

The Board of Trustees of Sugarcreek Township, Greene County, Ohio, in Regular Session on June 16, 2014, at 7:00 pm, at 2090 Ferry Road, Sugarcreek Township, Ohio 45305.

1. Mr. Bryant called the session to order at 7:00 pm.
2. Mr. Hodson called the roll with Board Members Mike Pittman, Nadine Daugherty and Scott Bryant being present. In addition to Mr. Tiffany, others who signed in were, Danielle Coots, Abby Coots, Donna Hellman, Gregg Sparks, Jim Martin, D. Kirk Barrett, Greg Smith, Barbara Burson, Jim Tharpe, John Myron, B. Myron, Mark Locke, Tom Pumpelly, Kelly Pumpelly, Joyce Womacks and Mark Black.

3. All rose and recited the Pledge of Allegiance to the Flag.

4. **Community Activities**

5. **Presentation- Greg Sparks, Bellbrook Lions Club, Regarding Community Needs Assessment**

Mr. Sparks introduced Kirk Barrett, the incoming President of the Lions Club. Mr. Sparks said he wished to talk about the findings of the Community Assessment Needs initiative started last December. His slide presentation provided the Mission Statement, Objectives, Current projects and Information about Financial Donations. Mr. Sparks identified three primary needs as a result of the Assessment and possible solutions to consider.

1. Limited community identity with a central location where community members can come together in a variety of possible venues; such as summer concerts, festivals, youth activities, performing arts, etc.
2. Slow Development of Park District infrastructure, with constrained tax revenue, commensurate with Community growth linked to youth and adult sports and recreation.
3. The need for a Central Location to retrieve community information for activities and events. Mr. Sparks listed several possible solutions to be considered for each of the above listed needs. A copy of the summary sheet provided by Mr. Sparks will be appended to the permanent record.

Mr. Bryant asked Mr. Tiffany if we could prepare a Resolution in support, stating we agree with the objectives of the Community Needs Assessment. Mr. Tiffany said he would. Mr. Barrett reminded all that the Lion's Club is always looking for new members. Mr. Schieman said he thought park development was great for youth but said we also need more things than organized activities.

6. **Public Hearing – Regarding Possible Approval of a Map Amendment and a Preliminary Development Plan for Parcel L32000100140001900 located at 5250 Little Sugarcreek Road.**

Mr. Bryant asked Cara Tilford for her staff report prior to opening the Public Hearing. Cara said Van Atta Engineering is requesting a map amendment to the Sugarcreek Township Zoning Resolution to rezone 5250 Little Sugarcreek Road from A-1 (Agriculture) District to PUD-R (Residential Planned Unit Development) District. She said the parcel contains 69.030 acres and is adjacent to the 247.462 acres owned by the Bellbrook Sugarcreek Park District, which is adjacent to an incorporated area. She said Van Atta Engineering is also requesting the approval of a preliminary development plan tentatively called Berryhill Estates. She said the approval of a final plan will be the next step. Cara provided the Board with a comprehensive nine page report, which she read prior to the opening of the Public Hearing. This report will be included in the permanent record and is appended to the back of these minutes.

Mr. Greg Smith, Oberer Company, provided a slide presentation. He showed a regional map and talked about why this is a good location for a residential development. He provided a map of the lot plans along with the streams, wetlands, open spaces and ponds. He said there will only be one stream crossing. Mr. Bryant asked if the trees will remain. Mr. Smith said almost all of the bigger trees will, He said the dead trees, honeysuckle and scrub will be removed. Mrs. Daugherty asked about the stream crossing. Mr. Smith said it there will be a culvert between lots 6 and 7 as shown on the map. Mark Locke, Ryan Homes, showed pictures of the proposed homes to be built. Mr. Pittman asked about the price range. Mr. Locke said they are to be between 280,000 and 450,000 dollars. Mr. Locke said if you look at the Vineyards, in Bellbrook, you can get a feel of what it will look like, only our lots will be bigger. Mr. Bryant asked about 'Strawberry Way' on the plan map. Mr. Pittman

said it seems like our last few developments only have one way in and out. He said it would be nice if it had access to Carpenter Road. Mr. Tiffany explained the reason for the location of 'Strawberry Way'. He said Mr. Black is here tonight and has no intention of selling his property anytime in the near future. Mr. Tiffany said the road will be removed from the plan and a 10' easement will be there for a pedestrian walk way.

Mr. Bryant said he agrees with Mr. Pittman that there will be a lot of traffic and potential logistical problems. Mr. Pittman asked about the south stream. Mr. Tiffany said it will stay intact also. He said one of the great things is that they will be retaining most of the trees in their open space.

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

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

Mr. Bryant asked if there was anyone wishing to speak in favor of the proposed plan.

- Mr. Bill Schieman, 2486 Stewart Road, and Chairmen of the BZC said he thought the plan was very appropriate when considering the risk of annexation. He said the developer and builder made adjustments to their plans and we achieved the best results we could hope for. He said we spent a lot of time trying to accommodate the Black family.

Mr. Bryant asked if there was anyone wishing to speak against the proposed plan.

- Dr. Tom Pumpelly, 5248 Little Sugarcreek, thanked the Board for the changes and asked if the pumping station was now out. Mr. Locke said we now have a way to get gravity flow. However, we also will stand by our earlier commitments if need be. Dr. Pumpelly said he agreed with the earlier comments regarding likely traffic problems. Mr. Tiffany said after the project is completed there will be a traffic impact study. Dr. Pumpelly said his major concern was 98 homes with one entrance and exit and a 55 mph speed limit on Little Sugarcreek. He said he also wondered if the amount of traffic would warrant a light.

Mr. Bryant asked if there were any neutral parties wishing to speak.

- Mr. Mark Black, 3169 Indian Ripple Road, asked if the board had any additional questions for him. Mr. Bryant said we want to accommodate your future needs and our concern was to consider if there was some way for a secondary entrance. He said we certainly appreciate your coming tonight.
- Ms. Joyce Womacks, 876 Little Sugarcreek, said her concern was also for the traffic. She said it was difficult to even cross the street to get the mail. Ms. Womacks said with more traffic being created she wondered if the mail boxes could be moved to the side of the street with the homes. Cara said we had that issue before on Wilmington Pike and it needs to be addressed with the Post Office. Mr. Pittman said they did change it on Wilmington Pike. Mr. Locke said the speed problem is there today and we want to get the limit reduced.
- Donna Hellman, 3981 Windy Bluff Ct., said that while we were discussing Little Sugarcreek, the South side of Little Sugarcreek from Feedwire has the same speeding issues.
- Mr. Jim Froelich said for the last six months he has been using Little Sugarcreek and Swigart as a bypass to Wilmington Pike in Kettering. He said he thinks the traffic is substantial now but will pick up considerably.

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

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

Deliberation and Decision- Mr. Pittman said he would like something in the language to make sure the plans won't be different than anticipated. Cara said it's in there in item number six under the Zoning Commission Recommendation. Mr. Pittman said when Miller Valentine got out there was a change in the price of homes. Cara said we can't do that. Mr. Pittman said what's proposed is very nice but I don't want 120,000 dollar homes a few years from now. Mr. Locke said that in realty, that's what can happen when the market turns. Mr. Bryant said we understand how things can change but how do we protect the homeowners. Mrs. Daugherty asked if we did have protection in there. Cara said we did under item six. Mrs. Daugherty said this is one of her concerns but she is happy with the proposed plan.

Mr. Bryant said he was not happy with having to wait to do a traffic study until after the development was finished. He asked Mr. Tiffany if there was anything we could do now. Mr. Tiffany said it's going to remain a two lane road and it had new pavement last year. He said the County will look at putting in a left turn lane and a right drop lane. He said he has looked at sight distances and the best that could happen is to reduce the speed limit. Mr. Tiffany added that when they had complaints about S. Alpha, it was found that 90% of the traffic was under the speed limit. He said, in Ohio, if it's not posted, the speed limit is 55 mph. He said we don't post the 55 because if we do, they normally drive faster. He said the only way to change the speed limit is by actual conditions and data. Mr. Bryant said he would like to ask for a traffic study today. He said that at least it will establish a base line. Mr. Tiffany said he would like to include the south part also.

Mrs. Daugherty asked again about the pumping station. Mr. Pittman said he thought it was going to be gravity. Mr. Tiffany said that issue is beyond our authority and we can't impose restrictions. Mr. Bryant said he was concerned about drainage on the other side. Mr. Smith said the two large ponds will hold the water and prevent and increase in volume and speed of it coming off the property. He said the ponds they put in now will also hold the sediment and prevent pollution of the streams. Mr. Locke said right now everything is going into the creeks. He said after the development it will all go into the ponds and flow and sediment will be controlled. Mr. Bryant asked "how do you know what rates you have to meet". Mr. Locke said he didn't understand the calculations but Oberer's and the County's engineers know what we need by size, depth and outflow pipe sizes. Mr. Pittman said he was still concerned about a lift station. Mr. Locke said he had no reason not to anticipate obtaining the proper easements for a gravity flow, but if a lift is required the County will approve it. However, I don't think it will happen.

Mr. Bryant said he is happy with the plan but wants to make sure the surrounding residents are happy with the results. Mr. Pittman said he liked five acre lots but did not want the property to go to Centerville. Mrs. Daugherty said she agreed with the other and thought there was some quality open space in the plan.

Resolution# 2014-06-16-04

WHEREAS, Van Atta Engineering has submitted an application for a map amendment to the Sugarcreek Township Zoning Resolution to rezone parcel L32000100140001900, located at 5250 Little Sugarcreek Road, from A-1 (Agricultural) District to PUD-R (Planned Unit Development-Residential) District; and,

WHEREAS, the Greene County Regional Planning and Coordinating Commission has reviewed the applicant's request and has recommended that the subject rezoning request from A-1 (Agricultural) District to PUD-R (Planned Unit Development-Residential) District be considered for approval if it meets the intent and requirements of the PUD-R zoning district and the 2013 Long Range Land Use Plan; and,

WHEREAS, the Sugarcreek Township Zoning Commission held a Public Hearing on May 13, 2014, deliberated on the application, and has recommended approval of the requested map amendment from A-1 (Agricultural) District to PUD-R (Planned Unit Development-Residential) District to the Sugarcreek Township Board of Trustees (see attached); and,

WHEREAS, the Sugarcreek Township Board of Trustees held a Public Hearing on June 16, 2014, and deliberated on the application,

NOW THEREFORE BE IT RESOLVED, that this Board of Trustees does hereby approve the applicant's request of a map amendment for 69.030 acres, identified as parcel L32000100140001900, located at 5250 Little Sugarcreek Road.

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

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

Resolution# 2014-06-16-05

WHEREAS, Van Atta Engineering has submitted an application for the approval of the Preliminary Development Plan for a subdivision tentatively named Berryhill Estates for 69.030 acres, identified as parcel L32000100140001900, located at 5250 Little Sugarcreek Road; and,

WHEREAS, the Greene County Regional Planning and Coordinating Commission has reviewed the applicant's request and has recommended that it be considered for approval if it meets the intent and requirements of the PUD-R zoning district and the 2013 Long Range Land Use Plan; and,

WHEREAS, the Sugarcreek Township Zoning Commission held a Public Hearing on May 13, 2014, deliberated on the application, and has recommended approval of the Preliminary Development Plan for a subdivision tentatively called Berryhill Estates subject to the following conditions:

1. Final design shall be subject to approval of the Greene County Engineer's Office.
2. Final design shall be subject to approval of the Greene County Department of Sanitary Engineering.
3. The development shall comply with the recommendations of the Soil and Water Conservation District.
4. Final design shall be subject to approval of Sugarcreek Township Fire Department.
5. The use of vinyl or aluminum siding shall be prohibited. Vinyl or aluminum may be used for fascia and soffits, or similar minor architectural or structural elements as approved by the Zoning Compliance Officer.
6. Final Development Plan approval shall include a condition of approval referencing design standards as specified in the Home Owners' Association (HOA) documents (to be provided at the time of final development plan submission).

WHEREAS, the Sugarcreek Township Board of Trustees held a Public Hearing on June 16, 2014, and deliberated on the application,

NOW THEREFORE BE IT RESOLVED that this Board of Trustees does hereby approve the Preliminary Development Plan for a subdivision tentatively called Berryhill Estates subject to the conditions recommended by the Board of Zoning Commission, the removal of the stub street called Strawberry Way and in place of Strawberry Way will provide a 10' easement for future pedestrian access.

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

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

Mr. Tiffany suggested a five minute recess and the meeting adjourned from 8:54 pm until resuming at 9:03 pm.

7. Reports

A. Administration

The report prepared by Mr. Tiffany will be appended to the permanent record. Mr. Tiffany said he had nothing additional to add. Mr. Bryant asked what the issue was with the Safe Routes to School road crossing. Cara said the signage on the pole is wrong and the flashing lights are not bright enough to be clearly visible. She said the paint striping on the road is prematurely worn and that the crossing pole itself is not close enough to the road. She said the school, O.D.O.T. and Greene County are aware of the issue and are working on it.

Cara also said we have received another grant of \$191,000.00 for the project, which will connect East of Eden to Eden Meadows. Mr. Tiffany said this is the only Safe Routes to School infrastructure project in District 8.

Mr. Bryant asked Mr. Pittman about Greene County Regional Planning. Mr. Pittman said if it doesn't get some sort of support it will soon be gone. He said the Executive Committee is considering making their plan review fees really high. Cara said we would need to evaluate that regarding the potential impact on annexation.

B. Fiscal Office

Mr. Hodson said he had nothing to report.

C. Fire

The report prepared by the Fire Department will be appended to the permanent record. Chief Pavlak said he got some numbers on repairing Engine 71. He said it will be 10,000 dollars for everything including the manual pumps. He said he has discussed this with Mr. Tiffany and the repairs are in progress. He said the mechanical pumps will help hold the value of the truck.

D. Police

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

E. Roads and Services

The report for Roads and Services will be appended to the permanent record. Mr. Tiffany said they are looking into possible warranty repairs to River Ridge II which currently doesn't look promising. He said there have been no complaints on Brown's Run, just River Ridge II. Mr. Bryant said we will discuss it in the next work session.

F. Zoning

The report prepared by Cara Tilford, Director of Planning and Zoning, will be appended to the permanent record. Cara said she had nothing additional to add.

G. Information Technology

The report prepared by Mr. Zappanti, Director of Information Technology, will be appended to the permanent record. Mr. Zappanti also said he had nothing to add.

H. Trustees

Mr. Pittman said he attended the Greene County Trustees Association Meeting. He also said he attended the Street Fair at Yellow Springs last Saturday.

Mrs. Daugherty said she thought the public hearing tonight went very well.

8. Old Business

9. **New Business**

Consent Agenda Items

- A. Approval of Meeting Minutes
- B. Payment of Bills
- C. Resignation of Part time Firefighter/EMT Andrew Keister

2014-06-16-01

WHEREAS, Part-time Firefighter/EMT Andrew Keister has submitted his letter of resignation from the Sugarcreek Township Fire Department; and,

WHEREAS, Mr. Keister has been a member of the Sugarcreek Township Fire Department since March 17, 2014, and,

WHEREAS, Chief Randall J. Pavlak recommends we accept the resignation of Andrew Keister,

NOW THEREFORE, BE IT RESOLVED, that this Board of Sugarcreek Township Trustees officially accepts the resignation of Andrew Keister effective June 5, 2014.

- D. Declaring a Nuisance at Lots #23 and #24 on Kelseys Way in the Jeremy Woods Subdivision

2014.06.16.02

WHEREAS, the Ohio Revised Code (ORC) 505.87 provides for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the board determines that the owner's maintenance of that vegetation, garbage, refuse, or other debris constitutes a nuisance; and,

WHEREAS, the Township Planner/Zoning Official has inspected parcels L32000100010024200 and L320001000010024300 (Lots #23 and 24) on Kelseys Way in the Jeremy Woods Subdivision and has observed vegetation in excess of 12"; and,

WHEREAS, at least seven (7) days before providing for the abatement, control, or removal of any vegetation, the Board of Township Trustees shall notify the owner of the land and any holders of liens of record upon the land that the owner is ordered to abate, control, or remove the vegetation, the owner's maintenance of which has been determined by the Board to be a nuisance; and,

WHEREAS, if such vegetation is not abated, controlled, or removed, or if provision for its abatement, control or removal is not made within seven (7) days, the Board shall provide for the abatement, control, or removal, and any expenses incurred by the township in performing that task shall be entered upon the tax duplicate and become a lien upon the land from the date of entry,

NOW THEREFORE, BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby determines that the condition of parcels L32000100010024200 and L320001000010024300 (Lots #23 and 24) on Kelseys Way in the Jeremy Woods Subdivision does constitute a nuisance in accordance with ORC 505.87 and orders the Township Planner/Zoning Official to proceed with the removal of such vegetation in accordance with the provisions of ORC 505.87.

- E. Declaring a Nuisance at 681 S. Alpha-Bellbrook Road

2014.06.16.03

WHEREAS, the Ohio Revised Code (ORC) 505.87 provides for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the board determines that the owner's maintenance of that vegetation, garbage, refuse, or other debris constitutes a nuisance; and,

WHEREAS, the Township Planner/Zoning Official has inspected 681 South Alpha-Bellbrook Road and has observed vegetation in excess of 12"; and,

WHEREAS, at least seven (7) days before providing for the abatement, control, or removal of any vegetation, the Board of Township Trustees shall notify the owner of the land and any holders of liens of record upon the land that the owner is ordered to abate, control, or remove the vegetation, the owner's maintenance of which has been determined by the Board to be a nuisance; and,

WHEREAS, if such vegetation is not abated, controlled, or removed, or if provision for its abatement, control or removal is not made within seven (7) days, the Board shall provide for the abatement, control, or removal, and any expenses incurred by the township in performing that task shall be entered upon the tax duplicate and become a lien upon the land from the date of entry,

NOW THEREFORE, BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby determines that the condition of 681 South Alpha-Bellbrook Road does constitute a nuisance in accordance with ORC 505.87 and orders the Township Planner/Zoning Official to proceed with the removal of such vegetation in accordance with the provisions of ORC 505.87.

Mr. Bryant moved to accept the Consent Agenda Resolutions. Mrs. Daugherty seconded. Roll was called with the vote being as follows:

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

10. Trustee/Staff Discussion

Mr. Tiffany said the Grand Opening for Murphy's Pub will be this Thursday at 5:00 pm. He said Happy Hour is from 4:00 pm to 6:00 pm. He said the Farmer's Market has been going gang busters. He said it is moving further up the Plaza this week. Mr. Bryant asked if there will be sidewalk sales. Mr. Tiffany said there would.

11. Executive Session

Mr. Tiffany said he needed an Executive Session to discuss Real Estate transactions and personnel.

12. Public Comments

Mr. Jim Martin said Little Sugarcreek is considered a major thoroughfare and reducing the speed limit to 35 would be ridiculous. He said 40 would at least be reasonable. Mrs. Daugherty said that was a good point. Mr. Pittman told Mr. Martin he saw him on television several times and was glad to see he got home safely. Mr. Martin said it was great jumping out of a plane with no one shooting at you.

13. Adjourn

At 9:30 pm, Mr. Bryant moved to adjourn to Executive Session in accordance with O.R.C. 121.21G1, G2 and G3 as requested by Mr. Tiffany earlier. Mr. Pittman seconded. Roll was called with the vote being as follows:

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

The meeting resumed with no action taken and promptly adjourned.