

YORK TOWNSHIP TRUSTEES

Colene Conley
Regular Meeting

Richard Monroe

William Pavlick
September 25, 2014

Chairman Rick Monroe called the regular meeting to order at 6:30 p.m. He led the pledge of allegiance.

Fiscal Officer:

RESOLUTION #14-09-01 – Approve Minutes

Moved by Conley, second by Pavlick to approve the minutes of the August 28, 2014 regular meeting. Roll: Conley, yes; Pavlick, yes; Monroe, yes.

RESOLUTION #14-09-02 – Approve Financial Statements

Moved by Pavlick, second by Conley to approve and accept the financial statements for August – appropriation status, revenue status and fund summary. Roll: Pavlick, yes, Conley, yes; Monroe, yes.

RESOLUTION #14-09-03 – Approve Appropriation Amendments

Moved by Monroe, second by Pavlick to amend appropriations as follows:

Fire Fund: Fire Svcs.: Fringe Benefits	\$8,000.00
EMS Svcs: Purch. Svcs.	<u>(8,000.00)</u>
Total:	-0-

Roll: Monroe, yes; Pavlick, yes, Conley, yes.

**RESOLUTION #14-09-04 – Approve Transfer of \$3,000 from
General Fund to Zoning Fund**

Moved by Conley, second by Pavlick to approve the transfer of \$3,000 from the General Fund to the Zoning Fund. Roll: Conley, yes; Pavlick, yes; Monroe, yes.

Correspondence:

- Co. Prosecutor – Affordable Care Act AG Opinion
- OTARMA – Fall Newsletter
- City of Medina – Brownsfield Coalition Grant Extension Request
- Co. Prosecutor – AG Opinion for Limitations/Collective Bargaining
- Co. Planning Services – Forest Creek Subdivision
- Eppolito Signs – Sign Info
- Granger Paving – Paving Quotes
- Aetna – HRA Renewal for January 2015
- OTARMA – Board of Directors Election
- Medina Co. SPCA – 2015 Fee Request
- Medina Co. Commissioners – Natural Gas Aggregation Program
- Ohio BWC – Workers Comp Claim
- State of Ohio – New Round of Workforce Training Money
- Granger Paving – Paving Quotes
- Ohio BWC – Workers Com Claim Info
- Office of Governor – New Round of Workforce Training Money
- Federal Field Services – Siren Report
- Columbia Gas Transmission – Clean Up of Well
- Volunteer Energy – Co. Gas Aggregation Program

RESOLUTION #14-09-05 – Approve PO's/BC's, Payment of Bills and Payroll

Moved by Pavlick, second by Conley to approve the PO's/BC's, payment of the payroll and bills as attached. (Item A). Roll: Pavlick, yes; Conley, yes, Monroe, yes.

REPORTS:

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Fire:

- Ken gave the monthly report to the trustees.
- Fire hydrant testing complete; hose testing complete, but some needs to be replaced. Waiting to see if will receive the grant.
- I'm working on putting together the 2012 & 2013 grants.
- Six members participated with the training held at the AT & T building this past week. AT & T had their national response team present.
- Dan Sparks participated in the Tunnel to Tower race and took second overall. He ran in full gear. He finished the hazardous material class in Mahoning County.
- Three of our members will begin a firefighter class in November funded through a grant. One of our members is taking a basic EMT class currently.
- Cory Schaefer has completed probation.
- We've done training at the Career Center with ladders; Life Flight has been here twice for training.
- Homecoming Parade is this evening followed by the powder puff game and bonfire.
- Truck day will be at the Buckeye Library this Saturday.
- Fire prevention day is October 15th at the Elementary School. Our team will be there for training.
- Smokey & Patches will be at Home Depot on Oct. 4th for safety day.
- Swiss steak dinner will be October 11th from 4:00 – 8:00.
- I received a letter from Monica Lenarth for a leave of absence due to an injury from her other job. My recommendation is for a 3 month leave of absence.

RESOLUTION #14-09-06 – Approve Leave of Absence for Monica Lenarth

Moved by Conley, second by Pavlick to approve a 3-month leave of absence for Monica Lenarth. Roll: Conley, yes; Pavlick, yes; Monroe, yes.

- Phil Geneaux has requested to come back to the department. I would recommend that he be employed.

RESOLUTION #14-09-07 – Employ Phil Geneaux

Moved by Conley, second by Pavlick to employ Phil Geneaux as a Firefighter/EMT. Roll: Conley, yes; Pavlick, yes; Monroe, yes.

- We have a lieutenant opening on the department. It has been posted and two people applied. I have met with, and interviewed, both Patrick Barrett and Matt Behner. I took the results of the interview to the officer's meeting this past Monday. It is my recommendation that Patrick Barrett be appointed Lieutenant.

RESOLUTION #14-09-08 – Appoint Patrick Barrett to Lieutenant

Moved by Pavlick, second by Conley to employ Patrick Barrett as a Lieutenant. Roll: Pavlick, yes; Conley, yes; Monroe, yes.

Visitors:

- Debbie Christy, Spieth Road resident came asking about the Nexus pipeline. She asked questions about whether we received a survey letter, which we didn't. She asked whether our trustees were for or against it. Bill stated he thought the homeowner should have the choice of whether it goes through their property. Rick stated he didn't have an

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opinion at this time. Colene stated there will be a meeting by the Commissioners on October 23rd.

- Walter Giebeler stated they asked Mr. Hambley to attend this meeting. This whole thing seems to be very confusing.
- Verna Giebeler stated that the Commissioner's didn't have any information. Another gentleman from Guilford has tried to speak with Renacci. Rick told her to try contacting Dave Hull's Columbus office.
- The trustees told them that we don't have information; the company is being vague at this time.
- Dave Morris, Spieth Road was interested in the gas line also. He's received 3 letters and had someone come to his door wanting to know why he hasn't signed the permission letter yet.
- Lowell Wolff, Wolff Road, brought a letter asking to be re-instated to the Zoning Commission Board.

RESOLUTION #14-09-09 – Reinstate Lowell Wolff to Zoning Commission Board

Moved by Conley, second by Pavlick to re-instate Lowell Wolff to his Zoning Commission Board seat, effective October 1, 2014. Roll: Conley, yes; Pavlick, yes; Monroe, yes.

- Lisa Nichols, Co. Auditor's Office – 20th year for the 4th graders Top Dog Essay Contest with a deadline of November 17th. The awards ceremony will be December 1st.
- Stan Katanic, Forest Creek Subdivision, was present to state that their variance was approved by the Co. Planning Commission. He thanked the trustees and Dorothy for their help. The Co. Planning Commission has also approved the General Development Plan. I am now requesting your approval of the General Development Plan. Travis Crane from the Engineering Firm was also present and stated they have no problems with the modifications suggested by the Co. Planning Commission. Stan said that with the Trustees approval, they would be able to go forward with Engineering.
 - Colene stated that a couple of lots were added behind Carl Bilski's. Was that to provide more buffer? Stan stated that no, the lots were existing. However, the HOA/park line was lowered to create more of a buffer.
 - Stan was asked about street lights. He stated that is something they analyze as they go forward – street lights, post lights or building lights (ex. the house or garage).
 - Colene asked about creative mounding near Mrs. Sweet's since she sits so much higher. Would you please look at this during your planning? Stan stated they would.
- Debbie Christy was wondering and asked about potential homeowners wanting to sell, are they required to inform potential buyers about potential gas line? Stan told her that would be a legal question as did the trustees.

**RESOLUTION #14-09-10 – Approve Forest Creek Subdivision
General Development Plan**

Moved by Conley, second by Pavlick to approve the Forest Creek Subdivision General Development Plan. Roll: Conley, yes; Pavlick, yes; Monroe, yes.

REPORTS, cont'd:

Zoning:

- Dorothy pointed out the open house for FX Motor Sports inviting the trustees to attend.

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- We still need to work on the lot line wording regarding cul de sac drives in Shale Creek. Colene stated Dorothy should forward it to the Prosecutor's Office.
- We have an issue with 3104 Station Road rear lot. Mr. Surmitis had gotten a rear lot with a condition that he couldn't build anything in the restricted space. The new owner, Mr. Wingfield wants to build a riding arena. The building restriction was not put into the deed as requested by the BZA. Mr. Thorne stated that since it is an agricultural exemption/riding arena and the wording was not in the deed, we would not have control over it.
- We have an issue with some cemetery lots. I will be taking the information to Mr. Karris at the Prosecutor's Office to help sort it out for what we would be legally required to do.
- Dorothy asked about the Shale Creek Enclave Amendment

RESOLUTION #14-09-11 – Approve Shale Creek Enclave Amendment

Moved by Conley, second by Pavlick to approve the Shale Creek Enclave Amendment. (Item B). Roll: Conley, yes; Pavlick, yes; Monroe, yes.

- Dorothy reviewed her report that she had given the trustees. (Item C.)

Trustees:

Bill Pavlick:

- Roadside mowing began at the beginning of the month. South of 18 is completed. He has re-sprayed some of the bridges.
- I've called Columbia Gas regarding some trees that were dead at the compressor station that were cut last year and not removed last year. They have come and cleaned it up.
- Most people have received their letters on the Gas Aggregation Program. It will start with a 2 year fixed rate from November 1, 2014 – October 31, 2016.

Rick Monroe:

- Federal Field Services came and did the preventative maintenance on our sirens. They found we needed some new batteries. They double checked the siren here at the station and didn't find anything wrong. The next time that Dan Bodette comes to Medina Co., I'm going to work with him and Janelle at the Sheriff's Dept. on the reports that are done on the first Saturday of the month.
- Bill Norton has worked again on cutting more trees from the park area. He's done a good job of cleaning up after himself.
- I've received some calls on the Verizon cell phone tower with the change of the strobe light. I'm trying to get in touch with Verizon to ask why it is such a bright white light.
- I've spoken with Mark Miller from PS Fabric Construction since it was 4 months ago that we met. Mark expects to be out in 2 – 3 weeks to make the repairs.
- Cemetery – our maps are in very bad shape. I've contacted the Career Center and spoke with Lorah Meech, Auto Cad teacher. She would be interested in having the class do our maps. Laurie stated there would not be a fee, but if we would like to make a donation to the senior year end banquet, that would be nice. Rick wants to make copies of the maps at Repro Depot that we have and then take them to Laurie.

RESOLUTION #14-09-12 – Cemetery Map Copies at Repro Depot

Moved by Monroe, second by Pavlick to make copies of the cemetery maps at Repro Depot. Roll: Monroe, yes; Pavlick, yes; Conley, yes.

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- If you remember, Norm Hinman wasn't happy with the reading of the roster at the Memorial Day Parade. I got in touch with Jim Eisenbrown to let him know that some of the residents weren't happy. Mr. Eisenbrown stated he would like to speak with those residents. Rick will speak with the Pastor.
- Medina Co. will have their County Recycling Day on October 11th from 8:00 – 2:00.
- NEO Live Steamers will have their Halloween run on Oct. 17th (6:30 – 8:30) and Oct. 18th from (2:00 – 4:00 and 6:30 – 8:30).
- Can we move October meeting from Thursday to Wednesday?

RESOLUTION #14-09-13 – Change October Meeting October 22nd

Moved by Conley, second by Pavlick to move the October meeting from October 23rd to Wednesday, October 22nd at 5:00 p.m. Roll: Conley, yes; Pavlick, yes; Monroe, yes.

Colene Conley:

- The Granger Paving paving estimates are in our correspondence. The first estimate was rather high. We rode around together to check on the various spots.

RESOLUTION #14-09-14 – Hire Granger Paving for Various Roads

Moved by Monroe, second by Pavlick to hire Granger Paving for paving on various roads at a cost of \$44,170.00. Roll: Monroe, yes; Pavlick, yes; Conley, yes.

- We also received a request from the SPCA for a fee for their work. If we don't pay them, we will have to take care of it ourselves.

RESOLUTION #14-09-15 – Donate \$200 to SPCA for 2015

Moved by Pavlick, second by Conley to donate \$200 to the SPCA. Roll: Pavlick, yes; Conley, yes; Monroe, yes.

- At short Wolff and Abbeyville, there was trimming done behind the guardrail.
- I've also sent letters requesting our loss reports to Homestead and Beriswell and given a copy to Bev for the file.
- I took a copy of our ODNR grant application to Bill Thorne. We're asked in the grant to provide the Fiscal Officer's bond. Bev will give Colene a copy of her bond.
- We took Fred Boreman to the Co. Engineer's meeting.
- Frank Fabrizi called to say he was going to a salt meeting since it has increased so much this year.
- The OTARMA group wants to come up and give us a presentation. Last month we agreed to shoot for Monday, December 8th at 7:00 p.m.
- Liverpool Chamber of Commerce were going to have a candidate's night, but since there weren't many local people running, they opted not to have it.

RESOLUTION #14-09-16 – Executive Session

Moved by Conley, second by Monroe to go into executive session to discuss the purchase of property. Roll: Conley, yes; Monroe, yes; Pavlick, yes.

The trustees went into executive session at 8:21 p.m. with Dorothy Crouch and Bev Fry also asked to attend to discuss the purchase of property.

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The trustees, Dorothy Crouch and Bev Fry returned to open session at 8:36 p.m. after having discussed the purchase of property.

RESOLUTION #14-09-17 – Set Special Meeting

Moved by Monroe, second by Pavlick to hold a special meeting to discuss township business on Wednesday, October 1, 2014 at 4:00 p.m. Roll: Monroe, yes; Pavlick, yes; Conley, yes.

RESOLUTION #14-09-18 – Adjourn

Moved by Conley, second by Pavlick to adjourn the meeting at 8:38 p.m. Roll: Conley, yes; Pavlick, yes; Monroe, yes.

Richard Monroe, Chairman

Beverly Fry, Fiscal Officer

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Item A

YORK TOWNSHIP, MEDINA COUNTY

9/30/2014 10:48:09 AM

Payment Listing

UAN v2014.3

September 2014

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
272-2014	09/03/2014	09/03/2014	CH	UMB HSA Corp	\$121.56	O
273-2014	09/08/2014	09/08/2014	CH	Verizon Wireless	\$91.16	O
274-2014	09/09/2014	09/10/2014	CH	Lorain-Medina Rural Electric Coop, Inc.	\$12.47	O
275-2014	09/09/2014	09/10/2014	CH	UMB HSA Corp	\$142.38	O
276-2014	09/11/2014	09/11/2014	CH	Columbia Gas	\$28.56	O
277-2014	09/15/2014	09/15/2014	CH	UMB HSA Corp	\$54.01	O
278-2014	09/16/2014	09/18/2014	CH	FirstMerit Bank	\$40.80	O
279-2014	09/16/2014	09/18/2014	CH	UMB HSA Corp	\$15.75	O
280-2014	09/17/2014	09/18/2014	CH	PowerNet Global Communications	\$7.92	O
281-2014	09/18/2014	09/18/2014	CH	UMB HSA Corp	\$310.66	O
282-2014	09/25/2014	09/22/2014	EP	Kenneth Barrett	\$742.74	O
283-2014	09/25/2014	09/22/2014	EP	Colene S Conley	\$815.71	O
284-2014	09/25/2014	09/22/2014	EP	Dorothy A Crouch	\$2,296.75	O
285-2014	09/25/2014	09/22/2014	EP	William J Crouch	\$245.82	O
286-2014	09/25/2014	09/22/2014	EP	Beverly E Fry	\$1,132.44	O
287-2014	09/25/2014	09/22/2014	EP	Mary E Lenarth	\$500.87	O
288-2014	09/25/2014	09/22/2014	EP	Richard M Monroe	\$815.71	O
289-2014	09/25/2014	09/22/2014	EP	William Edward Pavlick	\$815.71	O
291-2014	09/25/2014	09/22/2014	EW	FirstMerit Bank	\$971.17	O
292-2014	09/25/2014	09/22/2014	EW	Ohio Department of Taxation	\$201.27	O
293-2014	09/25/2014	09/22/2014	EW	Public Employers Retirement System	\$2,252.66	O
294-2014	09/22/2014	09/24/2014	CH	Ohio Edison Co.	\$1,496.01	O
295-2014	09/24/2014	09/24/2014	CH	Frontier (Verizon North)	\$238.84	O
296-2014	09/26/2014	09/30/2014	CH	Armstrong	\$58.95	O
297-2014	09/29/2014	09/30/2014	CH	Columbia Gas	\$24.69	O
298-2014	09/30/2014	09/30/2014	CH	Armstrong	\$43.95	O
17782	01/23/2014	01/21/2014	AW	Beriswill Insurance Agency	\$13,354.00 *	C
17782	09/02/2014	09/03/2014	NEG ADJ	Beriswill Insurance Agency	-\$5,966.00	O
18049	09/25/2014	09/24/2014	AW	Action Septic Service, Inc.	\$125.00	O
18050	09/25/2014	09/24/2014	AW	Aetna Insurance	\$3,712.24	O
18051	09/25/2014	09/24/2014	AW	Blade To Blade, LLC	\$2,000.00	O
18052	09/25/2014	09/24/2014	AW	C. Martin Trucking	\$115.92	O
18053	09/25/2014	09/24/2014	AW	Consumer's Life Insurance Co.	\$30.00	O
18054	09/25/2014	09/24/2014	AW	Delta Dental of Ohio	\$225.36	O
18055	09/25/2014	09/24/2014	AW	Diamond Business Machines	\$172.45	O
18056	09/25/2014	09/24/2014	AW	Dobson, Don Excavating	\$550.00	O
18057	09/25/2014	09/24/2014	AW	Federal Field Services, LLC	\$2,500.00	O
18058	09/25/2014	09/24/2014	AW	FirstMerit Bank	\$86.16	O
18059	09/25/2014	09/24/2014	AW	Generation Consultants, LLC	\$150.00	O
18060	09/25/2014	09/24/2014	AW	Great Lakes Portables, LLC	\$164.95	O
18061	09/25/2014	09/24/2014	AW	Life Force Management, Inc.	\$259.27	O
18062	09/25/2014	09/24/2014	AW	Medina Co. Career Center	\$800.00	O
18063	09/25/2014	09/24/2014	AW	Medina Co. Sanitary Engineer	\$18.90	O
18064	09/25/2014	09/24/2014	AW	NAPA	\$109.00	O
18065	09/25/2014	09/24/2014	AW	Norton, Bill	\$875.00	O
18066	09/25/2014	09/24/2014	AW	Positive Promotions	\$2,579.68	O

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9/30/2014 10:48:09 AM

Payment Listing

UAN v2014.3

September 2014

Payment Advice #	Post Date	Transaction Date	Type	Vendor / Payee	Amount	Status
18067	09/25/2014	09/24/2014	AW	Reinhardt Supply Co.	\$135.05	O
18068	09/25/2014	09/24/2014	AW	Repro Depot	\$120.00	O
18069	09/25/2014	09/24/2014	AW	Stonewall Uniform	\$636.50	O
18070	09/25/2014	09/24/2014	AW	Stop'n Go	\$341.83	O
18071	09/25/2014	09/24/2014	AW	Sweet Lawns	\$1,215.00	O
18072	09/25/2014	09/24/2014	AW	Tactical Planning, LLC	\$142.50	O
18073	09/25/2014	09/24/2014	AW	The Roger A. Sours Co., Inc.	\$2,000.00	O
18074	09/25/2014	09/24/2014	AW	Treasurer, State of Ohio	\$150.00	O
18075	09/25/2014	09/24/2014	AW	Treasurer, State of Ohio	\$612.00	O
18076	09/25/2014	09/24/2014	RW	Bob Haskell	\$1.00	O
18077	09/25/2014	09/24/2014	RW	Sue Monroe	\$100.00	O
18078	09/25/2014	09/24/2014	RW	Merte Mack	\$100.00	O
18079	09/25/2014	09/24/2014	RW	Marianne Thomas	\$1.00	O
18080	09/25/2014	09/24/2014	AW	Physio-Control, Inc.	\$1,593.96	O
Total Payments:					\$29,135.33	
Total Conversion Vouchers:					\$0.00	
Total Less Conversion Vouchers:					\$29,135.33	

Type: AM - Accounting Manual Warrant, AW - Accounting Warrant, IM - Investment Manual Warrant, IW - Investment Warrant, PM - Payroll Manual Warrant, PR - Payroll Warrant, RW - Reduction of Receipt Warrant, SW - Skipped Warrant, WH - Withholding Warrant, WM - Withholding Manual, WS - Special Warrant, CH - Electronic Payment Advice, IL - Investment Loss, EP - Payroll EFT Voucher, CV - Payroll Conversion Voucher, SV - Payroll Special Voucher, EW - Withholding Voucher, POS ADJ - Positive Adjustment, NEG ADJ - Negative Adjustment, POS REAL - Positive Reallocation, NEG REAL - Negative Reallocation

Status: O - Outstanding, C - Cleared, V - Voided, B - Batch

* Asterisked amounts are not included in report totals. These transactions occurred outside the reported date range but are listed for reference.

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Item B

**AMENDMENT TO THE DECLARATION OF COVENANTS, CONDITIONS, RESTRICTIONS AND
RESERVATIONS OF EASEMENTS FOR
SHALE CREEK CLUSTER LOT ASSOCIATION, INC., THE ENCLAVE
REGARDING RESTRICTIONS ON LEASING OF DWELLING UNITS**

ARTICLE IX, RESTRICTIONS, 9.1. Use and Occupancy of the Declaration of Covenants, Conditions, Restrictions and Reservation of Easements is amended to add the following new **paragraph 9.1.6. Restrictions on Leasing of Dwelling Units:**

9.1.6 Restrictions on Leasing of Dwelling Units. For the purpose of insuring that Shale Creek Cluster Lot Association, Inc., The Enclave (hereinafter "Shale Creek") shall be homeowner occupied, no Dwelling Unit shall be leased by an Owner to others as a regular practice for business, speculative, investment or other similar purpose. To meet special situations and to avoid undue hardship or practical difficulties, the Board of Trustees may grant permission to an Owner to lease his/her Dwelling Unit to a specified lessee for a period of not less than four (4) consecutive months nor more than a total of twenty-four (24) consecutive months, provided that said lease is made subject to the Covenants and Restrictions of Shale Creek. The one-time hardship exception of up to twenty-four (24) months may in no event be extended beyond the one twenty-four (24) month period. All leasing, whether under the aforesaid restriction or not affected by said restriction, must be approved in writing by the Board of Trustees. Dwelling Unit Owners seeking permission to lease shall give the Board of Trustees the appropriate notice as required under the rules to be established regarding this restriction. Should the Board of Trustees deny the Dwelling Unit Owner's request to lease the Dwelling Unit under the provisions of this section, the Dwelling Unit Owner may appeal the decision of the Board of Trustees within thirty (30) days of the written denial, said appeal being provided in writing and stating the reasons why the Board should reconsider the application. This amendment regarding leasing of Dwelling Units shall not apply to Owners who are leasing their Dwelling Units prior to its effectiveness nor to members of the family as enumerated below. Family members are defined as the Dwelling Unit Owner's spouse, children, grandchildren, parents, grandparents, adopted children, stepchildren, stepparents, natural siblings (brothers and sisters) and parents of adopted children. In no event shall a Dwelling Unit be leased by a Dwelling Unit Owner thereof for transient or hotel purposes which are defined to mean: (1) rental for any period of less than four [4] full calendar months, or (2) any rental that the occupants of the Dwelling unit are provided in connection with such rental, customary hotel services such as room service for food and beverage, maid service, furnishing of laundry and linen or bellboy service. Each lease shall be in writing, shall require that the lessee abide by the terms of the Covenants and Restrictions of Shale Creek, as well as any rules and regulations adopted by the Association. Subleasing of any Dwelling Unit, in whole or in part, is also prohibited. Copies of the lease shall be provided to the Board of Trustees at least thirty (30) days in advance of the proposed lease term. Any land contract for the sale of a Dwelling Unit must be recorded and a recorded copy of the same shall be delivered to the Association. Any land contract not recorded shall be considered an impermissible lease.

Any conflict between the above provisions and any other provisions of the Declaration of Covenants, Conditions, Restrictions and Reservations of Easements, the Code of Regulations, the Articles of Incorporation, or the Rules and Regulations shall be interpreted in favor of the above amendment. Upon the recording of this amendment, only owners of record at the time of such filing shall have standing to contest the validity of the amendment, whether on procedural, substantive or any other grounds, provided further that any such challenge shall be brought in a court of common pleas within one (1) year of the recording of this amendment.

EXHIBIT "A"

YORK TOWNSHIP TRUSTEES

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**APPROVAL OF THE LEASING AMENDMENT
AS PASSED BY 76.95% OF THE MEMBERS OF THE SHALE CREEK CLUSTER LOT
ASSOCIATION, INC., THE ENCLAVE**

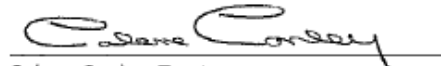
The undersigned Trustees of York Township, Medina, Ohio hereby approve the attached amendment to the Supplemental Declaration of Covenants, Conditions, Restrictions and Reservation of easements for the Shale Creek Cluster Lot Association, Inc., The Enclave.

Said Supplemental Declaration at **ARTICLE XIV, DURATION**, entitled **AMENDMENT AND TERMINATION** states at **Section 14.2.1.** the following:

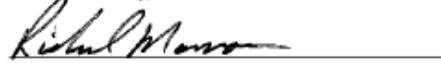
Except as provided in Section 13.5 and 14.3, after the end of the Declarant Control Period, any provision of this Supplemental Declaration may be amended in whole or in part by a recorded instrument approved by the Township Trustees and the Owners of at least seventy-five percent (75%) of all Cluster Lots.

The undersigned Trustees of York Township, Medina County, Ohio hereby find that the proposed change to **Article IX, 9.1.6.** Restrictions on Leasing of Dwelling Units is far more restrictive than the Township Zoning Code, but not contrary thereto, and approve such to the extent it is not in violation thereof.

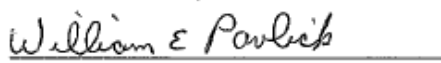
IN WITNESS WHEREOF, the Trustees for York Township of Medina, Ohio hereby sign this Approval of the Leasing Amendment on this 28th day of August, 2014.



Colene Conley, Trustee



Richard M. Monroe, Trustee

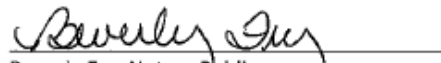


William E. Pavlick, Trustee

STATE OF OHIO)
) SS:
COUNTY OF MEDINA)

BEFORE ME, a notary public in and for the State of Ohio, personally appeared the above-named York Township Trustees, Colene Conley, Richard M. Monroe, and William E. Pavlick, who acknowledged that they did sign the foregoing Approval of the Leasing Amendment for the Shale Creek Cluster Lot Association, Inc., The Enclave, and that the same is their free act and deed, individually, and as Trustees of York Township, Medina, Ohio.

IN WITNESS WHEREOF, I have hereunto set my hand and seal at Medina, Ohio, this 28th day of August, 2014, Beverly Fry, Notary Public, My Commission expires April 16, 2017.



Beverly Fry, Notary Public

EXHIBIT "B"

YORK TOWNSHIP TRUSTEES

Colene Conley
Regular Meeting

Richard Monroe

William Pavlick
September 25, 2014

Item C

Court Updates, Site Visits & General Information

1. McGreer hearing September 10, 2014 (CANCELLED) – Rescheduled for Nov. 19, 2014.
2. Kerns property visit October 21, 2014 at 1:30 p.m.
3. 3636 Abbeyville Road – Ag Exemption was issued for a horse run in shelter and a barn with a riding arena attached.
4. 6700 Norwalk Road – Agricultural exemption was given for small shed to tend garden, care for newly planted trees and tractor and disc storage.
5. ODNR is coming out to check on a gas well issue on Spieth Road; a neighbor had some concerns.

FYI and VIOLATIONS

<p>McManus 6405 Wolff Rd.</p>	<p>Junk vehicles, junk pile, addition without a permit & possibly someone living in the front building. Spoke to Mr. McManus on 9/23/14. The car is gone; he will be in to get the permit by Monday 9/29/14.</p>
<p>TCS 6378 Norwalk Rd.</p>	<p>Spoke to them about the landscaping plan for the property as agreed upon at their site review. Due by 3/1/2013 for 3/7 mtg They will be changing the parking area so I advised them they need to bring those changes to the board for their approval with the landscaping plan. They have brought in information about the changes they wish to make. They will be looked at by the Zoning Commission at their April meeting. They made a presentation to the Zoning Commission. They are supposed to bring more detailed site plan and more information to the bd. at the May Mtg. They did not return at the May meeting with the landscaping plans. We will need to contact them and bring them into compliance. I have sent a letter requesting them to comply. They will be at the 10/3/13 meeting. They were approved with proper permits from stormwater management. They will bring them into me when they are done. They have until June 1, 2014 to plant trees and finish grading. They have sent a letter stating the spring weather has held them up and they Expect to be done in July. They are on the last leg of completing the project.</p>
<p>VanBoxel 7915 Branch Rd.</p>	<p>There is a business Lakota Concrete operating from the property. A Violation letter has been sent 04/24/14. They are moving to the center of Litchfield and opening the business there within the next few weeks. I drove to Litchfield there was a different concrete business but I did not see Lakota Concrete</p>
<p>Carter Lumber 6385 -6407 Norwalk Rd.</p>	<p>Several banners about closing and for sale information were on the fencing. Sent violation and they called and removed them.</p>
<p>Betty Carlisle 6280 Branch Rd.</p>	<p>Misc Junk and Junk vehicles on the property. Some were cleaned up last fall and she phoned stating she trying to clean up again since she received a second violation. 5/29/13 She will contact the office weekly and update us on progress, they have moved red truck. Send to prosecutors office Ms. Carlisle stopped in the office she is back in town and will be working on the property and plans to sell it the future. She will be in town until October and hopes to have it cleaned up. Most items belong to her brother.</p>
<p>Matthew / Heather Berry</p>	<p>Operating a school/Day camp without proper permits.</p>

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7819 Stone Rd.	I have sent two notices and spoke to her she has not complied as of 9/23/14. This will go to the Prosecutors office.
Prosecutors Office	
Cecelich Columbia Rd.	Drive is still out of compliance. Spoke to Asst. Pros. Karris; He recommended sending a letter of notification again. No response. Mr. Karris will file a contempt motion.
Enzo Maddelena Speith Rd.	Junk and junk vehicle on property. Not in compliance with his home occupation. Tom Karris Asst Prosecutor is also overseeing this matter, 6/27/12 Site visit red pickup is gone some junk removed, still needs more work Site visit 08/15/12 Informed Tom Karris some scrap removed, equipment still not put away, and stacks of tires still on property. Site visit 8/21/12 Tires and almost all of the junk has been removed, the large piece of equipment is no longer visible (either gone or in barn) and the smaller is between the barns. Advised Mr. Karris. (There is still a boat and some small junk to get rid of.) 9/10/12 There is a single pile of debris /possibly dirt Went to property on 4/16/13 There is more junk on property. The boat is still there, a second boat is behind barn and the equipment needs to be moved to rear of barn per his home occupation stipulations. Spoke to Atty Tom Karris he will file for judgment on the case. Mr. Maddelena phoned 5/6/13 stating the property was cleaned up. I visited property on 5/8/13 there are engine blocks and all kinds of stuff put behind barn/just hid junk. Took new photos. Notified Tom Karris, there is status / mediation hearing scheduled for 5/28/13. New hearing date July 9, 2013 You each have a copy of response to court from Mr. Maddalena Went to case management conference with Magistrate Leaver and he is sending to Judge Collier / Hearing 11/19/13 We met with Mr. Maddelena and his final Cleanup date is May 1, 2014. I am going to meet with him Monday 4/28/14. This is now in compliance and Mr. Karris finished the case up.
*Shawn McGreer 7100 Elyria Rd.	Junk, junk vehicles, not in compliance with site plan, & needs landscaped by road. Violation sent 5/17/12 Eric Coyne came in and Shawn M. had sent him they are beginning to clean and I will meet with him Tuesday 5/29/12 to see if there is progress. If there is no progress made and it continues until in compliance it will be sent to the Prosecutors Office without question. No other notice will be sent. Due to past history. Site visit 6/25/12 .Sent to Prosecutors Office for further assistance after site visit on 9/4/12 Notified Mr. McGreer. Faxed Prosecutor and asked for update 10/24/12 Site visit 10/22/12 working on it but not moving very fast said he (E.Coyne) would have it mulched last week not done. A case management conference has been scheduled for Dec.20, 2012 at 10:00 AM Asst. Pros Tom Karris and I went to a case management conference with Mr. McGreer's attorney R. Jones. We will return in 90 Days with more information and Mr. Karris will try to obtain depositions from persons involved. Status hearing was held April 4, 2013 at 9 a.m. Their attorney agreed to depositions. Scheduled late May. A deposition with Eric Coyne was held at the Prosecutors Office 5/23. A hearing is scheduled for November 19 th . Changed to January 2014. They have told Mr. Karris they have been working on it. I will do a property visit next week. We have a hearing May 15 at noon. I will check the property next week to evaluate the progress. Hearing was rescheduled for November 9, 2014.

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