Regular Beavercreek Trustee's Meeting

Monday April 28, 2014

Ms. Graff called the Regular Trustee Meeting to order at 2:00 P.M. Those present were Trustees: Carol Graff, Dan Paxson, and Tom Kretz. Fiscal Officer, Christy Ahrens and Legal Advisor Dawn Frick 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, Zoning Administrator/Inspector Ed Amrhein, and HR Manager Trish Gustafson.

2014-155 Mr. Paxson made a motion to approve the Agenda for April 28, 2014, with the following additions: add Open Discussion on Investment Committee and Annual Review, Set Special Meeting for Performance Audit, and Discuss Process to call a Special Trustee Meeting under New Business; move Valley Springs Farms PUD from under Zoning up after New Business; and add Review of Meeting Time under Trustees. Mr. Kretz seconded. Roll Call: Mr. Paxson, yes; Mr. Kretz, yes; and Ms. Graff, yes.

2014-156 Mr. Paxson made a motion to approve the April 30, 2014 Payroll in the amount of $252,915.04. Mr. Kretz seconded. Roll Call: Mr. Paxson, yes; Mr. Kretz, yes; and Ms. Graff, yes.

2014-157 Mr. Kretz made a motion to approve the Bills in the amount of $158,945.04. Mr. Paxson seconded. Roll Call: Mr. Kretz, yes; Mr. Paxson, yes; and Ms. Graff, yes.

2014-158 Mr. Paxson made a motion to approve the Regular Meeting Minutes of April 14, 2014. Mr. Kretz seconded. Roll Call: Mr. Paxson, yes; Mr. Kretz; yes; and Ms. Graff, yes.

PRE-SCHEDULED SPEAKERS:

Hope Taft – Little Miami Watershed and the Need to Protect It:

Hope Taft, 2933 Lower Bellbrook Road, Bellbrook, Ohio and Bill Schieman, Lower Bellbrook Road, Bellbrook, Ohio spoke to the Trustees regarding the Little Miami River Watershed – what is at risk, why there is a need to save it, the quality of the Miami Valley River, and spoke on behalf of The Sustainable Sites Initiative. Questions were asked and answered and general discussion occurred.
Ms. Taft and Mr. Schieman would like the Trustees to consider passing a resolution, reinforcing the importance of this watershed, and send it to the County Commissioners. A sample resolution was provided. The Trustees asked the Township Administrator to review the resolution and prepare one for Beavercreek Township for the Trustees to review and consider.

RESIDENTS/GUESTS DESIRING TO SPEAK: None.

OLD BUSINESS:

Legal Invoices:

General discussion occurred regarding legal invoices. Fiscal Officer Christy Ahrens stated that she had heard back from one township in her request to find out how other townships process legal bills, and that township processes legal bills as we do currently. She also stated that she has contacted the Attorney General's Office, as recommended by the State Auditor's Office, on this issue. Ms. Ahrens two main concerns are record keeping and placing her signature on a bill she has not seen. The Township Administrator stated that the Trustees received an opinion from the County Prosecutor's Office. General discussion occurred regarding: timing issue; the Township record keeper; and attorney client privilege.
2014-159 Mr. Kretz made a motion that we adopt a policy for the handling of all legal invoices for the Township, that all legal invoices are formatted as such that there is a cover page for the amount owed supplemented with a detailed summary of the hours worked to be invoiced, that supplement shall be stamped attorney client privilege. All legal invoices shall be physically mailed to the Fiscal Office to

the attention of the Township Administrator. The Fiscal office will then forward those invoices to the Township Administrator who will then open that mail and present it to the Trustees for approval at the next scheduled regular meeting. At the regular meeting, the Trustees would review and approve, and the detailed notes would be maintained with the Township Administrator. The invoice paid would be signed by the Trustees and given to the Fiscal Office with the authority to pay. Ms. Graff seconded. Roll Call: Mr. Kretz, yes; Ms. Graff, yes; and Mr. Paxson, No.

ZONING:

Valley Springs Farms PUD Fee Waiver Request:

Township Zoning Administrator/Inspector Ed Amhrein, recommended the Trustees approve the request for fee revision. Carlo McGinnis spoke on behalf of the developer. Questions were asked, answered and general discussion occurred regarding: invoicing and actual cost payment versus fee costs.

2014-160 Mr. Kretz made a motion to approve the request to modify our traditional fee structure for the Valley Springs Farm project as submitted on April 28, 2014, and charge a fee of $1,150.00 plus all direct costs to Beavercreek Township associated with the Valley Springs Farm project. Such invoices shall be forwarded twice annually unless no costs have been incurred during the prior six month period. "Direct costs" to be invoiced for reimbursement shall include, but not be limited to advertising, postage, printing, travel and any professional review (e.g. engineering, legal) deemed to be necessary by the Township Administrator, the Zoning Administrator/Inspector, the Zoning Commission, the Board of Trustees or any other Public entity authorized to assess costs to the Township. Mr. Paxson seconded. Roll Call: Mr. Kretz, yes; Mr. Paxson, yes; and Ms. Graff, yes.

NEW BUSINESS:

Open Discussion on Investment Committee and Annual Review:

Mr. Kretz stated that he wanted to open a discussion on the possibility of creating an Investment Committee to guide the Township in its decisions for investing taxpayer dollars. General discussion occurred. Questions were asked and fully answered by the Assistant to the Fiscal Officer, Jim Barone, regarding the Township's checking accounts, saving accounts, and investment accounts. The Fiscal Officer and Assistant Fiscal Officer agreed that the Township does have money to look at further investing. The Morgan Stanley account will not reach its one year mark until September. Discussion continued regarding the Investment Committee and possibly asking our Audit Committee members to be part of this committee and also financial planners who live in Beavercreek. General discussion occurred regarding how to advertise – the website, and elected officials submit names. The elected officials are to send ideas to the Township Administrator – who to be on the committee as well as its goal.

Special Trustee Meeting for Performance Audit:

The Beavercreek Township Board of Trustees will conduct a Special Meeting at the Beavercreek Township Fire Administration Building, 851 Orchard Lane Beavercreek, Ohio 45434 on Thursday, May 1, 2014 at 1:00 PM.

The Purpose of this Special Meeting is to meet in Open Session to continue discussions and narrow the scope of an organizational performance audit.

Process to call Special Trustee Meetings:

Legal Advisor Dawn Frick stated that the Ohio Revised Code is silent on Trustees specifically calling Special Trustee Meetings and suggested the Township develop their own policy to handle the situation. General discussion occurred and an outline of a policy including: request the meeting through the Township Administrator; have the Administrator coordinate with all the elected officials; if a consensus from all elected officials regarding a time is agreed upon, then the

Administrator will have the Fiscal Office advertise for the meeting. The Township Administrator and Legal Counsel will come up with a policy for the next meeting.

ADMINISTRATOR:
Request for Proposals for Legal Counsel:
The Administrator updated the Trustees on the process of receiving and opening the bids for legal counsel. General discussion occurred regarding: experience in township government; cost of attorney's that bid; resources, coverage and efficiencies; and the thought that there is a need for change. Department Heads were asked and gave their opinions. When asked, the Fiscal Officer stated that she has been informed by Legal that Legal works for the Board of Trustees not the Fiscal Officer, therefore, no opinion was given. General discussion occurred and the Fiscal Officer asked if any of the proposals were from firms within Beavercreek and the answer was yes.
2014-161 Mr. Kretz made a motion to renew the contract with Surdyk, Dowd and Turner as the Township Legal Advisor per the terms presented on the renewal contract, for 2014. Ms. Graff seconded. Roll Call: Mr. Kretz, yes; Ms. Graff, yes; and Mr. Paxson, no.
Mr. Kretz stated that he would consider a change in the Labor Attorney if a change could be justified. Discussion occurred regarding: cost; exchange of information between employees not Trustees; and timing in regards to the contract. Ms. Graff does not think there needs to be a change and Mr. Kretz asked Mr. Paxson to make a motion for the firm he'd like to hire.
2014-162 Mr. Paxson made a motion to hire Brickler & Eckler, LLP as the Township Labor Attorney, as presented on the RFP, for 2014. Mr. Kretz seconded. General discussion occurred. Roll Call: Mr. Paxson, yes; Mr. Kretz, abstain; and Ms. Graff, no. Mr. Kretz stated that he has a relationship with an attorney from Brickler & Eckler.

2014-163 Mr. Kretz made a motion to renew the contract with Taft, Stettinius, & Hollister, LLP as the Township Labor Attorney for labor relations, per the terms presented on the renewal contract, for 2014. Ms. Graff seconded. Roll Call: Mr. Kretz, yes; Ms. Graff, yes; and Mr. Paxson, no.

2014-164 Mr. Paxson made a motion to renew the contract with Dunlevey, Mahan and Furry as the Township Legal Advisor for Worker's Comp per the terms presented on the renewal contract, for 2014. Mr. Kretz seconded. Roll Call: Mr. Paxson, yes; Mr. Kretz, yes; and Ms. Graff, yes.
There was a five minute recess.

Township/City Meeting Agenda:
Mr. Zaharieff stated that the City Manager would like the City Engineer to do a presentation and open the floor for discussion on the U.S. 35 Interchange, and that Collaborative Efforts and Shared Services were also on the Agenda. The final item on the Agenda is Roundtable Discussions. The meeting will be held on April 30, 2014 at 5:30 P.M. at the City Council Chambers. No other items were added to the Agenda.
2014-165 Mr. Kretz made a motion to approve the Agenda for the Special Trustee/Joint City Council Meeting to be held April 30, 2014 at 5:30 P.M., as presented. Mr. Paxson seconded. Roll Call: Mr. Kretz, yes; Mr. Paxson, yes; and Ms. Graff, yes.

State Issue 1 Endorsement Request:
2014-164 Mr. Paxson made a motion to approve Resolution **2014-164**, for the purpose of supporting State Issue 1, the renewal of the state capital improvements program. Mr. Kretz seconded. Roll Call: Mr. Paxson, yes; Mr. Kretz, yes; and Ms. Graff, yes.

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HUMAN RESOURCES:
Bi-Weekly Report:
HR Manager Trish Gustafson highlighted the following items in her Bi-Weekly, submitted to the Trustees, concerning zero Workers' Comp claims this year and clarification on work email with labor attorney. Questions were asked, answered and general discussion occurred.

ZONING:
Bi-Weekly Report:
Zoning Administrator/Inspector Ed Amhrein highlighted the following items his Bi-Weekly Report, submitted to the Trustees, concerning the article for the InTouch and the Employee Recognition Program. Questions were asked, answered and general discussion occurred.

INFORMATION TECHNOLOGY:
Bi-Weekly Report:
IT Manager Jeff Terry highlighted items from his Bi-Weekly Report, submitted to the Trustees, concerning the videotaping and audio quality of Trustee Meetings. Questions were asked, answered and general discussion occurred.

ROAD:
Purchase Request for Road Surfacing:
General discussion occurred regarding: mileage; asphalt; and the Road levy.
2014-165 Mr. Paxson made a motion to approve the purchase request (00315) to John R. Jurgensen for the annual Road Resurfacing Program, in the amount of $95,000.00; and authorize the Township Administrator to sign for the Board. Mr. Kretz seconded. Roll Call: Mr. Paxson, yes; Mr. Kretz, yes; and Ms. Graff, yes.

Purchase Request for AEDs for Sheriff's Vehicles:
2014-166 Mr. Kretz made a motion to approve the purchase request (00314) to Physio Control for the purchase of two AEDs for the Sheriff's vehicle, in the amount of $4000.00; and authorize the Township Administrator to sign for the Board. Mr. Paxson seconded. Roll Call: Mr. Kretz, yes; Mr. Paxson, yes; and Ms. Graff, yes.

Purchase Request for Sign Replacement:
2014-167 Mr. Paxson made a motion to approve the purchase request (00313) to Kleem Inc. for the purchase of replacement signs, in the amount of $2700.00; and authorize the Township Administrator to sign for the Board. Mr. Kretz seconded. Roll Call: Mr. Paxson, yes; Mr. Kretz, yes; and Ms. Graff, yes.

Bi-Weekly Report:
Road Superintendent Tim Parks highlighted items from his Bi-Weekly Report, submitted to the Trustees, concerning parking lot bid opening; staffing matrix; Sheriff Cruiser purchases; and the new part time employee starts next Monday. Questions were asked, answered and general discussion occurred.

FIRE:
Bi-Weekly Report:
Fire Chief David VandenBos highlighted items his Bi-Weekly Report, submitted to the Trustees, concerning the success of the Youth Council Dance; a small fire that occurred on Saturday; the Organization Analysis; and Contract Negotiations. Questions were asked, answered and general discussion occurred.

LEGAL ADVISOR:
2014-168 Mr. Kretz made a motion to approve **Resolution 2014-168**, further defining the position and duties of the Township Administrator for Beavercreek

Township. Mr. Paxson seconded. Roll Call: Mr. Kretz, yes; Mr. Paxson, yes; and Ms. Graff, yes.

TRUSTEE:
Review of Meeting Time:
Discussion occurred on the time and length of Regular Trustee Meetings.
2014-169 Mr. Kretz made a motion to move the beginning of all Regular Trustee Meetings from 2 P.M. to 1 P.M. Mr. Paxson seconded. Roll Call: Mr. Kretz, yes; Mr. Paxson, yes; and Ms. Graff, yes.

FISCAL OFFICER: None.

EXECUTIVE SESSIONS:
2014-170 Mr. Paxson made a motion to go into Executive Session per Ohio Revised Code section 121.22(G)(3) Conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action and Ohio Revised Code section 121.22(G)(4) Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment and Ohio Revised Code Section 121.22(G)(5) Matters required to be kept confidential by federal law at 5:12 P.M. Mr. Kretz seconded. Roll Call: Mr. Paxson, yes; Mr. Kretz, yes; and Ms. Graff, yes.

2014-171 Mr. Paxson made a motion to come out of Executive Session at 6:46 P.M. Mr. Kretz seconded. Roll Call: Mr. Paxson, yes; Mr. Kretz, yes; and Ms. Graff, yes.

2014-172 Mr. Kretz made a motion to extend an unpaid leave of absence for Jacob Zeckser through May 15, 2014. Mr. Paxson seconded. Roll Call: Mr. Kretz, yes; Mr. Paxson, yes; and Ms. Graff, yes.

2014-173 Mr. Paxson made a motion to Adjourn at 6:48 P.M. Mr. Kretz seconded. Roll Call: Mr. Paxson, yes; Mr. Kretz, yes; and Ms. Graff, yes.

Trustee: _____

Fiscal Officer: _____