

Beavercreek Township Trustees' Special Meeting**Monday, June 13,****2016**

Ms. Graff brought the meeting to order at 9:00 a.m.

Trustees present: Carol Graff, Tom Kretz, Jeff Roberts.

Staff present: Township Administrator/Public Safety Director Alex Zaharieff; Road Superintendent Tim Parks; Fire Chief David VandenBos; Zoning Administrator/Inspector Ed Amhrein.

Others present: Mike Thonnerieux, City of Beavercreek Public Administrative Services Director; Rob Arnold; Tammy Burchfield; Ken LeBlanc, Regional Planning & Coordinating Commission; Legal Counsel Dawn Frick.

Ms. Graff stated the purpose of the special meeting was to meet in open session to discuss secondary emergency access points, an agreement with the City of Beavercreek regarding park operations, a Zoning fee waiver request, a Road levy, Police levy, and to meet in Executive Session pursuant to Ohio Revised Code 121.22(G)(1) to consider the employment, compensation or dismissal of a public employee.

Mr. Zaharieff stated he would like to start with park operations, as there was a guest from the City present. In order of discussion it will be park operations, Road levy, Police levy, Zoning fee waiver, and secondary emergency access points.

Park Operations Agreement

Mr. Zaharieff reminded the Board that he had provided them with the management only agreement, the draft management agreement, and the park maintenance functions and road projects packet that had been previously discussed. As requested by the Board, he also included the scope of service, provided as Exhibit C.

The Board had requested a survey of other townships regarding property maintenance. Mr. Zaharieff sent a survey request to 22 jurisdictions, but noted the response was minimal. Of those who outsource, most of that is during the summer, specifically for cemeteries and rights-of-way. Other townships of our size use a combination of in-house and outsourcing, with the outsourcing covering peak times. Most of the townships surveyed did not break down the individual costs, they just bid it out as a package every year. For example, Washington Township goes to bid for the government center, the fire stations, and some rights-of-way. The cemeteries are handled by in-house staff. Mr. Zaharieff noted that Anderson Township did provide a very lengthy policy document with regard to outsourcing; they outsource everything from fertilizing to right-of-way mowing. Additionally, the frequency of service is not defined; it is left up to the vendor to decide on an as-needed basis. Other townships outsource for individual buildings or for nuisance only. With regard to fees, some pay a flat rate for building maintenance, others pay up to \$65/hour for nuisance abatement.

Mr. Zaharieff stated that Mr. Thonnerieux and Mr. Parks were present to answer questions. He also noted that the major issue he has with the agreement is the increased liability to the General Fund of approximately \$40,000.

Ms. Graff referred to p. 2 of the management only agreement where it says Rotary (Park). She stated she didn't understand some of the costs and asked for clarification that the listed expenses were for Rotary Park. Mr. Parks said they were not and explained that this goes back to his being asked by the Board to break out the management fees for all the parks. This is a park management agreement which includes the expenses related to management of Rotary,

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however, it includes expenses for all the other Township parks as well. It was clarified that this is a breakdown by park of the \$136,685 total park management expenses.

Mr. Kretz referenced the footer which stated that the figures provided only take into account personnel costs to reserve shelters, baseball diamonds and such. It does not take into account the management of an outside contractor to maintain all the parks.

Mr. Parks said that one thing not taken into consideration is the secretary fee of 25%.

Ms. Graff questioned if 'camper t-shirts' were part of management. Mr. Parks responded they are part of the programs run out of Rotary.

Mr. Kretz stated this did not add up to \$136,685; it adds up to \$169,025. There was some discussion. Mr. Zaharieff clarified this goes back to the management aspect only by the City of Beavercreek with the Township maintaining the parks and the City of Beavercreek managing them.

Ms. Graff asked why 'fireworks' would be in there at all when that's a City expense entirely. She noted the Township has never participated in the fireworks. Mr. Parks suggested that the cost attributed to fireworks could be what it would cost for overtime to manage the fireworks; he can't say for sure.

Mr. Zaharieff emphasized the Township cannot legally fund the cost of fireworks; however, they can fund other costs associated with the Fourth of July celebration. Prior to the annexation, the Township paid for traffic control and Road Department costs. The Township still has a little cost associated with those, as well as for the Sheriff to provide traffic control for the parade.

Ms. Graff was concerned that costs were shown without also showing the income.

Mr. Kretz asked Mr. Thonnerieux if the City used 100% of its own full-time and seasonal staff to manage the park or was any of it outsourced. Mr. Thonnerieux responded they used part-time seasonal and full-time staff from the City.

Mr. Kretz said a concern for him is that if this agreement is costing more from the General Fund than it is costing the Township to perform the same function, how can the Township offset internally to deal with the costs? How can this be justified to the taxpayers? The Township is currently trying to balance the General Fund and reduce expenditures to correlate with revenue. The Board is making a concerted effort to address cost reduction. How can that happen when the Board is being asked to add an additional \$40,000-\$45,000 to the budget?

Mr. Kretz asked Mr. Thonnerieux to walk the Board through the process and questioned how the City was going to justify the increased cost.

With regard to the cost, Mr. Zaharieff clarified this concept grew out of the original discussion of renegotiating the Rotary agreement. It is a concept that is obviously going to cost the Township more money. Mr. Zaharieff emphasized both parties could go back to the original agreement and start over; this was just an idea that blossomed between the City and Township which conceptually makes sense. It would create a one-stop location for citizens to reserve shelters, schedule ball fields, etc., and would address the needs of not only the City and Township, but the Park District as well. Mr. Zaharieff reiterated that both parties could go back to the original agreement for Rotary Park, but noted there had

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been an issue with that agreement regarding cost sharing and what was considered capital. It was noted that the agreement had been extended and is in place until a new agreement is signed.

Mr. Parks addressed Mr. Kretz's concern regarding offsetting costs by stating that the number in the agreement was what was projected as the cost for 2016. He also acknowledged that a couple of items need to be removed from the list.

Mr. Parks noted that with the additional part-time staff they have this year, as well as the project model they have, they are working toward making progress on the list of projects the Board would like to see done. Mr. Parks emphasized the Township is growing while his full-time staffing level has remained the same for the past five or 10 years. In that time, the Township has added probably another 10 miles of roadway to maintain. Mr. Parks pointed out that, in the long-term, costs are increasing, but long-term staffing costs are not.

Mr. Kretz stated that conceptually this is the thing to do. What he is having difficulty with is how to offset this block of hours. If work wasn't getting done as identified in the Scope of Work, why wasn't the Township outsourcing it? Additionally, he is not sure it's an equitable trade, because it would cost the Township \$40,000-\$50,000 more a year to get the work done that is not being done now.

Mr. Parks noted that a lot of the items on the list are things that can be worked in as time allows. He has implemented a more aggressive schedule this summer because he has four (4) additional people. He can have two out mowing and then put the other two part-time employees out in the work force to try to get some of the larger projects done. A lot of the curb work for this year has been completed and they are starting on pipework.

Ms. Graff asked for clarification that under the current park agreements, and with the addition of part-time employees, work was getting done on the roads as promised under the Road levy and that the park work was getting done as well. Mr. Parks confirmed it was all getting done. Ms. Graff noted this was at no additional cost to the Township.

At this time, Ms. Graff asked what the benefit would be of having the City do the maintenance at an increase of \$40,000 per year. Mr. Parks pointed out that the Township is paying that amount now internally to get the work done. This prompted a discussion of cross-accounting and paying out of the General Fund. Ms. Graff emphasized that if the Township outsources park maintenance to the City and does not decrease the amount of money from the General Fund for the Road Department, it will cost the Township more money than it is costing now. Mr. Parks responded that approximately 75% of what the Road Department does is driven by citizen complaints or concerns which results in the postponement of planned projects, pushing some of those projects off until the next year.

Mr. Roberts asked if the additional work the Road Department would be able to get done would be a continual thing, or would everything eventually get caught up. Mr. Parks stated it would be a continual process.

There was some discussion and general agreement that consolidation of all the parks was still a good idea, but funding was an issue due to the failure of the combined Parks levy. Ms. Graff emphasized it would have been a burden off the General Fund for both the City and Township if the levy had passed. As it turns out, the City was able to pass its own Parks levy. The Township continues to struggle with a reduced General Fund while trying to keep up with park maintenance. The Township Administrator has been charged with balancing the

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General Fund. Currently the Township is operating on funds being carried forward, but that will end in 2018. In light of this the question is, even if park maintenance is reduced, can the Township afford the additional funding to keep the Road Department whole, doing all the projects it has to do with existing General Fund money, while adding to the General Fund the additional costs as indicated by the City contract. The Board acknowledged they are not saying the proposal isn't good; it's an issue of where the funding is coming from.

At this time, there was a short conversation as Ms. Graff asked who was taking the minutes of the meeting. Mr. Zaharieff stated that between him and Ms. Frick they were doing the best they could. It was noted that the meetings are recorded.

Mr. Zaharieff stated he has a monthly meeting with the City Manager on June 16th and noted this is one of the topics to be discussed. He will bring up the Township's concerns and come to some type of consensus.

Mr. Kretz said he didn't believe there was a solution from the City that would be feasible. Mr. Zaharieff said he would see if the City was receptive to other ideas in the interest of moving forward. Ms. Graff emphasized it is difficult to keep things at the same level as last year, but to add more of a burden would result in having to make drastic cuts elsewhere.

Ms. Graff iterated her involvement in the original and modified agreements for Rotary Park. In the original agreement, whatever it cost to manage Rotary Park was split down the middle, including capital. When the agreement was renegotiated, state funding had been cut and the City's General Fund was restricted at that point. The Township, recognizing that it served those in the incorporated as well as unincorporated area, accepted the burden of the capital to split the deficit. That's how that came to be. The issues have reversed at this point. The City now has more park money, while the Township's funds are more and more restricted. Therefore, the Township is looking to see if that portion can be renegotiated again. Ms. Graff referred to a note from Mr. Darden of the Park Board stating that Rotary Park needs to be paved. No one disagrees with this. The issue is the Township does not have the funds to do the paving at the present time.

Mr. Zaharieff stated at some point the Board is looking at having to go out for a park levy to let the voters decide what level of service they are willing to support. He strongly advises moving forward with the original park consolidation effort. The language in the current agreement is something he insisted on having to keep the discussion going between the Township, City and Park District. The concerns with the Park District are that the members are appointed by the Common Pleas Court rather than elected, and there are oversight issues. These issues can be addressed internally by an advisory board or budget advisory board representing both the City and Township. Mr. Zaharieff feels the only way to move forward with a truly consolidated effort involving all three entities is through a district-wide levy or the City and Township pass separate levies to fund the parks, with the City providing maintenance and management of all the parks. His concern with that concept is if one of the levies fails, it can turn things around in a bad way.

Mr. Kretz noted that one of the things to come out of a failed levy is you find out what you can get along without. If needs are being met, work quality meets expectations, and the cost is lower, which system is more efficient? With regard to working with the City, Mr. Kretz emphasized working on areas of redundancy and look for a broader solution. Both the City and Township should look at how to maintain adequate staffing levels of trained employees to maintain core assets, and then look to third parties to fill the gaps. This is how it works in the private

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sector. In the public sector, taxpayers don't want to pay more when than they're paying today. The reality is that sometimes you have to pay more. At this time, Mr. Kretz emphasized he is not convinced that the list of projects that didn't get done are necessary for the Township to do. He chose street sweeping as an example and asked why the Township even owned a street sweeper. This is an example of something that could be outsourced to the City or another party. Tree trimming and firehouse landscaping are other examples of projects that could be outsourced. Mr. Kretz stated the core issue he has with this agreement is how can the Township pay more without offsetting internally. A possible solution might be to put more maintenance items in the agreement.

Mr. Parks said it is important to keep in mind that the two biggest parks covered in this agreement belong to the Park Board. In light of that, it might be time to meet with them about no longer subsidizing the maintenance of those parks. Having said that, Mr. Parks noted that Mr. Darden will bring up the topic of inside millage and say that is what it's for. He also said he could not honestly sit and say they are not using those funds to fund a private project in Owen's Place. That is a question that needs to be asked.

Ms. Graff stated the only public money that was proposed to be used that she is aware of would be from the Greene County Park Levy. They made the public aware of that during their levy campaign. At this point she doesn't even know how much the Park Board is receiving in local funds. Their funding had been cut in half and they didn't get much to begin with. Ms. Graff emphasized they should be using their funds to maintain their parks. She explained that in the past the Township had subsidized the Park Board with the understanding that the parks belong to all the people of Beavercreek and need to be maintained appropriately.

Mr. Parks stated that maybe it's time to bring the Park Board back into the picture for discussion regarding payment for services provided by the Township. It was noted that the Park Board owns Community Park, Victory Park and Owen's Place.

Mr. Kretz suggested that those three parks could be removed from the park maintenance agreement. This would result in a reduction of the dollar amount in the maintenance agreement with the City, and the Park Board could maintain their own parks. It was also noted that the Park Board could provide funding toward the maintenance agreement with the City.

Prior to a meeting being set up with the Park Board, Mr. Zaharieff was tasked with researching how much funding the Park Board gets, verifying the source of the funding, and what the funds are targeted for.

It was noted that the Township paid for half the paving in Community Park as well as the construction of the bathrooms, and has provided significant assistance to the Park Board over the years.

The Board asked Mr. Thonnerieux for suggestions on how to address the park maintenance issue. Mr. Thonnerieux understood having to justify the \$40,000 to the taxpayers. Mr. Kretz pointed out that was for the first year; it would be more than that the second year. Mr. Thonnerieux stated, from the City's standpoint, they are looking at the same dilemma in that the City can't subsidize the Township. They have been tasked by city residents to use park funds within City facilities. As far as capital, they claim capital in the City parks. Ms. Graff asked why the City couldn't justify it by saying Township parks are used by City residents. Ms. Graff stated that if a census was taken of who uses Rotary Park, she was confident it would be somewhere around 98% city residents. Mr.

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Thonnerieux responded that he didn't know the percentage, as there is a wide demographic from all over the county that uses Rotary Park.

Ms. Graff emphasized that she was asking why it would be difficult to justify using City funds for Rotary Park when it is utilized by a large number of City residents who are paying into the General Fund, but not at the same percentage.

Mr. Thonnerieux said you could look at it another way. If you hired XYX Management Company to manage the parks, what would be their incentive to participate in capital projects at any percentage for a parcel they don't own. The capital discussion needs to happen probably within the next two years, as the capital projects have already been decided for the current levy cycle.

Mr. Zaharieff noted that, if the Township and City are going to look at consolidation it should be before the City goes out for a renewal of the levy or an increase. The levy is up in 2019, so by 2018 all three jurisdictions, the Township, the City and the Park District, would have to come up with a plan.

Road Levy

Mr. Parks stated that 2017 is the last year of collection for the 1.5 mills originally passed in 2006. Looking at the numbers moving forward, the levy can be done as a renewal on a five-year cycle. There was some general discussion of the levy with regard to when it is collected.

With regard to the decision to go for a renewal, Mr. Parks referenced the current staffing model, which was implemented this year. He also emphasized promises made during the levy campaign have been kept with regard to using the funding for paving the roads and capital projects and equipment. Some of that did have to be pushed back but, looking at the five-year projection, there should be a carry-over through 2020. If something changes between now and then, there is an opportunity in 2019 to do something with the smaller levy, which was just passed in 2016 and runs through 2020. There was some discussion of the actual millage for the 2016 levy. It was noted that the new levy will bring in almost \$200,000.

Ms. Graff asked Mr. Parks if he knew what the 1.5 mills brought in last year. Mr. Parks said he believed it came in a little higher than projected due to growth.

There was some discussion as to when to put the renewal on the ballot. Mr. Zaharieff said if it's not done in November the next opportunity would be March 2017.

Mr. Kretz questioned how the Road levy can be put out as a renewal when the park agreement is going to cost an additional \$40,000 from the General Fund. It doesn't make sense.

Mr. Parks referenced his staffing model by way of explanation, stating he has a core group of full-time employees complemented by seasonal/temporary employees who are paid at a lower rate. A review of staffing for the past couple of years is what led to the current staffing model, which is working quite well. Mr. Parks also noted additional income from vehicle, permissive and gas taxes prompted by growth in the Township. This helps offset spending in other areas so it does not have to come out of the Road and Bridge fund. Mr. Kretz asked if the Township was at the max for the permissive tax. The response was no. Mr. Kretz asked how to get that done. Mr. Zaharieff stated it would take a resolution from the Board. There was further discussion of the permissive tax and how much it could be raised. Mr. Zaharieff verified it is currently \$15 and is maxed out

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at \$20, so it can be raised another \$5. Mr. Kretz questioned what impact the additional \$5 would make. Mr. Parks said it would bring in roughly another \$20,000. Mr. Zaharieff also suggested the Township could perform an audit through a third party to make sure the Township is getting all the designated tax money.

Returning to the discussion of the Road levy renewal, Mr. Zaharieff stated a decision would have to be made soon, as it has to be filed by August for the November ballot.

Ms. Graff asked if the need for additional funds had to be justified in the tax budget. Mr. Zaharieff stated that would come up at the Budget Commission meeting. The Budget Commission approves the overall tax budget, but they are really approving the collection of tax money to support that document.

Ms. Graff stated she believed there was a consensus among the Board to research and raise the permissive tax.

Mr. Kretz asked if funds gained from raising the permissive tax, or if additional funds were requested for the Road levy, could be tagged for the local match for the US 35 Project. Mr. Parks responded that the motor vehicle, permissive and gas tax funds could probably be tagged, but funds from the Road levy would have to be spent on capital purchases. With regard to US 35 and other potential road projects within the Township, Mr. Zaharieff said the discussion should be whether the Township should go after a levy for capital paving projects. It would require more work to determine what the levy amount should be as well as what projects would be included, but it would leave the decision up to the residents regarding what they would be willing to fund.

Mr. Kretz noted that some of the funds for paving are currently coming out of the Road fund and asked if the Township should put a capital levy on the ballot in November rather than a renewal levy.

It was clarified that the renewal would be for operating costs for the Road Department. Mr. Kretz suggested putting a capital levy on the November ballot and a renewal levy on the March ballot.

There was some discussion of levies in general, as well as a capital levy and possible consequences if it does not pass. Mr. Zaharieff stated his concern with trying to get a capital levy on the November ballot with the amount of research and planning that is involved. Mr. Kretz pointed out the difficulty of asking taxpayers to pass a renewal levy in November and then coming back in March and asking them to pass an additional capital levy. If the capital levy is put on the November ballot and it does not pass, then the taxpayers have made a decision and capital projects, such as those listed in the park agreement, will not get done. If the taxpayers want the projects to get done, they will pass the levy.

There was further discussion of what projects to include in a capital levy and how much millage would need to be generated. Installing a stop light in place of the flashing light at Trebein Rd./Dayton-Xenia Rd. was specifically mentioned, which led to discussion of increased traffic and growth in general along Trebein Rd. The additional traffic generated by soccer tournaments at Hobson Freedom Park was noted.

With regard to the earlier discussion of how much taxes bring into the Township, Mr. Zaharieff updated the Board that in 2015 the Township brought in \$15,876.96 from the motor vehicle license tax and \$21,976.39 from the permissive motor

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vehicle license tax. It was noted that raising the permissive tax to \$20 would bring in close to \$22,000 more.

Mr. Zaharieff and Mr. Parks will look at some projects as well as potential costs with regard to what a capital levy would look like.

Police Levy

Mr. Zaharieff informed the Board that he should have all the information by the first meeting in July with regard to the study that is being done through the Sheriff's office. The company doing the study has been in contact with the Greene County Auditor and Department of Development, and Mr. Amrhein has provided information to them as well.

Since the switch to New World, the Sheriff's Office can only go back so many years to look at call numbers, so they are going back to the original software and pulling every call from when they took over service in the unincorporated area of the Township in 2003. That will determine what will be presented to the Board for a proposed levy. It will be a short turnaround time for the Board to make a decision about putting it on the ballot for November. Mr. Zaharieff noted this would be an increase and stated there are three permanent (3) levies currently in place for the police fund with taxable millage of .879. This would either be a new permanent levy or a new renewable one.

There was consensus among the Board to put it out as a permanent levy. Ms. Graff noted that what taxpayers are paying now has not been increased since 1983. She asked Mr. Zaharieff for input on what the levy should be. Mr. Zaharieff said if you double what there is now, that would be another .9 mill, but he cautioned it would depend on the results of the study which will show the direction the Township is heading and take into account all the currently approved PUDs in the Township.

The Board asked what the millage is for the City's police levy. Mr. Zaharieff said he did not have that information with him, but he believed it was around 5.9 mills. With regard to the proposed police levy for the Township, Mr. Zaharieff stated they are looking at the true cost allocation, noting that the Board would see it in the tax budget. It will show not only maintenance and labor, but also square footage with regard to space. He advised there is a formula to determine square footage for the General Fund and Facilities. They have spoken to the Sheriff about additional staff during peak times in order to maintain regular patrols in the Township. They are also looking at buying a bike rack to mount on the current vehicle to begin bike patrols. Mr. Zaharieff clarified for the Board that the Sheriff has one employee who is certified for bike patrol. He would be able to park the vehicle and patrol certain areas less conspicuously on the bike, while still being available to take calls. One area to be targeted is Orchard Lane due to criminal activity in that area.

Mr. Zaharieff stated he should have the levy information to the Board by July 1st.

Ms. Graff said that she had added up the City's police millage and it was 9.6 factored back to 6.47. By comparison, the proposed Township police levy is very low. Mr. Zaharieff emphasized that the current contract is for patrol only. The Township employs four (4) deputies at 100% of the cost which includes uniforms, weapons, benefits, etc. The Township also retains ownership of the vehicles and equipment. What the agreement allows for is extra patrols. Under the ORC, the Sheriff has to provide the Township with police protection and other services associated with that, including detectives and supervisors. What this agreement

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covers is to have one deputy per shift and one to cover for vacation or other leave.

There was general discussion of whether the number of deputies should be increased for fuller coverage, as well as what happens if more than one deputy is out at the same time. Mr. Zaharieff explained that if there is more than one deputy out at the same time, the Sheriff would provide coverage by assigning another deputy to cover the patrol as part of their regular district.

There was discussion of what millage to put on the levy. Mr. Zaharieff stated the Township has done very well with managing the police fund and controlling costs, however, local government fund cuts imposed by the State have depleted the carryover from previous years. It was noted that the current contract is \$360,000 per year. The current millage brings in an estimated \$301,000 per year. Mr. Zaharieff stated \$400,000 was budgeted under Contracted Services to allow for anticipated growth. He clarified that amount only covers the employment of four (4) deputies.

There was brief mention of local government funding. Mr. Zaharieff informed the Board that the State Supreme Court had determined the funding mechanism being used by the State of Ohio is unconstitutional, but the legislature has not yet come up with a remedy.

Zoning Fee Waiver Request

Mr. Amrhein stated this request came about because of two related issues. First, a resident on South Fairfield Road wanted to subdivide his property. At the same time, Regional Planning contacted Mr. Amrhein to let him know that a surveyor had contacted them regarding this property, but they were unable to verify the zoning. The current district zoning map, as well as maps going back to 2013, indicate this and other adjacent properties are zoned R-1A, but there is nothing documenting a rezoning from the original Agricultural district to R-1A. Neither Regional Planning nor the Township has any record of legislation. Earlier zoning maps (2006, 2007) indicate that it is zoned Agricultural.

At this time, Mr. Kretz recused himself stating that he has had business dealings with this property. He then left the room.

Mr. Amrhein referenced the map on the screen which showed the proposed division of the property. He noted that if the property was zoned Residential the lot split would not be an issue; however, since it is zoned Agriculture and the resulting new lots will be less than the required five (5) acre minimum, he will need a variance. Mr. Amrhein is requesting the variance on the owner's behalf because he advised the owner that the property was R-1A only to find out that the map was wrong. He then pointed out that other properties in the area were similar in size to what is being proposed for the lot split.

There was some discussion of possibly rezoning all the incorrectly zoned parcels to R-1A or R-1AA with the Township as the applicant. Mr. Amrhein stated that made sense from a zoning perspective. In further discussion it was suggested to take it back to the Agricultural district and deal with each parcel individually as they come in for zoning. Mr. Amrhein stated he would like to move ahead with the fee waiver for the applicant, Mr. McPherson, stating that he had waited patiently while this is sorted out. The variance request would go to the BZA in July versus a two-month process to rezone to R-1A before the Zoning Commission and Trustees.

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The Board asked legal counsel what the implications were for adopting a zoning map with possible errors. Did that mean that those districts shown on the adopted map were in effect, regardless of whether there was an error? Ms. Frick stated she did not believe so since there is no legislation to support the change of district. There was some question as to whether the current zoning map had been adopted. Mr. Zaharieff stated it was adopted November 10, 2014, Case #793.

The Board returned to the request for the fee waiver. It was clarified that the waiver is for the variance application for the BZA. With regard to correcting the map error, Mr. Amrhein will start the legislative process with the Zoning Commission at their July meeting.

2016-265 Mr. Roberts moved to approve waiving the zoning fee for Mr. McPherson. The motion was seconded by Ms. Graff. The vote: Mr. Roberts, yes; Ms. Graff, yes; Mr. Kretz, recused. The motion carried.

The Board took a short break, during which Mr. Kretz was brought back in the room.

Emergency Access Points

Mr. Zaharieff stated there are two issues to address, the current access issue in Bexley Hills and then the broader issue of emergency access points as a whole.

Mr. Amrhein distributed two (2) images to the Board, an aerial photo of the original emergency access point in Bexley Hills as it was constructed and approved in 2011, and an aerial photo of the current emergency access point between Lots 170 & 169. Mr. Caudle, one of the homeowners, contacted Mr. Amrhein with an idea to install a 12-foot wide gate along the rear property line. He would install fence posts in such a way that the picket panels can be lifted off the fence posts and the posts drop down like bollards to allow emergency access. The solution is good for Mr. Caudle in that he will not lose the use of any of his backyard. In discussing this with Mr. Caudle, Mr. Amrhein stated he would present the idea to the Board; however, he has not discussed it with Mr. Arnold, Mr. Parks or Chief VandenBos. Mr. Caudle has been delayed out of town and will not be able to remove the fence as originally scheduled for this week, something which needs to be discussed with Mr. Arnold as well. Mr. Amrhein stated he is not sure an urgent decision needs to be made regarding this proposal, but he did note the viability of the idea if all the stakeholders agree.

Ms. Graff asked about the gravel that was visible in the aerial view of the current emergency access drive. Mr. Amrhein stated the aerial view was from 2012. Ms. Graff said it appeared that the access was all on one lot. Mr. Amrhein commented that the GIS boundary lines are not always accurate. Mr. Zaharieff said during his visits to the site, it appears the true property line runs down the middle of the access. Mr. Parks confirmed that was his assessment as well.

There was some discussion of Mr. Caudle's proposal and possible implications of having the emergency access located completely on his property, including having to move the entire base of the access, as well as the elevation change toward the front of the property. Mr. Parks said another consideration is if it would line up with the emergency access in Section 3B. Mr. Parks does not believe it will. Mr. Amrhein said there needs to be more work on the details before a decision can be made. When that has been done it will be brought back to the Board.

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Chief VandenBos spoke to the Board with regard to the bigger picture of emergency access points. There has been a lot of focus on this one issue, but there are 39 other emergency access points that need to be addressed as well. Chief VandenBos stated that, from an operational standpoint, he needs as clear a solution as possible of how to deal with this situation. This is not a new problem being brought to the Board. As far back as 1995, the Fire Department was aware they had several of these access points that had fallen into disrepair. Fire Chiefs between then and now assigned it varying degrees of importance. Chief VandenBos then referenced the binder put together by FPS Randy Grogean and provided to the Board that detailed the specifics of each known emergency access point in the City/Township.

Chief VandenBos stated that, conceptually, this provides an out for a developer who does not want to provide two means of access to a development, while still being able to meet the needs of public safety. In actual practice, emergency access points historically have not worked as intended. There are no clear lines of ownership, construction standards, or maintenance.

Referencing the binder, Chief VandenBos explained that FPS Grogean has evaluated all the access points. Out of the 40, there are probably 31 that the Fire Department would like to keep. The other nine (9) are being considered for abandonment. Some reasons for abandonment are that they are no longer needed because a second means of access has been provided, they don't meet the physical standards required, or don't serve a large enough area. Of the 31, there are approximately 10 that are not passable at this time. Of the remainder, there are some that have been maintained in a usable manner and others that have either identification issues, minor obstructions, or the inability to reliably determine if the base foundation was put in correctly.

Chief VandenBos stated in his time on the department, he can account for three (3) instances requiring the use of emergency access points. The first was in the 90s and was located between Van Oss (Dr.) and Kings Gate (Blvd.) He emphasized they could have used the access for the Green Vista fire in 2014, but there were maintenance obstruction issues. Last year they did use the Wexford on the Green access to the Country Club for civilian traffic that had been blocked by fire department operations at the entrance to the development. Over the past 30 years they have not been used much and they are not designed for regular usage. They are intended for use when prime access is not available. As such, Chief VandenBos stated he is not sure what the Board's stance is on this issue that will require a lot of time, effort and money to correct.

Chief VandenBos then offered three (3) different solutions to address the emergency access issue, in the order of preference:

1. Go through the process of acquiring the land through eminent domain; put in the appropriate access route, pave it, mark it, and put it on a regular maintenance list. The estimated cost of this option would be \$1 million, to include land acquisition and bringing all the routes up to standard. This would guarantee that the access routes are clearly marked, identified and maintained.
2. Look at the usage history and the problems/difficulties they have generated. If keeping them cannot be justified, abandon them all. This is a more difficult argument to make and would require an extensive review.
3. Go back to the HOA or homeowners of record and work with them to maintain them as much as possible and make the HOA/homeowners aware of the ramifications of not maintaining them in a usable manner. The potential upside to this is that it puts the responsibility back on the individual or group most directly affected. The downside is you have current groups making decisions for future groups.

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Chief VandenBos stated he is willing to work with any of these choices and asked for guidance from the Board as to what they want to do. The timeliness of this issue is that, before the Township makes any decisions regarding the current issue at Bexley Hills, it would be nice to have consistency across the process.

There was brief discussion of residents not wanting connectivity with other developments which results in single-entry access and long cul-de-sacs.

Ms. Graff stated she favored the second option of abandoning all the access points and making the people in the developments aware that they have a problem.

Mr. Roberts questioned how that would affect the current issue with the Bexley Hills emergency access point. Ms. Graff responded they would not have to build it. Chief VandenBos stated that was why he wanted to have this conversation now, prior to any actual work being done in Bexley Hills.

Mr. Kretz asked for clarification that the concept would be to abandon the existing and require developers to have two (2) entrances into a development. Chief VandenBos confirmed they would and elaborated that these are the changes being proposed for the new subdivision regulations: every development would have to have two (2) ways in and out. He is working with Mr. Amrhein to get that out to the County.

Mr. Roberts asked what abandonment of the existing access points would mean for the Township from a liability standpoint. Chief VandenBos emphasized that if they all were to be abandoned, there would be a massive community education component to let the public know this is what's happening and why.

Ms. Graff noted that when she moved into her home 50 years ago, there were stub streets that were known to all. They were kept grassy and people knew they went through even though they weren't paved. There are many stub streets that were never connected because the residents did not want them to connect; they knowingly made that choice.

Mr. Kretz stated that once the original homeowner is gone, the knowledge of what might have been there is gone. He agreed that developing the right standard moving forward is essential, but questioned what the easement language says with regard to who is responsible for maintenance. Based on other conversations the Board has had it's the HOA or the property owner. With a 'mixed bag' of inventory like this, you almost have to come up with a hybrid solution. Theoretically you could say we have one-third that are in good condition, accessible and usable. For the ones that are distressed or deteriorated, provide some education as to how to maintain them. For those that are too far gone, the Township has to come up with some type of notice that says this has gone beyond repair and is no longer usable, and until whoever is responsible for the maintenance brings it back to a usable condition it is considered abandoned. This approach takes care of fixing the problem going forward, provides education on how to maintain it, and clarifies the risk if it is not maintained.

Mr. Roberts noted that there were a couple that are located on commercial and school properties. Mr. Kretz pointed out it would still go back to the property owner to provide maintenance.

Chief VandenBos asked, in going forward, if the Board wanted him to prepare a list of items that fall into the three (3) categories as detailed by Mr. Kretz. The

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new ones will be dealt with as they are built, but he can come back to the Board with the ones for formal action (abandonment). For the ones in currently usable condition, there will be an 'atta boy' letter as well as education on how to keep it in a usable condition.

Mr. Kretz noted the other issue is the developments that are under way where the site plan has been approved and there is only one way in and out. Chief VandenBos stated if they have already been approved they would have to fall into the 'existing' category. Mr. Zaharieff noted that most of the recent developments have been encouraged to provide two forms of access, referencing the newest section of M/I Homes and the boulevard concept in Wood Ridge.

There was some general discussion of various developments and whether they had more than one point of entry, as well as having separate construction or temporary emergency access entrances during the different phases of development. This brought up the issue of the Bexley Hills emergency access. Mr. Zaharieff informed the Board that the two homeowners thought it was a temporary emergency access easement. They were informed that it is a permanent easement and will remain so until or unless the developer purchases the land that will give him a second entry point into the development. As such, the Bexley Hills emergency access easement must be brought up to Fire Department standards and maintained in usable condition.

Ms. Graff asked Chief VandenBos for a summary of what the Board has tasked him to do:

1. Work on getting the subdivision regulations updated to avoid future problems.
2. Use a hybrid approach.
 - a. Divide the emergency access points into two categories: ones that can be easily used and ones in jeopardy of being abandoned.
 - b. Provide property owner education for both.
 - c. For those in jeopardy, work with the owner to determine if it's worth the cost to bring it up to usability and notify those that will be affected by abandonment.
3. Set up a yearly inspection schedule.

Ms. Graff suggested also having a list of those that can be abandoned because a second entry point has been provided.

2016-266 Mr. Roberts moved to go into Executive Session under Ohio Revised Code 121.22(G)(1) To consider the employment, dismissal and compensation of a public employee. The motion was seconded by Mr. Kretz. The vote: Mr. Roberts, yes; Mr. Kretz, yes; Ms. Graff yes. The motion carried.

2016-267 Mr. Kretz moved to come out of Executive Session at 1:19 p.m. The motion was seconded by Mr. Roberts. The vote: Mr. Roberts, yes; Mr. Kretz, yes; Ms. Graff, yes. The motion carried.

2016-268 Mr. Roberts moved to adjourn at 1:20 p.m. The motion was seconded by Mr. Kretz. The vote: Mr. Roberts, yes; Mr. Kretz, yes; Ms. Graff, yes. The motion carried.

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Trustee: _____

Fiscal Officer: _____