**Regular Beavercreek Trustee's Meeting**

**Monday, December 21, 2012**

Mr. Glaser called the Regular Trustee Meeting to order at 2:02 P.M. Those present were Trustees: Robert Glaser, Carol Graff and Dan Paxson. Fiscal Officer, Christy Ahrens and Legal Advisor Robert Surdyk were also present. Staff present: Township Administrator Alex Zaharieff, Assistant to the Fiscal Officer James Barone, Road Superintendent Tim Parks, Fire Chief David VandenBos, IT Manager Jeff Terry, and HR Manager Trish Gustafson. Zach Upton and Chuck Brackenhoff were also present.

**2012-441** Mr. Paxson made a motion to approve the Agenda for December 21, 2012 with the following amendments: add Executive Session 121.22 (G)(1) to consider the compensation of a public employee after Fiscal Officer, if necessary; and move New Hire – Temporary Full-Time from under Fire to after Executive Session. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**2012-442** Mr. Paxson made a motion to approve the December 26, 2012 Payroll in the amount of $257,830.67. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

**2012-443** Ms. Graff made a motion to approve the Bills in the amount of $179,936.37. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**2012-444** Ms. Graff made a motion to approve the Regular Meeting Minutes of December 10, 2012. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**2012-445** Mr. Paxson made a motion to approve the Special Meeting Minutes of December 11, 2012. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

**RESIDENTS/GUESTS DESIRING TO SPEAK**: None.

**OLD BUSINESS:**

Employee Handbook:

Human Resource Manager, Trish Gustafson, stated that she had sent additional changes concerning the Handbook. General discussion occurred regarding items in the manual: Section 4, page 25, #5 – exceptions (it should be two not three); Page 4, #10 – Retirement – vs – Page 65, #35. Mr. Surdyk stated he thought #35 would replace #10. The trustees agreed.

**2012-446** Ms. Graff made a motion to approve the Beavercreek Township Personnel Policy Manual, with the changes discussed above at this meeting on December 21, 2012, with the manual to be effective January 1, 2013. Mr. Paxson seconded. Mr. Paxson wanted to make sure that sections of the manual could be modified by the Trustees as needed, if needed. All agreed, yes. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

Phillips/Rotary Bridge:

Ms. Graff opened discussion on this topic by stating that she feels the bridge should be replaced. General discussion occurred regarding time and cost. The Trustees asked Road Superintendent Tim Parks to get costs associated with having a new bridge installed.

**2012-447** Ms. Graff made a motion to authorize Mr. Parks to gather engineering and constructions costs regarding Phillips/Rotary Bridge. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**NEW BUSINESS:**

MVRPC and GCRPCC Delegate and Alternate Appointments:
Mr. Glaser stated that while there are only two Trustees at this point to nominate to these positions, that these positions should only be temporary until a new Trustee is decided.
**2012-448** Ms. Graff made a motion to name Dan Paxson as the Delegate and Carol Graff as the Alternate for the GCRPCC; and to name Carol Graff as the Delegate and Dan Paxson as the Alternate for the MVRPC; until such a time as a new Trustee is appointed. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, abstain.

**ADMINISTRATOR:**
Annexation:
**2012-449** Ms. Graff made a motion to approve **Resolution 2012-449**,
BOARD OF TRUSTEES, BEAVERCREEK TOWNSHIP, GREENE COUNTY, OHIO, RESOLUTION OBJECTING TO PETITION TO ANNEX 118.403 ACRES, MORE OR LESS, IN BEAVERCREEK TOWNSHIP TO THE CITY OF BEAVERCREEK
The Board of Trustees of Beavercreek Township, Greene County, Ohio met in regular session on the 21st day of December, 2012, with the following members present: Mr. Glaser, Mr. Paxson, and Ms. Graff.
Ms. Graff moved the adoption of the following resolution:
WHEREAS, the Beavercreek Township Board of Trustees is the chief legislative body of Beavercreek Township;
WHEREAS, a petition for the annexation of approximately 118.403 acres, more or less, in Beavercreek Township into the City of Beavercreek, was filed with the Greene County Board of Commissioners on October 23, 2012, with an attempted amendment of the map and plat to said annexation filed with the Board on November 21, 2012, which annexation petition was denied by the Board of County Commissioners on December 6, 2012, per Board Resolution No. 12-12-6-6.
WHEREAS, while the above-referenced petition was pending before the Board of County Commissioners, a second petition was filed with the Board of County Commissioners to annex the same 118.403 acres, more or less, in Beavercreek Township, Greene County, into the City of Beavercreek;
WHEREAS, said petition was purportedly filed pursuant to R.C. 709.023, which provides an opportunity for the Township to adopt a resolution consenting or objecting to the proposed annexation by filing a resolution with the Board of County Commissioners; and
WHEREAS, R.C. 709.023(F) mandates that the Board of County Commissioners denies an annexation petition filed under R.C. 709.023 if all conditions have not been met.
**NOW, THEREFORE, BE IT RESOLVED**, that the Beavercreek Township Board of Trustees objects to the subject proposed annexation on the following grounds:2

1. The second petition filed on December 4, 2012, should be rejected without review on the ground that the petition is not properly before the Board of County Commissioners. The petition is for the annexation of the same territory that was the subject of the October 23, 2012 annexation petition that was still pending before the Board of County Commissioners at the time of filing. There is no statutory provision for multiple filings of expedited annexation petitions. In addition, the filing of this petition does not comply with this Board's Resolution 02-6-4-5 "Establishing General Orders for the Hearing of Annexation Petitions."
2. R.C. 709.023 provides that an annexation can be granted only if the Board of County Commissioners finds that each of the seven conditions specified in division (E) of R.C. 709.023 has been met. With regard to the more recently filed petition to annex 118.403 acres to the City of Beavercreek, all seven conditions have not been met. Therefore, the Board of County Commissioners must deny the annexation petition for the following reasons:
A. The condition for approval set forth in R.C. 709.023 (E)(l), which requires that the petition meet all of the requirements set forth in Section 709.021 of the Revised Code, has not been met.
B. The condition for approval set forth in R.C. 709.023 (E)(6), regarding the municipality's statement of what services it would provide, has not been met.
C. The condition for approval set forth in R.C. 709.023 (E)(7), regarding the annexation of portions of streets or highways, has not been met.
3. Although Greene County, Beavercreek Township, and the Beavercreek Township Park District are property owners within the territory proposed to be annexed, they were not given the opportunity to review the petition and determine whether they would sign the petition, and thereby be counted in the number of owners required to sign the petition.
R.C. 709.023(F) provides that "if the board of county commissioners finds that one or more of the conditions specified in division (B) of this section have not been met, it shall enter upon its journal a resolution that states which of those conditions the board finds have not been met and that denies the petition."
As set forth above, since one or more of the statutory grounds has not been met, the petition must be denied as required by R.C. 709.023(F).
Further, the Township Board of Trustees hereby reserves the right to raise additional reasons why the petition should not be approved and to address the objections herein raised, based upon conditions and circumstances at the time of the meeting at which the Board of County Commissioners reviews the petition, pursuant to R.C. 709.023(B).3

IT FURTHER RESOLVED, that
The Beavercreek BE Township Board of Trustees urges this Board of County Commissioners to issue a resolution denying the pending petition for the annexation of 118.403 acres, more or less, in Beavercreek Township to the City of Beavercreek.
The Board of Trustees hereby authorizes the filing of this Resolution with the Greene County Board of Commissioners within the timeframe provided by statute, and further authorizes any Trustee or the Board's designated representative to speak on behalf of the Board of Trustees at the review regarding said annexation petition.
Mr. Paxson seconded the motion, and the roll was called on the question of its adoption.
Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**ROAD:**
Emergency Purchase – Medic Repair:
**2012-450** Mr. Paxson made a motion to approve the purchase request to W&W Automotive for the Emergency repair of Medic 66 in the amount of $4500.00. Ms. Graff seconded. Roll Call: Mr. Paxson, yes; Ms. Graff, yes; and Mr. Glaser, yes.

Schedule Change:
Mr. Parks stated that now that the Township Employee Manual has been approved, he is asking for a schedule change for the Road/Maintenance Department.
**2012-451** Ms. Graff made a motion to approve the Road/Maintenance Department to work Monday through Friday 7:00 A.M. until 3:30 P.M. Mr. Paxson seconded. Mr. Paxson asked why this is a need. General discussion occurred regarding: traffic and school times. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**FIRE:**
Dispatch Agreement:
**2012-452** Ms. Graff made a motion to approve the purchase request to the City of Beavercreek for the Dispatch Service Fee for the second half of 2012 in the amount of $88,693.46. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.
**2012-453** Ms. Graff made a motion to approve the purchase request to the City of Beavercreek for personnel for Dispatch Training on Pro-QA in the amount of $1828.95. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

**TRUSTEES:**
Ms. Graff and Mr. Paxson each made positive comments regarding Mr. Glaser's time spent as a Beavercreek Township Trustee. Mr. Glaser read a statement and tendered his resignation as Beavercreek Township Trustee, effective January 1, 2013 at 11:59 P.M.

**FISCAL OFFICER:** None.

**2012-454** Mr. Paxson made a motion to go into Executive Session per ORC 121.22(G)(1) to consider the compensation of a public employee at 2:44 P.M. Mr. Glaser seconded. Roll Call: Ms. Graff, yes; Mr. Glaser, yes; and Mr. Paxson, yes.

**2012-455** Ms. Graff made a motion to come out of Executive Session at 3:04 P.M. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

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**2012-456** Ms. Graff made a motion to Adjourn at 3:05 P.M. Mr. Paxson seconded. Roll Call: Ms. Graff, yes; Mr. Paxson, yes; and Mr. Glaser, yes.

Trustee: _____

Fiscal Officer: _____