



**Bethel Township Board of Trustees
September 23, 2021
Workshop Meeting**

Admin:

1: Work session with Chris Englert from the Miami County Prosecutor's Office.

Also, in attendance was Charlotte Colley, Commissioners Administrator.

Chris Englert gave a brief overview of what to expect and what is coming up in the annexation process. The petition that was filed is an expedited Type 2 annexation of 233 acres into Huber Heights. This allows under ORC section 709.033. This type of annexation allows for a pretty speedy process. There is very little a Township can do about it. Within 45 days the Miami County Board of Commissioners must approve unless one of seven conditions are NOT met.

Once again in my opinion if all the conditions are met the Township has nothing they can do if these conditions are met.

1. Notices to political subdivisions and certain property owners must be sent by the agent for the petitioners. ORC 709.023 (B).
2. Under this procedure the problem of land uses incompatible to the property adjacent to the area to be annexed which remains in the township(s) is addressed, provided the territory to be annexed was subject to zoning at the time the petition was filed. Provisions are included for zoning "buffers" to be imposed by a municipality upon the owner of the land to protect adjacent property remaining in the township(s).
3. The township(s) and municipality may consent or object to the proposed annexation on the basis that one or more of the statutory conditions for an Expedited Type 2 5 Annexation (which are outlined below in provision F) have not been met. ORC 709.023 (D).
4. If both the township(s) and municipality consent to the annexation, the commissioners must adopt a resolution granting the petition at their next regular session. ORC 709.023 (D).
5. If either the township(s) or municipality objects to the annexation, the commissioners must "review" the petition and grant or deny the petition not less than 30 nor more than 45 days after filing. Please note: this is not a hearing. ORC 709.023 (E).
6. The commissioners must grant the petition if the following conditions have been met. ORC 709.023 (E) (1) through (7).
 - a. The petition meets all of the technical requirements.
 - b. The petition was properly filed.
 - c. The persons who signed the petition are owners of property in the area proposed to be annexed.
 - d. The petition contains the signatures of all of the property owners in the area proposed to be annexed.
 - e. The area proposed to be annexed does not exceed 500 acres.
 - f. The territory proposed to be annexed shares a common boundary with the municipality for a continuous length of at least 5% of the perimeter of the territory proposed to be annexed.
 - g. The annexation will not create an unincorporated area of the township(s) that is completely surrounded by the area proposed to be annexed.
 - h. The municipality has agreed to provide the area proposed to be annexed the services specified in the municipal services statement.

i. If a street or highway will be divided by the boundary between the municipality and township(s) so as to create a road maintenance problem, the municipality has agreed, as a condition for annexation, to assume road maintenance responsibility or to otherwise correct the problem.

7. There is no appeal from an Expedited Type 2 Annexation. Any party may, however, seek a writ of mandamus to compel the board to perform its duties under this special procedure. ORC 709.023 (G).

The Township can file and objection to petition, but only if one of these 7 conditions are met. However, if The Miami County Board of Commissioners find that all conditions are met there only legal choice is to accept.

Trustee Vanhaaren stated that there was no prior agreement before petition. We never discussed an agreement with Huber Heights.

Mr. Englert clarified the definitions of Unincorporated and Incorporated areas of the Township.

Trustee Don Black what would this annexation do to the school district lines.

Trustee Vanhaaren said that annexations do not change school district lines. That is another process between the state and both school districts involved.

Trustee Wright then asked Mr. Englert if he was willing to take questions from the audience or should we go directly into executive session?

Mr. Englert said that would depend on the question whether he could answer or not. He can answer general question, cannot give legal advice.

Resident Julie Reese. Asked for clarification, we talk about becoming a city and we do not have enough residents, could we use those residents to be part of our 5000 residents.

The Trustees and Mr. Englert responded that you can not be a resident of two cities at a time.

Resident Kama Dick asked why we could not be a Village.

Trustee Vanhaaren replied with the ORC definition of a how you can become a Village and we do not meet those criteria. We did look a few years ago at this possibility but realized that we do not meet the density.

Resident Kama Dick also stated that while she was on the school board she wanted school district lines to change. She thinks the time is to revisit this. She is wondering why we as a township, has not asked the school district to please, please file to redistrict the school lines.

Trustee Vanhaaren understands her frustration, we are frustrated also.

Motion to enter into executive session, for the purposes of consulting with our attorney in legal matters dealing with annexation, petition filed by Miami County Commission, by Trustee Vanhaaren, seconded by Trustee Black

THE VOTE BEING TAKEN AS FOLLOWS:

Mrs. Vanhaaren	Yes
Mrs. Black	Yes
Mrs. Wright	Yes

Entered executive session at 9:10

Exited executive session at 9:30

Adjourned at 9:31

