

The Washington Township Board of Trustees met in Regular Session on December 5, 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.

FISCAL OFFICER'S BUSINESS

Year-to-Date Income/Expense Report

The Trustees have requested that a Year-to-Date Income/Expense Report be presented on a monthly basis. As of November 30, 2011, Washington Township has collected from all funds \$25,099,550.58, and has dispersed in all funds \$20,843,639.70, for a positive cash carryover of \$4,255,910.88.

Certification of Cost and Expense to County Auditor

Earlier this year, the Trustees approved a resolution authorizing the demolition and removal of the property at 8510 Garnet Drive in Washington Township. Pursuant to Section 505.86 (C) of the Ohio Revised Code, the Board of Trustees is required to certify the total cost to remove the structure in order to request the Montgomery County Auditor to place the amount upon the Tax Duplicate for the property.

It was moved by Mrs. Young, seconded by Mr. Paulson, that the Trustees approve Resolution R2011-040, certifying the cost and expense in the amount of \$29,610.21 to remove the structure at 8510 Garnet Drive in Washington Township and requesting the Montgomery County Auditor to place the amount upon the Tax Duplicate and that the amount be collected as other taxes and be returned to the Township's General Fund.

Vote on Motion: Young, aye; Paulson, aye; Berry, aye. R2011-040

Levy

The Board of Trustees has been reviewing the monies needed to operate the Public Works department for the next five years. In 2012 a five-year, 1.70 mill levy will expire and it is necessary to replace the expiring 1.70 mill levy and increase it by .15 mill, for a total of 1.85 mills. The extra millage is needed due to State cutbacks and property tax value decline. It is necessary that the Township certifies a resolution authorizing a 1.85 mill levy to be placed on the ballot by December 7, 2011. The Township has received the required certification from the County Auditor for a 1.85 mill replacement levy.

It was moved by Mr. Paulson, seconded by Mrs. Young, that the Board adopts Resolution R2011-041, authorizing the placement of a 1.85 mill levy on the March 6, 2012, ballot for road and bridge services in Washington Township for the years 2013 through 2018, in its entirety (tax years 2012-2017).

Vote on Motion: Paulson, aye; Young, aye; Berry, aye. R2011-041

ROBERT O'TOOLE AWARD

Each year, the Centerville Noon Optimist Club honors a member of the Washington Township Fire Department for their contribution to the community in remembrance of Robert O'Toole, a firefighter with Washington Township who was killed in the line of duty when he was responding to a traffic accident on January 12, 1998, on I-675. This year the member of the department being honored is Scott Henry.

Mr. Henry came forward and Mrs. Young read the award that was presented to him and the Trustees congratulated him.

LIQUOR PERMIT

Captain Osterfeld is in receipt of an application for a transfer of a liquor permit for permit number 38325080001 from South Beach Investments LLC, DBA: South Beach Club, located at 729 Lyons Road in Washington Township, to the same named company, same DBA, doing business at 671 Lyons Road in Washington Township. This is a change in address only.

The Sheriff's Department has concerns about the operation of South Beach. They have responded to a number of incidents that occurred inside the establishment that have involved patrons in its parking lot. The Township's law director has reviewed reports of calls for service at South Beach and, after reviewing the Liquor Control Commission's decisions for other cases, it is his opinion that the Township may have difficulty convincing them to not approve the proposed transfer. Continued problems at that establishment, however, may necessitate the Township requesting the Liquor Control Commission to intercede.

No action taken at this time.

ZONING CASE Z-474 D – FALCON REALTY LTD FOR SAFELITE AUTO GLASS

This is a Final Stage Development and modifications to a Planned Development Business (PD-B) Zoning District.

Ryan Lee, Zoning Manager, made a staff presentation. The applicant is Falcon Realty LTD for Safelite Auto Glass at 8333 Yankee Street. The auto repair use was approved on November 14th by the Board of Zoning Appeals. It was determined that, because this is simply for the replacement of auto glass, it is a compatible use within the district and was, therefore, approved. The site is located at the northwest corner of Lyons and Yankee. The PD-B is surrounded by Business 2 (B-2) to the north and Office Planned Development (O) to the west and south.

The site is where the old Deluxe Paint store was located. The Sibcy Cline office building is located directly to the south. The Four Seasons Car Wash and Arby's is located directly to the north. Drug Mart Plaza is across the street.

The applicant is proposing to modify the existing architecture to add some overhead doors and to modify some EFIS banding. He noted that the three overhead doors are further away from Yankee Street and they would not be visible from the public right of way.

The applicant is proposing to remove the gable style elements, creating a more contemporary style for the EFIS banding on the building and to paint it in a beige color. The three overhead doors they are adding would be similar in color.

The site plan is being modified to eliminate parking directly adjacent to the overhead doors. It still meets the minimum parking requirements.

The Zoning Commission recommended approval, subject to the final signage and landscaping plan being submitted for approval. Since that time, the applicant has submitted the proposed signage, which staff has reviewed. The wall sign, which will be placed on the EFIS banding, meets the minimum sign requirements. The applicant is also looking to reface the existing ground-mounted sign with a safe, flat, auto glass installation. The only thing that is still outstanding is the landscaping.

Staff recommends approval subject to the following condition: The applicant shall submit a revised landscape plan subject to approval by Development Services.

John Kraft, a real estate manager employed by Safelite Auto Glass, 2400 Farmers Drive, represented the applicant. He stated that the proposal is to relocate their existing facility at 2440 Stanley Avenue, Dayton, to 8333 Yankee Street. The reason for the relocation is due to their acquisition of another automotive glass company, called Diamond Triumph Auto Glass, about two years ago. According to Mr. Kraft, the location they had on Stanley is not conducive to their operation and does not meet their standards for the majority of their facilities. Their intentions are to add three overhead doors on the side of the building and to remove the structural elements so that it flows evenly with the existing structure of the building.

Mr. Kraft indicated that all they do is automotive glass repair and replacement. They are the nation's largest automotive aftermarket auto glass replacement company in the United States. They operate approximately 700 retail locations nationwide, 88 warehouses, and employ approximately 3,300 mobile technicians that go out and install automotive glass every day. This particular facility averages 35-40 units per day. It employs one store manager, a service representative and seven mobile techs. This facility does not stock automotive glass. All of their facilities nationwide are serviced by their warehouses. Their Cincinnati warehouse currently services this facility. All the glass is brought up the night before, usually about 4 or 5 o'clock in the morning. This facility averages 85 percent mobile and 15 percent in shop jobs. The average job takes about an hour. No other automotive services are performed. No hazardous materials are stored on site. All mobile vans are taken home by the techs in the evening. One or two spare vans may be kept at the facility.

Mr. Paulson asked if the surface of the building is going to change. Mr. Kraft responded that the existing brick would not change. The only thing that is going to change is the EFIS material. It is white right now, but will be painted a tan-based color. Everything else will stay the same.

Mr. Berry asked about the signs. Mr. Kraft indicated that the signs meet code, but he cannot submit a sign application until they get through this approval process first. There are currently two wall signs on the building, one along the side elevation and one up in the front corner. Both of these signs will be removed and they will be adding a sign in the front and refacing the existing pylon sign by the street.

Mr. Berry opened the public hearing portion of the zoning case. Seeing no one interested in speaking, Mr. Berry closed the public hearing.

It was moved by Mr. Paulson, seconded by Mrs. Young, to approve Zoning Case Z-474 D filed by Falcon Realty LTD for Safelite Auto Glass, for the Final Stage Development and modifications to 8333 Yankee Street with the following condition: The applicant shall submit a revised landscape plan subject to approval by Development Services.

Vote on Motion: Paulson, aye; Young, aye; Berry, aye. M2011-248

**Roll Call: Berry, aye;
Paulson, aye;
Young, aye.**

ZONING CASE Z-697 A – VWC HOLDINGS, LTD

This is a Second and Final Stage Development Plan.

Ryan Lee, Zoning Manager, made a staff presentation. This application is for a Final Stage Development Plan for the Creekside section of the Villages of Winding Creek. Approval for the First Stage was this past September. The plan is essentially the same with some additions to the landscape plan and some signage. The development is south of Social Row Road and northeast of Crooked Creek and State Route 48. The zoning is approved through the First Stage Development that rezoned the property to Planned Development – Residential (PD-R). There is a Planned Development Business 2 (PD-B2) along State Route 48, immediately adjacent to the existing Creekside development, which is zoned Residential 4 (R-4).

As far as access into the site, Cobble Brook Drive continues through the development and extends into Birch Brook Court, which cul-de-sacs. Whitewater Court extends off of Cobble Creek into a cul-de-sac. Saddle River Drive is to remain a stubbed street and will not continue through to Cobble Brook. The layout is similar to the First Stage Development. The periphery lots mimic the Residential 4 (R-4) zoning requirements with lot size and buildable area. The interior lots are a little bit smaller; however, have the same buildable area. It mirrors and is compatible with the existing Villages of Winding Creek. It has thirty feet rear yard setbacks, fifty feet front yard setbacks and a minimum of thirty feet between the structures. The density of the development is 1.51 development units per acre, which is less than the maximum of 1.75.

The proposed landscape plan has three open space areas. The first is at the corner of State Route 48, around where the existing monument signage is located. The applicant is proposing a large retention pond with fountain features, augmenting the existing landscaping, and clustering some trees around the entranceway. Additionally, along the entrance drive, there will be mounding and landscaping to buffer the proposed houses. The open space adjacent to the plan development Business 2 (B-2) zone will have a substantial amount of mounding and landscaping to buffer any potential impacts from the development of that business area.

The Zoning Commission reviewed this request at their November 15th meeting. They approved this zoning case with two conditions: 1) All proposed houses within the development shall utilize a minimum of fifty percent (50%) stone or brick materials on the exterior building walls. 2) A minimum of two (2) inch caliper trees shall be used within the designated landscape areas throughout the development.

The Montgomery County Sheriff's Office and the Public Works department had no comments. The Fire Department, however, had two comments regarding the spacing of the fire hydrants and Saddle River Drive, a dead end street. Both concerns have been addressed. The spacing of the fire hydrants has been changed and "No Outlet" signage was added for Saddle River Drive.

Staff recommends approval of the proposed request with the conditions recommended by the Zoning Commission.

Mark Durso, CESO, 8534 Yankee Street, represented the applicant.

Mrs. Young commented that it was a lovely development. She asked about the three public areas that are to be maintained by the homeowners' association. She asked what would happen if the homeowners' association is not able to do that maintenance.

Mr. Durso commented that he could not predict the future; however, provisions have been put in place to inform the residents of the need to put a budget together relative to the open space amenities that are there so that it is sustainable. Over the past few years, there has been an increase in the number of homes being built in the development, which is going to help preserve the financial stability of the development. Mr. Durso commented that this layout does not significantly increase the cost of the overall development.

Mrs. Young stated her concern was based on past history where homeowners were not able to continue maintenance of open areas.

Mr. Durso believed this situation was probably with a smaller development. While he cannot predict the future, it is his hope to provide housing at a rate where it could be sustained long-term.

Mr. Berry asked if the homeowners' association has been formed or if the maintenance is still the responsibility of the developer.

Mr. Durso responded it is the developer's responsibility. As it now stands, the developer is funding the deficit since there are not enough units or homes that are currently in place, but they are still developing and moving forward.

Mr. Berry concluded that maintenance of said areas will be the responsibility of the developer until such time as the association is formed. He asked if it is based on a certain date or on the percentage of lots sold.

Mr. Durso responded that it would be until the development is turned over to the HOA (homeowners' association), which is based on the percentage of homes built in the development. This will take approximately eight to ten more years.

Mr. Berry opened the public hearing portion of the zoning case. Being that there was no one interested in speaking, Mr. Berry closed the public hearing.

It was moved by Mr. Paulson, seconded by Mrs. Young, to approve Zoning Case Z-697 A, filed by VWC Holdings, LTD, for the Final Stage Development plan for the Creekside section of the Villages of Winding Creek with the following conditions: 1) All proposed houses within the development shall utilize a minimum of fifty percent (50%) stone or brick materials on the exterior building walls. 2) A minimum of two (2) inch caliper trees shall be used within the designated landscape areas throughout the development.

Vote on Motion: Paulson, aye; Young, aye; Berry, aye. M2011-249

**Roll Call: Berry, aye;
Paulson, aye;
Young, aye.**

CITIZEN CONCERNS

Mike Greely, 10119 Washington Church Road, expressed his concern about widening Washington Church Road. He asked why the Township would want to widen the road when they are not maintaining it to begin with.

Ms. Lightle indicated improvements have been included in the Township's Financial Plan for the last few years. A resolution was passed, partnering with Miami Township because of the jurisdictional boundaries the Township has with them. The northern part of Washington Church Road has been improved. The part where the City of Centerville stubs out from the Yankee Trace Development has also been widened and improved. She indicated the Township is just at the beginning stages. She replied, yes, the OPWC Grant Application has been applied for. She added it is very typical to apply for grant funding multiple years in a row. Their scoring structure is such that, with each grant application year that goes by where the Township has applied, the Township receives points. That is why the Township starts the process and goes through it each year. The Township scores better each year; and, hopefully, the Township will continue to do better. The Township recognizes their score is low at this time, which means that there will probably be no funding next year. However, improvements are in the Township's Five Year Plan and the Township anticipates moving forward with it. As indicated during the last meeting, there will be a time during this process for public comment and for residents to be part of the process. Ms. Lightle stated her understanding that Mr. Greely wants the rural character of the road maintained.

Mr. Greely stated his concern, if the road is somewhat unsafe so that the road needs to be widened to make it better, why is there only one "hidden drive ahead" sign on the entire road, on the Miami Township side. There is nothing on Washington Township's side. He noted that the results from the speed study that Miami Township did should be back soon. He hoped that Miami Township will soon be going to ODOT for approval to reduce the speed limit from 45 mph to 35 mph, which would make pulling in and out of his driveway safer. He stated there are improvements that could be made now, without going to OPWC, such as signage.

Ms. Lightle stated this would be looked at by staff and evaluated to determine if additional signage is needed.

Mrs. Young asked Mr. Greely for his suggestions regarding signage.

Mr. Greely asked for more "hidden drive ahead" signs. He stated there are several hidden driveways on the entire road, but only one sign. He believed this would help make people aware.

Mr. Greeley asked about the November 7th meeting minutes that were not yet posted on the internet.

Ms. Lightle indicated she would look into it.

Tom Weir, 9750 Washington Church Road, expressed one of his biggest concerns with the widening of Washington Church Road was with setbacks. He asked if the Township looked at resetting the setbacks. With the bike path and multi-purpose path that he assumed would be going in, it would put traffic extremely close to his front door. He asked if this issue has been addressed.

Ms. Lightle was not aware of any discussions, but it could be researched at a staff level. She did not believe we are there yet with the engineering.

Mr. Berry stated engineering isn't even complete, so land acquisition would not even be addressed at this point.

Mr. Wanamaker agreed. He stated it is very preliminary at this stage. Sidewalks and bike paths are amenities that are not drawn into any of the initial or exploratory engineering. He added that they like to have sidewalks, bike paths and multi-purpose trails on many of the roads that they will be improving in the future; however, this is not a mandatory scenario.

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. **Finance** – A motion approving the following:

- Check Register dated December 5, 2011, in the amount of \$271,827.38, said amount having been certified and appropriated.
- Rec Refund Check Register dated November 29, 2011, in the amount of \$114.00, said amount having been certified and appropriated.
- Rec Refund Check Register dated December 5, 2011, in the amount of \$64.00, said amount having been certified and appropriated.

B. **General** – A motion to approve a Resolution endorsing the preferred future land use scenario of Going Places and the integrated land use vision for the Miami Valley Region.

General – A motion to approve a pay resolution that sets new pay schedules for employees of the Township for the coming year.

General – A motion to approve contracting with Copp Systems Integrator for the purchase and installation of a sound system for the Government Center's meeting room for a total cost of approximately \$10,330.

C. **Public Works** – A motion to approve a change order addressing asphalt overruns and deep base repairs in the Cranbrook Rehabilitation Project for a total cost of approximately \$26,855.

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

Vote on Motion: **Young, aye;** **Paulson, aye;** **Berry, aye.** **M2011-250**

DEPARTMENTAL BUSINESS

GENERAL

Lease Agreements

Washington Township owns approximately 15 acres of land on the east side of Yankee Street at the Warren County border, approximately 25 acres of land on the northeast corner of Sheehan and Social Row Roads, and approximately 30 acres of land on the corner of Dayton Lebanon Pike and Social Row Roads. The Township wishes to lease these properties for the summer for planting crops, to be harvested in the fall.

It was moved by Mr. Paulson, seconded by Mrs. Young, that the Board authorizes contracting with Lucas Brothers, Bellbrook, Ohio, to lease the acres listed above. The total contract price is \$5,826.24, said amount to be paid on or before the first day of December 2012.

Vote on Motion: Paulson, aye; Young, aye; Berry, aye. M2011-251

TOWNSHIP ADMINISTRATOR'S REPORT

Ms. Lightle announced the Township is beginning to wrap up leaf collection. She encouraged residents to take advantage of this service soon. It may snow and the Township will have to changeover their trucks so that they will be able to plow.

Woodland Lights opened on Friday. Attendance was great on Saturday. She encouraged everyone to stop out and enjoy the light show.

TRUSTEE COMMENTS

Mrs. Young went to Woodland Lights last night and commented how pretty it looked before it rained.

ADJOURNMENT: 8:12 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