

The Board of Trustees of Sugarcreek Township, Greene County, Ohio, met in Regular Session, July 19, 2010, at 7:30 pm, at 2090 Ferry Road, Bellbrook, Ohio 45305.

1. Chairperson Nadine Daugherty called the meeting to order at 7:30 pm.
2. All rose and recited the Pledge of Allegiance to the Flag.
3. Mr. Hodson called the roll with Board Members Nadine Daugherty, Mike Pittman and Dick King being present. Others present, in addition to Mr. Tiffany, who signed in were Jim Tharpe, Jim Martin, Donna Hellman, Barbara Burson, Mike Kirnec, Lesia Inlow, D. Inlow, Mike Inlow, Katherine Ullmer and Scott Bryant.

4. Presentation of GUIDE Program Plaque to Lesia Inlow

Chief Flick said Lt. Deaton was responsible for the GUIDE Program and while he was away at Command School, Lesia Inlow assisted with responsibilities for the program. Lt. Deaton thanked Lesia for her help and presented her with a Plaque to express the Departments gratitude for her assistance and contributions to the program. Lt. Deaton said we are fortunate in that Lesia said she will assist him again next year.

4. Reports

A. Administration

A report prepared by Mr. Tiffany is appended. Mr. Tiffany asked the Board if they could start the August 16th meeting at 7:00 pm. Mr. Mike Cochran, with the Ohio Township Association, will be coming from Columbus, Ohio, and will give a presentation on Limited Home Rule. Mr. Tiffany wished to allow him time to return to Columbus at a reasonable hour. The Board agreed to do so.

B. Fire

A report prepared by Chief Pavlak is appended. Assistant Chief Zimmerman attended the meeting in Chief Pavlak's absence.

C. Police

A report prepared by Chief Flick, for the police department, is appended. Chief Flick said alerts were issued for Jeremy Woods and Eagle Rise residences. There were several items stolen from unlocked cars parked in those areas. Chief Flick also said the several Officers collected food for the Family Resource Center. The Farmer's Market vendors contributed as did Jerry Lucas (market in front of Walgreens). Chief Flick said they fed collected enough for seventy people.

D. Roads and Services

A report prepared by Tracey Messer, Director of Roads and Services, is appended. Since there were several non-emergency mutual aid agreements on the agenda between our service department and those of other entities, Mr. King asked Tracey if we could possibly arrange an agreement between Sugarcreek and all other Townships in the County. Tracey said he would look into it.

E. Zoning

A report prepared by Cara KillKelley, Planner/Zoning Officer, is appended. Cara commented on the Little Miami River Overlay District meeting today saying it was very productive.

5. New Business

Fiscal Office

A. Payment of Bills

Mrs. Daugherty moved to accept the Payment of Bill as presented. Mr. King seconded. Roll was called with the vote being as follows:

Mr. King – Yes
Mr. Pittman - Yes
Mrs. Daugherty - Yes

Fire Department

B. Appointment of Fire Department Personnel Under the Terms of the Acceptance of FY2008 Safer Grant, Michael S. Kirnec.

Resolution # 2010.07.19.01

WHEREAS, on May 15, 2009, the Sugarcreek Township Board of Trustees approved Resolution 2009.06.15.07, accepting the FY2008 Safer Grant; and,

WHEREAS, Chief Randall J. Pavlak is requesting, under the terms of the FY2008 Safer Grant, the appointment of Michael S. Kirnec as Part-time Firefighter/EMT in support of the goals and objectives of the Sugarcreek Township Fire Department; and,

WHEREAS, the funds for the employee status changes are allocated out of the FY2008 Safer Grant,

NOW THEREFORE, BE IT RESOLVED, that Michael S. Kirnec shall be appointed to the position of Part-time Firefighter/EMT at the pay rate of \$8.85 per hour,

FURTHER BE IT RESOLVED that this appointment shall have an effective date of July 19, 2010, with a one (1) year probationary period ending on July 19, 2011.

Mr. Pittman moved to accept the Resolution as presented. Mrs. Daugherty seconded. Roll was called with the vote being as follows:

Mr. King – Yes
Mr. Pittman - Yes
Mrs. Daugherty - Yes

C. Reclassification of Fire Department Personnel, Avery J. McKowen

Resolution # 2010.07.19.02

WHEREAS, the continuing need exists to maintain proper staffing within the Sugarcreek Township Fire Department; and,

WHEREAS, this need is met through the periodic reclassification of Fire Department employees and volunteers; and,

WHEREAS, Chief Randall J. Pavlak requests the reclassification of Avery J. McKowen from Part-time Firefighter/EMT-B to Part-time Firefighter II/EMT-B,

NOW THEREFORE, BE IT RESOLVED, that this Board of Trustees approves the reclassification of Avery J. McKowen to Part-time Firefighter II/EMT-B at the pay rate of \$9.03 per hour effective July 26, 2010.

Mr. King moved to accept the Resolution as presented. Mr. Pittman seconded. Roll was called with the vote being

as follows:

Mr. King – Yes
Mr. Pittman - Yes
Mrs. Daugherty - Yes

D. Declaration of Excess Fire Department Property

Resolution # 2010.07.19.03

WHEREAS, the Sugarcreek Township Fire Department has identified equipment which is no longer needed for operations, and;

WHEREAS, the Fire Department equipment is identified as a wooden pedi-board with broken handles, three (3) sets MAST trousers which are no longer protocol, two (2) old stairs chairs and a 1997 MTD Snowblower (Model #317-140-352) SN #1H286B20777, and;

WHEREAS, these items have an individual value of Two Thousand dollars (\$2,000) or less,

NOW THEREFORE BE IT RESOLVED that this Sugarcreek Township Board of Trustees hereby declares this property to be excess and directs the appropriate disposition of this property.

Mrs. Daugherty moved to accept the Resolution as presented. Mr. King seconded. Roll was called with the vote being as follows:

Mr. King – Yes
Mr. Pittman - Yes
Mrs. Daugherty - Yes

Police Department

F. Declaration of Excess Police Department Property

Resolution # 2010.07.19.04

WHEREAS, the Sugarcreek Township Police Department has identified equipment which is no longer needed for operations, and;

WHEREAS, the Police Department equipment is identified as a Savin (ID #L0901) Copier, Savin 2045 DP (ID #D0762) Copier and a Savin 2013Z (ID #B0496) Copier that is in disrepair, and;

WHEREAS, these copiers have an individual value of Two Thousand dollars (\$2,000) or less,

NOW THEREFORE BE IT RESOLVED that this Sugarcreek Township Board of Trustees hereby declares this property to be excess and directs the appropriate disposition of this property.

Mr. Pittman moved to accept the Resolution as presented. Mr. King seconded. Roll was called with the vote being as follows:

Mr. King – Yes
Mr. Pittman - Yes
Mrs. Daugherty - Yes

Roads and Services Department

F. Non-Emergency Political Subdivision Agreement for Road Work or Maintenance Between Beavercreek Township, Greene County and Sugarcreek township, Greene County

Resolution # 2010.07.19.05

WHEREAS, this is an agreement between the above-named political subdivisions by and through their respective governing bodies; and,

WHEREAS, Pursuant to House Bill 315, which enacted Revised Code Section 5535.08, the parties agree as follows:

- Sugarcreek Township agrees to assist Beaver Creek Township on an occasional basis from July 1, 2010 to July 30, 2015, in order to construct, reconstruct, resurface, improve, repair and maintain roads and/or streets.
- Sugarcreek Township agrees to provide up to four (4) employees for those occasions.
- Chapters 2744 and 4123 of the Ohio Revised Code apply to this agreement as provided for in Revised Code Section 5535.08.
- Sugarcreek Township will not charge for its services.
- Sugarcreek Township will provide whatever equipment it has available, if needed, to assist Beaver Creek Township.
- Sugarcreek Township, which is the assisting jurisdiction, may use the equipment belonging to Beaver Creek Township at the discretion of Beaver Creek Township.
- This agreement shall be in effect for a period of five (5) years, with automatic renewal for additional five (5) year periods until terminated by any party to the agreement.

NOW THEREFORE, BE IT RESOLVED this Agreement is accepted by the parties for the time period and terms contained herein.

G. Non-Emergency Political Subdivision Agreement for Road Work or Maintenance Between Cedarville Township, Greene County and Sugarcreek township, Greene County

Resolution # 2010.07.19.06

WHEREAS, this is an agreement between the above-named political subdivisions by and through their respective governing bodies; and,

WHEREAS, Pursuant to House Bill 315, which enacted Revised Code Section 5535.08, the parties agree as follows:

- Sugarcreek Township agrees to assist Cedarville Township on an occasional basis from July 1, 2010 to July 30, 2015, in order to construct, reconstruct, resurface, improve, repair and maintain roads and/or streets.
- Sugarcreek Township agrees to provide up to four (4) employees for those occasions.
- Chapters 2744 and 4123 of the Ohio Revised Code apply to this agreement as provided for in Revised Code Section 5535.08.
- Sugarcreek Township will not charge for its services.
- Sugarcreek Township will provide whatever equipment it has available, if needed, to assist Cedarville Township.
- Sugarcreek Township, which is the assisting jurisdiction, may use the equipment belonging to Cedarville Township at the discretion of Cedarville Township.
- This agreement shall be in effect for a period of five (5) years, with automatic renewal for additional five (5) year periods until terminated by any party to the agreement.

NOW THEREFORE, BE IT RESOLVED this Agreement is accepted by the parties for the time period and terms contained herein.

H. Non-Emergency Political Subdivision Agreement for Road Work or Maintenance Between Caesercreek

Township, Greene County and Sugarcreek township, Greene County

Resolution # 2010.07.19.07

WHEREAS, this is an agreement between the above-named political subdivisions by and through their respective governing bodies; and,

WHEREAS, Pursuant to House Bill 315, which enacted Revised Code Section 5535.08, the parties agree as follows:

- Sugarcreek Township agrees to assist Caesar creek Township on an occasional basis from July 1, 2010 to July 30, 2015, in order to construct, reconstruct, resurface, improve, repair and maintain roads and/or streets.
- Sugarcreek Township agrees to provide up to four (4) employees for those occasions.
- Chapters 2744 and 4123 of the Ohio Revised Code apply to this agreement as provided for in Revised Code Section 5535.08.
- Sugarcreek Township will not charge for its services.
- Sugarcreek Township will provide whatever equipment it has available, if needed, to assist Caesar creek Township.
- Sugarcreek Township, which is the assisting jurisdiction, may use the equipment belonging to Caesar creek Township at the discretion of Caesar creek Township.
- This agreement shall be in effect for a period of five (5) years, with automatic renewal for additional five (5) year periods until terminated by any party to the agreement.

NOW THEREFORE, BE IT RESOLVED this Agreement is accepted by the parties for the time period and terms contained herein.

I. Non-Emergency Political Subdivision Agreement for Road Work or Maintenance Between New Jasper Township, Greene County and Sugarcreek township, Greene County

Resolution # 2010.07.19.08

WHEREAS, this is an agreement between the above-named political subdivisions by and through their respective governing bodies; and,

WHEREAS, Pursuant to House Bill 315, which enacted Revised Code Section 5535.08, the parties agree as follows:

- Sugarcreek Township agrees to assist New Jasper Township on an occasional basis from July 1, 2010 to July 30, 2015, in order to construct, reconstruct, resurface, improve, repair and maintain roads and/or streets.
- Sugarcreek Township agrees to provide up to four (4) employees for those occasions.
- Chapters 2744 and 4123 of the Ohio Revised Code apply to this agreement as provided for in Revised Code Section 5535.08.
- Sugarcreek Township will not charge for its services.
- Sugarcreek Township will provide whatever equipment it has available, if needed, to assist New Jasper Township.
- Sugarcreek Township, which is the assisting jurisdiction, may use the equipment belonging to New Jasper Township at the discretion of New Jasper Township.
- This agreement shall be in effect for a period of five (5) years, with automatic renewal for additional five (5) year periods until terminated by any party to the agreement.

NOW THEREFORE, BE IT RESOLVED this Agreement is accepted by the parties for the time period and terms contained herein.

J. Non-Emergency Political Subdivision Agreement for Road Work or Maintenance Between Xenia Township, Greene County and Sugarcreek township, Greene County

Resolution # 2010.07.19.09

WHEREAS, this is an agreement between the above-named political subdivisions by and through their respective governing bodies; and,

WHEREAS, Pursuant to House Bill 315, which enacted Revised Code Section 5535.08, the parties agree as follows:

- Sugarcreek Township agrees to assist Xenia Township on an occasional basis from July 1, 2010 to July 30, 2015, in order to construct, reconstruct, resurface, improve, repair and maintain roads and/or streets.
- Sugarcreek Township agrees to provide up to four (4) employees for those occasions.
- Chapters 2744 and 4123 of the Ohio Revised Code apply to this agreement as provided for in Revised Code Section 5535.08.
- Sugarcreek Township will not charge for its services.
- Sugarcreek Township will provide whatever equipment it has available, if needed, to assist Xenia Township.
- Sugarcreek Township, which is the assisting jurisdiction, may use the equipment belonging to Xenia Township at the discretion of Xenia Township.
- This agreement shall be in effect for a period of five (5) years, with automatic renewal for additional five (5) year periods until terminated by any party to the agreement.

NOW THEREFORE, BE IT RESOLVED this Agreement is accepted by the parties for the time period and terms contained herein.

K. Non-Emergency Political Subdivision Agreement for Road Work or Maintenance Between Bath Township, Greene County and Sugarcreek township, Greene County

Resolution # 2010.07.19.10

WHEREAS, this is an agreement between the above-named political subdivisions by and through their respective governing bodies; and,

WHEREAS, Pursuant to House Bill 315, which enacted Revised Code Section 5535.08, the parties agree as follows:

- Sugarcreek Township agrees to assist Bath Township on an occasional basis from July 1, 2010 to July 30, 2015, in order to construct, reconstruct, resurface, improve, repair and maintain roads and/or streets.
- Sugarcreek Township agrees to provide up to four (4) employees for those occasions.
- Chapters 2744 and 4123 of the Ohio Revised Code apply to this agreement as provided for in Revised Code Section 5535.08.
- Sugarcreek Township will not charge for its services.
- Sugarcreek Township will provide whatever equipment it has available, if needed, to assist Bath Township.
- Sugarcreek Township, which is the assisting jurisdiction, may use the equipment belonging to Bath Township at the discretion of Bath Township.
- This agreement shall be in effect for a period of five (5) years, with automatic renewal for additional five (5) year periods until terminated by any party to the agreement.

NOW THEREFORE, BE IT RESOLVED this Agreement is accepted by the parties for the time period and terms contained herein.

Mr. King moved to accept the Resolutions for non-emergency political subdivision agreements for Beavercreek,

Cedarville, Caesar creek, New Jasper, Xenia and Bath Townships. Mr. Pittman seconded. Roll was called with the vote being as follows:

Mr. King – Yes
Mr. Pittman - Yes
Mrs. Daugherty - Yes

L. Initiate Text Amendments to the Zoning Resolution

Resolution # 2010.07.19.11

WHEREAS, the Board of Sugarcreek Township Trustees recognizes the importance of zoning regulations in the preservation of property and quality of life; and,

WHEREAS, the Board of Sugarcreek Township Trustees also recognizes the necessity of continual review and updating of the Zoning Resolution to ensure compliance with current case law and enforcement ability; and,

NOW THEREFORE, BE IT RESOLVED, that the Board of Sugarcreek Township Trustees does hereby initiate text amendments to the Sugarcreek Township Zoning Resolution relating to protection and preservation of the Little Miami River corridor pursuant to Section 519.12 of the Ohio Revised Code.

Mrs. Daugherty moved to accept the Resolution as presented. Mr. King seconded. Roll was called with the vote being as follows:

Mr. King – Yes
Mr. Pittman - Yes
Mrs. Daugherty - Yes

Mrs. Daugherty said she attended the LMR-OD meeting today. She said this is the first step in putting the overlay district back into the Zoning Resolution.

Mr. King said each person attending took a copy of what we had before so they could offer their suggestions to improve upon it.

Mr. Pittman said there were a wide range of participants present.

Mrs. Daugherty said we would like to set up a model that could be enforced.

Mr. King said “Model” was the key word. He hoped other entities would follow suite with their own overlay districts patterned after ours.

M. Position Statement of the Board on the Proposed Merger Conditions

Resolution # 2010.07.19.12

WHEREAS, in November, 2008, the Citizens of Sugarcreek Township and the City of Bellbrook cast their ballots in favor of creating a Merger Commission to study and formulate the conditions of merger of their two communities, and;

WHEREAS, the members of the Merger Commission, with the assistance of an outside consultant, staff from the two governments, and legal counsel have completed the study and formulation of the merger conditions in compliance with the process prescribed by the Ohio Revised Code, and;

WHEREAS, this Board of Trustees wishes to extend its sincerest appreciation to each of the members of the Merger Commission and to all those who directly supported the Commission for their dedication during this 18-month demanding task, and;

WHEREAS, in view of the information presented by the Merger Commission, this Board of Trustees is in full agreement that it does not support the merger of the two communities at this time due to:

- The increase in taxes necessary at the time of merger and perhaps in the future.
- The potential loss of key personnel who effectively serve and continue to be dedicated to the Citizens of both communities.
- Loss of tax revenue from the annexed portion of the Dille property that may in the future be in excess of one million dollars per year.
- The increase in community size would most likely downgrade the current level of effective services for the communities, and;

WHEREAS, this Board further recognizes the issue was approved for study by the voters and does not object to allowing those citizens the opportunity to cast their ballot again either in-favor or against the final outcome of the Merger Commission.

NOW THEREFORE, BE IT RESOLVED that this Board of Trustees does hereby stand united in opposition of the merger as proposed by the Merger Commission's final outcome and does not object to allowing the citizens to cast their own vote in this important decision process.

Mr. Pittman moved to accept the Resolution as presented. Mr. King seconded. Roll was called with the vote being as follows:

Mr. King – Yes
Mr. Pittman - Yes
Mrs. Daugherty – Yes

Mr. King said the Board arrived at a compromise for the Resolution. Mr. King said putting it on the ballot will provide another three months of annexation protection but has agreed to the wording in the Resolution.

Mr. Pittman said he against the merger since the benefits are outweighed by the negatives. Mr. Pittman said in addition to the tax issue, we have hard working dedicated employees and he wouldn't support anything that would possibly eliminate or jeopardize their jobs.

Mr. King said if it is on the ballot he is sure that there will be activity before November 2nd to insure people understand the issue.

Mrs. Daugherty said she agrees with Mr. Pittman about the employees. She said she loves the Township and wants it to remain a Township. Mrs. Daugherty said she is not in favor of putting it on the ballot and is afraid it is an unnecessary risk to do so.

Mr. King said he wants to keep the no annexation situation for another three months.

N. Certifying Expenses to the Greene County Auditor for Property Maintenance Code Violation at 3295 Penewit Road

Resolution # 2010.07.19.13

WHEREAS, the Board of Trustees adopted with modifications the International Code Council, Inc. International Property Maintenance Code/2006 as the Property Maintenance Code of Sugarcreek Township in Resolution 2007.04.16.05; and,

WHEREAS, pursuant to Section 108.2 of the Sugarcreek Township Property Maintenance Code, the structure at 3295 Penewit Road was closed so as not to become an attractive nuisance; and,

WHEREAS, the Township Planner/Zoning Official issued notice to the owner of 3295 Penewit Road was notified of the need to close the premises and did not do so within the time frame provided; and,

WHEREAS, since no response was received from the owner of 3295 Penewit Road, the Township Planner/Zoning Official made contact with Sugarcreek Township Roads and Services Department to close and secure the structure; and

WHEREAS, pursuant to 108.2 of the Property Maintenance Code, the costs shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate and may be collected by any other legal resource; and

NOW THEREFORE, BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby certifies expenses for said Property Maintenance Code violation in the amount of Four Hundred Fifty dollars and seventy-one cents (\$450.71) for the purchase and installation of locks, a BB entry knob, bolts, key, mileage, plywood and studs necessary to the securing of the premises to the Greene County Auditor and any interest or other charges that may be applicable.

FURTHER BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby requests the Fiscal Office submit a written report to the Greene County Auditor of the Board's action.

Mr. King moved to accept the Resolution as presented. Mrs. Daugherty seconded. Roll was called with the vote being as follows:

Mr. King – Yes
Mr. Pittman - Yes
Mrs. Daugherty – Yes

O. Certifying Expenses for Nuisance Abatement to the Greene County Auditor at 1370 Carpenter Road

Resolution # 2010.07.19.14

WHEREAS, the Board of Trustees declared the property at 1370 Carpenter Road a nuisance in Resolution 2010.05.03.07 (attached); and,

WHEREAS, the Township Planner/Zoning Official issued notice, by certified mail, of the nuisance abatement and responsibilities therein to the lien holders of record, of 1370 Carpenter Road; and,

WHEREAS, Ohio Revised Code 505.87 (attached) allows the owner seven (7) days to abate, control or remove such vegetation, garbage, refuse or debris or to make provision for its abatement, control or removal; and,

WHEREAS, since no response was received from the owner of 1370 Carpenter Road, the Township Planner/Zoning Official made contact with the Sugarcreek Township Roads and Services Department to control the vegetation, garbage, refuse or debris; and

NOW THEREFORE, BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby certifies expenses for said nuisance abatement in the amount of Three Hundred Thirty-Four dollars and forty-two cents (\$334.42) for mowing to the Greene County Auditor and any interest or other charges that may be applicable.

FURTHER BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby requests the Fiscal Office submit a written report to the Greene County Auditor of the Board's action.

Mr. Pittman moved to accept the Resolution as presented. Mr. King seconded. Roll was called with the vote being as follows:

Mr. King – Yes
Mr. Pittman - Yes
Mrs. Daugherty – Yes

P. Declaring a Nuisance at 3295 Penewit Road

Resolution # 2010.07.19.15

WHEREAS, the Ohio Revised Code 505.87 provides for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township; and,

WHEREAS, the Township Planner/Zoning Official has inspected the property at 3295 Penewit Road and has observed vegetation and noxious weeds exceeding 12" in height; and,

WHEREAS, at least seven days before providing for the abatement, control, or removal of any vegetation, the Board of Township Trustees shall notify the owner of the land and any holders of liens of record upon the land that the owner is ordered to abate, control, or remove the vegetation, garbage, refuse, or other debris, the owner's maintenance of which has been determined by the Board to be a nuisance; and,

WHEREAS, if such vegetation, garbage, refuse, or debris is not abated, controlled, or removed, or if provision for its abatement, control or removal is not made within seven (7) days, the Board shall provide for the abatement, control, or removal, and any expenses incurred by the township in performing that task shall be entered upon the tax duplicate and become a lien upon the land from the date of entry; and

NOW THEREFORE, BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby determines that the maintenance of the vegetation at 3295 Penewit Road does constitute a nuisance and orders the Township Planner/Zoning Official to proceed with the abatement, control, or removal of such vegetation in accordance with the provisions of ORC 505.87.

Mrs. Daugherty moved to accept the Resolution as presented. Mr. King seconded. Roll was called with the vote being as follows:

Mr. King – Yes
Mr. Pittman - Yes
Mrs. Daugherty – Yes

Trustee/Staff

Mr. King commented that the Township was on a roll. He said we had a good meeting earlier today and recently had two good decisions from the courts.

Mr. Tiffany said the purpose of today's meeting regarding the Little Miami River- Overlay District was to explore if an enforceable model set of regulations could be achieved.

Public Comments

Mr. Jim Martin said we are putting a T.I.F. on the non-annexed Dille property and we have an agreement with property owners of the Wilmington Pike strip mall that they won't annex. I don't think annexation is a reason to put merger issue on the ballot. Mr. Martin said he agrees with Mrs. Daugherty. It's not worth the risk.

Mrs. Barbara Burson asked if Centerville was appealing the annexation decision to the second district court and if so how long before we here a decision. Mr. Tiffany said he didn't know but it took about six months the last time.

Mrs. Daugherty moved to adjourn to Executive Session for on going litigation. Mr. King seconded. Roll was called with the vote being as follows:

Mr. King – Yes
Mr. Pittman - Yes
Mrs. Daugherty – Yes

The meeting adjourned to Executive Session at 8:40 pm. The meeting resumed at 9:45 with no action taken and promptly adjourned.

Theodore L. Hodson, Fiscal Officer