

RECORD OF PROCEEDINGS

**MINUTES OF THE XENIA TOWNSHIP TRUSTEES:
HELD ON: OCTOBER 27, 2011**

**REGULAR MEETING
4:00 pm**

NOTE: These minutes are a summary of the meeting and are not a word for word account of the discussion. The proceedings were electronically recorded on tape, but limited by the quality of the recording equipment. The meeting place was the Xenia Township Office, 8 Brush Row Road, Xenia, Ohio. This was a regularly scheduled meeting on a date established during the reorganization meeting. No additional notices were given.

Chairman Scott Miller called the meeting to order at 4:04 pm. All participated in the Pledge of Allegiance.

PRESENT: Amy Lewis, Trustee; Scott Miller, Trustee; Jim Reed, Trustee; John Faulkner, Fiscal Officer; Rhonda Painter, Zoning Administrator; David Shuey, Public Works Superintendent; and Chief Meyers

GUESTS: Dennis Painter, Thom Sears, Carrie Smith, Greg Beegle

PUBLIC COMMENT ON ACTION ITEMS:

Thom Sears talked about the events of the Zanesville incident and the escape of exotic animals. He was contacted and attended a meeting about wild animals and how to control them. He runs a USDA facility but he does not have carnivores or primates and is a capture specialist. Mr. Sears discussed the contracts that he has with different places to help capture animals if they escape. Mr. Sears has met with Sheriff Fisher. They may start charging a license fee in order to subsidize the capture and inspection expenses. Sears said that Hole-in-the Wall, LLC will be available in the event of an exotic animal escape, and he will have to charge a minimal fee for the service.

MINUTES:

Regular Meeting—August 25: Reed moved to approve the minutes. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

Work Session—September 14: Minutes not ready and were tabled.

Special Meeting—October 11: Minutes not ready and were tabled.

Regular Meeting—October 13: Lewis moved to approve the minutes. Miller seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

Work Session—October 19: Minutes are not ready and were tabled.

FISCAL OFFICER/FINANCE: John Faulkner

Bills and payroll from October 1 through October 26 bills \$127,497.88 and payroll \$51,871.04. Miller moved to approve. Lewis seconded. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-169.**

Faulkner asked for approval of a Then and Now PO to Jurgenson for \$593.24. The amount originally allocated was not enough for extra repairs needed done on Enon and Hedges Roads. Lewis moved to approve. Miller seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-170.**

Faulkner asked for approval of a Then and Now PO to WW Williams for \$2458.20. The amount is less than the original amount for an electronic engine shift for Engine 52. Lewis moved to approve the motion. Miller seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-171.**

In August Midwest came and gave a quote for extended coverage for computer warranty coverage for years 4 and 5. This is an OEM warranty the same as years 1-3. The server is the more expensive item that this warranty covers. Reed asked how often they are here. Faulkner said they come once a month. Lewis asked when they were planning on replacing the equipment and if it covers the eight computers and one server. The Board discussed how often they need the company to do work on the computer. Shuey said he can't speak about the warranty coverage but he thinks it is an asset to have Midwest available. Faulkner explained to Reed that the warranty form does not give any details on the warranty coverage just lists the computers and servers. There was no decision made and the matter was tabled.

Faulkner asked the Trustees about the Firefighter tuition reimbursement contract. There are some who have not completed the courses and Faulkner asked for action by Trustees to get reimbursed. There are three that have not completed the course and two more have completed the course but have not taken the test, and all five are currently employed. Faulkner asked for some guidance for recovering the funds. They have been notified about the need for completion of the course or they need to reimburse the Township. Reed asked if any of them said they would take the test, this was not known. The Fire Department has the contract for the employees. Reed suggested discussing in executive session and Lewis suggested having a copy of the contract.

Annual Report of Township Roads for 2011 has been prepared by Shuey. Faulkner said that this needs to be approved and signed by the Trustees and reported to the Auditor. Shuey said they have changed a bit because they are now using GIS and there are some roads that existed on paper but not in reality. Some of those things have been cleaned up. Lewis suggested approving at next meeting so they have time to review the report. There was a discussion about Boyd Road. The Report was tabled until the next meeting.

ROAD DEPARTMENT: David Shuey

Woodland and Lamplighter Right-of-Way Work Order--this was discussed at the work session with Stephanie Hayden from the Prosecutors Office. She is looking into the issue but is not here tonight. Reed spoke to Bob Geyer and he said that under no circumstances are you required to maintain a private driveway. Reed said that Geyer gave him the ORC number that says Geyer has final say on the Right-of-Way. The issue was tabled until they hear from Stephanie Hayden.

Shuey has asked the road guys to review the lights in the lighting district there are about 100 +/- . The found that some pole numbers don't match and there are about 30 lights that are out. The lighting company has been notified to repair them.

ZONING DEPARTMENT: Rhonda Painter

The following permits have been issued since October 13:

- 1628 Union Road, William Frizzell, addition to house

Zoning Commission

The Zoning Commission made changes to the Zoning Resolution section 600.6 (fees), 700.4 (fees), 20.161 (definition of tent) and 511 (temporary uses). Some of these changes came from the Kil-Kare case. The ZC clarified the definition of tents. There is a public hearing on November 17 at 6:00 pm for the text amendments.

On October 20 businesses in the Well Field Protection District were inspected and there were no violations or hazards found.

Painter attended a hearing for the Kil-Kare/CruiseFest case on October 24. A trial is scheduled for November 7 because they did not accept their requests that (1) CruiseFest not come back; and (2) they reimburse Xenia Township for costs associated with the weekend.

Painter just received a request for rezoning of 84.7 acres on Dayton-Xenia Road from A to M-3 from Martin Marietta. No hearing date has been set yet.

Reed wanted to clarify how the Zoning Commission was able to make a text amendment without a resolution by the Trustees or initiated by a resident. Reed had concerns that the Zoning Inspector can tell the Zoning Commission to change the text. There was a long discussion about text amendments and initiation. Reed was also concerned that if a resident initiates a text change, they must pay. Painter explained that if one resident wants to change the text to change text, township tax payers should not have the burden of paying for the public hearings for that one person. Reed was concerned because he did not see in the ORC where the Zoning Inspector could initiate text. Faulkner explained that the Zoning Inspector is not specifically called out because not all Townships have a Zoning Inspector. Reed said the ORC is specifically for Townships and it is not in there. He thinks that the Zoning Inspector has more power than the Trustees. Painter explained that she does not have the power. Carrie Smith stated that as a Zoning Inspector for Spring Valley Township we are the communicators for the Zoning Commission and a Zoning Inspector can bring to the attention of the Zoning Commission problems or discrepancies in the Zoning Resolution but it is up to the Zoning Commission if they want to make a change or not.

Thom Sears wondered if Kil-Kare is refusing to pay for the Fire Department and Sheriff. Lewis said that the amount was put out there as a possible plea bargaining, and it was refused and that is why they are going to trial. She stated that this information is public knowledge.

FIRE DEPARTMENT: Daryl Meyers

Meyers requested a PO to Breathing Air Systems for compressor maintenance. This is an annual inspection and the cost is \$714, which is the same as last year. They bill a year ahead so this is a contract for 2012. Reed asked if this inspection is for the compressor they want to replace. Meyers explained that a new compressor would not affect anything and they would just extend the inspection contract for when the warranty expires on a new compressor. Lewis asked if it would be after next August when a new compressor is purchased. Meyers said it could be after next August. Reed suggested using the City compressor. Miller moved to approve the PO. Reed seconded the motion and asked the Chief if using the City compressor was a possibility. Chief said that all other Fire Departments have their own compressor and he thinks that Xenia Township needs their own. It would be inconvenient to call the City in the middle of the night to use their compressor. Reed questioned the practicality of having that unit if it is not utilized. Miller moved to approve the maintenance inspection. Reed seconded the motion. Roll call: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-172.**

Meyers requested a PO to Vogelpohl Fire Equipment for tools for the RIT bags. He would like to have a small tool that is a hammer, pry bar, and ax all in one multi use tool for these bags. This is a small tool that firefighters can use when they can't use the large tools. Lewis asked if they have any comparable tool to this today. Chief Meyers said they do not. He would like to purchase four of them for a total cost of \$705. Reed moved to approve the purchase. Lewis seconded. Roll call: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-174.**

Meyers requested a PO to Phoenix Safety Outfitters in the amount of \$20,000 for fire gear. The money has already been allocated for the year for this rotating purchase. Reed would like to have more information. Meyers said that there are 18 sets of fire gear that are expired and are 10 years old. Reed asked if they are tailor made or off-the-shelf gear. Meyers said they are done by size with additions in length for coats and pants. This will replace about 10 sets (one set costs about \$1670), the rest is for helmets and gloves. Reed would be more comfortable with more information and is concerned that the new gear is going to people who are not participating. Meyers said people that are not participating are not getting the new gear. No decision was made and it was tabled until the next meeting.

Meyers said that he was asked by Reed for the section of the ORC regarding legal terminology for fire alarm actuations. Chief Meyers said there is no language in the ORC regarding this. This was brought up due to the many false alarms that the Township has been responding to at a university in the Township. Reed asked what constitutes a false alarm. Meyers explained if a smoke detector goes off because of a candle that is not a false alarm because the alarm was working the way it is designed to. If they are utilizing their hairdryer and the heat causes the alarm to go off, that is not a false alarm either. If someone pulls a fire alarm and there is no fire,

that is a false alarm. Meyers said that this is a new residential building. Miller asked about the false alarms and if there is a pattern to the alarms going off. He also asked if the staff is trying to address the issue. The students were told by the Student RA that the next one who was using aerosol cans would be referred to the Dean of Students. The Board and Meyers discussed responding to these calls. They will discuss the false alarm problem and the possibility of issuing a false alarm fine. The Board will discuss this further at a work session.

Reed asked about the vehicle boring tool and asked about the latest equipment for the blades. Reed talked to some who went to a seminar, Meyers was not aware of the latest equipment.

TRUSTEES OLD BUSINESS:

Lewis talked about the consultant company's call and the letter that went out. A letter has been emailed to all employees except one who does not have an email address, and that person received a hard copy. Each employee must call and schedule an appointment with the consultant.

Greg Beegle had some questions about the letter and he wondered if it is required and if so, will they be compensated? Reed said that it is his understanding that they will be compensated. Beegle asked if they can do the interview by phone. Lewis said the preference is a one on one interview but it will be left up to the individual and consultant. Reed said that if they have any questions they can call Stephanie Hayden at the Prosecutors Office. Meyers said he got a phone call about three and a half weeks ago from Stephanie Hayden and she wondered where he and his people were. Meyers did not know anything about it and he was concerned that he has been left out of the process. Reed said that was a miscommunication. Faulkner asked about the compensation of the interview and if there would be a mileage reimbursement for the travel? Reed said he is fine with compensating people for an hour of time but not mileage. Thom Sears said that as a citizen if the prosecutor sends a letter and wants to meet with him, he would call and go and would not expect to be paid. Lewis suggested compensating people at an hourly rate and if it goes over they should bring it to the Trustees attention. There are some employees who are paid per call. Beegle suggested that they be paid for 2 points. Reed moved that one hour for compensation and those who have far to travel can have phone and point system paid by one point. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-175.**

Faulkner would like this tied down as quickly as possible due to travel costs. Reed said that they will look into the possibility of a phone interview.

TRUSTEES NEW BUSINESS:

Union Road property: Shuey asked about putting in a gravel pull-off on the property, he would like to do this before it snows. Reed suggested that they discuss a couple of things due to some legal issues. Shuey just wants to do some cosmetic things such as clearing the property so it can be walked on and looked at. Miller said to ask the City about a driveway. The Board will discuss in Executive Session.

Date for the second meeting in November: Changed to Tuesday November 22 at 4:00 pm.

Going Places Resolution: Reed said they are asking for a resolution and asked John to expand on this since he is on the Committee. Faulkner said they are asking for direction from those folks who met with the board. Alan Anderson, Commissioner, has given an example of a resolution to adopt the vision of Going Places. Reed explained there were questions that were talked about at the meeting. Faulkner explained the map and how they gave the maps out and asked for everyone to place dots on the maps. There was discussion about how many votes and Faulkner said that larger cities will have more votes. For example, Xenia has one vote and Dayton has five votes. Faulkner stated that MVRPC helped pay for the new Xenia sign just put up and will help pay for making a tunnel under the highway for the bike path. MVRPC is bringing together all the communities and their land use plans. Faulkner said the plan is going to happen but it may not happen exactly as described. Reed placed the information in the read file for everyone to look at. MVRPC would like a resolution by the end of the year.

UPCOMING MEETING DATES:

November 1, Tuesday , 6:30 pm	Greene County Township Assoc, Xenia Twp
November 9, Wednesday, 6:00 pm	Trustees Public Hearing—CEMEX, CSU, Robeson
November 10, Thursday, 7:00 pm	Trustees Meeting
November 16, Wednesday, 4:00 pm	Work Session
February 25, 2012, Saturday	Chamber Awards Dinner

COMMITTEE REPORTS:

Miami Valley Regional Planning	In read file
Greene Co Regional Planning Committee:	No report
District Advisory Council of Health Dist:	No report
Water & Wastewater Advisory Committee:	No report
Source Water (1-2 per year):	November 15, 7:00 pm
Safety Council:	November 2—Emergency First Aid
Chamber of Commerce:	Member benefit breakfast on January 25 to talk about why it is a benefit to be a member Also trying to get all jobs to go through Greene Works so they can match people and jobs Schools in Xenia have made a website for a wish list so people can donate

Miller reminded everyone of the Road Levy to be voted on November 8.

EXECUTIVE SESSION:

After a short break Miller moved the Xenia Township Trustees retire to Executive Session to discuss personnel issues, on this day October 27, 2011, at 6:45 pm. This is an exception to the Open Meeting Act as permitted by the ORC 121.22 (G). Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. Those in attendance included Trustees Amy Lewis, Scott Miller, and Jim Reed; Fiscal Officer, John Faulkner; Zoning Administrator, Rhonda Painter.

Miller moved to return to regular session at 7:16 pm. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

Miller moved the Xenia Township Trustees retire to Executive Session to discuss personnel matters, on this day October 27, 2011, at 7:18 pm. This is an exception to the Open Meeting Act as permitted by the ORC 121.22 (G). Reed seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. Those in attendance include Trustees Amy Lewis, Scott Miller, and Jim Reed; Fiscal Officer, John Faulkner; and Zoning Administrator, Rhonda Painter.

Lewis moved to return to regular session at 8:06 pm. Reed seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

Faulkner raised the issue of having a transcription of the Trustees CEMEX Rezoning Hearing on November 9, 2011, at 6:00 pm. Reed and Lewis each expressed opinions and discussions continued. Faulkner advised a video and/or local minutes would not be permitted in court if their decision is appealed. Lewis made a motion to authorize a court reporter for the hearing. Reed seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

RESOLUTION #2011-176.

ADJOURNMENT:

Having completed all of the regular business, Miller moved to adjourn at 8:10 pm. Lewis seconded the motion, all Trustees voted aye and the meeting adjourned.

Scott Miller, Chairman

Amy Lewis, Trustee

Jim Reed, Trustee

ATTEST:

John Faulkner, Fiscal Officer

ccs