

The Board of Trustees of Sugarcreek Township, Greene County, Ohio, in Regular Session on November 17, 2014, at 7:00 pm, at 2090 Ferry Road, Sugarcreek Township, Ohio 45305.

1. Mr. Bryant called the session to order at 7:00 pm.
2. Mr. Hodson called the roll with Board Members Nadine Daugherty, Mike Pittman and Scott Bryant being present. In addition to Mr. Tiffany, Township Administrator, other present who signed in were Donna Hellman, Jim Martin, Jim Froehlich, Jim Hogue and Danielle Coots.
3. All rose and recited the Pledge of Allegiance to the Flag.
4. **Community Activities**
Nothing noted.
5. **Reports**
 - A. Administration
Mr. Tiffany's report will be appended to the permanent record. Mr. Tiffany said he had nothing to add. Mrs. Daugherty asked if they had been salting today. Mr. Tiffany said some but not a lot.
 - B. Fiscal Office
Mr. Hodson said he had nothing to report.
 - C. Fire
The report prepared by the Fire Department will be appended to the permanent record. Chief Pavlak said that for Community Activities, Christmas in the Park is coming up. Chief Pavlak said he returned from vacation last night and it was tough. He said when he left Florida it was 86 degrees.
 - D. Police
The report prepared by the Police Department will be appended to the permanent record. Chief Brown said he had nothing to add to his report. Mr. Bryant asked what the final vote was for the Police Levy. Chief Brown said 71 or 72 percent for.
 - E. Roads and Services
The report for Roads and Services will be appended to the permanent record. Mr. Tiffany said they were plowing until 3:00 am this morning. He said with tonight's new hire they will have seven part-time drivers. Mr. Bryant asked how we were doing with the beet juice. Mr. Tiffany said it's all on order and we're waiting on the parts. He said there was another new product on the market which goes down to 50 below. Mr. Pittman asked if it was the same company. Mr. Tiffany said it was. Mr. Pittman asked how long it takes to install the equipment. Mr. Tiffany said a couple of weeks and it's not difficult to operate.
 - F. Zoning
The report prepared by Cara Tilford, Director of Planning and Zoning, will be appended to the permanent record. Cara said she had nothing to add. Mrs. Daugherty asked if we need to let you know about the BZA candidates. Mr. Bryant told Cara to come back to us with the top two or three candidates and we can talk about it.
 - G. Information Technology
The report prepared by Mr. Zappanti, Director of Information Technology, will be appended to the permanent record. Mr. Zappanti said he had nothing to add.
 - H. Trustees
Mr. Pittman said he attended the Greene County Trustees meeting and a gentleman from Soin Hospital spoke about Ebola. He said it was very informative. Mr. Tiffany asked Mr. Pittman if the new head of the Greene County Regional Planning Commission started today. Mr. Pittman said he did and his name is Ken LeBlanc.

6. **Public Comments – Agenda Items**

None.

7. **Old Business**

Microwave Link – Mr. Tiffany said we have a contract and are waiting on an Email response. He said everything is approved. Chris Zappanti provided an explanation of what the link is and the connections it will provide to Beaver Creek and Xenia.

Employee Manual – Mr. Tiffany said there is a meeting scheduled for tomorrow.

8. **New Business**

Consent Agenda Items

A. Approval of Minutes

B. Payment of Bills

C. Transfer of Appropriations for Police and Fire Departments

		<u>Resolution #2014.11.17.01</u>		
Debit	Account Name	Credit	Account Name	Amount
Fund Number		Fund Number		
2081	Police Department	3102	Bond Retirement	\$46,383.75
2112	Fire Department	3102	Bond Retirement	\$64,053.75
			Total Transfers	\$110,437.50

D. Transfer of Appropriations for Road Department

		<u>Resolution #2014.11.17.02</u>		
Debit	Account Name	Credit	Account Name	Amount
Fund Number		Fund Number		
2031	Road Department	3101	Note Retirement	\$3,900.00
			Total Transfers	\$3,900.00

E. Resignation of Full-time Receptionist Sally Skelly

Resolution #2014.11.17.03

WHEREAS, Sally Skelly has submitted her letter of resignation from the Sugar Creek Township; and,

WHEREAS, Mrs. Skelly has been employed by Sugar Creek Township since August 10, 2009; and,

WHEREAS, the Township Administrator, Barry Tiffany, recommends we accept the resignation of Sally Skelly,

NOW THEREFORE, BE IT RESOLVED that the Board of Sugar Creek Township Trustees officially accepts the resignation of Sally Skelly effective November 21, 2014.

F. Appointment of Temporary Part-time Service Employees Michael L. Roberts, Charles H. Anderson Jr., and Jeffery M. Woliver

Resolution #2014.11.17.04

WHEREAS, the need exists to establish and maintain a viable work force within the Sugar Creek Township Roads and Services Department; and,

WHEREAS, the Board of Sugarcreek Township Trustees has authorized the hiring of temporary part-time employees to assist with department functions such as mowing, road work, the removal of snow through the fall and winter seasons, and other projects as needed; and,

WHEREAS, Michael L. Roberts, Charles H. Anderson Jr., and Jeffrey M. Woliver have applied for employment as temporary part-time service workers; and,

WHEREAS, Barry P. Tiffany, Township Administrator, recommends these appointments and has indicated that adequate funds are available in the 2014 budget for this position; and,

WHEREAS, that effective March 17, 2014, all part-time employees shall work no more than one-thousand five-hundred (1500) hours in a fiscal calendar year,

NOW THEREFORE, BE IT RESOLVED, that this Board of Sugarcreek Township Trustees does hereby appoint Michael L. Roberts, Charles H. Anderson Jr., and Jeffrey M. Woliver to the positions of temporary part-time service worker at the rate of pay of \$11.25 per hour, payable on a bi-weekly basis effective November 17, 2014.

FURTHER BE IT RESOLVED, these positions are temporary in nature and are valid for one hundred and eighty (180) days beginning November 17, 2014 and ending May 16, 2015.

G. Declaration of Excess Property for the Police Department

Resolution #2014.11.17.05

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

WHEREAS, Chief Michael Brown is requesting the attached list of items be declared as excess property and sold "as is"; and,

WHEREAS, the items listed have an individual value of \$2,000 or less,

NOW THEREFORE BE IT RESOLVED, this Sugarcreek Township Board of Trustees hereby declares said property to be excess and authorizes the Township Administrator to immediately dispose of and/or place said property on GovDeals.com and sold "as is".

Mr. Bryant moved to approve the minutes and payment of bills and to accept the Consent Agenda Items as presented. Mrs. Daugherty seconded. Roll was called with the vote being as follows:

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

Mrs. Daugherty said she was sad to see Sally go. Mr. Bryant asked how long she was with us. Mrs. Daugherty said since 2009. Mr. Pittman said he agreed with Mrs. Daugherty and that Sally was a great employee. Cara said that we will miss her.

Agenda Items

A. Petition to the Greene County Budget Commission to Sanction the Reallocation of Millage for the General Fund and Road Department

Resolution #2014.11.17.06

WHEREAS, budget cuts by the State of Ohio have substantially diminished the annual revenue of the General Fund; and,

WHEREAS, the General Fund is no longer able to continue operating of the Township effectively with said reduced resources; and,

WHEREAS, the Budget submitted to the Greene County Budget Commission projected a shortfall of Eighty Thousand (\$80,000) dollars for the first quarter of 2016; and,

WHEREAS because of the requirement that taxation be uniform the inside millage allocation of the Township has been restricted by the existence of two parcels erroneously identified as being in both the City of Kettering and Sugarcreek Township; and,

WHEREAS this issue has been identified and remedied thereby allowing said reallocation to proceed,

NOW THEREFORE, BE IT RESOLVED this Sugarcreek Township Board of Trustees does hereby petition the Greene County Budget Commission to sanction the reallocation of their inside millage for the General Fund and Road Department to be 0.9 mils and 1.0 mils respectively commencing with the 2015 calendar year.

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

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

B. Rejection of the Proposed Tax Incentive Agreement with the City of Centerville

Resolution #2014.11.17.07

WHEREAS, in 2006, the City of Centerville annexed a portion of Sugarcreek Township through a Type II annexation process; and,

WHEREAS, in that annexation process, and in accordance with the Ohio Revised Code §709.023, the City was permitted to determine what services it would provide after the annexation and those it would leave to the Township to provide; and,

WHEREAS, because following the annexation the territory annexed remained in the Township, having concurrent jurisdiction with the City and the City's determination to not provide Fire and EMS protection to the area, the Township is left to provide such services as a result; and,

WHEREAS, the City has committed, through its city manager, mayor and others, to adequately fund the Township Fire and EMS services to provide protection to the area; and,

WHEREAS, the Township has attempted to negotiate in good faith a fair and adequate funding solution with the City for several years with no commitment from the City; and,

WHEREAS, on July 15, 2013 the City passed Ordinance No. 7-13, creating a TIF District on the annexed territory and modified it on June 2, 2014; and,

WHEREAS, said TIF Ordinance included a thirty (30) year, 100% exemption of taxes on the property and incorporated an agreement with the local school district and joint vocational school district for payments in lieu of taxes during the life of the TIF; and,

WHEREAS, On November 10, 2014, Sugarcreek Township received a proposal from the City of Centerville to provide, through the use of a TIF, annual payments to the Township for the provision of fire services; and,

WHEREAS, the proposal would provide funding to the Township for the provision of Fire and EMS protection services equal to 5% of the local and vocational schools district share of the "Service Payments derived from the parcels (other than any residential parcels)".

NOW THEREFORE BE IT RESOLVED that this Board of Trustees hereby rejects the "Township Tax Incentive Agreement" as proposed by the City of Centerville for the following reasons:

1. The amount of funding proposed is inadequate to provide the level of Fire and EMS protection services that is anticipated in a portion of the annexed territory due to the increased traffic and persons living and conducting business in the area.
2. Sugarcreek Township will not accept, be party to, or endorse the ability of the City of Centerville to TIF the subject properties at this time. Sugarcreek Township has a fully and lawfully executed TIF in place and filed with the Greene County Auditor's Office and the State of Ohio Department of Development that will remain in place until such time that the project costs from the TIF project are reimbursed to the Township from TIF proceeds, or until the Board of Trustees rescinds the TIF.
3. The proposed amount being offered is being subtracted from annual payments to the Board of Education and this Board of Trustees feels the amount is more advantageous to the schools at this time.

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

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

C. Creation of Sugarcreek Township Fire District

Resolution #2014.11.17.08

WHEREAS, the Sugarcreek Township Board of Trustees has determined it expedient and necessary to guard against the occurrence of fires and to protect the property and lives of the citizens against damages resulting from their occurrence; and,

WHEREAS, in order to adequately guard against the occurrence of fires and to protect the property and lives of the citizens against damages resulting from their occurrence, the Sugarcreek Township Board of Trustees have identified necessary portions of the Township for inclusion into a fire district, as identified in "Exhibit A," which is attached to this Resolution; and,

WHEREAS, Sugarcreek Township has the necessary staff, equipment, and supplies to provide such Fire and EMS service to the proposed fire district; and,

WHEREAS, Ohio Revised Code § 505.37(C) allows for the creation of a fire district,

NOW THEREFORE BE IT RESOLVED, the Sugarcreek Township Board of Trustees hereby creates a fire district known as "Sugarcreek Township Fire District," as illustrated in "Exhibit A," attached hereto. The Sugarcreek Township Fire District shall be created effective February 1, 2015. Upon this effective date, no property outside of the Sugarcreek Township Fire District will be provided Fire and EMS services absent a separately executed contract,

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

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

Mr. Pittman said we all agreed that the proposal was not sufficient. Mr. Pittman asked that if we wish to negotiate, for example, for a flat rate, will this hurt us. Mr. Tiffany said you can rescind this Resolution at any time. Mr. Pittman suggested we include a letter to say we reject your offer but are still open to further negotiation. Mr. Bryant said we have no leverage with Centerville. He said he appreciates Dr. St. Pierre trying to negotiate for us. Mrs. Daugherty said we get this proposal, which is insufficient, only three days before Costco opens. Mr. Pittman said he

would just like to have the option of continuing negotiations. Mr. Bryant said if Washington Township or Kettering can do what is offered in this proposal, I have no problem with them doing so. Mr. Tiffany said we have citizens here tonight that are paying us the taxes we say we need. Centerville is offering us eighty thousand dollars (\$80,000), after build out to provide fire service. That means we will run in the 'red' for twenty or thirty years and that is not fair to our citizens. Mr. Tiffany said we can make them aware that if they present another offer we will consider it. Mrs. Daugherty asked if we should consider stating what we want. Mr. Bryant said he thinks the ball's back in their court. He said we have gotten nowhere with them and I am fine if they go elsewhere. Mr. Tiffany said this is not about 'not' providing service. We will provide mutual aid as per our agreements. Ms. Hayden, Assist. County Prosecutor, said she thinks they need to feel a sense of urgency regarding negotiation and thinks we should step down. Chief Pavlak said we have to have adequate funding to provide services. He said Centerville provides very high service with their police and I don't know why they wouldn't want to do so with their fire service.

9. Trustee/Staff Discussion

None.

10. Public Comments

Mr. Jim Froehlich said he just had one question. He asked if Centerville sends out for bids, would you bid it? The Board responded that they would.

Ms. Donna Hellman said she doesn't know why we are talking about rescinding something. She said if it goes out for bid, bid on it. She said we need one hundred percent (100%) coverage for the services we provide. She said the ball's in their court and doesn't think we should send them anything.

Mr. Jim Martin said we have spent about six hundred thousand dollars (\$600,000) on this Centerville thing since it started. He said we have done a lot of things that have hit back and that's his concern with this Fire District. Mr. Martin said he was in agreement with Ms. Hellman's terms and to go from there.

Mr. Bryant moved to adjourn. Mr. Pittman seconded. Roll was called with the vote being as follows:

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

The meeting adjourned at 7:50 pm.

Theodore L. Hodson, Fiscal Officer