

The Board of Trustees of Sugarcreek Township, Greene County, Ohio, in Regular Session on June 3rd, 2019, at 7:00 PM, at 2090 Ferry Road, Bellbrook, Ohio 45305.

1. **Mrs. Destefani called the session to order at 7:02 pm.**
2. **Mr. Hodson called the roll with Board Members** Mrs. Destefani, Mrs. Daugherty and Mr. Pittman being present. Also in attendance, Marvin Moeller and Donna Hellmann.
3. **All in attendance stood for the Pledge of Allegiance.**

4. **Marty Heide – The New Ohio Drivers License**

As of October 2020 all drivers license will be federally compliant or non compliant. A federally compliant license will have a little star in the upper right hand corner to allow you to board an aircraft without additional identification. The cost is the same as the normal driver's license. She recommends that you get the new compliant drivers license. To obtain a new compliant drivers license you must take your old ID, birth certificate, social security card, and proof of residency. She also spoke about social security spam calls, the IRS and Social Security will never call and ask for your information over the phone.

5. **Retirement of Full Time Police Officer Kenny Powers – 2019.06.03.01**

**SUGARCREEK TOWNSHIP
RESOLUTION NO. 2019.06.03.01**

IN RE: Retirement of Police Officer – W. Kenneth Powers

WHEREAS, Police Officer W. Kenneth Powers has submitted his notice to retire from the Sugarcreek Township Police Department effective May 31, 2019; and,

WHEREAS, Barry P. Tiffany, Township Administrator, has stated that Officer Powers began his employment with the Sugarcreek Township Police Department as a Part-time police officer on June 25, 1990 and has been serving Sugarcreek Township in the capacity of Full-time Officer since his appointment to that position on April 18, 2005 and Mr. Tiffany recommends the Board of Trustees accept Police Officer Powers' notice of retirement,

NOW THEREFORE, BE IT RESOLVED, that this Board of Trustees officially accepts the notice of retirement of W. Kenneth Powers' with an effective date of May 31, 2019. In addition, this Board of Trustees would like to commend Officer Powers for his years of public service to Sugarcreek Township and wish him the best during his retirement.

Mrs. Daugherty moved to approve the resolution, Mr. Pittman seconded.

Mr. Pittman, Mrs. Daugherty and Mrs. Destefani thanked Mr. Powers for his 29 years of service.

Upon roll call the vote was as follows:

Mrs. Destefani – yes

Mrs. Daugherty – yes

Mr. Pittman – yes

Mr. Brown also spoke and awarded Officer Powers with a certificate for 29 years of service.

6. **Appointment and Swearing in of Full Time Police Officer Adam Klark – 2019.06.03.02**

**SUGARCREEK TOWNSHIP
RESOLUTION NO. 2019.06.03.02**

IN RE: Appointment of Full-Time Police Officer Adam Klark

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

WHEREAS, a vacancy exists within the classification of full-time Police Officer; and,

WHEREAS, the vacancy has been posted for application in accordance with township policy and the current labor contract; and,

WHEREAS, an assessment center was conducted which included testing in basic exercises, review board and personal interviews with the Chief of Police; and,

WHEREAS, after a review of all the candidates, Police Chief Michael A. Brown recommends this appointment, and confirms that there are funds available for this position in the 2019 operating budget,

NOW THEREFORE, BE IT RESOLVED, that Adam Klark is hereby appointed as full-time Police Officer effective June 3, 2019, at a pay rate of \$24.68 per hour, payable on a bi-weekly basis, and subject to a one (1) year probationary period ending June 3, 2020.

Mrs. Daugherty moved to approve the resolution, Mr. Pittman seconded.

Upon the roll call the vote was as follows:

Mrs. Daugherty – yes
Mrs. Destefani – yes
Mr. Pittman- yes

7. Reports

A. Administration

Mr. Tiffany was present. He had nothing to add to his report.

B. Fiscal Office

Mr. Hodson was Present. He is starting the budgeting process for 2020.

C. Fire

Chief Leaming was not present.

D. Police

Chief Brown was present. He had nothing to add to his report.

E. Roads and Services

Mr. Harphant was not present. Mr. Tiffany would like Mr. Harphant to coordinate with Harrison Township to send out a fleet of our trucks to help remove debris.

F. Zoning

Mrs. Tilford was not present.

G. Information Technology

The board discussed in the work session a proposal to update the computers.

H. Trustees

Mr. Pittman spoke about the destruction from the tornado.

Mrs. Destefani attended the GIS training last week, she also spoke about the river cleaners event last Saturday and reminded everyone to go out and help clean up.

8. Public Comments – Agenda Items

Marvin Moeller spoke about people cutting their grass and throwing the lawn clippings into the road. He is worried about the safety for motorcycles.

9. Old Business

Bellbrook Sugarcreek Parks and Schools Meeting – TDB

10. Consent Agenda Items

- A. Payment of Bills
- B. Approval of Minutes
- C. Renewal of Police Levy Resolution of Necessity – 2019.06.03.03

**SUGARCREEK TOWNSHIP
RESOLUTION NO. 2019.06.03.03**

IN RE: Renewal of Police Levy Resolution of Necessity

WHEREAS, this Board of Sugarcreek Township Trustees has determined the necessity of levying a tax outside the ten mill limitation; and,

WHEREAS, the Ohio Revised Code (ORC) Section 5705.19(J) authorizes submission of the question of the tax; and,

WHEREAS, the purpose of the proposed tax is for Police Services and is a renewal of a 2.00 mill levy for five (5) years; and

WHEREAS, this levy was originally voted in February 1990 and renewed in November 1994, November 1999, November 2004, November 2009 and a replacement levy was passed in November 2014; and,

WHEREAS, the levy will be placed on the ballot for the November 5, 2019 general election with a beginning collection date of 2020 and ending in 2024,

NOW THEREFORE, BE IT RESOLVED, that this Board of Trustees is requesting the County Auditor to certify the total current valuation and dollar amount of revenue that would be generated by said millage,

FURTHER, BE IT RESOLVED, when certification from County Auditor is received, this Resolution will be certified to the Board of Elections in the manner and within the time prescribed by the applicable section of the Ohio Revised Code along with the County Auditor's estimate.

- D. Establishing Standards for the Regulation of Noise – 2019.06.03.04

**SUGARCREEK TOWNSHIP
RESOLUTION NO. 2019.06.03.04**

IN RE: Establishing Standards for the Regulation of Noise

WHEREAS, the Board of Trustees of Sugarcreek Township (the "Board") has received numerous complaints about noise in Sugarcreek Township (the "Township"); and

WHEREAS, the Board is empowered by Ohio Revised Code Sections 505.172 and 504.04 to control noise within the Township and exercise all powers of local government not in conflict with general law of the State of Ohio and to establish local police, sanitary and other regulations; and

WHEREAS, the Board now seeks to establish standards that regulate noise in Sugarcreek Township.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Sugarcreek Township, Greene County, Ohio by authority of Sections 505.172 and 504.04 of the Ohio Revised Code, as follows:

SECTION 1: No person shall generate or permit to be generated noise or loud sound which is likely to cause inconvenience or annoyance to persons of ordinary sensibilities by means of live performance, radio, phonograph, television, tape player, compact disc player, computer, loudspeaker, or any other sound amplifying device, or by operation of a motorized vehicle, machinery or equipment with an internal combustion engine, including but not limited to, trucks, passenger cars, motorcycles, dirt bikes, or all-terrain vehicles when the sound emanating therefrom is plainly audible from the complainants' property ("point of measurement"). It is prima facie unlawful for a person to generate or permit to be generated sound by the above described devices, instruments or means in the following circumstances:

a) Received on all residential property where the sound is determined to exceed 65 decibels (dba) for a duration of 30 continuous seconds between the hours of 7:00 a.m. and 10:00 p.m. and 50 decibels (dba) between the hours of 10:00 p.m. and 7:00 a.m. as measured by a law enforcement officer from the point of measurement using a decibel recorder that has been calibrated to ensure accuracy.

b) Received on all commercial property where the sound is determined to exceed 70 decibels (dba) for a duration of 30 continuous seconds between the hours of 7:00 a.m. and 10:00 p.m. and 60 decibels (dba) between the hours of 10:00 p.m. and 7:00 a.m. as measured by a law enforcement officer from the point of measurement using a decibel recorder that has been calibrated to ensure accuracy.

c) Received on all industrial property where the sound is determined to exceed 75 decibels (dba) for a duration of 30 continuous seconds between the hours of 7:00 a.m. and 10:00 p.m. and 70 decibels (dba) between the hours of 10:00 p.m. and 7:00 a.m. as measured by a law enforcement officer from the point of measurement using a decibel recorder that has been calibrated to ensure accuracy.

d) Received on a street, highway or in the public right-of-way where the sound is plainly audible approximately 150 feet from the device generating the sound in violation of the levels set forth in Section 1(a), 1(b) and 1(c) herein.

e) Any events or other activities sponsored by the Township are exempt from the provisions of this Resolution.

f) All collection of solid waste, refuse and garbage within the limits of the Township shall be limited to the hours of 6:00 a.m. to 7:00 p.m. The Township Administrator, upon receipt of a written request, may set alternative time limits for specific streets, businesses or areas if the Administrator determines that waste collection within the permitted times poses a safety hazard on streets in the Township. In determining if a safety hazard exists, the Administrator shall consider whether the collection is on (a) a street with high traffic counts; (b) a street with a posted speed limit of 55 mph; (c) a street in which the geometric design creates a line of site obstruction; (d) a demonstrated conflict with school buses, or (e) other factors determined by the Administrator to pose a safety hazard.

SECTION 2: No person, being the owner, tenant or person in possession of a premises or person in control of the premises by reason of employment, agency or otherwise whether such ownership, possession or control is exclusive or joint, shall permit a violation of this Resolution. A "person" for purposes of enforcement of this Resolution shall include any corporate entity.

SECTION 3: The provisions of this Resolution shall not apply to any law enforcement motor vehicle in the performance of law enforcement duties or to any emergency vehicle in the performance of any emergency procedures. Furthermore, the provisions of this Resolution do not apply to the noise made by a horn, siren or other warning device required or permitted by state or federal law. Furthermore, the provisions of this Resolution shall not apply to the noise made by any motorized equipment that is used in the reasonable performance of the usual and customary maintenance or other activities associated with road work, repairs or maintenance, parks and recreation facilities, schools, churches, cemeteries and golf courses.

SECTION 4: Persons involved in a lawful and temporary construction project may apply for exceptions from Section 1 if approved by the Township Administrator or Chief of Police.

SECTION 5: The provisions of this Resolution shall not apply to equipment being used to mow or cut lawns or being used for the maintenance and care of lawns or landscaping.

SECTION 6: All agricultural activities as defined in Section 1.61 of the Ohio Revised Code shall be exempt from this Resolution.

SECTION 7: Any and all complaints under this Resolution shall be made in writing and signed by the complainant or law enforcement officer. A warning may be issued for a first offense or based on the facts and circumstances present. All violations issued under this Resolution shall be cited to Xenia Municipal Court and prosecuted by the prosecutor for the court.

SECTION 8: As used in this section, "plainly audible" means any sound produced by any means in Section 1 herein when the sound emanating therefrom can be clearly heard by a person using their normal hearing faculties, at the point of measurement. The officer or person must be able to determine with a reasonable degree of certainty and hear the source that is producing the sound so that the officer or person can readily identify the offending person and the distance involved.

SECTION 9: Consistent with Section 505.172 of the Ohio Revised Code, any violation of this Resolution shall be a misdemeanor of the second degree subject to a fine of no less than \$150.00. Each violation thereafter shall be subject to a fine of \$500.00 for the second violation, and \$750.00 for each violation thereafter. Fines levied and collected under this Resolution shall be paid into the Township General Revenue Fund.

BE IT FURTHER RESOLVED, that this resolution will take effect as soon as allowable by law, and the Township Administrator is hereby directed to place notice of the passage of this Resolution on the Township website and provide notice of the effective date to the businesses and individuals known operate or provide services in the Township that may be affected.

Mr. Pittman motioned to approve Consent agenda items. Mrs. Daugherty seconded.
Roll was called with the vote being as follows:

Mrs. Destefani – Yes
Mrs. Daugherty – Yes
Mr. Pittman –Yes

11. Public Comments

Donna Hellman spoke about noise complaints coming from a group of bikers riding on a Saturday morning. She also spoke about a large section of property being built in Cincinnati and a tiff that they want to enact; she is wondering if it will affect us here is Sugarcreek.

Discussion Agenda Items

12. Trustee/Staff Discussion

13. Adjourn

Mrs. Destefani moved to adjourn. Mrs. Daugherty seconded.
Roll was called with the vote being as follows:

Mr. Pittman –Yes
Mrs. Daugherty – Yes
Mrs. Destefani – Yes