

**SHAWNEE TOWNSHIP  
BOARD OF TRUSTEES REGULAR MEETING  
September 10, 2018**

On September 10, 2018, the Shawnee Township Board of Trustees met at the Shawnee Township Administration Building, 2530 Fort Amanda Rd., Lima, Ohio for their regular meeting of the Board.

Chairman Belton called the meeting to order at 7:00 p.m.

Roll call indicated those present as follows: Trustee Belton, Trustee Spieles, Trustee Seddelmeyer, Chief Todd Truesdale, Chief Mike Keith, Superintendent Howard Gray, Zoning Inspector Mark Bishop, Fiscal Officer Newland and Attorney Clay Balyeat

Mrs. Seddelmeyer made a motion to accept the August 13, 2018 Minutes. Mr. Spieles seconded the motion. Motion passed 3-0.

Mr. Spieles made a motion to accept the August 27, 2018 Minutes. Mr. Belton seconded the motion. Motion passed 2-0.

**FISCAL OFFICER:**

- Bank reconciliations are all caught up
- Review of Appropriations
- Discussion of funds in wrong accounts

**LEGAL ADVISOR:**

- Review of Exterior Maintenance code
- Medical Marijuana Policy review
- Discussion regarding Fire Escrow account and documentation of change of ownership

**TRUSTEES BUSINESS:**

**RESOLUTION 103-18**

**Declaration of Public Nuisance and Order of Abatement**

**WHEREAS**, the Board of Trustees of Shawnee Township, Allen County are permitted through Section 505.86, 505.87, and 5579.05 of the Ohio Revised Code to regulate the growing of noxious, nuisance vegetation, garbage, refuse, and other debris on property throughout the Township; and,

**WHEREAS**, a Board of Trustees may provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the Township, if the board determines the owner's maintenance of such vegetation, garbage, refuse, and other debris constitutes a nuisance; and,

**WHEREAS**, the Shawnee Township Zoning Inspector has investigated the conditions and documented the vegetation, garbage, refuse, and other debris which constitutes a nuisance through the use of date-stamped photographic evidence, as presented in Exhibit "A" as an attachment to this Resolution, for the following properties:

<b>Owner:</b>	<b>Address</b>	<b>Auditor's Parcel ID # (PIN)</b>
1.	4040 Ft. Amanda Road, Lima, (Allen Co.), Ohio Gunns	46-0903-01-027.000*
2.	2614 Adgate Road, Lima, (Allen Co.), Ohio Umlauf	46-0304-07-026.000 *

\* Denotes 2<sup>nd</sup> or more nuisance declaration within 12 months

**WHEREAS**, the owner(s) of record of the aforementioned properties have not responded to requests by Shawnee Township Zoning Department to remove or control said vegetation. It is further recommended to the Board of Trustees of Shawnee Township that the existence of the uncontrolled vegetation on the above-referenced properties does constitutes a nuisance under Ohio Revised Code 505.87; as well as Shawnee Township Resolution #60-18 effective March 26, 2018 and,

**WHEREAS**, at least seven days before providing for the abatement, control, or removal of any vegetation, the Board of Township Trustees, shall notify the owner of the land and any holders of liens of record upon the land that the owner is ordered to abate, control, or remove the vegetation, grass, and noxious weeds, as the owners maintenance of which, has been determined by the Board to be a nuisance; and,

**WHEREAS**, if such vegetation, grass, noxious weeds, garbage, refuse or debris is not abated, controlled, or removed, or if provisions for its abatement, control, or removal is not made in seven-(7) days, the Board shall provide for the abatement, control, or removal, and any expenses incurred, to include \$ 250.00 administrative fee by the township in performing that task shall be entered upon the tax duplicate and become a lien upon the land from the date of entry; and,

**WHEREAS**, if the Board of Township Trustees determines within twelve consecutive months after a prior nuisance determination that the same owner's maintenance of vegetation, grass, noxious weeds, garbage, refuse, or other debris on the same land in the township constitutes a nuisance, at least four-(4) days before providing for the abatement, control, or removal, and any expenses incurred, to include \$250.00 administrative fee by the township in performing that task shall be entered upon the tax duplicate and become a lien upon the land from the date of entry; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of Shawnee Township, Allen County, Ohio, by authority under Section 505.87 of the Ohio Revised Code, as follows:

- **SECTION 1.** The Board specifically finds and hereby determines that the uncontrolled growth of vegetation and / or refuse and debris on each of said properties listed above constitutes a nuisance within the meaning of Ohio Revised Code Section 505.87; as well as Shawnee Township Resolution #60-18; and,
- **SECTION 2.** The Shawnee Township Board of Trustees hereby directs that notice of this action be given to owners of said property, and lien holders in the manner required by Ohio Revised Code 505.87; and,
- **SECTION 3.** The Shawnee Township Board of Trustees hereby orders the owners of said property to remove and abate the nuisances within seven-(7) days after notice of this order is given to the owners and lienholders of record; and within four-(4) days after notice of this order is given to owners and lienholders of record for the properties previously determined to be a nuisance as follows:
  - a. Remove any and all objects on the property that impede the full and complete cutting of the tall grass and the cutting and removal of noxious weeds;
  - b. Mow front, side and rear yard uniformly and maintain at a level that is consistent with the surrounding neighborhood.
  - c. Cut and trim all tall grasses, as well as weeds and or other noxious vegetation around trees, bushes, mail boxes, foundations, fences (if applicable).
- **SECTION 4.** If said nuisances are not removed and abated by the said owners, or if no agreement for removal and abatement is reached between the Township and the owners and lien holders of record within four or seven days respectfully after said notice is given, Shawnee Township employees shall enter on the property; remove any and all objects on the property which impede the cutting of the tall grasses and removal of noxious weeds, cut the tall grasses and cut or remove noxious weeds to abate the public nuisance.
- **SECTION 5.** The Board of Trustees hereby gives notice to the owner(s) of record that the townships removal of said vegetation, grass, noxious weeds, garbage, refuse or debris will occur on/after: ***September 17th, 2018 – (Due to 2<sup>nd</sup> of more previous nuisance declaration)*** and the owner(s) of record may enter into an agreement with the board to perform the removal of vegetation prior to this date.
- **SECTION 6.** That this resolution is hereby declared to be an emergency measure pursuant to Section 504.11 of the Ohio Revised Code, necessary for the immediate preservation of the public health, safety, or welfare of Shawnee Township, in order to control the noxious vegetation at the above-listed properties.
- **SECTION 7.** That this Board hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting, and that all deliberations of this Board and of its Committees, if any, which resulted in formal action, were taken and open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

**Mr. Belton motioned for approval, Mrs. Seddelmeyer seconded, and the motion carried 3-0.**

**Roll Call: Mr. Belton, yes                      Mr. Spieles, yes                      Mrs. Seddelmeyer, absent**

**RESOLUTION 104-18**

**Authorization to Advertise for Full-time Road Worker**

BE IT HEREBY RESOLVED that the Shawnee Township Board of Trustees authorizes advertising for a Full-time Road Worker.

**Mrs. Seddelmeyer motioned for approval, Mr. Spieles seconded, and the motion carried 3-0.**

**Roll Call: Mr. Belton, yes                      Mr. Spieles, yes                      Mrs. Seddelmeyer, absent**

**RESOLUTION 91-18 Tabled 7/9/18**

**Appointment of Alternate to the Zoning Commission**

BE IT HEREBY RESOLVED that the Shawnee Township Board of Trustees appoints Kevin Mayer as an alternate to the Zoning Commission effective July 9, 2018 through the term of January 1, 2020.

**Mrs. Seddelmeyer motioned for approval, Mr. Spieles seconded, and the motion carried 3-0.**

**Roll Call: Mr. Belton, yes Mr. Spieles, yes Mrs. Seddelmeyer, absent**

**RESOLUTION 105-18**

**Appointment of Zoning Commission Board Member Anthony Cover**

**WHEREAS**, the Ohio Revised Code, Section 519.04 creates the requirements for the establishment of a Township Zoning Commission, stating that the zoning commission shall be composed of five-(5) members and two-(2) alternates, where the terms of the members shall be of a such length and so arranged that the term of one member will expire each year, and;

**WHEREAS**, board member Mildred Stewart resigned her position effective June 25, 2018 leaving an open position, and;

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees of Shawnee Township, Allen County, Ohio, hereby appoints Mr. Anthony Cover to fill the position on the Shawnee Township Zoning Commission through the unexpired term of January 1, 2024, superseding any and all previous Resolutions regarding this Boards position.

**Mrs. Seddelmeyer motioned for approval, Mr. Spieles seconded, and the motion carried 3-0.**

**Roll Call: Mr. Belton, yes Mr. Spieles, yes Mrs. Seddelmeyer, absent**

**RESOLUTION 106-18**

**Shawnee Township Zoning Map**

**WHEREAS**, in accordance with Ohio Revised Code 519.12 (A) (1) Amendments to the zoning resolution may be initiated by motion of the township zoning commission, by the passage of a resolution by the board of township trustees, or by the filing of an application by one or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment with the township zoning commission. The board of township trustees, upon the passage of such a resolution, shall certify it to the township zoning commission.

**WHEREAS**, upon the adoption of a motion by the township zoning commission, the certification of a resolution by the board of township trustees to the commission, or the filing of an application by property owners or lessees as described in Ohio Revised Code 519.12 (A)(1) of this section with the commission, the zoning commission shall set a date for a public hearing, which date shall not be less than twenty nor more than forty days from the date of the certification of such a resolution, the date of adoption of such a motion, or the date of the filing of such an application. Notice of the hearing shall be given by the commission by one publication in one or more newspapers of general circulation in the township at least ten days before the date of the hearing.

**WHEREAS**, the Shawnee Township Zoning Map has several roadway corridors for example South Dixie Highway, Shawnee Road, Breese Road, Wonderlick Road, Beeler Road, Hume Road and others. Several parcels within the residential corridor have multiple zoning designations such as B1, BII, BIII, BIV that is either individual or clustered. Other corridors have commercial designations within residential areas, or agricultural parcels that do not meet the 2.5 acre requirement for the agricultural designation.

**WHEREAS**, The Board of Township Trustees finds that a review needs to be conducted by the Shawnee Township Zoning Commission to consider a review of these parcels and make recommendations to place them into their proper zoning designation, based on the comprehensive plan for the township.

**NOW THEREFORE BE IT RESOLVED,**

1. The Shawnee Township Board of Trustees hereby directs the Shawnee Township Zoning Commission to conduct open and public hearing(s), to consider a review of these parcels within the South Dixie Highway, Shawnee Road, Wonderlick Road, Beeler Road, Hume Road, and other areas, and make recommendations to place them into their proper zoning designation, based on the comprehensive plan for the township.
2. The Zoning Commission shall initiate these hearing(s) at its earliest convenience, but not more than forty-(40) days from adoption of this resolution.
3. This Board finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in open meeting of this Board, and that all deliberations of this Board that resolute in formal actions were taken in meeting open to the public, in compliance with all legal requirements, including but not limited to Ohio Revised Code 121.22, except as otherwise permitted thereby.
4. This Resolution shall be effective at the earliest date allowed by law.

**Mrs. Seddelmeyer motioned for approval, Mr. Spieles seconded, and the motion carried 3-0.**

**Roll Call: Mr. Belton, yes Mr. Spieles, yes Mrs. Seddelmeyer, absent**

**RESOLUTION 107-18**

**A Resolution Modifying the Proposed Zoning Resolution Amendment as submitted by the Zoning Commission**

**NOW THEREFORE BE IT RESOLVED,**

1. The Shawnee Township Board of Trustees hereby (~~Accepts, Rejects, or Modifies~~) DRAFT #3, the recommendation of the Shawnee Township Zoning Commission proposed resolution amendment concerning the following articles.

<b>Article 1</b>	-	<b>GENERAL PROVISIONS</b>	
1.0	Title		Accepted as Written
1.1	Purpose		Accepted as Written
1.2	Interpretation		Accepted as Written
1.3	Separability		Accepted as Written
1.4	Repeal of Conflicting Resolutions		Accepted as Written
1.5	Uses Excluded From This Resolution		Accepted as Written
1.6	Effective Date		Accepted as Written
<b>Article 2</b>	-	<b>INTERPRETATION AND DEFINITION OF TERMS &amp; WORDS</b>	
2.0	Purpose 2-1		Accepted as Written
2.1	Interpretation of Terms or Words.		Accepted as Written
2.2	Definition of Terms or Words		Modified as indicated
<b>Article X</b>	-	<b>EXTERIOR PROPERTY MAINTENANCE CODE</b>	Modified as indicated

**FURTHER**, the proposed zoning change shall become effective thirty-(30) days from adoption of this resolution, being Wednesday, October 10, 2018.

**Mrs. Seddelmeyer motioned for approval, Mr. Spieles seconded, and the motion carried 3-0.  
Roll Call: Mr. Belton, yes Mr. Spieles, yes Mrs. Seddelmeyer, absent**

**Mr. Bishop to send PDF copy to Attorney Balyeat**

**DEPARTMENT BUSINESS:**

Fire:

- Submitted report  
Trustee Seddelmeyer made a motion to accept the report as presented. Trustee Spieles seconded the motion. Motion passed 3-0
- Training at INEOS
- LSU Training

Police:

- Submitted report  
Trustee Seddelmeyer made a motion to accept the report as presented. Trustee Spieles seconded the motion. Motion passed 3-0
- ALYCE Training at school and at Wrightway Foods
- Background checks on 10 potential new hires to fill full-time position and 2 SRO positions

Roads:

- Submitted report  
Trustee Seddelmeyer made a motion to accept the report as presented. Trustee Spieles seconded the motion. Motion passed 3-0
- Brush pick up ending October 5, 2018
- Leaf Boxes for trucks being prepared

Zoning:

- Submitted report  
Trustee Seddelmeyer made a motion to accept the report as presented. Trustee Spieles seconded the motion. Motion passed 3-0
- New Map

Cemetery:

- Submitted report

Trustee Seddelmeyer made a motion to accept the report as presented. Trustee Spieles seconded the motion. Motion passed 3-0

- Sales
- Quote on Gazebo

**COMMUNICATIONS:**

- Trustees and Clerks meeting in Columbus Grove

**BILLS:** Trustee Seddelmeyer motioned that the board approve paying the bills by resolution, Trustee Spieles seconded, and the motion was Passed 3-0.

Roll call:

Mr. Belton (yes)

Mr. Spieles (yes)

Mrs. Seddelmeyer (yes)

**Adjournment**

With no further business to be brought before the Board of Trustees, Mrs. Seddelmeyer motioned for adjournment, Mr. Spieles seconded and the motion carried 3-0. Meeting adjourned.

Board of Trustees Regular Meeting held Sept 10, 2018

\_\_\_\_\_  
Dave Belton, Chairperson

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Clark Spieles, Vice Chairperson

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Chris A. Seddelmeyer, Trustee at Large

Minutes prepared by Missy Van Meter, Administrative Assistant, Shawnee Township.