

**The Board of Trustees of Sugarcreek Township, Greene County, Ohio, in Regular Session on August 5, 2024, at 7:00 PM.**

**1) Mr. Moeller called the session to order at 7:05 pm.**

**2) Mr. Demko called the roll with Board Members, Mr. Moeller, Mr. Cramer, and Mrs. Destefani in attendance.** Also, in attendance were Barry Tiffany, Chief Doug Buffenbarger, Chief Mike Brown, and Nancy Conard.

**3) All in attendance stood for the Pledge of Allegiance.**

**4) Promotions - Fire Department Staff – Kevin Zehring to Captain – 2024.08.05.01 and Josh Taylor to Lieutenant – 2024.08.05.02**

Mr. Moeller made a motion to accept the promotion of Kevin Zehring to Captain. Mrs. Destefani seconded.

Mr. Cramer – Yes  
Mr. Moeller – Yes  
Mrs. Destefani – Yes

Mr. Cramer made a motion to accept the promotion of Josh Taylor to Lieutenant. Mrs. Destefani seconded.

Mr. Moller – Yes  
Mr. Cramer – Yes  
Mrs. Destefani – Yes

**5) Presentation of Proclamation - Recognition of Life Saving Efforts – Paige Sellers**

**6) Reports**

**Administration**

Mr. Tiffany had nothing to add to his report. Mr. Moeller noticed several important meetings scheduled in August regarding I-675. Mr. Cramer noted that the meetings will be held on Wednesday, August 7<sup>th</sup> at 10am with Mike Turner's office and on August 22<sup>nd</sup> at 9:30am at the Woodburn Library organized by Tom Young, the state representative of Montgomery County. Mr. Cramer further noted that he and Mrs. Destefani would be out of town and asked Mr. Moeller to attend on behalf of the township. Mrs. Destefani inquired about the meeting with the pond broker. Mr. Tiffany noted that ODNR classifies the pond as a dam due to its height and ability to hold back water and pointed out several costly repairs. Mr. Tiffany consulted with Choice One Engineering, who proposed lowering the hill by 7 inches, pushing the material into the pond and reclassifying the dam as a detention basin taking it out of ODNR's jurisdiction permanently. Mr. Moeller noted the Feedwire Farms project has been delayed again due to the traffic study not being completed. Mrs. Tilford noted that the traffic study is done, and traffic volumes have been approved. We are now waiting for the county to approve the recommendations for improvements and right-of-way dedications. Mr. Cramer inquired about the status of the signs. Mrs. Tilford answered that all the estimates have been around \$70,000 and wonders if we should redesign the sign to something simpler, perhaps without a message board.

### **Zoning**

Mrs. Tilford had nothing to add to her report. Mrs. Tilford mentioned Sheetz will be on the agenda for the Zoning Commission meeting tomorrow evening.

### **Fiscal Officer**

Mr. Demko had nothing to add to his report. Mr. Demko pointed out that the collection fees for the tax revenue this half was higher than budgeted due to the police levy.

### **Fire**

Chief Buffenbarger had nothing to add to his report. Mr. Moller inquired about the mutual aid call to Riverside. Chief Buffenbarger noted that yes, they did respond to an abandoned house fire in Riverside. Mr. Moller also inquired about the price of the Life Pack patrol units. Chief Buffenbarger clarified that the price listed was for 3 Life Packs. Mr. Cramer inquired if the boat was sold. Chief Buffenbarger answered yes, the boat has been sold and picked up.

### **Police**

Chief Brown had nothing to add to his report. Mr. Tiffany noted that the police department received a reimbursement check of \$119.18 for overtime related to the eclipse. Mr. Moller noted the number of auto accidents on Wilmington Pike and inquired if they were north or south of 725 and if the number of major auto accidents have increased. Chief Brown noted that the auto accidents are equally on both sides of 725 and there has been no significant increase in major auto accidents.

### **Roads and Service**

Mr. Windsor had nothing to add to his report. Mr. Tiffany noted that crack sealing was completed at several locations last week. Because we did not have signs up, did not use sand, and did not close the road, a woman's tires were covered with tar when she drove through it and is asking the township to replace her tires.

### **Information Technology**

Mr. Tiffany had nothing to add to his report. Mr. Tiffany noted that LEADS compliance upgrades for the police department have been completed. Chief Brown confirmed that the upgrade was completed noting that this was part of the LEADS audit, and they mandated several online security enhancements.

### **Trustees**

Mrs. Destefani mentioned that she attended the Ham Radio anniversary celebration and learned about their operations, attended the Last Stop Park Board meeting where they appointed Dr. Crane as a park board commissioner and plans to attend the park board meeting in September. Mrs. Destefani also mentioned attending the Ohio Veterans Conference. After learning about the Ohio Military Hall of Fame, which honors military valor, Mrs. Destefani feels Mr. Martin, a Bronze Star recipient, might be a strong candidate but is unsure of the nominating process.

Mr. Cramer mentioned he and Mr. Tiffany will be participating in the Chamber of Commerce golf outing on August 8<sup>th</sup> and the trustees attended the Bellbrook track ribbon-cutting earlier today. Mr. Cramer noted

upcoming events include the Air Force Museum meeting, the Honda Battery Tour, and the Wilmington Pike Project meeting. Mr. Cramer and Mr. Tiffany will be attending a meeting at Mike Turners office with Centerville and Greene County Engineer representatives.

Mr. Moller mentioned that he attended the Miami Valley Regional Planning Board where they approved \$1.5 million for the installation of electric vehicle charging stations across various counties through grant funding.

**7) Public Comments**

None

**8) Old Business**

None

**9) Consent Agenda Items**

**A.** Payment of Bills

**B.** Minutes

**C.** Authorization Termination of Property Tax Exemption Granted Pursuant to Section 5709.73 of the Ohio Revised Code – 2024.08.05.03

**D.** Transfer of Appropriations – 2024.08.05.04

**E.** Amend the Text of the Zoning Resolution and Transmit a Copy to the Zoning Commission to Prohibit Trees in the Right-of-Way – 2024.08.05.05

**RESOLUTION NO. 2024.08.05.01**

IN RE: Promotion to Full-Time Captain Position for Lieutenant Kevin Zehring.

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

WHEREAS, a vacancy exists within the classification of Full-Time Captain; and,

WHEREAS, promotional testing was completed with Lt. Zehring receiving top placement among candidates; and,

WHEREAS, Chief Douglas Buffenbarger requests Lt. Kevin Zehring be promoted from his current position of Full-Time Lieutenant to a Full-Time Captain position.

NOW THEREFORE, BE IT RESOLVED, that this Board of Trustees approves the promotion of Lt. Kevin Zehring to the position of Full-Time Captain.

FURTHER BE IT RESOLVED, that this position shall have the effective date of August 5, 2024, and is conditional in accordance to the Memorandum of Understanding.

**RESOLUTION NO. 2024.08.05.02**

IN RE: Promotion to Full-Time Lieutenant Position for Firefighter/Paramedic Josh Taylor.

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

WHEREAS, a vacancy exists within the classification of Full-Time Lieutenant; and,

WHEREAS, promotional testing was completed with Josh Taylor receiving top placement among candidates; and,

WHEREAS, Chief Douglas Buffenbarger requests Josh Taylor be promoted from his current position of Full-Time Firefighter/Paramedic to a Full-Time Lieutenant position.

NOW THEREFORE, BE IT RESOLVED, that this Board of Trustees approves the promotion of Josh Taylor to the position of Full-Time Lieutenant.

FURTHER BE IT RESOLVED, that this position shall have the effective date of August 5, 2024, and is conditional in accordance to the Memorandum of Understanding.

**RESOLUTION NO. 2024.08.05.03**

IN RE: Authorizing Termination of Property Tax Exemption Granted Pursuant to Section 5709.73 of the Ohio Revised Code

WHEREAS, this Board of Township Trustees (the “Board”) of Sugarcreek Township (the “Township”), Greene County, Ohio previously adopted Resolution No. 2016-11-02-01 on November 2, 2016, attached hereto as Exhibit A, which intended to terminate a property tax exemption granted pursuant to Section 5709.73 of the Ohio Revised Code; and,

WHEREAS, as set forth in Resolution No. 2016-11-02-01, the Board previously adopted Resolution No. 2006-04-20-01 on April 20, 2006, attached to Exhibit A, which declared certain improvements to parcels of real property located in Sugarcreek Township to be a public purpose under Section 5709.73 of the Ohio Revised code and exempted seventy-five percent of such improvements from taxation for a period of ten years commencing January 1, 2010; and,

WHEREAS, the State Tax Commissioner previously approved the exemption applications filed with response to such parcels; and

WHEREAS, pursuant to Section 5709.74 of the Ohio Revised Code the Township required owners of those exempted parcels to make service payments in lieu of taxes from seventy-five percent of the increases in value of the property after the date of Resolution No. 2006-04-20-01; and

WHEREAS, pursuant to Section 5709.75 of the Ohio Revised Code the Township created the Sugarcreek Township Public Improvement Tax Increment Equivalent Fund (the “TIF Fund”) into which the service payments are deposited; and

WHEREAS, pursuant to Section 5709.73 of the Ohio Revised Code the Township issued its \$1,500,000 Tax Increment Revenue Note (Clyo Road Project) dated May 16, 2006 (the “2006 Notes”), which 2006 were paid off in May 2007; and

WHEREAS, the Township issued its \$650,000 Certificates of Participation (Sugarcreek Township Clyo Road Improvement Project) on June 23, 2009, which were refinanced with the Township’s \$470,000 Certificates of Participation (Sugarcreek Township Clyo Road Improvement Project) on June 22, 2010 which were refinanced with the Township’s \$560,000 Certificates of Participation (Sugarcreek Township Clyo Road Improvement Project) on May 31, 2012 (the “2012 Obligations”); and

WHEREAS, the 2012 Obligations have been paid in full and are no longer outstanding; and

WHEREAS, on May 26, 2006, annexation proceedings were commenced by certain property owners to annex certain of the exempted parcels included in the exhibits to Exhibit A into the City of Centerville, Ohio (the “City”); and

WHEREAS, those parcels had been annexed into the City; and

WHEREAS, the Township and the City had been parties to legal matters involving such annexation; and

WHEREAS, as part of the settlement agreement for those legal matters, the Township had agreed to terminate the property tax exemption granted pursuant to Resolution No. 20604-20-01 and Section 5709.73 of the Ohio Revised Code for certain parcels identified on Exhibit C of Resolution No. 2016-11-02-01; and

WHEREAS, on November 2, 2016, the Township adopted Resolution No. 2016-11-02-01, Exhibit A, intending to rescind Resolution No. 2006-04-20-01; and

WHEREAS, it was just recently discovered that the parcel numbers referenced in Resolution No. 2016-11-02-01 had changed due to subsequent replating of the annexed property, and as such the parcels for the Cornerstone Park, identified as parcel numbers set out in Exhibit B, were not released from the TIF exemption; and

WHEREAS, as a result of such parcel number changes, both the Township, and subsequently, the County failed to accurately account for the termination of the property tax exemption granted to certain parcels intended to be released, which for all intents and purposes has been treated as having been released by the County Auditor; and

WHEREAS, it was always the intent of the Township after the settlement of the litigation to rescind the TIF as to all of the City annexed property, including the Cornerstone Park; and

WHEREAS, the Township with this resolution intends to abide by the Settlement Agreement and record the termination as to the correct parcels, which include the Cornerstone Park, in order to remove such designation as to the updated parcel numbers; and

WHEREAS, the parcels that should have been included to be released are set forth on Exhibit B, attached and incorporated herein.

NOW THEREFORE BE IT RESOLVED by the Board of Trustees of Sugarcreek Township, Greene County, Ohio:

SECTION 1. That this Board hereby already determined that it was in the best interests of the Township, its constituents and the property owners of the parcels set forth on the attachments to Exhibit A to terminate the property tax exemption granted pursuant to Resolution No. 2006-04-20-01 and Section 5709.73 of the Ohio Revised Code for those properties set forth originally on Exhibit C to said Resolution, which was previously adopted by Resolution No. 2016-11-02-01, which should have included the parcels set forth on Exhibit B.

SECTION 2. That the Fiscal Officer is hereby authorized and directed to notify the Greene County Auditor and the State Tax Commissioner that such exemptions should have been terminated for the identified parcels immediately.

SECTION 3. That the Fiscal Officer is further authorized and directed to give notice of the termination of such real property tax exemptions to the affected property owners and the Sugarcreek Local School District.

SECTION 4. That the Fiscal Officer is hereby directed to forward a certified copy of this Resolution to the Greene County Auditor.

SECTION 5. That it is found and determined that all formal actions for this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting at this Board, and that all deliberations of this Board and or any of its committees that resulted in such formal action were in meetings open to the public, in compliance with the law.

Section 6. That this resolution shall take effect at the earliest date permitted by law.

TRANSFER OF APPROPRIATIONS  
RESOLUTION #: 2024.08.05.04

<u>Debt Fund Number</u>	<u>Account Name</u>	<u>Credit Fund Number</u>	<u>Account Name</u>	<u>Amount</u>
1000-110-190	Other - Salaries	1000-110-314	General - Tax collection Fees	\$142.85

2031-330-190	Other - Salaries	2031-330-314	Roads - Tax collection Fees	\$26.37
2081-210-360	Contracted Services Dispatch	2081-210-314	Police - Tax collection Fees	\$5,552.26

Explanation of Transfer(s): Property tax fees were higher than budgeted.

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**RESOLUTION NO. 2024.08.05.05**

IN RE: Resolution to Amend Text of the Sugarcreek Township Zoning Resolution and Transmit a Copy to the Zoning Commission to Prohibit Trees in the Street Right-of-Way

WHEREAS, Ohio Revised Code Section 519.12 (A)(1) prescribes the authority of the Board of Trustees, by passage of a resolution, to initiate amendments to the zoning resolution; and

WHEREAS, upon passage, the certification of a resolution by the Board of Trustees will be made to the Zoning Commission and a public hearing of the Zoning Commission will be scheduled for not less than twenty nor more than forty days from the date of the certification of such resolution; and

WHEREAS, within five days after the passage of this resolution by the Board of Trustees, the Zoning Commission will transmit a copy of it to the Greene County Regional Planning & Coordinating Commission for approval, disapproval, or suggestion; and

WHEREAS, the Board of Trustees and staff have identified the need to prohibit trees in the street right-of-way to protect the general health and safety of residents and commuters as they provide obstruction, line-of-sight issues, damage to public infrastructure, and other safety concerns; and,

WHEREAS, it is the position of the Board of Trustees to prohibit trees in the street right-of-way and incorporate such prohibition in the Sugarcreek Township Zoning Resolution.

NOW THEREFORE, BE IT RESOLVED, this Board of Trustees does hereby adopt the following:

SECTION 1: The following text amendment of the Zoning Resolution is initiated to Zoning Commission for approval:

Section \_\_\_\_\_ TREES PROHIBITED IN STREET RIGHT-OF-WAY

Planting, growing, raising, or cultivating any tree within the right-of-way on any Township street is prohibited. Nothing in this section shall be deemed to require a change in plans lawfully approved by the Township prior to the effective date of this section. If a tree dies or is otherwise removed from the right-of-way, the property owner shall not replace that tree in compliance with this section.

**SECTION 2:** Upon passage of this resolution, a certified copy of it will be transmitted to the Zoning Commission who will schedule a public hearing of the Zoning Commission. Said public hearing will be scheduled for not less than twenty nor more than forty days from the date of the certification of such a resolution.

**SECTION 3:** within five days after the passage of this resolution by the Board of Trustees, the Zoning Commission will transmit a copy of it to the Greene County Regional Planning & Coordinating Commission for approval, disapproval, or suggestion.

**BE IT FURTHER RESOLVED:** all formal actions of the Board of Trustees concerning and related to the adoption of this resolution are being adopted at a duly called and authorized open meeting of the Board of Trustees on the date set forth above, such meeting being duly called, pursuant to and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**PROCLAMATION OF RECOGNITION**  
**Paige Sellers**

In recognition of lifesaving efforts on June 9<sup>th</sup>, 2024, Paige Sellers is honored for her exceptional performance as a lifeguard at the Five Season’s Sports Club. Miss Sellers is in her fourth summer with SwimSafe and her sixth year as a lifeguard. After noticing a child struggling in the pool, Paige jumped to action. She got the unresponsive child out of the water and assisted the child to begin breathing again. Paige stayed with the family until the Sugarcreek Fire Department arrived on scene. The child has recovered completely.

The Board of Trustees of Sugarcreek Township hereby recognizes and honors the quick thinking and lifesaving efforts of Paige Sellers.

Mrs. Destefani made a motion to accept all consent agenda items as stated. Mr. Cramer seconded.

Mr. Moeller – Yes  
Mr. Cramer – Yes  
Mrs. Destefani – Yes

**10) Discussion Agenda Items**

Mr. Tiffany explained that in 2006 a TIF was placed on the Daily Profit property, which led to a court case and a settlement requiring us to remove the TIF. One parcel with a water feature was missed

during the process. The county addressed it, but it wasn't filed with the state. Mr. Tiffany further explained that resolution 2024.08.05.03 will clean up the paperwork with no impact on revenue. Mr. Tiffany explained that planting trees in the right-of-way can lead to damage to sidewalks, utilities, and drains. Resolution 2024.08.05.05 would help cut down on these maintenance problems.

### **11) Public Comments**

None

### **12) Trustee/Staff Discussions**

Mr. Tiffany recommended transferring the mineral rights from Mr. Martin's estate in Utah to Roger Martin since the land holds little value to the township. Roger Martin will cover the transfer costs, including deed preparation and any legal fees.

Mr. Cramer made a motion to proceed with the transfer under the above conditions. Mrs. Destefani seconded.

Mr. Moeller – Yes  
Mr. Cramer – Yes  
Mrs. Destefani – Yes

Mr. Tiffany discussed a project that involves a 50/50 funding model for a fitness studio, including an open space with rubberized flooring for activities such as yoga and Zumba. The studio would promote fitness by partnering with local instructors. Mr. Tiffany mentioned that the location is walkable for many residents and could be used by local schools, promoting community connectivity.

### **13) Adjourn**

Mr. Moeller made a motion to adjourn, which was seconded by Mr. Cramer. Upon call of the roll, the vote resulted in the following:

Mrs. Destefani – Yes  
Mr. Cramer – Yes  
Mr. Moeller – Yes

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Richard J Demko, Fiscal Officer

