

RUSHCREEK TOWNSHIP TRUSTEES  
MEETING MINUTES  
May 15, 2024

Chad Ashbaugh, Chairman called the Rushcreek Township Trustee Board meeting to order at 7:00 p.m.

**Pledge to American Flag**

**Roll Call of the Board:** Chad: Present Rick: Present Jim: Present

Lisa (fiscal): Present Will (fire): Present Richard (roads): Present

Chad asked that all cell phones be muted except for the Chief's.

**BID OPENING**

The Rushcreek Township Trustees and the Village of Bremen will be accepting sealed bids for **2024 chip seal project of approximately 11.97 miles single seal and 1.3 miles of DOUBLE seal road in Rushcreek Township. The Village of Bremen: 1270 feet long and approximate width average of 12 feet of Ruff Drive to be DOUBLE sealed at the corporation limit .** Project completion by September 2024. Bid must contain pricing using RS2 emulsion and Polymer emulsion priced separately. **Sealed bids must be received by 6pm; May 15, 2024.** All Bids must include valid BWC and insurance certificates. Successful bid will be required to name Rushcreek Township and the Village of Bremen as additional insured and execute a hold harmless agreement with each. Trustees and the Village reserve the right to accept or reject any or all bids. **Detailed bid information can be obtained by contacting Rushcreek Township Road Department at 740-569-7181 Ext. 11. . Bid opening will be held May 15, 2024 at 7 P.M. at the regular board meeting.**

**Bids received from Dreams Excavating and 20/20 Enterprises.** Dreams Excavating Polymer Total \$275,794.80 Village of Bremen \$8,099.80 and RS2 \$228,265.28, Village of Bremen- 6,716.90 20/20 Enterprises Village of Bremen – Polymer – \$6,180.67, RS2 - \$5,672.67. RS2 Township , \$181,154.71.

**Motion to accept bid from : 20/20 Enterprises\_** for 11.97 miles of Road 1.3 miles of double seal in Rushcreek Township , RS2 by Trustee Ashbaugh **Second:** Trustee Downard . The Board makes a motion to accept the bids for the Village of Bremen as a matter of public record and will forward those bids for consideration to the Village of Bremen. **Roll Call: Chad: Aye Rick: Aye Jim: Aye**

**VISITORS**

Art Kunkler-20/20 Enterprises, Charlie Hockman- RPC

**REGIONAL PLANING REPORT**

Provided by Charlie Hockman (see attached)

**MINUTES**

The Minutes from the May 1 , 2024 regular meeting have been distributed for review prior to the meeting, and are being presented for approval. **Motion to accept:** Trustee Ashbaugh **Second:** Trustee Downard

**Roll Call: Chad: Aye Rick: Aye Jim: Aye**

Chad reminded everyone that the minutes are available upon request at the Fiscal Officer's office and the website.

**FINANCIAL SECTION**

Warrants # 43537 through 43555 and EFT's 216-2024 through 217-2024 in the amount of \$32,546.07  
April Bank Reconciliation

**Motion to approve and pay :** Trustee Moyer **Second:** Trustee Downard

**Roll Call: Chad: Aye Rick: Aye Jim: Aye**

**Fiscal Office**

BWC SIG grant update: We continue to have issues navigating the BWC grant system. New quotes were provided. We can not get a quote for the Dual wheel Dolly, only and invoice from Northern Tool. We have advised BWC of this and the difficulties in making changes to their system. The Board agreed this is no longer worth continue to try to navigate their system or meeting the inflexible requirements.

Spoke with Melissa Hoover from Fair Fields regarding the small scale solar project. Invited her to attend a Board meeting and advised the issue is pending with our Zoning Commission.

Fire

<b>EMS</b>	<b>16</b>	<b>RUNS</b>	<b>TRANSPORTS</b>	<b>7</b>
<b>FIRE</b>	<b>2</b>			
<b>MVA</b>	<b>2</b>			
<b>MUTUAL AID</b>	<b>2</b>	<b>GIVEN</b>	<b>2</b>	<b>RECEIVED</b>

given                      received

Berne Township	<b>0</b>	<u><b>0</b></u>
Junction City	<b>0</b>	<u><b>0</b></u>
Marion	<b>0</b>	<u><b>0</b></u>
Lancaster	<b>0</b>	<u><b>0</b></u>
Pleasant	<b>0</b>	<u><b>0</b></u>
Richland	<b>1</b>	<u><b>2</b></u>
Misc. (Somerset, Hopewell, Straitsville, New Lex	<b>1</b>	<u><b>0</b></u>

Zoning

5/2 – permit issued Shaffer for pole barn

5/3 – permit issued Hershberger for room addition

5/8 – permits for two new construction 8056 and 8104 Pleasantview to Jordan remodeling

5/8 – correspondence to Beard property regarding potential business next to Pumpkin Vine Golf Course as reported by Shad Walker

5/8 – permit for deck – Milliron

5/8 – Regional Planning again questioning lot size for property sale on Graffis Road. 1.5 acres is minimum without variance per zoning resolution. Trustee Moyer stated the Title Agency (Sara) continues to communicate that this is OK.

Responded to several routine inquiries regarding solar panels on homes and setbacks

5/14 – questions regarding building on 1865 Webb Summit.

Letter regarding property owned by Dean and a second home (Amish-Temporary Housing)

Road Department

Ditching and cutting berms

ROW permit issued to Ashbaugh Trucking and Excavating for 1856 Locust Grove Road

Thank you to Doug Burnworth for removing tree across Purvis Road on 5/6

Tires and trash removed from Young Road

Continue to clear culverts after heavy rains

Culvert replaced on LeCrone Road

Input regarding the purchase of a ditching head for the arm mower. Cost is approximately \$19,544 from state pricing. That would not include delivery or installation. Trustee Moyer expressed concern over the use of the ditching head in certain areas and the amount of dirt it could put on a bank and be washed back into the ditch. The Board agreed to consider the use and discuss at the next meeting.

**Administration**

Resource International Core Samples should be complete within the next few days. However, the portion of the testing completed suggest the mix proposed by Mt. Carmel is adequate to resolve the issue. They are currently curing 3 mix designs for a 2 week period to confirm initial testing results.

Cemetery language review: Jim will discuss with the Zoning Commission. He agrees the language should be modified so can be clear. He is also questioning what "contract zoning" indicated by RPC means.

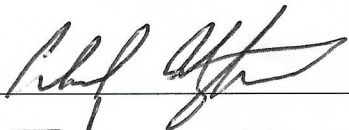
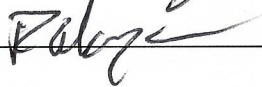
OPWC regarding 2024 election of representatives. The Board reviewed the request by OPWC to vote on these Board members. The Board is not familiar with the candidates and feels best to decline a vote.


Waiting on PA office to respond regarding the right of way questions for Rushcreek Feed/Rushcreek Township.

**Trustee Ashbaugh hearing no further business**

**Motion to Adjourn:** Trustee Ashbaugh

Adjournment time: 7:45 p.m.

  
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RPC Meeting Notes of 5-7- 2024 For Twp. Meeting 5-15-2024 by Charles Hockman

The RPC meeting was held at 6::00 at 138 W. Chestnut Street. There were about 20 members present. It was announced Sofa Saheh, one of our two planners, resigned stating family issues. We are still looking for a director as well because Holly Mattei is filling in as a temporary director at \$11,000.00 per month.

We approved an expansion to the Work Force Center at Coonpath Road and Rt. 33. This is the preliminary planning stage and is funded by State of Ohio ARPA funds. The area is 79 acres and zoned special use district within Greenfield Twp. A future day care center and left turn lanes are anticipated with the current driveway being closed to regular traffic and a new driveway being relocated.

Greenfield Twp. proposed amendments to their zoning regulations which addressed new requirements for Breezeways and accessory Structures. The text and definitions were several pages long and this is just a part, which in my opinion too is much too restrictive. Although the RPC executive committee recommended approval, I took issue. Greenfield proposed a garage, shed, out building or pole barn be required to have a cement slab floor. They further stipulated the roof pitch had to be the same as the Principle Structure, The height of the garage or barn could not exceed 75% the height of the the home or 20 feet, whichever was greater. Attached Accessory Structures could not not exceed 17 feet or 75% of the height of the home, whichever was greater. I reminded the RPC members our purpose is to provide for health, safety and general well being of the community. I stated if my neighbor had a pole barn without a cement floor or a different roof pitch than their house it would not bother me at all. In zoning the freedom of the homeowner needs to be considered against the cookie cutter conformity of a handful of zoning commission people that want tight restrictions limiting personal freedom . I asked the Greenfield Rep., Lonnie Rosch, why they wanted these restrictions? He stated the reason was because of the county airport is in their township. Height restrictions are important around airports but how does roof pitch angles and floor construction matter? How would the absence of those restrictions negatively impact their neighbors? There has to be better reasons than I was given to restrict peoples right for me to vote for something this restrictive. that goes against property owner rights. Gail Ellinger of Hocking Twp voiced her objection or concern as well and one or 2 others agreed, but the vote went against us with the majority just going along with the executive committee and the text amendment was approved.

The next agenda item was our proposed cemetery rezoning request. I requested it be tabled until the next RPC meeting. This was because of a discussion with Dave Foltz our

zoning commission lead, and myself, over an apparent discrepancy in our text as well as the RPC executive committee suggesting legal council on contract zoning which the executive committee thought we were doing, In our cemetery proposal to remove cemeteries from conditional use to a cemetery zoning district, our zoning commission separates cemeteries into 3 types. They are public, private/church, and family. Under family cemeteries conditions are described in the new text. In the private cemetery section instead of listing conditions, our commission simply said to abide by the current rules in the existing text as they had not changed. Apparently this is what the executive committee calls contract zoning. We need to find out if legal council wants us to write those conditions out in the new text like the commission did for family cemeteries.

We probably need to add text stating, as per Ohio law all cemeteries, except for family cemeteries, need to be registered with Ohio Dept. of Commerce, real estate division. This has been a law since 1993. The above are minor changes which should not require us to send additional paperwork to RPC. Hopefully this can just be added as recommendations before the next RPC meeting.

## Rushcreek Township Zoning Resolution Amendment

**APPLICANT:** Rushcreek Township

### PROPOSED REVISIONS:

Rushcreek Township has proposed an amendment to its Zoning Resolution to add "Cemeteries (CEM)" as a new Zoning District, which would require a property owner to apply for a Zoning District change rather than a conditional use. Cemeteries were previously categorized as a Conditional Use under Section 11.5 (page 77). This revision will also separate 'family cemeteries' (for persons wanting to be buried on their own property) and 'private cemeteries' as two different cemetery types. The amendment will also include more details regarding fencing for 'private cemeteries'.

### ANALYSIS:

#### Cemeteries (CEM) Zoning District

- According to the information submitted by the township, cemeteries are a permanent place, they will now be classified as their own Zoning District. Cemeteries (CEM) will now be located under the Use Districts section (Section 9) and will be removed from the Conditional Uses section (Section 11).
- Cemeteries (CEM) will now require property owners to apply for a Zoning District change instead of a conditional use permit.

#### Private Cemeteries:

- Private Cemeteries will be included in the Cemeteries (CEM) Zoning District
- The current definition of 'Cemeteries', as defined in the Resolution (page 6) will apply to Private Cemeteries.
- The current conditions for 'Cemeteries', as described in the Resolution (Section 11.5, page 77) will apply to Private Cemeteries.
- Requirements regarding fencing will be added to the Conditions for Private Cemeteries.

#### Family Cemeteries:

- Family Cemeteries will also be included in the Cemeteries (CEM) Zoning District.
- Family Cemeteries will not be required to apply for a conditional use permit or change in Zoning District.
- Family Cemeteries will be defined as: "*a place of burials for any group of individuals linked by a common ancestry.*"
- Conditions for Family Cemeteries will be added. (See Outline for full list of Conditions for Family Cemeteries.)

Does This mean 2 Different  
types of cemeteries have different  
Requirements??

**STAFF COMMENTS:**

1. Cemeteries (CEM) applications will now need to comply with Section 7.1 (Procedures for Amendment or District Changes) instead of Section 7.3 (Procedure and Requirements For Approval Of Conditional Uses). RPC staff believes maintaining private cemeteries as conditional uses is in line with best zoning practices. The township's letter indicates that the current conditions would continue to apply to cemeteries [in order for the rezoning to be approved]. This could be interpreted as contract zoning. While there is no law prohibiting contract zoning, there is case law that should be considered before making this adjustment. RPC staff recommends the township discuss this proposed amendment with legal counsel.
2. A definition for 'Family Cemeteries' will need to be added to the Definitions section of the Resolution. It should be noted in the definition that Family Cemeteries will not be required to apply for a conditional use permit or change in Zoning District
3. 'Cemeteries' will need to be changed to 'Private Cemeteries' in the Definitions section of the Resolution.
4. Since the township's letter indicates that Single Family Cemeteries will not require a conditional use permit or a district change, then Single Family Cemeteries should be listed as permitted uses in the applicable zoning districts.

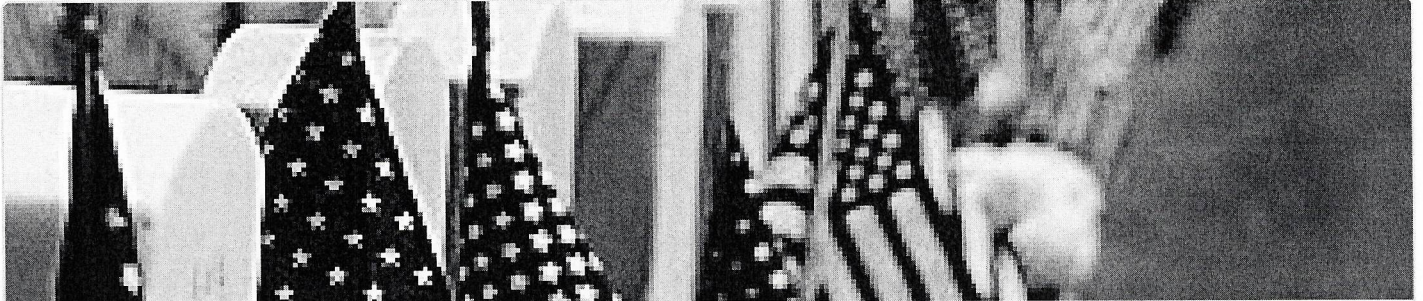
**STAFF RECOMMENDATIONS:**

Based upon the above noted comments, RPC Staff recommends modification of the proposed text amendments to Rushcreek Townships Zoning Text Resolution.

Public = Grandview  
Private = Amish - Sacred Heart  
Family = does not need cond use or rezoned

## Suggested Cemetery Minimum Maintenance Guidelines

Suggested minimum maintenance guidelines for all cemeteries registered in the State of Ohio.



## A Consumer Guide to Ohio Cemeteries

This brochure was created to help you understand how cemeteries in Ohio are regulated, explain what to do if you are experiencing a problem.