

**The Board of Trustees of Sugarcreek Township, Greene County, Ohio, met in Regular Session on June 6, 2011, at 7:30 pm, at 2090 Ferry Road, Bellbrook, Ohio 45305.**

1. Chairperson Dick King called the Regular 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 Dick King and Mike Pittman being present. Mrs. Daugherty was absent. In addition to Township Administrator, Barry Tiffany, others present who signed in were Scott Bryant, Jim Tharpe and Donna Hellman.
4. **Public Hearing – Regarding BZC Case 01-2010**  
Mr. King opened the Public Hearing.

**Staff Report**

Cara Tilford presented a summary of the proposed text amendments to the Zoning Resolution. Cara said the associated parcels will be changed from A-1/W-P to I-1/W-P. She said both parcels will have conservation easements and will be deed restricted to prohibit certain permitted I-1 uses.

**Expert Testimony**

Mr. Pittman said he discussed the changes and plans with Greene County Regional Planning and they had no issues with the proposed changes.

No one spoke in favor, against or as a neutral party regarding the rezoning issue. However, Ms. Donna Hellman asked if this was the property at Ferry and Waynesville Roads. Mr. King responded that it was.

Mr. King closed the Public Hearing and opened it for deliberation.

Mr. Pittman said the property was being converted to I-1 zoning which will keep it consistent with the adjoining properties on Ferry Road. Mr. Pittman said the buyer interested in the property has agreed to a conservation easement along the creek and to deed restrictions regarding the use of the property, all being a good deal for the Township.

Mr. King agreed and said the Industrial Zoning would also be beneficial to the Township for tax purposes.

Mr. Pittman read the Resolution, initiated last January prior to review and recommendations by the Greene County Planning Commission and the Board of Zoning Commission.

**Resolution # 2011.06.06.05**

WHEREAS, ORC 519.12 authorizes the Board of Trustees to initiate amendments to the Zoning Resolution by passage of a Resolution; and,

WHEREAS, the Board of Sugarcreek Township Trustees deemed it in the best interest of the community to initiate a map amendment to rezone parcel L32000100110008800, owned by Ferry Road Investments, parcel L32000100110008900, owned by Larry J. and Sharon L. Johnson, and parcel L32000100110008700, owned by Sugarcreek Township Trustees, from A-1/W-P to I-1/W-P; and,

WHEREAS, these parcels, currently zoned A-1/W-P, will be rezoned to I-1/W-P to provide a more uniform and congruent zoned area that will provide better controls in the future as the parcels develop; and,

WHEREAS, all parcels will have conservation easements prohibiting development and uses in the Sugar Creek corridor while providing for pedestrian trails along same said corridor; and,

WHEREAS, on May 10, 2011, the Board of Zoning Commission recommended to the Board of Trustees the approval of the rezoning of said parcels.

NOW THEREFORE, BE IT RESOLVED, the Sugarcreek Township Board of Trustees does hereby approve the rezoning of the above mentioned parcels and instructs the Township Planner/Zoning Official to modify the Official Zoning Map at the earliest time allowed by law.

Mr. Pittman moved to approve zoning as recommended by the Board of Zoning Commission. Mr. King seconded. Roll was called with the vote being as follows:

Mr. Pittman – Yes  
Mr. King – Yes  
Mrs. Daugherty - Absent

## **5. Reports**

### **A. Administrator**

A report prepared by Mr. Tiffany is appended. Mr. Tiffany said the River Keeper's event at the Country Club of the North was very successful and exceeded what it had hoped to bring in. Mr. King asked if the garden plots were being used. Mr. Tiffany said, even though they were late in being tilled, several were planted.

### **B. Fiscal Office**

Mr. Hodson said he has started the budgeting process for 2012. Mr. Tiffany said it will require some guess work since the State has not yet made final decisions on their Budget cuts affecting Local Governments.

### **C. Fire**

A report prepared by Chief Pavlak is appended. Chief Pavlak said he received a letter of thanks from the Greene County Prosecuting Attorney regarding the Departments cooperation in the prosecution of a case involving a fire.

### **D. Police**

A report prepared by Chief Flick is appended. Chief Flick said the Police Department received a thank you letter and a \$100.00 gift card from Ms. Alicia Whitaker. Chief Flick said the money will be used for Halloween candy. Chief Flick also said the Department received a new Radar Unit for participating in the "Click It or Ticket" program.

### **E. Roads and Services**

A report prepared by Tracey Messer, Director of Roads and Services, is appended. Mt. Messer was absent due to illness. Mr. Tiffany said the Board needs to discuss the Levy for the Roads and Services Department at the next work session. He said the current levy will expire and there has been no increase in funding for fifteen years.

### **F. Zoning**

A report prepared by Cara Tilford, Township Planner/Zoning Official, is appended. Cara said the BZC meeting was canceled due to the lack of a quorum.

### **G. Trustees**

Mr. Pittman said he attended the Sugarcreek Local Schools Hall of Fame Induction Ceremony at the Middle School.

## **6. New Business**

### **Fiscal Office**

#### **A. Payment of Bills**

Mr. King moved to accept the Payment of Bills as presented by the Fiscal Officer. Mr. Pittman seconded. Roll was called with the vote being as follows:

Mr. Pittman – Yes  
Mr. King - Yes

Mrs. Daugherty - Absent

**Fire Department**

B. Resignation of Volunteer Firefighter Chad M. Stall

**Resolution # 2011-06-06-01**

WHEREAS, Firefighter Chad M. Stall has submitted his letter of resignation from the Sugarcreek Township Fire Department; and,

WHEREAS, Mr. Stall has been a member of the Sugarcreek Township Fire Department since October 20, 2008, and,

WHEREAS, Chief Randall J. Pavlak indicated in his May 16, 2011, correspondence that Firefighter Stall has no monetary obligation to the Township and recommends we accept his resignation,

NOW THEREFORE, BE IT RESOLVED, that this Board of Sugarcreek Township Trustees officially accepts the resignation of Chad M. Stall effective May 15, 2011.

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

Mr. Pittman – Yes  
Mr. King - Yes  
Mrs. Daugherty - Absent

**Administration Department**

C. Declaring a Nuisance at 2107 Stewart Road

**Resolution # 2011-06-06-02**

WHEREAS, the Ohio Revised Code 505.87 provides for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township; and,

WHEREAS, the Township Planner/Zoning Official has inspected the property at 2107 Stewart Road and has observed vegetation and noxious weeds exceeding 12” in height; and,

WHEREAS, at least seven 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, garbage, refuse, or other debris, the owner’s maintenance of which has been determined by the Board to be a nuisance; and,

WHEREAS, if such vegetation, garbage, refuse, or debris 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; and

NOW THEREFORE, BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby determines that the maintenance of the vegetation at 2107 Stewart Road does constitute a nuisance and orders the Township Planner/Zoning Official to proceed with the abatement, control, or removal of such vegetation in accordance with the provisions of ORC 505.87.

D. Declaring a Nuisance at 3576 Wilmington-Dayton Road

**Resolution # 2011-06-06-03**

WHEREAS, the Ohio Revised Code 505.87 provides for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township; and,

WHEREAS, the Township Planner/Zoning Official has inspected the property at 3576 Wilmington-Dayton Road and has observed vegetation and noxious weeds exceeding 12” in height; and,

WHEREAS, at least seven 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, garbage, refuse, or other debris, the owner’s maintenance of which has been determined by the Board to be a nuisance; and,

WHEREAS, if such vegetation, garbage, refuse, or debris 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; and

NOW THEREFORE, BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby determines that the maintenance of the vegetation at 3576 Wilmington-Dayton Road does constitute a nuisance and orders the Township Planner/Zoning Official to proceed with the abatement, control, or removal of such vegetation in accordance with the provisions of ORC 505.87.

E. Declaring a Nuisance at 1122 Little Sugarcreek Road

**Resolution # 2011-06-06-04**

WHEREAS, the Ohio Revised Code 505.87 provides for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township; and,

WHEREAS, the Township Planner/Zoning Official has inspected the property at 1122 Little Sugarcreek Road and has observed vegetation and noxious weeds exceeding 12” in height; and,

WHEREAS, at least seven 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, garbage, refuse, or other debris, the owner’s maintenance of which has been determined by the Board to be a nuisance; and,

WHEREAS, if such vegetation, garbage, refuse, or debris 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; and

NOW THEREFORE, BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby determines that the maintenance of the vegetation at 1122 Little Sugarcreek Road does constitute a nuisance and orders the Township Planner/Zoning Official to proceed with the abatement, control, or removal of such vegetation in accordance with the provisions of ORC 505.87.

Mr. Pittman moved to accept Resolutions 2011-06-04-02, 03 and 04 as presented. Mr. King seconded. Roll was called with the vote being as follows:

Mr. Pittman – Yes  
Mr. King - Yes  
Mrs. Daugherty - Absent

**7. Trustee/Staff discussion**

Mr. King said he experienced an incident with a 911 call to his premises; he didn't make and asked Chief Flick the Policy of the Police Department regarding those situations. Chief Flick said it depended upon the circumstances of the incident and whether the residents may or may not be in a harmful situation.

Cara Tilford said she needed the approval of payment of \$28,080.00 for the engineering study for the Safe Routes to Schools program.

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

Mr. Pittman – Yes  
Mr. King – Yes  
Mrs. Daugherty - Absent

Chief Pavlak said he was invited to an upcoming City of Centerville meeting where the Dille property will be discussed. Chief Pavlak said he has several projects and issues to discuss with the Board when possible.

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

Mr. Pittman – Yes  
Mr. King – Yes  
Mrs. Daugherty - Absent

The meeting adjourned at 8:34 pm.

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Theodore L. Hodson, Fiscal Officer