



# Perkins Township

## Board of Trustees

Timothy Coleman  
Jeffrey Ferrell  
James Lang

March 13, 2018

Honorable Marlene Anielski  
Chair & Members  
House State & Local Government Committee  
Ohio House of Representatives  
77 South High Street  
Columbus, Ohio 43215

**Re: House Bill 500**

Dear Chair Anielski & Committee Members:

Please accept this letter as Perkins Township's support of the passage of House Bill 500. House Bill 500 includes various proposed amendments to the Ohio Revised Code, and it is this Township's opinion that the proposed changes will provide Township governments with updated provisions that will enable and enhance the Township's ability to address the contemporary needs of residents, businesses, and visitors to our communities in an efficient and effective manner.

Perkins Township strongly encourages your Committee to approve the proposed provisions of House Bill 500 at your earliest convenience.

Should you have any questions or require clarification of our position on House Bill 500, please do not hesitate to contact us. Thank you.

Respectfully submitted,

Jeffrey L. Ferrell, Chair  
Board of Trustees

Timothy D. Coleman, Vice Chair

James F. Lang, Trustee

cc: Heidi Fought, Director of Governmental Affairs, Ohio Township Association  
Gary Boyle, Township Administrator

## **BRIEF SUMMARY OF PERKINS TOWNSHIP COMMENTS ON HB 500**

### **ZONING**

Proposed are various amendments to address zoning within Townships, and this Township's comments on the same are noted below.

By permitting a Zoning Resolution to apply its agricultural use regulations to a platted subdivision irrespective of when the subdivision was platted, such a change would enable Township's to apply, in a consistent manner, its regulations thereby treating all such properties equitably (R.C Sections 303.21, 519.21).

Eliminating the mandatory requirement that a Township submit its proposed Zoning Resolution or amendments thereto to a county or regional planning commission for review and approval or comments would streamline this Township's review of such zoning matters. Townships could, however, still submit such amendments to a county or regional planning commission if they decide to.

It is noted that Townships have qualified Zoning Inspectors and many Townships also employ Planners which enables them to review proposed zoning regulations for consistency with its long range Comprehensive Plans. County Comprehensive Plans tend to be very broad in nature, and its seems redundant and unnecessary for those Townships to wait for comments from a county or regional planning commission before proceeding with a zoning action (R.C. Sections 519.07, and 519.12).

This Township is of the opinion that the cost of conducting/ advertising a "public hearing" to process an appeal filed with the Board of Zoning Appeals should be borne by the appellant seeking that approval. In this regard, it only seems reasonable that a Township should have the option of deciding whether to impose a fee to offset its costs for advertising the "public hearing," and it is noted that other political subdivisions including small villages can impose such a fee, and Township should be similarly afforded such authority (R.C. Section 519.15).

The Board of Township Trustees has the authority to appoint a member of its Zoning Commission and Board of Zoning Appeals. It, therefore, only seems reasonable that the Trustees should also have the authority to suspend a Zoning Commission or Board of Zoning Appeals member in circumstances that involve malfeasance, etc. as such continued membership can cast aspersions on the integrity of those Commissions or Boards (R.C. Sections 519.04, 519.13).

**NEW COMMUNITY AUTHORITY**

This proposal would eliminate the minimum acreage requirement for a “New Community Authority” to be located within a Township. Currently, the Revised Code requires that such an area be not less than 1,000 acres. In this regard, the elimination of that requirement would provide a tool for Townships considering such an authority as a large minimum acreage requirement may not be applicable in all instances (R.C. Section 349.03)

**COMMUNITY EVENT FEE**

Many community events of various types are located within Townships, and require an admission fee for entrance to the same. Many of those events are not ones sponsored by the Township. This proposal would allow a Township, if it so decides, to charge an admission fee of up to five (5) percent on events other than county fairs, state-sponsored or non-profit events. Such fees can help to offset Township costs incurred as a result of such events taking place, and it would clarify that a Township has the authority to impose such a fee (R.C. Section 503.58).

**ELECTION OF BOARD CHAIR**

The Revised Code requires that the Board of Township Trustees select a president of chair at its first meeting of each calendar year to serve for a period of one year. The proposed change would reference that a “chairperson” rather than a “president” and would address the fact that the Revised Code does not specifically require that one be elected to the position. This is seen as a simple housekeeping change should not affect any Township negatively (R.C. Section 505.01)

**INVENTORY OF TOWNSHIP ASSETS**

The Board of Township Trustees is currently required to perform an annual inventory of the Township’s materials, machinery, supplies, etc. That inventory must be filed with the County Engineer. Requiring the filing such an annual inventory with the Township’s Fiscal Officer makes more sense than with the County Engineer as such an inventory is a public record that more appropriately should be with the Fiscal Officer as residents or other seeking to see the same would not likely think that such a list would be filed with the County Engineer (R.C. Section 505.04).

**REMOVAL OF FIRE PERSONNEL**

The proposed change to the Revised Code would provide that the Board of Township Trustees or the Board of Fire District Trustees can designate legal counsel rather than a private citizen as provided for under current law to investigate conduct that could lead to the removal of a member of the Fire Department (R.C. Section 505.38).

**OBLIGATIONS LIMITS**

This amendment would increase the threshold limit that a Township official or employee could incur from \$2,000 to \$10,000 as may be authorized by the Board of Township Trustees. This proposed change is seen as a reflection of the increased cost of operations and is supported as it still retains the need to obtain Board approval (R.C. Section 507.11).

**APPROPRIATION OF A MONUMENT**

This proposed change would increase from \$5,000 to \$50,000 the amount of Township funds that could be expended on the erection of a monument to commemorate members of our armed forces that have died in service to the nation of Ohio. Such an increase better reflects the costs now involved with providing such important memorials (R.C. Section 517.30).

**VACATION OF LOT**

This proposed change would repeal the current law regarding the vacation of lots in older plats in Townships outside of a municipality. This proposal is not seen as having any adverse impact on Township operations but would seem to be beneficial to the affected property owner (R.C. Sections 711.25, 711.26 and 711.27).

**INSURANCE COVERAGE FOR TOWNSHIP OIL & GAS WELLS**

This proposed amendment would enable Township's that own an oil or gas well to obtain a certificate of insurance coverage from a joint self-insurance pool. While this proposal does not affect this Township, this change is seen as being beneficial to those Townships that own such oil or gas wells (Section 1509.07). It is this Township's understanding that this would provide the same ability to a Township that a county now enjoys (R.C. Section 1509.07).

**BALLOT ISSUE FILING**

Current law requires that a ballot issue be filed in a paper format with the Board of Elections, and precludes that Board from accepting an electronic certification at this time. This proposal would allow filings either in a paper or electronic format. This proposed amendment is seen as one that recognizes the fact that electronic mediums are being used more extensively by governments and will provide a reasonable option for Townships (R.C. Section 3501.021).

### **APPROVAL OF TOWNSHIP ROAD CHANGE**

Current law requires that the Board of County Commissioners approve a road name change, and the proposed change would require the county to make the change within sixty (60) days of receiving such a petition to change the name of a road. Failure to act within that time-frame would mean that the road name is deemed to be changed. This Township is of the opinion that this approach is acceptable and would in fact advocate for Townships to be granted this authority in addition to a county (R.C. Section 5541.04).

### **VACATION OF TOWNSHIP ROAD**

The proposed amendment under consideration would prohibit a Board of County Commissioners from adopting a resolution to vacate a Township public road unless the Board of Township Trustees has first adopted a resolution approving the vacation. Such a change would ensure that a Township is made aware of any proposal to vacate a Township road such an action could negatively affect the Township's planning for that section of the Township. The proposed change is seen as being desirable as a local Township road could not be vacated without the knowledge of the Township (R.C. Section 5553.04).

### **PERMANENT IMPROVEMENT/ GENERAL INFRASTRUCTURE LEVY**

This proposal would create a new levy approach for Townships by enabling a Township to combine various capital expenses such as acquiring, constructing, or maintaining buildings and equipment or supplies for police, fire and emergency medical services; constructing or repairing roads and bridges; and other general infrastructure improvements. Such a tax could be levied for a term of up to ten (10) years. Levy funds cannot be used for salaries or other compensation of Township officers or employees. This Township is of the opinion that having the ability to place such a levy on the ballot would be beneficial in addressing the needs of first responders as well as other Township needs related to infrastructure (R.C. Sections 5705.19 and 5705.121).

### **TAX INCREMENT FINANCING**

This proposed amendment would enable Townships to add Township levies for police, fire, emergency medical and ambulance services for the list of levies that must be reimbursed when a Township "incentive district" TIF is created thereby ensuring that levy funding is made available to Townships for use in providing those important emergency services to the community. In addition, for Townships that had enacted a TIF prior to July 21, 1994, revenue from the TIF may be used for the continued maintenance of the project undertaken through that TIF. The proposed change with respect to emergency services subject to a levy are seen as very important in ensuring that the revenue stream anticipated by the levy is maintained so that such services can continue to be provided (R.C. Sections 5709.73 and 5709.75).