

**MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING  
HELD MARCH 21, 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: Ancil Ross, Bruce Thiel, Karen Jackson, Ray Jackson, Lynn Call, Nancy Bryan, Elmer Powell, J.S. Newton, Cindy Brown, Robert Bryon, Barney Trapp, Jim Crane, Les Spence, Gary Breeze, Mary and David Young, Tom Duerr, Walt and Robin Hildebrecht, Tom and Sheila Guy, George Cherryholmes, Cindy Suttman Newland, Mark Newland, Karen Wical, Phil and Jodee Ball, Tanya and Jim Nix, Andrew Jacobs, Andrew Fenlon, Dave Schrader, Becki Mazzi, Michael Mazzi, Nathan Colvin, Mary Jane Walling, Rick Becker, Martin Schneble, Doug Lukens, Linda Miller, Mike Bunnell, Wanda Bunnell, Denis Blasius (for Tom Duerr), Tim Henderson, William Miller, Dan Manley, Kerry Blevins, Chris and Jeff Franz, Kim Bromer, Sharon Willard, Kim Wright, David Bromer, Apryl Dotson, Robert Hughes, Daniel Siska, Brad Howard, Scott Howard, Josh McMuller, Megan Dolle-Blaisdell, Amy Hershner, April Vogt, Mike and Vicki Rosato, Carl and Christina Suchomel, Jeremy Ashmore, Christin Cornell, Tricia Berens, Connie Pfeiffer, Brittany Reed, Tonya Miller, Andrea Castor, Scott Howard, Chad Erisman, Catrina Forste, Bill Hapner, Mark Reginello, Charles Franz, Brittany Walford, Tammy Walford, Dale Kaan, Kimberly Kaan, Dave Stubbs, Deborah (Campbell) Doyle, James Prickett, Shane Hively and Colleen Hively.

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:** None

**DEPARTMENT REPORTS:**

**ROAD DEPARTMENT:**

Road Department Supervisor, Scott Camery reported as follows:

The White Dura-Star International truck is back in service. We received the pump parts, and the **reassembly/re-installation is complete**.

The **Corwin Road project** is still continuing with scrub and dead/junk tree removal almost complete.

There is **one crew member out this week** for spring break/vacation.

Mr. Camery shared a **quote for a retro/re-fit of the 4300 Dura Star** to accommodate a hydraulic liquid de-icing apparatus for the double axle vehicle.

## MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING HELD MARCH 21, 2017

Mr. Camery also shared the **Engineer's Office estimate for this year's road resurfacing program**. He prefaced that it is just an estimate before bidding, which is anticipated to go out in late April or early May.

Mr. Camery also discussed **potential road treatments for Fairfield Dr. and Morris Ave.** including chip-sealing with #9 stone as it was last paved in in 2007 with CBDG grant funding. He also added that he aims to **crack-seal** all the subdivision streets this year as additional maintenance measures.

Mr. Camery concluded by stating that with the Dura Star brought back into service and some minor maintenance issues resolved, the Department is at **100% equipment availability**.

### FIRE DEPARTMENT:

Fire Chief, Paul Scherer reported as follows:

On March 14 at 9:32 pm, Wayne Township had a **structure fire** with a loss of around \$85,000. We received Mutual Aid from Massie, Clearcreek Sugarcreek and Spring Valley Townships. Normal CAD in that area would have been Engines from Spring Valley and Massie Townships, but both agencies were short on personnel and sent Tankers with an operator, thus the need to add Sugarcreek and Clearcreek to the response.

Overall, Wayne Township had sixteen (16) members respond on that fire call and nine (9) from mutual aid agencies.

No contact has been made to date with any members who had previously been sent **removal letters**.

Chief Scherer went on to share that he is working on a **State EMS grant**, which is due by April 1 at 5:00 pm.

He is also working with Atrium on possibly doing an **EMT class** at the Township. There are currently three (3) interested in participating with an anticipated start date in June.

He intends to repost the **Part-Time position advertisement** to GMVEMSC's list serve and to all Warren County Departments as to date, only one (1) application has been received and two (2) current members have expressed interest. Chief Scherer concluded by stating that PT help was short at all surrounding jurisdictions.

### ZONING DEPARTMENT:

Zoning Inspector, Erin Hartsock reported on the following:

Received a call from a resident about a new accumulation of tires in the barn yard of the old **Michener farm**.

OEPA has processed the request and has received bids and will be issuing orders to proceed with the clean-up once the bid has been reviewed. Removal should occur in the near future. The OEPA will notify Ms. Hartsock once the clean-up has occurred.

On March 16<sup>th</sup>, the BZA voted to unanimously approve a **variance request** to reduce the minimum building setback from 260 to 222.5 feet on Lot # 11 (6300) Trillium Run.

## MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING HELD MARCH 21, 2017

In general, **permit activity is picking up** with the spring approaching. If trends continue, she will issue 20% of the total number of the permits issued in all of 2016 in March 2017 alone.

**Replacement windows** should be in transit from west coast factory. Premiere Companies is awaiting tracking information as of the time this report was submitted. Stain matching of the existing sills and other sashes is underway in anticipation of the windows' arrival.

An application for **replating of Lytle Trails** subdivision has been filled with RPC. She anticipates it being on the April 27<sup>th</sup> RPC agenda.

### 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 22<sup>nd</sup> to review and receive input on the new fire station design and layout.

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.

Mr. Camery and Mr. Edwards will be attending a pre-application meeting in Columbus on Friday, March 31<sup>st</sup> that is mandatory prior to submitting.

We have received both of our two year certifications from the PUCO for Natural Gas and Electric. We are getting customer list from Duke and DP&L and should be going out for bidding with about four other jurisdictions in about a week. This process will take about another three weeks and then **Trebel** will bring in the quotes to the board with a recommendation on a supplier for our program.

The State Auditor's office will be here beginning the week of March 27<sup>th</sup> to do our 2015-2016 **bi-annual audit**. They have also asked to use our facilities to do the Village of Corwin's and Washington Township's audits. I have agreed to provide them space, as we have done in the past, so they will be here for about five weeks total.

The Warren County Soil & Water Board of Directors have voted to approve the submittal of an application for the **Richard Furnas farm at 7143 E. St. Rt. 73** into the **State of Ohio Local Agricultural Easement Purchase Program**. I received a phone call from the Warren County office to let me know that they acknowledged our concerns of supporting this particular parcel, and understood our Comprehensive Land Use Plan designation and the Board's concern of making a decision in perpetuity, but felt with the strong

**MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING  
HELD MARCH 21, 2017**

desire of the owner who is a sixth generation owner and his strong desire to see it remain as farm ground, they felt obligated to submit his application.

**OLD BUSINESS:** None

**NEW BUSINESS:**

**Questions or Concerns Regarding the Bills:** None

**Legislation:**

**RESOLUTION 2017-26 AUTHORIZING CONTRACT WITH WARREN COUNTY ENGINEER'S OFFICE FOR PURCHASE OF ROAD SALT**

Mr. Edwards presented for consideration and Mr. Patrick moved for adoption of said resolution with amended language reflecting previously submitted parameters. Mr. Foley 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 21<sup>st</sup> day of March 2017.

**RESOLUTION 2017-27 AUTHORIZING THE WAYNE TOWNSHIP ADMINISTRATOR TO SIGN AND EXECUTE ADDENDUM NO. 1 TO PURCHASE REAL ESTATE ON BEHALF OF THE BOARD OF TRUSTEES**

Mr. Edwards presented for consideration and Mr. Patrick moved for adoption of said resolution with amended language reflecting previously submitted parameters. Mr. Foley 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 21<sup>st</sup> day of March 2017.

**RESOLUTION 2017-28 A RESOLUTION AUTHORIZING THE PURCHASE OF EQUIPMENT FROM HENDERSON PRODUCTS-OHIO TO RETROFIT THE INTERNATIONAL 4300 DUMP TRUCK WITH A PRE-WET SYSTEM FOR ROAD DEPARTMENT USE**

Mr. Edwards presented for consideration and Mr. Coffman moved for adoption of said resolution with amended language reflecting previously submitted parameters. Mr. Foley 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 21<sup>st</sup> day of March 2017.

**RESOLUTION 2017-29 A RESOLUTION APPROVING PERMANENT APPROPRIATIONS FOR 2017**

Mr. Darrell Coffman presented for consideration and Mr. Brad Coffman moved for adoption of said resolution with adjusted language reflected in the Fiscal Officer's verbal report. 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 21<sup>st</sup> day of March 2017.

**RESOLUTION 2017-30 A RESOLUTION CONCERNING AN APPLICATION FOR A ZONING MAP AMENDMENT FOR 5275 LYTLE RD. (AKA THE FIRST CHURCH OF CHRIST) FROM RURAL RESIDENTIAL "R-1" TO "R-1 PUD"**

(See R-1 PUD HEARING FOR 5275 LYTLE RD.)

**Other:**

Mr. Edwards shared the need for the Board to authorize him to **enter into a time sensitive contract with a geo technical company** to perform site testing for Fire House No. 2. The results will take time and the results of which will directly impact the design professional's plans. Mr. Coffman motioned to authorize Mr.

## MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING HELD MARCH 21, 2017

Edwards to enter into this contract. Mr. Patrick seconded the motion. The motion passed by unanimous vote.

### **CORRESPONDENCE:**

- **Warren County Combined Health District:** Annual Report
- **Ohio Department of Commerce:** Annual notice to legislative authorities RE: Objections to Renewal of a Liquor Permit
- **Area Progress Council:** Invitation to the 2017 State of the County with the Warren County Commissioners

**WORK SESSION:** None

**EXECUTIVE SESSION:** Mr. Coffman motioned to enter executive session at 7:40 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 7:52 Mr. Coffman motioned to come out of executive session, Mr. Patrick seconded the motion and all were in favor.

At 7:53 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.

### **R-1 PUD HEARING FOR 5275 LYTLE RD.**

Mr. Coffman opened the hearing at 8:00 pm.

He asked **Ms. Hartsock** to share the background for the PUD application. The application sought to retain the underlying residential uses while enabling the reuse of an existing, non-conforming, non-residential building (church) as a creative professional studio (aka dance studio). She went on to provide a PowerPoint presentation (exhibit A) explaining what a PUD is, the regulatory process of a PUD and the process the application underwent up to this point including the recommendations of the Regional Planning Commission (exhibit B) and the Zoning Commission (exhibit C) as well as relevant points of the Comprehensive Plan 2030.

Mr. Coffman then invited the applicant, Mr. Manley to speak on behalf of the application. **Mr. William Miller, attorney at law, spoke on Mr. Manley's behalf.**

He stated that the application is simple. It is the reuse of an existing vacant structure. All outward appearances will remain unchanged including signage, parking and the building façade.

He spoke briefly of Mr. Manley's other business pursuits in the area and that he lives in the immediate vicinity of the site.

The building, it was explained, has a \$15,000 back-tax debt and is in need of significant repairs.

## **MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING HELD MARCH 21, 2017**

He explained that he met with Mr. Bob Jones, the Pastor and sole congregant after the roof fell in in November 2013. Mr. Jones was said to have reported having the following activity at the church while it was active:

Two (2) services on Sundays

One (1) service on Wednesdays

Children's programs which brought over one hundred (100) children/week to the church

Fitness programs

Weddings and rehearsal dinners

Vacation Bible school

Movie nights

Mr. Miller shared that Mr. Jones heard no complaints from the surrounding neighborhood as a result of these activities, and surmised that either there were no objections or the neighbors were unaware of the activities.

He thanked the Trustees for their consideration and asked that the application be approved.

Mr. Coffman then asked that anyone in support of the application come forward to speak.

**Ms. Kim Bromer** spoke as a long-time acquaintance of the instructor of the proposed dance studio. She shared her belief that the use would not create any more impact than the farm market operating across the street. She did not believe that the traffic would generate any nuisances with lights or added traffic. She added that the business was faith-based and thus fit well with the former function of the building. She concluded by stating that there were approx. sixty (60) children enrolled in the troop from ages 3-13. She attributes the passion and confidence the children display directly to the dance instruction.

**Ms. Kim Wright** stated that her daughters (9 and 12 yrs. old) have attended the dance studio for the past 4 years. She expressed her displeasure with the alleged conduct of some of the opposing residents. She wanted to dispel the rumors she had heard including the business would necessitate the installation of a turn lane and sewer would need to be extended.

She underscored Ms. Bromer's comments that the instructor instills confidence, community and faith in her students. She spoke of the charitable contributions that the dance studio participates in. She concluded with a statement that she hoped the former church did not remain vacant as the business would be no more disruptive than the photography studio operating out of a home down the street or the former operations of the church.

**Mr. Daniel Siska** spoke next. He stated that he and his family moved to Wayne Township 3 years ago after carefully evaluating the community. He is pro-business and felt like Wayne Township was a good environment to raise his children in. He said his daughter currently is enrolled in the dance instructor's classes on Route 42. The location is dangerous and difficult to access. He stated that he already travels Lytle and Ferry Roads frequently to attend the dance studio, so the traffic would not be increased as a result of any relocation. He concluded by stating that he supports the relocation of the dance studio.

**Mr. Shane Hively** stated that he has been a Pastor for 20 years and as such can attest that children have a tough time growing up in the state of the world today. He believed that the definition of a studio as a place of instruction is essential for the development of children not only today, but for generations to come.

## MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING HELD MARCH 21, 2017

**Ms. Chris Franz** shared that she is the mother-in-law of the applicant as well as a kindergarten teacher at Wayne Local Schools. She attested that she has seen numerous children benefit from dance instruction, but unfortunately many are forced to give it up for financial reasons. The instructor at the studio provides free classes on Wednesdays, which she believed would be an asset for families with financial strains. Additionally, she felt that Waynesville needed more opportunities to keep its children in the community rather than driving to larger, neighboring communities.

Having no more proponents wishing to speak, Mr. Coffman invited those present who wished to speak against the application.

**Mr. Denis Blasius** spoke first as legal representation for Mr. Tom Duerr. Mr. Blasius recapped some of the concerns from his client and others. Among the stated concerns were:

- Not concern with a dance studio, but of a commercial business in a residential area.
- He believed there were 18 people that received a notification letter, of those he stated that 2 were in favor of the proposal.

The site was not the right area for the business.

Concerns for setting a precedent allowing for increasingly intense commercial uses.

He stated that he did not believe the proposal was proper due to acreage minimums.

He pointed out that a creative professional studio was not permitted in the R-1 zone.

Ms. Hartsock clarified that the provisions he was citing would not be effective for another 2 weeks and were not a consideration for this application.

Potential sewer expansion

Traffic concerns

Concerns regarding the sale price

If the seller has the ability to convey the building

The amount of maintenance required to make the building safe again

*Mr. Blasius provided a stack of memorandums with stated opposition from other nearby property owners who could not attend the meeting.*

**Phil and Jodee Ball** spoke next. Ms. Ball stated that she taught the fitness classes at the church nearly 10 years ago on account of the church being so quiet. She opposed the PUD for the impacts on the neighborhood for future generations. She referenced section 2.505.2 in the zoning code to be effective April 6, 2017, which states that uses may be permitted in a PUD that otherwise would not be allowed in a given district as a means of progressive decision making that would pave the way for increasingly intense commercial uses for generations to come. She stated that a building leased to a tenant may bring about a poorly maintained building for the sake of rental income. Finally she inquired if the Township Trustees could say for sure that this proposal was for the good of the community today and also for future generations?

*The Balls provided a written statement of their opposition.*

**Mary and David Young** spoke next. They stated that they have lived in the neighborhood for the past 13 years. They opposed the PUD application as they wished the building to return to a church or revert to a residential property.

*The Youngs provided a written statement of their opposition.*

## MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING HELD MARCH 21, 2017

**Karen Wical** stated that the surrounding property owners are not in favor. She knew the church was there when she moved in. She opposed any commercial activity in the area.

**Wanda Bunnell** opposed the PUD proposal as it did not preserve the rural character of the community. She stated that she supports business and her opposition was not personal. She concluded by asking the Trustees to deny the proposal.

*The Bunnells provided a written statement of their opposition.*

**Mark and Cindy Newland** stated that a commercial business is not needed in a rural area. If a dance studio was allowed today, what else might be permitted in the future with different Trustees?

Ms. Newland apologized for any rumors of negative attitudes or unsavory behavior on behalf of the neighbors in opposition. She shared that she grew up near the Dayton Mall and observed that area go from rural to heavily developed. She did not wish to see the same happen to her neighborhood again.

*The Newlands provided a written statement of their opposition.*

**Mary Jane Walling** stated that she was opposed to the PUD proposal on the grounds of opening the door for more intense uses in the future. She underscored that the opposing residents were not against business or the applicants personally, but were opposed to the location. She urged the Trustees to protect everyone's "American Dream" by declining the PUD application and thus preserving the residential nature of the area while allowing the business to be located elsewhere in the Village area.

*Ms. Walling provided a written statement of their opposition.*

**Michael and Becky Mazzi** described how they fell in love with the area for its lack of "commercial anything". They believed that there was a distinct difference between a home occupation and a commercial business. They attend church, love children and love Jesus but are leery of the anticipated increased lights and noise they might be exposed to living across the street from a commercial business operating numerous days per week as opposed to one.

**Cindy Brown** stated her public opposition to any commercial activity in the area. She purchased her property to enjoy a quiet country atmosphere. They were aware of the church's existence when they moved in, but feel there is no shortage of commercial property elsewhere.

**Tom Duerr** reiterated the neighbor's opposition. He went on to say that such a commercial operation will devalue the surrounding homes in the coming years. He concluded by underscoring the prevalence of the opposition for any business to be located in the area.

**Jim Prickett** spoke as a member of the former congregation. He passionately stated that he believed that the circumstances under which the church was being sold under were suspicious. He believed that the congregation was forcibly defrocked and he was and still should be an agent for the Waynesville First Church of Christ. And wished to pursue his right to contest the ability of the former minister to sell the building.

**Mr. Blasius** restated that he believed that the provisions under which the application was developed was a technicality and the owner of the property may not be in support of the rezoning application.

**Mr. Miller** rebutted that Mr. Prickett's assertions were a matter for court proceedings down the line.

## MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING HELD MARCH 21, 2017

He also underscored that the prevailing theme of the opposition revolved around “what ifs”. Hypotheticals were not the issue at hand--the best use of the building at this time was.

**Mr. Manley** spoke on behalf of his application. He stated that he wanted to be clear that he was a resident and had the best intentions for the community. He shared his belief that the vacant building is an eyesore and he wished to return the building to its former function as a gathering place. He described how he approached Mr. Jones after he noticed a man cutting trees down on the property. He did not feel that the sale was hasty or rushed.

He stated that he believed that the proposed reuse of the building was the best option and addressed a community need. He believed that if he had launched a FaceBook campaign as the opposition did, the Township Building would be filled with supporters. He discussed his other commercial properties (Spencer’s Antiques in the Village of Waynesville) and the investment in improvements that he is putting in it. He concluded by stating that he wishes to purchase the building and locate the dance studio in it for Ms. Hughes (the instructor), he is not looking at the venture as a needed source of income.

All discussion being satisfied, Mr. Coffman motioned to **close the hearing** at 9:35 pm. The motion was seconded by Mr. Patrick. Motion was approved by unanimous vote.

Mr. Patrick thanked the crowd for attending and acknowledged the passion for the application on both sides. When he was first introduced to the proposal, he did not see where it would differ from the church’s use as a place of worship. However, he realized those in the immediate vicinity were the most impacted. Thus if the neighbors supported the proposal, he would also support it.

Mr. Coffman called for the crowd to remain orderly regardless of the pending decision.

### **RESOLUTION 2017-30 A RESOLUTION CONCERNING AN APPLICATION FOR A ZONING MAP AMENDMENT FOR 5275 LYTLE RD. (AKA THE FIRST CHURCH OF CHRIST) FROM RURAL RESIDENTIAL “R-1” TO “R-1 PUD”**

Mr. Brad Coffman presented for consideration and Mr. Brad Coffman moved for roll call vote of said resolution. Mr. Foley seconded the motion and upon call of the roll thereon the vote resulted as follows: Mr. Coffman – nay; Mr. Foley – nay; Mr. Patrick – nay. The resolution and thus the application for rezoning was therefore **denied** the 21<sup>st</sup> day of March 2017.

Mr. Manley shared that he plans to take the denial to referendum.

Being no further business, the Mr. Coffman motioned to **adjourn** at 9:42 p.m. Mr. Patrick seconded the motion. The motion passed by unanimous vote.

---

President, Board of Trustees

---

Fiscal Officer