

## BLOOM TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING 1-19-05

The special meeting was called to order by Joseph Smith, chairperson. Members present were Smith, Trustee Larry Coyle, and Carol Moore, Clerk. Trustee David Petty was not in attendance due to being out of state. See Attachment A: letter from Dave Petty which he requested be read in his absence.. Also present were: Anne D. Cyphert, Zoning Administrator; Terry Gill, Fire Chief; and numerous interested citizens. The purpose of the special meeting was: to discuss concerns regarding zoning issues and the noise resolution at Eagles Nest Arena, AKA Triple Turn Arena, AKA Providence Acquisitions. Sheriff Dave Phalen had been invited to attend but was unable. In his place was Sgt. Jarrod Collins. Other issues on the agenda for the special meeting : resolutions regarding the inventory; authorization for the trustees, clerk, and department heads to attend occasional meetings and conferences during 2005; and discussion and resolutions regarding the Greencastle Office Project. The Pledge of Allegiance was recited.

### CLERK REPORT:

- **RESOLUTION #09-05: BE IT RESOLVED BY THE BLOOM TOWNSHIP BOARD OF TRUSTEES** that the asset inventory list is accepted as presented and is to be forwarded to the Fairfield County Engineer's Office  
Motion by Coyle, second by Smith. ROLL CALL:  
Coyle: yes  
Smith: yes  
Motion carried 2-0.
- **RESOLUTION #10-05: BE IT RESOLVED BY THE BLOOM TOWNSHIP BOARD OF TRUSTEES** that the trustees, clerk, and department heads are authorized to attend occasional meetings and conferences during 2005.  
Motion by Coyle, second by Smith. ROLL CALL:  
Coyle: yes  
Smith: yes  
Motion carried 2-0.
- **Brief Update on Greencastle Office Project:** Cyphert stated she spoke with Barry Holmes of M-E Engineering who stated his research on the project currently involves cost estimations. She said he would be at the next meeting to discuss this with the trustees.
- **Zoning Administrator's Report on Legal Issues** involving Eagles Nest, Triple Turn Arena, etc. Zoning Administrator Cyphert stated she can comment on legal proceedings that have been made public but may not be able to comment on certain items that are attorney/client privilege or legally inadvisable. She reported that a temporary restraining order would go into effect on Monday after the other BMX events have already taken place. She said that the only way Wayland would agree to the order was to allow the events to occur that weekend. She acknowledged that Wayland had stated at the trustee meeting on JAN 8<sup>th</sup> that he would not allow the races that weekend, but that apparently he changed his mind. She said she would be back in court on January 28, 2005 to request an order for permanent injunction in Common Pleas Court (Judge Richard Behrens). She invited concerned residents to show up in court that day in case their testimony was needed.
- **Judy Beery:** asked if other activities other than BMX activities would still be allowed to occur. Cyphert said only if they fall under the agricultural exemption.
- **Paul Speakman:** stated he is concerned about excess traffic in the area generated by the Eagles Nest.
- **Trustee Joe Smith** said the when he and Cyphert went to the Eagles Nest property during the BMX event, Cyphert did serve Scott Wayland with a violation.
- **Mike Orabello** echoed Speakman's comments and stated he is concerned that overloaded trailers may be damaging the roads.
- **Carol Alf** expressed concern about traffic and possible violation of load limits.
- **John Black** expressed concern about a school being at the facility that is not in compliance with zoning.
- **Trustee Larry Coyle** asked Sgt. Collins if a special deputy should be required to control traffic in the area. Collins said everyone has a right to use the road and a special deputy would only be sent if Eagles Nest requested and paid for one.
- **Mark Mitchell** expressed concern about Eagles Nest renting the facility for \$500 a day according to an acquaintance of his that informed him of this.
- **Jim Wentz** expressed concern about information he viewed on a website that stated Eagles Nest may run bingo.
- **Fire Chief Terry Gill** said his department had responded to an injury call at the recent motorbike races. He found many safety issues at the site including generators up against buildings, possible

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carbon monoxide risks to humans and horses, and access of emergency vehicle concerns. He said he told Wayland to set up a meeting with him before any future public events so they can address safety issues.

- Trustee Joe Smith asked Gill about the school cafeteria and whether it had safety issues as well. Gill stated he was not aware there was a cafeteria there.
- Mike Beery stated he is concerned about unprotected foam insulation on ceiling in arena as well as no sprinklers. He said fireworks have been set off inside the facility. Gill agreed to check into this complaint as well. Trustee Coyle said this should be investigated immediately.
- Phil Brunney expressed concern about facility ventilation, traffic, and noise.
- Trustee Joe Smith stated he and Cyphert arrived at the BMX event at 9:45 p.m and the woman at the door said the event would end at 10:00 p.m. Smith said it was still going on at 10:30 p.m.
- Brian Randles asked whether the owners could apply for a conditional use permit. Cyphert stated affirmative.
- Linda Mitchell expressed concern over noise and nuisances.
- Jay Alspach recalled how a long horn steer escaped from Eagles Nest several years ago and landed at his back door and scared his children.
- Sgt. Collins reported he has consulted with the Municipal Prosecutor's Office regarding whether the noise resolution can be enforced. He said he was advised since it is a school, it cannot be enforced. This caused a spirited discussion as to whether or not Eagles Nest is a school. Cyphert reported that it is not a chartered school according to Virginia Lehey of the Ohio Department of Education. Gill also reported his sources at the State Fire Marshall's Office said to inspect it as a place of assembly, not as a school. Sgt. Collins said the Fairfield County Municipal Prosecutor Mike Courtney determined it was a school based on what Collins had told him about the place, i.e., buses drop children off there from different districts, there are classrooms and certified teachers, and instruction is provided to the children.
- Sgt Collins said, "If you can get a judge or prosecutor to call it not a school, then we will go out and enforce the noise ordinance."
- Carol Alf stated that if children are present at the facility, it makes it more important as to how it is inspected.
- Mark Mitchell stated concerns over the loud public address system. Sgt. Collins said if that continues to be a problem, to call the sheriff's office and they would ask them to turn it down.
- Carol Alf asked Sgt. Collins why he believes it is a school. He said due to school buses at the facility and drug searches of classrooms and lockers.
- Mark Mitchell requested that township legal counsel re-look at the noise resolution to see if it can be changed. Cyphert said that would eventually be done. Mitchell thanked Cyphert for all of her hard work in the investigation and thanked the trustees as well.
- Trustee Smith informed the crowd the township would continue to keep a watchful eye over the situation.

Trustee Smith adjourned the meeting.

Joseph Smith  
Chairperson

Carol J. Moore  
Clerk

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**Statement from David Petty, Bloom Township Trustee 837-0413  
For 1/19/05 Special Meeting**

I am sorry I cannot be at the special meeting however I am aware of the daily events that have happened surrounding the Eagles Nest neighborhood while I have been away. I am very disappointed that the statement from Mr. Wayland at our January 8<sup>th</sup> meeting proved to be untrue. Mr. Wayland indicated he was sorry the BMX event had created a problem and agreed to cancel it for this past weekend. I have learned that despite the promise from him, the event was held anyway.

I understand that the Zoning Administrator and our attorney have begun the legal process to see that our zoning is enforced for our township residents' enjoyment of their own properties. This is not to say that some good things haven't happened with people involved at the Eagles Nest, however, those good things do not take the place of the rights of the other neighborhood residents.

I am also concerned that our noise resolution seems to go without being enforced as we had hoped for. I hope that this will also improve.

I will return from my trip on January 22, 2005 and am willing to do whatever it takes to see the rights of Bloom Township residents are preserved.

Thank you,  
David Petty  
Trustee