

**SWANTON TOWNSHIP**

**RECORD OF PROCEEDINGS**

**MINUTES OF: REGULAR MEETING**

**HELD: NOVEMBER 12, 2007**

Meeting was called to order at 7:31 p.m. by Chairman, John Warkentin

Officials Present: Trustees: John Warkentin, Jim Irmen, Mike Lewandowski

Officials Absent: Fiscal Officer: William B. Cook

Visitors Present: Refer to list – 15 visitors

The Pledge of Allegiance was recited and a moment of silence was observed.

Motion to pay bills – Voucher #19722 through #19744 and sign the payment register report by Jim Irmen. Seconded by Mike Lewandowski. Roll Call: Jim Irmen, yes; Mike Lewandowski, yes; John Warkentin, yes. Motion carried.

The trustees were advised that both the Auditor of State and the Lucas County Auditor's office affect the general fund appropriation for audits. Lucas County charges a handling fee for all monies that are collected on behalf of the township. The fiscal officer has to do a memo receipt for this charge because it must run through the books although no money is actually exchanged as the county deducts from the initial distribution. The latest distribution resulted in putting general fund 1000-110-314-0000 "Auditor and Treasurers Fees" into a deficit which resulted in the request to move funds in the amount of \$500.00 at the Oct. 29, 2007 meeting.

Motion to approve the October 29, 2007 regular meeting minutes by Jim Irmen. Seconded by Mike Lewandowski. Roll Call: Jim Irmen, yes; Mike Lewandowski, yes; John Warkentin, yes. Motion carried.

John Warkentin advised a request was made by Kim Bradford for a copy of approved trustee meeting minutes and transcript of public hearing from Oct. 29<sup>th</sup> when available.

Enter Correspondence

Enter October 2007 Bank Statement - Initialed and Approved by Trustees

Enter September, October Zoning Inspector Reports

Enter October Zoning Commission Minutes – No activity from BZA

**Zoning Inspector/Road Superintendent/Cemetery Sexton Report**

- Enter November zoning permit report with no permits granted
- Land-Air application for zone change request from A Agricultural to C4 Highway Commercial and M1 Limited Industrial tabled by the zoning commission for further consideration and review
  - It was noted that the ODNR has reissued a mining permit to Seaway Quarry for mining of sand. John Warkentin wants to seek an injunction to stop this as it is an illegal operation due to current zoning of the property. The Special Use Permit granted by the trustees ended with the sand operation upon the completion of Merickel-Farley Lake.
- Discussion of Land Use Plan for Port Authority
- Copies of logos for floor mats presented to trustees for consideration
  - Gary advised that the minimum mat cleaning maintenance program is bi-weekly
- Intent to Purchase for new dump truck presented to trustees for approval
  - Trade in going through Tom Newell with deduction of equipment going back to Nollenberger. Gary will investigate rust proofing and undercoating for the new dump truck.
- Brush mowing is completed. The mower deck did not reach as far as hoped for, but it did help out quite a bit.
- Cemetery water is all hooked up and trash bins are installed

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Old Business

Mike Lewandowski stated that he has not had any conversation with Jeff Loshe regarding the Fulton-Lucas Road project yet.

Jim Irmen acknowledged resident, Mary Solomon for donating pictures of the historic marker dedication to the trustees.

The fiscal officer received a call from the Ohio Department of Commerce regarding the township's cable franchise agreement with Time Warner Cable which has expired. Jim Irmen advised that on September 24, 2007 the new cable franchise law went into effect and cable companies now have an option to opt out of cable franchise agreements with municipalities. Time Warner is about two weeks away from having a cable franchise agreement approved at the state level through the Ohio Department of Commerce. The trustees must take immediate action or lose the township's share of the cable franchise fees. The trustees were advised they need to enact a resolution to establish either a percentage of subscriber fees only or subscriber fees plus advertising revenue they will collect. Time Warner has treated the township as if its current cable franchise agreement was continuing month-to-month, even though the current agreement has expired. Jim was advised by the Ohio Department of Commerce that payments would stop on October 6, 2007. It was noted that township residents would realize savings on their cable bills if the township did not adopt a resolution. The financial impact would result in an \$8,000 loss of revenue to the township per year if no resolution was passed. Jim Irmen will have a resolution drafted by the Lucas County Prosecutor and present to trustees for approval at the next regular meeting on November 26, 2007.

Motion by John Warkentin to support collection of cable franchise fees from Swanton Township cable subscribers at a rate of 2 ½ percent. This is for subscriber fees only, no advertising fees. Seconded by Mike Lewandowski. Roll Call: John Warkentin, yes; Mike Lewandowski, yes; Jim Irmen, yes. Motion carried.

John Warkentin advised that there is pressure from Toledo Mayor, Carty Finkbiner through every political entity in Lucas County to force a JEDD in Swanton Township. The City of Toledo cannot enter into a JEDD with the township due to boundary restrictions. John stated he has reservations about Toledo's ability to manage anything and noted its self-admitted motive is money. The Port Authority properties are of main interest although Toledo wants control of the Airport Highway corridor all the way to the Village of Swanton.

Discussion on Seaway Quarry rezoning request and legal implications the township may face if request is denied by Trustees.

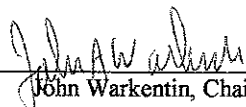
No updates on yard waste recycling site proposal.

The trustees were asked to get involved with ODOT to get a traffic light installed at the intersection of SR 295 (Berkey Southern Rd.) and SR2 that was approved several years ago. This request comes after a recent fatal accident that occurred at this intersection.


Jim Irmen brought up discussion about a blind spot on Girdham Road due to a downhill grade where the Wabash Cannonball Trail crosses it. Gary Heinemann will get with the county to check into getting a "Slow - Bike Crossing" sign posted on both sides. He also commented that some residents are not receiving their scheduled township trash service.

After public comment, there being no objection, the meeting was adjourned by Chairman, John Warkentin at 9:26 p.m.

Signed:

  
John Warkentin, Chairman

Signed:

  
William B. Cook, Fiscal Officer