the township's opinion that the statute is clear that they didn't want to create islands. Representative Calvert was contacted and his comment was that the intent was to prevent islands and he feels that intent is very clearly written.

Mr. Fisher stated that it is clearly written that islands created by the annexing territory are not permitted. The wording could have been changed to make it clearer. Expedited Type 2 annexations remain in the township for tax purposes. The township will continue receiving real estate taxes and taxes to improvements on the land and they don't have to service the area. Relative to the islands, they are served by the township and remain the same distance as they currently are.

Ms. Devanney stated that the township is proud of their residents in this area and they would like to prevent the islands being created. They do not want to be in the position Brunswick Hills Township is in. Through questioning, she stated that Mr. Calvert feels the statute is clearly written to prevent islands.

Lynda Bowers, Lafayette Township Trustee, added that Mr. Calvert was adamant that it is clearly written.

Through questioning, Mr. Thorne stated that he agrees with Mr. Fisher on the wording of the statute. Technically this doesn't create an island because the land being annexed will be remaining in the township.

Mrs. Geissman asked about getting an attorney general's opinion on the law.

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Mr. Thorne stated that he will not be able to get an opinion within the required time frame for a decision to be made. He agreed to try to get a response by Monday, which is the deadline for Commissioners to make a decision.

Mrs. Geissman asked if the petitioners can be asked to withdraw, noting that she is uncomfortable making a decision when the Trustees unanimously are against this.

Mr. Hambley stated that he is not comfortable in delaying a decision. The purpose of the expedited type annexations is that they move through quickly. Commissioners have an obligation to make a decision.

Ms. Devanney noted that they would seek a writ of mandamus to compel the Board to make a decision.

Relative to the question of intent of the law, Mr. Hambley stated that fixing the language will not affect this annexation, but they should be asked to address the issue. If their intent is not to create any islands then they should re-do the language.

Ms. Devanney asked who would maintain the 2 roads if the current maintenance agreement was terminated, noting that there will be 2 township lots about 800 to 1000 feet into the city.

Mr. Salay stated that the agreement will not change. The maintenance agreements are prepared between the County Engineer and the municipality's engineer, which is then ratified by the Commissioners and Council. The only sharing is in the costs of major improvements.

Mr. Fisher stated that there has been no attempt to discontinue the agreement because it is a benefit to both entities and it reduces the segmentation.

Nino Piccoli, Medina Service Director, added that no new agreement will be needed and that Medina will continue to maintain these roads.

Ms. Bowers stated that through a meeting with the property owners it has been agreed that there is no benefit to the township. This area is viable to industry and adding 2 additional tax layers is not a benefit. Impact fees and income tax will deter development in the area.

Barb Dzur, Medina City, noted that it is additional industrial land that can be developed and annexation will put it all under one entity. The benefit to the city with development is income tax.

Jim Gerspacher added that tax abatement is available in the city that is not available in the township.

It was agreed to have the Clerk prepare the resolution for approval for Monday's meeting.

At 2:10 p.m. Mr. Hambley moved to adjourn the meeting; Seconded by Ms. Ray. There was no discussion. Roll Call showed all Commissioners voting AYE.

MEDINA COUNTY COMMISSINERS:

Patricia G. Geissman

Stephen D. Hambley

Sharon A. Ray

Respectfully submitted,

Pamela J. Terrill, Clerk