

MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING HELD MARCH 7, 2017

Mr. Bradley Coffman called the meeting to order at 7:00 pm.

Roll call: Mr. Coffman – present; Mr. Foley- present; Mr. Patrick – present.

The following *staff* were also present: Administrator, Donald Edwards; Fire Chief, Paul Scherer, Roads Department Supervisor, Scott Camery and Zoning Inspector and Asst. Administrator, Erin Hartsock; and Fiscal Officer, Darrell Coffman.

The following *residents* were also present: Art Carney, Richard Furnas, Andy Jacobs, George Cherryholmes, Linda Woody, Jill Mayes, Gary Breeze, Doug Palmer, Tim Henderson, Pete Wical, Tom and MJ Duerr, Phil and Jodee Ball, Wayne and Sharron Donaldson, Dean Fowler and Nick Driscoll.

Guests present: Kara Schirmer, Warren County Soil and Water Conservation District.

Mr. Coffman led those in attendance in the **pledge of allegiance to the flag**.

Mr. Patrick motioned to **approve the Minutes** of the previous meeting. Mr. Foley seconded the motion. Upon call of the roll thereon the vote resulted as follows: Mr. Coffman – yea, Mr. Patrick – yea, Mr. Foley – yea.

CITIZENS' COMMENTS:

Kara Schirmer of the Warren County Soil and Water Conservation District introduced herself and her role as advocate for the Local Agricultural Easement Preservation Program (LAEPP) applicant, Richard Furnas. She also provided a brief announcement regarding Warren County Soil and Water Conservation District's Annual Tree Sale.

Tim Henderson [comment made just prior to opening the Public Hearing as Mr. Henderson did not share his comments during the regular citizens' comments period] stated that he felt that all public meetings should be audio and video recorded. And inquired as to why they were not. He went on to state that he feels that the Minutes should be reflective of every word spoken, such as a legal transcription, to hedge against the "Fake News" phenomenon that is in the headlines.

Mr. Foley stated that all meetings are open to the public on the first and third Tuesday of every month. Any resident is welcome to attend and follow the Township business and share any comments they may have.

Mr. Patrick stated that he has motioned for video recording twice during the past year, however his position has not received majority support.

Mr. Coffman stated that he has not seen the need to record the meetings. The meetings are open and participatory. Minutes are adequately detailed and accurate. They are posted online in a timely fashion for anyone who wishes to read them.

DEPARTMENT REPORTS:

ROAD DEPARTMENT:

Road Department Supervisor, Scott Camery reported as follows:

MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING HELD MARCH 7, 2017

A round has been completed identifying **potholes** and filling where necessary across the Township. The **Corwin Rd. tree trimming project** is ongoing, but progress is being made.

The Department has completed a round of **limb and branch clearing** from the right-of-ways, but due to wind and rain storms another round will be need before mowing commences.

The **White International** spun the splined shaft that drives the hydraulic pump. He is currently **awaiting parts**. The vehicle is out of service until parts come in and are installed. Mr. Camery anticipates the parts to arrive any day.

This past Saturday, March 4, 2017, he had to treat hills due to the typical **March 4th snow squall** that passed through.

Mr. Camery participated in an **ODOT webinar** regarding road surface preservation treatments. Their findings regarding "spray on" road/pavement "rejuvenators" showed that Reclamite® is the most cost effective product to use, yielding the best results.

Mr. Foley inquired about reapplication rates.

Mr. Camery reported that there was no data at present regarding reapplication rates as the studies have not been performed. However, such further studies are anticipated.

Mr. Camery concluded by stating that the Department is at **90% equipment availability** due to the International Truck down awaiting parts.

FIRE DEPARTMENT:

Fire Chief, Paul Scherer reported as follows:

Monthly **activity reports** for February were previously distributed to the Trustees.

The Wayne Township Fire Department responded to:

68 EMS calls and

13 Fire Runs

81 total runs.

Current response tallies are even with 2016.

Chief Scherer stated that he had previously emailed the February reports.

Regarding equipment, the **1998 Seagrave** had several air leaks which have been repaired by Sam's Repair LLC.

Tanker 91 had batteries that failed (dating back to 2009) which have been replaced. Additionally, new batteries have been ordered for Tanker 92 as they are the same age.

Twenty-five (25) sets of **turnout gear** expire in February 2018, which will need to be replaced. Currently, Chief Scherer has a pending Loeb grant for eight (8) sets and will apply for more through the same grant in the fall cycle. He hopes to hold off on purchasing the gear however as it has a limited shelf life.

MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING HELD MARCH 7, 2017

Justin Fueston and Kara Woodward have been assigned to oversee the **excess equipment** inventory in preparation for auction.

He went on to say that **Member Removal** letters have been sent out.

The advertisement for **part-time positions** was placed in the GMVEMSC list serve and to all Warren county Departments. The advertisement has so far yielded one (1) outside applicant and two (2) current members interested in the positions.

ZONING DEPARTMENT:

Zoning Inspector, Erin Hartsock reported on the following:

Five (5) permits were issued and one (1) Variance application was processed in February 2017:

(2) single family dwelling permits were issued to: 9449 Lytle-Ferry Rd., Daniel DeVol; 8270 Lytle-Ferry Rd., Jonas Homes

(1) Accessory building permit issued to: 5492 Lytle Rd., Martin Schnebel

(1) in-ground pool: 6420 Trillium Dr., Buckeye Pools

(1) B-3 PUD building addition: 4107 SR 73, Bart Goodwin

(1) Variance application processed from American Homecraft Builders, for 6300 Trillium Dr. seeking to decrease the minimum building setback on a cul-de-sac lot. The hearing is scheduled for 7:00 on March 16th.

Regarding **upcoming hearings**:

Zoning Code Revision (Final): Board of Trustees tonight at 8:00 pm

Trillium Dr. Variance: Board of Zoning Appeals, March 16th at 7:00 pm

Lytle Rd. Church PUD (Final): Board of Trustees, March 21st at 8:00 pm

Ms. Hartsock previously shared a **revised Fee Schedule** for the Trustees' consideration. She will have legislation prepared for the April 4th meeting.

Regarding the **Lytle Trails** Lot: a survey agreement with McCarty Associates for replating was shared with the Trustees for their consideration.

ADMINISTRATOR REPORT:

Administrator, Donald Edwards reported the following:

Regarding **Fire Station No. 2**, Gary Snyder of "ARC" has started the programming portion of design and David Helmers has put together some preliminary elevations based on the input so far. We expect to meet with them on Wednesday to review.

There is a Public Hearing at the Village of Waynesville Council on Monday, March 20th to review our application for rezoning of the AMB Enterprise property from Multi Family AR-1 to EU Exceptional Use District for the new fire station.

We also have a meeting scheduled with Waynesville's Planning Commission on Wednesday, March 22nd to review and receive input on the new fire station design and layout.

MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING HELD MARCH 7, 2017

Warren County Commissioners will hold a public hearing to consider proposed **amendments to the Warren County Subdivision Regulations** on April 4, 2017, at 9:15 a.m. in the Commissioner's Meeting Room.

We have been invited to apply for **ODOT's 2017 Township Sign Grant Program** this year. The program has been provided an additional \$1 million in funding this year, doubling the program's available funding to \$2 million for this grant cycle. As a result of the additional funding, two hundred townships are being invited to apply this grant cycle instead of the usual one hundred. We rank 337 but made the top 200 list as other higher-ranking townships have already been funded.

Background about the program: This grant program provides up to \$50,000 per township in safety sign materials (signs, posts and hardware) for townships which meet the following criteria:

1. Have been ranked as having a greater than average crash rating across their entire township based over the previous five years
2. Not have been funded under this grant program before.

Mr. Edwards will join Mr. Camery in attending a mandatory pre-application meeting in Columbus at the end of March.

Regarding energy **aggregation**, we received our two year certification from the PUCO for Natural Gas but we are still waiting on the Electric certification.

Mr. Edwards concluded by reminding all present of the **Warren County Engineer's meeting** coming up this Thursday, March 9th @ 6:00 pm.

OLD BUSINESS:

Potential property acquisition:

Ms. Hartsock previously shared a surveyor's contract with the Trustees. The Trustees approved of the terms. Mr. Coffman shared that the Board of Trustees is interested in negotiating a price with the Township regarding the sale or purchase of a property.

NEW BUSINESS:

Questions or Concerns Regarding the Bills: None

LAEPP Application for Mr. Richard Furnas:

Ms. Schirmer shared the background for the LAEPP program and how it was reorganized for applicants to rank against other applicants within their own County as opposed to State-wide now.

Regarding the specific strengths of Mr. Furnas' application: the farm has been in his family for over 100 years; he has put in infrastructure for waterways on farm fields; his farm(s) have high-visibility road frontage and ease of access; and good soils.

Mr. Coffman stated that he reviewed the maps and the application and does not believe that the location of the farm is in line with the Township's future development goals. While he is reticent to interfere with the personal property rights of any citizen, he personally cannot support the application for perpetual agricultural usage at the expense of future development opportunities.

Mr. Patrick agreed with Mr. Coffman, but added that he understood the value of agriculture to the economy and the deep connection of farmers to their family farms. But the indefinite nature of the program gives him pause as the future needs of the Township is unknown. He wishes to see possibilities remain open for coming

**MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING
HELD MARCH 7, 2017**

generations.

Mr. Foley also agreed with the other Trustees and stated he respects Mr. Furnas and understood if he wished to pursue an easement on his property without the township's support.

Ms. Schirmer stated that proceeding without the Township's support will be difficult. She will convene her Board to determine if pursuing the application is warranted.

Mr. Furnas replied that his farm was not a significant portion of the Township's overall area.

Mr. Foley agreed, but stated that the area the farm is located in is relatively rare in the Township due to availability of utilities including: water, sewer, electricity and natural gas as well as its immediate traffic accessibility.

Mr. Wical voiced his support for Mr. Furnas and the application. He stated that someday the residents may wish the Township had protected the agricultural use of the ground for food production. Mr. Wical also stated that these programs typically don't last and that 50 years from now they may even be repealed.

Mr. Patrick shared that the lack of support of the Township for the LAEPP program does not prohibit Mr. Furnas from farming his land for the rest of his life. The Township is basing its decision based on the information at hand in the present and in doing so, keeping options potentially available for the property for the larger community.

Mr. Coffman concluded that the Township's lack of support also does not preclude Mr. Furnas from another farmer from farming the land in the future. It just will not be required to farm for perpetuity.

Legislation:

RESOLUTION 2017-17 TO ADDRESS CONCERNS OF AUTHORIZING SUPPORT OF PARTICIPATION IN THE OHIO LOCAL AGRICULTURAL EASEMENT PURCHASE PROGRAM FOR RICHARD FURNAS (PID# 1030300002)

Mr. Edwards presented for consideration and Mr. Coffman moved for adoption of said resolution with amended language reflecting previously submitted parameters. Mr. Patrick seconded the motion and upon call of the roll thereon the vote resulted as follows: Mr. Coffman – yea; Mr. Foley – yea; Mr. Patrick – yea. The resolution was therefore adopted the 7th day of March 2017.

RESOLUTION 2017-18 TO ADDRESS CONCERNS OF AUTHORIZING SUPPORT OF PARTICIPATION IN THE OHIO LOCAL AGRICULTURAL EASEMENT PURCHASE PROGRAM FOR RICHARD FURNAS (PID# 1030300010)

Mr. Edwards presented for consideration and Mr. Coffman moved for adoption of said resolution. Mr. Patrick seconded the motion and upon call of the roll thereon the vote resulted as follows: Mr. Coffman – yea; Mr. Foley – yea; Mr. Patrick – yea. The resolution was therefore adopted the 7th day of March 2017.

RESOLUTION 2017-24 NOTIFICATION OF INTENT TO CONDUCT AN INTERNET AUCTION FOR THE SALE OF UNNEEDED, OBSOLETE OR UNFIT PERSONAL PROPERTY OF WAYNE TOWNSHIP FOR THE CALENDAR YEAR 2017

MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING HELD MARCH 7, 2017

Mr. Edwards presented for consideration and Mr. Patrick moved for adoption of said resolution with no reserves. Mr. Coffman seconded the motion and upon call of the roll thereon the vote resulted as follows: Mr. Coffman – yea; Mr. Foley – yea; Mr. Patrick – yea. The resolution was therefore adopted the 7th day of March 2017.

RESOLUTION 2017-25 APPROVING A COMPREHENSIVE TEXT AND MAP AMENDMENT TO THE WAYNE TOWNSHIP ZONING CODE (SEE HEARING)

Other:

Mr. Edwards shared the desires of some residents on Route 73 near Township Line to install “**No Engine Brake**” signs in anticipation of noise resulting from engine braking of truck traffic with pending traffic light installation.

There was discussion of the enforceability of such rules as well as the potential unintended consequence of increasing the frequency of engine braking with such signs.

Mr. Patrick inquired if such signs could be purchased with the ODOT grant. Mr. Edwards stated he would look into it and bring the answer back to the Board.

CORRESPONDENCE:

- **Warren County Combined Health District:** Monthly Newsletter

WORK SESSION: None

EXECUTIVE SESSION: Mr. Coffman motioned to enter executive session at 7:32 p.m. per ORC 121.22(G)(2) to discuss the purchase or sale of public property with the Trustees and Mr. Edwards. The motion was seconded by Mr. Foley. The motion passed by unanimous vote.

At 7:51 Mr. Coffman motioned to come out of executive session, Mr. Foley seconded the motion and all were in favor.

At 7:59 pm, Mr. Coffman motioned to return to open meeting with no action taken from executive session. The motion was seconded by Mr. Patrick. The motion passed by unanimous vote.

COMPREHENSIVE ZONING TEXT AND MAP REVISION HEARING

Mr. Coffman opened the hearing at 8:05 pm.

He asked Ms. Hartsock to share the background for the revision of the Zoning Code. Ms. Hartsock provided a PowerPoint presentation of the need, the history and the major changes seen in the revisions under consideration (see attachment A). Ms. Hartsock deviated from the presentation in the recommendations of the following issues:

Retain the Mobile Home Park Zoning provisions from the existing code due to the need for more time needed to discuss options regarding a property that would be impacted due to the loss of its ability to be developed as a mobile home park use.

MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING HELD MARCH 7, 2017

Reconsider the need to require a half-acre minimum fenced area to house chickens on a 1-3 acre property.

Removal of the Reasonable Accommodation section as it was based on Federal Fair Housing standards and superseded zoning regulations. It was more suited as an administrative practice rather than a zoning provision.

After Ms. Hartsock completed her presentation, Mr. Coffman opened the floor for resident input.

Mr. Art Carney was recognized to speak first. Mr. Carney expressed his concerns about provisions relating to the Board of Zoning Appeals' evaluation criteria for conditional use permits, home-occupations in general and had a question regarding non-conforming dwellings and their ability to have a secondary dwelling added under roof. Mr. Carney submitted his comments in writing (see attachment B).

Mr. Edwards stated that the Township has made a commitment to evaluate the Code for needed amendments and/or adjustments on an annual or semi-annual basis. Such a comprehensive revision is a "living document" is bound to have areas where language could be streamlined or other imperfections. These issues can be handled on an on-going basis.

Mr. Tom Duerr was recognized next. Mr. Duerr stated he is relatively unfamiliar with Township meetings and operations, however he has concerns regarding the use of PUDs. He stated concerns about notification of neighboring property owners, inquired about provisions for the protection of archeologically significant sites, apologized to Ms. Hartsock for false accusations, stated that he felt meeting minutes should be more detailed and referred to a Wright State University student project that indicated that the majority of a Wayne Township resident workshop were not in favor of PUDs. He further inquired if residents can record public meetings and invited the Trustees to a "mini Town Hall meeting" he was organizing prior to March 21st date and location TBD. Mr. Duerr provided a written statement of his comments (see attachment C)

Ms. Hartsock responded that nearby residents were and will continue to be notified directly of any and all public hearings regarding any proposed PUDs and provisions were in place to protect archeologically sensitive areas and that the WSU workshop participants were responding to examples of large, dense, mixed use PUDs much like "The Greene" or "Austin Landing".

Mr. Coffman confirmed that residents may record public meetings if they chose to do so.

Mr. Wayne Donaldson was recognized to speak next. He expressed his concerns regarding the half-acre minimum fenced area required to house chickens on platted properties 1-3 acres in size. Mr. Donaldson expressed that he lives on such a property and wishes to raise chickens to provide fresh eggs for his family. He shared literature published by the University of Maryland "Raising Your Home Flock" which provided minimum containment areas for different types of domestic fowl- the largest of which was 25 square feet per bird (pheasant) (see attachment D).

Mr. Coffman inquired if Ohio State University had any literature on such issues available.

Mr. Donaldson responded that he was unable to find any from OSU specifically.

Ms. Hartsock responded that the ½ acre fencing provisions were more aimed at containing "animal units" or live stock as opposed to bird units. She further discussed provision 3.102.1(A) which required that any agricultural use shall not create a nuisance, disturb the peace, create a health or safety violation and all

**MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING
HELD MARCH 7, 2017**

animals must be contained on site. She felt that this provision could adequately regulate small, backyard chicken flocks

Mr. Coffman expressed a desire to postpone making a decision on the approval of the zoning code revisions until the language could be reevaluated with regards to the concerns expressed by the residents present.

Ms. Hartsock stated that she believed the legislation prepared for tonight's hearing was flexible enough that that the code could be approved with modifications as the Trustees saw fit.

Mr. Coffman asked Mr. Carney to clarify his concerns.

Mr. Carney stated that his chief concern was with section 1.305.4(B). He felt that the word "use" should be replaced with "consider".

Mr. Carney also clarified his concern about what he saw as contradictory language regarding gun smith/dealer use in residential areas. He pointed to home occupation section where such an activity may be permitted and then to the Principal Use Table where it was shown as prohibited.

Ms. Hartsock affirmed that the home occupation section referred to small, home-based businesses operating out of the practitioner's residential dwelling, while the principal use table referred to prohibiting gun dealers/smiths from operating a commercial storefront in a residential area.

Mr. Coffman inquired if Mr. Duerr had any concerns specifically concerning the PUD provisions of the Zoning Code as being considered tonight.

Mr. Duerr responded that he did not have any concerns regarding the PUD provisions as proposed at this hearing but did think that they may be better suited to be located next to existing commercial property.

Mr. Edwards responded that PUDs can be residential, commercial, industrial or any mixture of the above in nature. Redistricting the placement of such a flexible development was likely not prudent.

All discussion being satisfied, Mr. Coffman closed the hearing at 9:47 pm.

RESOLUTION 2017-25 APPROVING A COMPREHENSIVE TEXT AND MAP AMENDMENT TO THE WAYNE TOWNSHIP ZONING CODE (SEE HEARING)

Ms. Hartsock presented for consideration and Mr. Coffman moved for adoption of said resolution with the following four modifications: removal of the Reasonable Accommodation section; removal of the ½ acre minimum fencing requirements for bird units on properties 1-3 acres in size (section 3.102.2(C); in section 1.305.4(B) change the word "use" to consider"; and retain the Mobile Home Park Zone provisions from the existing code. Mr. Patrick seconded the motion and upon call of the roll thereon the vote resulted as follows: Mr. Coffman – yea; Mr. Foley – yea; Mr. Patrick – yea. The resolution was therefore adopted the 7th day of March 2017.

Being no further business, the Mr. Coffman motioned to adjourn at 9:53 p.m. Mr. Patrick seconded the motion. The motion passed with a unanimous vote.

**MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING
HELD MARCH 7, 2017**

President, Board of Trustees

Fiscal Officer