

**TURTLECREEK TOWNSHIP BOARD OF TRUSTEES**

**ON**

**FEBRUARY 28**

**23**

The regular scheduled meeting of the Board of Trustees of Turtlecreek Township was held on February 28, 2023 at 8:00 p.m. with the following persons:

TRUSTEES: Dan Jones, Jim VanDeGrift and Jonathan Sams

FISCAL OFFICER: Amanda Childers

GUEST: Tammy Boggs, Mike Jameson, Brad Edrington, Kenny Hickey, Tommy Long, Jen Patterson and Dan Deters.

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

The minutes of the meeting held on January 31, 2023 were received by the Trustees prior to the meeting for review. Since there were no additions or corrections, Mr. VanDeGrift moved for acceptance, seconded by Mr. Jones. All were in favor and the minutes were approved as written.

The minutes of the meeting held on February 13, 2023 were received by the Trustees prior to the meeting for review. Since there were no additions or corrections, Mr. Sams moved for acceptance, seconded by Mr. Jones. All were in favor and the minutes were approved as written.

Dan Deters from Energy Alliance spoke to the Board about reinstating the electric aggregation program. The new contract will be approximately 6.5 cents with a 2-year contract beginning in May. Duke is currently at .09 and is expected to increase in May. Township residents will be getting a letter saying they will automatically be signed up with an opt out option. If they later decide they want out of the program they can do that at any time with no fee. If residents have agreed to a contract with another provider they will not get a letter until their contract ends. Mr. Deters stated that residents wanting a green energy option can call to get into that program with a higher rate.

Mr. Sams made a motion, seconded by Mr. VanDeGrift to authorize Dan Jones, Trustee to sign the Ohio Public Utilities Commission Aggregator Application for Electric and Gas for Turtlecreek Township. All present voiced a "YEA" vote and the motion was passed with **Resolution 23-02-12**. (A copy of the resolution will be included in the minutes.)

Mr. Sams made a motion, seconded by Mr. VanDeGrift to authorize Tammy Boggs, Administrator to sign the Aggregate Group Contract with Energy Harbor LLC for Electric Aggregation Program for Turtlecreek Township. All present voiced a "YEA" vote and the motion was passed with **Resolution 23-02-13**. (A copy of the resolution will be included in the minutes.)

Tommy Long of LemonGrenade and Jen Patterson from the City of Monroe discussed branding for the Township. Logo design for signage, formal documents, economic development and marketing were offered with requests for feedback and direction for the designers. Mr. Long has worked with the City of Monroe on their branding.

Department Reports:

**Fire/EMS:**

Mike Jameson, Fire Chief, informed the Board that he and the Assistant Fire Chief recommend that Jonathan Neanover attend paramedic school. The cost of the class will be approximately \$10,000.00 from Butler Tech and Mr. Neanover will be required to sign a Fire Fighter/EMS contract with a four-year commitment. Mr. Sams made a motion, seconded by Mr. VanDeGrift to approve the Resolution as stated above. All voiced a "YEA" vote and the motion was passed with **Resolution 23-02-14**. (A copy of the resolution will be included in the minutes.)

Chief Jameson informed the Board that Jonathan Neanover is due a pay increase as he has completed his probationary period. His pay will increase to \$18.39 per hour effective February 25, 2023. Mr. Sams made a motion, seconded by Mr. VanDeGrift to approve the pay increase for Mr. Neanover to \$18.39 effective February 25, 2023. All present voiced a "YEA" vote and the motion passed with **Resolution 23-02-15**. (A copy of the resolution will be included in the minutes.)

Chief Jameson informed the Board that the final inspection for the new Fire Truck was completed with results being only a few minor items. The inspection team traveled to Florida to the E-One manufacturing facility in Ocala.

Mrs. Boggs asked the Board for their thoughts on drafting a letter of appreciation for long time employees that resign.

### **Road and Bridge:**

Kenny Hickey, Road/Maintenance Supervisor, requested authorization to have repairs made to the backhoe from Southeastern Equipment in the amount of \$621.14. Mr. Sams made a motion, seconded by Mr. VanDeGrift to approve the repair as stated above. All present voiced a "YEA" vote and the motion was passed.

Mr. Hickey recommended that new traffic cones and solar barricade flashers be purchased to improve roadway maintenance safety. Mr. Hickey requested authorization to purchase 25 traffic cones and 6 solar barricade flashers in the amount of \$992.10 from Kleem Inc. using the More Grant through OTARMA for \$500.00 of the purchase. Mr. Sams made a motion, seconded by Mr. VanDeGrift to approve the purchase as stated above. All present voiced a "YEA" vote and the motion was passed.

Mr. Hickey informed the Board that he received notification from the Warren County Engineer's office that the cost of asphalt will increase the road resurfacing cost estimate by \$33,260.57. This brings the total cost estimate to \$583,713.30. Mr. Sams made a motion, seconded by Mr. VanDeGrift to approve the cost increase as stated above. All present voiced a "YEA" vote and the motion was passed.

### **Administration:**

Mrs. Boggs asked the Board if they were in favor of accepting the Prosecutor's office suggestion of adopting a policy establishing the process for future land vacations. This procedure is used when abutting owner or owners request the Trustees to petition the Board of County Commissioners to vacate a Township Road and/or Road right-of-way. Mr. Sams made a motion, seconded by Mr. VanDeGrift to approve the adoption of a policy establishing the process for an abutting owner or owners to request that the Board of Trustees petition the Board of County Commissioners to vacate a Turtlecreek Township Road and/or road right-of-way, or any portion thereof. All present voiced a "YEA" vote and the motion passed with **Resolution 23-02-17**. (A copy of the resolution will be included in the minutes.)

Mrs. Boggs informed the board that it is time to finalize the appointments to Regional Planning for 2023. Mr. Sams made a motion, seconded by Mr. VanDeGrift to appoint Mrs. Tammy Boggs, Mr. Jonathan Sams, Mr. Gabe Drake and Mrs. Amanda Childers. All voiced a "YEA" vote and the motion passed.

Mrs. Boggs requested ratification for expenditures authorized by Township Administrator or Township Officer or Employee authorized by Township Administrator in the cumulative amount of \$842.57. The purchases are \$31.65 from Pilot, \$30.54 from Circle K, \$46.49 from Chick-fil-A, \$104.21 from Shell, \$68.00 from Amoco, \$47.22 from Buc-EE's, \$378.35 from Amazon, \$78.34 from The Home Depot, \$34.99 from Rural King, \$15.94 from Ace and \$6.84 from Wasabi. Mr. Sams made a motion, seconded by Mr. VanDeGrift to subsequently approve the expenditures in the cumulative amount of \$842.57. All present voiced a "YEA" vote and the motion was passed with **Resolution 23-02-16**. (A copy of the Resolution is included in the minutes.)

Mrs. Boggs asked the Board to discuss the annexation agreement with the City of Lebanon regarding the Shaw property. The Trustees would like to see the expected 12 years of tax revenue sharing to begin on year 10 to capture higher values. Mrs. Boggs will convey this information to the Prosecutor's office who is drafting the agreement. (A letter will be sent to the Warren County Prosecutor's Office regarding this matter.)

Mrs. Boggs asked the Board to discuss the MOU between the Township and the County for the Racino TIF. Mr. Sams explained that the Racino TIF, which is a Warren County TIF, is expiring after 10 years and they have requested to extend the TIF to 30 years. The additional 20 years will generate approximately 5 million dollars. The Trustees expressed their desire to set conditions that the funding be used for roadway infrastructure and public safety projects within Turtlecreek Township. An MOU was created between Turtlecreek Township and the Warren County Board of Commissioners. Mr. Sams made a motion, seconded by Mr. VanDeGrift to approve the Resolution authorizing Mrs. Boggs to sign the MOU as stated above. All present voiced a "YEA" vote and the motion was passed with **Resolution 23-02-18**. (A copy of the Resolution is included in the minutes.)

Mrs. Boggs informed the Board that she was contacted by Verizon Wireless about possibly leasing ground at Station 33 to install a cell tower that would be 60 feet by 60 feet. Mrs. Boggs was directed to negotiate a monthly fee. (A letter will be sent to Verizon Wireless regarding this matter.)

Mrs. Boggs informed the Board that the Warren County Health District meeting will be held on March 7, 2023 at 5:30 p.m. Mr. VanDeGrift will be in attendance.

**General Reports:**

**CORRESPONDENCE:**

**IN:**

- Email from Mr. Linger regarding being placed on the Trustees' agenda for March 13, 2023
- Email from Ohio Department of Commerce regarding township cemeteries
- Letter from SERB regarding Public Employer Health Insurance Survey
- Email from Ms. Moore regarding animal in the right of way
- Email regarding complaint of noise ordinance
- Email from Ms. Wagers regarding street lights on Charlotte Ave.
- Email from Mr. Young requesting that he be placed on the agenda for the March 13, 2023 Trustees meeting
- Letter from Warren County Commissioners regarding legal notice of rezoning to be held on March 14, 223 at 9:15 a.m.
- Letter from Barrett Paving Materials Inc regarding price increase
- Email from Warren County Health Department regarding meeting on March 7, 2023 @ 5:30 p.m.
- Resolution from Warren County Commissioners regarding public hearing on rezoning for Banker property

**OUT:**

- Email out to Mr. Linger regarding being placed on the Trustees' agenda for March 13, 2023
- Email to Ohio Department of Commerce regarding township cemeteries
- Email to Ms. Moore regarding animal in the right of way
- Email regarding complaint of noise ordinance
- Email to Ms. Wagers regarding street lights on Charlotte Ave.
- Email to Mr. Young regarding being placed on the agenda for the March 13, 2023 meeting
- Letter to Warren County Engineer's Office regarding acceptance of Cedar Trace

**Fiscal Officer Reports:**

The Fiscal Officer presented the bills, which were due, and the following checks were approved and signed. Check Nos. 34601 through 34627 (copy to follow) and Vouchers 146-2023 through 199-2023.

The Fiscal Office reported the following income from:

Post Date	Transaction Date	Receipt Number	Source	Account Code	Total Receipt	Purpose
2/15/23	2/21/23	177-2023	STATE OF OHIO	1000-539-0000	\$12,676.71	ADDITIONAL TAX ON PARI-MUTUAL WAGERING MIAMI VALLEY GAMING RACETRACK PERMIT 4-21-22 THROUGH 12-31-22 (DIRECT DEPOSIT)
					\$12,676.71	
2/17/23	2/21/23	178-2023	BUSINESS PLANS INC - MY COBRA PLAN	2031-892-0000	\$42.30	REIMBURSEMENT FOR JANUARY PREMIUMS PAID R CHASTEEN DELTA DENTAL AND PRINCIPAL
					\$42.30	
2/27/23	2/27/23	179-2023	DEPT OF PUBLIC SAFETY	2191-539-0000	\$724.32	EIMS GRANT 2022
					\$724.32	
2/14/23	2/21/23	159-2023	T HOLMES	2191-299-0000	\$200.00	LIFE SQUAD SERVICES
2/14/23	2/21/23	160-2023	AMBETTER FROM BUCKEYE HEALTH PLAN	2191-299-0000	\$684.03	LIFE SQUAD SERVICES
2/13/23	2/21/23	161-2023	AARP SUPPLEMENTAL	2191-299-0000	\$99.19	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/13/23	2/21/23	162-2023	CIGNA	2191-299-0000	\$114.00	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/13/23	2/21/23	163-2023	OPTUM	2191-299-0000	\$237.79	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/13/23	2/21/23	164-2023	US DEPT OF TREASURY DEPT OF VA	2191-299-0000	\$669.38	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/13/23	2/21/23	165-2023	ANTHEM BLUE	2191-299-0000	\$1,594.84	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/13/23	2/21/23	166-2023	CGS	2191-299-0000	\$2,028.90	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/14/23	2/21/23	167-2023	HWHO	2191-299-0000	\$216.77	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/14/23	2/21/23	168-2023	HUMANA	2191-299-0000	\$217.04	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/14/23	2/21/23	169-2023	AETNA	2191-299-0000	\$490.33	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/15/23	2/21/23	170-2023	ANTHEM BLUE	2191-299-0000	\$108.77	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/15/23	2/21/23	171-2023	AARP SUPPLEMENTAL	2191-299-0000	\$121.96	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/15/23	2/21/23	172-2023	AETNA BETTER HEALTH	2191-299-0000	\$1,190.80	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/16/23	2/21/23	173-2023	AARP SUPPLEMENTAL	2191-299-0000	\$744.47	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/16/23	2/21/23	174-2023	CGS	2191-299-0000	\$831.65	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/17/23	2/21/23	175-2023	HNB-ECHO	2191-299-0000	\$124.00	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/17/23	2/21/23	176-2023	US DEPT OF TREASURY DEPT OF VA	2191-299-0000	\$886.10	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/21/23	2/27/23	180-2023	AETNA BETTER HEALTH	2191-299-0000	\$173.93	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/21/23	2/27/23	181-2023	UNITED HEALTHCARE	2191-299-0000	\$278.09	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/21/23	2/27/23	182-2023	MEDICAL MUTUAL	2191-299-0000	\$341.34	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/21/23	2/27/23	183-2023	ANTHEM BLUE	2191-299-0000	\$914.47	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/21/23	2/27/23	184-2023	CGS	2191-299-0000	\$4,953.46	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/23/23	2/27/23	185-2023	AETNA	2191-299-0000	\$108.25	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/23/23	2/27/23	186-2023	AETNA	2191-299-0000	\$187.68	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
2/23/23	2/27/23	187-2023	HWHO	2191-299-0000	\$458.29	LIFE SQUAD SERVICES (DIRECT DEPOSIT)
					\$18,175.53	

**Other Business:**

None.

**Visitor Concerns:**

None.

**Trustee Reports:**

Mr. Sams gave a report regarding the meeting that took place at LCNB National Bank with David Hopper, Brad Ruppert, Amanda Childers and Mr. Sams. The investments are earning better income as the older lower rated CDs and Agencies mature and new instruments are purchased. Mr. Sams noted that short term rates are higher than long term rates. Careful consideration on maximizing our interest income is needed as the Township services grow along with needing additional employees. Another meeting with LCNB will be scheduled in April.

A motion was made by Mr. Sams that the Board of Trustees adjourns into executive session to discuss Economic Development matters pursuant to ORC 121.22 (G) (8) at 9:31 a.m. The motion was seconded by Mr. VanDeGrift and upon call of roll call, Mr. Sams "YEA", Mr. Jones "YEA" and Mr. VanDeGrift "YEA" the executive session was entered.

By motion of Mr. Sams that the Board of Trustees adjourns out of executive session and return to the open meeting and ask the Fiscal Officer to note in the minutes that NO ACTION WAS TAKEN. The motion was seconded by Mr. VanDeGrift the executive session ended. Upon call of roll, Mr. Sams, Mr. Jones "YEA" and Mr. VanDeGrift "YEA" the Board returned to regular session at 10:19 a.m.

There being no further business, Mr. Sams 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 March 13, 2023 at 7:00 P.M.

Signed: \_\_\_\_\_ Chairman of the Board

Attest: \_\_\_\_\_ Fiscal Officer

**RESOLUTION 23-02-12  
TURTLECREEK TOWNSHIP  
WARREN COUNTY, OHIO**

**RESOLUTION TO AUTHORIZE DANIEL F. JONES,  
TURTLECREEK TOWNSHIP TRUSTEES,  
TO SIGN OHIO PUBLIC UTILITIES COMMISSION  
AGGREGATOR APPLICATION FOR ELECTRIC AND GAS FOR  
TURTLECREEK TOWNSHIP**

**WHEREAS**, the Turtlecreek Township Board of Trustees have an Electric and Gas Aggregation for Turtlecreek Township; and

**WHEREAS**, the Turtlecreek Township Board of Trustees have authorized Daniel F. Jones to sign the application for these two (2) programs with the Ohio Department of Ohio Public Utilities Commission; and

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

Adopted this 28<sup>th</sup> day February, 2023

Signed: \_\_\_\_\_ " YEA"  
\_\_\_\_\_"YEA"  
\_\_\_\_\_"YEA"

Attest: \_\_\_\_\_ Chief Fiscal Officer

**RESOLUTION 23-02-13  
TURTLECREEK TOWNSHIP  
WARREN COUNTY, OHIO**

**RESOLUTION TO AUTHORIZE TAMMY BOGGS,  
TURTLECREEK TOWNSHIP ADMINISTRATOR,  
TO SIGN AGGREGATE GROUP CONTRACT WITH ENERGY HARBOR LLC  
FOR ELECTRIC AGGREGATION PROGRAM FOR  
TURTLECREEK TOWNSHIP**

**WHEREAS**, the Turtlecreek Township Board of Trustees have an Electric Aggregation for Turtlecreek Township; and

**WHEREAS**, the Turtlecreek Township Board of Trustees have authorized Tammy Boggs, Administrator to sign the contract for Electric Aggregation with Energy Harbor LLC; and

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

Adopted this 28<sup>th</sup> day February, 2023

Signed: \_\_\_\_\_ " YEA"  
\_\_\_\_\_"YEA"  
\_\_\_\_\_"YEA"

Attest: \_\_\_\_\_ Chief Fiscal Officer

**RESOLUTION 23-02-14  
TURTLECREEK TOWNSHIP  
WARREN COUNTY, OHIO**

**AUTHORIZING JONATHAN NEANOVER TO ATTEND PARAMEDIC SCHOOL  
AT BUTLER TECH AND SIGNING AN EMS CONTRACT THAT TURTLECREEK  
TOWNSHIP WILL PAY FOR THE SCHOOL WITH A FOUR (4)-YEAR  
COMMITMENT FOR SERVICE AND HOURS AS DEFINED BY JOB  
DESCRIPTION**

**WHEREAS**, Jonathan Neanover wishes to attend paramedic school at Butler Tech; and

**WHEREAS**, the Fire Chief and Assistant Chief of Turtlecreek Township Fire Department and Emergency Medical Service have recommended that Jonathan Neanover attend the paramedic school; and

**WHEREAS**, the cost of the class will be the approximate fee of \$10,000.00 and Jonathan Neanover will be required to sign an EMS contract with a commitment of four (4) years of service for the township paying for the school; and

**NOW THEREFORE BE IT RESOLVED**, the Turtlecreek Township Board of Trustees hereby approves Jonathan Neanover to attend paramedic school with the township paying for the schooling. The source of the funds will be the EMS Fund (2191-230-599-0005 Other – Other Expenses EMS Training).

Mr. Sams moved for adoption of the foregoing resolution, seconded by Mr. VanDeGrift. All voiced a “YEA” vote and the resolution passed.

Adopted this 28<sup>th</sup> day of February, 2023

Signed:	_____	“YEA”
	_____	“YEA”
	_____	“YEA”
Attest:	_____	Chief Fiscal Officer

**RESOLUTION 23-02-15  
TURTLECREEK TOWNSHIP  
WARREN COUNTY, OHIO**

**RESOLUTION AUTHORIZING THE PAY  
INCREASE FOR JONATHAN NEANOVER**

**WHEREAS**, Jonathan Neanover has completed his one-year probationary period; and

**WHEREAS**, the Fire Chief has determined that Jonathan Neanover’s pay rate should be increased to \$18.39 per hour; and

**WHEREAS**, Jonathan Neanover’s \$18.39 per hour pay rate is effective as of February 25, 2023; and

**NOW THEREFORE, BE IT RESOLVED**, by the Board of Trustees of Turtlecreek Township, Warren County, Ohio, that the trustees approved the pay increase to \$18.39 per hour effective February 25, 2023.

Mr. Sams moved to adopt the foregoing Resolution. Mr. VanDeGrift seconded the motion and upon call of the roll the following vote resulted:

Mr. Jones	“YEA”
Mr. VanDeGrift	“YEA”
Mr. Sams	“YEA”

Resolution adopted this 28<sup>th</sup> day of February, 2023.

**THE BOARD OF TURTLECREEK TOWNSHIP TRUSTEES**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Attest: \_\_\_\_\_ Chief Fiscal Officer

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

Resolution Number: 23-02-16

Date of Resolution: February 28, 2023

**TOPIC OF RESOLUTION: BOARD RESOLUTION SUBSEQUENTLY APPROVING EXPENDITURES NOT EXCEEDING TWENTY-FIVE HUNDRED DOLLARS BY TOWNSHIP ADMINISTRATOR OR TOWNSHIP OFFICER OR EMPLOYEE AUTHORIZED BY TOWNSHIP ADMINISTRATOR**

**RESOLUTION**

**WHEREAS**, this Board adopted Resolution Number 16-04-12, dated April 26, 2016, authorizing the Township Administrator to incur obligations on behalf of the Township not to exceed Two Thousand Five Hundred Dollars, and further authorizing the Township Administrator to authorize other Township Officers and Employees to incur obligations on behalf of the Township not to exceed Two Thousand Five Hundred Dollars; and,

**WHEREAS**, pursuant to section 507.11 (A) of the Ohio Revised Code, and Section 3 of the aforementioned Resolution, the obligations incurred by the Township Administrator on behalf of the Township, or that the Township Administrator authorizes a Township Officer or Employee to incur, shall be subsequently approved by adoption of formal resolution of this Board at the next regularly scheduled Board meeting after receipt by the Township Fiscal Officer of proper voucher for the obligation or obligations incurred; and,

**WHEREAS**, this Board has been notified by the Township Fiscal Officer she is in receipt of a proper voucher or vouchers for obligations incurred by the Township Administrator or authorized Township Officer or Employees, a copy or copies of which are attached hereto.

**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.** This Board does hereby subsequently approve the obligations incurred by the Township Administrator or Township Officer or Employees on behalf of the Township, a copy or copies of the vouchers of which are attached hereto.

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

Mr. Jones	YEA
Mr. Sams	YEA
Mr. VanDeGrift	YEA

Resolution adopted this 28<sup>th</sup> day of February, 2023.

CERTIFICATION:

The undersigned does hereby certify that the foregoing is a true and accurate copy of the above Resolution adopted on the aforementioned date by the Board of Township Trustees.

SIGNATURE: \_\_\_\_\_

NAME: Amanda K. Childers

TITLE: Fiscal Officer

DATE: \_\_\_\_\_

**RESOLUTION 23-02-17  
TURTLECREEK TOWNSHIP  
WARREN COUNTY, OHIO**

**RESOLUTION: ADOPTING A POLICY ESTABLISHING THE PROCESS FOR AN ABUTTING OWNER OR OWNERS TO REQUEST THAT THE BOARD OF TRUSTEES PETITION THE BOARD OF COUNTY COMMISSIONERS TO VACATE A TURTLECREEK TOWNSHIP ROAD AND/OR ROAD RIGHT-OF-WAY, OR ANY PORTION THEREOF, UNDER SECTION 5553.045 OF THE OHIO REVISED CODE**

**WHEREAS**, in accordance with section 5553.045 of the Ohio Revised Code, a board of township trustees may petition the board of county commissioners to vacate a township road or portion of a township road by passing a resolution that requests the vacation of the road or portion of the road and includes a description of the general route and termini of the road or portion of the road to be vacated; and,



**WHEREAS**, this Board desires to adopt a written policy establishing a process for any abutting owner or owners to a Turtlecreek Township Road, or portion thereof, to request that the Board adopt a resolution to file a petition under section 5553.045 of the Ohio Revised Code.

**NOW 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.** this Board does hereby adopt a policy establishing the process for an abutting property owner or owners to a Turtlecreek Township Road, or any portion thereof, to request the Turtlecreek Township Board of Trustees petition the Warren County Board of County Commissioners to vacate a Turtlecreek Township Road and/or Road right-of-way, or any portion thereof, under section 5553.045 of the Ohio Revised Code.

**Section 2.** In order for this Board to consider adopting a resolution to petition the Warren County Board of County Commissioners to vacate a Turtlecreek Township Road and/or Road right-of-way, or any portion thereof, at the request of an abutting owner or the joint request of abutting owners, the abutting owner or owners must do the following:

- a) submit a signed request (letter format is acceptable) addressed to the Turtlecreek Township Board of Trustee, c/o Township Administrator, 670 North State Route 123, Lebanon, Ohio 45036, that:
  - i) states the name and address of each abutting owner to the proposed area to be vacated; and,
  - ii) lists each parcel or lot abutting the proposed area to be vacated including the permanent parcel number, Auditor's account number, acreage, property address and tax mailing address of each parcel or lot; and,
  - iii) provides a legal description of the area to be vacated, acceptable to the Warren County Engineer's Tax Map Department, 406 Justice Drive, 2<sup>nd</sup> Fl., Lebanon, OH 45036, Ph. (513) 695-1190, that includes without limitation: a description of the general route and termini of the road in Turtlecreek Township, or any portion thereof, proposed to be vacated; the right-of-way width and source used to determine such width; a statement whether the area proposed to be vacated is a dedicated road, or owned to the centerline by the abutting property owner(s) and is subject to right-of-way easement only; and the acreage to the centerline or the road, or any portion thereof, proposed to be vacated from each abutting parcel or lot; and,
  - iv) identifies the name of each employee and date(s) the requester(s) discussed the matter with each employee of the Warren County Engineer's Office; and,
  - v) states the period of time the Township Road has not been maintained by Turtlecreek Township
  - vi) includes a statement of the reason(s) for the request; and,
  - vii) includes an explanation of the necessity of and how vacating a Turtlecreek Township Road and/or Road right-of-way, or

- viii) any portion thereof, would be for the public convenience or welfare; and,
- ix) explains reason(s) why, if all abutting property owners have not signed the request
- x) includes a statement that the requester(s) have consulted with the Zoning Dept., Building Dept., Health Dept. and any other applicable local, state, or federal regulatory agency to determine whether the proposed vacation will have a detrimental impact on the requester(s) current or intended future use of each parcel or lot; and,
- xi) includes a statement that the requester(s) understands that should the Turtlecreek Township Road and/or Road right-of-way, or any portion thereof, be vacated, that the vacated area will still be subject to: (1) a permanent easement in, over, or under the road for services utilities of a public utility or electric cooperative, (2) the right of ingress and egress in favor of each public utility or electric cooperative to service and maintain those service facilities; and, (3) the right of each public utility or electric cooperative to trim or remove any trees, shrubs, brush, or other obstacles growing in or encroaching onto the permanent easement that may affect the operation, use, or access to those service facilities; and,

**Section 3.** nothing in this Resolution shall be construed to prohibit the Turtlecreek Township Board of Trustees, by at least a majority vote, from adopting a resolution to petition the Warren County Board of County Commissioners to vacate a Turtlecreek Township Road and/or Road right-of-way, or any portion thereof, should the Board of Trustees desire to do so based on the recommendation of the Township Road Superintendent.

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

**Section 5.** this Resolution constitutes a ministerial act that shall take effect immediately upon its adoption.

**Section 6.** 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 R.C. 121.22.

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

Mr. Jones	-	YEA
Mr. Sams	-	YEA
Mr. VanDeGrift	-	YEA

Resolution adopted this 28th day of February, 2023.

#### **CERTIFICATION**

I hereby certify that the foregoing is a true, accurate and complete copy of the Resolution No. 23-02-17 adopted on February 28, 2023, by the Board of Trustees of Turtlecreek Township, Warren County, Ohio.

\_\_\_\_\_  
AMANDA K. CHILDERS, FISCAL OFFICER

**RESOLUTION 23-02-18  
TURTLECREEK TOWNSHIP  
WARREN COUNTY, OHIO**

**RESOLUTION TO AUTHORIZE TAMMY BOGGS,  
TURTLECREEK TOWNSHIP ADMINISTRATOR,  
TO SIGN MOU BETWEEN TURTLECREEK TOWNSHIP  
AND WARREN COUNTY**

**WHEREAS**, the Board of Trustees of Turtlecreek Township, Warren County, Ohio and the Warren County Board of Commissioners agree to enter in to a Memorandum of Understanding regarding the Extension of the Racino TIF and the use of the Racino TIF Fund during the extension period (MOU attached); and

**WHEREAS**, the Board of Trustees of Turtlecreek Township, Warren County, Ohio and the Warren County Board of Commissioners agree to limit the use of the TIF funds to roadway public infrastructure and public safety projects within Turtlecreek Township and use any surplus funds from the Racino TIF deposited into the county's General fund exclusively for roadway public infrastructure and public safety improvements within Turtlecreek Township; and

**WHEREAS**, the Board of Trustees of Turtlecreek Township, Warren County, Ohio authorize Tammy Boggs, Administrator, to sign the MOU between Turtlecreek Township and Warren County.

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

Adopted this 28<sup>th</sup> day February, 2023

Signed: \_\_\_\_\_ " YEA"

\_\_\_\_\_ "YEA"

\_\_\_\_\_ "YEA"

Attest: \_\_\_\_\_ Chief Fiscal Officer

End of Minutes.