

The Board of Trustees of Sugarcreek Township, Greene County, Ohio, in Regular Session on August 20, 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, Barbara Burson, Kurt Spilger, Mike Seiler, Amelia Robinson and Donald Rouff.
4. **Community Activities**
Chief Pavlak said Friday Night will be recognized as Public Safety Day at the Opening Bellbrook Football Game.
5. **Informative meeting on Road Levy**
Mrs. Daugherty turned the meeting over to Mr. Tiffany for a slide presentation about the Township's need for a Road Levy. Mr. Tiffany answered questions during and after the presentation. A copy of the presentation will be appended to the permanent record.

Mr. Donald Rouff, 3662 Salinas, asked about the \$550,000.00 cost to run the Service Department. Mr. Tiffany said it included all personnel and operations costs. He said it included pay for five employees and benefits, fuel costs, electric, gas, building and equipment maintenance, insurance, and other associated fixed expenses to operate. Mr. Rouff asked if there were any new vehicles to be purchases in the next five years. Mr. Tiffany responded there were none planned. Mr. Rouff asked who was responsible for the street signs. Mr. Tiffany said it depended on the location of the street. He also said the Township had many signs in stock. Mr. Rouff asked in there were any sidewalks planned. Mr. Tiffany said there not. Mr. Rouff asked about storm water management. Mr. Tiffany said that was the responsibility of the developer but we maintain it. Mr. Rouff said opening Clio Road was a big help but wanted to know why it needed widened. Mr. Pittman responded that a lane was needed to be added on each side for safety reasons. Mr. Pittman said we have an agreement with the property owners. They will give us the land for the road if we build the next phase. Mr. Tiffany said it is also needed for economic development. Mr. Rouff asked about the bridge. Mr. Tiffany said it was constructed so it could be widened easily. Mr. Rouff asked if he was paying for the new section with this levy. Mr. Tiffany said it was not part of the needed levy. Mr. Rouff said his taxes exceed his mortgage. The State has cut funding and our leadership turns to the Citizens to make up for it. He said we are not without limits. Mr. Pittman said this levy is not about labor, its all about hard costs and materials. Mr. Rouff said he agrees we need this but it may not be this year. Mr. Pittman said we also have more miles of road to take care of than when this levy was first passed. Mr. Tiffany said roads are also being built to a higher standard today. Mr. Rouff thanked the Board for their indulgence.

Mrs. Donna Hellman, 3981 Winding Bluff Ct., asked if the levy fails does the money run out this year. Mr. Tiffany responded that was correct. Mrs. Hellman asked how the roads will be cleared of snow. Mr. Tiffany said they will be cleared very slowly as compared to the past. He said we will have to cut back all services. Mrs. Hellman asked how much. Mr. Tiffany answered by \$200,000.00. Mrs. Hellman said the snow will present problems' for the Fire and Police Departments. She also asked if the Park Levy was still on the ballot. Mr. Tiffany responded that it was.

6. **Informative Meeting on Limited Home Rule**
Mrs. Daugherty asked Mr. Tiffany if he would discuss Limed Home Rule. Mr. Tiffany started an informative slide presentation regarding the essentials of Limited Home Rule. A copy of the presentation will be appended to the permanent record. After the presentation a general discussion ensued. Mr. Pittman asked Mr. Tiffany if our Bond Counsel has given us a recommendation regarding Limited Home Rule. Mr. Tiffany said Peck, Shaffer and Williams and Fifth Third has been telling us for years we could get better rates and terms on loans if we were Limited Home Rule. Mr. Pittman also said, after doing some looking, that he found several Townships in our area who were Limited Home Rule. Mr. Pittman named Bethel, Clearcreek, Deerfield,

Franklin, Harrison, Hamilton, Liberty, Miami and Washington Township. Mr. Tiffany said he has discussed L.H.R. with Mr. Martin and knows he is concerned about the possible abuse of additional powers granted to the Trustees. He said he had spent two hours on the internet trying to find any press regarding any abuse of power. He said he even searched other states. He said he found nothing, not one Township had ever gotten rid of it. Mr. Pittman said our decision to put this on the ballot again was due to Cornerstone wanting to detach from Centerville and to come back to the Township. We need to be able to provide for them what they need to detach. If we don't have this we will be limited in what we can do to assist them. Mr. Bryant said that is what made the difference for him. For them to come back will be a financial burden and we need to have this piece of the puzzle to bring them back. He said without it, it will be very difficult. Mr. Pittman said if we can't help them they can always go back to Centerville. Mr. Bryant said he liked the part about Limited Home Rule where you had to read the Resolutions two different times. Mrs. Daugherty said her previous concern was the abuse of power, but as Mr. Tiffany said, she doesn't think there has ever been any. She said we have this opportunity for the property to come back and she wants it to happen.

Mr. Mike Siler, Conference Road, asked if this passed today would there be nothing that affected our taxes. Mr. Tiffany said that was correct. Mr. Siler said, since we are using outside legal and it is already budgeted, he doesn't think hiring an attorney is an issue. He said he is leaning toward Limited Home Rule but doesn't necessarily think we need to jump into it just to get property back. He said he liked the ability to recall it if it' abused.

Mr. Jim Martin, 2465 Stewart Road, said he has concerns. He said he would not like to borrow money on Mr. Oberer's word. Mr. Tiffany said he has heard that Mr. Oberer will guarantee the bank will be making payments if the money is not coming in. Mr. Martin said we lost the Dille property for stonewalling the first time and we still have the same Zoning Board members. Mr. Martin cited many abuses by some of the current members. Mr. Martin said the Board is having an Economic Planning Commission and has no authority to do so. Mr. Martin said we have too many committees to make decisions. He said that was what the Trustees were elected to do. Make decisions. He said if we don't change our zoning we are going to lose more land. Mr. Martin said people here have considered developers their enemies. He said there are four levies coming up and that's just asking for them all to go down. He said he is concerned about abuse of power. He said you are doing it today with Economic Development planning.

Mr. Bryant said he was guilty as charged regarding committees. He said he likes to have community input to help make decisions. He said we are using this for input.

Mrs. Barbara Burson, 1250 Sugarhill, said Mr. Geyer doesn't like us. He could be a problem money-wise. She asked if he could dump us. Mr. Tiffany said, by statute, he could. He said our relationship with him now is much better than when he started. Mr. Martin said Mr. Tiffany is right. Mrs. Burson said at one time he said he would dump us if he could. I want to think that couldn't happen. She said she was not for more regulation but for less. She said to think about how much has been paid on the Dille property already.

Mr. Tiffany said it comes to this. If a City can borrow money at 3%, why shouldn't we be able to do the same? He said even in Westchester, where he lives, there are 70,000 people and there has been no abuse of power. Mr. Tiffany said we did not see this coming but the opportunity is here. Mr. Pittman said the Citizens have the power to change back from Limited Home Rule. Mrs. Burson said things are hard to change once established. Mr. Tiffany said if there is a referendum, it not only undoes Limited Home Rule but any of the legislation enacted.

Mrs. Donna Hellman, 3981 Windy Bluff Court, asked if the Supreme Court was still going to issue a ruling on the Dille property. Mr. Tiffany said the Court was asked to dismiss the case since the ruling could be a moot point. Mrs. Hellman said if Limited Home Rule is not passed then do we need the decision. Mr. Tiffany said if the Court dismisses the case then the current ruling stands. Mrs. Hellman asked if Centerville could go back to the Court again. Mr. Tiffany said possibly, if the Court accepted it. Mrs. Hellman said she didn't have a lot of faith in Mr. Oberer.

Mr. Rouff, 3897 Conference Road, asked if it was returned to the Township how it would be zoned. Mrs. Daugherty said it was changed to multi-use prior to leaving the Township. Mr. Rouff said we need Fire and Police protection, water and sewage and so on. It seems in zoning we need to plan ahead for these things. He said to be cautious. If you invite development make sure it pays its way. Mr. Bryant said we agree. Mr. Rouff asked if we don't meet our proposal does the land return to Centerville. Mr. Tiffany said 'yes' if options kept open. Mr. Rouff said what ever happens to the Dille property, be sure of the total impact. If the schools participate I don't have money for their taxes either. He said to make sure new joiners pay their way. Mr. Bryant said it's not if development happens but when it will happen. We want to take advantage of taxes.

Mr. Jim Martin said whether we like it or not Feedwire will widen and the Dille property will be developed. One reason we are where we are is that previous zoning fought every business coming in. Now they're realizing commercial is needed. He said he didn't think the way Mr. Oberer left Centerville he will get any more going back. Mr. Pittman said if we could keep the Dille property it would be nice to see a lot of Montgomery County plates in our businesses. Mr. Martin said he did not think the county would participate.

Mr. Jim Tharpe, 3276 Ferry Road, asked why did we spend all this money on this? Mr. Tharpe said our zoning boards the same. Nobody will change it. Somebody needs to own up to what we've spent. He asked Mr. Tiffany how much we've spent. Mr. Tiffany said Ted could get you a number. Mr. Hodson said about five hundred thousand dollars. Mr. Tharpe said that would have gone a long way toward infrastructure wouldn't it. Mr. Hodson asked Mr. Tharpe if he wanted him to check the amount of attorney fees. Mr. Tharpe said he would appreciate it. Mrs. Daugherty said we spent five hundred thousand dollar but were trying to keep fifty million in tax dollars.

Mr. Jim Froelich said he has also done some research on Limited Home Rule. He said in 2009 there were 25 Townships in Ohio with Limited Home Rule. He said in three years it has almost doubled. He said Limited Home Rule can't conflict with the O.R.C. We could say you can't play music over so many decibels because it's not in the O.R.C. He said he found the average law director was paid \$15,000.00. Mr. Tiffany said there are costs for the law director only if used for litigation. Mr. Froelich said he looked in other states for Limited Home Rule. He said he looked at Illinois and Missouri and could not find any evidence of abuse of power. Mr. Bryant asked Mr. Tiffany if we could get costs to see if the Law Director is a legitimate concern. Mr. Tiffany said he would like to shop it to see what he can find.

Mr. Jim Martin said this is the most important decision in a long time that the Citizen's need to make and there are very few here. Mr. Bryant said the 'abuse' issue was brought up several times. He said he would like to think the Citizen's voted for the trustees because they trust them to make decisions. We would like to think residents would replace us if they don't trust us. Mr. Bryant said we are here to look out for the Township. Abuse is possible but I don't think likely. I would like to think the voters would stand up and not let us do that.

7. **Old Business**

Website – Mr. Bryant said the new website is on schedule for Public debut by the end of October.

8. **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 - Yes
Mr. Pittman - Yes
Mrs. Daugherty – Yes

B. Payment on Bills

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

Mr. Bryant - Yes

Mr. Pittman - Yes
Mrs. Daugherty – Yes

Fire Department

C. Resignation of Part-time Safer Firefighter/EMT/Inspector Michael N. Todd

Resolution # 2012.08.20.01

WHEREAS, Safer Firefighter/EMT/Inspector Michael N. Todd has submitted his letter of resignation from the Sugarcreek Township Fire Department; and,

WHEREAS, Mr. Todd has been a member of the Sugarcreek Township Fire Department since November 2, 2009, and,

WHEREAS, Chief Randall J. Pavlak recommends we accept with regret the resignation of Firefighter/EMT/Inspector Todd,

NOW THEREFORE, BE IT RESOLVED, that this Board of Sugarcreek Township Trustees officially accepts the resignation of Michael N. Todd effective August 9, 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

D. Resignation of Part-time Firefighter/EMT Brian M. Sanders

Resolution # 2012.08.20.02

WHEREAS, Firefighter/EMT Brian M. Sanders has submitted his letter of resignation from the Sugarcreek Township Fire Department; and,

WHEREAS, Mr. Sanders has been a member of the Sugarcreek Township Fire Department since May 7, 2012, and,

WHEREAS, Chief Randall J. Pavlak recommends we accept the resignation of Firefighter/EMT Sanders,

NOW THEREFORE, BE IT RESOLVED, that this Board of Sugarcreek Township Trustees officially accepts the resignation of Brian M. Sanders effective August 20, 2012.

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

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

Roads and Services Department

E. Declaration of Excess Property Roads and Services Department

Resolution # 2012.08.20.03

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

WHEREAS, the item listed on the attached correspondence has an individual value of \$2,000.00 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. Bryant seconded. Roll was called with the vote being as follows:

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

Zoning Department

F. Declaration of Excess Property Zoning Department

Resolution # 2012.08.20.04

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

WHEREAS, the item listed on the attached correspondence has an individual value of \$2,000.00 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. Mrs. Daugherty seconded. Roll was called with the vote being as follows:

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

Administration

G. Discuss membership in the Dayton Development Coalition

Mr. Tiffany said he got a letter from the Dayton Development Coalition thanking us for our pledge and asking us to participate again. Mr. Tiffany said the cost was one thousand dollars. Mr. Pittman said he feels, with the land we have for Economic Development, that this is important. Mrs. Daugherty agreed and Mr. Bryant said he didn't have a problem with it.

9. **Trustee/Staff**

Mr. Tiffany said, with regard to other items, students have moved beyond parking restrictions at Kable's Mill. He asked if the Board wanted to set something up now or to wait. Mr. Bryant said he was inclined to wait. Mr. Tiffany said if we expand we may not be able to expand enough and will have to do the whole development. Mr. Pittman said maybe we should expand. Mr. Tiffany said the next meeting is September 17th and if you want we could amend the previous Resolution then. Mr. Pittman said that will give us time to see what happens.

Mrs. Daugherty said she has been working with Karen Shroyer and employees from each department reviewing the Employee's Manual. She said she has asked Karen to prepare what suggestions have been made so far so they could be given to the Board. Mrs. Daugherty said Mr. Tiffany already had a copy.

Mr. Bryant said he had read correspondence from Ms. Graff regarding county casino revenues being distributed in accordance to Local Government Funds. Mr. Bryant said he would like Mr. Tiffany to draft a letter regarding such. Mr. Pittman said maybe we should do a Resolution. Mr. Bryant said he was good with either one and maybe we could have it for the next meeting. Mr. Bryant thanked everyone for coming out. Mr. Tiffany said last year we announced the levy meeting with Code Red. Mr. Pittman said we should do it again. Mrs. Daugherty agreed and said she also suggested NIXEL.

10. **Adjourn**

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

The meeting adjourned at 9:03 pm.

Theodore L. Hodson, Fiscal Officer