

7:00 PM

Township Hall

December 7, 2005

The Public Hearing for the Consent Decree for Case 186 of the Goshen Township Trustees was called to order by Chairperson Ed Soergel. Roll was called: Ed Soergel-present, Tim Hodges-present, and Lee Lewis-present.

Case 186: Bob Surdyk, the attorney representing Goshen Township, discussed the pending litigation that was filed with the Common Pleas Court in 2001 concerning a rezoning of 84 acres located on Kirbett Road from R-2 and R-3 to R-6 and R-PUD.

Bob Surdyk-Grand Communities, Ltd. is suing Goshen Township, because they feel that the current zoning is a violation of the Constitution. The judge could declare that the current zoning of the property is unconstitutional and that the property must be rezoned and the Township could incur losses. The Ohio Revised Code allows the Township Trustees to settle a lawsuit by Consent Decree. If the Trustees pass a Resolution to accept the proposed Consent Decree tonight, then it will be sent to the Common Pleas Court to be heard on December 13, 2005. The proposed Consent Decree includes a Site Plan and development conditions. In Exhibit C, the first two lots to the left of Street A are to be open space and the number of lots should be reduced to 245.

Ed Soergel-Is there any organized opposition?

Jeanie Alford, 1859 Kirbett Road-I came to the Township because of the open space. Now outsiders are coming in and telling the Board of Trustees what to do. If the developers were thinking of us, then they would listen to the people and what they want. We know that there will be development there at some point, but we would hope that it would be on a little more land. The schools are crowded and if this goes in, it's just the beginning. Heisler and Mill would turn over in their graves if they knew this was going in. We don't want this and we don't want what they want to put on this land. Why can't we make this a park? The long time residents of Goshen are being squeezed out.

#### Public Portion

Sandra Graham read a letter from Augustin Triska.

Augustin Triska, 1833 Kirbett Road-How come there were 255 units and now there are 269 units? What is the rush with approving this? Why not leave it to the future Trustees? You asked me if I would help you get elected. I asked you what your position on this project was and you said you were against it. I think that Issue #15 gave you a message.

Mike Pendergrass, 1861 Kirbett Road-I have lived here for three years. I think this is a travesty. I am in construction and developers take their money and run. Two hundred and sixty nine homes with four people per house and the ball field is too much. There are already accidents at Kirbett and State Route 132. I am totally against it. Our home values will go down and our taxes will go up. The strongest case against the Consent Decree is us. We need to protect our property.

Frank Alford, 1859 Kirbett Road-We put you in four years ago and our votes went to your opponents. What your lawyer is proposing is absurd. Jim Allen was the only one who stood up and shot this down four years ago.

Dave Gruble, 1892 Kirbett-This is a beautiful neighborhood and 289 homes are too much. This is polluting Goshen. I feel that the new Trustees should make this decision. One-acre lots would be beautiful. We need to build houses that are quality. Heisler Park should be improved.

Wanda Wolbers, 6662 State Route 132-I have been living here for 13 years. Everyone who is against this, raise your hand. A lot of people are against this project.

John Grippers, 1817 Kirbett Road-Issue #15 was defeated. We asked you about this property and

you said that you knew nothing about it. We are opposed. There will be increased traffic and congestion. Schools are already overcrowded.

Jim Allen, 7174 Shiloh Road-Four and a half years ago we said no to this project. I was a Trustee and I was for the people. I spent four years fighting the developers. I have been in your situation. I am just asking that you take a good look before you make a decision.

Dennis Triska, Dogwood Trail-If we approve this, it opens up Goshen to more developers. The schools do not need to be overcrowded.

Kim Pendergrass, 1861 Kirbett Road-I have lived here for thirty years. I moved from Cincinnati to live in a rural area. I see deer in the fields. I don't want to have five houses an acre. I went to Goshen Local Schools. Please consider how we feel.

Melissa Grooms, 1871 Kirbett Road-This is zoned agriculture. We never expected high-density housing. We want to increase our property value and not decrease it. The schools are overcrowded. We will have to build on to the schools. Why do we have to put up with lower income people?

Mike Keeley, 4100 Ironledge Court-I thought that the minimum square footage for a ranch was 2000 square feet and is 2200 square feet for a two-story home. I am concerned with the high-density housing. Our subdivision has half-acre lots.

Ed Soergel-The minimum square footage has never been 2000 square feet.

Bob Surdyk-There will be 245 units.

Bob Surdyk read the language that he would recommend the Trustees use in passing a Resolution.

\*\*\*Lee Lewis made a motion that in accordance with Ohio Revised Code Section 505.07 I hereby move to settle the lawsuit filed on behalf of Grand Communities, Ltd. and others against Goshen Township and the Board of Trustees of Goshen Township identified by Case #2001 CVH 984 pending in the Common Pleas Court of Clermont County Ohio pursuant to the terms of the proposed Consent Decree as modified to reflect that the first two lots to the left as one enters the proposed development on Street A on Exhibit C be designated as open space and that Paragraphs One, Five and Ten of Exhibit B as well as any other provisions of the proposed Consent Decree be modified to reflect the construction of 245 units and to authorize our attorney Robert J. Surdyk to present the proposed decree to the Common Pleas Court for consideration and that he be authorized to sign the Consent Decree and other documents necessary to conclude the pending lawsuit. Tim Hodges second-motion carried.

#### Adjournment

\*\*\*Tim Hodges made the motion to adjourn. Lee Lewis second-motion carried.

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Trustee

Respectfully Submitted,

Sandra Graham, Clerk