

MINUTES OF THE PLEASANT TOWNSHIP BOARD OF TRUSTEES  
REGULAR MEETING  
JULY 17, 2014  
5:30 PM

The meeting was called to order at 5:30 PM by Chairman Moellendick with all Trustees present.

Minutes from the July 3 meeting were approved as submitted.

Fiscal Officer reported the following receipts since the last meeting:

Zoning	50.00
Community Room rent	100.00
Benjie Colopy	337.22
Air Evac	1,500.00
EMS billing	<u>3,414.36</u>
	5,401.58

The County Budget Commission will hold their hearing on the Township's 2015 budget at 8:50 AM on Monday, August 4 in the Commissioners' Hearing Room. The deadline for submitting Issue 2 applications to District 17 is October 3.

Adoption of a Noise Control Resolution was discussed.

*14-044 Ms. Moellendick moved to adopt a Township Noise Control Resolution;; seconded by Mr. Horn. Voting: Horn - yes; Kemmerer - no; Moellendick - yes. Motion passed.*

Attorney Jeff Vandervoort, Mr. and Mrs. John Nelson, addressed Trustees regarding a misunderstanding over the allowable height of a privacy fence the Nelson's recently constructed. The fence was constructed according to plans approved by Zoning Inspector Bowman. Responding to a complaint by Paul Kemmer, Mr. Bowman issued the Nelsons a notice of violation because the 7 ft. high fence exceeded the allowable 6 ft. height. It was agreed that the Nelsons made a good faith effort to comply with regulations and Mr. Bowman had interpreted the indicated fence height as a panel length. Retaining the fence at a 7 ft. height will require a variance. Because of the miscommunication, the Nelsons are requested a waiver of the variance application fee and a stay of the order to reduce the fence height pending a variance hearing. Mr. Bowman supports the Nelson's request.

*14-045 Mr. Horn moved to waive the fee for the Nelsons to submit a Variance application to allow a 7 ft. high privacy fence; seconded by Mr. Kemmerer. Voting: Horn - yes; Kemmerer - yes; Moellendick - yes. Motion passed.*

*14-046 Mr. Horn moved to stay the order for the Nelsons to reduce the height of their privacy fence from 7 ft. to 6 ft. pending the outcome of a variance hearing before the Board of Zoning Appeals; seconded by Ms. Moellendick. Voting: Horn - yes; Kemmerer - yes; Moellendick - yes. Motion passed.*

Mr. Bowman reported six permits issued for \$1,540. The property at 1101 Beechwood is being cleared. Mr. Bowman spoke with the owners today and advised them that they needed to clear the entire property. Mr. Bowman provided a copy of his reply to Mr. Kemmer regarding Mr. Christy's sign. Mr. Christy has said he will remove the sign. Tall grass at 2050 Elder Road was discussed.

Ryan Wyse reported on Fire department activity. Community Day will be held August 2. A card of appreciation was received from the family of a heart attack victim thanking the department and Chad Mathias, Ryan Lytle, Josh Amspaugh and Lt. Mike Smith for their professionalism in treating the victim and their compassion in comforting family members. The master water meter will be installed Friday. Readings should be recorded daily for a month to get a good sample of daily water use. LED

can lights have been installed. Emergency lights on the E-One have been repaired. The grass truck needs some rust spots repaired. Kumler quoted \$740.95. Trustees advised waiting until the summer/fall fire season is over. They also suggested getting a quote from another shop, possibly North Body Shop since it was also nearby. Driver training is using a new approach of having an Officer ride with the driver and record comments and make corrections. Commenting on actual driving in traffic is a better training method than simply driving through cones.

Ryan Marshall was recommended for appointment as a Volunteer.

*14-047 Ms. Moellendick moved to appoint Ryan Marshall as a Volunteer Firefighter effective immediately; seconded by Mr. Kemmerer. Voting: Horn - yes; Kemmerer - yes; Moellendick - yes. Motion passed.*

It was proposed to switch telephone service from AT&T to Time warner. The Fiscal Officer asked about the 'taxes and fees' cost which was not included in the quote. He had investigated several companied for home service and various 911/USF/network access fees were in addition to the base charge and often substantially increased the monthly cost. Mr. Wyse will ask Time Warner to provide a complete list of fees.

The District Appeals Court denied the points in Jeff Mathias's appeal and found for the Township.

Plain Township needs their rescue back and Chief Fey is talking to Lancaster about using their spare engine. Greenfield is currently using the truck because their engine is out of service due to a pump problem.

Harmon said that the roads are ready for tar & chip. No date has been given for Shelly to start paving.

All bills submitted were approved for payment.

Mr. Kemmerer moved to adjourn; seconded by Ms. Moellendick. Meeting adjourned at 6:23 PM

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Fiscal Officer

# NOISE CONTROL RESOLUTION

Resolution No. 14-044 - July 17, 2014

**Pleasant Township Trustees hereby resolve** to adopt regulations and orders that are necessary to control noise within the unincorporated territory of Pleasant Township that is generated at any premises to which a D Permit has been issued by the Ohio Division of Liquor Control or that is generated within any areas zoned for residential use; and

**Whereas** the Pleasant Township Trustees declare there is a need for a Noise Control resolution in Pleasant Township;

**Now, therefore, be it resolved** by the Board of Trustees of Pleasant Township, Fairfield County, Ohio, that we, on behalf of its residents, do hereby adopt a Noise Control Resolution for the Township as follows:

## **Section I Definitions**

All definitions and terminology used in this Resolution not defined below shall be in conformance with the applicable publications of the American National Standards Institute (ANSI) or its successor body. As used in this Resolution:

### **A. Commercial Area**

Any non-residential area, which includes offices, general commercial retail mercantile, trade or manufacturing areas is so defined. Also, any parcel or real property located within a business district.

### **B. D Permit**

A category of permits issued to liquor establishments by the State of Ohio Division of Liquor Control.

### **C. Noise Disturbance**

Any unreasonable sound which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to any person of ordinary sensitivities in the area of the noise.

### **D. Permitted Hunting or Target Shooting**

Hunting or target shooting by an individual, or individuals, on designated public hunting lands or having the written permission of a private landowner, with that individual or individuals, having also secured the proper licenses by the Ohio Department of Natural Resources—Division of Wildlife unless said individual or individuals is/are hunting on land that they own; or a qualified tenant or manager on land that they rent and whose annual income is primarily derived from agricultural production conducted on said land; or are grandchildren under the age of eighteen (18) hunting on land owned by their grandparent(s).

### **E. Residential Area**

Any Single-, Two-, or Multi-Family and any other designated residential area are so defined.

## **Sections II Noise Disturbances Prohibited**

### **A. Noise Disturbances**

At any premises to which a D Permit has been issued by the Ohio Division of Liquor Control or any property zoned for residential use no person, owner, occupant, employee,

or person in charge of any premises shall allow, permit, make, continue, or cause to be made or continued, any loud unnecessary or unreasonable noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of ordinary sensitivities in the area of the noise.

In determining whether a noise is of such character as to unreasonably disturb the peace and quiet of the neighborhood, a court shall consider the following factors:

- a) Complaints of neighbors regarding the noise
- b) Time of day at which the noise takes place
- c) The intensity and durations of the noise
- d) The type of noise produced
- e) The alternative means available without excessive noise

#### **B. Sound Amplifying Devices on Private Property**

At any premises to which a D Permit has been issued by the Ohio Division of Liquor Control or any property zoned for residential use no person, owner, occupant, employee, or person in charge of any premises shall allow, permit, make, continue or cause to be generated or permit to be generated unreasonable noise or loud sound which is likely to cause inconvenience or annoyance to persons of ordinary sensibilities by means of a radio, phonograph, television, tape player, compact disc player, loud speaker or any other sound amplifying device or by any horn, drum, piano, or other musical or percussion instrument.

It is prima facie unlawful for a person to generate or permit to generate or permit to be generated sound by the above described devices or instruments on any premises to which a D Permit has been issued by the Ohio Department of Liquor Control or any property zoned for residential use where the sound is plainly audible more than fifty (50) feet from the property line of the property on which the source of the sound is located.

This shall also include use of objects usually employed for other purposes when used for the sole purpose of generating noise.

This Resolution shall not apply to noncommercial public speaking and public assembly activities conducted on any public space or public right-of-way.

This Resolution applies to noise being specifically generated from a premise with a D Permit issued by the Ohio Department of Liquor Control

#### **Section III Enforcement**

Violation of any provision of this Resolution shall be enforced by the appropriate Law Enforcement Agency in a manner consistent with that Law Enforcement Agency's policy for minor misdemeanor offenses.

#### **Section IV Other Remedies**

No provision of this Resolution shall be construed to impair any common law or statutory cause of action or legal remedy there from, of any person for injury or damage arising from any violation of this Resolution or from other law.

#### **Section V Exceptions**

The provisions of this Resolution shall not apply to the following:



PAYMENT REGISTER  
 PLEASANT TOWNSHIP, FAIRFIELD COUNTY  
 Accounting Payroll  
 From 07/04/2014 to 07/17/2014

Warrant Number	Date	Type	Vendor/Payee	Amount	Status
24771	07/05/2014	AW	LOWE'S COMPANIES, INC.	99.15	O
24772	07/05/2014	AW	MEDIA NETWORK OF CENTRAL OHIO	68.00	O
24773	07/05/2014	AW	DITTMAR SALES & SERVICE	266.75	O
24774	07/05/2014	AW	HERITAGE	149.50	O
24775	07/05/2014	AW	LANCASTER TRANSFER STATION	14.00	O
24776	07/05/2014	AW	TAYLOR RENTAL	42.56	O
614-2014	07/08/2014	CH	LANCASTER UTILITIES COLLECTION OFFICE	147.48	C
24777	07/10/2014	AW	UNITED LANDMARK LLC	1,328.53	O
24778	07/10/2014	AW	O'REILLY AUTOMOTIVE, INC.	14.99	O
24779	07/10/2014	AW	CARTER JONES LUMBER COMPANY	22.99	O
24780	07/10/2014	AW	BOUND TREE MEDICAL, LLC	223.49	O
24781	07/10/2014	AW	UNITED PARCEL SERVICE, INC.	67.57	O
24782	07/17/2014	WH	OHIO CHILD SUPPORT PAYMENT CENTRAL	620.08	O
24783	07/17/2014	AW	JAMES M. SNYDER	39.20	O
24784	07/17/2014	AW	POWERNET GLOBAL COMMUNICATIONS	13.22	O
24785	07/17/2014	AW	SPEEDWAY SUPERAMERICA, LLC	2,359.85	O
24786	07/17/2014	AW	SHELLY MATERIALS, INC.	6,961.07	O
24787	07/17/2014	AW	J D EQUIPMENT, INC.	1,995.00	O
24788	07/17/2014	AW	JOHN A. BOWMAN	12.09	O
24789	07/17/2014	AW	ANDREW P. FEY	175.00	O
24790	07/17/2014	AW	BIG "O" REFUSE	80.00	O
24791	07/17/2014	AW	HORTON EMERGENCY VEHICLES	572.40	O
24792	07/17/2014	AW	MED3000	941.62	O
24793	07/17/2014	AW	LINDE GAS NORTH AMERICA LLC	15.95	O
24794	07/17/2014	AW	DeLILLE OXYGEN CO.	16.00	O
24795	07/17/2014	AW	FASTENAL COMPANY	22.52	O
24796	07/17/2014	AW	QUILL CORPORATION	365.52	O
24797	07/17/2014	AW	FAIRFIELD MEDICAL CENTER	42.00	O
24798	07/17/2014	AW	FIBRETECH SERVICES LLC.	271.50	O
24799	07/17/2014	AW	WITMER PUBLIC SAFETY GROUP, INC.	269.98	O
24800	07/17/2014	AW	RYAN D. WYSE	115.40	O
24801	07/17/2014	AW	Amanda Jones	100.00	O
654-2014	07/17/2014	EW	OHIO DEFERRED COMPENSATION PROGRAM	750.00	C
658-2014	07/17/2014	EW	US TREASURY DEPT. (EFT)	5,478.18	C
	07/17/2014	EP	PAYROLL	20,583.81	C
Total:				44,245.40	

Type: AM - Accounting Manual Warrant, AW - Accounting Warrant, IM - Investment Manual Warrant, IW - Investment Warrant, PM - Payroll Manual Warrant, PR - Payroll Warrant, RW - Reduction of Receipt Warrant, SW - Skipped Warrant, WH - Withholding Warrant, WM - Withholding Manual, WS - Special Warrant, CH - Electronic Payment Advice, IL - Investment Loss, EP - Payroll EFT Voucher, CV - Payroll Conversion Voucher, SV - Payroll Special Voucher, EW - Withholding Voucher, POS ADJ - Positive Adjustment, NEG ADJ - Negative Adjustment, POS REAL - Positive Reallocation, NEG REAL - Negative Reallocation  
 Status: O - Outstanding, C - Cleared, V - Voided, B - Batch

PLEASANT TOWNSHIP TRUSTEES  
MEETING ATTENDANCE

Date: July 17, 2014

Type Meeting: Regular

Name	Name
John NELSON	
Cecelia Nelson	
JEFF K. VANDERVOORT	