

>>>BLOOM TOWNSHIP BOARD OF TRUSTEES SPECIAL MEETING 10/05/05<<<

Joseph Smith, Chairperson, called the special meeting to order. Members present were Trustees Smith, Larry Coyle, David Petty and Carol Moore, Clerk. Also present were Anne Darling Cyphert, Administrator of Building/Zoning./Board Office; Sheriff Dave Phalen; Lt. Tim Vorhis; and interested citizens. Smith led in reciting the Pledge of Allegiance. The purpose of the special meeting was to discuss enforcement of the noise resolution issues with the sheriff's office.

Coyle gave the sheriff and Lt. a copy of the Bloom Township noise resolution and a copy of the minutes showing its approval in November 2003.

PUBLIC COMMENT:

- Mike Orabella of Alspach Road questioned the sheriff as to how the Eagle's Nest keeps getting liquor licenses. He expressed concern that he will have a bunch of drunken cowboys in his back yard.

Phalen responded: A charitable permit allows them to get temporary alcohol permits from the state. Phalen said he is notified and he signs an acknowledgement. He said that he, as sheriff, does not have the authority to deny the liquor permit. He only signs it as an acknowledgement of receiving it.

Petty said the only notification the trustees get is on permanent liquor permits.

The question was raised as to how many temporary liquor permits may be obtained. No one present had the answer.

- Mark Mitchell of Lora Lane questioned how he could learn more about charitable liquor licensing. Phalen referred him to the Ohio Revised Code or the State Dept. of Liquor Control.
- Jack Priser of Alspach Road said private school transportation is being used to transport students to Eagles Nest.
- Carol Alf expressed concern over how many liquor permits may have been issued to Eagles Nest but Phalen was not sure. She informed Phalen the Eagles Nest is zoned rural residential. Phalen said bingo games are an example of charitable uses that have been misused.
- Vorhis stated he investigated the Hubner's complaint from the last meeting and said they sent a deputy to inform the Doss junkyard owner to cease and desist from noise or he will be charged with violating the noise resolution.
- Paul Speakman of Winchester Southern Road: said noise from BMX racing last year was unbearable for the residents. Phalen said the prosecutor's office said the BMX racing was part of a fund raiser for a school and a school is exempt from the noise resolution. Vorhis said we should send a letter to the prosecutor's office asking for clarification on the issue. Smith explained what happened the night of the BMX racing.
- Orabella said Eagle's Nest is not a school and should not be exempted from the zoning resolution. Smith stated the fire department is working with the state to investigate possible fire code violations and determine whether it is a school.
- Speakman said it makes the sheriff's office look bad when they don't make them stop. He would like to support the sheriff's office but is frustrated because the sheriff's office is not enforcing the resolution. Phalen said his office gets caught in political situations but must follow the prosecutor's advice. Phalen said he thinks his deputies do a good job and that they have fewer people out there than they did a year ago.
- Petty said if it is a school, how late can noise be generated. Vorhis said if it is a school, they are exempt from noise enforcement. Vorhis said they will try to work with them and tell them the noise is unreasonable. Vorhis again asked the trustees to get a legal opinion from the prosecutor's office regarding whether Eagles Nest is a school.

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- Discussion of zoning classification. Cyphert clarified that the property is not zoned agricultural, rather it is zoned Rural Residential and agriculture is a permitted use under Rural Residential zoning.
- Priser said students are present at the fundraisers.
- Mitchell said the rodeos are a problem and he asked how complaints will be handled by the sheriff's office in the future. Phalen said it depends on what they go out there for and it depends on getting an opinion from the prosecutor's office as to whether or not it is a school.
- Alf said there is gambling on the property.
- Judy Beery of Lora Lane, asked for a copy of the noise resolution which she received. Smith said the only townships to adopt the noise resolution are Bloom and Violet.
- Coyle said it is sometimes called a school depending on what purpose it is needed for and expressed concerned that a liquor license was issued to a school.
- Petty asked what the board can do to require Eagles Nest to employ a special deputy officer to enforce drinking ages, etc. Phalen doubted it could be done.
- Coyle said he would like to change the subject to ATV noise in Collegeview. He asked if Vorhis saw the ATV and heard the noise. Vorhis said he heard him start it up but not run it continually. Coyle asked what could be done about the ATV problem in a subdivision. Vorhis said he has met with the property owner who complained and talked with the deputy who patrols the area and has a brother who lives in the area. They patrolled it regularly and did not find the violations. Vorhis said when they get a noise complaint, the deputies speak to the alleged noise maker, and if a call has to be repeated, they will be cited under the noise resolution. Coyle said the neighbor told him the ATV noise goes until 11pm. Phalen said they can't address it unless someone reports it. Vorhis said he doesn't interpret the starting up of an ATV as a noise violation. But if it is running up and down the road squealing tires, that could be a violation. Phalen explained that unless he or a deputy witnessed the action, he cannot enforce a complaint. Smith said is not as concerned because Coyle's photos depict riding ATV's in the daylight. Brian Randles stated those ATV's are riding in a farm field a distance away from houses.
- Cyphert explained the role of a zoning inspector and the process that is followed when a zoning violation is alleged.
- Vorhis said he wants to see cooperation between the entities and praised the job the sheriff is doing.
- Mitchell asked if charitable organizations are exempt from being a nuisance. Phalen said it would depend on what the problem is. Mitchell said the sheriff's office did not respond to loud public address complaints last January; they were just taking complaints. Vorhis said they will respond and will talk to them (the violators).
- Phalen said Vorhis does follow-up on issues all over the county. He offered if there is a group meeting, they would be glad to attend.
- Mitchell and others thanked the sheriff for attending this meeting.

Smith thanked the sheriff and the residents for attending and adjourned the meeting.

Joseph Smith
Chairperson

Carol J. Moore
Clerk