

# Spencer Township Trustee Meeting

## February 2, 2023

### Call to Order

Trustee Hood called the meeting to order.

### Roll Call

Trustee Steve Kester	present
Trustee Dean Anderson	absent
Trustee Michael Hood	present

### Pledge to the Flag

### Minutes

Trustee Kester made a motion to accept the minutes from the January 5, 2023, meeting, Trustee Hood seconded. Roll call vote: Trustee Kester: yes, Trustee Hood yes.

### Financials

Payments	\$195,377.87
Receipts	\$37,595.42

### Fund Balances

General	\$2,390,827.54
Motor Vehicle License	\$21,327.11
Gas Tax	\$83,374.65
Road and Bridge	\$75,113.58
Fire	\$77,928.66
Permissive Motor Vehicle	\$71,798.30
American Rescue Plan	\$136,984.87
Misc. Special Revenue	\$1,038.18
Misc. Capital Projects	<u>\$98,419.74</u>
	\$2,956,812.63
Revolving Loan Fund	<u>\$856,872.59</u>
All Funds Total	\$3,813,685.22

Trustee Kester made a motion to accept the financials, Trustee Hood seconded. Roll call vote: Trustee Kester: yes, Trustee Hood: yes.

The permanent appropriations for 2023 are as follows and have been sent to the Lucas County Auditor for Spencer Township's amended certificate for 2023.

### Resolution 2023-02-02

SPENCER TOWNSHIP, LUCAS COUNTY  
Resources Available for Appropriation  
System Year 2023

2/1/2023 9:38:29 AM  
UAN v2023.1

Fund	Name	Fund Balance 12/31	Reserved for Encumbrance 12/31	Reserved for Non-Spendable Balance 12/31	Reserve Balance (\$798,132 (A)(1) & 8798,132) 12/31	Prior Year Advances Not Repaid 12/31	Estimated Revenue	New Reserve Balance (\$798,132(A)(1) & 8798,132)	Total Estimated Resources
1000	General	\$3,407,004.83	\$847.80	\$0.00	\$0.00	\$0.00	\$1,215,000.00	\$0.00	\$4,621,357.13
2014	Motor Vehicle License Tax	\$20,945.44	\$0.00	\$0.00	\$0.00	\$0.00	\$5,000.00	\$0.00	\$25,945.44
2021	Gasoline Tax	\$93,782.58	\$306.49	\$0.00	\$0.00	\$0.00	\$139,800.00	\$0.00	\$221,078.10
2031	Road and Bridge	\$75,113.58	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$75,113.58
2111	Fire District	\$79,898.47	\$0.00	\$0.00	\$0.00	\$0.00	\$76,500.00	\$0.00	\$156,198.47
2231	Permissive Motor Vehicle Lic	\$70,108.91	\$0.00	\$0.00	\$0.00	\$0.00	\$23,500.00	\$0.00	\$93,608.91
2273	American Rescue Plan	\$136,884.87	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$136,884.87
2901	Miscellaneous Special Reve	\$1,038.18	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,038.18
4001	Miscellaneous Capital Equip	\$98,419.74	\$0.00	\$0.00	\$0.00	\$0.00	\$15,000.00	\$0.00	\$113,419.74
		<u>\$3,863,087.41</u>	<u>\$1,153.89</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$1,474,800.00</u>	<u>\$0.00</u>	<u>\$5,458,543.42</u>

Trustee Kester made a motion to approve the permanent appropriations as Resolution 2023-02-02, Trustee Hood seconded the motion. Roll call vote: Trustee Kester: yes, Trustee Hood: yes.

### Pay the Bills

Trustee Kester made a motion to pay the bills for the month, Trustee Hood seconded. Roll call vote: Trustee Kester: yes, Trustee Hood: yes.

### Zoning Report

Jacob Barnes gave the zoning report.

9535 Frankfort Road met with fire department and confirmed that the insecure building has been removed.

9875 Frankfort Road complaint has been reviewed and has been filed.

2001 Schwamberger Road permit issued for pond and dwelling construction in process. Reviewed modified permit request and re-issued updated permit.

1406 Schwamberger permit request for two accessory structures. Waiting on a revised site plan to be submitted.

11555 Frankfort Road permit request for two additions. Waiting on a revised site plan to be submitted.

9943 Angola site plan review.

JEDZ Business inventory is complete.

Land Use committee met this month and a total of 5 applicants presented RFP's. Beckett and Raeder out of Ann Arbor, Michigan and Reveille Ltd. out of Bowling Green, Ohio were the 2 applicants that were interviewed. Mr. Barnes gave a brief review of the process.

Trustee Kester made a motion to hire Reveille Ltd. not to exceed \$49,000.00, Trustee Hood seconded. Roll call vote: Trustee Kester: yes, Trustee Hood: yes.

Mr. Barnes was asked to reach out to TARTA regarding their updated vision for the future. Mr. Barnes explained a micro transit stop is planned for Spencer Township in the Westwinds Industrial Park. They are proposing stops in Spring Meadows and service that will go as far as the Fulton County line.

Trustee Kester made a motion to go into executive session at 7:15pm to consider sale or other disposition of unneeded property of the township; and to have a conference with an attorney for the board of trustees concerning disputes involving the township that are the subject of pending or imminent court action, Trustee Hood seconded the motion. Roll call vote: Trustee Kester: yes, Trustee Hood: yes.

Trustee Kester made a motion to come out of executive session at 8:05pm, Trustee Hood seconded. Roll call vote: Trustee Kester: yes, Trustee Hood: yes.

The following motion is the action from executive session.

Trustee Kester made a motion for Spencer Township to enter into a contract with Buckeye Mineral Services, Inc. Buckeye Mineral Services, Inc. will prepare a preliminary jurisdictional determination request report for 10900 Shaffer Road, Swanton, Ohio, not to exceed \$2,950, Trustee Hood seconded. Roll call vote: Trustee Kester: yes, Trustee Hood: yes.

### **BZA Report**

No meeting

Trustee Hood spoke with Mr. Harris as his position has expired on the BZA Board. He would like to serve a full term of five years.

Trustee Kester made a motion to appoint Mr. Dennis Harris to a full 5-year term beginning in 2023, Trustee Hood seconded. Roll call vote: Trustee Kester: yes, Trustee Hood: yes.

Trustee Hood mentioned that Mr. Barnes was a speaker at the OTA Winter Conference. He spoke about zoning, did a very good job and was very informative to all the Township officials who attended from across the entire state of Ohio.

### **Road Report**

Tim Bowes gave the road report.

The annual inventory report was presented to the Board.

Crack sealing request was received from the Lucas County Engineers. The Township will do their own crack sealing this upcoming season.

Trustee Kester made a motion to approve the payment to Southeastern Equipment Company for the purchase of the backhoe, Trustee Hood seconded. Roll call vote: Trustee Kester: yes, Trustee Hood: yes.

Trustee Hood thanked Mr. Bowes for staying behind and not attending the OTA Winter Conference so he could take care of the roads for the winter storm we encountered.

Backhoe has had all parts installed and is fully functional.

18 tons of road salt were used in January.

We have received 1 estimate for lighting at the new Township sign and will receive another next week.

The flagpole at the fire station needs repairs. Estimates have been requested.

The Frankfort and Irwin intersection is being evaluated to determine if a flashing stop sign can be installed.

### **Fire**

Battalion Chief, Jonathan Ziehr, gave the report.

26 Total Runs

9 Fire

17 EMS

A diversity and inclusion seminar was held at the Fire Department.

A mental health seminar was also held in January at the fire station.

They plan to train at Wiregrass Park later this month.

## **JEDZ**

No meeting

## **Correspondence**

The Township received the 2022 Township highway system mileage certification from the Ohio Department of Transportation. The Township is responsible for maintaining 10.678 miles of public roads. There was no change over last year.

Trustee Kester made a motion to accept the responsibility of taking care of the 10.678 miles of public road, Trustee Hood seconded the motion. Roll call vote: Trustee Kester: yes, Trustee Hood: yes.

A bid was received from D2 Dodson for installation of a new lock and reader at the front door, installation of a call box at the front door with a camera in it, a panic bar for the front door, removal of the hollow core door to the zoning office and removal of the existing window at the zoning office. The amount of the bid was \$16,024. Trustee Kester stated that he would like to hold off on this for now.

The Township received a renewal notice for the Sylvania Area Chamber of Commerce. Trustee Kester made a motion to renew the membership, Trustee Hood seconded the motion. Roll call vote: Trustee Kester: yes, Trustee Hood: yes.

A resident requested the installation of a streetlight on South Irwin because the road is very dark at night between Angola and Old State Line. It was pointed out that this is a county road.

The Township received notice that in the court of common pleas, Lucas County, Ohio Shawn Valentine, plaintiff vs. defendants Michael Hood, Dean Anderson and Steve Kester has been dismissed in favor of the defendants.

In 2028 another roundabout will be constructed at the corner of E. Angola and Crissey Roads.

## **Old Business**

9360 Frankfort demolition bids were received from Klumm Brothers for \$9,800.00 and from Marksch, LLC for \$9,500.00. Trustee Hood mentioned the Board in the past has not done

business with any business that is in violation of Township zoning regulations. There was conversation on the bids and Trustee Kester made the motion to hire Klumm Brothers for \$9,800 for demolition and disposal of the property at 9360 Frankfort Road, Trustee Hood seconded. Roll call vote: Trustee Kester: yes, Trustee Hood: yes.

Resident asked if the Township had ever investigated grants for blight. Mr. Barnes explained the Township has.

### **New Business**

#### **Open to the Public**

Jack Gulvas, resident, asked if compensation for the Land Use committee has been considered. Trustee Hood said no, they haven't. Mr. Barnes explained in his over 20 years of experience, Land Use committees are typically volunteer.

Laura Fitzpatrick, resident, Bancroft stated she opposes any variances that may be approved to the property that is adjacent to her property (2001 Schwamberger). She explained there are currently violations on the property adjacent to her property.

Mrs. Fitzpatrick stated at the December Township meeting it was mentioned that a permit was issued to the property adjacent to hers and that it should comply with Township regulations. Since that permit was granted, her property is now holding over 2' of water, the property owner dug a pond. It has never held that much water in the past.

Mrs. Fitzpatrick referred to and offered the site plan and pictures of the results from the pond and construction.

Mr. Barnes explained the Township's position on the matter. He explained the Township is holding the adjacent property owner to Township zoning regulations within our power.

She had a survey done and over 17 of her trees have been cut down by the neighbor. She presented a copy of her survey. She stated pins were found and her neighbor should have known where the pins were before he cut down the trees on her property.

She wanted to know why this was approved and who is going to enforce the Twp zoning regulations.

Mr. Barnes stated Spencer Township is in 100% compliance of their zoning regulations. The property owner is working to back fill the pond to Spencer Township regulations. The project is still in progress.

Mrs. Fitzpatrick offered pictures that the pond is not in compliance. Mr. Barnes explained it's still a work in progress. She stated how is that when clay tiles have been installed.

Mr. Barnes stated he spoke with Mr. Fitzpatrick a week ago since the project is still in progress. He is surprised they are objecting because Spencer Township has kept the Fitzpatrick's up to date on the progress.

Trustee Hood stated the Twp does not get involved in property boundary issues.

Mr. Fitzpatrick, resident on Bancroft Road, spoke next. It was his understanding that the damage that has occurred to his property could have been prevented. He wants Mr. Nissan's construction to not affect his property.

He stated 4 acres were cleared and Mr. Barnes explained Mr. Nissan was cited by the county with a stop work order. Mr. Fitzpatrick stated his neighbor, Mr. Nissan did not follow the stop work order. Mr. Barnes stated Spencer Township has done what it can do, within its power.

Mr. Barnes again stated the township has done what they can do, and he has encouraged Mr. Fitzpatrick and Mr. Nissan to speak and try to work this out. He also mentioned this could become a civil matter if the parties choose to do so.

Mr. Fitzpatrick said he would not need civil court if the Township zoning regulations were followed and enforced.

Mr. Fitzpatrick said he has tried to speak with his neighbor at least 3 times and it has not been pleasant. He is most concerned with the 2 feet of water that he is holding on his property. He has flooding now that he has never had on the west side of his property.

He again wants to stress that he is against any variances being approved by the Township on that property.

Trustee Kester made a motion at 8:58pm to go into executive session for employee evaluations of Jacob Barnes, Tim Bowes and Lakeesha Sullivan, Trustee Hood seconded. Roll call vote: Trustee Kester: yes, Trustee Hood: yes.

Trustee Kester made a motion to come out of executive session at 11:21pm, Trustee Hood seconded. Roll call vote: Trustee Kester: yes, Trustee Hood: yes.

Trustee Kester made a motion to adjourn the meeting, Trustee Hood seconded. Roll call vote: Trustee Kester: yes, Trustee Hood: yes.

X Dawn McDonald X Michael B. Hood

Dawn McDonald  
Fiscal Officer

Michael B. Hood  
Chair of the Board of Trustees

X Dawn Anderson

Dawn Anderson  
Vice Chair of the Board of Trustees

X Steve Kester

Steve Kester  
Trustee