

The Board of Trustees of Sugarcreek Township, Greene County, Ohio, in Special Session on February 22, 2012, at 7:30 pm, at 2090 Ferry Road, Bellbrook, Ohio 45305.

1. Chairperson Nadine Daugherty called the Session to order at 7:30 pm.
2. All rose and recited the Pledge of Allegiance to the Flag.
3. Mr. Hodson called the roll with Board Members Scott Bryant, Mike Pittman and Nadine Daugherty being present. In addition to Township Administrator Barry Tiffany and Elizabeth Ellis(Greene County Prosecutor's Office), others present who signed in were Don Morrison, Randy A. Weidle, James Jenkins, Ricki Hewitt, Joseph Slater, Byron Brucken, Jill Weckesser, Steve Rodenroth, Daren Fussner, Cheryl Henderson, Audrey and Eric Smith, Kurt Spilger, Rich and Susie Yannitti, David DeBrosse, Beki Lihman, Scott IIminer, Laurie Sadler, Lyle Hallen, Linda Edwards, Larry Edwards, Matt Bonavita, Jason Hemmert, Valerie Kash, Joe Muchnij, Jean Purdom, Kenneth Hensley, Lara Cavanaugh, Vivian Morrison, Dan Papay, Cristy Rittenhouse, Tommy Phillipson, May Tong, Stephen and Stephanie Vokocich, Dan Powers, Sandy Porter, Ann Galle, Cheri Skiles, Rick and Vickie Joyner, Eric Smith, Richard Miller and Kyle Miller.
4. Trustee Introductions
Mrs. Daugherty started introductions by asking the Board and staff members to introduce themselves and there position or Office of Government.
5. Purpose of Town Hall Meeting.
Mrs. Daugherty said the meeting was called for the purpose of hearing from the residents of the neighborhood on this long term issue. She said no action of the Board is to be expected during this meeting, This is a fact-finding meeting and the Board will consider formal action at their next regular meeting on March 5, 2012.
6. History of Parking Issues in Kable's Mill
Mr. Tiffany said, around the turn of the century, concern had been raised about parking and at that time about 120 signs were posted in the community. They had subsequently been removed and replaced in accordance to sign standards but not in accordance to the law. As a Township, we are limited by the Ohio Revised Code to what authority we have. The current signs are not enforceable. To do so ,a resolution would have had to been passed and advance notification would have had to been posted through public media etc. That was not done previously. The meeting tonight is to try to bring this issue to a close and hear from the residents. The signs there today cannot be enforced and the courts will not acknowledge issued tickets.
7. Public Comments
Mrs. Daugherty invited all to speak, who wished, and instructed all who do so to approach the podium and state their name and address. Mr. Bryant said, in your packet is a draft resolution. He said we have to have a starting point so we created a resolution addressing the complaints we have heard. This is just a starting point of what we are thinking about but we want to hear from you. Mr. Pittman said he didn't think we had any copies of the O.R.C. 505.17 but we can make some. Mr. Messer left the room and returned with copies of the O.R.C. to distribute. Mrs. Daugherty said we all agree, as a Board, to do whatever we can. Mr. Bryant said Miss Ellis is here to advise us. She said at last nights meeting, whatever we do here, to ask ourselves what is the governments interest. This is the issue Miss Ellis will have to address if anything were to go to court.

Mr. Tiffany reviewed some E-mails from those who couldn't attend.

Cindy Sparrow, 3383 Heritage Trace, said she was concerned about not getting her mail delivered and the kids driving crazy.

Susan Kratzer, 1269 Katrina Court, said traffic blocks the line of vision at the end of streets and creates a safety problem.

Mr. Tiffany said he talked today to Diane Jackson , Shadow Dr., who is concerned about the speeding cars.

Those speaking at the podium.

Beth Purdom, 1359 Rose lake Dr, said she has stopped cars and asked them to slow down but with no response. She said there are kids around and the cars fly through there. Mrs. Daugherty asked how fast. She said she guessed about 35 to 40 miles per hour. She said the kids walk across our yards and will leave trash. She also said it was hard to back out of her driveway with cars parked across the street.

Lara Cavanaugh, 1241 Amberwood, asked if any planned action is for school days or all days. Mrs. Daugherty said we have not made any decisions yet. Mr. Pittman said this is part of the problem, we cannot enforce anything discriminatory. Miss Ellis said we could put up 2 hour time restrictions but cannot discriminate just against school kids.

Ann Galle, 1296 Katerina Ct., said safety is the biggest issue. She said she has three kids who get on a bus at the corner. She said one has to cross the street to get the bus and I am concerned. She said after school they turn around in her cul-de-sac and one drove up through her yard. She said at 2:45 when school lets out its a party. She is afraid there will be a tragedy before it is resolved. She thought placing a parking time for all may help. Mr. Bryant asked if your friends parked there and got a ticket would you be upset? She said she understood that 'no parking' is 'no parking' but maybe limited time may help. Mr. Bryant said this is one of his concerns. At some point we will be issuing tickets we don't want to issue and people will be upset. He said he didn't want that to happen. Mrs. Galle said the kids know now that the signs are not being enforced and the problem has grown and grown. Mr. Pittman said maybe, if the path where they cross onto school property is owned by the Home Owners Association, we could make it no trespassing except for home owners and guests.

Laurie Sadler, 1356 Rose Lake Dr., said she is worried that emergency vehicles may not have room to get through if there were an emergency. Mrs. Daugherty said we have driven fire trucks through there to make sure they could get through. Mrs. Sadler said she was sure there have been days they could not. She said kids have broken her gate latch and trespassing is a concern. She has seen cars driving 35 to 40 miles per hour and safety is a real problem.

Mrs. Sadler said she was told some of the home owners have given permission for them to park in front of there houses. How can they do that, they don't own the street. Mr. Pittman said he has heard some are parking there with permission and that home owners are also parking in the street.

Cheri Skiles, 3349 Seton Hill, said she moved to the neighborhood last November and said safety was her number one concern. She said she understands problems with parking restrictions and suggested strict enforcement of speeding laws. Mrs. Skiles said she didn't know if unmarked Police vehicles were available. She said speeding tickets are expensive and accumulation may result in loss of license. She would like to see if enforcing the speed limits would make a difference. Mr. Tiffany said, in the State of Ohio, unmarked vehicles were not permitted for traffic enforcement. Chief Deaton confirmed that and said we are trying to enforce the speed limits but the kids have a better spy network than the drug dealers. As soon as we are in the neighborhood, they know. Mr. Tiffany said part of our plan is to do more patrolling regardless of what we do with the signs. Mr. Tiffany said if we pass a resolution with restrictions similar to those in the draft resolution, tickets can be issued and will be issued to the owners of the offending vehicles, many of which will be parents. He said he was sure ticketing will make a difference.

Dan Papay, 1279 Pewter Ct., said the draft resolution, as written, is like hitting a fly with a stick of dynamite. The very first sentence of 505.17 seems to allow the restrictions to be applied in a limited area. He said eighty five percent of Kables Mill is not affected and it is a limited problem. Miss Ellis said the law cannot be selectively used. You can target limited locations but not certain groups of people. He said he was a member of the H.O.A. Board and has not heard complaints about this but has received complaints about recreational vehicles on the streets and would like to see restrictions for 48 hours of parking on streets for them.

Linda Edwards, 3352 Seton Hill, said if the signs mean nothing, are they coming out. Mrs. Daugherty said they will be removed. Mrs. Edwards said their house is for sale and she hopes no one comes to see it when schools just out because it will probably decrease the value of their house. She also said, the other day, a car was parked on the wrong side of the street facing the wrong way. . She said it's not just on Rose Lake, it's on Seton Hill also and she thinks they are driving faster than forty miles par hour.

Joe Brucken, 1226 Amberwood, said he thought the meeting was all about student parking and not speeding. He said he has lived there for sixteen years and sees adults driving as fast as the students and sees more adults on cell phones. Some may be doing fifty miles per hour. He said he drove the area today and saw 25 cars on the street on Heritage Trace, Seton Hill, Rose Lake and Katerina. Nine were at Rose Lake and Katerina. Mr. Brucken said he thought the proposed thirty feet restriction would be wonderful and five feet on the driveway was good but may not help the mail delivery. He suggested a time frame be posted on signs in the needed areas with a two hour limit and not just for students. He said Centerville has done so on the street across from the High School with good results. Mr. Brucken said he didn't think the 'crazy' driving was only the students.

Audrey Smith, 1399 Heritage Trace, said she has lived there for eight years and there are continual problems with student parking. She said there were twenty to twenty-five cars parked on the streets today. Mrs. Smith brought pictures on her computer to show the Board. Mr. Tiffany hooked the files up to show through a projector onto a screen for all to see. Mrs. Smith identified all the locations in the pictures. She said it was a nuisance and inconvenience. She said there have been problems with service providers. Mail delivery and trash pick up have both been problems at times. Mrs. Daugherty asked if she had any letters from service people regarding problems. Mrs. Smith said she could get them. She said there is a problem with school buses turning at some intersections. Sometimes they are forced to drop off children at another area. She said there have been occasional fights and some people feel intimidated. Mr. Bryant asked if she could wait for a moment until the Board reviewed the pictures. After review Mr. Pittman said maybe the best thing to do is to get a petition to present to the School Board. Mrs. Smith said the school chooses not to be responsible. She said they would like to do a petition. She said they can park on school grounds anytime except during school. She said the snow plows have to plow around cars. She said a lot of people have small children and you cannot see them around cars. Mr. Tiffany said, after viewing the pictures, many cars were definitely within thirty feet of the intersection. Mrs. Smith agrees they were definitely in violation. She said the solution is to put the kids on school property where they belong.

Joe Brucken, 1226 Amberwood, restated his count and location of the cars in the area and said he knew that at least a half dozen belonged to residents.

Stephanie Vukovich, 3417 Heritage Trace, said in the last few weeks it has been getting progressively worse. She said I have a three year old and the bus driver couldn't make the turn to pick him up. Mrs. Daugherty said the problem is spreading because we can't enforce it. Mr. Bryant said he wanted to hear more about the bus. Mrs. Vukovich said they could pick him up but they had to walk down the street where they could do so. She said they went out of their way to drop him off at the front of the house. Mrs. Daugherty said we support the schools but are disappointed they are not taking any responsibility. Mrs. Vukovich said she thinks its ridiculous that the school charges fifty dollars for a parking pass. She said one kid parks in the morning and five or six leave in the same car when school is out.

Ken Hensley, Bellbrook Post Master, said he has only been here for thirty days. He said he gets up to ten calls a day on this issue. Mr. Hensley said we have stipulations from the customer side regarding mail delivery. Mr. Bryant said there have been several complaints on mail delivery. Mr. Hensley read the postal regulations for the mail box. He said rural carriers deliver the mail where the problem is. If the box is not kept open for delivery, the driver does not have to deliver it. He said he has no authority to change the regulations. He said the driver has certain regulations for parking and leaving the vehicle. He said our rural carriers have brought mail back with them. He said he has asked the carriers to accommodate the residents as much as possible. He said he has had six calls today but keep in mind it is Wednesday and there may not have been mail to deliver. Mr. Bryant asked how much space do you need to deliver? Mr. Hensley said it depends if the road is straight, bending to the left or to the right. He said if they park in the street to deliver they must follow regulations. He said if there were an accident and regulations were not followed, the driver could be at fault. Last week, he said, a child ran out between the cars. Miss Ellis asked if ten feet on either side of the driveway would work. Mr. Hensley said that would probably work. Mr. Hensley said the regulations state it is up to the owner to control the space in front of the house. Miss Ellis said, in general, if there were ten feet on either side of the mail box would it work. Mr. Hensley said probably yes.

Mr. Tiffany said mail delivery can also be a safety issue because many people receive prescriptions through the mail.

Varerie Kash, 1316 Rose Lake, said kids cut through her yard and so do those who park on Seton Hill. When school is out it is a circus for about twenty minutes. She said she has lived here since 1997 and this year is the worst. She said there is one in the car when they park and three to five when they leave. She said there is a lot of horseplay and it is really a safety issue. She said it would be nice if they could park at the school and wished the school would get involved. She said the kids harass her dogs and thinks property values are lessened by the situation.

Steve Rodedroth, 3390 Heritage Trace, said at 2:45, when school lets out, I won't let my kids or dogs out. Their driving habits are poor. He said he thinks the solution is to petition the schools to change the parking rules. Mr. Bryant said the schools have School Boards and they are elected officials. Mr. Pittman said its groups like this that get things done.

Jill Weckesser, 1315 Rose Lake, said she likes the thirty feet for the intersections but agreed five feet was enough for the driveways. She said she thought this would cut down on the volume. She asked if the walkway could have the thirty foot restriction. Miss Ellis said, with no sidewalk, it may present some problems.

Don Morrison, 1238 Amberwood Court, said he sees a lot of speeders on heritage trace. He said it is not just students but a continuing problem.

Mrs. Daugherty suggested a break to let Chief Deaton speak on a few issues.

Chief Deaton said we have a very active traffic unit but do not write a lot of tickets. He said manpower is always an issue to give equal attention to all areas. He said we have redesigned our efforts to focus inward. He said we are shrinking the coverage of our cars to get them more into neighborhoods. Chief Deaton said we do thousands of neighborhood checks every year. He said we will go into your neighborhood and will run traffic control and keep doing so , but with time the problem will reoccur. He said all neighborhoods have speeding problems. He said he is saddened that he has not had more calls regarding all of the problems being brought up tonight. Chief Deaton said we can get cops there but you have to call us. A resident spoke up and said he heard there was a problem at 2:45 pm when school is out because of a shift change at 3:00 pm. Chief Deaton said the shift change will not be a problem and please call me on any issues.

Audrey Smith, 1399 Heritage Court, said Officer Colon has done an excellent job. She said when I have called, you have been out there. She said again, the problem is, the school is putting their children on our property. Chief Deaton said from a Department standpoint we can always do better. He said Officer Colon is doing a great job and thanked Mrs. Smith for her comments.

Matt Bonavita, 1268 Katerina Ct., said when cars are parked on both sides of the street, they interfere with mail, emergency vehicles and snowplows. It is a safety issue. He said he is very respectful of the public servants we have and told Mr. Messer he was sorry the road levy didn't pass. He said he believes the solution to the problem is to get them to park at the school. As a Citizen, he doesn't want to lose his right to park on the street.

Mrs. Daugherty asked Mr. Messer if we have problems with the snowplows. Tracey responded that we do and that we plow around cars when we have to and just leave one lane open.

Randy Weidle, Seton Hill, said he lives on the corner of a cross street and if we go thirty feet on intersections and ten feet off mailboxes that doesn't give me a place to park by my house. He said he would like to see the restrictions confined to the problem area and not the whole development.

Eric Smith, 1399 Heritage Trace, said the solution needs to go back to the school. He said there are thirteen houses for sale in the area and it will devalue the property.

Joe Muchnij, 1214 Cottonwood Ct., said regarding the thirty feet on intersections , I live on a T-intersection so be careful how you craft your regulations.

Scott Lumina, 3090 Seton Hill, said because of where the buses park to let off and pick up kids at the school, or for some other associated safety reason, there may be no ready available space for added school parking. Mr. Bryant said we are not here to say the school has any solution.

Darrin Fussner, Heritage Trace, introduced himself as President of Kable's Mill Home Owners Association. He told Miss Ellis he was a little confused about the legality of the parking restrictions and the constitutionality. He asked if the concern is the risk of a federal lawsuit. Miss Ellis responded not just federal. She said it can happen in any court.

Mr. Fussner said we do have laws that target individuals, for example, riding in the back of a pickup. Mr. Tiffany said that is targeting an action and not an individual. Mr. Fussner said it is hard to see the difference. Miss Ellis said you cannot enact legislation to be intentionally enacted upon a specific group, it is illegal. She said regarding restricting the parking, a time restriction would be the best. However, if the home owners wanted friends over after a funeral or for a garden party we wouldn't want people ticketed for illegal parking. It is not appropriate to generate legislation to control a group of people. Mr. Fussner said the school seems to want no part of the problem. He said they won't even consider making announcements. He asked if anyone invited the school to the meeting. Mrs. Daugherty said she did and no one was here. Mr. Fussner said "there you go". Mr. Fussner said the multiple students in vehicles could be enforced. Miss Ellis said regarding juvenile law, if you can get evidence and bring it to Chief Deaton, anyone can file a complaint. If you want to do a neighborhood watch you can get evidence and we can do something about it. Mr. Tiffany said a still picture of an erratic vehicle won't fly but possibly a video.

Mrs. Daugherty asked Mrs. Smith about calling the school. Mrs. Smith said she got very little response. Mr. Fussner said when he read 505.17 and it said the Township had the authority to enforce parking it seemed like a simple fix. We got tied down in red tape. Mr. Fussner said, whatever we have with the draft resolution we need to tweak. Obviously five feet on the mailboxes is inadequate. Mrs. Daugherty said "not tied down but the problem is bigger than we thought". She said this meeting will help a lot. Mr. Bryant said we want to make sure of what we do and that you understand the consequences of what we do. He said we need to make sure we think through the impacts, for they will surely affect someone.

Laurie Sadler said if you are ticketing and the vehicle belongs to a home owner you could move on to the next. Chief Deaton said we cannot do that. The law has to be enforced equally. Miss Ellis said there could be two hour parking with permit exemption. Mr. Bryant said authorized parking only has been discussed but it brings up new problems, for example, who has permits. Mr. Fussner said if permits were issued they could be placed on the dashboard for Officers to see. Mr. Pittman said he heard someone say if we enforce the parking they will start parking in East of Eden. There is a sidewalk now on the books to run from there to the High School.

Larry Edwards, 3352 Seton Hill, if you have two hour parking, couldn't the home owner just call the Police and say they are having a party or family over. Chief Deaton said he cannot enforce the law unfairly.

Anne Galle said why couldn't we have parking restrictions from 8:00 am to 1:00 pm on school days. Mr. Tiffany asked for what purpose. Mrs. Galle said it's all about safety issues. Mr. Bryant said a child not being dropped off at a proper stop is a safety issue due to parking. Mrs. Galle said the safety issues are on school days. What we have for the draft resolution should get around the blocked bus stop problem.

Mrs. Daugherty said this has been for fact finding and we now have a lot of those. We are not making a decision tonight.

Mr. Bryant said thanks for coming out. He said this is an emotional issue without an easy solution. He said we will take what we have and try to come up with something. Mr. Bryant said please call the police on speeding and trespassing issues.

Mr. Pittman said he would like to reiterate Scott's comments and thanked everyone for coming. He said this is Township Government and how it's supposed to work. If we put signs on the path for trespassing we can do something, but homeowners have to call the police.

Mr. Fussner said no one person owns the walkway. It is owned by the H.O.A. Mr. Tiffany said what if owners on the walkway were given authority. Mr. Fussner said the pathway was owned by a corporation. Mr. Pittman said it was just a suggestion. Miss Ellis said you can't do anything about trespassing without calling the police.

Mrs. Daugherty again suggested they talk to the School Board.

Mr. Bryant moved to adjourn. Mrs. Daugherty seconded. Roll was called with the vote being as follows:

Mr. Bryant – Yes
Mr. Pittman – Yes
Mrs. Daugherty – Yes

The meeting adjourned at 9:35 pm.

Theodore L Hodson, Fiscal Officer