

**BEAVERCREEK TOWNSHIP
BOARD OF TRUSTEES
Regular Meeting Minutes
June 22, 2020**

CALL TO ORDER

Board of Trustees Chair Debborah L. Wallace called the regular meeting of the Beaver Creek Township Board of Trustees to order at 5:01 p.m., followed by the Pledge of Alliance. Those present were Trustee and Chair of the Board Debborah L. Wallace, Trustee and Vice Chair of the Board Tom Kretz, who joined the meeting virtually, Trustee Jessica Dean, Fiscal Officer Ryan A. Rushing, Township Administrator J. Alexander Zaharieff, Fire Chief David VandenBos, Sergeant Chris Moore, Associate Economic & Zoning Administrator Max McConnell, Road Superintendent Tim Parks, Community Development and Risk Administrator and Fire Marshall Randy Grogean.

APPROVAL OF THE AGENDA

Trustee Wallace asked if there were any changes and/or modifications to the agenda. Township Administrator Zaharieff noted that an Executive Session has been added to the agenda.

20200622-A: Trustee Dean made a MOTION to approve the agenda as modified, seconded by Trustee Kretz. Fiscal Officer Rushing called the roll: Trustee Kretz, yes; Trustee Dean, yes; Trustee Wallace, yes. Motion adopted.

ACCEPTING FISCAL OFFICE REPORTS

20200622-B: Trustee Kretz made a MOTION Accept the General Ledger Report, in the amount of \$388,441.91, for the 06-17-20 payroll, seconded by Trustee Dean. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

20200622-C: Trustee Dean made a MOTION to approve Payment Listing Reports, in the amount of \$218,477.98, for warrants through 06-17-20, seconded by Trustee Kretz. Fiscal Officer Rushing called the roll: Trustee Kretz, yes; Trustee Dean, yes; Trustee Wallace, yes. Motion adopted.

APPROVAL OF THE MEETING MINUTES

20200622-D: Trustee Kretz made a MOTION to adopt the June 1, 2020 Special Trustee Meeting Minutes and June 8, 2020 Regular Trustee Meeting Minutes, seconded by Trustee Dean. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

CITIZENS DESIRING TO SPEAK

Trustee Wallace stated that this is the portion of the meeting in which citizens desiring to speak may do so.

Rick Clemans, Clemans Development, Arlington Place:
In Arlington Place, concerned about letters dated June 1 and June 11 about grass

**BEAVERCREEK TOWNSHIP BOARD OF TRUSTEES
JUNE 22, 2020 MEETING MINUTES**

REGULAR MEETING

needing to be cut and they missed a grass cutting during that time. He is concerned about the standards set for grass cutting by the Township. Mr. Clemans also stated about other locations in the Township that may be out of compliance with property maintenance and questioned why those properties were not also listed on the Trustees' agenda for action.

Trustee Wallace thanked Mr. Clemans for attending and stated that property maintenance is an item later in the agenda for discussion.

OLD BUSINESS

Being no Old Business, the Board moved to the next agenda item.

NEW BUSINESS

20200622-E: RESOLUTION HIRING ONE CAREER FIREFIGHTER

Trustee Dean moved the adoption of the following **RESOLUTION**:

WHEREAS, the Ohio Revised Code §505.38(A) requires the Board of Township Trustees, in each Township with a fire department, to provide for the employment of firefighters as it considers best; and

WHEREAS, The Township has been awarded a "Staffing for Adequate Fire and Emergency Response" ("SAFER") Grant, which provides partial funding for the employment of nine SAFER Grant-funded positions; and

WHEREAS, Resolution 20200113-V, passed by the Board on January 13, 2020, authorizes a staffing level of fifty-seven sworn firefighters; and

WHEREAS, the fire department is currently staffed with only fifty-six sworn firefighters; and

WHEREAS, the Board accepts the Fire Chief's recommendation to immediately replace the vacancy.

NOW, THEREFORE BE IT RESOLVED THAT the Board of Beaver Creek Township Trustees, hereby hire the following individual as full-time, sworn firefighter and emergency medical technician, with contractual years of service beginning on June 22, 2020, at the prescribed rate of pay and benefits in accordance with the Beaver Creek Professional Firefighters' Collective Bargaining Agreement:

Adam Roberson..... EMT-basic pay step A (\$20.13/hour)

FURTHER BE IT RESOLVED THAT the conditions of employment of these firefighters hired pursuant to the "SAFER" grant are consistent with those included in their individual offer letters; and

**BEAVERCREEK TOWNSHIP BOARD OF TRUSTEES
JUNE 22, 2020 MEETING MINUTES**

REGULAR MEETING

FURTHER BE IT RESOLVED THAT any transferred service credit, in accordance with Article 31 of the current Collective Bargaining Agreement does not count as years of service for the calculation of Article 12, Section 7 Longevity; and

FURTHER BE IT RESOLVED THAT all formal actions of the Board of Trustees concerning and relating 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.

The motion was seconded by Trustee Kretz. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Resolution adopted.

Trustee Wallace administered the Oath of Office to Adman Roberson:

I hereby certify that we have on this date hired, **ADAM ROBERSON**, to the position of fulltime Firefighter of the Beaver Creek Township Fire Department; said appointment is to take effect June 22, 2020.

I, Adam Roberson, being duly sworn, say that I will support the Constitution of the United States, and the Constitution of the State of Ohio, and will faithfully discharge the duties of Firefighter of the Beaver Creek Township Fire Department, Greene County, Ohio.

ADMINISTRATOR

Administrator Zaharieff spoke regarding the two public hearings regarding the motor vehicle tax and the next step required for approval.

Trustee Kretz noted that he was thankful for the citizens that attended the public hearings and voiced their concerns. He also noted that the motor vehicle license tax will help the community.

20200622-F: Trustee Kretz moved the adoption of the following **RESOLUTION:**

WHEREAS, the Board of Trustees of Beaver Creek Township, Greene County, Ohio, recognize the importance of maintaining township roads and that the funds available for road maintenance remain stagnant while the cost of road maintenance is increasing; and

WHEREAS, Ohio Revised Code 4504.181 allows the Board of Trustees to levy an annual license tax upon the operation of motor vehicles on the public roads and highways in the "unincorporated area" of the township for the purpose of paying for the construction, reconstruction, improvement, maintenance, and repair of township roads, bridges, and culverts; the costs and expenses of enforcing and administering the license plate tax; for purchasing, erecting, and maintaining traffic signs, markers, lights, and signals; for purchasing road machinery and equipment; and for planning, constructing, and maintaining suitable buildings to house road equipment; and

**BEAVERCREEK TOWNSHIP BOARD OF TRUSTEES
JUNE 22, 2020 MEETING MINUTES**

REGULAR MEETING

WHEREAS, per Ohio Revised Code 4504.181, public notifications were published in the Dayton Daily News, the Township's social media sites and website announcing two public hearings which were held on June 1, 2020, and June 8, 2020 to provide information and accept comments about a proposed \$5.00 permissive motor vehicle license tax (additional township license tax); and

WHEREAS, three (3) residents from the Township appeared at the June 1, 2020 hearing and three (3) residents appeared at the June 8, 2020 hearing to voice their concerns and have their questions addressed and answered by the Board of Trustees;

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF
BEAVERCREEK TOWNSHIP, GREENE COUNTY, OHIO THAT:**

Section 1. Pursuant to Ohio Revised Code 4504.181, an annual license tax is levied upon the operation of motor vehicles on the public roads and highways in the registration district known as the unincorporated area of Beaver Creek Township, Greene County, Ohio.

Section 2. Such tax shall be levied at a rate of five dollars and zero cents (\$5.00) per motor vehicle on all motor vehicles the owners of which reside in the registration district known as the unincorporated area of Beaver Creek Township, Greene County, Ohio.

Section 3. The intent of this Resolution is to levy the full tax a township is allowed to annually levy under Ohio Revised Code 4504.181.

Section 4: The Board of Trustees of Beaver Creek Township, Greene County, Ohio, will enact a \$5.00 permissive motor vehicle license tax which will take effect 30 days after adoption of this Resolution as the earliest date allowed by law.

Section 5: All revenues realized by Beaver Creek Township, Greene County, Ohio, pursuant to the Resolution is used only for the purpose allowed under Ohio Revised Code 4504.181.

Section 6: That this Board of Trustees hereby finds and determines that all formal actions relative to the adoption of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board which resulted in formal action were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

Trustee Wallace seconded the motion to adopt the Resolution.

Trustee Dean mentioned that she feels that asking voters to pay an additional motor vehicle license tax and later requesting that they pass a levy for more money will not be accepted well by the community and feels like they should be asked for together with a larger levy or another means. It is for this reason why she expressed her desire to vote no.

Trustee Wallace responded that levies often do not request 100% of monies needed for future growth and that it puts the Township in a cycle of being behind on road improvements even with the license fee being requested.

Fiscal Officer Rushing called the roll: Trustee Dean, no; Trustee Kretz, yes; Trustee

**BEAVERCREEK TOWNSHIP BOARD OF TRUSTEES
JUNE 22, 2020 MEETING MINUTES**

REGULAR MEETING

Wallace, yes. Resolution adopted.

GREENE COUNTY SHERIFF'S OFFICE

Administrator Zaharieff presented the Beaver Creek Township Sheriff Substation bi-weekly report and memo and turned the meeting to Sergeant Moore.

Sergeant Moore presented his report regarding questions asked by the Trustees at the last regular meeting.

Trustee Wallace appreciates the due diligence provided by Sergeant Moore's report and responses.

Trustee Kretz requested a definition of C.I.T.

Sergeant Moore responded that C.I.T. stands for Crisis Intervention Training and explained a little bit about how officers are trained, especially related to mental health or drugs and alcohol.

Trustee Dean stated that she appreciates what the Sheriff's department does for everyone.

Trustee Wallace asked for follow-up information for additional questions at the next trustee meeting:

- 1- How many response to resistance or use of force incidents has the Greene County Sheriff's Department had in the last two years?
- 2- How many people have been paid by the Greene County Sheriff's Department or the Greene County Commissioners for or because of response to resistance or use of force incidents?
- 3- Between the officers working in the jail or on patrol, how many have received disciplinary action based on the use of force?

Trustee Kretz asked that the information in response to those questions be answered only with regard to deputies who have been employed by Beaver Creek Township.

Trustee Dean agreed with the request for information only regarding the township.

Sergeant Moore asked for a few clarifications regarding the questions asked.

HUMAN RESOURCES

Administrator Zaharieff presented the bi-weekly activity report.

COMMUNITY DEVELOPMENT AND RISK

Administrator Zaharieff presented the bi-weekly activity report and turned the meeting over to Community Development and Risk Administrator and Fire Marshal Randy Grogan, who turned it over to Max McConnell.

**BEAVERCREEK TOWNSHIP BOARD OF TRUSTEES
JUNE 22, 2020 MEETING MINUTES**

REGULAR MEETING

Max McConnell presented the process for property code enforcement and stated that many of the enforcement issues are citizen complaint driven. He stated that residents complained that grass was too long in certain areas and the enforcement process began by checking the lot. Letters were sent to those in violation, public notices were posted when the violation was not rectified, and owners were notified via letter that parcels would be declared a nuisance by Trustees and then Township would be able to mitigate situation at the owner's expense. Mr. McConnell stated at this time, none of the lots schedule to be declared a nuisance by the Trustees are still in violation.

Administrator Zaharieff noted that enforcement of the nuisance code is primarily driven by complaints lodged by citizens.

Trustee Wallace addressed Mr. Clemans concerns to be sure that he understood the way nuisance code violations are brought about and appreciated his engagement with the Board.

Trustee Kretz mentioned that he believes all of the past four years where nuisance codes have almost had to be enforced, the violators have taken care of the issues prior to enforcement.

Max McConnell addressed the presentation of the zoning fee schedule and highway business overlay zoning district.

Administrator Zaharieff noted there will be a public hearing held regarding those items.

Fire Marshal Grogean thanked Trustee Kretz for the Knox box donation.

Trustee Kretz asked if staff will have proactive discussions with developers relative to activity for the second half of the year.

Mr. McConnell replied that there have been no meetings but there is movement in Nathaniels Grove and updated Trustees on current plans.

Trustee Kretz asked the department to reach out to developers to get more information for the second half of the year.

Administrator Zaharieff said that past meetings with developers were occurring but have been delayed due to COVID-19. He said that there are plans to reconvene soon.

INFORMATION TECHNOLOGY

Administrator Zaharieff presented the bi-weekly activity report.

ROAD DEPARTMENT

Administrator Zaharieff presented the bi-weekly activity report.

**BEAVERCREEK TOWNSHIP BOARD OF TRUSTEES
JUNE 22, 2020 MEETING MINUTES**

REGULAR MEETING

20200622-G: Trustee Dean made a MOTION to approve purchase request (10817) to Stanley Steamer for annual floor maintenance at all four Fire Stations in an amount of \$6,325; and to authorize the Township Administrator to sign for the Board, Trustee Kretz seconded. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

Trustee Wallace asked if staff would explain why a metal roof is recommended per a standard shingle roof.

Road Superintendent Parks replied that a metal roof promises longevity in comparison with the current roofing type.

Trustee Kretz asked if shingles were being removed or if the metal roofing would be placed on top.

Mr. Parks replied that the shingles will be removed. He also explained why he chose the quote that he chose.

Trustee Dean asked if the decking was to be replaced.

Mr. Parks replied that the decking would be replaced on the Coy House and that the 1981 building would be replaced as needed.

20200622-H: Trustee Kretz made a MOTION to approve purchase request #10818 to A.H. Sturgill for the roof replacement with a metal roofing system at 1981 Dayton-Xenia Rd. in an amount of \$46,200; and to authorize the Township Administrator to sign for the Board, Trustee Dean seconded. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

20200622-I: Trustee Dean made a MOTION to approve purchase request #10819 to A.H. Sturgill for the roof replacement with a metal roofing system at the Coy House in an amount of \$29,300; and to authorize the Township Administrator to sign for the Board, Trustee Kretz seconded. Fiscal Officer Rushing called the roll: Trustee Dean, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

Trustee Dean said that a great job was done replacing all of the storm sewers and drain basins.

Administrator Zaharieff noted that the Township has received its first truck through the new fleet management program with Enterprise. The truck will be available for the Trustees to look at during the next Board meeting. Payments are not due until trucks are in service.

FIRE DEPARTMENT

Administrator Zaharieff presented the COVID-19 report and bi-weekly activity report.

**BEAVERCREEK TOWNSHIP BOARD OF TRUSTEES
JUNE 22, 2020 MEETING MINUTES**

REGULAR MEETING

Chief VandenBos addressed that fortunately Beaver Creek Township has not been a hotspot for COVID-19 cases and the area has not been impacted drastically. The stats of related cases and/or transport by the Fire Department are the same as reported at the last meeting.

Trustee Kretz asked about supplies for a second wave and asked if it is housed in multiple locations in case of another tornado.

Chief VandeBos replied that excess supplies are currently housed in the most secure area.

LEGAL ADVISOR

Nothing to bring to the board's attention at this time.

FISCAL OFFICER

Fiscal Officer Rushing introduced a resolution for Trustee approval.

**20200622-J: A RESOLUTION ESTABLISHED A PROCESS FOR THE
CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT OHIO HB 481**

Trustee Kretz moved the adoption of the following **RESOLUTION**:

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act, 116 Public Law 136, (the CARES Act) was signed into law by the President of the United States on March 27, 2020; and

WHEREAS, the Ohio General Assembly established a process for distributing funds provided by the "Coronavirus Aid, Relief, and Economic Security Act" in House Bill 481 of the 133rd General Assembly (HB 481); and

WHEREAS, HB 481 requires subdivisions receiving funds under Section 1 of the act, to pass a resolution affirming that funds from the County Coronavirus Relief Distribution Fund may be expended only to cover costs of the subdivision consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 601(d), and any applicable regulations before receiving said funds; and

WHEREAS, Beaver Creek Township is requesting its share of funds from the Greene County Coronavirus Relief Distribution Fund.

NOW THEREFORE, be it resolved that the Board of Trustees of Beaver Creek Township affirms that all funds received from the Greene County Coronavirus Relief Distribution Fund pursuant to HB 481 be expended **only** to cover costs of the Township consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 601(d), and any applicable regulations and guidance only to cover expenses that:
(1) Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);

**BEAVERCREEK TOWNSHIP BOARD OF TRUSTEES
JUNE 22, 2020 MEETING MINUTES**

REGULAR MEETING

(2) Were not accounted for in Beaver Creek Township's most recently approved budget as of March 27, 2020; and

(3) Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

FURTHERMORE, in compliance with HB 481, be it resolved by the Board of Trustees of Beaver Creek Township that the Beaver Creek Township Fiscal Officer take all necessary action to:

(1) On or before October 15, 2020, pay any unencumbered balance of money in the Beaver Creek Township's local coronavirus relief fund to the Greene County Treasurer;

(2) On or before December 28, 2020, pay the balance of any money in the Beaver Creek Township's local coronavirus relief fund to the state treasury in the manner prescribed by the Director of the Ohio Office of Budget and Management; and

(3) Provide any information related to any payments received under HB 481 to the Director of the Ohio Office of Budget and Management as requested.

FURTHERMORE, in compliance with HB 481, be it resolved by the Board of Trustees that the Beaver Creek Township Fiscal Officer shall be authorized and take all necessary action to:

(1) Create a new fund to receipt any revenue and make any expenditure as it relates and is authorized by HB 481 and the CARES Act.

FURTHER BE IT RESOLVED THAT, all formal actions of the Board of Trustees concerning and relating 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.

Seconded by Trustee Dean. Fiscal Officer Rushing called the roll: Trustee Kretz, yes; Trustee Dean, yes; Trustee Wallace, yes. Resolution adopted.

**20200622-K: SUPPLEMENTAL CERTIFICATE of RESOURCES AVAILABLE
FEMA / 2019 TORNADO CLEANUP and RECOVERY**

Trustee Dean moved the adoption of the following **RESOLUTION**:

WHEREAS, Beaver Creek Township was struck by an EF3 tornado on May 27, 2019; and

WHEREAS, Beaver Creek Township has applied for FEMA funds to assist with the Township's cleanup and recovery efforts; and

WHEREAS, Beaver Creek Township received a FEMA reimbursement check, in the amount of \$255,093.87, on 06/12/2020, from the State of Ohio's Department of Public Safety; and

**BEAVERCREEK TOWNSHIP BOARD OF TRUSTEES
JUNE 22, 2020 MEETING MINUTES**

REGULAR MEETING

WHEREAS, the Board of Trustees of Beaver Creek Township wishes to accept these dollars from FEMA and deposit them into the Township's Fund 2902, which is designated for FEMA Reimbursements: Local Emergencies; and

WHEREAS, these proceeds will increase the amount available for expenditures; and

WHEREAS, the Board of Trustees of Beaver Creek Township further approves the filing of the attached Supplemental Certificate, with the Greene County Auditor's Office, for these funds; and

NOW THEREFORE BE IT RESOLVED THAT, the Board of Trustees of Beaver Creek Township, Greene County, Ohio favorably passed the above Resolution.

FURTHER BE IT RESOLVED THAT, all formal actions of the Board of Trustees concerning and relating 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.

Trustee Kretz seconded. Fiscal Officer Rushing called the roll: Trustee Kretz, yes; Trustee Dean, yes; Trustee Wallace, yes. Resolution adopted.

EXECUTIVE SESSION

20200622-L: Trustee Dean made a MOTION to enter Executive Session pursuant to Section 121.22 (G)(1) of the Ohio Revised Code to consider the employment and compensation of a public employee and Section 121.22 (G)(3) of the Ohio Revised Code Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action, seconded by Trustee Kretz. Fiscal Officer Rushing called the roll: Trustee Kretz, yes; Trustee Dean, yes; Trustee Wallace, yes. Motion adopted.

20200622-M: Trustee Dean made a MOTION to come out of Executive Session and reconvene the regularly scheduled meeting at 7:24 p.m., seconded by Trustee Dean Fiscal Officer Rushing called the roll: Trustee Kretz, yes; Trustee Kretz, yes; Trustee Wallace, yes. Motion adopted.

20200622-N: Trustee Kretz made a MOTION to adjourn the meeting at 7:25 p.m., seconded by Trustee Dean. Fiscal Officer Rushing called the roll: Trustee Kretz, yes; Trustee Dean, yes; Trustee Wallace, yes. Motion adopted.

**BEAVERCREEK TOWNSHIP BOARD OF TRUSTEES
JUNE 22, 2020 MEETING MINUTES**

REGULAR MEETING

APPROVED:



Deborah L. Wallace, Chair

ATTESTED:



Ryan A. Rushing, Fiscal Officer

7-13-2020
Date