

**The Board of Trustees of Sugarcreek Township, Greene County, Ohio, in Regular Session on August 5, 2013, at 7:00 pm, at 2090 Ferry Road, Sugarcreek Township, Ohio 45305.**

1. Mr. Pittman called the session to order at 7:00 pm.
2. All rose and recited the Pledge of Allegiance to the Flag.
3. Mr. Hodson called the roll with Board Members Nadine Daugherty, Mike Pittman and Scott Bryant being present. In addition to Mr. Tiffany, Township Administrator, others present who signed in were Jim Martin, John Baldino, Barry and Norma Raysor, Chris Ewing, Donna Hellman and Pete Rammel.

Mr. Pittman said Chris Ewing, from the Bellbrook/Sugarcreek Chamber of Commerce, is with us tonight and she would like to say a few words.

Ms. Ewing said the Chamber Directory will be going out soon and if anyone had any changes or additions they should get them in to us. She said, on request, they go all over the country. She also said the annual golf outing is coming up and that Mr. Tiffany has a pretty good team.

4. **Community Activities**

Mr. Pittman said the Lion's Club Festival is coming up next week. Chief Brown said the National Night Out event will be tomorrow night in Target's parking lot.

5. **Public Hearing** – Authorizing Text Amendments to the Zoning Resolution Regarding the Addition of a PUD-R (Planned Residential District).

Mr. Pittman said there has been an interest in development of properties bordering other municipalities. He said the Board has been concerned that with our current zoning, we may not be able to retain those properties. Mr. Tiffany and Mrs. Tilford have been working on this issue and it has led to these proposed changes. Mr. Bryant moved to accept Resolution 2012.08.05.06. Mrs. Daugherty seconded.

**Resolution #2013.08.05.06**

WHEREAS, on April 15, 2013, this Board of Trustees initiated text amendments to the Zoning Resolution by passage of Resolution 2013.04.15.10; and,

WHEREAS, the proposed text amendments included the addition of a PUD-R (Planned Residential District) and amendments to other sections of the Zoning Resolution impacted as a result of the addition of the new district; and,

WHEREAS, the Board of Zoning Commission held public hearings on May 14, 2013, June 11, 2013, and July 9, 2013, for the purpose of considering and deliberating on the proposed text amendments as well as considered the Greene County Regional Planning and Coordinating Commission's recommendation and the opinion of the Greene County Prosecutor's Office with respect to the proposed text amendments; and,

WHEREAS, after deliberating the above mentioned text amendments, it was determined by the Board of Zoning Commission to recommend approval of the proposed text amendments, as amended by the Board of Zoning Commission, to the Sugarcreek Township Board of Trustees; and,

NOW THEREFORE, BE IT RESOLVED, the Sugarcreek Township Board of Trustees does hereby authorize the text amendments to the Zoning Resolution to add a PUD-R (Planned Residential District) and amendments to other sections of the Zoning Resolution impacted as a result of the addition of the new district.

BE IT FURTHER RESOLVED, that the effective date of these text amendments will be thirty (30) days from the date of this Resolution.

Mr. Bryant moved to open the Public Hearing and Mrs. Daugherty seconded. Roll was called with the vote being as follows:

Mrs. Daugherty - Yes  
Mr. Bryant - Yes  
Mr. Pittman - Yes

Mr. Pittman asked Mrs. Tilford to provide a summary of the proposed amendments. A copy of Cara's report will be appended to the permanent record. Cara said the text amendments initiated propose the addition of a PUD-R (Planned Unit Development- Residential) District to the Sugarcreek Township Zoning Resolution. She said the current R-PUD District would be renamed Residential Planned Unit Conservation Development District (R-PUCD). Cara said the recommendations from the Greene County Regional Planning and Coordinating Committee have been implemented. She said the Greene County Prosecutors Office has found no issues with the amendments. Cara said the BZC recommends approval of the text with the BZC changes noted in Cara's report.

Mr. Pittman said the proposed amendments were open to discussion.

Mr. Bryant said he likes the current PUD-R terminology. He said he was happy with the way things went and thinks the changes protect the core of the Township. He said his one concern is that with open changes we don't float to the lowest common denominator. Mr. Pittman said he has the same concern. Cara said densities are described by the comprehensive plan and it looks like we're going to another definition of parcels for those contiguous to other entities. Mr. Pittman said he agrees with Mr. Bryant that it allows for flexibility. Mr. Pittman said he hopes we can work with developers so the quality of developments can be maintained.

Mrs. Daugherty said she was not fond of this but agrees with Mr. Pittman that we need to work on quality so it all works into one nice picture. We need to work with the developer in those areas where we might be annexed. Mrs. Daugherty commended Mr. Tiffany and Mrs. Tilford on their efforts. Mr. Tiffany said Cara did the work.

Mr. Schieman, Chairman of the BZC, said the Board has discussed Mr. Bryant's concerns. He said the BZC is not going to give away the shop. Mr. Schieman said we are going to negotiate quality. He said we have leverage with our branding and we will be tough negotiators. Mr. Bryant said he wanted to hear that conversation. He said being in Sugarcreek has to mean something to the developers.

Mr. Pete Rammel asked if the property owners have been notified. Mr. Tiffany said we are not rezoning, but the text is being rewritten. Mr. Rammel talked about developer's open space. He said open areas are not being maintained. He said HOA's don't care, particularly in the north of the Township. He said we need to get some control. Mr. Pittman said his point was well taken. Mrs. Tilford said we have talked with the Prosecutor's Office to put in amendments for HOA's to help us with this problem. Mr. Rammel said we don't need Park's every mile. Mrs. Daugherty said the open areas are not like Public Parks but are related to the development area. Mrs. Daugherty agreed with Mr. Rammel that there are some bad areas and asked if we could look into it. Mrs. Tilford responded that we would.

Mr. Bryant said we are not changing any zoning, but creating a zoning area that is available for residents to rezone to. Mr. Tiffany added to 'request' to rezone to.

Mr. Bryant asked if all were in agreement to change the name. Mr. Pittman asked Cara what she thought. Cara said she thought either one was okay. Mr. Bryant said then we will keep it as is(R-PUD and R-PUCD). Mr. Pittman and Mrs. Daugherty said they were okay with it.

Mr. Bryant moved to close the Public Hearing. Mr. Pittman seconded. Roll was called with the vote being as follows:

Mrs. Daugherty - Yes  
Mr. Bryant - Yes

Mr. Pittman – Yes

Roll was called for the original motion to accept the Resolution:

Mrs. Daugherty - Yes

Mr. Bryant – Yes

Mr. Pittman – Yes

Mr. Pittman said we now have the Public Hearing for the wood boiler furnaces.

6. **Public Hearing** – Authorizing Text Amendments to the Zoning Resolution Regarding Table 4-6 Permitted Accessory Uses and Structures and Section 4.13 E. 11 Use Regulations for Wood Boiler Furnaces  
**Resolution #2013.08.05.07**

WHEREAS, on May 14, 2013, the Sugarcreek Township Board of Zoning Commission made a motion to initiate text amendments to the Zoning Resolution; and,

WHEREAS, the proposed text amendments included changes to Table 4-6 Permitted Accessory Uses and Structures and Section 4.13 E. 11 Use Regulations for Wood Boiler Furnaces was received; and,

WHEREAS, the Board of Zoning Commission held public hearings on June 11, 2013, and July 9, 2013, for the purpose of considering and deliberating on the proposed text amendments as well as considered the Greene County Regional Planning and Coordinating Commission's recommendation with respect to the proposed text amendments; and,

WHEREAS, after deliberating the above mentioned text amendments, it was determined by the Board of Zoning Commission to recommend approval of the proposed text amendments to the Sugarcreek Township Board of Trustees as initiated; and,

NOW THEREFORE, BE IT RESOLVED, the Sugarcreek Township Board of Trustees does hereby authorize the text amendments to Table 4-6 Permitted Accessory Uses and Structures and Section 4.13 E. 11 Use Regulations for Wood Boiler Furnaces.

BE IT FURTHER RESOLVED, that the effective date of these text amendments will be thirty (30) days from the date of this Resolution.

Mr. Bryant moved to accept Resolution 2013.08.05.07. Mr. Pittman seconded.

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

Mrs. Daugherty - Yes

Mr. Bryant – Yes

Mr. Pittman – Yes

Mrs. Tilford provided a summary of the proposed text changes. Her report will be appended to the permanent record. Cara said the text amendments impact the Township's regulation of wood boiler furnaces, making them permitted uses in the A-1 and A-C districts only. She said the use specific standards, specifically setbacks, for wood boiler furnaces are also being amended with this text amendment.

Cara said the Greene County Regional Planning Commission said that the amendment is 'clearly a policy change and is an appropriate action for the local jurisdiction'.

The Greene County Prosecutor's Office said 'differences in setbacks depending on EPA qualified models is not supported by statute'.

Cara said the BZC, on the July 9<sup>th</sup> meeting, reviewed the Regional Planning Coordinating Commission recommendation and passed a motion to recommend approval of the text amendments as initiated by the Board of

Trustees. She said these text amendments were proposed by the Zoning Commission after much discussion and research on wood boiler furnaces.

Mr. Pittman asked if there were any Trustee comments. Mrs. Daugherty asked if we looked at other Townships. Cara replied that she did and also a number of States that addressed the issue.

Mr. Pittman asked if there were any comments from the public.

Mr. Barry Raysor, 804 carpenter Road, said they have a farm house that is hard to heat. He said they added a fire place but it only heats 800 square feet using 5 to 7 cords of wood per year. He said after checking into a wood boiler they found it would heat 3,000 square feet using only 8 to 10 cords. He said they are very efficient.

Mrs. Daugherty asked Chief Pavlak if there were any safety issues with them. Chief Pavlak responded that if they are put in right there are not any.

Pete Rammel said he heats two houses with wood boilers. He said there are no problems if you use dry wood and use hard woods. He said he had a new house that cost \$500 a month to heat with electric. He said he installed a wood boiler and paid for it in two years. Mrs. Daugherty said she appreciated his comments.

Mrs. Nora Raysor said they have a service deliver their wood to them and they are very happy with their wood boiler. Mr. Schieman thanked the Raysors' for coming to the meeting. He said Cara provided them with all sorts of data and they couldn't have done a comprehensive study without her.

Mr. Pittman asked for any additional Trustee comments. Mr. Bryant said he thought what the BZC proposed was good and thanked those present for their comments. Mrs. Daugherty and Mr. Pittman both agreed.

Roll was called for the original motion proposed by Mr. Bryant with the vote being as follows:

Mrs. Daugherty - Yes

Mr. Bryant – Yes

Mr. Pittman – Yes

## 7. Reports

### A. Administration

The report prepared by Mr. Tiffany will be appended to the permanent record. He said he had nothing additional to add. Mrs. Daugherty asked about continued meetings with Bellbrook. Mr. Tiffany said Mark would like to wait until October to resume meetings.

### B. Fiscal Office

Mr. Hodson said he has not yet received a schedule for the Greene County Budget Commission Hearing.

### C. Fire

The report prepared by the Fire Department will be appended to the permanent record. Chief Pavlak said he will have new plans to review tomorrow from Centerville. He said they have weekly meetings regarding their 'Cornerstone' project.

### D. Police

The report prepared by the Police Department will be appended to the permanent record. Chief Brown said he had nothing to add.

### E. Roads and Services

The report for Roads and Services will be appended to the permanent record. Mr. Tiffany said we are finally getting our paving done. He said the good news is that we are \$22,000 under our budget. Mr. Tiffany said Jergens has a twenty foot wide paver and did Sears Road in one pull. He said Hensley will do the remaining paving. Mr. Bryant asked if there was anything new on the Directors position. Mr. Tiffany said we have one new applicant but he doesn't appear to be a great fit. Mrs. Daugherty said she wanted to

commend Mr. Tiffany and the Service Department for getting the work done. Mr. Tiffany said he wanted to mention that Tony Lamb's mother-in-law passed and services will be held tomorrow at Incarnation.

F. Zoning

The report prepared by Cara Tilford, Director of Planning and Zoning, will be appended to the permanent record. Cara said Deborah Jay's term is expiring on the BZA and she needs to be re-appointed. Cara said she has only missed two meetings. Mr. Bryant said he would like to see new appointments go through the BZC first but would like to meet with them.

G. Information Technology

The report prepared by Mr. Zappanti will be appended to the permanent record. Chris said he had nothing additional to report. Mr. Pittman asked Chris if he was pretty busy with dispatch. Chris said it is currently all consuming but they are making good progress. Mrs. Daugherty said she wanted to make sure we kept up on Community activities on our web site. Chris discussed the process, which involved our various departments and communication of information to Karen and Cara.

H. Trustees

Mrs. Daugherty said she attended the viewing for Mr. Fussner. She said he made a lot of contributions to our Community. She said she learned a lot from him and that he was a good man.

Mr. Bryant said he attended the Miami Valley Regional Planning Commission meeting. He said they have an open house coming up to review operations and would like to see it put on the website calendar.

Mr. Pittman said he attended the Greene County Regional Planning Commission meeting. He said we use them a lot and is concerned that their budget keeps getting cut. He said he attended the viewing this evening and a lot of Police Officers were there.

8. **New Business**

**Fiscal Office**

A. Approval of Minutes

Mr. Bryant moved to approve the minutes. Mr. Pittman seconded. Roll was called with the vote being as follows:

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

B. Payment of Bills

Mrs. Daugherty moved to accept the Payment of bills. Mr. Bryant seconded. Roll was called with the vote being as follows:

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

**Fire Department**

C. Authorizing the Township Administrator or Fire Chief to Enter Into a Memorandum of Understanding with the Greene County Amateur Radio Emergency Service (GCARS)

**Resolution #2013.08.05.01**

WHEREAS, the uninterrupted operations of the Township are necessary for the preservation of health, safety and general welfare; and

WHEREAS, a primary responsibility of the Amateur Radio Service is to perform public service communications for the general public, particularly during times of emergency; and,

WHEREAS, the Township Administrator and Fire Chief have reviewed the Memorandum of Understanding regarding the coordination of services for supporting disaster response and recovery operations in Greene County (hereto attached); and,

WHEREAS, the Trustees recognize the importance of coordinating these efforts and utilizing the services of GCARS and BARC during disaster situations,

NOW THEREFORE, BE IT RESOLVED that the Trustees hereby authorize the Township Administrator or Fire Chief to enter into the Memorandum of Understanding with the Greene County Amateur Radio Emergency Service (GCARS) and the Bellbrook Amateur Radio Club (BARC) for the coordination of services for supporting disaster response and recovery operations in Greene County.

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

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

Mr. Bryant asked Chief Pavlak how this works. Chief Pavlak said if there is an emergency communications failure, the Amateur Radio Emergency Service is a back-up network that can assist with Township communications and communications with other entities. The memorandum will be attached to the permanent record.

- D. Authorizing the Township Administrator to Enter Into a Memorandum of Agreement with the Greene County Board of Commissioners

**Resolution #2013.08.05.02**

WHEREAS, the uninterrupted operations of the Township are necessary for the preservation of health, safety and general welfare; and

WHEREAS, the Township Administrator and Fire Chief have reviewed the Memorandum of Agreement regarding the inspection and maintenance of fire hydrants which are part of the county water supply systems (hereto attached); and,

WHEREAS, the Trustees recognize this project as an important endeavor designed to ensure the township fire hydrants are in proper working order and are clearly marked and color coded for flow identification,

NOW THEREFORE, BE IT RESOLVED, that the Trustees hereby authorize the Township Administrator to enter into the Memorandum of Agreement with the Greene County Commissioners for the inspection and maintenance of fire hydrants which are a part of the county water supply systems.

Mr. Bryant moved to accept the Resolution as presented. Mr. Pittman seconded. Roll was called with the vote being as follows:

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

Mr. Tiffany said this was a long time coming. He said Chief Pavlak has worked on this a long time and got this done because it is a safety issue, not testing. Fire hydrants. Chief Pavlak said we have to be able to find the hydrants and know they work.

- E. Resignation of Part-time Safer Firefighter/Paramedic Michael S. Snyder

**Resolution #2013.08.05.03**

WHEREAS, Part-time Safer Firefighter/Paramedic Michael S. Snyder submitted his letter of resignation on July 23, 2013, from the Sugarcreek Township Fire Department; and,

WHEREAS, Mr. Snyder has been a member of the Sugarcreek Township Fire Department since March 4, 2013, and,

WHEREAS, Chief Randall J. Pavlak recommends in his July 24, 2013, correspondence that we accept the resignation of Michael S. Snyder,

NOW THEREFORE, BE IT RESOLVED, that this Board of Sugarcreek Township Trustees officially accepts the resignation of Michael S. Snyder effective July 24, 2013.

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

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

9. **Police Department**

F. Resignation of Full-time dispatcher Tonya L. Wetzel

**Resolution #2013.08.05.04**

WHEREAS, Full-time Dispatcher Tonya L. Wetzel has submitted her letter of resignation from the Sugarcreek Township Police Department with an effective date of July 27, 2013; and,

WHEREAS, Ms. Wetzel has been a member of the Sugarcreek Township Police Department since November 19, 2012, and,

WHEREAS, Chief Michael A. Brown recommends in his August 1, 2013, correspondence that we accept the resignation of Tonya L. Wetzel,

NOW THEREFORE, BE IT RESOLVED, that this Board of Sugarcreek Township Trustees officially accepts the resignation of Tonya L. Wetzel effective July 27, 2013.

Mr. Bryant moved to accept the Resolution as presented. Mr. Pittman seconded. Roll was called with the vote being as follows:

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

Mr. Tiffany said Shannon Wade and Caroline Helling were offered positions with Xenia Central Dispatch.

10. **Roads and Services Department**

G. Authorize Contract with Diamond Concrete & Excavation

**Resolution #2013.08.05.05**

WHEREAS, the Roads and Services Department has identified a need to make improvements to the curbs and catch basins in the Brown's Run development; and,

WHEREAS, the Trustees recognize this need and seek to improve the quality of the curbs and catch basins for the residents; and,

WHEREAS, Barry P. Tiffany, Township Administrator, has recommended to the Board of Trustees that they enter into a contract with Diamond Concrete & Excavation to perform this work for a total of Eleven Thousand Four Hundred Eighty dollars (\$11,480.00) in curb work and Seven Thousand Two Hundred dollars (\$7,200.00) in catch basin work; and,

NOW THEREFORE, BE IT RESOLVED, that this Board of Trustees hereby authorize Barry P. Tiffany to enter into contract for curb and catch basin repairs in the Brown's Run development with Diamond Concrete & Excavation.

Mr. Pittman moved to accept the Resolution as presented. Mr. Bryant seconded. Roll was called with the vote being as follows:

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

**11. Public Comments**

Donna Hellman said an issue came to her attention by a neighbor. She said there are problems regarding pathways and residents in the previous Miller Valentine owned development and residents of Eagle Rise. There are residents in the Miller Valentine development who think people from Eagle Rise do not have the right to walk their dogs there and that their development is private property. She said people don't know what was originally planned, so she can see a problem coming. Mr. Bryant asked Mr. Tiffany if there was anything we can do about it. Mr. Tiffany said he will talk with Miller Valentine first.

Mr. Pittman moved to adjourn to Executive Session for personnel reasons. Mr. Bryant seconded. Roll was called with the vote being as follows:

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

The meeting was reconvened with no action and adjourned at approximately 10:00 pm.

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Theodore L. Hodson, Fiscal Officer