

The Washington Township Board of Trustees met in Regular Session on March 21, 2011, at 7:30 p.m. at the Washington Township Government Center, 8200 McEwen Road. President Berry opened the meeting and led the Pledge of Allegiance. Mr. Zobrist was excused.

FISCAL OFFICER'S BUSINESS

Purchasing Policies and Procedures

Over the past 12 months, significant changes have been made to the Township's requisition and accounts payable process. To reflect those changes, staff has updated the Washington Township Purchasing Policies and Procedures. These updates have been reviewed with the Trustees.

It was moved by Mrs. Young, seconded by Mr. Paulson, that the Board approves the Washington Township Purchasing Policies and Procedures dated March 21, 2011.

Vote on Motion: Young, aye; Paulson, aye; Berry, aye. M2011-043

Mr. Berry noticed a boy scout in the audience and asked him to introduce himself. Doug Schlagheck introduced himself and indicated he was there for Troop 530 and is working on his communications merit badge.

EMPLOYEE SERVICE AWARDS

Each year since 1995, the Board of Trustees has presented service awards to the employees and volunteers who have provided 5, 10, 15, 20, 25, 30 and 35 years of service.

The awards are:

- 5 years - lapel pin with Washington Township logo
- 10 years - \$30 gift card to The Greene
- 15 years - \$60 gift certificate to the Paragon Club Restaurant
- 20 years - gold Cross pen/pencil set with Washington Township logo
- 25 years - gold watch with Washington Township logo
- 30 years - mantel clock with Washington Township logo
- 35 years - digital camera and case with Washington Township logo

All the employees who are eligible to receive awards were invited to tonight's meeting. Recipients this year include:

William	Plunket	Fire	35
Jeff	Aydelott	Public Works	25
Mable	Leyes	Vol. Committee	25
Steve	Musgrove	Public Works	25
James	Neidhard	Fire	25
Marlene	Tiernan	Vol. Committee	25
Jeff	Guernsey	Fire	20
Janice	Harris	Fire	20
Joël	Hatmaker	Rec	20
Pat	Huss	Rec	20

John Anthony	Fire	15
Vincent Keane	Rec	15
Joseph Lamoureaux	Fire	15
Arnold Schaffer	Dev. Services	15
Eugene Schuder	Fire	15
Joyce Young	Gov. Ctr.	15
Mary Zdesar	Dev. Services	15
James Apesos	Fire	10
James Breslin	Fire	10
Kelly Brode	Fire	10
Carla Countryman	Fire	10
Linda Fannin	Fire	10
David Fleetwood	Rec	10
Kimberly Graham	Fire	10
Scott Henry	Fire	10
Derek Landis	Fire	10
Valerie O'Rourke	Fire	10
Douglas Parmenter	Fire	10
Craig Rauch	Fire	10
David Raynor	Fire	10
Jack Tatom	Fire	10
Justin Keller	Fire	5
Steve Sipniewski	Rec	5
Josephine Francis	Gov. Ctr.	5
Austin Jones	Rec	5
Bradley Williams	Rec	5
Ashley Harper	Rec	5
Charles Fenno	Fire	5
Sybil Latham	Rec	5
Michael Jones	Fire	5
Milton Wancowicz	Fire	5
Kenneth Ward	Fire	5
Ann Wood	Fire	5

PROCLAMATION - MIAMI VALLEY FAIR HOUSING CENTER AND THE DAYTON AREA BOARD OF REALTORS

The Trustees proclaimed April as National Fair Housing Month and recognized the Miami Valley Fair Housing Center and the Dayton Area Board of Realtors for their commitment to fair housing.

CITIZEN CONCERNS

Mike Nemeth, 9380 Parkside Drive, stated that he is representing himself as a citizen of Washington Township and approximately 550 members of the South Montgomery County Liberty Group. He clarified that the Liberty Group is the local chapter of the Dayton Tea Party. According to Mr. Nemeth, the Tea Party stands for four things: respect for the Constitution, fiscal responsibility, smaller government and supporting the free markets.

Mr. Nemeth requested a dialogue on two topics: 1) estate tax and Council to Protect Ohio Communities (CPOC) and 2) open and transparent Township proceedings that follow the Sunshine Law.

Mr. Nemeth asked if efforts were made to solicit input from residents on the Ohio Estate Tax and CPOC. Mr. Berry responded that the CPOC coalition approached the Trustees and asked if the Trustees would be willing to support their group. There were discussions at Trustee workshops about the group, but there were no residents present.

Mr. Nemeth asked if a resolution was passed that defined the Trustees' interest or support for or against the Ohio Estate Tax. Mr. Berry replied no. There was not a resolution passed.

Mr. Nemeth then asked if any elected official or paid official of Washington Township has been asked to or has participated in the Ohio Assembly by giving testimony for or against the Ohio Estate Tax. Mr. Berry replied that he was sure they were all invited, but none of them testified.

Mr. Nemeth stated that CPOC is lobbying the Ohio Assembly to overturn the current efforts by the Tea Party and others throughout Ohio, about 350,000 who have signed petitions, trying to overturn the Ohio Estate Tax. He asked if the Trustees have joined that effort. Mr. Berry replied no and they do not intend to.

Mr. Nemeth presented a copy of an article in the Dayton Daily News about \$2,500 being granted from Washington Township to CPOC. Mr. Berry replied that this amount was discussed; however, the Township is not allowed to contribute to the group unless it is a member of that group and the Township is not a member and does not intend to become one.

Mr. Berry expressed his hope that residents understand that, being a Township, the only source of revenue is from property tax. Any money received from the State of Ohio, whatever tax it is, the Township would like to make sure it receives its fair portion. Any efforts made or that will be made by Washington Township or the Ohio Township Association are to ensure that Washington Township residents do not have to pay more taxes or have reduced services. He added that the Township has a great task ahead if all funding from the State is withdrawn.

Mr. Nemeth expressed his opinion that there are certainly some opportunities to keep fiscal constraint without having to resort to higher taxes.

Concerning the Sunshine Law, Mr. Nemeth reported that Sunshine Law Week is next week. He wanted to make sure that the Township is aware of and is following Ohio's Open Meeting Act and the Ohio Attorney General's Sunshine Resource Manual. He indicated that they are seeing very advanced meeting notices for Washington Township on the internet. This is appreciated. He noted that Workshops are open to the public, too. He expressed his shock when he read in the Dayton Daily News about the Township giving \$2,500 to CPOC. When he read the 1/24/11 Trustee workshop minutes, he read, "Estate Taxes. There was an extensive discussion over the potential loss of estate taxes and the impact on the Township." He asked that more details be given in Workshops. They would like to know who said what and what were the pros and what were the cons and what were the concerns.

Mr. Berry responded that the township administrator was authorized at that meeting to contribute the money; but, upon further checking with the Township's legal counsel and further discussion in the workshop, the Trustees decided not to do so.

Mr. Paulson stated that he understood the feelings of the Liberty group. He has the same feelings about the estate tax. He added that the Trustees are all responsible and understand that they must live within their means. Whatever the State decides, the Trustees will respond accordingly. Sometimes that means cuts or being creative; but, according to Mr. Paulson, sometimes that makes us all better. He appreciated their comments and thanked them for coming.

Mr. Berry pointed out that things like leaf pick up and the equipment to do that are not allowed to come out of the amount that is received from property taxes. He asked where the money is going to come from if the State pulls their funding. He responded to his own question by saying that "we don't know."

Mr. Nemeth asked that the agenda be published in advance. He noticed today on the website that the agenda is there, but he believed it was for a meeting about two weeks ago. He also asked for a little bit more attention to more thorough notes.

Chuck Henthorn, 5456 Grantland Drive, indicated that he has lived in Washington Township for 17 years. He is retired from the Air Force. He thanked the Trustees for studying the possibility with CPOC and for turning it down. There have been a lot of discussions about it and there are a few of their members in attendance tonight. They are all very concerned about their local, county, state and federal governments.

Joanne Denman, 670 Deauville Drive, Dayton, Ohio, asked what the Township will not be able to do or will have a problem doing if they no longer receive the estate tax.

Ms. Lightle responded that the Township averages approximately a million dollars in estate tax collection annually. That is about thirty percent of the Township's General Fund. If the local government fund is completely eliminated, the percentage is approximately forty percent. The General Fund expenses include those from Hithergreen Senior Center. The Township makes an annual contribution to its operations and owns the building, which must be maintained. This costs the Township anywhere between \$80,000 to \$100,000 a year. Additionally, the Township does an annual contribution to the Historical Society. The Trustees would probably have to talk about both of these should the General Fund money be cut. She added that a lot of our administration, finance, development services, and IT charges come out of the General Fund. She referred to Mr. Berry's comment about leaf collection by saying that the Township is not allowed, according to the Ohio Revised Code, to have any charges to its Road and Bridge Fund relative to the equipment for leaf collection; therefore, the General Fund money is used to make those purchases, which was around \$70,000 last year. There are also various capital expenses that change periodically. Ms. Lightle summarized that the proposed change would cost the Township approximately \$150,000 to \$170,000 annually. There would have to be a cut in those services mentioned or the Trustees could choose additional millage to put on the ballot so that the residents could decide whether they wanted to pay more to keep those services.

Ms. Denman indicated that she would like to have the estate tax repealed, but she could see where the problem lies.

Mr. Berry stated that if the estate tax stays or goes, the Trustees would not be paid any more money; therefore, it is not a personal thing with them. They were elected to be fiscally responsible to the residents and still provide them services. He expressed his hope that they see how estate tax cutbacks are a real dilemma for them. Mrs. Young added that part of the dilemma is that it is so sudden. According to the legislation now on the table, it would occur in

2013, which hardly gives the Trustees a year to prepare for it. When the State decided in 2005 to repeal the personal property tangible tax, they gave them six years to prepare. Each year the Township received a little bit less. This year is the last year the Township will receive any personal property tangible tax. She added, to have this much revenue pulled out from under the Township, does not give them much time to prepare. That is really a big concern and that is something they really need to consider.

Roy Jones, Shadybrook Drive, asked if any consideration has been given to grandfathering the present RV owners that have been affected by the zoning change for parking RVs. Mr. Berry responded that this topic will be discussed in the zoning case that is to be presented. He indicated they would like to present the proposal first and then allow public comments about it.

Andy Kleinhenz, 7557 Yankee Street, asked how much money the Township employees receive when they retire and how much of their hospitalization is paid by the Township. He indicated his disturbance when he hears services have to be cut. He asked if the Township is prepared and if there is a reserve fund.

Ms. Lightle indicated that the Township's employees pay into various retirement systems, depending on their classification. The retirement system for a full-time firefighter would be the Ohio Police and Fire Fund. The retirement system for a secretary in the Township would be the Ohio Public Employees Retirement System. The Township is also paying social security for some of their fire employees. The Township's contribution is what the State mandates as the employer's contribution. Our employees pay the employees' contribution.

In terms of what is our reserve and are we prepared, Ms. Lightle responded that each year the Trustees approve a five-year financial plan. Most communities do a five-year financial plan for capital projects. The Township, however, is a little more unique in that we do a five-year plan not only for capital, but also for personnel and operating. Tweaks can be made to that plan as necessary. This plan has served the Township well because cuts from the State have been received and additional cuts are expected. Projections will be made and the Trustees will be required to make decisions with less revenue.

Mr. Kleinhenz asked how soon the Township will need more money. Mr. Berry replied that they do not yet know what the State cuts will be.

Mr. Paulson clarified that it will mean either increased tax receipts, cutting services or getting more creative with what we have now.

Mr. Berry added that there is no private plan, the Township just subscribes to the State programs for retirement.

ZONING CASE Z-440 G - HIFIVE DEVELOPMENT SERVICES, INC. - Request for approval of a minor modification to a Planned Development Business (PD-B) for the Holiday Inn Express development at 7701 Washington Village Drive.

This request is for changes to the sidewalk and sign components of the approved hotel located in the Washington Park development.

JoEllen Scott, Deputy Administrator, made a staff presentation. Her slide presentation included a current zoning map, aerial photographs, proposed site plans, building elevations, a proposed monument sign plan, a proposed landscape plan, a proposed sidewalk plan, and site photos.

Requested modifications include a reduction of the sidewalk width from six feet to four feet for the walkway along the north and west sides of the building and they would like to remove all of the approved sign plan elements. The applicant would prefer to use the standard sign regulations of the Township.

Blake Helms, HiFive Development Services, represented the applicant. With their original application, the Zoning Commission recognized their attempt to create a tie with the hotel and the Chop House. They noted that the sidewalk was four feet wide. They requested it to be six feet wide. The applicant agreed. Subsequently, it was interpreted to include the entire sidewalk along the back side of the hotel, which was not their understanding from the Zoning Commission meeting. They are requesting a reduction to four feet.

As a separate item, they are requesting to remove the sign package. When the signage was approved, they tried to make it work. They looked at the signage that was approved for the second story window. When they saw it in context with the existing street trees, they noted there was no way that the sign would work. It would not provide proper way finding for the hotel. Coming from the highway and approaching the hotel, the second story window location is completely blocked by trees until you are right up next to the hotel. One of the hardships they had to overcome with this project is, the front of the hotel had to be faced away from the approach. The reason they did this is because Holes Creek has a floodway that makes it impossible for them to turn the hotel in order to face oncoming traffic. The situation is that you have people visiting the site who see the back side of the hotel before they see the front. This makes it especially difficult for someone driving down the road to see where the hotel is located. The proposal is to evaluate the signage via Article XVI straight zoning and, subsequently, appeal for a variance. Mr. Helms showed a slide to indicate that a sign could be seen above the trees on the fourth story. He indicated two of three existing office buildings in the Washington Park subdivision have been allowed to have signage at the top. He believed that since precedent has been established, the hotel should be allowed higher signage.

Mrs. Young believed their concern was that the sidewalk between the hotel and the Chop House be wide enough. Mr. Helms agreed to maintain that and believed it was a fantastic idea.

Mr. Berry asked if the signage was allowed to be at the top, would it be lighted. Mr. Helms answered it would be. Where most of the people come to the office building during the day, most of the hotel's visitors come at night. The hotel needs taller signage and illumination because they are all new people coming.

Mr. Paulson asked if there is any data to support that hotels are found predominantly by signs and asked if this was the real reason for needing a taller sign. Mr. Helms responded that this is proper way finding. When hotels reach out to their guests...that whole experience of arriving at the hotel...they need an easy way to make a connection with that hotel and to find it.

Paul Ackermann, 358 Lightbeam Drive, stated that trees grow. He asked if putting a sign higher would solve the problem if the trees grow.

Bonnie Baker, Alex Bell Road, supported Mr. Helms and his idea of having a sign that is visible. As a limousine operator, you must be at a location at a very specific time and it could handicap you in trying to find the place if you really could not see a sign.

It was moved by Mrs. Young, seconded by Mr. Paulson, to approve the applicant's request to reduce the width of the sidewalk from six to four feet in Zoning Case Z-440 G.

Vote on Motion: Young, aye; Paulson, aye; Berry, aye. M2011-044

It was moved by Mr. Paulson, seconded by Mrs. Young, to approve Zoning Case Z-440 G for HiFive Development to be removed from the PUD requirements.

Vote on Motion: Paulson, aye; Young, aye; Berry, aye. M2011-045

ZONING CASE Z-696 B - WASHINGTON TOWNSHIP BOARD OF TRUSTEES, AMENDMENTS TO THE ZONING RESOLUTION

This request is for amendments to Articles 6, 7 and 13 of the Washington Township Zoning Resolution relating to the storage of recreational vehicles and utility trailers on residential property. The Township's Zoning Commission has reviewed these amendments, held their required public hearing and forwarded a recommendation for approval.

Deputy Administrator Jo Scott gave a staff report on this item. She indicated that the text amendments include language clarification. There is also a change limiting the storage or parking of just one recreational vehicle or one piece of recreational equipment on a lot. Screening requirements for RVs would be a solid evergreen that shall be equal to the highest point of the RV or any item on top of the RV or up to a maximum height of eight feet. An option of a solid six foot fence may be used to screen an RV that is eight feet or less in height. Concrete block and plywood may not be used for this purpose. The screen shall be no less than five feet longer than the recreational equipment or recreational vehicle being screened. There is also a provision for these vehicles to be stored on improved surfaces (which means a driveway) for routine maintenance for a period of 7 days at any one time—no more than 45 days per calendar year.

For utility trailers in residential districts, a trailer has to be screened from the adjacent property by a solid six foot hedge or solid fence. Specific materials used for a fence are specified. The screen shall be no less than five feet longer than the utility trailer, including the bumper, tongue or coupling. There are also provisions for maintaining the area around the trailer and requirements for tarps or other covers. Another amendment to the Zoning Resolution is the deletion of text from Article 13, which are a repeat of the provisions in Articles 6 and 7.

The Zoning Commission has forwarded their recommendation. They held several hearings. The last hearing was held in February. Their recommendation included a modification for the size of these vehicles to be allowed. That recommendation was presented to the Trustees at the Workshop last week. After deliberating, it was decided that those provisions will remain as is.

Mr. Paulson clarified, the main provisions that the Zoning Commission presented to the Trustees that were kept concerned the size requirement and the screening calculation for height.

Roy Jones, Shadybrook Drive, asked if any consideration has been given to grandfathering the present RV owners that have been affected by the zoning change for parking RVs. Mr. Berry responded that it had been discussed and received confirmation from Ms. Scott that the owners of the RVs would be required to comply when the changes take effect.

Mr. Jones indicated that most RVs are 12 feet high, so there is going to be 4 feet of RV above the screening. He asked what the screening would accomplish in this situation. Mr. Paulson replied that the intention was to provide a natural screening with the understanding that the natural screening would grow. If residents were asked to fully screen a 12 foot RV, it would be prohibitive for them to be able to do that. Mr. Berry added that it was not their attempt to hide

the vehicles, they wanted something more soft around it. He informed Mr. Jones that he would be surprised about the number of people who think they should be outlawed completely. Mr. Jones replied that, basically, they have outlawed them with the 15 foot side yard requirement. Mr. Paulson stated there has to be a balance between RV owners and non-RV owners. It is difficult to do that balance, but they felt this was the best balance they could accomplish. He added that there is an amazing amount of feelings on both sides of the aisle. Mr. Berry added that the Township checked with surrounding communities to find out what they do. There is one community that says that you can only have a twenty foot long RV.

Rachel Hoadley, 134 Virginia Avenue, Centerville, indicated she has lived next door to her neighbor for 37 years and they have always gotten along really great; but, he has a motor home and the City wants him to build a privacy fence just 20 feet off her patio. He is 75 years old and if he has a heart attack and falls out of the motor home, she won't be able to see him. She indicated that it is very upsetting for her to know that they want to put up a fence between her and her neighbor. She indicated that she is cleaning out her house because she sees the government becoming so oppressive that people don't want to live in Montgomery County anymore and she sees the property values going down. She hopes to sell her house before it gets to be \$7,000, which is the average selling price of a house in Detroit that is sold today.

Mr. Berry pointed out that the Trustees cannot address the City of Centerville's zoning ordinances, but they appreciated her comments.

Mr. Berry closed the public hearing.

It was moved by Mrs. Young, seconded by Mr. Paulson, to accept the recommendations of the Zoning Commission on Zoning Case Z-696 B for approval of amendments to Articles 6, 7 and 13 of the Washington Township Zoning Resolution relating to the storage of recreational vehicles and utility trailers on residential property with the modifications noted.

Vote on Motion: Young, aye; Paulson, aye; Berry, aye. M2011-046

Liquor Permit

Captain Osterfeld is in receipt of an application for a new liquor permit, number 6213044, for Mustard Seed Group LLC, DBA: Briosio Fresh Pasta, located at 1195 Miamisburg-Centerville Road in Washington Township. Captain Osterfeld has reviewed the application and sees no reason to object. No action taken.

CONSENT AGENDA

All matters under the Consent Agenda are considered by the Board of Trustees to be routine and will be enacted by one motion. Any Trustee may remove an item from the Consent Agenda by request. No second is required for removal of an item. Items removed for separate discussion will be considered after the motion to approve the Consent Agenda.

A. Meeting Minutes

- March 7 Pre-Meeting
- March 7 Regular Meeting
- March 10 Special Meeting
- March 14 Workshop

B. Finance – A motion approving the following:

- Check Register dated March 21, 2011, in the amount of \$534,026.63, said amount having been certified and appropriated.
- Rec Refund Check Register dated March 21, 2011, in the amount of \$215.00, said amount having been certified and appropriated.

Finance – A motion approving appropriation transfers attached as Exhibit A.

Finance – A motion to approve a Resolution declaring items to be surplus property, to be sold through GovDeals.

Finance – A motion approving the expenditure of approximately \$169,000 to the William G. Uhl Agency, to provide for Washington Township's risk insurance for a one-year period and approximately \$28,200 for the Township's public officials liability insurance, both commencing April 1, 2011, through March 31, 2012.

C. Fire – A motion to approve an Education Affiliation Agreement.

Fire – A motion to approve the purchase of a 2011 Ford Expedition for the Fire Marshal from State of Ohio Bid Contract RS900411-8, Index GDC093, from Statewide Ford in Van Wert, Ohio, for a total approximate cost of \$27,329.

Fire – A motion to approve the purchase of eight portable radios and four mobile radios, all with accessories, from Motorola for a total approximate cost of \$42,148.

Fire – A motion to approve the purchase of an Ethernet time service to synchronize our 800 radios to dispatch, along with accessories and programming services, from P & R Communications for a total approximate cost of \$3,125.

D. General – A motion approving an amendment to the current personnel policy and procedures manual regarding travel reimbursement, to go into effect immediately.

E. Public Works – A motion to purchase a Toro Mower, model #74296, from Centerville Gravely Sales for the total approximate cost of \$7,533.

Public Works – A motion approving entering into an agreement with the Greater Montgomery County Master Gardeners for the 2011 flower bed planting and maintenance for the total approximate cost of \$6,500.

Public Works – A motion approving payment to Montgomery County Engineer for fifty percent of the Austin Road Improvement Project for the total approximate cost of \$114,674.

Public Works – A motion approving going to bid for the Cranbrook Rehabilitation Project.

Public Works – A motion approving going to bid for the Transfer Site Project.

Public Works – A motion approving entering into an agreement with URS Engineering for the final plans of the Nutt Road Phase III project for the total approximate cost of \$76,502.

It was moved by Mr. Paulson, seconded by Mrs. Young, to approve all items on the Consent Agenda.

Vote on Motion: Paulson, aye; Young, aye; Berry, aye. M2011-047

DEPARTMENTAL BUSINESS

DEVELOPMENT SERVICES

The Township collects administrative fees in association with nuisance abatement action pursuant to Section 505.87 of the Ohio Revised Code. Staff has reviewed the existing administrative fees associated with that action and is recommending an increase from the current fee of \$25 to \$120.

It was moved by Mrs. Young, seconded by Mr. Paulson, that the Board of Trustees authorizes the collection of a \$120 administrative fee in association with nuisance abatement action taken by the Township.

Vote on Motion: Young, aye; Paulson, aye; Berry, aye. M2011-048

FIRE

The Fire Department needs to replace a medic unit. Staff has researched options and found Horton Emergency Vehicles to be the best source.

It was moved by Mr. Paulson, seconded by Mrs. Young, that the Board of Trustees approves the purchase of a medic unit from Horton Emergency Vehicles, Grove City, Ohio, through the State of Ohio Contract 7723300408, Index STS233X, for the total approximate cost of \$199,674.

Vote on Motion: Paulson, aye; Young, aye; Berry, aye. M2011-049

PUBLIC WORKS

Acceptance of Roadways

The Estates of Paragon, Sections 2 and 3, are ready for public use and maintenance. This subdivision has been inspected and meets the requirements for dedicated streets. The streets to be accepted are:

Paragon Mills Lane	1,363	Lin ft.
Heartland Trace	506	Lin ft.
Roselake Drive	205	Lin ft.
Abercorn Court	205	Lin ft.
Cathedral Court	140	Lin ft.

It was moved by Mrs. Young, seconded by Mr. Paulson, that the Board accepts for public use and maintenance the streets in The Estates of Paragon, Sections 2 and 3.

Vote on Motion: Young, aye; Paulson, aye; Berry, aye. M2011-050

It was moved by Mr. Paulson, seconded by Mrs. Young, that the Board establishes the speed limit for The Estates of Paragon, Sections 2 and 3, at 25 miles per hour and authorizes the placement of signage in accordance with the Ohio Manual of Uniform Traffic Control Devices.

Vote on Motion: Paulson, aye; Young, aye; Berry, aye. M2011-051

ADDENDUMS

ED/GE

The Montgomery County ED/GE program allocates dollars from sales tax revenue for economic development projects within the county. Participating jurisdictions may apply for these funds twice a year. As a participating jurisdiction, Washington Township has identified a project that could benefit from an award of these funds.

It was moved by Mr. Paulson, seconded by Mr. Berry, that the Board of Trustees supports an application to Montgomery County Commission for ED/GE funds for an economic development project in Washington Township and authorizes the township administrator to submit the subject application on behalf of the Township.

Vote on Motion: Paulson, aye; Berry, aye; Young, aye. M2011-052

Resolution

A resolution is requested to declare a moratorium on the issuance of a zoning certificate for an internet sweepstakes establishment use until September 1, 2011, dispensing with a second reading and declaring an emergency.

Ms. Lightle indicated the Trustees have discussed this issue in a Workshop. The declaration follows what other jurisdictions in the region have done. It is hoped that the State of Ohio will be regulating these at some level. This resolution gives the State more time to act on any regulations that may come forth from them.

President Berry asked for a motion to read the Resolution by title only.

It was moved by Mrs. Young, seconded by Mr. Paulson, to read the resolution by title only.

Vote on Motion: Young, aye; Paulson, aye; Berry, aye. M2011-053

**Roll Call: Berry, aye;
Paulson, aye;
Young, aye.**

RESOLUTION TO DECLARE A MORATORIUM ON THE ISSUANCE OF A ZONING CERTIFICATE FOR AN "INTERNET SWEEPSTAKES ESTABLISHMENT" USE UNTIL SEPTEMBER 1, 2011, DISPENSING WITH THE SECOND READING, AND DECLARING AN EMERGENCY

President Berry asked for a motion to pass the Resolution on for the second and final reading.

It was moved by Mr. Paulson, seconded by Mrs. Young, to pass the Resolution on for the second and final reading.

Vote on Motion: Paulson, aye; Young, aye; Berry, aye. M2011-054

**Roll Call: Berry, aye;
Paulson, aye;
Young, aye.**

President Berry asked for a motion to suspend the reading of the Resolution on two separate days.

It was moved by Mrs. Young, seconded by Mr. Paulson, to suspend the reading of the Resolution on two separate days.

Vote on Motion: Young, aye; Paulson, aye; Berry, aye. M2011-055

**Roll Call: Berry, aye;
Paulson, aye;
Young, aye.**

President Berry asked for a motion to read the Resolution for the second and final time by title only.

It was moved by Mr. Paulson, seconded by Mrs. Young, to read the Resolution the second and final time by title only.

Vote on Motion: Paulson, aye; Young, aye; Berry, aye. M2011-056

**Roll Call: Berry, aye;
Paulson, aye;
Young, aye.**

RESOLUTION TO DECLARE A MORATORIUM ON THE ISSUANCE OF A ZONING CERTIFICATE FOR AN "INTERNET SWEEPSTAKES ESTABLISHMENT" USE UNTIL SEPTEMBER 1, 2011, DISPENSING WITH THE SECOND READING, AND DECLARING AN EMERGENCY

It was moved by Mrs. Young, seconded by Mr. Paulson to adopt Resolution HR2011-002 in its entirety as follows:

HR2011-002

RESOLUTION TO DECLARE A MORATORIUM ON THE ISSUANCE OF A ZONING CERTIFICATE FOR AN "INTERNET SWEEPSTAKES ESTABLISHMENT" USE UNTIL SEPTEMBER 1, 2011, DISPENSING WITH THE SECOND READING, AND DECLARING AN EMERGENCY

RESOLVED by the Board of Trustees of Washington Township, Montgomery County, Ohio, that

WHEREAS, internet sweepstakes establishments have become business enterprises within the State of Ohio;

WHEREAS, an "internet sweepstakes establishment" promotes the sale of prepaid internet time cards or phone cards to retail customers in varying amounts for use at its business location which entitle each cardholder to participate in sweepstakes directly in proportion to the amount of the card purchased;

WHEREAS, the sweepstakes system allows a customer to use the phone card at a game terminal to browse the internet or participate in games which reveal sweepstakes entries;

WHEREAS, the game server or phone card randomly selects sweepstakes entries permitting users to select prizes or prize values from a pool of finite sweepstakes entries;

WHEREAS, law enforcement authorities in the State of Ohio are investigating whether the computer game terminals involve a game of chance (gambling) or a skill-based amusement device, which is not gambling;

WHEREAS, at least one court in Ohio has determined that the computer game terminals involve a game of chance;

WHEREAS, Ohio law prohibits the operation of a facility which provides games of chance conducted for profit or any scheme of chance;

WHEREAS, the law excludes a "skill-based amusement machine, or a pool not conducted for profit" from the definition of a game of chance;

WHEREAS, the prize awarded may make an otherwise legal gambling operation a violation of the law if the prize awarded is cash or a cash equivalent or the prize is not redeemable at the internet establishment; and

WHEREAS, the Board of Trustees is also concerned about the proper regulation of internet sweepstakes establishments as a permitted or conditional use, its classification as a retail/service or entertainment/recreational use; parking issues depending upon the number of terminals at each location; traffic circulation issues where several internet establishments are located within close proximity; setbacks from residential uses, schools and other similar uses; and whether licensing of an internet establishment operation is advisable to inspect for gambling.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Washington Township:

Section 1: The issuance of a zoning certificate for a permitted or conditional use to operate an internet sweepstakes establishment is suspended until September 1, 2011.

Section 2: The Board of Trustees direct the Development Service Department to investigate and review such business enterprises; and if regulation is recommended the Law Director and the Development Service Department are directed to prepare legislation/zoning amendments regulating or prohibiting the operation of internet sweepstakes establishments in coordination with the Purpose and Spirit and Intent of the Washington Township Zoning Resolution and Washington Township Comprehensive Plan.

- Section 3: Until September 1, 2011, or such other date as may be determined by the Board of Trustees, the Development Service Department, Zoning Inspector and any Assistant Zoning Inspectors shall not issue a zoning certificate for the operation of an internet establishment but shall hold such applications for later consideration after this moratorium expires.
- Section 4: This resolution constitutes an emergency measure necessary for the immediate preservation of the public health, safety and general welfare, and for the further reason that the Board desires to prevent the proliferation of internet establishments within the unincorporated territory of the Township until the effect of this business enterprise on Washington Township is reviewed, and for these reasons, this resolution shall be effective upon its passage per Ohio Revised Code Section 504.11.
- Section 5: That this Resolution take effect at the earliest time as may be permitted by law.
- Section 6: It has been determined that all formal actions of the Board of Trustees of Washington Township concerning the adoption of this Resolution were adopted in an open meeting of the Board of Trustees of Washington Township and that all deliberations of the Board of Trustees of Washington Township which resulted in formal action were in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Vote on Motion: Young, aye; Paulson, aye; Berry, aye. HR2011-002

**Roll Call: Berry, aye;
Paulson, aye;
Young, aye.**

TOWNSHIP ADMINISTRATOR'S REPORT

Ms. Lightle announced that tonight is the Spring registration for classes at the Rec Center. Anyone interested in signing up for classes are encouraged to sign up. There are lots of classes this Spring.

Residents who have been traveling in the southern portion of the Township are well aware that Nutt Road is closed. The Township apologizes for that inconvenience, but that roadway improvement will be continuing for the next several months and the Township appreciates their residents' patience.

TRUSTEE COMMENTS

Mr. Paulson thanked all of the residents that came out and showed their support for what the Trustees do.

Mr. Paulson reported that Pinkalicious was a great performance. His daughter enjoyed it. He thanked Town Hall Theatre. He added that if you haven't been to the Town Hall Theatre, it is a great thing that the Township supports and there are some amazing young actors and actresses and sometimes actresses playing actors. It was a wonderful event and his thanks went out to staff. Mr. Paice added that during the first weekend there were two sellout performances. He reported that this has proven to be one of the more popular performances.

Mrs. Young joined Mr. Paulson in thanking everyone for coming out tonight.

Mr. Berry encouraged everyone to come to future meetings even if they do not see anything on the agenda that was of particular interest to them. The Trustees appreciate input from their residents.

ADJOURNMENT: 8:50 P.M.

All formal actions of the Board of Trustees of Washington Township concerning and relating to the adoption of resolutions and/or motions passed at this meeting were adopted in an open meeting; and of any of its committees resulting in such formal action, were in meetings open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.

President

Fiscal Officer