

**MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING  
HELD JUNE 6, 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: George Cherryholmes; MJ Walling, Tom Duerr, Drew Parramore and Jim Arthur arrived after the meeting started in advance of the scheduled zoning hearing.

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

Mr. Patrick motioned to **approve the Minutes of May 16<sup>th</sup>** meeting. Mr. Foley seconded the motion. Upon call of the roll thereon the vote resulted as follows: Mr. Coffman – yea, Mr. Foley – yea, Mr. Patrick – yea.

Mr. Patrick motioned to **approve the Minutes of May 26<sup>th</sup>** meeting. Mr. Foley seconded the motion. Upon call of the roll thereon the vote resulted as follows: Mr. Coffman – yea, Mr. Foley – yea, Mr. Patrick – yea.

**CITIZENS' COMMENTS:**

None

**DEPARTMENT REPORTS:**

**ROAD DEPARTMENT:**

Road Department Supervisor, Scott Camery reported as follows:

**Ditching** needs are caught up for the time being. Work has been done on O'Neall, Henderson and in Mt. Holly.

The Department is still working on some **bushwhacking and trimming**, but they still have much more work to be done.

The **white International** should be going to Henderson Products sometime this month according to our sales rep.

I have been in contact with Ellis Homes regarding the installation of a **42" culvert pipe in Haines Meadows/Thomas Drive**. The culvert will be installed deeper than the Township equipment can safely manage, so Ellis Custom Homes will assist with installation.

Hope to start on the **second round of mowing** the week of the 20<sup>th</sup>.

**Chip/Seal for 2017** has not been put out for bid yet. The County Engineer is re-evaluating some of their roads for chip/seal. It is anticipated that it will go out for bid within the next two weeks. Additionally the paving bid for Warren County has been set, it came in at \$60/ton.

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Mr. Camery concluded by stating that the Road Department is currently at **100% equipment availability**.

**FIRE DEPARTMENT:**

Fire Chief, Paul Scherer reported as follows:

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

The Wayne Township Fire Department responded to:

67 EMS calls and

29 Fire Runs

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96 total runs

Current responses are **down three (3)** from the same period in 2016.

The air conditioner in the **2008 PL Squad** had the rear line and evaporator repaired.

The **1994 Seagrave has needed repairs** after failing a dry vacuum test (rebuilt deck gun, fill tank, and tank to pump valves). The pump packing seal is leaking and possible outboard bearing. Vogelpohl has provided a quote (\$3,103.44) for this repair, which would have to be done in their shop in Northern Kentucky and take about a week.

Mr. Scherer spoke with Seagrave and discussed the issues. Seagrave stated that the issues may be from the bearings wearing out. If so, if the repairs are postponed and the bearings fail, the damage could be much worse. However the unit is 24 years old and scheduled for replacement in 5-6 years and serves as only a backup-and is still operational. However if the backup engine fails pump test during an ISO grading, then the Department may lose its ground on its ISO rating.

After discussing the matter, Mr. Patrick motioned to **approve the price for repairs**. Mr. Coffman seconded the motion. The motion carried by unanimous vote.

**2 Narcan kits** are in-service for first responders only. They are in Car 91 and Rescue 91.

Grismer installed the **new tires** on Rescue 91 yesterday.

The air compressor is failing on **2009 PL Squad**. The replacement compressor has been delivered and will be installed as soon as possible.

**Drivers' skill check-offs** are scheduled for tonight through Friday night and all day Saturday.

Chief Scherer also added a discussion regarding IAMRESPONDING. The contract renewal for the service is due in mid-July. After discussion regarding the effectiveness of the service, other alternatives and price differentials between paying annually, upfront for three (3) years and five (5) years, it was determined that 3 years was the best option due to the price break while also allowing for flexibility to adopt new technology in the future.

Mr. Coffman **motioned to approve renewing the IAMRESPONDING service contract for three (3) years**. Mr. Foley seconded the motion. The motion carried by unanimous vote.

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## ZONING DEPARTMENT:

Zoning Inspector, Erin Hartsock reported on the following:

**Nine (9) permits** were issued in May 2017 and one (1) permit is pending the issuance of a valid street address:

(4) Single Family Dwelling permits issued to: 10776 Young Rd., Scott Horstmeyer dba Timber Group; 7965 Hidden Trails, Ellis Custom Homes; 9500 Sandy Run Dr., Ellis Custom Homes; 4880 Mazola Ct., JB Elite Construction; and SR 73 (on hold awaiting valid address), Natasha Baker

(4) Accessory Building permits issued to: 7280 Cook-Jones Rd., Don Mueller; 8884 Michaela Ln., Brian Seidenschmidt; 9500 Sandy Run Dr., Ellis Custom Homes; and 4880 Mazola Ct., JB Elite Construction

(1) Above Ground Pool: 1935 Murray Rd., Joseph Bradley

All fees have been collected and deposited.

Ms. Hartsock shared a proposed **sign removal policy** for temporary portable signs placed in the right-of-way (as it relates to the new zoning code). The issue was discussed as it poses challenges to manpower when mowing the right-of-ways as well as potentially limiting sight distances for motorists. After discussing where signs may be located and where they are prohibited, the Trustees asked that a legislation be prepared in preparation for the June 20<sup>th</sup> meeting to adopt the policy.

## ADMINISTRATOR REPORT:

Administrator, Donald Edwards reported the following:

Regarding **Fire Station No. 2**, we are currently waiting on Title Insurance for closing on the AMB Enterprise property.

We received the preliminary soil boring results for the fire station site from Bowser-Morner for our Soil Study.

On May 23<sup>rd</sup> Trebel has sent our residential letters out to the township residents regarding the **energy aggregation** program that were not already signed up with an energy provider. The opt-out period ends June 13<sup>th</sup>. There will be another letter going out in a few weeks to all township residents letting them know about our program and rate and telling them how to enroll when their existing contract runs out.

We have until June 30<sup>th</sup> to withdraw from the **OPEC-HC** (health care) program. We would still have 60 days to rescind our decision if we want to get back in. This allows time if we want to search for another health insurance provider.

As a result of the April 5th OTARMA Loss control visit from **KLA Risk Consultants**, the recommendation has come down that we inspect and document each road sign at least monthly. In order to accomplish this without putting a lot more undue time on the Road Department employees, we are looking at dividing our roads up into three different sections and then give each Board member an assigned district to do the

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monthly inspections. We could then periodically rotate districts. This would keep fresh eyes on road conditions and road signs.

We filed a waiver request back in August 2016 to be exempt from the **National Pollutant Discharge Elimination System (NPDES) Small MS4 program**. We recently received a letter dated May 17, 2017 from the director of OEPA. It states that after review of the waiver request, all conditions of OAC Rule 3745-39-03(A)(4) were satisfied. Accordingly, our waiver request from the Small MS4 program is hereby approved.

**OLD BUSINESS:**

Regarding the **Lytle Trails Lot** Ms. Hartsock is pursuing other potential options regarding viable uses of the property as little progress has been made garnering the needed majority of signatures from deed holders in the community. She will report back once she has more information.

She completed her discussion by sharing that she had reached out to Wayne Local Schools to involve school children in **naming local streams**. The last quarter of the school year however with its intensive schedule made it challenging to reach educators in a meaningful way. She will re-approach WLS toward the end of summer break to gauge for interest.

**NEW BUSINESS:**

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

**Legislation:** None

**CORRESPONDENCE:**

**Enterprise Products:** Notice of bi-annual mowing along pipeline rights-of-way for Jefferson, Harrison, Tuscarawas, Coshocton and Muskingum Counties.

**WORK SESSION:** None

**EXECUTIVE SESSION:** None

**HEARING FOR REZONING APPLICATION SUBMITTED BY LINDA HICE TO REZONE 26 AC FROM B-2 AND R-1 TO EXCLUSIVELY B-3 CONTAINED ON FOUR PARTIAL PARCELS FRONTING SR 73**

Mr. Brad Coffman opened the hearing at 7:34 p.m.

**Purpose of Hearing:** Ms. Hartsock utilized a PowerPoint presentation to aid in her explanation. The applicant submitted an **application to rezone four (4) partial parcels totaling 26 acres from B-2 and R-1 to exclusively B-3**.

The property is **currently used** agriculturally with two (2) acres that received B-2 zoning in 1990 to be used as a retail area for nursery/landscaping sales. There is also a telecommunications tower to the rear of the rezoning request with an access easement to SR 73.

The **Future Land Use Map** calls for the area to be "Commercial" and is located within the **Urban Service Boundary**.

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The Comprehensive Plan calls for high-intensity, mixed use and/or commercial development within this area due to access to interstates, locations of floodways, slopes, the agricultural potential of land, and access to sewer and water.

The Comprehensive Plan also calls for the development of commercial property to create tax-base diversity, job opportunities and to locate such developments within the USB so as to alleviate pressure on more remote, rural areas thus preserving the rural character of the Township.

Ms. Hartsock went on to share that the **Regional Planning Commission recommendation**. The RPC considered the application on May 25, 2017. The RPC recommended to *deny* the application as presented, but encouraged the applicant to reapply for B-1 zoning and to decrease the depth of the boundary to more closely align with the USB as shown in the Wayne Township Comprehensive Plan.

Ms. Hartsock shared Ohio Revised Code § 519.12(H) which states a Board of Township Trustees shall adopt or deny the proposed amendment, or adopt some modification of it.

Ms. Hartsock shared that she and the applicant had conferenced following the RPC recommendation. As a **staff recommendation**, she recommended to the Zoning Commission **removing the two (2) acres currently zoned B-2 from consideration** of this application. The property was granted proper B-2 zoning over 15 years ago and “down-zoning” it to B-1 would render the use as a landscaping operation non-conforming.

Additionally, the she and applicant were in agreement that a **B-1 zoning classification was more harmonious with the area while still being flexible with potential uses**. They were also in agreement that the boundaries to be considered in the rezoning application should better align with the Comprehensive Plan’s USB. This would effectively **reduce the acreage from 26 total acres under consideration to 14 acres**.

The Zoning Commission subsequently recommended approval of the application with the following modifications:

1. **The front two (2) acres properly zoned B-2 of parcel no.: 05071760140 be removed from consideration of the application; and,**
2. **Parcel no.: 05071260120 to be rezoned B-1 to a continuous depth of 520’ measured from the property line located in the center of the road straight back along the side property lines; and,**
3. **Parcel no.: 05071260130 shall be zoned B-1 to a continuous depth of 520’; and,**
4. **Parcel no.: 05072000020 shall be zoned B-1 to a depth of 520’ on the western boundary and terminating at the ninety-degree property boundary adjacent 4542 SR 73.**
5. **The Trustees are encouraged to consider extending the B-2 zoning on parcel no.: 05071760140 to extend to the west 150’ onto parcel no.: 05071260120 to better accommodate the current landscaping operations and its access.**

Ms. Hartsock concluded by stating that the applicant was unable to be present tonight. If the Board of Trustees had questions that the applicant alone could answer, the hearing could be continued to June 20<sup>th</sup>, at which point Ms. Hice could be present.

Mr. Coffman opened the hearing to the public for questions and or statements.

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**Mr. James Arthur** spoke that he was unsupportive of the application as it leaves residentially zoned properties to the rear of commercially zoned properties with no dedicated residentially zoned access. HE did not support leaving any property "landlocked".

**Mr. Tom Duerr** spoke next. He questioned the validity of split zoning a property as opposed to rezoning the property in its entirety.

Ms. Hartsock responded that split zoning is legally proper, however it is generally more common in Wayne Township to rezone properties in their entirety. She went on to state that potential future development of the rear of the property would likely require the construction of a road which would provide access regardless of the zoning classification it may traverse. Additionally, there is the presence of stub streets from existing residential developments to the north that were designed to eventually be extended south toward the rear of the property.

There was also discussion about any potential roadway connectivity to Carter Dr. Ms. Hartsock stated that it was not impossible to connect the property via Carter Dr., however it would not be possible without replatting Wayne Meadows or Hidden Trails (existing Carter Dr. subdivisions) and engineered planning.

There were also questions about potential future commercial developments. Ms. Hartsock responded that each and every commercial development would be subject to a **Site Plan Review or a Conditional Use Hearing**, which are public hearings, where any proposed development would be subject to scrutiny regarding traffic impacts, connectivity, storm water management, parking, lighting, buffering...etc.

Mr. Foley inquired about the recommendation to consider expanding the current B-2 zoning to the west by 150'.

Ms. Hartsock responded that the current landscaping operation has expanded beyond the property line and thus has overreached its properly zoned boundaries. The operation would need to be scaled down or the zoned area expanded.

Having no additional questions or comments, at 8:03 p.m., Mr. Coffman motioned to continue the hearing to June 20<sup>th</sup> at 7:30 p.m. The motion was seconded by Patrick. The motion carried by unanimous vote.

Board of Trustees would make the final determination after closing of the Public Hearing on June 20<sup>th</sup> meeting .

Being no further business, the Mr. Coffman motioned to adjourn at 8:06 p.m. Mr. Patrick seconded the motion. The motion passed with a unanimous vote.

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President, Board of Trustees