

**The Board of Trustees of Sugarcreek Township, Greene County, Ohio, in Regular Session on September 2, 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 Nadine Daugherty, Mike Pittman and Scott Bryant being present. In addition to Mr. Tiffany, Township Administrator, other present who signed in were Donna Hellman, Jim Martin, Michael Copfer, Jim Obert, Shaun Delong, Danielle Coots, Mark Brescia, Kenneth Schwartzkopf, Bill and JoAnn Weber, Bill Schieman and Todd Bakita.
3. All rose and recited the Pledge of Allegiance to the Flag.
4. **Community Activities**  
Mr. Tiffany said the Dille Time Capsule from the 1930's will be opened at 7:00 pm at the Presbyterian Church.
5. **Agenda Item**  
Mr. Bryant said that we will move forward with the Appointment of a new Police Officer prior to opening the Public Hearing.
  - A. Appointment of Full-time Police Officer Tyler J. Mantia

**Resolution #2014-09--02-01**

WHEREAS, the continuing need exists to maintain proper staffing within the Sugarcreek Township Police Department; and,

WHEREAS, a vacancy exists within the classification of full-time Police Officer; and,

WHEREAS, the vacancy has been posted for application in accordance with township policy and the current labor contract; and,

WHEREAS, an assessment center was conducted which included testing in basic exercises, review board and personal interviews with the Chief of Police; and,

WHEREAS, after a review of all the candidates, Police Chief Michael A. Brown recommends this appointment, and confirms that there are funds available for this position in the 2014 operating budget,

NOW THEREFORE, BE IT RESOLVED, that Tyler J. Mantia is hereby appointed as full-time Police Officer effective September 3, 2014, at a pay rate of \$19.80 per hour, payable on a bi-weekly basis, and subject to a one (1) year probationary period ending September 3, 2015.

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

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

Chief Brown said Tyler was number one on the processing requirements. He said he is a U.S. Army veteran of three years and that he is glad to have him. Mr. Bryant asked Tyler what branch. Mr. Mantia said he was in the Infantry. Mr. Pittman said we're glad to have you. Mrs. Daugherty welcomed him and told him he has come to a good place. Mr. Mantia introduced those that were here with him tonight for his appointment. Mr. Mantia came forward and Chief Brown administered the Oath of Office. Mr. Mantia's fiance' pinned his badge on him. Pictures were taken and he was personally welcomed by the Board and the Staff.

6. **Public Hearing**

Hills Land and Development is requesting the approval of a map amendment to the Zoning Resolution to rezone Parcel L32000100120001900 located at 3820 Upper Bellbrook Road from R-PUCD District to PUD-R District. Hills Land and Development is also requesting preliminary development plan approval under Article 5 of the Zoning Resolution for 'The Landings' at Sugarcreek subdivision.

Mr. Bryant asked Cara Tilford to provide a staff report on the text amendments. Cara provided descriptions of the request in her report which provided for the applicant proposal, zoning of adjacent parcels, the Greene County Regional Planning Commission recommendations, the Board of Zoning Commission recommendations, the township long range land use plan and a history of previous actions. Cara's report also included the applicable articles and findings of fact as it pertains to various sections of the Zoning Development Plan Resolution. The report also included various development requirements regulated by the Township and by Greene County. A copy of this report will be appended to the permanent record and copies can be obtained upon request.

Mr. Bryant asked Hills Development for their comments. Mr. Jim Obert introduced himself and provided a slide presentation and discussed changes in the current plan, lot descriptions, benefits to the neighborhood, access to the development, available utilities and building material restrictions. Mr. Obert had slides showing site maps which highlighted gas and electric lines, existing water, topography, open space and roadway buffers, stubbed roads and site access. Mr. Michael Copfer introduced himself and presented slides and a discussion regarding their company, their proposed market of homes in the \$350,000 to \$450,000 dollar range, customizing of their product, construction quality, pictures of their different one and two story homes along with pictures of the interiors. They presented a plan they worked on today to try to accommodate a buffer area on the Bellbrook side while maintaining the same amount of open space with only one less lot.

Mr. Bryant 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 anyone wished to speak in favor of the development. .

Mr. Jim Martin, 2465 Stewart Road, said that land has laid idle for too long. He said we need to move on it. Mr. Martin said he moved here in 1946 and people thought it would ruin the place when he bought 50 acres. He said things constantly change.

Mr. Bryant asked if anyone wished to speak against the development.

Mr. Todd Bakita, 3535 Big Tree, said the houses are on less than 0.2 of an acre and ten feet apart. He said he doesn't see how that fits into the current township community. He said if there was a smaller lot previous approved plan, where is it to look at and how much better is this one. When showed the plan Mr. Bakita said that was his mistake. Mr. Bakita said he thought this decision may have been made under duress since it is not within the vision of Sugarcreek. He said this development does not meet this vision. Since the lots are one third smaller than his and the houses are selling for \$350,000.00 dollars, based on my property and home value, it defies credibility. He said he has no confidence in the plan being proposed.

Mr. Bryant said we are not making anything under duress. No one is under any pressure. Mr. Bryant said it may not fit the character of the Township, however, since we lost the Dille property we cannot edict what we might deem ideal. He said there is very little we can do or our land is gone. Mr. Bryant said we face annexation every day. He said the plan may not be in our character but if we do not do something it will be annexed. Mrs.

Daugherty said she agreed with Mr. Bryant. There is no duress but if we do not do something the property will be annexed. Mr. Pittman said this has some of the character we want. He said there is a lot of open space in the North area, it is connected to the park and some of the front areas have 300 to 400 feet of open space.

Mr. Bryant asked if any neutral parties wished to speak. There were none.

Mr. Bryant asked the Trustees for their comments. Mr. Pittman said this is different for us. He said we don't have neighborhoods this dense. Mr. Pittman said he went through some of their model homes and the quality is there. He said he is concerned with traffic, storm water, the impact on the school and sewage. He said with a 30 foot deep sewage line how do we get around that. Mr. Obert said we have consulted Woolperts and were told that for every foot of depth we need one foot of easement. We don't see this as an insurmountable problem. Mr. Pittman asked how big the lots were in Kettering were he looked at the models. Mr. Copfer said those were 60 foot and we don't own the lots.

Mr. Bryant said he is not interested in a third party coming in. He said on lots 6 and 18 he doesn't like where the cul-de-sacs were closed. Mr. Bryant said the prior plan gave us a place to put the snow. Mr. Obert asked if we add the buffer or accommodate places in the cu71-de-sacs for snow. We are willing to work for the greater good of all. Mr. Pittman said a citizen had concerns about people parking in the streets. He said he didn't notice it in Villa Point. Mr. Obert said he is all for streets not being used as a parking lot. Mrs. Daugherty asked how we make sure. Mr. Obert said some communities do not allow parking on the side of the street where there are fire hydrants. Mr. Copfer said driveways are two cars wide and in the cul-de-sacs there will be a lot of three car garages. He said he didn't think the problem would be that big.

Mrs. Daugherty said she understands property owners have the right to sell their land and we need to move on this. She said she has seen some of their models and they are nice. She said she is excited about what they have done. Mr. Bryant said if we can stay in 190's and have a buffer toward Bellbrook as much as can, we still need to work on the snow problem. Mr. Obert suggested we set a standard distance for the buffer so they could work with the cul-de-sac snow problem. Mr. Pittman said he would like to see boulevard entrances like Big Tree and eliminate a couple of lots in the lower left corner. Mr. Obert said that becomes an economic problem to make it work. Mr. Copfer said that if we set a buffer, we can maybe work with the cud-de-sacs. Mr. Pittman said I want to improve the buffer. Mr. Obert said this plan takes it out of the tree line.

Mr. Bryant said what they are asking for is a little 'give and take'. He said that depending on what is done he is okay with that. I like the buffer and we can work on how to handle the snow. Mr. Pittman said he does not want to give up open space and would like 186 or so lots. Mr. Obert said he did not think 190 was unreasonable and we have allowed for 40% open space. He said 70 and 85 foot lots are by far an improvement over what is currently approved. Mr. Obert said 3 or 4 lots makes all the difference in the viability of the project. If you give us some guidance we can probably accommodate you. Shane can work with it.

Mr. Bryant asked Mr. Tiffany what we are approving tonight explicitly. Mr. Tiffany explained what essentially approving and said he think we are stuck here at a close point. He suggested to Mr. Obert that we could delay for two weeks. Mr. Obert said that he couldn't be here but that Michael could. Mr. Tiffany said he thinks you have heard our concerns and asked the Board if that would help their comfort level. Mrs. Daugherty said she likes the buffer and agrees with Mr. Pittman. She said she would also like 186 to 187 lots. Mr. Bryant said he is okay with the buffer. He said he just wants to open the cul-de-sacs. Mr. Copfer presented a couple of possible approaches. Mr. Bryant said he thinks we are close enough to vote. Mr. Pittman said he can go ahead and approve a preliminary but they have to work out the buffer. Mrs. Daugherty said we have high values and good schools. She said she didn't want to give up any open space and wants to make this work.

#### **Resolution #2014-09--02-06**

WHEREAS, Hills Land and Development has submitted an application for a map amendment to the Sugarcreek Township Zoning Resolution to rezone parcel L32000100120001900, located at 3820 Upper Bellbrook Road, from R-PUCD (Residential Planned Unit Conservation Development) 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 R-PUCD (Residential Planned Unit Conservation Development) 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 August 12, 2014, deliberated on the application, and has recommended approval of the requested map amendment from R-PUCD (Residential Planned Unit Conservation Development) 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 September 2, 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 115.189 acres, identified as parcel L32000100120001900, located at 3820 Upper Bellbrook Road.

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

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

After further discussion regarding the Resolution to approve the development plan, Mr. Copfer said he was agreeable to match the entry on Big Tree with the understanding that spending more and lore makes it difficult. Mr. Pittman proposed that that we get rid of two cul-de-sac lots. Mr. Copfer agreed if we can add another lot elsewhere. Mr. Pittman said not.

Mr. Bryant made a motion to table Resolution 2014.09.02.07 for the approval of the Preliminary Development Plan for two weeks to work out the differences. Mrs. Daugherty seconded. Roll was called with the vote being as follows:

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

## 7. Reports

### A. Administration

Mr. Tiffany's report will be appended to the permanent record. Mr. Tiffany said he had nothing to add.

### 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 had nothing to add. Mrs. Daugherty said she went to the burn on Carpenter and that she learned a lot.

### D. Police

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

### E. Roads and Services

The report for Roads and Services will be appended to the permanent record. Mr. Tiffany said he had nothing to add.

### 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 to add and the Board had no questions.

### G. Information Technology

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

H. Trustees  
The Board had no additional comments.

6. **Public Comments – Agenda Items**

None.

7. **Old Business**

None

8. **New Business**

**Consent Agenda Items**

A. Approval of Minutes

B. Payment of Bills

C. Increase of Appropriations for the Zoning Department

**Resolution #2014-09-02-02**

WHEREAS, the need exists to increase appropriations for the Zoning Department; and,

WHEREAS, unanticipated zoning fees have been received this year; and,

WHEREAS, this revenue may be used for abating our zoning fund expenses; and,

WHEREAS, the Fiscal Officer has certified the availability of these funds within the 2014 Budget, has provided this Board with the funding numbers and the Township Administrator has provided the amounts to be appropriated:

<b>Fund Name</b>	<b>From</b>	<b>To</b>
2181 Zoning Department	\$24,000.00	\$30,000.00

NOW THEREFORE BE IT RESOLVED, the increased appropriations shall be made in accordance with the law.

D. Declaration of Excess Property Fire and Police Departments.

**Resolution #2014-09-02-03**

WHEREAS, the Sugarcreek Township Fire and Police Departments have identified equipment which is no longer needed for operations, and;

WHEREAS, the items listed on the attached correspondence have an individual value of \$2,000 or less,

NOW THEREFORE BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby declares said property to be excess and authorizes the Township Administrator to immediately dispose of and/or place said property on GovDeals.com.

Mr. Bryant asked Mr. Tiffany what we were getting rid of. Mr. Tiffany said old PC's and a defibrillator.

E. Resignation of Volunteer Firefighter Jeremy Lovy

**Resolution #2014-09-02-04**

WHEREAS, Volunteer Firefighter Jeremy Lovy has submitted his letter of resignation from the Sugarcreek Township Fire Department with an effective date of August 27, 2014; and,

WHEREAS, Mr. Lovy has been a member of the Sugarcreek Township Fire Department since January 6, 2014, and,

WHEREAS, Chief Randall J. Pavlak recommends we accept the resignation of Jeremy Lovy,

NOW THEREFORE, BE IT RESOLVED, that this Board of Sugarcreek Township Trustees officially accepts the resignation of Jeremy Lovy effective August 27, 2014.

F. Probationary Release of Part-time Firefighter/Paramedic David M. Plowman

**Resolution #2014-09-02-05**

WHEREAS, Firefighter/Paramedic David M. Plowman has been a member of the Sugarcreek Township Fire Department since March 17, 2014; and,

WHEREAS, during his probationary period, Mr. Plowman has not satisfied the requirements of his position,

NOW THEREFORE, BE IT RESOLVED that the Board of Sugarcreek Township Trustees does hereby authorize the probationary release of David M. Plowman from his duties as part-time Firefighter/Paramedic effective September 2, 2014.

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

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

**Agenda Items**

G. Authorize Bid for Cloy Road Phase II

**Resolution #2014-09-02-08**

WHEREAS, Cloy Road Phase II project is of great importance to economic development in Sugarcreek Township and Greene County, and;

WHEREAS, all design and engineering for the project is complete and ready for construction, and;

WHEREAS, Sugarcreek Township has received a grant for more than 84% of the anticipated cost of \$1.8M dollars to complete Phase II, and;

WHEREAS, the project includes participation of Sugarcreek Township, the City of Centerville and the Greene County Engineer, all parties concurring, and;

NOW THEREFORE, BE IT RESOLVED, this Board of Sugarcreek Township Trustees hereby authorizes the Greene County Engineer to advertise for bids to construct and complete Cloy Road Phase II project.

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

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

9. **Trustee/Staff Discussion**

None.

10. **Public Comments**

Mr. Jim Martin said he had concerns about the recent Police shootings. He said at Ferguson people from all over the country came to protest. He said it was the same at Beavercreek. Mr. Martin said people won't wait for the system to work. He said mobs come in and demand that Policemen be locked up before there is an investigation. Mr. Martin said we should start charging these mobs with inciting panic. He said all jurisdictions should get together and ask for legislation to prevent this. He said the right to free speech does not give you the right to yell 'fire' when there is no 'fire'. Mr. Martin said Attorney General Eric Holder should be out of his position. Mr. Martin said we need to let the system work. He provided an example of error in judgment from a picture showing an unarmed person who was shot by a policeman. He said from another angle it showed the person had a gun. Mrs. Daugherty asked if our Officers were equipped with body cameras. Chief Brown said they were. Sgt. Deckard, who was in attendance, showed his camera, mounted on his shirt, to Mrs. Daugherty.

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

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

The meeting adjourned at 9:17 pm.

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Theodore L. Hodson, Fiscal Officer