

UNION TOWNSHIP – WARREN COUNTY

BOARD OF TRUSTEES – Regular Meeting – September 19, 2022

CALLING THE MEETING TO ORDER: The regular meeting of the Union Township Board of Trustees was called to order by President of the Board, Fred Vonderhaar on Monday, 9/19/22 at 6:00 p.m. at the Union Township Municipal Building. The meeting was opened with the Fiscal Officer, Shelley Lamb, taking roll call of the trustees: Fred Vonderhaar, Chris Koch, & Tony Ledford. The prayer was led by Chief Napier. Mr. Vonderhaar led everyone in The Pledge of Allegiance.

CITIZENS IN ATTENDANCE (IF KNOWN): Judge Gary A. Loxley, Judge Robert S. Fischer, Attorney Bruce McGary, Barb Aberlin, & Art Perong were in attendance.

Judges Loxley & Fischer presented an outline of the Warren County Court with docket, current issues, and staff information.

Mr. McGary presented Resolution #09192022-1, 2376 Manistique Lakes Drive - Constituting A Nuisance (see attached), moved for adoption by Mr. Vonderhaar, seconded by Mr. Ledford. The motion was carried by all “yeas”.

Barb Aberlin asked about a lot on Dry Run Road whose owner was to be contacted by the Warren County Zoning Department concerning upkeep. No one had any new information regarding this, but Mr. Koch said he would check with the Zoning Department for an update. Ms. Aberlin stated Pendragon Homes had complained about the situation as it may be affecting their homebuilding business in the Aberlin Springs Subdivision.

POLICE SUMMARY: Sergeant Adams wanted to thank Chief Napier and his department for their help in locating a missing elderly person earlier in the day.

CHIEF’S REPORT: Chief Napier stated the 9/11 Luncheon was a success.

ROAD SUPERINTENDENT’S REPORT: Josh Sandlin was not in attendance.

FISCAL OFFICER’S REPORT: The Fiscal Officer presented the bills to pay, fund status, cemetery deeds, etc. thru September 19, 2022. All were signed and approved by Mr. Vonderhaar, Mr. Ledford, & Mr. Koch. Mrs. Lamb reported two benches at Willard E. Spicer Memorial Park need repair or replacement and Mr. Ledford mentioned a bench at Deerfield Cemetery also needed to be replaced.

NEW BUSINESS: Mr. Koch made a motion to accept the minutes from the meeting held on 9/6/22, seconded by Mr. Ledford. The motion was carried by all “yeas”.

Mr. Ledford mentioned a resident on Hudson Avenue was concerned about water issues that may arise after the road paving takes place. Mr. Sandlin will be advised to check this area before the paving. Mr. Ledford made a motion to pay the bills, seconded by Mr. Vonderhaar. The motion was carried by all “yeas”.

Mr. Vonderhaar made a motion to accept the updated Union Township Policy Manual, seconded by Mr. Koch. The motion was carried by all “yeas”.

Mr. Vonderhaar made a motion to accept a quote from Koenig Equipment, Inc. for a new John Deere 2025R Tractor/Mower in the amount of \$19,819.45, seconded by Mr. Ledford. The motion was carried by all “yeas”.

ADJOURNMENT: There being no further business, Mr. Vonderhaar made a motion, seconded by Mr. Ledford to adjourn the meeting at 6:58 p.m. The motion was carried by all “yeas”. The next regular meeting will be held on Monday, October 3, 2022, at 6:00 p.m.

**UNION TOWNSHIP BOARD OF TRUSTEES
WARREN COUNTY, OHIO**

Resolution Number: 09-19-2022-1

Date of Resolution: 09/19/2022

RESOLUTION: FINDING THE VEGETATION CONSISTING OF TALL GRASS AND/OR WEEDS ON A PART OF THE PROPERTY LOCATED AT 2376 MANISTIQUE LAKES DRIVE IN UNION TOWNSHIP, CONSTITUTES A NUISANCE, AND ORDERING THE NUISANCE TO BE ABATED OR REMOVED WITHIN SEVEN DAYS OF A WRITTEN NOTICE TO ABATE OR REMOVE

WHEREAS, in accordance with section 505.87 of the Ohio Revised Code, a board of township trustees may provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the board determines that the owner's maintenance of that vegetation, garbage, refuse, or other debris constitutes a nuisance; and,

WHEREAS, in accordance with section 505.87 of the Ohio Revised Code, in the event a board of township trustees declares the owner's maintenance of vegetation, garbage, refuse, or other debris on an owner's property to be a nuisance, the board is required to send a seven day notice to the property owner and any lienholders of record upon the land that the owner is ordered to abate, control, or remove the vegetation garbage, refuse, or other debris the board has declared to constitute a nuisance, and if such vegetation garbage, refuse, or other debris is not abated, controlled or removed, or if provision is not made to do so within seven days, the board shall provide the abatement, control, or removal, and any costs incurred by the board in performing that task shall be entered upon the tax duplicate and become a lien upon the land; and,

WHEREAS, this Board of Trustees received a private complaint regarding a strip of land with approximately 3ft tall grass and/or weeds on a part of the property at 2376 Manistique Lakes Drive in Union Township (the "property"); and,

WHEREAS, the Board's legal counsel has verified by conducting a title search of the deed records of Warren County, Ohio, the current owners of the property are Daniel Baker Cunningham and Margaret Gast Cunningham, husband and wife (the "Owners"), and that Union Savings Bank, 8534 E. Kemper Road, Cincinnati, Ohio 45259, is the sole lienholder of record; and,

WHEREAS, persuasive legal precedent in five separate Ohio appellate districts have upheld that the procedure under section 505.87 of the Ohio Revised Code requires no prior notice for a board of township trustees to make a nuisance determination, and such procedure is not quasi-judicial [administrative] requiring a hearing; nevertheless, this Board adopted Resolution Number 09-06-2022-02 on 09/06/2022 and the Fiscal Officer mailed a copy of the said Resolution to the Owners giving them an opportunity to attend the Trustees meeting on 09/19/2022 and comment on the complaint as part of the process wherein the Trustees may make a determination the current condition of tall grass and/or weeds on a part of the property constitutes a nuisance; and,

WHEREAS, during the September 19, 2022 regularly scheduled meeting, the Trustees discussed the complaint, including the fact that Trustee Koch drove by the property prior to the meeting and observed the tall grass and/or weeds on the property had not been abated.

NOW THEREFORE, BE IT RESOLVED by the Board of Trustees of Union Township, Warren County, Ohio, at least a majority of all Trustees casting a vote concur as follows:

Section 1. this Board does hereby find that the Owners' lack of maintenance allowing tall grass and/or weeds on a part of the property located at 2376 Manistique Lakes Drive, in Union Township, constitutes a nuisance.

Section 2. this Board hereby ORDERS that Daniel Baker Cunningham and Margaret Gast Cunningham, as the Owners of the said property, abate or remove the said nuisance within SEVEN DAYS of the date of a written notice from the Board.

Section 3. the Fiscal Officer shall send written notice by certified mail to the Owners and the lienholder, Union Savings Bank, that should the nuisance not timely be abated or removed as ordered within seven days of the date of the written notice, or provision is not made by the Owners or their lienholder to timely abate or remove the nuisance by contacting the Board of Township Trustees within the seven day period, the Township's staff may abate or remove the nuisance which will result in the Owners being responsible for any and all costs and expenses incurred by the Township in performing such task by the costs and expenses being entered on the tax duplicate for collection which will become a lien upon the Owners' land from the date of entry.

Section 4. the Caption and recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 5. this Resolution shall take effect immediately upon its adoption.

Section 6. it is found and determined that all formal actions of the Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board in compliance with all legal requirements, including R.C. 121.22.


Mr. Vonderhaar moved for adoption of the foregoing Resolution, being seconded by Mr. Ledford. Upon call of the roll, the following vote resulted:

Mr. Vonderhaar	-	Yea
Mr. Koch	-	Yea
Mr. Ledford	-	Yea

Resolution adopted this 19th day of September, 2022.

CERTIFICATION

I hereby certify that the foregoing is a true, accurate and complete copy of the Resolution No. 09-19-2022-1 adopted on September 19, 2022, by the Board of Trustees of Union Township, Warren County, Ohio.


SHELLEY LAMB, FISCAL OFFICER