

SWANCREEK TOWNSHIP
BOARD OF TRUSTEE
SPECIAL MEETING
Wednesday, September 6, 2017

Vice Chairman Wiland called the meeting to order at 9:00 a.m.

Roll call - Board of Trustees present: Ron Holdeman, Chairman - Absent, Phil Wiland, Vice Chairman, and Rick Kazmierczak, Trustee

Employees: Walt Hallett, Zoning Inspector & Chris Lauch, Administrative Assistant

Fiscal Officer: Absent

PUBLIC GUESTS: See Sign In Sheet

GUEST: Jon Whitmore, Fulton County Assistant Prosecutor

New Business:

Consideration of Zoning Resolution text amendment certified and proposed by the Zoning Commission on 8-9-17:

The Zoning board cannot establish when the typo occurred. Therefore, the Board decided to correct the issue.

Pg. 77, Article 100-18.1 Area Height & Bulk (Table) is correct.

Pg. 41, Article 100-10.4 First Density Residential District (R1) is incorrect.

152-17 Trustee Kazmierczak motioned to accept the recommendations of the Zoning Commission, 2nd by Trustee Wiland.

Roll Call: Trustee Kazmierczak - Yea, Trustee Wiland - Yea

Amendments: Correct Article 100-10.4 to match Article 100-18.1. Any and all Articles that lists these setbacks shall match Article 100-18.1 table and shall be changed accordingly if they are incorrect.

The 23rd Zoning Resolution will be in effect October 6, 2017.

Zoning Article 100-20.93 Complaints Regarding Violations - Enforcement of Zoning Inspector:

Discussed zoning code and Ohio Revised Code regarding the Zoning Inspector's ability to investigate violations. The Trustees got rid of the requirement for a citizen to sign a complaint; however, the zoning resolution states a complaint must be submitted in writing. The Trustees can and will file written complaints to the Zoning Inspector, on behalf of verbal citizen concerns expressed to them.

Trustee Kazmierczak motioned to recommend to the Zoning Commission to consider amending Article 100-20.93 to include the Zoning Inspector, No second.

Further discussion was had about Article 100-3, Construction of Language. This definition should include the Zoning Inspector. The word "person" includes *the zoning inspector*, an individual, a corporation, a partnership, an incorporated association, or any other similar entity. This will give the Zoning Inspector the ability to investigate violations without the written complaint from the Trustees.

153-17 Trustee Wiland motioned to rescind the motion above, 2nd by Trustee Kazmierczak

Roll Call: Trustee Kazmierczak - Yea, Trustee Wiland - Yea

154-17 Trustee Wiland motioned to amend Article 100-3; the word "person" is to include the zoning inspector, 2nd by Trustee Kazmierczak.

Roll Call: Trustee Kazmierczak - Yea, Trustee Wiland - Yea

The amendment will go before the Zoning Commission for consideration.

Discussed the drafting of criminal charges versus civil cases and the ability to charge for fines imposed; in Article 100-26 and 100-26.4, five hundred (\$500.00) dollars for each separate offense and that a separate offense shall be deemed committed upon each day during or when a violation occurs or continues.

Jon Whitmore explained that the \$500.00 could not be imposed unless the offense was criminal. Zoning violations cannot get into a court without being a misdemeanor, which is a criminal charge.

Discussed Ohio Revised Code 519.01-99 and Ohio Revised Code 1907.012 Jurisdictions Over Violations of Township Resolutions.

The Trustees will send Heidi Fought, Ohio Township Association, a letter to look into changing legislation accordingly, per the recommendation of Jon Whitmore, Assistant Prosecutor.

Discussed Junk Motor Vehicle violations, collector's cars and criteria required to find a car in violation. Mr. Whitmore referred Walt Hallett to the Off Street Parking zoning article. This article limits the amount of cars that can be parked at/on a residential property.

Discussed obstruction in a road right-of-way on Co. Rd. 2. Chris will find the Ohio Revised Code and Trustee Wiland will get the address to send a letter.

Trustee Kazmierczak motioned to adjourn, 2nd by Trustee Wiland: 10:39, so moved.

Swanecreek Township Board of Trustees

Attest: Jo Stultz, Fiscal Officer
Swanecreek Township
Sept. 18, 2017

Trustee Ron Holdeman, Chairman

Trustee Phil Wiland, Vice Chairman

Trustee Rick Kazmierczak