

**MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING
HELD AUGUST 20, 2019**

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

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

The following staff were present: Administrator, Donald Edwards; Zoning Inspector, Stacey Lowing; Roads Supervisor, Scott Camery; Fire Chief, Paul Scherer; and Fiscal Officer, Darrell Coffman.

The following guests/residents were present: George Cherryholmes, Tim Lee, Mike Mattarock, Diane Colvin, Keith Schneider, Tom Duerr, M.J. Walling, Brian Wells, Tom & Lois Millgan, Zachary Gallagher, Rick & Judy Durrenberg, Jim & Cecelia Nix, Jeff Boos, Rob Myers, Derrick Smith, Mike Logan, Tom & Lisa Patton, Crystal Sullivan, Tonya Weddle, Scott, Chari, Bryce & Gavin Linkous, Brett Hunter, Amy Lamoreaux, Robert Glaser, Branden & Katie Deaton, Joette Dedden, Rob Glaser, Eugene Jackson, David Roberts, Chris Terry, Jacob Winkler, Barry & Elaine Heismann, John Walton, Andrea Castor, Rodney Frye, Fred Winkler, Jaime Shaffer, Mark Newland, Philip Ball and Linda Fenlon, and others who didn't sign in.

Mr. Patrick led all present in the **pledge of allegiance to the flag**.

Mr. Coffman made a motion to **approve the minutes of the August 6th meeting**. Mr. Patrick seconded the motion and the vote thereon resulted as follows: Mr. Coffman – yea, Mr. Patrick – yea, Mr. Foley-yea.

CITIZENS' COMMENTS: There were no citizen's comments.

DEPARTMENT REPORTS:

ROAD DEPARTMENT:

Road Superintendent, Scott Camery provided the following report:

Wedging on **Corwin Ave.** has been completed.

The upstream side of **Middletown Road** has been re-graded and is complete.

The **Elbon Road** creek bed re-grading has been completed.

Completed another **culvert pipe installation**. Currently I have only one more on the list, I am waiting on the home owner to obtain the pipe.

Assisted with some **material removal** from the firehouse project.

Still don't have a firm date for the **commencement of the chip-seal**. Last information is, they will be in Warren County after the first of September.

Started on **Middletown Road** west hill on Monday the 19th. I am hoping to get this project completed by the end of the month. (weather dependent)

All road **department equipment** is available.

MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING HELD AUGUST 20, 2019

FIRE DEPARTMENT:

Fire Chief, Paul Scherer provided the following report:

2008 PL Squad (301) is back in-service running as second out.

2011 Expedition AC has been repaired and still working with Ford on invoice.

Have **ISO Review** on Monday.

Breathing Air compressor was serviced on Monday Aug 12 with no issues. Waiting on Air Purity Test.

Talking with Jessie Lamb about running every 3rd day (**Fire Administration Assistant**) and taking on several duties. (Payroll, Reports, EMS Billing, Schedule, Ect.)

Will have **Officers meeting** and finalize payroll items for September 3rd meeting.

ZONING DEPARTMENT REPORT:

Administrator, Donald Edwards reported as follows:

The department has been very busy. There will probably be two or three more zoning variance hearings before the end of the year. We are working with property owners concerning zoning and development.

ADMINISTRATOR REPORT:

Administrator, Donald Edwards provided the following report:

Fire Station: Status Update

PCI: All drywall and insulation is about 90% installed. Drywall finishing in progress.

Cin. -Dayton Fire Protection: first floor office complete.

Mid-Miami Roofing: is working on finishing flat roofs with trim and flashing. Fascia and soffits 90% complete. Down spouts and front trim yet to do.

Applied Mech.: Ducts in office area are insulated. Interior rough plumbing and mechanical complete. A/C units being installed.

Kenmarc Electric: rough-in is complete. Inspection passed and DP&L meter has been set. Pole light bases complete. Panel boxes have been wired. Lights have been hung in bays. Will be switching off temporary electric when transformer is set.

Miter Masonry: Complete except for monument sign cleaning of brick.

Overhead Doors: Finished except for operators after electric.

**MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING
HELD AUGUST 20, 2019**

Painter: Bay walls, ceiling, second floor 90% completed. Painting in Bunk rooms.

Concrete: work is still to be determined. Site has been staked.

DP&L: set a bad transformer Friday but hoped to have replaced on Monday for switch over.

Pinnacle Paving: is grading parking lots. Curbs have been poured.

Loveland Excavating: is back filling curbs with top soil.

Carter Drive CDBG: The project is out for bid. Engineering came back with two options.

Option 1. Which is recommended is estimated to be over budget by about \$30,000

Option 2. Should be able to be done with grant monies that have been awarded.

Zoning Inspector: Stacey Lowing started work on August 5th. The Zoning office has been extremely busy and we have several hearings in various stages in the pipeline. Orientation isn't quite complete but Ms. Lowing did get the chance to work on a Conditional Use Hearing for the August 15th BZA and made the presentation. She did an excellent job of presenting.

Drug Task Force: Major Arrasmith contacted me to see if we were going to be able to make a contribution for 2019. [\$2,000 recommendation.]

Chip-Seal: Coming soon, around first of September. Has been posted on the Township's Website.

Phone System: Onboarding new VIOP phone system and users will have to get use to the new prompts. You should receive voice recordings in your e-mail box.

Natural Gas Aggregation: Trebel did receive a favorable rate from Volunteer Energy Services and I have filed the paper work for this two-year pricing that will become effective November 1st 2019 through October 31, 2021. Pricing will be announced once the contracted has been fully executed.

Insurance Coverage: Premiums for the township's liability, automobile and property insurance increased slightly but the majority of the increase will be offset by an increase in the distribution of excess reserve funds of which we will receive a portion.

A.L.I.C.E. Training at Safety Council /
RPC this Thursday and will introduce Stacey /
County Budget Hearing next week

Need Township articles for Fall magazine.

[After a brief discussion concerning a contribution to the Warren County Drug Task Force, Mr. Patrick made a motion to approve a \$2,000.00 contribution. 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.]

**MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING
HELD AUGUST 20, 2019**

OLD BUSINESS:

Discussion on costs and legal requirements for **recording meetings**: Tabled

NEW BUSINESS:

Questions or Concerns Regarding the Bills: None

Legislation:

RESOLUTION 2019-49 RESOLUTION APPROVING THE PROPERTY & CASUALTY INSURANCE PROPOSAL AS SUBMITTED BY BURNHAM & FLOWER OF OHIO FOR THE OHIO TOWNSHIP ASSOCIATION RISK MANAGEMENT AUTHORITY (OTARMA) PROGRAM AND AUTHORIZING THE TOWNSHIP ADMINISTRATOR TO SIGN ALL DOCUMENTS

Mr. Foley motioned to adopt the resolution. Mr. Coffman seconded the motion and upon call of the roll thereon the vote resulted as follows: Mr. Patrick – yea; Mr. Foley – yea; Mr. Coffman - yea. The resolution was therefore adopted the 20th of August 2019.

RESOLUTION 2019-50 A RESOLUTION LEVYING A SPECIAL ASSESSMENT ON LANDS IN WAYNE TOWNSHIP FOR STREET LIGHTING DISTRICTS

Mr. Coffman motioned to adopt the resolution. Mr. Foley seconded the motion and upon call of the roll thereon the vote resulted as follows: Mr. Patrick – yea; Mr. Foley – yea; Mr. Coffman - yea. The resolution was therefore adopted the 20th of August 2019.

Other: None

CORRESPONDENCE:

Miami University - A pamphlet with the fall schedule of their major cultural and entertainment events.

WORK SESSION: None

EXECUTIVE SESSION: None

At 7:20 p.m. Mr. Patrick called for a ten-minute recess before opening the public hearing for the VT-PUD application submitted by John Fererle.

7:30 P.M. ZONING MAP AMENDMENT HEARING

Mr. Patrick opened the public hearing to consider an application to rezone 40.700 acres located at 5615 Lytle road and the rear 1.29 acres of 5621 Lytle Road from R-1 to Village Transition PUD.

Mr. Patrick asked that everyone be respectful and respectful of everyone's time with no outbursts.

MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING HELD AUGUST 20, 2019

Mr. Patrick turned the meeting over to Mr. Edwards to give the reason for the hearing, which he did along with a PowerPoint presentation (**attachment 1**) of the details and merits.

Mr. Patrick asked if there were any comments from the applicant, John Federle.

John Federle (5615 Lytle Rd.) gave a handout, which he said basically included some of the numbers that Mr. Edwards had just went over. He then thanked Mr. Edwards and staff for their guidance through the application process.

Mr. Federle said he was asking for approval of his conceptual plan which he said was in compliance with all of the requirements set forth for a Village Transition PUD. He said it addresses all of the recommendations given by Warren County Regional Planning and the Wayne Township Zoning Commission. He told about the lot sizes and the house to acreage ratio, which he said was comparable to that of the Lytle Trails subdivision. He said he didn't have all of the answers to how the development would affect storm water flow upstream and downstream but said he did know that water must enter and exit at the rate that it does now and if approved he would be able to move forward with engineered drawing to address those concerns. He told about the steps he had went through to get to this point of the application process. He said he had received from the Warren County Regional Planning Commission and the Wayne Township Zoning Commission.

Mr. Patrick then opened the floor to proponents (those in favor) of the proposed development and asked that as they come forward to state their name and address.

Amy Lamoreaux (7572 Corban Dr., Canton, MI) stated that although she doesn't live in this area she is representative of someone who may be interested in purchasing a lot and living in a development as proposed. She said this type of development is something that would enhance the community.

Mr. Patrick asked if there were any other proponents who wanted to speak.

Joette Dedden asked, "What if she's not for, or against, when could she talk"?

Mr. Patrick told her to come forward.

Joette Dedden (1232 Anthony Trace) stated that the lots sizes in the proposed development are bigger than any lot in the Thatcher Hill neighborhood in which she lives, which was an improvement. She said she doesn't think the development will hurt her property value or necessarily help it either. She stated, with that being said she approves of the development. She went on to say one big concern for her was the possible traffic that would be using White Rose Drive to cut through her neighborhood to access Old Route 73. She asked who would be providing maintenance on that street. She asked that the Waynesville Village Manager be contacted concerning a Traffic Study Impact (TSI).

Mr. Patrick asked if there were any other proponents or those that are neutral who wanted to speak. There were none

Mr. Patrick then opened the floor to opponents (those opposed) to the proposed development and asked that as they come forward to state their name and address.

MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING HELD AUGUST 20, 2019

Michael Mattarock (5563 Lytle Rd.) had a handout that he shared with the Board and asked that it be submitted for consideration in a public record. He then spoke and read of his principle areas of concern, as listed on his handout, which were as follows:

“Spillover of Satterthwaite Run” – Mr. Mattarock said the current plan does not address spillover of Satterthwaite Run caused by water redirection, hydrology of concrete, limited detention, and environmental disruption the development will cause. He asked the Board to consider the spillover effect of Satterthwaite Run that would devastate his farmland and others downstream all the way to the Little Miami River. He said he wasn’t saying the development shouldn’t take place, just that it shouldn’t take place as proposed with this conceptual rendering.

“Unreasonable Use of Surface Water Drainage” – Mr. Mattarock said the current proposal does not address surface water drainage of proposed lots 2,3,4 and 5. He said as planned the development would significantly disrupt agricultural activity and usability of his land and effect the aquatic ecosystem on a parts of his land. He said one area that is not being addressed is what has been set by the Ohio Supreme Court. He said in the past two decades there have been over one hundred cases by the Ohio Supreme Court setting standards for unreasonable usage of surface water drainage.

“Walking Trail Design” – Mr. Mattarock said with the current plan the trailhead of the proposed walking trail dead ends without any warning onto his property. He said this design facilitates potential trespassing onto his property and should be redesigned to prevent such likelihood. He future stated that there is also safety implication due to the fact that his pond is just feet away from the walking trail.

Tom Duerr (5249 Lytle Rd.) Mr. Duerr read from a prepared statement and spoke of his concerns. He said he is opposed to residential housing density ratios that are not consistent with the Wayne Township Comprehensive Plan and the doctrine set forth. He read sections of the Comprehensive Plan which concerns residential housing density. He said when everything, such as the floodplain and everything else, is taken into consideration the proposed development does not meet the Comprehensive Plan. He said the Village Transition Zone PUD does not preserve the township quality of life and rural character. He further stated that the voters and tax payers had made their vote heard with their ballots cast on May 7, 2019 with over eight-five percent rejecting the last attempt of this Village Transition PUD. He asked the Board to please listen to the voice of their voting residents.

Diane Colvin (4337 N. Waynesville Rd.) stated that she believes the application is invalid as it was filed by Mr. Federle, yet included 1.29 acres which are owned by Tom & Lisa Patton. She said the Pattons did not sign the application, file a separate application or pay a fee for a separate application. Therefore, she said she does not think it meets the requirements set forth in the township zoning code. She also spoke of what she referred to as an unwarranted threat of the property being annexed into the village. She gave the board copies of a letter dated March 14, 2007 in which Mr. Federle was asking the Waynesville Village Council to consider annexation of the property, on which she said the Council took no action. She then said the Village Council had passed a resolution within the past year stating that they do not want to annex this property. She said she felt the threat of possible annexation was therefore invalid and should be ignored. She also spoke concerning a cost of community service study that was presented at the July 9th Warren County Regional Planning Commission meeting. She said if the Board approved this application they would be passing the buck back to them and they would have to get it a referendum to have it on the ballot again. She asked the board to not approve of the application.

Zachary Gallagher (1264 Adamsmoor Dr.) said the Board knew how the people in the room felt about the proposed development. He then said that during Mr. Edwards reading of the recommendations made by

MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING HELD AUGUST 20, 2019

County he said the County specifically used wording of greater than one acre, but Mr. Edwards kept referring to it as one acre or greater.

Ms. Lowing and Mr. Edwards both confirmed that although the County stated greater than one acre the township zoning code requirement reads equal to or greater than one acre.

Anna Garafolo (5145 Lytle Rd.) spoke concerning the 2030 Wayne Township Comprehensive Plan. She said she didn't think it should extend for that length of time (ten years), as it is not effective due to society and the way things change. She said it should not be any more than five years and suggested that the Board should consider rewriting it. She also spoke concerning the property setback requirement of twenty-five foot, which she said she thought should be greater and also spoke concerning potential problems with an increase in traffic flow. She further stated she did not see how adding houses economically enhanced the area as someone had previously stated.

Fred Winkler (8648 Compton Rd.) spoke concerning the impact this development could have on the school system. He said it could add an additional sixty or more students to the school system. He also spoke concerning funds for possible upgrades that may be needed of the water and sewer systems. He further stated that studies should be conducted, by adequate firms, to show the impact a development would have on the existing infrastructure before it is approved for development. He said the expense of infrastructure upgrades are eventually passed down to the residents. He further stated that the voters had recently spoken concerning this development and would speak again if necessary.

Andrea Caster (5567 Lytle Rd.) asked who would maintain the green space (open space) area if the development was approved.

Mr. Edwards and Mr. Federle both confirmed that there would be a home owner association which would be responsible for the maintenance of the green space (open space).

Eugene Jackson (4161 Laura Marie Dr.) spoke concerning water flow from the property and the need of a study to find out how the water could be directed so it wouldn't flood other people's property.

Elaine Heismann (9300 Old Stage Rd.) spoke about how beautiful this piece of land was and asked the developer why he was asking for a variance when he could build beautiful homes on larger two acre lots. She said the developer may get more community acceptance if he stayed within the zoning requirements. She said no one wants the development approved with the smaller lots and it would only get voted down again.

Rob Glaser (4590 Lytle Rd., Waynesville, OH) spoke concerning the proposed developments lot sizes and the variance from the two-acre lot requirement. He said he would like to see a continuance of the two acre lots and asked the Board to deny the variance request. Mr. Blazer asked if a mulch walking path was ADA compliant and if this development was laid out under the old FEMA floodplain map or the newer FEMA floodplain map.

Mr. Federle answered that he did not know if a mulch walking path was ADA compliant but did not answer the question concerning which FEMA floodplain map was used in the layout of the proposed development.

Andrew Felon (5566 Lytle Rd.) spoke concerning an increase in water runoff from the property if the development was approved. He also spoke concerning a potential problem Mr. Mattarock may face with trespassers on his property coming from the proposed development. He told about an incident he had encountered with children from the Creekview Acres subdivision, which is across the road from the proposed

MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING HELD AUGUST 20, 2019

Development, trespassing onto his family's property. Mr. Fenlon also spoke of his concerns of an increase in traffic on the surrounding roads. Mr. Fenlon stated that he thought the Board should consider doing away with the Village Transition Zone

Bryan Linkous (4511 Laura Marie Dr.) spoke concerning the charm of the community as it is and said he would like to see that maintained. He spoke against the proposed smaller lot sizes.

Jake Winkler (8648 Compton Rd.) spoke in opposition to smaller lot developments and what he thought were some of results of such. He further stated that he was against the proposed development.

Jane Michener (5565 Lytle Rd.) spoke of her concerns of trespassing and trash that could come from the proposed development onto neighboring properties, and the twenty –five foot building set back.

Paul Michener (5565 Lytle Rd.) spoke concerning how Wayne Township was during his earlier days and how things have changed during his lifetime. He spoke about the cost of land and building, and of recent developments in the surrounding communities. He said things are going to change and we all have to get use to the change.

Rob Myers (5708 Thomas Dr.) spoke concerning growth in the community and the opposition of the residents to the proposed development. He said not only do the residents not want this plan but they do not want the precedent that it would set for future plans.

Brett Hunter (5033 N. U.S. Rt. 42) said he thought this had already been voted down and asked why we were back to this point. He said he supported two acre lots.

Mr. Patrick explained that this was a new application and as such had to go through the legal process.

Mr. Federle spoke and tried to answer questions and comments that had been brought up. He said there would be a Home Owners Association to maintain the green space (open space). He said there were previous comments stating that this was a variance. He said it is not a variance as it was a part of the Wayne Township Zoning Code. On the question concerning what floodplain was used, he said he was sure it was the same one that was used last year and would expect the engineering firm which he has used, which is Choice One Engineering, to use the latest information that is available. He said the reason for the smaller lots rather than two acre lots is because of the availability of sewer. He said credit should be given for the green space (open space) that is included in the proposed development. He said as far as setting a precedent, when you can have a density of .66 homes per acre where you have sewer available that in his opinion is the type of president you would want to set. He said this development was no denser then the Lytle Trails subdivision.

Mr. Patrick spoke concerning Ohio Revised Code 519.021 which addresses planned unit development regulations. He said that section states that a planned unit development is to be for the general public welfare or to further the purpose of promoting the general welfare. He asked Mr. Federle if he could identify how the proposed development would serve the general welfare or how it would help or how it prospers our community at large.

Mr. Federle said he was going to try to speak from memory concerning a section of the Wayne Township Comprehensive Plan which says Wayne Township can be developed without regard to a person's race, income, or physical abilities. He said he thought this site could give you the option to build a new home in

**MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING
HELD AUGUST 20, 2019**

Wayne Township and not have to be willing to spend a half a million dollars. He said most homes on two acre lots are now selling for about \$450,000.00 and up. He said this would give the township a development where a house could be built for about \$300,00.00 and up. He said he's not saying there wouldn't be more expensive home with a range of \$400,000.00 to \$500,000.00.

Mr. Coffman asked if approved would a perspective land owner have the option of selecting their own builder or would the development be limited to one builder.

Mr. Federle said that hadn't been decided yet. He said this is a conceptual drawing.

Being no further questions the VT-PUD public hearing was closed at 9:11 p.m.

There was about a thirteen-minute conversation among the Board and Mr. Edwards concerning the application. During this time Mr. Federle stepped towards the podium and told the Board that he was acting as the Patton's agent.

Mr. Patrick thanked all of those who were involved and engaged in the process of the VT-PUD hearing.

Mr. Patrick than made a motion for a roll call vote on approving of the plan as submitted. Mr. Coffman seconded the motion. The Fiscal Officer was somewhat confused by the verbiage used in the motion and stated that this vote would be just to approve the use of a roll call vote on the application. Then upon call of the roll thereon the vote resulted as follows: Mr. Foley – yea, Mr. Patrick – yea, Mr. Coffman - yea.

Upon vote of Mr. Patrick's previous motion of approving the plan as submitted and Mr. Coffman's second the fiscal officer called the roll and the vote resulted as follows: Mr. Foley – nay, Mr. Coffman – nay, Mr. Patrick – nay. The VT-PUD zoning request was therefore denied the 20th day of August 2019.

ADJOURNMENT: Being no further business, Mr. Patrick moved to adjourn at 9:27 p.m. Mr. Foley seconded the motion. The motion passed with a unanimous vote.

President, Board of Trustees

Fiscal Officer