

The Board of Trustees of Sugarcreek Township, Greene County, Ohio, in Regular Session on August 6, 2012, at 7:00 pm, at 2090 Ferry Road, Bellbrook, Ohio 45305.

1. Mrs. Daugherty called the session to order at 7:00 pm.
2. All rose and recited the Pledge of Allegiance to the Flag.
3. Mr. Hodson called the roll with Board Members Nadine Daugherty, Scott Bryant and Mike Pittman being present. In addition to Mr. Tiffany, Township Administrator, others present who signed in were Jim Martin, Donna Hellman, Jim Tharpe, Chris Conley, Nathan Cahall, Michael Hild, Amy S. Boland, Joanne Schweer, Louis Boland, John Boland and Molly Boland.
4. **Presentation of Plaque and Retirement Badge to Officer Steven M. Scheiderer**
Mr. Pittman read the Resolution previously passed May 7, 2012, regarding the retirement of Officer Steven Scheiderer. Mrs. Daugherty turned the meeting over to Chief Deaton. Officer Scheiderer came forward and Chief Deaton thanked him for his service to the Department stating he had been with the Township for thirty years. Chief Deaton presented Officer Scheiderer with a plaque recognizing his outstanding service to the Department. Officer Scheiderer said he had worked for eight different Police Chiefs. He said it was a pleasure to serve the Community and he had made many friends here during his service. The Board and Staff personally thanked him for his service and presented him with a signed copy of his retirement Resolution. Chief Deaton had Officer Molly Boland come forward to be welcomed as a new Part-time Police Officer for the Township. He said the Department was going through growing pains and said he thought she would contribute to the success of this process. He then administered the Oath of Office to Officer Boland and congratulated her on her new position. Her Grandmother came forward and pinned on her new badge. Her family and friends came forward for pictures and the Board and Staff personally welcomed her.

Appointment of Part-time Police Officer Molly M. Boland

Resolution # 2012.08.06.01

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

WHEREAS, a vacancy exists within the classification of part-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 Township Administrator; and,

WHEREAS, after a review of all the candidates, Police Chief James Deaton recommends this appointment, and there are funds available for this position in the 2012 operating budget,

WHEREAS, part-time Township employees are hired with the expectation that the employee(s) will work not more than one-thousand five-hundred (1500) hours total in any year, calculated annually from the date of part-time appointment.

NOW THEREFORE, BE IT RESOLVED, that Molly M. Boland is hereby appointed as part-time Police Officer effective August 7, 2012, at a pay rate of \$14.94 per hour, payable on a bi-weekly basis, and subject to a one (1) year probationary period ending August 7, 2013.

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

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

5. **Community Activities**

Mr. Tiffany said the Lion's Club Festival will be on the 16th, 17th, and 18th of this month.

6. **Public Hearing- Regarding Text Amendments to the Zoning resolution**

Mrs. Daugherty moved to open the Public Hearing. Mr. Bryant seconded. Mrs. Daugherty asked Cara Tilford, Director of Planning and Zoning, to review the proposed amendments. Cara provided an on-screen power point presentation to review the changes. A copy of the presentation is appended. Mr. Bryant asked how the Amendments came about. Mrs. Tilford said that they keep a list of text issues that arise during zoning meetings and after several have been accumulated they make a formal change. Mr. Bryant asked if there was a schedule to review the whole document. Cara said the Comprehensive Plan would be the next to be reviewed. Mr. Pittman asked if it would be an internal review. Cara responded that it would. Mr. Bryant said his only problem with the changes was the term 'substantially completed'. He said if there was an appeal we may need a milestone, like an occupying certificate or something, to mark substantial completion. Mrs. Daugherty said it would be a good idea to have a benchmark.

Mrs. Daugherty opened the floor to those who wished to speak in favor. After no one spoke Mrs. Daugherty opened the floor to those who wished to speak against. Again, there were no comments and Mrs. Daugherty opened the floor for neutral comments. Mr. Jim Froehlich asked what happened if a new construction was not completed in 24 months. Cara said the owner could apply for an extension. Mr. Froehlich asked what happened if they didn't apply. Cara said it would go to court. She said that would take at least thirty to sixty days minimum and some it the Township have set for years.

Mrs. Daugherty moved to close the Public Hearing. Mr. Pittman seconded. Roll was called with the vote being as follows:

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

Mr. Bryant said he was okay with the changes as long as 'substantially' was further defined. Mr. Pittman said the changes were mostly general house keeping but he agreed with Mr. Bryant. Mrs. Daugherty also agreed to better define 'substantially completed'.

Mrs. Daugherty moved to adopt the text amendment changes with the agreed modification to section 305. Mr. Bryant seconded. Roll was called with the vote being as follows:

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

7. **Reports**

A. Administration

Mr. Tiffany said Cornerstone and the Dille family filed suite to detach from Centerville. He said tonight was a good work session with discussions including Oberer Companies and their plans.

B. Fire

The report prepared by the Fire Department will be appended to the permanent record. Chief Pavlak said he had nothing to add. Mr. Bryant said he saw the budget numbers were a little under the normal and asked if he sees that as a trend. Chief Pavlak said he tries to be a little over appropriated in some line items.

C. Police

The report prepared by the Police Department will be appended to the permanent record. Chief Deaton said he had nothing to add except they have been involved with a lot of community activities. Mr. Pittman asked about the meeting with the Mosque Society. Chief Deaton said they talked about security associated with the construction site.

D. Roads and Services

The report for Roads and Services will be appended to the permanent record. Mr. Tiffany said the back hoe needed a lot of repairs, which included complete brakes, wheel bearings and a change of all fluids. He said we ordered parts and had to wait about two week for the repair but it saved a couple hundred dollars. Mr. Tiffany said for being a 1999 it is in good shape. Mr. Pittman asked if Carpenter Road was past Dura-seal patching. Mr. Tiffany said "yes and no". He said we have on the schedule to eradicate a part of the road and then to patch. Mr. Bryant said we need to settle on our process of looking for a Road Director. He said we need to be looking to see what's out there. Mrs. Daugherty said she would not like to have someone come in and we can't do anything until after the road levy. Mr. Bryant said it might be prudent to be looking just to see what is available.

F. Zoning

The report prepared by Cara Tilford, Director of Planning and Zoning will be appended to the permanent record. Mr. Pittman asked Cara about the six foot privacy fence on Lower Bellbrook Road. Cara said it will be appealed to the BZA. She said the people were notified when the posts were put up but continued construction. Mrs. Daugherty asked about the Zoning meeting regarding potential Township areas that could be threatened with annexation. Cara said it was on the July agenda but was put on hold until August.

G. Trustees

Mr. Pittman said he was going to talk about Limited Home Rule but saw it was listed further down the agenda. Mr. Tiffany said we will talk about it at the Public meeting when we talk about the Road Levy. Mr. Pittman said a lady from Bellbrook donated fifty dollars to help the Township with the Centerville detachment process. Mr. Pittman said at the Greene County Regional Planning Commission meeting there was a presentation on how much cleaner the water has become in the Little Miami River. Mr. Pittman asked if it s too late to submit nominations to the Lion's Club for Citizen of the Year. Mr. Bryant said maybe December would be a good time to do something. He said it would be nice if we had our own Hall of Recognition. Mrs. Daugherty said she attended the Chamber luncheon and said Barry and Cara was also there. She said the next one will be at the Middle School and that they have a Golf Outing scheduled for the 16th of Aug. Mrs. Daugherty asked about the Maintenance Schedule for the Road Department. Mr. Tiffany said they were working on it. Mr. Bryant said he would like to know what they are working on next month. Mrs. Daugherty said she would still like to do a thirty day analysis. Mr. Tiffany said Tony is keeping a daily work schedule and we can put something together with that.

8. **Old Business**

Summary of Work Session Actions – Mrs. Daugherty said Mr. Oberer was present tonight and it was a good work session. County wide Radio - Chief Pavlak said it was still an ongoing issue and there was lots of work to be done yet.

Indian Wells Trail – Mr. Tiffany said the situation with the Cul-de-Sac has been submitted to Regional planning.

Limited Home Rule - Mr. Bryant asked Mr. Tiffany to put into perspective the importance of Limited Home Rule. Mr. Tiffany said the Board approved unanimously to put Limited Home Rule back on the ballot. He said we have had a detachment presented to us and there is a good chance the Dille property may come back to us. He said it is not a done deal and they could still go back to Centerville. He said they are giving us a chance, part of which involves providing incentive and infrastructure assistance. Mr. Tiffany said Centerville keeps increasing the amount of infrastructure improvements and Mr. Oberer does not think that is fair to him. Mr. Tiffany said we need to provide T.I.F. Financing and thinks we can do so at a much lower amount. He said possibly Greene County could help us out but was not optimistic about them or the State. He said Limited Home Rule allows us to approach the type of financing permitted cities. He said it does not give the Trustees power to pass anything contrary to State law but it will provide a means to get the Dille property back into the Township. He said in the past people were against it because we could borrow more money. We can now only borrow 5% of the total valuation of the Township. With Limited Home Rule we could borrow 10 ½ %. However, we can only borrow the additional 5 ½ % with the approval of the Citizens. Without it we can still only borrow 5%. He said we cannot fund this type of project with our current T.I.F. Funding authority. We have to make a commitment to Mr. Oberer and the Dille family. If the court rules in our favor we must be ready to move forward. If we don't have Limited Home Rule then I anticipate that they will return to Centerville.

Mr. Bryant said there are three elements involved. The first is our need to put a development in this area we can all be proud of. The second is up to the Citizens. We need to have Limited Home Rule so we can pay for it. The third piece involves the County. I am hopeful we can get help from them for something, possibly for water and sewer or sales tax bonds. He said all of this has to come together in a short time. Mr. Pittman said what has come about is also a result of certain people talking to certain people. He said this has been going on for awhile and thinks people involved in the development want to see this happen. He said Mr. Oberer is not coming back here just to get what Centerville is offering. Mr. Tiffany asked if there were any questions from the floor. Mr. Martin asked how much money we were offering. Mr. Pittman said it is immature to discuss money yet. Mr. Tiffany said on a project that involves a T.I.F., whatever infrastructure is being built has to benefit the property being tiffed. He said Centerville was also looking to benefit properties surrounding Mr. Oberer's. Mr. Tiffany said when Mr. Pittman said "we need to do more"; he means we need to do more direct to Mr. Oberer with what we propose. Mr. Tiffany said we will meet with Mr. Geyer to see what is needed for infrastructure outside and inside the property. Mr. Tiffany said he thinks the numbers will be substantially lower than Centerville's. Mr. Pittman said he is hopeful the County will also contribute. Mr. Martin asked about apartments. Mr. Tiffany said they will be very upscale and about the same number that is in the Mill Pond development. Donna Hellman said she was worried this is just an end run around Centerville for Mr. Oberer to get what he wants. Mr. Tiffany agreed Mr. Oberer is trying to get the best business deal he can. Mrs. Hellman said she was just saying at the end of the day if it doesn't happen for us they will go back to Centerville. It will be developed regardless.

9. **New Business**

Fiscal Office

A. Approval of Minutes

Mrs. Daugherty moved to approve the minutes of the last Regular Session. Mr. Pittman seconded. Roll was called with the vote being as follows:

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

B. Payment on Bills

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

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

Fire Department

A. Resignation of Part-time Safer Firefighter/Paramedic Josiah K. Swaney

Resolution # 2012.08.06.02

WHEREAS, Safer Firefighter/Paramedic Josiah K. Swaney has submitted his letter of resignation from the Sugarcreek Township Fire Department; and,

WHEREAS, Mr. Swaney has been a member of the Sugarcreek Township Fire Department since February 6, 2012, and,

WHEREAS, Chief Randall J. Pavlak recommends we accept the resignation of Firefighter/Paramedic Swaney,

NOW THEREFORE, BE IT RESOLVED, that this Board of Sugarcreek Township Trustees officially accepts the resignation of Josiah K. Swaney effective July 23, 2012.

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

Mr. Bryant - Yes

Mr. Pittman - Yes
Mrs. Daugherty – Yes

Administration Department

A. Declaring a nuisance at 1010 Little Sugarcreek Road

Resolution # 2012.08.06.03

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 1010 Little Sugarcreek Road and has observed vegetation in excess of 12” and garbage, refuse and other debris; and,

WHEREAS, at least seven (7) days before providing for the abatement, control, or removal of any vegetation, garbage, refuse and other debris, 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, the owner’s maintenance of which has been determined by the Board to be a nuisance; and,

WHEREAS, if such vegetation, garbage, refuse and other 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,

NOW THEREFORE, BE IT RESOLVED, that this Sugarcreek Township Board of Trustees hereby determines that the vegetation, garbage, refuse and other debris at 1010 Little Sugarcreek Road does constitute a nuisance and orders the Township Planner/Zoning Official to proceed with the removal of such vegetation, garbage, refuse, and other debris in accordance with the provisions of ORC 505.87.

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

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

B. Announcement of Liquor Permit Application A to Z Golf Management Co. Inc. DBA Rollandia Golf Center and Magic Castle.

Resolution # 2012.08.06.04

WHEREAS, an application for a liquor permit was received from A to Z Golf Management Co Inc. DBA Rollandia Golf Center & Magic Castle, located at 4990 Wilmington Pike; and,

WHEREAS, this application is for a D-1 and D-2 permit, allowing the selling of beer only for on premises consumption or in original sealed containers for carryout only until 1:00 am and Wine and mixed beverages for on premises consumption or in original sealed containers for carryout only until 1:00 am; and,

WHEREAS, through this announcement, this Board of Trustees affords the residents of Sugarcreek Township the opportunity to express comments in writing either for or against per the Ohio Revised Code,

NOW THEREFORE, BE IT RESOLVED, that if the Fiscal Officer receives no negative comments by 4:00 p.m., August 26, 2012, subject to the Ohio Revised Code, Sugarcreek Township will not file a request for a hearing with the Ohio Department of Commerce, Division of Liquor Control.

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

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

10. **Trustee/Staff**

Mr. Bryant said we've had a lot of discussions regarding the Park Board attempting to purchase the Dille property. Mr. Bryant said we have tried to meet with them prior to the Park levy being placed on the ballot but was not successful. He said the Park Board is not considered a private owner when it comes to annexation. Mr. Bryant said he read an article about Columbia Township and a business owner who wanted his property annexed by New Town. They are annexing two parks in between so they could take his property. He said if we don't handle the Park Board issue right and detachment doesn't happen and the Park issue passes, Centerville can just take the new park and we will be paying for a park in Centerville for the next twenty years. Mr. Bryant said he had a Resolution to send to the Park District asking them to pull the Levy from the ballot until spring so there was time for the detachment issue to be resolved. He said he thinks this would be the prudent thing to do.

Mrs. Daugherty asked if he thought a Resolution would stop it. Mr. Bryant said he didn't know but we would be on record as trying to plan ahead. Mrs. Daugherty said she thought the Dilles' would be upset with us. She said they approached the Park District and would be upset if we tried to stop it. Mr. Bryant said he was not trying to stop it but to delay it. Mr. Pittman said we all agree we are not against a park but certain expectations to protect the property were not met.

Mr. Pittman said this gives the Park Board an opportunity to meet these requirements or we will object to them. Mrs. Daugherty asked why it needed to be a Resolution. Why not just talk to them. Mr. Bryant said we need a piece of paper to show our attorney and ask if it is sufficient to protect our Township. Mr. Pittman said the Dilles' or the Park Board wont change their minds. Mrs. Daugherty said the resolution was a surprise to her. She said she agrees this is what we need, but is a Resolution the way to do it. Mr. Bryant said we asked for a meeting but they did not respond to us. Mrs. Daugherty said she didn't want to make enemies with the Park Board. Mr. Pittman said at some point in time we have to state our opinion on this on behalf of our Citizens. Mr. Pittman said the Resolution is not severe. We applaud what they do but we have to delay this action. Mr. Tiffany said we attended a meeting but they would not discuss the issue. Mr. Tiffany projected a map on the white board and outlined all the properties which would become subject to annexation if Centerville annexed the proposed park. Mr. Pittman said Centerville took a piece of Public property from Washington Township just like they could this one. Mr. Bryant said if the detachment comes back to us then the Park land would no longer be contiguous to Centerville. Mr. Tiffany said if the levy passes, Centerville can annex it even before the detachment issue is settled. Mr. Bryant said our only protection is to delay the issue. Mr. Pittman said we could also try to take steps to insure a private boundary in between. Mr. Pittman said we are only saying what is in our best interest. Mr. Froehlich suggested if they delay we could offer to help pass it later.

Resolution # 2012.08.06.05

WHEREAS, the Board of Trustees supports the preservation of open spaces and rural character of lands in the Township; and,

WHEREAS, the Board of Trustees recognizes the unique inherent qualities on the property owned by Dille Laboratories, east of I-675 and north of Feedwire Road; and,

WHEREAS, the Board of Trustees applauds the efforts of the Bellbrook Sugarcreek Park District Board of Commissioners to preserve said Dille Laboratories property as a natural open space in the community as outlined in the Comprehensive Development Plan; and,

WHEREAS, the Ohio Revised Code and the Courts of Ohio do not recognize a Park District as an owner for the purposes of filing an annexation petition under 709.023, a "Type II" annexation; and,

WHEREAS, the recent court filing by Cornerstone Development to detach from the City of Centerville has provided unforeseen challenges and scenarios making it in the best interest of Sugarcreek

Township and its citizens to delay the purchase of the property by the Park District until the case is heard by the Greene County Court of Common Pleas over the next six months.

NOW THEREFORE, BE IT RESOLVED, that this Board of Sugarcreek Township Trustees hereby formally requests that prior to the August 8, 2012, filing deadline of the Greene County Board of Elections for the November, 2012, General Election, the Bellbrook Sugarcreek Park District Board of Commissioners postpone their levy ballot issue for the purchase of the property until the spring 2013 ballot.

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

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

Mr. Bryant said he hoped the Dillies understood.

11. Public Comments

Mr. Jim Martin said the park issue takes valuable land and removes it from the tax duplicate. Mr. Martin asked how much money it cost. Mr. Tiffany said it would be a six million dollar levy and in the same election as the Road levy. Mr. Martin said that is something the Park District should think about. Mr. Martin said he thought Limited Home Rule may be best to get our land back, but after reading about it he's still not in agreement. He said he thought it would require two more Trustees. Mr. Tiffany said it will stay at three. Mr. Martin said we can't afford an attorney and it gives too much control to the Trustees. Mr. Pittman said we still have to pass Resolutions to enact anything. Mrs. Daugherty said she was not in favor the first time but now is because of the need. Mr. Bryant said he wasn't either but this is a tool. We have no other choice if we want the land back. Chief Pavlak said with Limited Home Rule our T.I.F.'s can increase in dollar amount, time, and borrowing types. Mrs. Daugherty asked Mr. Tiffany about a part-time attorney. Mr. Tiffany said that is permitted. He said Washington Township does not have a full time attorney. He said we are also permitted to contract with the Prosecutor's Office.

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

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

The meeting adjourned at 9:20 pm.

Theodore L. Hodson, Fiscal Officer