

MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING HELD JUNE 20, 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; Gary Breeze, Andy Jacobs and Tom Duerr. Drew Parramore, Jim Arthur, Tim Henderson and Linda Hice arrived after the meeting started in advance of the scheduled zoning hearing; Mr. Tim Henderson was also present.

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

Mr. Patrick motioned to **approve the Minutes of June 6th** 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:

Mr. Breeze commented that the Administration Building's US Flag was fraying.

Mr. Jacobs commented that DP&L was offering significant rebates for NEST Thermostats and have made improvements to their e-Bill system.

DEPARTMENT REPORTS:

ROAD DEPARTMENT:

Road Department Supervisor, Scott Camery reported as follows:

The 2nd round of **mowing** began this week.

He has not heard anything new from the WCEO regarding **chip seal bids**. He will follow-up.

Started the **Middletown Rd. (west) hill berming project**, however rain events have prevented him from completing the project yet.

Bushwhacking and trimming continue. He anticipates completing the southern area of the Township and moving towards the north end by the end of the week.

Addressing minor **drainage complaints** have kept his department very busy.

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

Mr. Patrick inquired if the crew had a chance to use the crack sealer yet.

Mr. Camery reported that he had not as due to the extra work rain and storms have placed on the crew.

FIRE DEPARTMENT:

Fire Chief, Paul Scherer reported as follows:

Drivers' skills check-offs are complete for the year.

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The **1994 Seagrave** is scheduled to go to Vogelpohl next Monday.

Chief Scherer recounted a phone conversation he had had with Mark Dawson, **Massie Township** Trustee.

The Trustees will await contact from Mr. Dawson directly before making any decisions.

Chief Scherer continued by saying that a **fall EMT class** has been scheduled for August 22-December 14 from 6:00-10:30 p.m. every Tuesday and Thursday in Wayne Township. The cost is \$750, compared to the \$1200 fee at the WCCC.

Chief Scherer concluded by sharing that he had a need for Executive Session to discuss **personnel** matters.

ZONING DEPARTMENT:

Zoning Inspector, Erin Hartsock reported on the following:

Have been busy with **numerous inquiries** regarding residential as well as commercial development.

Regarding previous discussions of rezoning the Holly Hills property on SR 42, any rezoning would first necessitate an amendment to the Future Land Use Map (FLUM).

After some discussion, the RPC will make a formal recommendation at the next full quarterly meeting in ~~July~~ August (rescheduled).

Ms. Hartsock stated that she had prepared the following **legislation**:

Reappointment of Zoning Commission and Board of Zoning Appeals members with expiring terms

- David Albers (BZA) and;
- Jeff Good (ZC)

Temporary and/or Portable Sign Removal Policy as discussed at previous meeting. Mr. Edwards suggested amending the policy to state that signs once picked up will be housed at the Administration Building in a bin adjacent to the storage building for better accessibility. The Trustees agreed with this adjustment.

Storm water run-off complaints focused primarily with the 1st three homes (8465, 8461 and 8445 Lytle Trails Rd. (Lots 24-26) have effectively stalled the **replatting process for the Lytle Trails subdivision**. The WCEO as a result is evaluating the capacity of current driveway culverts. WCEO crews will be assessing the area this week or next. She will report back with their findings.

Additionally, lot #27 is thought to be inextricable from the subdivision per WCRPC. The Pros. Office has been approached for input. She is still awaiting a response.

The Warren County Park District submitted an application for the new **observatory** to be installed at Hisey Park. Ms. Hartsock requested that the Board of Trustees consider waiving the application fee of \$322.

Mr. Patrick motioned to waive the application fee for WCPD. Mr. Coffman seconded the motion. The motion passed by unanimous vote.

Ms. Hartsock concluded by sharing that she is currently working on multiple **violations** and coordinating with other regulatory agencies as applicable. The majority of residents are making voluntary strides to bring their properties into compliance.

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ADMINISTRATOR REPORT:

Administrator, Donald Edwards reported the following:

Regarding **Fire Station No. 2**, we are all set for closing on the AMB Enterprise property this Wednesday.

Additionally, we are in the process of pre-qualifying bidders and also working on Construction Documents and working with the Village of Waynesville and Planning Commission on getting answers on their development standards.

Trebel has sent another **letter to all** township residents letting them know about our **community energy aggregation program** and rate and telling them how to enroll when their existing contract runs out. All information is being posted and kept up to date on our Website.

Mr. Edwards shared the following upcoming road closures:

Corwin Nixon Bridge: Week of June 26th for two weeks for repairs.

Pence-Jones Road for bridge replacement: 2nd week of July for 4-6 weeks.

Matt Nolan, Warren County Auditor, has asked to be put on the agenda for the August 15th meeting.

He concluded by sharing the following **date reminders:**

Independence Day celebration Saturday, July 1st

Next Board meeting will be on Wednesday, July 5th due to Independence Day falling on Tuesday.

NEW BUSINESS:

Questions or Concerns Regarding the Bills: None

HEARING (continued from June 6th) 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 7:30 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.

Additionally, 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 discussing the "use table" in the zoning code. She discussed what uses were permitted and that all commercial uses must go through a Site Plan Review before the Board of Trustees. She shared that site plan reviews include engineering for traffic, storm water management, landscaping, buffering, parking, lighting...etc. She also provided a local example of property developed in potentially a similar manner on Wilmington Pk. With Lowes/Staples and homes to the rear.

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

Mr. Tom Duerr spoke that he was supportive of deeded access to the rear of the property.

Ms. Hartsock responded that the rear of the property still has the same frontage and accessibility as it has had. Additionally, deeding access would require an identified location. Without a development plan, it was,

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in her opinion beyond the Township's powers to require such a thing and premature as the location will be dependent on development plans and traffic patterns.

Mr. James Arthur spoke that he would like to see a roadway definitively identified so as to ensure that Carter Dr. does not gather additional traffic.

The Trustees stated that roadways and their connectivity plans would be something addressed by the Wayne Township Board of Trustees at the time when plans are developed through the Site Plan Review process.

Mr. Coffman inquired about a trailer visible on aerial overviews that was positioned east of the B-2 property.

Ms. Hartsock responded that the trailer is portable, however if the use was that of straight office space and did not have a landscaping use, then the use would still be permitted in B-1 district.

Having no additional questions or comments, at 7:59 p.m., Mr. Coffman motioned to close the hearing. The motion was seconded by Mr. Patrick. The motion carried by unanimous vote.

Mr. Patrick motioned to **approve application as recommended by the Wayne Township Zoning Commission and to approve the extension of the B-2 zoning 150 feet west** to better accommodate the access for the landscaping operation. **Mr. Coffman** seconded the motion. Upon call of the roll thereon the vote resulted as follows: Mr. Coffman – yea, Mr. Foley – yea, Mr. Patrick– yea.
(see legislation)

NEW BUSINESS (continued)

Mr. Coffman stated that he had driven **Hacker Farm Ln.** after receiving a **complaint** from a resident regarding the **condition of the roadway**. He inquired if it was planned for crack sealing this year.

Mr. Camery responded affirmatively.

Mr. Coffman asked how long such a treatment would be effective.

Mr. Camery stated that it should maintain the road until next year when he was planning on looking at patching at least one area where it is cracking. He will plan on patching more if the base does not require extensive repair. If extensive repair is needed to the base, then the repairs will likely need to be spread out over a longer time period.

Mr. Coffman inquired if Hacker Farm Ln. was the road in worst condition in the township.

Mr. Camery reported that there are other roads in worse condition, however, it may be the subdivision road with the greatest need.

There was discussion of the base and that it required lime stabilization when it was put in.

Mr. Foley asked to clarify the Township's direction on the road repairs moving forward.

Mr. Camery stated that he will saw cut the large crack at the knuckle, assess the base condition, patch it, then crack seal it. The smaller cracks will be ground down and patched then crack sealed.

Mr. Foley asked to clarify the time frame.

Mr. Camery stated that work would take place before cold weather sets in.

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Legislation:

RESOLUTION 2017-35 A RESOLUTION AUTHORIZING ADMINISTRATOR, DONALD EDWARDS, TO REPRESENT WAYNE TOWNSHIP, OHIO AND EXECUTE CLOSING DOCUMENTS FOR THE ACQUISITION OF LOT 2B (2.0431 ACRES) OF VICTORIA GLEN REV. NO. 1 SUBDIVISION FROM AMB ENTERPRISES, LLC, AND FURTHER AUTHORIZE THE TOWNSHIP FISCAL OFFICER, DARRELL COFFMAN, TO DISBURSE FUNDS RELATED THERETO

Mr. Edwards presented the resolution for consideration and Mr. Patrick moved for adoption of said resolution. Mr. Foley seconded the motion and upon call of the roll thereon the vote resulted as follows: Mr. Coffman – yea; Mr. Patrick – yea; Mr. Foley – yea. The resolution was therefore adopted the 20th day of June 2017.

RESOLUTION 2017-36 A RESOLUTION ADOPTING POLICY FOR REMOVAL OF TEMPORARY AND/OR PORTABLE SIGNS IN WAYNE TOWNSHIP’S RIGHTS-OF-WAY

Ms. Hartsock presented the resolution 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. Patrick – yea; Mr. Foley – yea. The resolution was therefore adopted the 20th day of June 2017.

RESOLUTION 2017-37 A RESOLUTION AFFIRMING THE REAPPOINTMENT OF JEFF GOOD TO THE WAYNE TOWNSHIP ZONING COMMISSION

Ms. Hartsock presented the resolution for consideration and Mr. Foley 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. Patrick – yea; Mr. Foley – yea. The resolution was therefore adopted the 20th day of June 2017.

RESOLUTION 2017-38 A RESOLUTION AFFIRMING THE REAPPOINTMENT OF DAVID ALBERS TO THE WAYNE TOWNSHIP BOARD OF ZONING APPEALS

Ms. Hartsock presented the resolution for consideration and Mr. Foley moved for adoption of said resolution. Mr. Coffman seconded the motion and upon call of the roll thereon the vote resulted as follows: Mr. Coffman – yea; Mr. Patrick – yea; Mr. Foley – yea. The resolution was therefore adopted the 20th day of June 2017.

RESOLUTION 2017-39 A RESOLUTION CONCERNING AN APPLICATION FOR A ZONING MAP AMENDMENT TO REZONE FOUR (4) PARTIAL UNADDRESSED PARCELS FRONTING SR 73, WEST OF OLD ROUTE 73: 05071760140, 05071260120, 05071260130 AND 05072000020 FROM B-2 AND R-1 TO EXCLUSIVELY B-3

Ms. Hartsock presented the resolution for consideration. Mr. Patrick moved for adoption of said resolution 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; and,

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5. Extend 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.

Mr. Coffman seconded the motion and upon call of the roll thereon the vote resulted as follows: Mr. Coffman – yea; Mr. Patrick – yea; Mr. Foley – yea. The resolution was therefore adopted the 20th day of June 2017.

CORRESPONDENCE:

- **Warren County Combined Health District:** Monthly Newsletter
- **Duke Energy:** Notice that account is being enrolled in the Dynegy Aggregation Program
- **Dayton Power & Light:** Notice that account is being enrolled in the Dynegy Aggregation Program
- **Collett Propane:** pricing quote for advanced purchase.

The offer was tabled after discussing the price option of \$1.59/ga., it was determined that other offers would be sought. Collett's offer would be reevaluated in light of other offers.

WORK SESSION: None

EXECUTIVE SESSION:

Mr. Coffman motioned to enter executive session at 8:31 p.m. per ORC 121.22(G)(1) to discuss personnel matters with the Trustees, Chief Scherer and Mr. Edwards. The motion was seconded by Mr. Patrick. The motion passed by unanimous vote.

At 9:03 p.m., Mr. Foley motioned to return to open meeting. Mr. Coffman seconded the motion and all were in favor.

NEW BUSINESS: Other

The Trustees had open discussion of the upcoming contract with Washington Township for Fire & EMS services as well as the number recent of mutual aid responses to Massie Township with regards to the affect it has on the ability to provide services for Wayne Township residents.

Being no further business, the Mr. Coffman motioned to adjourn at 9:30 p.m. Mr. Patrick seconded the motion. The motion passed with a unanimous vote.

President, Board of Trustees