

Held at 7:30 p.m. at the Waterville Township Hall on October 8, 2008

ROLL CALL:

Chairman A. Leslie Disher - Excused absence - Out of town.
 Vice-Chairman Kyle J. Hertzfeld - Present
 Trustee Brett T. Warner - Present

OFFICIALS:

Police Chief Kathleen M. Hartle - Present
 Fiscal Officer Kay Ann Robertson - Present

GUESTS:

None.

PLEDGE OF ALLEGIANCE:

Vice-Chairman Kyle J. Hertzfeld called the meeting to order at 7:30 p.m. All those present were asked to join Vice-Chairman Kyle J. Hertzfeld in reciting the Pledge of Allegiance. Roll was called and Trustees Kyle J. Hertzfeld and Brett T. Warner were present. Trustee A. Disher was out of town and excused.

AGENDA:

The Agenda had been prepared by Fiscal Officer Kay Ann Robertson at the direction of Vice-Chairman Kyle J. Hertzfeld:

Brett T. Warner made a motion to approve The Agenda for the October 8, 2008, meeting as it had been prepared by Fiscal Officer Kay Ann Robertson at the direction of Vice-Chairman Kyle J. Hertzfeld. Seconded by **Kyle J. Hertzfeld**.

MINUTES:

Motion Carried.

The minutes for the September 24, 2008, meeting had been prepared by Fiscal Officer Kay Ann Robertson and sent to each trustee prior to the meeting:

Brett T. Warner made a motion to dispense with the reading of the minutes of the September 24, 2008, meeting and to approve the minutes with no corrections, additions nor deletions. Seconded by **Kyle J. Hertzfeld**.

RECEIPTS:

Motion Carried.

162-08 - State of Ohio Maintenance - Rollback and homestead	\$ 32,427.98
163-08 - Reissued Receipt #151-08 - Wrong fund distribution	0.00
164-08 - Fifth Third Bank - September interest on autosweep	436.69
165-08 - Timothy and Dianne Toffler - Permit #2008-34 - Shed	100.00
166-08 - Lucas County Auditor - September allocation	4,619.45
167-08 - Lucas County Auditor - HB 66 - Personal property tax	31,386.00
168-08 - Aircraft Memorials - Gingrich foundation - Whitehouse	67.20
169-08 - Lucas County Auditor - Second half 2008 estate tax	10,282.12
170-08 - Lucas County Auditor - September allocation	5,892.75
171-08 - Francis Lyon, Trustee - Lyon cremation - Wakeman	150.00
172-08 - Maumee Municipal Court - September police fines	425.00
173-08 - Rose Gleckler - Lot 37 space #7 - Whitehouse Cemetery	200.00
174-08 - Village of Waterville - 2007 annexation moneys	30,011.12
175-08 - Lucas County Auditor - 2008 mobile home tax settlement	.21

WARRANTS:

Total \$ 115,998.52

#31615 - Jonathan D. Burkett - Police wages	\$ 138.20
#31616 - Kathleen M. Hartle - Police and D.A.R.E. wages	1,637.60
#31617 - Russell E. Heger - Police wages	90.01
#31618 - Harry R. Kellett III - Police wages	727.76
#31619 - David L. Krego - Police wages	1,179.02
#31620 - Kenneth M. Kristoff - Police wages	73.28
#31621 - Richard A. Ludwig - Supt. wages	904.14
#31622 - Dennis H. Meyer - Road wages	645.08
#31623 - Brian A. Petrell - Cemetery labor	277.63
#31624 - Kay Ann Robertson - Fiscal officer salary and zoning wages	848.51
#31625 - B. Eric Varner - Police wages	1,043.63
#31626 - Michelle L. Vollmar - Police wages	192.80
#31627 - Ohio Public Employees Retirement Sys - September retirement	6,565.28
#31628 - Celley & Sanderson, LLC - September solicitor fees	491.00
#31629 - Medical Mutual of Ohio - November hospitalization	5,650.03
#31630 - Treasurer of State of Ohio - 3rd qtr computer support	795.00
#31631 - Village of Waterville - October water/sewer payment	37.99
#31632 - Waterville Gas Company - October heat payment	33.00

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#31633 - Toledo Edison - October township street lighting	\$ 164.56
#31634 - Toledo Edison - October Coventry Glen street lighting	387.48
#31635 - Whitehouse Auto and Hardware - October repairs	292.35
#31636 - General Pro Hardware - Maintenance supplies	215.57
#31637 - Mc Cabe Outdoor Equipment - Cemetery maintenance	64.65
#31638 - Gary Bergfeld - Grind stumps at Wakeman Cemetery	365.00
#31639 - All Seasons Tree Care - Cut trees in Wakeman Cemetery	5,670.00
#31640 - Complete Auto Detailing - Detail police vehicle	90.00
#31641 - Fox International LTD - Police vehicle equipment	293.70
Total	\$ 28,873.27

Brett T. Warner made a motion to pay the warrants that had been prepared by the Fiscal Officer Kay Ann Robertson and presented for payment. Seconded by **Kyle J. Hertzfeld**.

Motion Carried.

PUBLIC COMMENTS:

None.

PUBLIC HEARING - Z22-C111 - AMENDMENT REGARDING REGULATIONS FOR (5) ACRE PARCELS:

Vice-Chairman Kyle J. Hertzfeld opened the public hearing advertised in "The Mirror" for this date and time. The purpose of the hearing is to consider an amendment to the Waterville Township Zoning Resolution regarding agriculture regulations for five (5) acre parcels or less.

STAFF ANALYSIS:

The Waterville Township Zoning Commission requests an amendment to the Waterville Township Zoning Resolution regarding agriculture regulations for five (5) acre parcels or less. This amendment utilizes the Ohio Revised Code to include health and safety concerns in township zoning regulations for such areas.

The amendment defines what is allowed on lots of one (1) acre to five (5) acres where the number of livestock or horses is determined by the parcel size to include providing setbacks from dwellings, property lines and fencing. The amendment will assist the zoning inspector with enforcement and will prevent a nuisance to the abutting property owners.

PLANNING COMMISSION RECOMMENDATION:

The Toledo-Lucas County Planning Commission recommends an approval of the proposed amendment to the Waterville Township Zoning Resolution shown in Exhibit "A" to the Waterville Township Zoning Commission and Township Trustees.

EXHIBIT "A"

SECTION 9.14 Raising of Livestock and Horses. Regulation of Agriculture

~~The following shall apply to platted subdivisions and areas containing 15 or more lots, each of which are less than five (5) acres in size and contiguous as determined by abutting or being opposite each other on a public dedicated road:~~

~~1. The breeding, raising or maintaining of livestock and horses is prohibited on lots of one (1) acre or less. On lots greater than one (1) acre but less than five (5) acres, the maximum number of such livestock allowed shall be:~~

- ~~a) Horses-----1.0 per acre; or~~
- ~~b) Cattle-----1.0 per acre; or~~
- ~~c) Swine-----1.0 per acre; or~~
- ~~d) Sheep/Goats-----1.0 per acre; or~~
- ~~e) Hhmas/other axotic animals 1.0 per acre.~~

~~2. Such livestock and horses or structures incident to housing such livestock and horses, notwithstanding the provisions of Section 9.9, shall not be permitted within 50 feet of a dwelling or an adjacent property line. The parcel shall be adequately fenced and landscaped to reduce/eliminate any possible nuisances caused by the livestock and horses.~~

~~1. In any platted subdivision approved under O.R.C. 711.05; 711.09 or 711.10 or in any area consisting of fifteen (15) or more lots approved under O.R.C. 711.131 that are contiguous to one another or some of which are contiguous to one another and adjacent to one side of a dedicated public road and the balance~~

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Continued:

of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road, agriculture is regulated as follows:

a) On lots of one acre or less, within such subdivision or area, agriculture is prohibited. This provision does not prohibit the raising of fruits or vegetables for consumption by residents of a dwelling located on such lot.

b) On lots greater than one acre but not greater than five acres, within such subdivision or area, buildings or structures incident to the use of land for agricultural purposes shall conform to all set back building lines, height and size requirements of this Resolution; providing however, that such buildings or structures are not permitted within 50 feet of a dwelling or an adjacent property line, excepting fences as are more specifically provided for herein; and all such buildings or structures shall be adequately screened from view.

c) On lots greater than one acre but not greater than five acres, within such subdivision or area, dairying and animal poultry husbandry, which includes, but is not limited to, the care and raising of livestock, equine and fur-bearing animals, are regulated as follows:

i) When at least thirty-five per cent of the lots within such subdivision or area are developed with at least one building, structure or improvement that is subject to real property taxation or that is subject to the tax on manufactured and mobile homes under O.R.C. 4503.06, dairying and animal and poultry husbandry shall be considered nonconforming uses of land and buildings or structures.

ii) For health and safety reasons, use of any such lot for dairying and animal and poultry husbandry shall not exceed one animal for each whole acre, excluding the first whole acre. (Examples provided for interpretation purposes: A lot of 1.5 acres in size may not have any animals; a lot of 2.0 acres or greater in size may have one animal; a lot of 3.0 acres or greater in size may have two animals; a lot of 4.0 acres or greater in size may have three animals; a lot of 5.0 acres in size may have four animals; a lot of 4.95 acres in size may have three animals; a lot greater than 5.0 acres is not regulated by this Section.)

iii) Keeping animals in excess of the number permitted herein shall be deemed to constitute a public nuisance affecting the health, safety and welfare of Township residents.

iv) Animals are not permitted within 50 feet of any dwelling. Animals are not permitted within 5 feet of an adjacent property line. Areas within a lot where animals are permitted shall be securely fenced and adequately screened from view. Fences must contain any animals at least 50 feet away from any dwelling and at least 5 feet away from any adjacent property line. Fences required by this Section are also subject to regulation under Section 9 of this Zoning Resolution.

2. The Zoning Inspector shall determine whether any particular lot is located within such subdivision or area as is regulated by this Section of the Resolution and shall make such determinations as may be required under this Section. Appeal from the determination of the Zoning Inspector may be made to the Board of Zoning Appeals.

Brett T. Warner made a motion to approve the amendment to the Waterville Township Zoning Resolution regarding agriculture regulations for five (5) acre parcels or less. Seconded by **Kyle J. Hertzfeld**.

Motion Carried.

SPECIAL PRESENTATION:

None.

OLD BUSINESS:

1. Several months ago, there was a discussion concerning the installation of reflective strips on caution and stop signs in the township. It was decided to wait until the county had finished with their signs to see what remained to be done to the township signs. The county did all of the installation on all road signs - nothing further for the township to do.

2. Word was received from the county that salt would again be in short supply and the cost was going to be higher:

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Continued:

Brett T. Warner made a motion to order 105 tons (Allotted 70% of the salt ordered for 2007-2008 season) of road salt at a cost of \$86.50 (\$9,082.50) Seconded by **Kyle J. Hertzfeld**. (Faxed order 10/12/08)

Motion Carried.

NEW BUSINESS:

None.

FISCAL OFFICER - CORRESPONDENCE:

- 1) From the Ohio Public Employees Retirement System, information regarding the SSA form and new hires.
- 2) From Time Warner Cable, information regarding enhancements to products and customer service.
- 3) From the Lucas County Department of Emergency Services (Former Civil Defense), notice of meetings to discuss budget and EMA services.
- 4) From Maumee Municipal Court, Check Number 23833 for \$425.00 for police fines collected in September.
- 5) From Waterville Fire Department - (10) incidents in the 3rd quarter.
- 6) From Whitehouse Fire Department - (9) incidents in the 3rd quarter.
- 7) From T.M.A.C.O.G., notice of a meeting at the Amtrak Building on 11/06/08 to discuss possible funding shift to a regional sales tax and evaluating routes.
- 8) From O.T.A.R.M.A., notice of upcoming Board of Directors election.
- 9) From the Ohio E.P.A, notice of meetings regarding Swan Creek Watershed issues.

POLICE:

None.

ROAD AND CEMETERY:

Tires are needed for the 2002 Chevy truck. Quotes obtained were: Tireman - (4) for \$268.32 each and Speck's - (4) for \$252.03 each:

Kyle J. Hertzfeld made a motion to purchase (4) tires from Speck Sales Inc. at a cost of \$252.03 each. Seconded by **Brett T. Warner**.

Motion Carried.

ZONING:

None.

SOLICITOR:

None.

BOARD CHAIRMAN:

None.

TRUSTEES:

Kyle Hertzfeld: Hope to see the required Ethics course offered at the Ohio Township Association conference on February 4 thru 7, 2009.

Brett Warner: Date and time to celebrate Halloween in the Township:

Brett T. Warner made a motion to celebrate Halloween on October 31, 2008, from 6:00 p.m. to 8:00 p.m. in Waterville Township. Seconded by **Kyle J. Hertzfeld**.

Motion Carried.

ADJOURN:

There being no further business, **Brett T. Warner** made a motion to adjourn. Seconded by **Kyle J. Hertzfeld**.

Motion Carried.

Adjourned at 7:48 p.m.

Attest: Kay Ann Robertson

Trustees: Kyle Hertzfeld
Brett T. Warner