

# The Williamsburg Township Board of Trustees

July 11, 2005

The Williamsburg Township Board of Trustees met on Monday July 11, 2005 to transact business. Chairman Danbury called the special zoning ZC 3-05 meeting to order at 6:30 PM, and all joined in the Pledge of Allegiance to the Flag. James Danbury, Bari Henning and Jim Taylor answered the roll call. Also present were Clerk, Gregory W. Carson, Joyce Craig, Ken Craig, Donna Yapp, Charlie Yapp, Troy Boyer, Frances Pope, Bert Yearly, Don Loudermilk II, George McCombs, Nancy Anderson Tina MacVeigh, Charlie Fletcher, Jan Humphries, Merv Humphries, Earl Stacey, Greg Maue, Rod Stouder, Debbie Stouder, Rod Dyer, Sue Dyer, Ken Berry, Mary Maue, Angie Royer, Kent Royer, Robert Burns, Kim Jeffers, Barbara Mueller, Earl Whiteman, Richard Malott and Yvonne Malott.

Mr. Danbury opened the special meeting for ZC 3-05 and read a letter from Real Property Developers LLC requesting that the hearing for tonight's meeting be postponed until a later date to give them time to respond to concerns from township officials and the zoning board. He explained that the zoning commission made a mistake in approving the zone change from agricultural to PUD by accidentally approving the PUD also. Mr. Danbury said that the zoning board and the township trustees feel the plan that is being proposed is too dense and they want this clarified. Mr. Henning said that one trustee and a couple of zoning members and the zoning administrator met with the developer in a workshop meeting to work out the changes that they would like to see in the PUD. Gregory Maue asked if we had a minimum value for the houses in the proposed subdivision. Mr. Danbury said that there is nothing in writing about minimum values. Mr. Taylor said that we can only set the minimum square footage. Mrs. Malott explained that the minimum requirement would be 1,200 square feet. Mr. Henning explained that we require 2.178 houses per acre. Joyce Craig said that she thinks that if the zoning board passes a resolution, but the trustees don't like it, then the trustees can over-turn their resolution and she would like to see the trustees do this now because she feels like the development was railroaded through the zoning commission. Mr. Danbury explained that the project hasn't been approved by the trustees. Ken Berry said that he is on the zoning commission and he felt like they only approved the change from agricultural and not the plan. Mr. Danbury explained that everyone thought this, but the prosecutor and the developer's attorney say that the PUD was approved. Mr. Danbury explained that we had to have this meeting tonight to meet our legal time requirements for approving the zone change; however, since the developer has requested a time extension, we have met our legal requirements. Mr. Taylor said that because of this extension, we now have time for the developer to make some changes, but we can still turn down the zone change at a later time if the trustees decide to do this. Mr. Henning explained again that he felt the same as everyone in the zoning meeting that they only approved a zone change from agricultural to PUD, but according to the prosecutor, PUD's don't work that way, because the plan was approved through the process of the zone change. Ken Craig asked if the trustees have the ability to overturn the zoning commission's zone change, because he feels that it should be turned back over to the zoning commission to start from scratch and start over, because if the trustees don't do this, he feels that the trustees are in favor of the development. Charlie Yapp said that since the zoning commission made a mistake, he thinks that the developer could sue the township if the trustees change what the zoning commission approves. Mr. Taylor read the rules for the processes involved in approving and disapproving zoning changes and even though the PUD was approved in step 1 (zoning commission), but step 2 is the trustees who have the right to approve or disapprove or approve with changes. Joyce Craig said that she feels that the zoning board should vote to disapprove the zoning change, because she feels government checks and balances and the trustees are taking away the authority of the zoning board if the trustees make this decision and don't disapprove it and give it back to the zoning commission. Mr. Danbury said that it says in our rules that any "major changes" must go back to the zoning commission; however, "major" is a subjective word. Mr. Henning said that he wants to make sure any changes that the developer proposes are shown to the zoning commission as a courtesy to them to make sure they are involved in the process, even though at this point, we wouldn't be required to do it unless there is a major change to the plan. Greg Maue said that he is worried about water run off to his property on Cain Run Road. Mr. Henning explained that there are retaining ponds planned for this subdivision, because the county planning department has engineers involved in looking at the development to make sure water issues are taken care of. Greg Maue said that he has seen the water come over his road already in recent years and he doesn't want to see it happen again. Greg Maue said that he is in favor of developments and houses if they are done correctly. Charlie Yapp said that there is a natural spring along Alexander Lane and he is afraid of disturbing the natural lay of the land. Earl Stacey asked if someone is trying to slide something through and we didn't pick up on it. Mr. Danbury said that he feels that this is not the case. Mr. Stacey said that he feels that someone is trying to slide something through now and if it happens now, then what will stop it from happening again. He said that he has almost 30 acres that is very close to this development. He asked each of the trustees if they would want this in their back yard. Mr. Henning said that if he couldn't afford to buy the land, then he wouldn't have much say in it. Mr. Taylor said that if it's done correctly, it wouldn't bother him. Mr. Danbury said that he already lives in a subdivision, so he wouldn't mind living near one. Mr. Stacey said that he has seen a lot of changes in the water run off over the past years as houses have been developed. Mr. Danbury said that he feels what is happening tonight is what needs to happen at the actual hearing. Merv

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Humphries asked if we have to vote for the extension. Mr. Henning said that he spoke with our prosecutor and he recommended granting the extension. Mr. Humphries wants the trustees to vote down the proposal, so it goes back to the zoning commission for their approval. Mr. Henning said that the developer has agreed to take the changes back to the zoning commission for their approval. Mr. Humphries said that it sounds like we have a gentlemen's agreement to take this back, but they aren't required by law. Jan Humphries said that because of the attorney involved in this situation, the trustees need to make sure that the trustees are asking for legal advice, because if there is room to wiggle, then the attorney will find it and make this into more of a nightmare than she feels it already is. She questioned the number of houses per acre, because she isn't sure if the road is taken into the calculations. Mr. Henning explained the calculation involved in coming up with the number of houses per acre. Jan Humphries said that she feels a lot of opinions are being expressed in this room and the trustees represent the residents of the township. She said that she feels that subdivisions are ok, but since this is agricultural, we need to be careful in taking into consideration the needs for the township as a whole, because she feels that houses are more costly than beneficial to the township. Mr. Danbury said that he agrees that residential taxes don't cover the costs for fire/EMS/roads, etc. and he would like to see a nice office building, because it is the most beneficial to a township tax wise, but houses are needed to attract that type of development. Frances Pope said that she thought the owner of this property had tried to create a PUD a few years ago on this property, but she vaguely remembers that the EPA or some other group didn't want this development to happen, because of something that she can't remember. Mr. Taylor said that the planning commission might know something about this. Bert Yeary said that he feels that if we grant the extension, then we should put some time limit on the changes to provide closure on this matter. Joyce Craig said that she is still concerned about the legality of this matter since the zoning commission accidentally approved something and there was a loop hole for that, then the trustees might make a mistake by not disapproving it and creating another loop hole. Mr. Taylor said that he has given this much consideration over the past few weeks and he has been very disturbed over the situation and he wants to make sure it's done correctly to rectify the mistakes that have already accidentally occurred. He said that he would like to see everyone happy, but in these situations, everyone is not going to be happy, but he wants to see this come to a point where everyone can agree that it is good, even if they aren't totally happy about it. Jan Humphries said that she really appreciates what Mr. Taylor says that we need to work together, but she is worried about the legalities involved and she is afraid that granting an extension will create some loop hole that the attorney will find, because we don't have legal representation at our meeting to make sure we are in compliance. She asked that we turn down the zoning case, but if we don't then we should put a time limit on the extension. Mr. Henning said that we have consulted with our prosecuting attorney and will do what he suggested. He said that Bert Yeary, as zoning member, has consulted with the prosecutor. Rod Stouder said that we can't have gentlemen's agreements with attorneys, because they will find a loop hole if one is there to find. Merv Humphries said that when the developer brings back a change, then they should agree to take it back to the zoning commission or else the trustees should disapprove the change and send them back anyways via the law. He thinks this may sound like a gentlemen's agreement, but the trustees have the legal authority to do that. Mr. Taylor said that we can't agree to that, because it would be prejudice. Mr. Humphries said that this development touches his property and he isn't totally against it, but he wants to make sure it's done correctly and looks good. Mr. Danbury said that he is in favor of granting the extension per our attorney's advice; however he wants to put a time limit on it, even though we haven't asked the attorney if we can do that. He said that if we can't legally put in a time limit, then we should have an emergency meeting to rectify the situation. Mr. Henning suggested a 60 day time limit. Discussion took place on whether it is 60 days plus time to advertise for hearings, etc. Mr. Taylor motioned to grant a delay with a response back to the trustees by September 9<sup>th</sup>. Mr. Henning second. All yeas. Mr. Craig asked if what was just voted on was not legal, then would he be notified of an emergency meeting and Mr. Danbury said yes they would be notified. Kent Royer asked where the 20 days rule came into play. Mr. Henning explained that the 20 day rule was for the benefit of the developer, so the trustees wouldn't drag their feet in making a decision, but since the developer asked for an extension, and then the 20 day rule doesn't apply per our attorney.

Mr. Taylor motioned to adjourn the special ZC 3-05 meeting at approximately 8:00 p.m. Mr. Danbury second. All yeas.

Mr. Danbury opened the regular meeting of the trustees at approximately 8:30 p.m.

Mr. Henning motioned to approve the minutes of the last meeting. Mr. Danbury second. All yeas. Mr. Carson presented a financial report, including a comprehensive account of expenditures and receipts and the trustees accepted it.

## **Receipts of the meeting:**

Total Receipts: \$69,522.38

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Mr. Danbury motioned to pay the following bills. Mr. Henning second. All yeas.

Total Bills: \$34,181.58

## Zoning Report

Mrs. Malott presented a zoning report. She said that she gave the trustees a copy of a letter from a resident of Commons of East Fork that could be considered almost a threatening letter. She said that she sent a copy to our prosecutor. Mr. Malott said that he thinks that the trustees should do something about this such as go to the sheriff, because this letter is very threatening and the lady sounds crazy. Mr. Taylor said that he would call the prosecutor tomorrow to find out if our motion at the zoning hearing was legal and to find out what we should do about the threatening letter.

## Cemetery & Maintenance Report

Mr. Whiteman said that the blacktop work is scheduled to be done in a couple of weeks, but the upcoming rain this week may cause some delays. He said that the road signs are ordered for the speed limit changes on Cain Run Road. He said that Emory Hawkins on Hennings Mill has three trees at the end of his driveway that need to be trimmed to allow him to see out of his driveway. He said that he needs to look at it closer to see if the trees are in the right of way, because it's questionable. He said that he's concerned because the trees grow into the power lines, so he is going to contact the electric company to cut the trees back below the electric lines. He said that there were 106 paid man-hours for township clean-up days. He said that no one ever called him back from the county about the pipes that are needed along Happy Hollow Road. He thinks we should replace the road pipe before school starts, because it's in bad shape. Discussion took place on what size pipe should be put back in the road. Trustees agree that we should replace the pipe with a 24 inch pipe. Mr. Danbury asked if we have any policy on how late we can do a funeral burial, because there was a funeral scheduled for 4:00 recently. Mr. Whiteman said that every situation is different and he doesn't mind staying late to accommodate the families involved, but he prefers to not have any later than 4:00, but sometimes they have to. Mr. Danbury said that if we are going to put Brian Tatman in charge while Mr. Whiteman is on vacation, then we should get him bonded. Mr. Whiteman said that he isn't going to be here forever, so we might want to start thinking of that. Mr. Taylor said that we should wait to get a recommendation from Mr. Whiteman before we make that decision. Mr. Whiteman said that he sees no problem with getting him bonded. Mr. Danbury said that we have 4 checks for e-checks for the 4 vehicles required to be tested this year, even though the e-check testing will be over after this year.

## Emergency Services Report

Mr. Malott said that the bushings are out on the aerial truck and he called Mel Arnold's garage and they said that it will cost around \$900 and they can have the truck done in one day if they drop it

off in the morning, then they can pick it up that afternoon. He said that he is having the same problem with medics on the weekend, because Paul Amriott fell off a ladder while working at another township. He said that Mary Marshall is back from her injuries. He said that we have 16 shifts and only 4 medics now to cover them. He asked if we want to check outside the township to hire people to cover this. Mr. Henning asked how people would handle it around the fire house, but Mr. Malott said that they don't have a lot of choice. Mr. Malott said that we could get some outside help for backup. Mr. Henning said that he noticed that a couple of the tires are looking bad on the aerial truck.

Mr. Danbury said that we received a letter from the Ohio Division of Liquor Control stating that First Stop Incorporated is applying for a liquor permit for their new store at Dela Palma Road and State Route 32 and wants to know if we want a hearing. Mr. Danbury motioned to sign the form and check that we don't want a hearing. Mr. Taylor second. All yeas. Mr. Danbury said that he gave each of the trustees a copy of the proposed sheriff contract and suggested that each of them read it to decide a future meeting. Mr. Danbury said that Frank Harmon will be at our next meeting to discuss our health insurance contract.

Mr. Taylor motioned to adjourn at approximately 9:45 p.m. Mr. Danbury second. All yeas.

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Clerk

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President