

# Mad River Township Trustees

Regular Meeting: Thursday, February 2, 2017

Meeting time: 7:30pm

Trustees Present: Dave Riley (president), Brent Laughman (vice president), Dale Goddard

Fiscal Officer Present: Richard Ford

Others Present: Josh Shoemaker, Cody Riley, Heather Riley, Marty Vallance, Don Vallance, Bob Purk, Susan Prince

Meeting called to order followed by the Pledge of Allegiance.

## Minutes and Financials

Trustees reviewed the financials and 1/19/17 meeting minutes.

**Motion:** Dale Goddard motioned to approve the minutes, financials, bills/checks. Brent Laughman seconded the motion. Motion passed unanimously.

## Community Discussion/Concerns

-Josh Shumaker asked if the township could put some "hidden drive" signs on Nettlecreek Road. He said these signs have been put up in the past but the neighbor keeps taking them down since they are in their yard (township right of way). Brent Laughman said that the state now recommends "hill blocks view" sign. Trustees said they would take a look at it. Mr. Shumaker also said he was still looking into ways to stop the cell tower from going up in its proposed location across from his house.

-Don Vallance said he has been researching the proposed cell tower. According to what Mr. Vallance read in the township zoning regulations he thought the cell tower does not meet the zoning code. He asked if the township had talked with the cell tower company about this. Dave Riley said he had contacted them and that they were not receptive to complying with the setback rules. Mr. Vallance asked if the township had responded to the letter they had received. Mr. Purk said he called them but had also talked with our legal counsel Jane Napier as well as the LUC (Logan Union Champaign County zoning and planning commission). Mr. Vallance asked if the township had any plans to address the setback rules. Mr. Purk said that the section of the zoning that references setback rules only applied to R1 (residential) zoned areas. Mr. Purk read the zoning section and the O.R.C. 519.211. Mr. Vallance asked if there was a way to add wording in the zoning regulations to restrict cell towers. Mr. Purk said he didn't think that changing the wording outside of residential areas would hold up in court but would check with legal counsel. Brent Laughman said that Mr. Vallance could submit a zoning change request. Mr. Riley said that the process to submit a request was listed in the zoning regulations. Mr. Riley said he had talked extensively with the cell tower company and recommended Bob Purk to submit a letter requesting they comply with setback rules and include the section of the zoning regulations that referenced setbacks. Mr. Vallance also asked about the bond requirement. Brent Laughman read aloud the section. Bob Purk reminded everyone that section falls under the residential areas only. Mr. Purk also said he had received a letter from PBM (cell tower company) asking for the township to sign a letter acknowledging that the zoning for the proposed site was exempt from zoning per O.R.C. 519.211 but that legal counsel had told him not to sign it. Susan Prince who came in later in the meeting asked about the first letter the township had received. Dave Riley reviewed the earlier discussion regarding the letter. Trustees again asked Mr. Purk to send a letter requesting the setbacks and Mr. Purk said he would send it to them, but was doubtful they would comply since they are a public utility and that our zoning rules do not restrict outside of residential zoned areas. He also said he had talked with an attorney who had given a presentation at the Ohio Township Association conference and that attorney said there were two Ohio Supreme Court cases regarding cell towers. The attorney said those cases ruled that cell towers only had to comply with local zoning as it pertained to residential areas but nothing could be done to restrict the cell towers outside of residential zoning areas.

## Roads and Bridge

-No update from the family regarding the "children at play signs" on Vance Rd.

-Brent Laughman said they are waiting on a quote to clear trees along roads.

## Cemeteries

-No update on Rector-Gard Cemetery.

**Equipment**

-No updates

**Zoning**

-Bob Purk said that letters have been sent to residents who have zoning violations including Mr. Humphrey’s property again. Trustees asked what the next step is if they don’t clean it up and what the deadline was for cleanup. Mr. Purk said the deadline is the end of February and we would then send it to municipal court. Mr. Laughman asked if it had to go to municipal or if trustees could send it to Jane Napier instead. Mr. Purk said they could do either, but was planning on sending it to municipal. Mr. Laughman asked Mr. Purk to let the trustees know prior to sending it to the court so they could discuss which court they wanted it to go through. Mr. Purk agreed to contact them prior to sending it to the courts.

-Cell tower discussion was addressed in the community discussion.

**Other Administrative**

-trustees discussed the rental fees for the community groups who recently requested use of the township hall.

**Motion:** Dale Goddard motioned to allow the Grafton Church to meet at the township hall with no fee.

Brent Laughman seconded the motion. Motion passed unanimously.

**Motion:** Brent Laughman motioned to allow the Brittany Underwood 4H group (Backyard bells and boys) to meet at the township hall with no fee. Dale Goddard seconded the motion. Motion passed unanimously.

-Mr. Ford said that he had talked with Keith Shaffer and he requested to renew the land lease again.

**Motion:** Brent Laughman motioned to renew the 1 year land lease at the same rates as last year. Dale Goddard seconded the motion. Motion passed unanimously

-Trustees discussed how the township would notify the public of special meetings.

**Motion:** Dale Goddard motioned to use the website postings as the official township notifications for public meetings. Brent Laughman seconded the motion. Motion passed unanimously.

**Motion:**Brent Laughman motioned to adjourn the meeting at 9:06pm. Dale Goddardseconded motion. Motion passed unanimously.

Minutes Approval Date: \_\_\_\_\_ by Trustee: \_\_\_\_\_

Attested \_\_\_\_\_

