

Bloom Township Board of Trustees Regular Meeting 01/08/05

David Petty, Vice Chairperson, called the meeting to order. Members present were Trustees Larry Coyle, David Petty, and Carol Moore, Clerk. Trustee Joseph Smith was absent due to a business obligation. Also present were Anne Darling Cyphert, Board Office Admin. & Bldg/Zoning Admin; Tom Scholl, Road Department Superintendent; Terry Gill, Fire Chief; and several interested citizens.

Motion by Coyle, second by Petty, to approve the minutes of the 12/29/04 regular meeting. Motion carried 2-0.

PUBLIC COMMENT

- Resident Mark Mitchell stated his concerns about BMX Motorbike racing at Eagles Nest/Triple Turn Arena. He said it is a terrible abuse of our zoning laws with the event that went on at Turning Point Ranch last night; “unbelievable noise” and traffic issues as well. Zoning Administrator Anne Cyphert explained she is limited as to what she can say due to possible litigation; however, she stated she visited the property the previous evening and confirmed complaints she had received that the noise from the races was at an unacceptable level. She said she is looking into whether the facility is a school operating without a conditional use permit, as well as non-agricultural events possibly taking place at the site. She said the man who identified himself as president of the site, Scott Wayland, had told her that he did not believe he was in violation based on a conversation he said he had with a former township trustee who had consulted with his former employer, Fairfield County Sheriff Dave Phalen.

Petty asked if Eagles Nest is a school. Fire Chief Terry Gill said it is not a school and that the Bloom Fire Dept has been inspecting it as a place of assembly, not a school. Cyphert said she would be discussing this issue with the township attorney Jerry Swartz.

Resident and former Sheriff Office employee Phil Crist stated he was the former trustee that Cyphert was referring to and that he did inform Phalen that the event was going on, but did not interfere in any way.

Resident Linda Mitchell stated she was bothered by noise from the races. She said she clearly heard the buzzing [from the motor bikes] and had difficulty hearing her TV because of it.

Trustee Petty asked Cyphert why the sheriff did not issue a noise violation to the property owner. She stated she did not know why the violations were not issued by the sheriff’s office. She said two sheriff deputies were there. Petty suggested Cyphert ask the Sheriff if they can still enforce the resolution for this event.

Trustee Petty said he would like a written response from the Sheriff as to why they could not enforce the noise resolution and what training do they need.

Resident Cynthia Sams requested it be noted who was present at the meeting. A sign-in sheet was passed around the room for all to sign regardless of their point of view.

Resident Greg Sams stated the event has involved a lot of traffic, lot of noise.

Resident Jack Preiser stated the horse activities are not a problem but BMX is. Noise from speakers is bothersome.

Resident Jay Alspach stated he is concerned about traffic. He counted 40 trucks and trailers going by in succession and said the road is not wide enough.

Scott Wayland, who identified himself as volunteer president of Eagles Nest: Apologized for offending neighbors with noise. He discussed the BMX issues. He said American Motors, a non-profit, had \$20,000 invested in the event. Wayland stated that he will cancel future BMX events including next weekends races. He stated he told “them” to clear out this weekend and not come back. He said the “BMX people” have agreed not to return- they agreed “last night.” He said he had circulated a note last night telling the neighbors. Wayland said that Cyphert threatened him when she talked to him on the telephone. Cyphert said there were no threats.

Clerk Moore stated she was present at the township office when Cyphert spoke to Wayland on the phone and that his statement that she threatened him was not true. Moore stated that Cyphert spoke in a professional informative manner.

Trustee Coyle suggested that the neighbors and Wayland get together to resolve the problem. He said the township will enforce the regulations. Wayland once again said BMX racing will not return.

Resident Greg Sams asked about other non-agricultural events advertised on the Turning Point website. Wayland said the camping relates to agricultural activities. He said troubled kids are educated at the facility and he hopes to turn their lives around. He said they do not charge for events and it is great for “our” kids. Wayland said he encourages all kinds of events and if anyone has an event they want to hold there, just let him know. Wayland said he will correct the website to not list non-agricultural events at the

Bloom Township Board of Trustees Regular Meeting 01/08/05

place. He said if the Sheriff's Office wants to use it for a convention they will be allowed. Cyphert stated that would be a violation of zoning to use the facilities as a convention center.

Mark Mitchell said the loud noise is what instigated the neighbors' complaints.

Debbie Long said teaches at Eagles Nest. She said she understands the noise issue but said the facility is doing good work to help troubled kids. Cyphert informed her the investigation currently involves only non-permitted uses. Long expressed her displeasure with Cyphert for her investigation.

Trustee Coyle said while the organization may have a very noble purpose, that does not allow it to interfere with the rights of others.

Resident Brian Randles said the Eagles Nest has begun networking into other things and the non-agricultural activities caused the neighborhood out roar. He suggested they should stick to their original purpose.

It was decided Clerk Moore would write a letter to the Sheriff requesting a written response as to why the noise resolution was not enforced and to inquire if it still can be enforced for this event.

CLERKS REPORT:

- **RESOLUTION #02-05: BE IT RESOLVED BY THE BLOOM TOWNSHIP BOARD OF TRUSTEES** that the clerk adds Fund 4901 with Revenue Account Code 4901-510 to receive the Fire Dept FEMA Grant funds.
Motion by Coyle, second by Petty. ROLL CALL:
Coyle: yes
Petty: yes
Motion carried 2-0.
- **RESOLUTION #03-05: BE IT RESOLVED BY THE BLOOM TOWNSHIP BOARD OF TRUSTEES** that the clerk is authorized to create Super Blanket Certificates for a period of up to one year.
Motion by Coyle, second by Petty. ROLL CALL:
Coyle: yes
Petty: yes
Motion carried 2-0.
- **RESOLUTION #04-05: BE IT RESOLVED BY THE BLOOM TOWNSHIP BOARD OF TRUSTEES** that supplemental appropriation be approved as follows: transfer \$2,000 within the Fire Fund from 2111-220-420 to 2111-220-323 for a carryover PO that was approved at a previous regular meeting.
Motion by Coyle, second by Petty. ROLL CALL:
Coyle: yes
Petty: yes
Motion carried 2-0.
- **RESOLUTION #05-05: BE IT RESOLVED BY THE BLOOM TOWNSHIP BOARD OF TRUSTEES** that permanent appropriations for the year 2005 are approved as presented by the clerk.
Motion by Coyle, second by Petty. ROLL CALL:
Coyle: yes
Petty: yes
Motion carried 2-0.

NEW BUSINESS

- **Motion** by Coyle, second by Petty to approve payment of bills in the amount of \$4,415.28 and payroll/charges in the amount of \$28,188.12, the clerk having certified funds available. Motion carried 2-0.
- **RESOLUTION #06-05: BE IT RESOLVED BY THE BLOOM TOWNSHIP BOARD OF TRUSTEES** that Bloom Twp. renew the DOT Drug and Alcohol contract with Fairfield Medical Center to run through December 31, 2005, at the current pricing and terms.
Motion by Coyle, second by Petty. ROLL CALL:
Coyle: yes
Petty: yes
Motion carried 2-0.
- Policies: Coyle found policy manual from another twp from Jan 3, 2005 but doesn't it them with him. Coyle said he has electronic copy of policy manual previously given to him. Moore requested he provide her with a copy of what he had which he agreed to do.

OLD BUSINESS

- Medical Insurance: Scott Weber, President of Local I.A.F.F. #3465, presented cost comparisons with other health insurance policies. He said with the changes within the fire department, it would be more cost effective to remain with Anthem. Eric Smith presented another spreadsheet of comparisons. Coyle suggested saving money by going with Medical Mutual. Smith said the companies would have to re-write the policies for 2005. Petty suggested staying with Anthem for 2005 and researching other

Bloom Township Board of Trustees Regular Meeting 01/08/05

policies in October. Gill said regardless it is a decrease in premiums and a lack of increase. Smith said Norwich Township issue with Medical Mutual is an *agent* issue, not a policy issue. Weber said Trimmer Ins. has given good service thus far.

RESOLUTION #07-05: BE IT RESOLVED BY THE BLOOM TOWNSHIP BOARD OF TRUSTEES that Bloom Twp. remain with Anthem Insurance for 2005 with reapplications in October.

Motion by Petty, second by Coyle. ROLL CALL:
Coyle: yes
Petty: yes
Motion carried 2-0.

- Discussion of Resolution 63-04: about amending 701.1 for lots over 10 acres with 60 feet of road frontage with a limit of two per 201 feet of road frontage. Coyle said the lots are too deep under this plan.

Motion by Coyle, second by Petty; to strike the text of Resolution 63-04 about flag lots but leave the portion referring to increased lot size from one acre to two acres.

Cyphert stated that local property owner Norm Brehm was counting on the proposed text so he could do his lot splits. Petty raised safety issues for fire trucks and squad. Coyle stated Liberty Twp. goes with 15 acres and maybe we should consider that. Motion passed 2-0.

BLDG/ZONING & BOARD OFFICE REPORT

- Anne Cyphert, Zoning Administrator reported on the plat for Rockmill Estates: She said she is working with Regional Planning Commissioner regarding changes in at least one lot that may not be in compliance with our zoning resolution.

FIRE DEPARTMENT REPORT

- Fire Chief Terry Gill reported he has copies of the actual FEMA grant.
- Gill questioned when the FF raises become effective. It was decided the contract wording is unchanged in the new contract and it is clear enough. Gill will work on a spreadsheet with the new rates.
- Gill said grant and donated monies continue to increase for a total \$102,000 for tools and equipment. American Legion has given \$24000 in donations to the FF Association. That money will be used to help buy air tanks. A smokeless tobacco company is offering a grant for a gator vehicle and Bloom Township has applied for it. Petty stated we donate older equipment to an organization that supplements other fire departments.

ROAD DEPARTMENT REPORT

- Tom Scholl, Road Superintendent: Still fighting trees and water. Arborturf is assisting in clean-up. Bloom Twp road dept is flagging for them. Mark Mitchell asked him about enforcement of weight restrictions on roadways. Scholl told him it is enforced by Sheriff's Office. Arborturf PO needs to be increased to \$24000.

RESOLUTION #08-05: BE IT RESOLVED BY THE BLOOM TOWNSHIP BOARD OF TRUSTEES that Arborturf storm clean-up purchase order be increased from \$9000 to \$24000. Be it further resolved to approve an additional \$2,000 for chipper rental.

Motion by Coyle, second by Petty. ROLL CALL:
Coyle: yes
Petty: yes
Motion carried 2-0.

- Discussion of drainage issue east of Sitterley Road. Trustees recommended investigating the possibility of assessing the costs to the property owner. Coyle recommended consulting with Fairfield County Soil and Water Conservation. Coyle suggested having legal counsel study the issue. Petty suggested having Jerrold Schwarz coordinate with Fairfield County officials on the issue.
- Resident Greg Sams asked about flooding issue on Alspach Road. Scholl said there is an issue involving lack of cooperation from nearby property owners despite the offer from Robert Vance to fund the repairs. Scholl will contact Vance for a history of the legal steps he has taken thus far. The issue will be discussed at the January 29, 2005 meeting.

Petty adjourned the meeting.

David Petty
Vice Chairperson

Carol J. Moore
Clerk