

**These minutes were not approved—they were not transcribed within one Trustee’s term of service and second Trustee was absent, therefore when presented for approval they could not be voted on.**

**RECORD OF PROCEEDINGS**

**MINUTES OF THE  
XENIA TOWNSHIP TRUSTEES:**

**EMERGENCY MEETING  
MARCH 13, 2013 5:00PM.**

Note: These minutes are a summary of the discussion and are not a word for word account of the discussions. The proceedings were electronically recorded. The meeting place was the Xenia Township Office, 8 Brush Row Road, Xenia, Ohio.

PRESENT: Jim Reed, Chairman; Amy Lewis, Trustee; Barbara Miller, Fiscal Officer; Alan Stock, Administrator.

Meeting was called to order at 5:00 P.M. All participated in the Pledge of Allegiance. This was an Emergency Trustees Meeting advertised on the Xenia Township website within 24 hours of scheduling this meeting.

**FISCAL OFFICER:**

Approval of payroll in the amount of \$50,290.67. Motion was made by Mrs. Lewis, seconded by Mr. Reed. Motion PASSED by a roll call vote of 2-0. Mr. Miller was absent.

**RESOLUTION NO. 2013-77**

Approval of bills in the amount of \$160,698.74. Motion was made by Mrs. Lewis, seconded by Mr. Reed. Motion PASSED by a roll call vote of 2-0. Mr. Miller was absent.

**RESOLUTION NO. 2013-78**

Approval to pay Dayton Door Sales \$70.00. Motion was made by Mrs. Lewis, seconded by Mr. Reed. Motion PASSED by a roll call vote of 2-0. Mr. Miller was absent.

**RESOLUTION NO. 2013-79**

Approval to reimburse Lester Jones \$9.90, Anthem Ins. \$71.58, United Healthcare \$60.66, State Farm \$334.50, State Farm \$150.80 for overpayment of EMS billing. Motion was made by Mrs. Lewis, seconded by Mr. Reed. Motion PASSED by a roll call vote of 2-0. Mr. Miller was absent.

**RESOLUTION NO. 2013-80**

The Fiscal Officer discussed our membership in Greene County Regional Planning and membership in Miami Valley Regional Planning. We will continue to be members of Greene County Regional Planning only.

**TOWNSHIP ADMINISTRATOR:**

Mr. Stock discussed a request from David Shuey for dental insurance. The cost of this insurance would be \$65.50 each month. Mr. Shuey had given up insurance benefits in favor of a larger salary in his contract negotiations. The Trustees will review this request. The issue was tabled for now.

**JEDD:**

Mr. Stock gave an update regarding the JEDD negotiations. He stated that the lawyer believes creating a small JEDD with the possibility for expansion later would be the best plan. The attorney stated that if there was an appearance of conflict of interest with one of the Trustees and the City of Xenia Law Director, the other Trustees would be able to resolve the issue. The attorney believes that current negotiated amounts are fair. The attorney also believes that it is better not to force entities to join the JEDD. Perhaps incentives to encourage other to join would be a better plan. Mr. Stock stated that the attorney said it was important to protect water from future annexation.

Mr. Stock spoke about the fee that the attorney for the JEDD would expect. The attorney fee is \$225 per hour. The charge for any paralegal work that is done would be \$125 per hour. The total cost could be \$5,000.00 to \$20,000.00. However, it could go as high as \$30,000.00.

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The timeline for completion is 4 to 5 months. Some of the cost could be shared with the JEDD board.

Mr. Reed stated he would like to see a fee schedule in order to avoid surprises. He would like to be sure of the price billed for short consultations and conversations. There was a discussion of the possible cost involved. He also questions fees of the attorney since it is impossible to predict how many hours it will take to complete the JEDD agreement.

Mr. Stock will ask Stephanie Hayden to review the bylaws of the Tecumseh JEDD. Ms. Hayden has received all the information up to this date. She has been kept informed of everything so far. Since Ms. Hayden is not a specialist in the area of JEDD agreements, she will review the information but recommends that an attorney who is a specialist in JEDD agreements be hired for this agreement.

Mr. Reed questioned the ethical issue of Mrs. Lewis being involved in the JEDD. He stated that her husband is the Law Director for the City of Xenia. Mr. Reed believes this is a conflict of interest. He believes the issue is being pushed through by the Trustees. He believes the Township has been negotiating from a position of weakness.

Mrs. Lewis stated it does not look good for the Trustees to sit on an issue for such a long time. She further stated she has spoken with Stephanie Hayden of the Prosecutors Office regarding any possible ethics violations. She stated there have been no votes so far.

Mr. Reed stated that Jim Percival from the City of Xenia has stated that if the Township does not partner with the city, he will do whatever he can to pull water, sewer, fire and EMS support from the area.

Mr. Miller stated the Township has the right to go with any entity that they choose. The City of Xenia is the best partner at the present time.

Mr. Stock stated that the negotiated percentages would be a 65%, 25% plus 10% to the JEDD board split. After 5 years the JEDD Board would receive only 5%. He discussed the amount of revenue each partner would receive. Mr. Stock spoke to a representative from Yellow Springs. Yellow Springs is not interested in coming on board. They believe they could not offer any public services. In response to concerns from Township residents, Mr. Stock clarified the areas to be included in the JEDD. It will only include Central State University, Wilberforce University, Payne Theological Seminary and perhaps Speedway. Agricultural properties cannot be included in a JEDD agreement.

Mrs. Lewis introduced her husband. He is the law director for the City of Xenia. He stated that both he and Mrs. Lewis have acted ethically regarding the JEDD.

Mrs. Lewis closed the discussion of the JEDD.

**TRUSTEES' BUSINESS:**

There was a discussion of financial accountability. Mr. Miller asked about the deferred comp payments that were late. The Fiscal Officer stated that all payments are caught up as far as she knows. She is in the process of trying to resolve the problem with generating correct reports for Ohio Police and Fire.

Mr. Miller made a motion to reschedule the March 21, 2013 meeting to March 26, 2013, seconded by Mrs. Lewis. Motion PASSED by a roll call vote of 3-0.

**RESOLUTION NO. 2013-81**

Mrs. Lewis opened the floor to questions from Township residents in attendance.

Linda Murphy stated she has a farm in the Township. She is not sure that the Trustees know what the Township residents want or who they are. She asked if any resident has requested a

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JEDD. She does not believe that most Township residents want it. She is opposed to the agreement.

Betty Atwater is a lifelong resident of Wilberforce. She would like to know where the representatives from Central State and Wilberforce are. She said residents would like more information about the JEDD. She feels that many residents are not aware of the agreement at all.

Dan O'Callahan has requested public records from the City and the Township. He read a memo from Brent Merriman from the City of Xenia. He believes that Xenia plans to go ahead with annexation with or without the Township.

Mr. Miller spoke to clarify the JEDD. He stated that the amount of money received is based on the tax rate of whoever we were to partner with. That is the reason why the City of Xenia was approached. If we were to partner with anyone else, the revenue amounts would be different.

Jane Harbison asked if the money generated by JEDD is from an income tax on the employees of Central State, Wilberforce University and Payne Seminary. She was informed that was correct. She questioned how this will benefit the residents of that community.

Mrs. Lewis explained who could be a member of the JEDD Board and how they would be selected.

Tom Sears stated he would like to see the Trustees work together. The Trustees work for the Township residents and should put their personal issues behind them and deal with the business at hand.

Dan O'Callahan added that he has seen no documentation supporting a small JEDD. He would like to see the appropriate documentation.

Isabelle Donahey had many questions regarding what the city could annex.

Mr. Miller explained the method that would be required for any annexation. The ORC would need to be followed. He mentioned some sources of information regarding the annexation process.

There being no further business, Motion to adjourn was made by Mrs. Lewis, seconded by Mr. Reed. Meeting adjourned at 6:25 pm.

**XENIA TOWNSHIP BOARD OF TRUSTEES**

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Resolution Number

\_\_\_\_\_  
Jim Reed, Chair

\_\_\_\_\_  
Date Approved

\_\_\_\_\_  
Amy Lewis, Trustee

\_\_\_\_\_  
Absent

\_\_\_\_\_  
Scott Miller, Trustee

ATTEST:

\_\_\_\_\_  
Barbara Miller, Fiscal Officer