

TURTLECREEK TOWNSHIP BOARD OF TRUSTEES

ON

JUNE 25

13

The regular scheduled meeting of the Board of Trustees of Turtlecreek Township was held on June 25, 2013 at 8:00 a.m. with the following person present:

TRUSTEES: Jim VanDeGrift and Dan Jones.

CHIEF FISCAL OFFICER: Tammy Boggs

GUEST: Steve Flint, Mike Jameson, Larry Wilson, Penny Haas, David McCandless, Michael Shaffer and Bruce McGary.

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

The minutes of the previous meeting 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.

Mr. Bruce McGary, Warren County Prosecutor's Office, discussed the Freiberg property. Mr. McGary informed the Trustees of the recommended procedures to follow with the demolition of the Freiberg property. The township will issue new paperwork to the involved parties and will follow up with a quasi-judicial hearing on July 30, 2013 at 8:00 a.m. Mr. Jones made a motion to remove the Freiberg property and provide a quasi-judicial hearing to the involved parties. Mr. VanDeGrift seconded the motion. All voiced a "YEA" vote and the motion was passed with **Resolution 13-06-04**. (A copy of the resolution is included in the minutes).

Promptly at 8:30 a.m. the annual budget hearing was held. The Trustees received the budget proposal prior to the meeting for review. After a brief discussion, Mr. Jones moved for the acceptance and forwarding the proposal to the county auditor, and was seconded by Mr. VanDeGrift. **Resolution 13-06-03** concerning the above budget hearing/proposal was approved. (A copy of the resolution is included in the minutes).

Ms. Boggs informed the Trustees that the server for the township needs to be updated. The cost to update the server will be approximately \$2,309.73 and Ferris Electronics will install. Mr. Jones made a motion to update the server. Mr. VanDeGrift seconded the motion. All voiced a "YEA" vote and the motion was passed with **Resolution 13-06-07**. (A copy of the resolution is included in the minutes).

Mr. David McCandless, District Representative from Congressman Steve Chabot's Office, introduced himself and informed the Trustees that if they needed any assistant to contact his office.

Department Reports:

Fire/EMS: Steve Flint, Fire Chief and Mike Jameson, Assistant Fire Chief reported fire and EMS incident information. Assistant Chief Jameson requested that the Trustees approve fire fighter level I training class for four employees at a cost of \$800.00 each from Warren County Career Center. The employees must sign a contract and are required to complete 10% of the fire runs in a year. Mr. Jones made a motion to approve the training. Mr. VanDeGrift seconded the motion. All voiced a "YEA" vote and the motion passed with **Resolution 13-06-05**. (A copy of the resolution is included in the minutes). Assistant Chief Jameson requested that the Trustees approve the cost to install wireless internet to the township building. The approximate cost will be \$2,540.00 from Ferris Electronics. Mr. Jones made a motion to approve the internet. Mr. VanDeGrift seconded the motion. All voiced a "YEA" vote and the motion was passed with **Resolution 13-06-06**. (A copy of the resolution is included in the minutes).

Road and Bridge: Larry Wilson, Road Supervisor, presented his weekly department activity reports completed since the previous meeting. Mr. Wilson discussed the issue in the yard on Settlemire Road and that it is out of the right of way. Mr. Wilson also discussed the water issue with Urban Crest Church on Drake Road. Mr. VanDeGrift will take a look at both issues and report at the next Trustee meeting.

Correspondence – In:

- *Letter from Warren County Regional Planning regarding 2014 Projects
- *Resolution from Warren County Commissioners regarding approval and authorize President to sign amendment 1 to agreement between county and Turtlecreek
- *Letter from Ohio Development Services Agency regarding visit to Ohio
- *Email from Duke Energy regarding storm communications
- *Email from Jackie regarding fire portrait fundraiser
- *Letter from Warren County Auditor regarding special assessments
- *Letter from Warren County Department of Emergency Services opt – out
- *Notice from Warren County Common Pleas Court regarding forfeiture of land
- *Legal Notice from Warren County Commissioners regarding public hearing on increase of rates
- *Letter from KLA Risk Consulting regarding response to actions requested
- *Letter from Ohio Insurance Services Agency, Inc regarding updates to insurance
- *Letter from Hightowers Petroleum regarding contract
- *Letter from Warren County Regional Planning regarding Buckeye Fields Replat 22-24 and 40.

Correspondence – Out:

- *Letter to Mr. Ken Natorp regarding representative on the JEDD Board
- *Letter to Mr. Jim Hoskins regarding representative on the JEDD Board
- *Letter to Mr. William Sizemore regarding representative on the JEDD Board
- *Letter to Upesh Patel regarding representative on the JEDD Board
- *Letter to Lee Ann Lane regarding representative on the JEDD Board
- *Letter Ms. Jillora Herdman-Summers regarding representative on the JEDD Board
- *Letter Ms. Elva Capozio regarding representative on the JEDD Board
- *Letter Mr. Joe Kramer regarding representative on the JEDD Board
- *Letter to Mr. & Mrs. Alvin Armstrong regarding representative on the JEDD Board

The Fiscal Officer presented the bills which were due and the following checks were approved and signed. Check Nos.19445 through 19493, (copy to follow) and Voucher 70-2013.

The Fiscal Office reported the following income from: Warren County Auditor, N. Nelson - \$2,208.97 (May 2013 Gasoline Tax), \$6,821.75 (May 2013 \$5 Permissive Auto), \$1,574.25 (May 2013 New \$5 Permissive Auto), \$1,910.62 (May 2013 Motor Vehicle License Tax), \$73.13 (June 2013 Cigarette License), M. McClellan – \$30.00 (Life Squad Services), M. Hopper - \$400.08 (Life Squad Services), State Auto - \$676.00 (Life Squad Services), United HelathCare - \$757.17 (Life Squad Services), K. Bentley - \$30.00 (Life Squad Services), Middletown Works - \$111.98 (Life Squad Services), Department of Rehab - \$700.00 (Life Squad Services), Molina Healthcare - \$359.03 (Life Squad Services), M. Shutts - \$30.00 (Life Squad Services), Lebanon Citizens National Bank - \$1,380.51 (Various Interest Receipts), Cedar Trace - \$1,050.00 (2012 – 2013 Snow Plow Charges), Mullendore - \$7.00 (House Number Sign), OBWC - \$238.24 (Refund).

There being no further business Mr. Jones made a motion to adjourn the meeting. The motion was seconded by Mr. VanDeGrift. All voiced a “YEA” vote and the motion was passed.

The next regular meeting has been scheduled for July 8, 2013 at 7:00 p.m.

Signed: _____ President

Attest: _____ Chief Fiscal Officer

**RESOLUTION 13-06-03
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 25th day of June, 2013.

Signed: _____ "YEA"

_____ "YEA"

Attest: _____ CHIEF FISCAL OFFICER

**TURTLECREEK TOWNSHIP BOARD OF TRUSTEES
WARREN COUNTY, OHIO**

Resolution Number: 13-06-04

Date of Resolution: 6-25-13

TOPIC OF RESOLUTION: BOARD RESOLUTION FINDING IT REASONABLY NECESSARY TO REMOVE CERTAIN BUILDINGS OR OTHER STRUCTURES LOCATED ON REAL PROPERTY LOCATED AT 2237 HART ROAD IN TURTLECREEK TOWNSHIP DUE TO THEIR CONDITION BEING INSECURE, UNSAFE AND STRUCTURALLY DEFECTIVE, AND OF THE BOARD'S INTENT TO REMOVE SUCH BUILDINGS OR OTHER STRUCTURES AND ASSESS ANY OUT OF POCKET COSTS RELATED THERETO AFTER GIVING NOTICE AND AFFORDING THE PROPERTY OWNER AND LIEN HOLDERS THE OPPORTUNITY TO APPEAL SUCH DECLARATION, FINDINGS AND INTENTION, AND SETTING A QUASI-JUDICIAL ADMINISTRATIVE HEARING FOR SUCH AN APPEAL

RESOLUTION

WHEREAS, Ohio Revised Code §505.86 provides:

- (B) A board of township trustees may provide for the removal, repair, or securance of buildings or other structures in the township that have been declared insecure, unsafe, or structurally defective by . . . the county building department or other authority responsible under Chapter 3781 of the Revised Code for the enforcement of building regulations or the performance of building inspections in the township

At least thirty days prior to the removal, repair, or securance of any insecure, unsafe, or structurally defective building, the board of township trustees shall give notice by certified mail of its intention with respect to the removal, repair, or securance to the holders of legal or equitable liens of record upon the real property on which the building is located and to owners of record of the property.

(C) A board may collect the total cost of removing, repairing, or securing buildings or other structures that have been declared insecure, unsafe, structurally defective, or unfit for human habitation, or of making emergency corrections of hazardous conditions, by . . .

(1) The board may have the fiscal officer of the township certify the total costs, together with a proper description of the lands to the county auditor who shall place the costs upon the tax duplicate. The costs are a lien upon the lands from and after the date of entry. The costs shall be collected as other taxes and returned to the township general fund.

WHEREAS, this Board is in receipt of a letter dated June 24, 2013 from the Warren County Chief Building Official, who is responsible under Chapter 3781 of the Revised Code for the enforcement of building regulations and the performance of building inspections in Turtlecreek Township, Warren County, Ohio, that declares, based upon a recent inspection, that the residential dwelling and the attached garage located on the real property at 2237 Hart Road in Turtlecreek Township are insecure, unsafe and structurally defective, a copy of which is attached hereto and incorporated herein; and,

WHEREAS, based upon a recent title abstract obtained by the Warren County Prosecutor's Office, the public records of Warren County, Ohio evidence that the property located at 2237 Hart Road, which is more particularly identified as Parcel # 08-08-400-027, Auditor Acct. # 5330163, being Lot 4 of First National Subdivision, as recorded in Plat Book 19, Page 100, containing 1.0869 acres, is titled in the name of Raymond G. Freiberg by virtue of a Deed from John S. Lilli, et al. to Raymond G. Freiberg, recorded in O.R. Vol. 1001, Page 964, on 5/24/1994; and,

WHEREAS, based upon a recent title abstract obtained by the Warren County Prosecutor's Office, the public records of Warren County, Ohio evidence that the property is encumbered in favor of the following lien holders:

<u>Lien holder</u>	<u>Address</u>
Bank One Cincinnati N.A.	8044 Montgomery Rd., Suite 450, P.O. Box 365800, Cincinnati, OH 45236-5800
State of Ohio, Dept. of Taxation	30 E. Broad Street, 22 nd Floor Columbus, OH 43215-3415

and,

WHEREAS, the Board finds it reasonable necessary to remove the residential dwelling and attached garage from the property at 2237 Hart Road in Turtlecreek Township; and,

WHEREAS, the Board intends to remove the residential dwelling and attached garage from the property at 2237 Hart Road in Turtlecreek Township within 30 days from the date of adoption of this Resolution, and to assess any out of out of pocket costs related thereto; and,

WHEREAS, the Board shall set this matter for a quasi-judicial hearing to afford the property owner and lien holders the opportunity to appeal the declaration, findings and intentions of this Board.

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 this Board does hereby authorize its President or Vice-President to execute a letter giving notice, via certified mail, to the property owner and lien holders of record of: i) the Warren County Chief Building Official's declaration that the residential dwelling and attached garage are insecure, unsafe and structurally defective; ii) the Board's intent to remove the residential dwelling and attached garage upon the expiration of 30 days from the date of this Resolution as this Board finds removal of the structure is reasonably necessary to abate the said conditions of the residential dwelling and attached garage; iii) the Board's intent to assess any out of pocket costs of the removal of the residential dwelling and attached garage by certifying the same to the County Auditor to be placed upon the tax duplicate; and, iv) a date, time and place of a quasi-judicial administrative hearing, giving the property owner and lien holders the opportunity to perfect an appeal of the declaration that the residential dwelling and attached garage are insecure, unsafe and structurally defective, as well as the finding by this Board that removal is reasonably necessary to abate the conditions.

Section 2. That this Board does hereby set the quasi-judicial administrative hearing for said appeal on the 30th day of July, 2013, at 8:00 AM, at the Turtlecreek Township Administrative Building, 670 N. State Route 123, Lebanon, Ohio 45036, whereupon the property owner and/or lien holders shall be entitled to present evidence to met their burden of proving the said declaration by the Chief Building Official and/or the findings by and intent of this Board is unconstitutional, illegal, arbitrary, capricious, unreasonable, or unsupported by the preponderance of substantial, reliable and probative evidence based upon the whole record.

Section 3. That the Board is acting in its administrative capacity in adopting this Resolution.

Section 4. That the recitals contained within the Whereas Clauses set forth above are incorporated by reference herein.

Section 5. 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 25th day of June, 2013.

TURTLECREEK TOWNSHIP TRUSTEES

TAMMY BOGGS, FISCAL OFFICER

**RESOLUTION 13-06-05
TURTLECREEK TOWNSHIP
WARREN COUNTY, OHIO**

**RESOLUTION TO ENTER INTO A CONTRACT FOR LEVEL ONE FIREFIGHTER SCHOOLING
WITH ZACH THUNEY AND ALEX GUARD.**

WHEREAS, it is the intent of Turtlecreek Township Board of Trustees to pay for the Level One Firefighter training for Zach Thuney and Alex Guard, and will enter into a contract, with the contract stating, that the student agrees to provide the Trustees services in accordance with his newly acquired level of training for a period of no less than one (1) year for Firefighter and volunteer no less than ten percent (10%) of the Fire Departments runs. The cost of the classes will be \$800.00 to the Warren County Career Center.

THEREFORE, by motion of Mr. Jones and seconded by Mr. VanDeGrift the above resolution was approved. All voiced a "YEA" vote and the resolution passed.

Adopted this 25th day of June, 2013

Signed: _____ "YEA"

_____ "YEA"

Attest: _____ Chief Fiscal Officer

**RESOLUTION 13-06-06
TURTLECREEK TOWNSHP
WARREN COUNTY, OHIO**

BE IT RESOLVED by the Board of Trustees of Turtlecreek Township, Warren County, Ohio, that they shall purchase wireless internet for the township building at a cost of \$2,540.0000 from Ferris Electronics. Source of the funds will be from the General Fund #1000-110-319-0000 in the amount of \$2,540.00 (Other – Professional and Technical Services). Resolution was initiated by Mr. Jones and seconded by Mr. VanDeGrift. All voiced a "YEA" vote and the resolution passed.

Adopted this 25th day of June, 2013.

Signed: _____ "YEA"

_____ "YEA"

Attest: _____ Chief Fiscal Officer

**RESOLUTION 13-06-07
TURTLECREEK TOWNSHP
WARREN COUNTY, OHIO**

BE IT RESOLVED by the Board of Trustees of Turtlecreek Township, Warren County, Ohio, that they shall update the server for the township building at a cost of \$2,309.73 from Ferris Electronics. Source of the funds will be from the General Fund #1000-110-319-0000 in the amount of \$2,309.73 (Other – Professional and Technical Services). Resolution was initiated by Mr. Jones and seconded by Mr. VanDeGrift. All voiced a “YEA” vote and the resolution passed.

Adopted this 25th day of June, 2013.

Signed: _____ “YEA”

_____ “YEA”

Attest: _____ Chief Fiscal Officer