

**Record of Proceedings
Wednesday, December 8, 2010**

Meeting was called to order at 6:15 p.m.

Roll call was taken: Walt Lange, Chairman, - present, Joe Kahl, Vice Chairman, - present, James McConkey - present, Robert Westmark - present, Sally Wylie - present

Township Officials & employees present: Trustee Leu, Walter Hallett, III, Zoning Inspector & Chris Lauch, Administrative Assistant

Visitors: See sign in sheet

Chairman Lange asked Joe Kahl and Sally Wylie to start the meeting out with discussion of noise nuisance language they researched. They obtained language from Sugar Creek Township and Orange Township. (Attached) Mr. Kahl also researched decibel meters, which was submitted to the Trustees with Walt Hallett's research.

The language includes a table of decibels for day time hours and night time hours. Sally Wylie suggested the hours in the table be changed to extend night time hours on the weekends. Mr. Kahl said he also spoke with Sugar Creek Township to inquire about how they regulate their noise ordinance. They eliminated their regulations, because they received a Legal Opinion from their Prosecutor who suggested removing it. Their Prosecutor stated it is too difficult to enforce, to keep it a civil situation, because if it were to go to court it would be challenging to win the case.

Joe asked if the Township Trustees have considered purchasing a decibel meter. Trustee, Jim Leu stated that if the Zoning Resolution language and complaints warrant it, they would consider the language, costs and more than likely purchase one.

Joe Kahl would like to purchase the meter and put it to a test, as no one knows what a certain decibel amount sounds like. Walt Hallett spoke to Bill McConnel of the Wauseon Police Department, who has an analog meter. He is sure they would let us borrow theirs. Walt Hallett spoke of research he did on meters, with programmable ability, costs for calibration, certification of the meters and the OSHA & EPA information he submitted to the Trustees. He stated that the Zoning Resolution can give the ability for the Fulton County Sheriff to assist in regulation, as the Engineers do in other areas of the Resolution. However, the Fulton County Sheriff's Department has been referring complaints to the township. The Board agreed that the Sheriff's Department should report to disturbance of peace complaints.

Walt Hallett spoke with the Fulton County Prosecutor, who suggested the language be clear enough for a resident who has reasonable intelligence to understand what constitutes a noise violation. Walt Hallett feels Article 100-5.2 #18 (nuisance factor) is too weak to enforce.

The Board talked about where to place the suggested language in the Zoning Resolution.

The Board discussed different problematic noise issues, intermittent and continual scenarios. Walt Hallett stated the Board needs to fine tune what an unreasonable noise nuisance is.

The Board discussed different effects, such as weather and location of reading the meter may have on the measurement.

The Board talked about where to measure the noise from. Trustee Leu said the measurement should be taken from where the bothersome point is.

The Board agreed to send the suggested language, with changes made to Sally & Joe's suggestion, to the Prosecutor for review and a Legal Opinion and meet next month to resume discussion.

Chris asked if the Conditional Use Permit Certificate, Article 100-8.3 #9 should be changed. A zoning permit does not expire for twelve months, whereas the temporary living structure is only allowed to be on the property for six months. The Board agreed to leave this language the same.

The Board agreed to keep the meeting times and days the same for 2011. Meetings will be the second Wednesday of each month at 6:00 p.m., only if there is new business.

- Bob Westmark motioned approve the 10-13-10 Minutes, a 2nd was heard from Sally Wylie. ~Roll Call - Walt Lange - yes, Joe Kahl - yes, Bob Westmark - yes, James McConkey - yes, Sally Wylie - yes
- Walt Lange motioned to adjourn the meeting at 7:35 p.m., Jim McConkey 2nd the motion. ~Roll Call - Walt Lange - yes, Joe Kahl - yes, Bob Westmark - yes, James McConkey - yes, Sally Wylie - yes

Zoning Board Approval of Minutes:

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|--|---------------------------------------|
| _____ Walter Lange, Chairman | _____ Joe Kahl, Vice Chairman |
| _____ Sally Wylie, Board Member | _____ James McConkey, Board Member |
| _____ Robert Westmark, Board Member | |