

## **Record of Proceedings – August 14, 2017**

### **Washington Township Trustees, Warren County, Ohio**

The regular meeting was held with Hagemeyer and Williams present. Vice-President Hagemeyer opened the meeting and we recited the Pledge of Allegiance. Minutes from the last meeting were read and approved. Receipts of \$1,355.17 since our last meeting were reported and were filed for audit. Warrants 10312 – 10320 \$22,395.87 were presented for approval. Williams made motion, seconded by Hagemeyer to pay bills as presented. Motion carried.

#### **FROM THE FLOOR:**

- Todd Holmes, owner of Little River Café in Oregonia, read prepared comments. He has owned the café for approximately 3 years, and it has been in existence as a restaurant since approximately 1975. They have made many improvements to the café, added a store, and made a parking lot across the street. A couple local neighbors have complained about the volume of the live music on the patio, and have asked the Trustees to enact a noise resolution per Ohio Revised Code 505.172. The Trustees asked the prosecutor's office for an opinion, and were informed that a noise resolution would be hard to enforce due to its subjectivity as the Sheriff's office does not have official decibel reading equipment. However, residents can make disorderly conduct complaints if necessary. The sheriff's office concurred.

Mr. Holmes maintains that they try to be good neighbors and keep the volume at a reasonable level, and voluntarily shut down the outside music at 10pm. Many patrons attended the meeting and expressed their opinions that LRC is of benefit to the community, and that they have cleaned up the area and made it a destination for locals and those on the bike path. Many said that it is a good family business with reasonable music levels.

- Mike Jacobs, manager of Little River Café, spoke about how the company has improved the area. He said they have received many complaints regarding construction noise, lights, etc. He maintains that the lights are on a timer and go out at an appropriate time.
- Mr. John Fitzgerald of Race Street agreed that the business has improved the area. He complained that lights shine into his home all night. His main concern however is the volume of the music.
- Mr. Michael Kobes of Corwin Road also said that the music is too loud, and that he cannot enjoy evenings on his porch without hearing the music. The noise should not infringe on his rights.
- Sheriff Larry Sims spoke up and gave a short history of his office's dealings on this topic. Complaints began in June of 2016. His staff has interviewed the neighbors, and most support the business. His deputies have responded to the noise complaints, but have not found the levels to be offensive. Sound travels in many different ways, and what might be low volume in one area is loud in another. He personally shared that at times in the past, it has been so loud in the establishment that conversation could not be heard around the table. In general, the proprietor stops the outside music at 10pm; however, there have been instances where the employees then crank up the music themselves. Sheriff Sims gave the opinion that the location of the home adjacent to the café is the issue. Having the residential zoning right next to the business zoning is problematic, and he is not sure that there is a good solution to this problem.
- Pam Fitzgerald spoke and echoed her husband's sentiments. They love the café, but the amount of live music has increased greatly, and the volume is much too loud to enjoy evenings in their own home. The sound curtains don't really seem to help curtail the noise.
- Prosecutor Adam Nice reminded all that the Trustees do have the option to adopt a noise resolution such as in ORC 505.172 that would apply to all Class D liquor permit holders and residents in the township. However, residential properties can be exempted, and agricultural noise is automatically exempted. He could draft a sample resolution for us if we wish, but suggests one without the decibel readings. "Offensive noise to a reasonable person" language can be used with time/place/manner restrictions. Violation of a noise regulation is a misdemeanor.
- Sheriff Larry Sims spoke up about enforcing a disorderly conduct violation. These are usually used for a loud party, then the offending party would be given a warning. If deputies are called back, the owners

would be cited with a misdemeanor. His office has fielded 11 calls this year on this topic. Each time, the deputies determined that the noise level was not excessive.

- Susan Bannister wondered if a noise resolution would even affect the Hillclimb event each October. Assistant Prosecutor Nice said that residential properties could be exempted.
- Chuck Lang of Ross Road spoke up about karaoke night, and said that it used to be louder.
- Hagemeyer thanked all for attending, and indicated that Trustees will review the topic and discuss further at their next meeting. He thanked all for their emails in support of the Café.

ROADS REPORT:

From our Roads Supervisor, Allen Stanforth:  
Tabled for this meeting.

UNFINISHED BUSINESS:

Not at this time.

NEW BUSINESS:

Not at this time.

As there was no further business, Williams made motion, seconded by Hagemeyer to adjourn. Motion carried. Meeting adjourned at 9:19pm.

Paul Schaefer  
Trustee President

Karen Doney  
Fiscal Officer

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