

TURTLECREEK TOWNSHIP BOARD OF TRUSTEES

ON

JUNE 13

16

The regular scheduled meeting of the Board of Trustees of Turtlecreek Township was held on June 13, 2016 at 7:00 p.m. with the following person present:

TRUSTEES: Jim VanDeGrift and Daniel Jones
CHIEF FISCAL OFFICER: Gregory S. Johnson
GUEST: Tammy Boggs, Steve Flint, Michael Jameson, Ron Chasteen, and Michael Shaffer

The meeting opened with Mr. VanDeGrift leading the Pledge of Allegiance.

The minutes of the previous meeting on 5/31/2016 were received by the Trustees prior to the meeting for review. Since there were no additions or corrections, Mr. Jones moved for acceptance, seconded by Mr. VanDeGrift. All were in favor and the minutes were approved as written.

The monthly financial status reports for information entered through May 31st were given to the Trustees prior to the meeting for review. Since there were no additions or corrections, Mr. Jones moved for acceptance, seconded by Mr. VanDeGrift. All present were in favor and the reports were accepted.

Department Reports:

Fire/EMS:

Steve Flint, Fire Chief, informed the board that he and Mrs. Boggs had discussed requesting an amendment to the part time job descriptions to require all part time township EMS personnel to work 24 hours on a bi-weekly basis. Mr. Jones agreed making a motion seconded by Mr. VanDeGrift to require all part time EMS personnel to work at least 24 hour hours on a bi-weekly basis. All present voiced a "YEA" vote and the motion passed with resolution **16-06-02** (a copy of the resolution will be included in the minutes).

Road and Bridge: Ron Chasteen, Road Supervisor, informed the board that the Road Dept. would be installing a very large pipe on Waynesville Rd. in the morning between Wilmington and State Route 350 that would require closure of Waynesville Rd.

Administration:

Mrs. Boggs, Township Administrator informed the board that a property owner had expressed concern over the use of stub roads in the Glenmore Park development. Mr. Jones made a motion seconded by Mr. VanDeGrift to amend the comments from the last meeting on the development to include concern over the stub roads in which one property would include 2 stub roads.

Mr. VanDeGrift was reminded that he will be attending a general meeting at the County Health Department on June 16th at 10:00 a.m.

Mrs. Boggs informed the board that she had received a resolution from the prosecuting attorney's office that if passed would allow her to respond to cell tower request in the township and that this is a common practice for the administrator to handle this request. The trustees discussed and agreed with Mr. Jones making a motion, seconded by Mr. VanDeGrift to allow Tammy Boggs, Township Administrator the ability to respond to cell tower request on behalf of the board. All present voiced a "YEA" vote and the motion passed with resolution **16-06-03** (a copy of the resolution will be included in the minutes).

Mrs. Boggs informed the trustees that there will be an IEMC training in November running from the 14th through the 17th from 8 a.m. to 5:00 p.m. each day and that it is recommended that township officials attend.

Mrs. Boggs informed the trustees that the township was still working with ODOT in regards to the no engine break signs and that ODOT was requesting a resolution from the trustees prior to their approval. Mr. Jones made a motion, seconded by Mr. VanDeGrift to accept the purchase of and install the sign on the roadway as approved by ODOT. Mrs. Boggs and Mr. Chasteen will check on who will pay for the sign and its installation in a follow up with ODOT. All present voiced a "YEA" vote and the motion passed with resolution **16-06-04** (a copy of the resolution will be included in the minutes).

Fiscal Officer Reports:

The townships 2017 budget has been developed and is on file for review. Mr. Jones made a motion, seconded by Mr. VanDeGrift to accept the budget for 2017 and allow for its transmittal to the county auditor for review. All present voiced a “YEA” vote and the motion passed with resolution **06-06-01** (a copy of the resolution will be included in the minutes).

Trustees Reports:

None

General Reports:

1. CORRESPONDENCE:

IN:

- Email from Maria Pickens requesting JEDD documents for Lebanon/Turtlecreek
- Email from OPERS for Employer Notice
- Letter from Prim Health Services, Inc regarding insurance
- The Warren Report from Soil and Water
- Letter from WC Auditor regarding special assessments
- Letter from Spectrum regarding their merger with Time Warner
- Email regarding the zoning on Route 48 by the Jr. High
- Letter from WC Regional Planning Commission regarding Issue 2 money
- Email from Charter Communications regarding Time Warner Cable
- Letter from BPS regarding a blanket certificate
- Resolution from WC Commissioners regarding the withdrawal on rezoning request for Jeff Wieland, Greentree Golf Course
- Letter from WC Commissioners of public hearing on June 14, 2016 to amend WC Rural Zoning Code

OUT:

- Letter to OKI and Warren County Transportation Improvement District regarding Route 63
- Letter to WC Regional Planning regarding the area plan for the Route 63 and Route 741 land
- Legal Notice from WC Commissioners regarding public hearing for amendments to the Rules and Regulations of the WC Water and Sewer.
- Legal Notice from WC Commissioners regarding public hearing for amendments to the WC Subdivision Regulations
- Legal Notice for Budget Hearing

The Fiscal Officer presented the bills which were due and the following checks were approved and signed. Check Nos. 26124 through 26217 (copy to follow) and Vouchers 62-2016 through 64-2016.

The Fiscal Office reported the following income from: Warren County Auditor ,M. Nolan - \$8,072.33, P. James – \$265.00 (Life Squad Services), Ameriben - \$707.96 (Life Squad Services), Anthem- \$2,219.01 (Life Squad Services), Buckeye Community Insurance - \$357.56 (Life Squad Services), CGS - \$6,705.67 (Life Squad Service), Community Insurance - \$340.72 (Life Squad Services), HBPII - \$207.61 (Life Squad Service),HIC - \$1,344.20 (Life Squad Service), Aetna - \$2,438.85 (Life Squad Service), Care Source - \$712.18 (Life Squad Service), Humana - \$93.68 (Life Squad Service), United Healthcare - \$8,101.56 (Life Squad Service), State of Ohio - \$1,100.00 (Life Squad Service), Medical Mutual - \$444.85 (Life Squad Service), Molina Healthcare - \$414.34 (Life Squad Service), State of Ohio Medicaid - \$264.65 (Life Squad Service), Lebanon Citizens National Bank - \$9.04 (Various Interest Receipts), Star Plus - \$1,728.85 (Interest), Star Ohio - \$1,891.81 (Interest), Lois Stovall - \$50 (EMS Donation), Pat Bushelman - \$10.00 (Green Address Sign), David McMurray - \$13,061.00 (Sale of 1995 Bobcat).

Visitor Concerns

None

There being no further business, Mr. Jones made a motion, seconded by Mr. VanDeGrift to adjourn the meeting. All present voiced a "YEA" vote and the motion passed.

The next regular meeting is scheduled for June 28th, 2016 at 8:00 A.M.

Signed: _____ President

Attest: _____ Chief Fiscal Officer

RESOLUTION 16-06-01
TURTLECREEK TOWNSHIP
WARREN COUNTY, OHIO

BE IT RESOLVED by the Board of Trustees of Turtlecreek Township, Warren County, Ohio, that they shall accept the budget proposal as submitted and forward the documents to the Warren County Budget Commission for review. Resolution was initiated by Mr. Jones and seconded by Mr. VanDeGrift. All voiced a "YEA" vote and the resolution passed.

Adopted this 13th day of June, 2016.

Signed: _____ "YEA"

Signed: _____ "YEA"

Attest: _____ CHIEF FISCAL OFFICER

RESOLUTION 16-06-02
TURTLECREEK TOWNSHIP
WARREN COUNTY, OHIO

APPROVE HOURS FOR PART TIME EMS EMPLOYEES

WHEREAS, the positions of "Part Time EMS Employees" has been established within the Turtlecreek Township Fire Department/Emergency Medical Service, and

WHEREAS, a position description has been prepared for the established position of "Part Time EMS Employees"; and

WHEREAS, the requirement hours for part time EMS employees has been modified to 24 hours bi-weekly, and

NOW THEREFORE BE IT RESOLVED, the Turtlecreek Township Board of Trustees hereby approve the modified hours for Part Time EMS Employees to 24 hours bi-weekly and orders said position description to be modified to reflect the change in hours worked.

Mr. Jones moved for adoption of the foregoing resolution, seconded by Mr. VanDeGrift. All voiced a "yea" vote and the resolution passed.

Adopted this 13th day of June, 2016

Signed: _____ " YEA"

_____ " YEA"

Attest: _____ Chief Fiscal Officer

TURTLECREEK TOWNSHIP BOARD OF TRUSTEES
WARREN COUNTY, OHIO

Resolution Number: 16-06-03

Date of Resolution: June 13, 2016

TOPIC OF RESOLUTION: BOARD RESOLUTION DIRECTING TOWNSHIP ADMINISTRATOR TO SEND WRITTEN NOTICE TO BOARD OF COUNTY COMMISSIONERS REQUESTING COMPLIANCE WITH THE WARREN COUNTY RURAL ZONING CODE AND SECTIONS 303.01 TO 303.25 OF THE OHIO REVISED CODE, WITHOUT FURTHER ACTION OF THIS BOARD, UPON RECEIPT OF A NOTICE OF INTENT TO CONSTRUCT A NEW TELECOMMUNICATION TOWER IN ANY RESIDENTIAL ZONED DISTRICT IN TURTLECREEK TOWNSHIP

WHEREAS, in accordance with section 303.211 (A), a telecommunications tower does NOT have to comply with sections 303.01 to 303.25, or local zoning regulations adopted in accordance therewith, unless the proposed tower is located in an unincorporated area of a township, in an area zoned for residential use, and notice to the developer of the telecommunications tower is given to the person who intends to construct the tower, by the board of county commissioners requiring compliance with sections 303.01 to 303.25, and local zoning regulations adopted in accordance therewith; and,

WHEREAS, in accordance with section 303.211 (3) of the Revised Code, any person who plans to construct a telecommunications tower in an area subject to county zoning regulations shall provide written notice, by certified mail, to the board of township trustees of the township in which the tower is proposed to be constructed and to each owner, as shown on the county auditor's current tax list, whose land is contiguous to or directly across a street or roadway from the property on which the tower is proposed to be constructed, stating all of the following in clear and concise language: i) the person's intent to construct the tower; ii) a description of the property sufficient to identify the proposed location; iii) that, no later than 15 days after the date of mailing of the notice, such board of township trustees or any such property owner may give written notice to the board of county commissioners requesting that sections 303.01 to 303.25 of the Revised Code apply to the proposed location of the tower as provided under division (B)(4)(a) of section 303.211 of the Revised Code; and,

WHEREAS, it is in the best interest of Turtlecreek Township and its residents to request any person who intends to construct a telecommunications tower in an area zoned for residential use in Turtlecreek Township, to have to comply with the Warren County Rural Zoning Code and sections 303.01 to 303.25 of the Revised Code; and,

WHEREAS, given the statutory time limit for notice of only 15 days after the date of mailing by the person intending to construct a telecommunications tower to a township, the time limitation may expire prior to this Board having a regularly scheduled Trustees meeting, accordingly, this Board desires to have the Township Administrator send written notice to the Board of County Commissioners of Warren County, upon receipt of such a notice by the Township, without further action of this Board, to request the Board of County Commissioners require compliance with the Warren County Rural Zoning Code and sections 303.01 to 303.25 of the Revised Code.

THEREFORE, BE IT RESOLVED by the Board of Trustees of Turtlecreek Township, Warren County, Ohio, at least a majority of all Trustees casting a vote concur as follows:

Section 1. That the Board does direct and authorize the Township Administrator, without further action of this Board, to send written notice to the Board of County Commissioners of Warren County, Ohio, requesting that the Board of County Commissioners send notice to the person intending to construct a telecommunication tower in an area zoned for residential use in Turtlecreek Township, that such person must comply with the applicable provisions of the Warren County Rural Zoning Code and sections 303.01 to 303.25 of the Revised Code.

Section 2. That the Board is acting in its administrative capacity in adopting this Resolution.

Section 3. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 4. That it is found and determined that all formal actions of the Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Mr. Jones moved adoption of the foregoing Resolution, being seconded by

Mr. VanDeGrift. Upon call of the roll, the following vote resulted:

Mr. VanDeGrift - "YEA"
Mr. Jones - "YEA"

Resolution adopted this 13th day of June, 2016.

TURTLECREEK TOWNSHIP
BOARD OF TRUSTEES

GREGORY S. JOHNSON,
FISCAL OFFICER

TURTLECREEK TOWNSHIP BOARD OF TRUSTEES
WARREN COUNTY, OHIO

Resolution Number: 16-06-04 Date of Resolution: June 13, 2016

TOPIC OF RESOLUTION: A RESOLUTION ESTABLISHING A PROHIBITION AGAINST THE USE OF ENGINE RETARDERS (COMMONLY KNOWN AS AN "ENGINE BREAK") IN THE UNINCORPORATED TERRITORY OF TURTLECREEK TOWNSHIP, WARREN COUNTY, OHIO, BEGINNING AT DOROTHY DRIVE AT STATE ROUTE 123 A DISTANCE OF 0.71 MILES TO THE I-71 S/B ON/OFF RAMPS

WHEREAS, pursuant to Ohio Revised Code Section 505.17(A) and Ohio Revised Code Section 4513.221(E)(4) the Turtlecreek Township Board of Trustees has reasonably determined that the use of an internal combustion engine retarder on a motor vehicle (commonly known as an "Engine Break" or "Jake Brake") for purposes of decreasing its rate of speed causes the vehicle's engine to race in such a manner as to cause the exhaust system to emit a loud, cracking, or chattering noise unusual to its normal operation, and;

WHEREAS, for the purposes of this regulation, the Turtlecreek Township Board of Trustees finds it reasonable and necessary to post Engine Brake Restriction signage in the unincorporated area of Turtlecreek Township, Warren County, Ohio, beginning at Dorothy Drive at State Route 123 a distance of 0.71 miles to the Interstate 71 SB on/off ramps; and,

WHEREAS, pursuant to the Ohio Department of Transportation (ODOT), Office of Traffic Engineering, Traffic Engineering Manual, Section 201-7, conventional R16-H4 "NO ENGINE BRAKE" and R16-H5 "END ENGINE BRAKE RESTRICTION" signs shall be supplied to ODOT by Turtlecreek Township to mark the beginning and end of the regulation area created herein.

NOW THEREFORE, BE IT RESOLVED, by a least a majority vote, of the Turtlecreek Township Board of Trustees:

Section 1. Definitions:

A. "The unincorporated area of Turtlecreek Township" subject of this Resolution shall mean the unincorporated area of Turtlecreek Township, Warren County, Ohio, beginning at Dorothy Drive at State Route 123 a distance of 0.71 miles to the Interstate 71 SB on/off ramps.

B. "Engine Break" shall mean an engine retarder in or on an internal combustion engine, or parts affixed thereto, used for purposes of decreasing a motor vehicle's rate of speed and that causes the vehicle's engine to race in such a manner as to cause the exhaust system to emit a loud, cracking, or chattering noise unusual to the vehicle's normal operation.

Section 2. No person while operating a motor vehicle in the unincorporated area of Turtlecreek Township shall cause such vehicle to decrease its rate of speed by use of an Engine Break and that results in the exhaust system emitting a loud, cracking, or chattering noise unusual to the vehicle's normal operation.

Section 3. Whoever violates this section is guilty of an unclassified misdemeanor and shall be fine up to a maximum of one hundred fifty dollars (\$150.00). On a second offense within one year after conviction of the first offense, such person shall be fined up to two hundred fifty dollars (\$250.00). On the third and each subsequent offense thereafter within one year after conviction of the first offense, such person shall be fined up to five hundred dollars (\$500.00).

Section 4. That the Board is acting in its legislative capacity in adopting this Resolution.

Section 5. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 6. That it is found and determined that all formal actions of the Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of the Board in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

BE IT FURTHER RESOLVED, that the fines imposed under Section 3 herein collected by a Court of competent jurisdiction for violations of Section 2 shall be paid into Turtlecreek Township's General Fund.

BE IT FURTHER RESOLVED, that this codified prohibition shall take affect when signs giving notice thereof are erected at the location identified above, however, the effective date shall be no sooner than thirty (30) days after it is filed with the Township Fiscal Officer.

Mr. Jones moved adoption of the foregoing Resolution, being seconded by Mr. VanDeGrift. Upon call of the roll, the following vote resulted:

Mr. VanDeGrift - "YEA"
Mr. Jones - "YEA"

Resolution adopted this 13th day of June, 2016.

TURTLECREEK TOWNSHIP TRUSTEES

GREGORY STUART JOHNSON,
FISCAL OFFICER