

The Washington Township Board of Trustees met in Regular Session on September 19, 2011, at 7:30 p.m. at the Washington Township Government Center, 8200 McEwen Road. President Berry opened the meeting and led the Pledge of Allegiance. Mr. Zobrist was excused.

FISCAL OFFICER'S BUSINESS

None.

EAGLE SCOUT PROCLAMATIONS

Three proclamations were read by Joyce Young, and Dale Berry and Scott Paulson presented the proclamations to the two Eagle Scouts present:

- Cole Fickert
- Nolan Glen (Maxx) Stout
- Cody Schaerer

They were congratulated on fulfilling the significant requirements for their advancement to Eagle Scout and were thanked, along with other members of Boy Scout Troop 516, for their contributions to our community.

ZONING CASE Z-660 B TRAILS OF SADDLE CREEK, SECTION III, MINOR MODIFICATION, CONSOLIDATION OF LOTS 73 & 74

Ryan Lee, Zoning Manager, made a staff presentation. His slide presentation included a Zoning Map, aerial photographs and a site plan. The applicant is Brad Judge, from Judge Engineering. The property is located west of Clio Road, immediately northwest of the intersection of Clio Road and Rooks Road, all of which are south of Spring Valley. The entire development is Planned Development – Residential (PD-R). The applicant is requesting consolidation of Lots 73 & 74 for a future expansion of an existing single-family home. Additionally, the applicant is requesting to vacate the easement on the internal property line. Staff has reviewed this request and has no comments. The Montgomery County Planning Commission unanimously approved the lot consolidation at their September 8, 2011, meeting, subject to compliance with all County Environmental Service Department regulations and clearance from all public utilities for the vacation of the easement. Upon speaking with Mr. Judge, Mr. Lee indicated that the only holdout with utility companies was DP&L, which is anticipated to be received shortly with no objections. All previously approved requirements pertaining to the Trails of Saddle Creek, Section III, would still apply without modification.

Mrs. Young asked about the easement and if DP&L has already agreed to vacate the easement. Mr. Lee responded that the applicant would have to get this in writing and that there are no anticipated objections to the vacation of the easement.

Mr. Paulson asked if this additional lot would be built on or if the lots will just be combined. Mr. Lee answered that they are just combining the lots together at this time. Lot 73 already has a single-family residence. They are looking at buying the neighboring lot for future expansion of their house.

Mr. Berry opened the public hearing portion of this case.

Rich Knoll, 9581 Bridlewood Trail, asked about the purpose of the joining of these two lots. He asked if it is to allow expansion of the single-family dwelling from lot 73 to 74. If so, will they then be allowed to build over the existing easement and what happens if that is the case.

Mr. Lee responded that the request is two-fold. It is to combine the lots and to remove the easement. If they would build on and expand the lot, there would be no easement and they would still need to meet all of the setback requirements as previously approved.

Mr. Berry closed the public hearing.

It was moved by Mr. Paulson, seconded by Mrs. Young, to approve Zoning Case Z-660 B, filed by Brad Judge, so as to consolidate lots 73 and 74 of the Trails at Saddle Creek, Section 3, as submitted.

Vote on Motion: Paulson, aye; Young, aye; Berry, aye. M2011-223

Roll Call:

**Berry, aye;
Paulson, aye;
Young, aye.**

CITIZEN CONCERNS

Marty Clark, 1248 Timberhawk Trail, expressed a concern about brick sidewalk in Quail Run that is going to be replaced with concrete by the Township, with no official notification given to homeowners about it. The sidewalk areas that were marked by the Township represent about two percent of the entire neighborhood. According to Mr. Clark, there is approximately 16,000 lineal feet of sidewalk in the neighborhood and, due to safety concerns, 400 lineal feet is planned to be replaced. Since no notification was given, the neighbors impacted had no opportunity to express their feelings.

Some homeowners feel there is a great deal of value and character created from the brick sidewalks in the neighborhood. They have had the brick sidewalks since 1977. At that time, there was a great debate on whether or not it was the right choice. According to Mr. Clark, they were installed to code and met both Washington Township's and Montgomery County's requirements.

Mr. Clark had five ideas on how to approach the brick sidewalks that are safety hazards. The first idea is that they be repaired in brick. Second, if that is not possible, is to reduce the amount of the area to be repaired in brick, from 400 lineal feet to just the trip points. Third, if that is not possible, is to allow the homeowners to pay the difference between a concrete replacement and a brick repair. Fourth, if that is not acceptable, is to allow the homeowners the opportunity to pay for the brick repairs themselves. Lastly, is to do a concrete repair if the homeowner will not pay for a brick repair.

Long term, Mr. Clark stated they would like to see more communication with the neighborhood. Mr. Clark asked for a meeting to discuss and develop a long-term plan that would retain the character and value of the neighborhood, without placing an undue financial burden on the Township.

Mr. Berry asked Mr. Wanamaker to give a brief history of the brick sidewalks. Mr. Wanamaker indicated that the brick sidewalks were an issue of contention back when the plat was developed. It was the intent, at that time, for a homeowner's association to maintain the sidewalks. This association, however, was never formed.

Mr. Wanamaker added that some of the homeowners are maintaining the brick sidewalk in front of their homes well. They will mortar a loose piece when needed; however, there are still a lot

of trip hazards in the area. He informed everyone that the markings that were noted by the neighborhood were for inventory purposes only. The Township is preparing to award a contract for an annual curb and sidewalk repair program, which is done every year. This is when the Township addresses complaints in neighborhoods about bad curbs and sidewalks and prioritizes them according to safety issues, trip hazards, amount of pedestrian travel, etc. The Township is not yet ready to award this contract at this time.

Mr. Wanamaker expressed his appreciation for the alternatives given. He indicated that the Township's intentions were to make it standard, according to Montgomery County subdivision regulations and to Township standards. The standard is for concrete sidewalk. Mr. Wanamaker indicated that safety issues will be addressed first. He added that the checkerboard, quilt-type look is not that desirable because there are no handicap ramps, which require truncated domes that are brick-looking. These ramps need to be conspicuous and would not stand out on brick sidewalks.

Mr. Wanamaker indicated a letter has been drafted to go out to residents to let them know that the sidewalk repair program is moving along with the intention to repair the sidewalks according to County and Township standards. He indicated he would be happy to meet with anyone and listen to their suggestions and to do whatever the Trustees direct him to do.

Mrs. Young elaborated on the history. When the plat was developed, the developer wanted brick. At that time, a vote was taken and 29% of the homeowners did not care for brick and said they did not want it. The majority, well over a hundred homeowners, did want it. The Township was convinced that it would be maintained. Even though the sidewalk did not meet Washington Township's or Montgomery County's standards, it was accepted when the streets were dedicated. When streets are dedicated, the Township has to also accept sidewalks. Since the streets were up to code, the Township accepted them. This meant that the Township would be responsible for the sidewalks, too. The Township knew that the brick would be harder to maintain and would be more expensive, but they were assured that the homeowners' association would maintain it. Now we have a situation where safety is a problem and the Township is liable for accidents that may occur on the sidewalk because of its poor condition. The Township is looking for a long-term solution. This is why the Township agrees that we need to install cement. According to Mrs. Young, Mr. Wanamaker came up with a good-looking cement. She indicated that Mr. Wanamaker is suggesting to do some short-term solutions and talk with the neighbors further about how we can, together, solve this problem.

Mr. Berry added that a concrete sidewalk does not always have to look like a concrete sidewalk. These are things that can be worked out later.

Paul Schroeder, 9541 Pheasantwood Trail, indicated he remembered things differently 35 years ago. He indicated that when he and others bought their lots, they paid a premium price. They paid for the brick sidewalks. Originally, he did not want to do it, but his wife twisted his arm. At that time, the Township issued the permits and specs to build the sidewalks and, to the Township's credit, monitored the building of those sidewalks and even stopped the building when the developer did not meet the specifications that the Township had put forth. They made him tear up a considerable amount of brick sidewalk and reinstall it to the Township's specification. Mr. Schroeder believed that 95% of those sidewalks are in great shape, but that three or four areas are in need of repair. In his opinion, it would be much cheaper to repair them in brick and to keep the integrity and character of the neighborhood, keeping in mind that all of the residents in Quail Run paid a premium price for those sidewalks.

Mr. Paulson thanked Mr. Schroeder and Mr. Clark and the other residents for coming before the Trustees. He expressed that the Trustees' concern is one of liability, with trip hazards, and they want to see them repaired. Any significant concrete work will be put on hold until they could

find a workable solution. Mr. Paulson indicated that it may end up being concrete, but maybe it won't. He indicated further that we have some options to temporarily make some corrections, to fill in some of the holes and repair some of the heave ups that they have seen. Mr. Wanamaker will be putting some of the options before them and will potentially meet with the homeowners and discuss it. Mr. Paulson stated that he is not guaranteeing which way it will end up, but the dialog is good and they will see if there is a better solution that makes everyone happy.

Mr. Berry indicated that further dialog is needed to see what can be worked out.

Ben Calfee, 1240 Waterwyck Trail, indicated his concern was about maintaining property value. He does not want a patchwork solution. If they repair the brick or replace it with concrete, he requested that the Board consider property values as well as some sort of uniform look and style for sections of at least three or four homes in a row.

Mrs. Young indicated that if they are going to look at a long-term solution, they will have to patch for the short-term. Mr. Wanamaker informed her that they could put in asphalt, which can be easily removed. She again expressed the Trustees' concern that the Township is liable if someone trips on those bricks.

Mr. Berry added that the patchwork would just be for now until Spring, until it can be worked out.

Mr. Wanamaker asked if there were one or two people at the meeting who would be willing to be his contact person. He indicated his business card was on the table in the back for anyone to contact him. He recommended one or two spokespersons to represent the group and for him to contact to arrange a meeting.

Mr. Paulson confirmed Mr. Calfee's concern was that patchwork, as a long-term solution, would not be a good one. It would not be good to mix and match.

Mr. Berry summarized Mr. Calfee's concern was that a plan would need to be in place as soon as possible so that a prospective homeowner could be told what was going to happen.

Jan Monahan, 1247 Timberhawk Trail, indicated her husband, who is currently out of the country, asked her to have Mr. Wanamaker contact him upon his return. Mr. Monahan is the president of the Leisure Center and would like to be the one who is contacted.

Jeff Wolff, 9527 Pheasantwood Trail, asked for clarification regarding the process that is followed after this meeting. He understood that they are to contact Mr. Wanamaker and have some neighborhood meetings, but he is concerned about the process. He asked if it is Mr. Wanamaker who gathers the data and makes a recommendation to the Trustees, who then vote on the matter. Mr. Berry replied this was correct. Mr. Wolff then asked if the citizens would be notified when the decision is made. Mrs. Young replied absolutely. Mr. Wolff indicated that his family is on the sidewalks regularly. Their kids are on tricycles and bicycles, riding around. He believes it is a very small percentage that is in need of repair.

Mrs. Young directed Mr. Wanamaker not to include this on the annual Sidewalk and Curb Repair Program, so that it will not be done this fall and will not be included in the bid. Mrs. Young indicated that we will work out a solution that would then be put on next year's bid and, meanwhile, the Township will patch the sidewalks that are really unsafe.

CONSENT AGENDA

All matters under the Consent Agenda are considered by the Board of Trustees to be routine and will be enacted by one motion. Any Trustee may remove an item from the Consent Agenda by request. No second is required for removal of an item. Items removed for separate discussion will be considered after the motion to approve the Consent Agenda.

A. Meeting Minutes

- September 12 Pre-Meeting
- September 12 Regular Meeting

B. Finance – A motion approving the following:

- Check Register dated September 19, 2011, in the amount of \$430,098.95, said amount having been certified and appropriated.
- Rec Refund Check Register dated September 19, 2011, in the amount of \$1,129.00, said amount having been certified and appropriated.

Finance – A motion approving appropriation transfers attached as Exhibit A.

Finance - A motion to approve the Resolution declaring items to be surplus property, to be sold through GovDeals.

C. Rec - A motion to approve awarding to Booher Blacktop the Countryside Park Butterfly Playground Project for a total of approximately \$33,791.

It was moved by Mr. Paulson, seconded by Mrs. Young, to approve all items on the Consent Agenda.

Vote on Motion: Paulson, aye; Young, aye; Berry, aye. M2011-224

DEPARTMENTAL BUSINESS

POLICE

Tax Assessments

The Sheriff's Office allows up to three false alarms in a year at no cost to any business or homeowner. There is a property in Washington Township at 607 Thornbury Drive that has had more than three false alarms and was charged \$50 for the fourth occurrence.

It was moved by Mr. Paulson, seconded by Mrs. Young, that the Board approves a Security False Alarm Assessment to Ms. Karen Ogrady Hughey, at 607 Thornbury Drive, for an assessment total of \$50.

Vote on Motion: Paulson, aye; Young, aye; Berry, aye. M2011-225

PUBLIC WORKS

This item was removed from the agenda at the request of Mrs. Young.

TOWNSHIP ADMINISTRATOR'S REPORT

Ms. Lightle was not present. She was at the International City Managers Association (ICMA) in Milwaukee, Wisconsin. Mr. Berry added that Ms. Lightle is the president of the Ohio Association of Township Managers and was at the conference to represent our community.

TRUSTEE COMMENTS

Mr. Paulson indicated that last week was a busy week for the Trustees. He was very proud of the volunteer dinner to congratulate all of the volunteers that worked so hard for the Township. He also mentioned they had a great business breakfast for businesses in the community where they could be recognized. There was also a fantastic ribbon-cutting ceremony at St. Leonard's for the new wellness center. Mr. Paulson stated that it is a marvelous facility.

Mrs. Young indicated she followed Mr. Paulson around to all of the events.

Mr. Berry indicated that he did, too. Mr. Berry added that the people at St. Leonard's wanted everyone to know that their restaurant facility at the new wellness center will be available for everyone to use. The other parts of the wellness center will be available for residents over age 55 and they do not have to be a resident of the St. Leonard's community.

ADJOURNMENT: 8:20 P.M.

All formal actions of the Board of Trustees of Washington Township concerning and relating to the adoption of resolutions and/or motions passed at this meeting were adopted in an open meeting; and of any of its committees resulting in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.

President

Fiscal Officer

EXHIBIT A
09/19/11

General (01)

General - Finance		General - Fire	
01-111-5113	\$ 1,100	01-140-5113	\$ 500
Overtime - Salaries		Overtime - Salaries	
		General - Recreation	
		01-143-5113	\$ 600
		Overtime - Salaries	\$ 1,100
	<u>\$ 1,100</u>		
General Government		Zoning	
01-112-5993	\$ 5,000	01-130-5695	\$ 5,000
Contingencies		Nuisance Abatement	
Total General	<u>\$ 6,100</u>		<u>\$ 6,100</u>

Road & Bridge (04)

Highways		Highways	
04-330-5993	\$ 20,000	04-330-5412	\$ 20,000
Contingencies		Repairs & Maint. - Equipment	

Cemetery (05)

05-410-5993	\$ 4,000	05-410-5441	\$ 4,000
Contingencies		Repairs & Maint. - Vehicles	

Police (09)

09-210-5993	\$ 8,000	09-210-5441	\$ 8,000
Contingencies		Repairs & Maint. - Vehicles	

Fire (10)

Fire Administration		Fire Administration	
10-220-5699	\$ 4,000	10-220-5649	\$ 4,000
Misc. Other Expenses		Other Medical Testing	

Recreation (21)

Parks & Recreation	\$ 3,000	Parks & Recreation	
21-610-5741		21-610-5371	\$ 3,000
Office Equipment & Furniture		Fuel & Oil	
Parks & Recreation		Dance	
21-610-5993	\$ 1,000	21-632-5112	\$ 1,000
Contingencies		Salaries - Part-Time	
Total Recreation	<u>\$ 4,000</u>		<u>\$ 4,000</u>

Vehicle Maintenance Fund (91)

91-332-5373 \$ 1,000
Tires - Vehicles

91-332-5381 \$ 200
Small Tools & Minor Equipment

91-332-5756 \$ 500
Maintenance Equipment

Total Vehicle Maintenance \$ 1,700

91-332-5441 \$ 1,700
Repairs & Maint. - Vehicles

 \$ 1,700