

RECORD OF PROCEEDINGS

**MINUTES OF THE
XENIA TOWNSHIP TRUSTEES:**

**REGULAR MEETING
September 21, 2017 6:00 P.M.**

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 was held at the Xenia Township Office, 8 Brush Row Road, Xenia, Ohio. This was a Regular Trustee Meeting advertised on the Xenia Township website within 24 hours of scheduling this meeting.

Chair Steve Combs called the Regular Meeting to order at 6:00 p.m.

ROLL CALL: Sheila Seiter, Fiscal Officer; Susan Spradlin, Trustee; Steve Combs Trustee, Chair; Scott Miller, Trustee; Alan Stock, Township Administrator.

All participated in the Pledge of Allegiance.

IN THE READ FILE: Agenda for City of Xenia Zoning and Planning Commission, Press release from GC Public Health (3)

FISCAL OFFICER:

Mrs. Seiter presented the payroll. Mr. Miller moved to approve the payroll as presented, Mr. Combs seconded the motion. Roll Call: Mr. Miller – aye, Mrs. Spradlin – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

RESOLUTION NO. 2017-174

Mrs. Seiter presented the bills and advised that she and Mrs. Spradlin had a question about the EMSAR bill. There was discussion about this bill. Mr. Miller moved to approve the bills with the exception of the EMSAR bill until confirmed with Fire Chief. Mr. Combs seconded the motion. (EMSAR bill confirmed by Fire Chief later in meeting) Roll Call: Mr. Miller – aye, Mrs. Spradlin – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

RESOLUTION NO. 2017-175

Mr. Combs moved to approve the minutes from August 3, 2017 Regular meeting. Mrs. Spradlin seconded the motion. Roll Call: Mr. Miller – aye, Mrs. Spradlin – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

RESOLUTION NO. 2017-176

Mr. Combs moved to approve the minutes for Public Hearing for Kil Kare Rezoning on August 3, 2017 with changes as shown. Mr. Miller seconded the motion. Roll Call: Mr. Miller – aye, Mrs. Spradlin – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

RESOLUTION NO. 2017-177

Mr. Combs moved to approve the minutes from August 17, 2017 Regular meeting. Mrs. Spradlin seconded the motion. Roll Call: Mr. Miller – aye, Mrs. Spradlin – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

RESOLUTION NO. 2017-178

There was discussion about approving the Public hearing minutes as one set of minutes not two sets.

Mr. Combs moved to rescind the resolution for August 3, 2017 Public Hearing Kil Kare Rezoning. Mrs. Spradlin seconded the motion. Roll Call: Mr. Miller – aye, Mrs. Spradlin – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

RESOLUTION NO. 2017-179

Mr. Miller moved to approve the minutes for Kil Kare August 3 continued and final on August 17 with changes as noted. Mr. Combs seconded the motion. Roll Call: Mr. Miller – aye, Mrs. Spradlin – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

RESOLUTION NO. 2017-180

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ROAD DEPARTMENT:

Mr. Pile advised to the potential costs for insulation of each building at 125 Fairground Road with different types of insulations. He stated that fiberglass insulation would be the least expensive, its life expectancy would be 5 years. He stated that the next step would be spray foam and that there were two types of spray foam, open cell and closed cell. He advised that open cell spray foam was mostly used for warm climates and used in buildings without a vapor barrier. The closed cell has a structural benefit and would be a vapor barrier in itself. Mr. Pile stated that he thinks the open cell would be best since they are mainly worried about heating the building. He stated that if they decide to use fiberglass insulation then the Road Department staff would likely do the installation, but the spray foam would be contracted to get done. Mr. Pile explained his preference of the spray foam and stated that he was looking for contractors who install the spray foam. Mr. Miller asked what R-value Mr. Pile was looking for and Mr. Pile advised that in this area the recommended R-value was 38. There was discussion about the spray foam, how it would be installed and how thick it would be when done. There was discussion about what prep work would need to be done before the new insulation could be done. There was discussion about whether to do all buildings at one time or separately.

Mr. Combs moved to approve the Road Superintendent, Mr. Pile, to obtain pricing for the spray foam insulation. There was discussion that a motion was not needed for this and the benefits of spray insulation over fiberglass. Mr. Combs withdrew his motion. Mrs. Spradlin stated that it sounded like Mr. Miller would like to have prices for the spray and fiberglass insulation, so that they could compare the prices between the two types.

ADMINISTRATOR:

Mr. Stock advised that he had been looking into the Spectrum billing and the dispute with it and also the monthly IT costs. He explained how each department splits the IT costs, including email, phone and Microsoft. He explained that they are paying less than last year with all of the new services. He advised that of the work he had done so far with the Spectrum bill. He explained that there had been problems with this bill since Spectrum took over for Time Warner in January. He stated that he had reached out to multiple departments to work this out. He advised that if the Township was a new customer the price would be lower, so he was working through this to get the best service with the best price. Mr. Stock read a letter he sent to Spectrum and stated that he did not hear anything until he called the Spectrum Enterprise review. He heard back from Mr. Cunningham and explained the conversation he had with him. Mr. Combs asked Mr. Stock to get this fixed soon.

Mr. Stock advised that at the last meeting Mr. Thompson from the REACH Project came and asked for a donation and did a presentation. Mr. Stock advised that Mr. Thompson had called earlier this week for a status update. Mr. Stock advised to the different levels of donation that were available to the Trustees. Mr. Combs stated that since the Township was having to spend money on other things, like defending the borders, he did not think it was a good time to dedicate money somewhere else at this time. Mrs. Spradlin stated that she wishes the REACH program well. Mr. Miller stated that he agreed with the other Trustees.

Mr. Stock advised to a letter from the Chief Government Officer from Central State University. It was about the property that had been up for rezoning and stated that they were going to use it in an agricultural way and that this would not be prohibited, so therefore did not require a zoning certificate. Mr. Stock stated that he has sent a series of emails asking for a meeting so that they can discuss what he was trying to accomplish and so they could work together. Mr. Stock advised to his communications with the Chief Government Officer. There was discussion about agricultural districts and what could be considered exempt. Mrs. Spradlin advised that she did not think the community knew about this because this community is very active and she had not received any communications from residents regarding this issue. Mr. Combs asked the guest if this was the topic he was there to discuss and the gentleman stated it was. Mr. Combs invited him to speak.

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Harvey Johnson, 1051 Yellowstone Road, stated that he wanted to speak about the Central State University annexation into the City of Xenia. He stated that his concern was for down the line and the master plan. He encouraged the Trustees to look at the master plan if they had not done so because CSU was a third of the way through this plan. He stated that he believes that Ohio State University will make Central State University a regional campus. Mrs. Spradlin advised that when CSU came asking for the rezoning of the land, they had said that they would be working directly with OSU. Mr. Johnson stated that the old presidents home would be torn down and new agricultural and research buildings would be put on this land. He stated that the question was why would the City want to annex Central State when their relationship in the past had not been that great. He advised that the Trustees needed to look into the grant portion of the master plan. Mr. Combs thanked Mr. Johnson for coming and speaking with them tonight. Mr. Johnson asked how things were progressing with the attorney regarding the annexation. Mrs. Spradlin stated that there were things that could not be discussed at this time because it would give another party the upper hand. There was discussion about the things the City and Central State have worked on together. He stated that he lives in the Township because he feels the Trustees take care of business. There was discussion about a prior meeting when CSU representatives came and spoke about the OSU connection. Mrs. Spradlin stated that Mrs. Newsome was also at that meeting and stated that Mrs. Newsome was the President of the WCPOVA and she speaks for that group and that she was very committed to her community. Mrs. Spradlin stated that a few years ago the Township worked with Central State, the City of Xenia and other businesses in the area that would want to be part of a JEDD. She explained her take on the discussions and stated that she was not as concerned about the amount of money Xenia Township would get and stated that the City was trying to get a large portion of the money. She stated that she wanted it to be a Joint Economic Development District but the City had no real plan and she thought there could have been more money given to the community and the campus. She stated that she could not agree to it because the City did not show respect and that the area would not benefit from the economic development. Mr. Johnson thanked the Trustees for their time.

Mr. Stock advised that the Township had five apparatus from Road and Fire, including the 9/11 steel in the Xenia Community Festival Parade. He stated that he had received some very positive comments from that event.

Mr. Stock advised that he felt it was time to look at the property located at 1333 E. Main for potential demolition. He stated that he gave the Trustees pictures of the property that shows the deterioration of the building. He advised that he, Stephanie Hayden, Greene County Prosecutor, Greene County Health and Building regulations had met at the property and all said that it needs to come down but not everyone could agree to share the costs. Mr. Stock advised that this property was actually three parcels, and there are delinquent taxes and mowing on all three. He advised that the property was in the name of the State but he spoke with the State to find out if the State would pay for the demolition of this building and the representative stated that they would not pay for any demolition. Mr. Stock advised that he also asked if the State would have to give the Township permission to demolish the building and was told no permission was necessary. Mr. Stock advised that he spoke with Zeigler and it would be \$1,280 for the environmental study, but did not have any abatement costs at this time. Mr. Stock stated that Badger Construction would do the demolition for \$7,000, and the Greene County Building Permit would be \$85, so this bring the total to \$8,365. He stated that this was a safety issue. Mrs. Spradlin asked if the State of Ohio maintains ownership of this property even if the Township demolishes it. Mr. Stock advised that was correct and no responsibility toward the demolition. Mr. Combs stated that this was a good case for a landbank. Mr. Combs asked for clarification that if the Township does the demolition, then the State continues to own it, but the Township would continue to mow it. Mr. Stock stated that this was the unfortunate truth and explained that the State owns it in name because it was defaulted to them because there were no bids when the tax foreclosure sale occurred. Mr. Miller stated that if the legislature has set up this rule and they own

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the land, he suggested talking to the Prosecutor's Office about it being a fire and safety hazard, could the Township go after the property owner and force them to tear it down. He stated that they have the resources to do it, and Mr. Combs added that they could at least reimburse the Township the cost of the demolition. Mr. Stock advised that the information he had found was that the Board of Health could deem the property a nuisance and place a lien against the State of Ohio when there were no other means of abating that nuisance. He stated that they should talk to the Prosecutor and the Board of Health to find out what requirements they have for nuisances.

Mr. Stock advised that he had an update regarding the hazard insurance. First, he asked about the terrorist certificate being out of date. He stated that he was told it was not out of date but that an entity gets a new date when things have been completed. Mr. Stock advised that an 80% was calculated for the engines, medics and brush trucks and they reduced the insurance to 80% to save money, so the difference between 2017 and 2018 was \$1,018. He advised that he was asking for a resolution to accept the Ohio Plan (Hylant group) quote for \$29,930 for the 2018 premium for hazard insurance.

Mr. Miller moved to accept the Ohio Plan Risk Management Inc. premium for the Ohio Plan advantage premium contribution in the amount of \$29,930 to cover properties and contents. Mr. Combs seconded the motion. Roll Call: Mr. Miller – aye, Mrs. Spradlin – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

RESOLUTION NO. 2017-181

Mr. Stock advised that the speaker, for the Greene County Township Association meeting will be talking about Narcan, opioid issues and specific stats from the State including Montgomery County as well as Xenia Township and crisis planning. He advised that Ohio Plan will cover the food and the speaker would be their Director of Risk Management. He advised he was working with Mr. Pile and Al Kuzma to get temporary occupancy of 125 for this meeting. Mr. Miller suggested that they have the meeting here. Mrs. Spradlin stated that she was able to go to the 50th anniversary at the Greene County Career Center and she was able to speak to the chef and found out that they do events so that should be looked into for this meeting and possibly other meetings in the future. Mrs. Spradlin advised to the wonderful room that is at the Greene County Career Center and that it was available for meetings and that she thinks it would be a great place to have the October Greene County Township Association meeting.

Mr. Stock advised that he was asking for a resolution for Referendum. Mr. Stock advised that the Trustee vote was August 17, 2017, and the effective dated was September 16, 2017. He advised the petitions for referendum came in on September 14. Mr. Stock stated that he sat down with Stephanie Hayden, Greene County Prosecutor's Office, and with the co-directors of the Board of Elections, he found out that the Trustees have to pass a resolution for the Board of Elections to review the petition. If this is done then Mrs. Seiter does not have to sign each individual petition before sending them to the Board of Elections. Mr. Stock advised that a circulator only needs to be an elector in the State of Ohio rather than one in the County or Township, and they can be paid for services. He stated that any questions regarding the presentation of the petitions to Xenia Township residents needs to be addressed to the Board of Elections and the language on the ballot must reflect the language on the petition. Mr. Stock stated that the Township and the petitioner will have to agree to this language at a later date. He stated that after the Trustee resolution, the Board of Elections will check for correct elector status of the circulators and the signees of the petition and then return the results to the Trustees. The Trustees will then need second resolution to place the vote on the May 8, 2018 ballot at the cost of the Township. Mr. Stock advised the cost would be shared due to it being a governor primary, but the actual cost will not be figured until the number of people running was known. Mr. Stock explained the resolution that needed to be signed by the Trustees. Mr. Miller asked about the wording about "part petition." Mr. Stock stated that each petition was a part

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petition, because there were multiple petitions and this was the Ohio Revised Code language. He stated that Mrs. Hayden made sure that this language was correct. Mrs. Spradlin asked if the parcel number had been double checked. Mr. Miller asked if the map portion was correct. Mr. Stock stated that yes it was all correct and he advised that he looked at all 28 petitions and invited the Trustees to go through all of them to check them. Mrs. Spradlin asked why this had to wait until May 8th, and since Xenia Township Board approved this and Xenia Township residents pursued this, why does the Township have to pay for it. Mr. Stock advised that the language was that a person has 90 days before the next primary, not special election, so therefore if it had been 90 days before the November election it could have gone on the November ballot. He explained the cost of having the ballot and why the Township had to pay for it. Mrs. Seiter asked about the next step for the applicant and if he was able to go ahead and do this. Mr. Stock advised that he does not think he can go to the Board of Zoning Appeals until after the election. There was discussion that the petition has stopped the progress of the applicant until it goes to the voters.

Mr. Miller moved to approve the resolution as presented for the Referendum pertaining to Kil Kare (Certification of Referendum for rezoning). Mr. Combs seconded the motion. Roll Call: Mr. Miller – aye, Mrs. Spradlin – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

RESOLUTION NO. 2017-182

Mr. Combs stated that he was not happy about the above motion and felt that there were outside entities trying to control Xenia Township.

Mr. Stock stated that the Fire Department would have a controlled burn on Saturday and that all were welcome to go and observe or suit up. Mr. Combs stated that he will go into the burning house and may do so without oxygen. Mrs. Spradlin stated that was true but Mr. Combs would not go in without an air pack. Mr. Combs stated that he was not sure he could make it this Saturday but promised to do it before his term was up.

TRUSTEE BUSINESS:

Mr. Miller asked if Mr. Pile was working on the new sign replacement. Mr. Stock advised that the crew just finished setting up the trailer so they should be starting on the road signs soon.

Mr. Combs stated that he feels the Township was being somewhat controlled by outside entities pertaining to this Kil Kare referendum and the annexation. He stated that he did not like it and was not happy about it and the Township should be in control of its own destiny.

Mrs. Seiter asked if Mr. Foiles applied for a variance now, what would happen and wanted to know if there would be a partial refund of the fee depending on the work done at that point. Mr. Stock advised there would be no refund. Mr. Stock explained that the fee only guarantees the services not passage of what was being asked.

Mr. Combs asked for clarification of the medical repair. Mr. Stock advised that the one was for the manual cot that was for Medic 53 and the stair chair that was not covered under the electrical maintenance contract for the others.

Mr. Stock advised that it was possible to have an intern come and work for the Township in Zoning and asked if the Trustees were good with him checking into this. The Trustees were good with Mr. Stock checking into this.

UPCOMING MEETING DATES:

Sept. 26; Zoning Commission

Oct. 5; Trustee meeting

Oct. 10; Greene County Township Association meeting

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COMMITTEE REPORTS:

Source Water Protection: Mr. Stock advised that on Friday he would be going out on the commercial walk through.

Chamber of Commerce: November 4th at 5 p.m. at Xenia High School there would be a propane safety burn.

Mr. Combs moved to enter into executive session for 121.22(G)(8) To consider confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance. Mrs. Spradlin seconded the motion. Roll Call: Mr. Miller – aye, Mrs. Spradlin – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0. Those included will be all three trustees and the Township Administrator.

Mr. Combs advised they exited executive session at 9:25 p.m.

ADJOURNMENT:

Mr. Miller moved to adjourn, Mr. Combs seconded the motion. Roll Call: Mr. Miller – aye, Mrs. Spradlin – aye, Mr. Combs – aye. Motion PASSED by a roll call of 3-0. The regular meeting was adjourned at 9:26 p.m.

Xenia Township Board of Trustees

Date Approved: _____

L. Stephen Combs, Chair

Resolution # _____

Attest:

Scott Miller

Sheila J. Seiter, Fiscal Officer
MEH

Susan Spradlin