

Held _____ **February 13, 2023** _____ 20 _____

The Miami Township Board of Trustees met in a work session on Monday, February 13, 2023, at 7:00 p.m. at the Miami Township Civic Center. Chairperson Tracy called the meeting to order and led the Pledge of Allegiance.

Mr. Wright called the roll. Attending were Mark Schulte, Ken Tracy, and Mary Makley Wolff.

Mr. Tracy made a motion to appoint Jeff Wright as acting Fiscal Officer for the meeting, seconded by Mr. Schulte and all voted "AYE."

Mr. Wright recommended the following actions for personnel:

Police Department

Extend a conditional offer of employment to Macklin Tudor for the position of full-time Police Officer. The offer will be contingent on Mr. Tudor successfully completing the remaining steps of the selection process. The position is being filled due to a vacancy.

Fire Department

Adjust the hourly rate of pay to \$16.07 for part-time FF/EMT Wilhelm Genn effective January 8, 2023 to reflect the 2023 increased base rate.

Recreation Department

Accept the resignation of Samantha Connor, part-time recreation assistant effective February 13, 2023.

Accept the resignation of Sam Crane, part-time recreation assistant effective February 13, 2023

Mr. Schulte made a motion to accept the personnel actions as stated, seconded by Ms. Wolff and all voted "AYE."

Chief Mills discussed an increase in the Off Duty Detail Rate from \$50 to \$65 per hour. This also includes an additional fee of \$10 per hour that goes to the Township for the use of a police vehicle and any incurred liabilities when billing for-profits. Those requesting the Off Duty Details pay the costs.

The Off Duty Details are voluntary, and we cannot force officers to work them. To keep enough officers on the list, we have had to occasionally review and recommend raising the rate. It has been about six years since the rate was increased. Historically speaking, the rate was increased from \$28 to \$35 in 2013-14, and from \$35 to \$50 in

2017. When we cannot fill the details, we must call outside agencies such as Bethel, Owensville, etc to help us fill the hours. Over the past two years we have had to use outside agencies to provide those services for about 400 hours.

Comparing our rate to similar surrounding agencies, we found the following for Off Duty Detail rates: Loveland bills the vendors \$75 per hour and pays their officers overtime. Milford bills about \$70 per hour or equal to an officer's overtime rate, and Union Township bills \$65. The Sheriff's office has different rates but bills up to \$60 per hour.

He has communicated with our regular details, and they understand our need to recommend the 2023 rate increase. In the future, he will also review the Off Duty Detail rates annually and recommend increases when needed versus waiting six years. After researching, he recommends the Off Duty Detail Rate increase to \$65 per hour.

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Chief Kelly requested approval to send Deputy Chief Jetter and FF/Medic Jason Burbrink to the annual Fire Industry Education and Research (FIERO) Symposium from March 18th through 23rd in Greenville, SC. The symposium specifically focuses on firefighter personal protective equipment (PPE) and is a one-stop resource for a variety of information to obtain. A few topics this year include, PPE contamination issues, the latest research on PFAS ("forever chemicals"), and the most recent proposals for the next revision of NFPA 1971. Several subject matter experts will be presenting topics for what applies to our department and its personnel. Additionally, the symposium will have numerous vendors who will be displaying their products. This will be a good opportunity to look at trends in PPE and other uniform items so that we can plan appropriately for our annual purchasing needs and for future planning.

The training request forms reflect a total cost of \$3,229.00 for both members to attend. Fortunately, we had enough funds in last year's training budget to prepay the registration costs and realize early-bird pricing, so the fees for this year are limited to travel and lodging. We will be seeking approval to spend \$1,649.00 for both members to travel to this symposium.

Mr. Elliff presented information on Zoning Case #585, rezoning R-1 to R-PUD and R-PUD Major Amendment at the Primrose Creek Subdivision. At it's February 2, 2023 meeting the Zoning Commission adopted a recommendation of approval. Mr. Schulte made a motion to set a Public Hearing for Case #585 before The Board on March 13, 2023 at 6:00 p.m., seconded by Ms. Wolff and all voted "AYE."

Mr. Musselman presented information on a storm sewer pipe that runs under Beech Road adjacent to the bike trail. This pipe is currently 18" in diameter. During periods of heavy rain, this pipe is prone to flooding, which leads to water encroaching on portions of the bike trail. We contracted with Choice One Engineers to perform a drainage study of the area to determine the proper size pipe to carry the anticipated flow under Beech Road. Their study determined that the 18" was undersized and a 30" pipe is recommended to meet current standards. I also checked with our local ODNr resource due to its proximity to the bike trail and have a letter from their Chief of Engineering confirming their approval of the installation of the 30" pipe.

Quotes are listed below:

J.K. Meurer	\$20,945.00
Upcharge for winter rate asphalt	690.00
Richmond Excavating	\$35,000.00
Ford Development	\$44,872.00

Each of the bidders was provided identical specifications and J.K. Meurer has the lowest mobilization costs since their shop is very close by. J.K Meurer's quote has the added benefit of being under the prevailing wage threshold of \$28,789. This project must be completed prior to the start of our paving program as Beech Road is on the paving list.

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Chief Mills presented information on the purchase of an Intoxilyzer DMT breath-testing instrument. The DMT instrument was just recently approved by the Ohio Board of Health, and we are expecting long delays, up to nine months, before receiving our order. The purchase of the instrument was a planned expense but has increased in price since the 2023 budget was finalized. The current price is \$11,979.50, which includes freight charges. It can be purchased with the enforcement and education supplies fund (2150) since it is directly related to the enforcement of impaired drivers.

The Miami Township Police Department has used the Intoxilyzer 5000 breath-testing instrument to process impaired drivers since March 2004. In accordance with Ohio law, the Ohio Department of Health has certified our officers annually on the operation and calibration of the instrument. Unfortunately, the inability to find replacement parts for the regular maintenance of Intoxilyzer 5000 breath-testing instruments has prompted the Ohio Department of Health to announce that they will stop certifying all officers across the state on this instrument.

Chief Kelly presented information on the purchase of three seats to add an additional riding position to the three 2014 Rosenbauer fire engines. Unfortunately, our current staffing was not a factor at the time these trucks were being designed and the seating did not reflect the times we have new employees on orientation or have students doing ride-a-longs with our crews. This means there are times we cannot allow them to ride the fire engine when their training requirements might require that, and they are forced to join up with our crews by riding other trucks to the scene. This impacts crews continuity and the ability to develop a plan of action while driving to the scene of an incident.

He shared a quote from All American Fire Apparatus to provide the manufacturer-specific seats and to perform the installation work. Each seat will cost \$2,701.39, which includes the cost of the seat, vehicle programming, and labor. A total cost of \$8,500.00 will cover this project, which includes any overage due to shipping or increase in cost for the seat. This expense was planned in our 2023 vehicle outfitting budget.

Mr. Elliff presented follow up information on the Smoke Shop Moratorium Resolution (2022-540) that was adopted in December. The moratorium provided staff an opportunity to research these types of businesses and products and formulate recommendations. Based on the dangers and negative impacts of vaping Mr. Elliff presented several options to the Board.

OPTIONS

With this information in mind, the Board of Trustees has several alternatives with respect to permanent restrictions on smoking and vaping establishments:

1. Ban new establishments entirely.
2. Impose locational restrictions away from vulnerable populations and students.
3. Treat as normal retail.

If they are restricted, it would probably be limited to mainline retailers that derive the majority of their income from such products, as opposed to, for example, gas or convenience stores. However, the Board should be aware that convenience stores may have an extensive vaping product line as well.

Mr. Musselman presented information for the upfitting equipment on the Freightliner Cab & Chassis, that was approved at last month's meeting. He obtained a quote from K.E. Rose to provide the equipment and installation labor and materials to have this truck upfitted to serve as a new salt truck. This includes a new truck bed, under tailgate spreader, snowplow, all lights and hydraulics, and a liquids tank.

Time is an issue with ordering this equipment and waiting another month to seek approval will add further delay to an already lengthy purchase process. The total current

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~~price quotes of \$207,827 for the cab and chassis plus the upfit as currently quoted, we will be well under the budgeted amount of \$225,000 for this purchase.~~

Chief Mills presented quotes to have the police department patrol room and work area floors resurfaced with a heavy-duty epoxy flooring. The current flooring is peeling and is slippery when wet. Continuous upkeep and improvement to our 47-year-old building will help it last for another 47 years.

He solicited three quotes for 2,800 square feet of floors resurfaced on the entire lower level of the police department.: Monster Cote \$15,900.00, Hard Surface Solutions \$25,998.00, and Nature Stone \$34,265. We are requesting authorization to accept and proceed with floor resurfacing through Monster Cote for \$15,900.00.

Chief Kelly presented a quote for additional voice amplifiers for the SCBA facepieces for our current Scott SCBA air packs. We first purchased the current inventory of SCBA in 2014 with a grant from FEMA and have had success with them over the years. One of the newer developments has been the ability to add a voice amplifier to the SCBA facepiece that allows our personnel to communicate more clearly and effectively when wearing the facepiece. Traditionally, radio communications have been very difficult at times due to the noisy environments that our crews are operating in when they are required to have their facepiece on.

The voice amplifiers he is requesting to purchase interface with our Motorola portable radios through a Bluetooth connection. This allows for voice transmission to be very clear and easier to understand for both the sender and receiver.

The attached quote is for eight (8) more voice amplifiers. That will allow the FD to cover additional riding positions and add to the inventory we started building in 2022. The cost through MES/Warren Fire Equipment will be \$7,568.00, which includes shipping and handling. This is the only local distributor for this equipment. These devices can be installed by our personnel.

The addition of these amplifiers will also require them to reprogram twenty-two (22) of our portable Motorola radios through Mobilcomm at a cost of \$5,050 for all units. The quote was verbal through Mobilcomm and that email is attached that reflects the "per radio cost" plus travel charges.

Mr. Elliff presented research that has determined that there are 31 single family residential parcels located within Miami Township that are incorrectly zoned "B-2" General Business District or "B-1" Neighborhood Business District. This discrepancy likely dates to 1999, wherein zoning case #447, "residential" was eliminated as an allowed use in the "B-1" and "B-2" zoning districts.

In addition to the interesting zoning history, there is a reasonable modern concern that if a business were to propose to locate within one of these "residential "B-2" or "B-1" properties, it may be difficult to regulate. Further, residential use within the "B-2" or "B-1" districts is considered "nonconforming" which sometimes leads to difficulties in transferring the home or obtaining financing. Therefore, staff is recommending that these parcels be re-zoned to the appropriate single family residential district, which will allow them to remain in keeping with the surrounding residential uses.

More detailed information on these parcels, their precise identification, and the proposed residential classification for each is as follows:

- 1) Focus Area 1 – State Route 28; Barre Road: Currently, there are 3 parcels in this focus area that are zoned B-2 General Business District. The proposed zoning change is to R-2 Residence District.

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- 2) Focus Area 2 – Buckwheat Road; Hunt Club & Whitegate: In Focus Area 2, there are 19 parcels that are incorrectly zoned B-1 Neighborhood Business District. These 19 parcels are presently being used as single-family residential, and the surrounding properties are zoned R-2 Residence District. Thus, it is proposed to correct the zoning from B-1 Neighborhood Business District to R-2 Residence District.
- 3) Focus Area 3 – State Route 131 West; Autumn Wynd Lane: In this focus area, there are 3 parcels that are currently zoned B-2 General Business District but are being used for residential. It is proposed to correct the zoning to R-3 Residence District to match the residential uses with the surrounding residential zoning.
- 4) Focus Area 4 – State Route 131 East; Mt Vernon, Berkshire: Along Mt Vernon Drive, there are 4 parcels that are presently zoned B-1 Neighborhood Business District. Off Berkshire Drive, there are 2 parcels with B-1 Neighborhood Business District zoning. In total, there are 6 parcels in this focus area that are incorrectly zoned for business. It is proposed to change the zoning to R-1 Residence District.

Focus Area	Location	Current Zoning	Proposed Zoning	# of Parcels
1	State Route 28 Barre Road	B-2	R-2	3
2	Buckwheat Road Hunt Club & Whitegate	B-1	R-2	19
3	SR 131 West Autumn Wynd Lane	B-2	R-3	3
4	SR 131 East Mt Vernon, Berkshire	B-1	R-1	6
Total # of Parcels				31

Mr. Elliff will prepare a resolution to bring back to the Board regarding the rezoning of these parcels.

Mr. Musselman presented the bid results from the opening on February 9, 2023 for the Township Resurfacing Project. The bids were as follows:

Engineers Estimate	Base Bid	\$2,085,338.17
	Base & Alternates	\$2,178,443.17
Barrett Paving	Base Bid:	\$2,079,459.00
	Base & Alternates	\$2,181,242.00

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JR Jurgenson	Base Bid:	\$2,493,995.90
	Base & Alternates	\$2,611,381.75

Asphalt rejuvenation by other's costs:	Base plus alternates estimate:
	\$132,070.32
	Total with resurfacing:
	\$2,310,513.49

We have a total of \$2,190,000 budgeted for resurfacing this year. Barrett Paving submitted the lowest and best bid on both the base bid and the base plus alternates bid. He also noted that our Gas Tax fund has a balance better than anticipated that will allow us to perform the Base Bid Plus Alternates and perform the asphalt rejuvenation.

Chief Mills presented quotes to have wall guards installed along about 205 linear feet in the lower level of the police department. Due to the 24/7 high traffic nature of the building, it gets worn quickly. We collected three competing bids for wall guards: Osborne Construction \$8,690.33, Midwest Construction \$16,632.00, and All Around Joe \$9,942.

Chief Kelly is requesting approval to contract with Citizens First Fire Training again this year for our annual fire hose and ladder testing services. We had them perform these services for us in 2022 and were very happy with their performance and cost structure. We solicited quotes for these services again this year and found them to be the most affordable and responsive to the services we require.

We are required to perform inspection, testing and maintenance annually on each section of fire hose and each ladder in our inventory to ensure their safe operation in accordance with NFPA 1962 and NFPA 1932 respectively. Citizens First Fire Training has quoted \$6,779.70 to perform all services listed above. Their quote is attached for your review. These services are always included in our annual operating budget.

Mr. Elliff noted that at its February 2, 2023, meeting, the Miami Township Zoning Commission adopted a recommendation to the Board of Trustees of approval of the draft Miami Township 2023 Land Use Plan. He recommends the following outline for this discussion which included Township Planner, Jamie Kreindler and Consultant, Jay Stewart.

- Staff will provide a background on the development of the Plan and the planning process and show a brief power point. Planning consultant Jay Stewart who played an important role in the development of the Plan will then present his remarks. Questions may be asked by the Board members during this time as well.
- After that, the Board may provide an opportunity for public comment, if any, and after that, discussion by the Board.
- At the end of the discussion, the Board should direct staff to place the Plan on the Business Meeting agenda for final action or enter direction as otherwise necessary.

The Board thanked the group for their hard work on this plan. Mr. Schulte made a motion to place the 2023 Land Use Plan on the agenda for the Business Meeting for final adoption, seconded by Ms. Wolff and all voted "AYE."

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Mr. Musselman presented the results of the bid opening on February 9, 2023, for the Mill Street and Main Street Improvement project. We received the following bids:

Engineers Estimate	\$419,411.00
D.J. Drew	\$426,678.70
Ford Development	\$457,044.00
Majors Supply	\$618,572.00

The Township's portion of this project (storm sewer, curb and gutter, sidewalk) is coming from ARPA funds. The Township's portion with the low bid is \$206,755.00. The watermain portion is being funded by Clermont County Water. The County's portion with the low bid is \$219,923.70. D.J. Drew submitted the lowest and best bid on this project.

Chief Mills noted that due to the number of "active shooter" incidents have occurred across the nation in recent years, and, following these incidents, after action reports have been completed on the response of the emergency services. In review of these active shooter incidents, it has become quite clear that patrol officers need ballistic shields to perform their duties in these critical events. As such, it is becoming an industry standard to equip patrol officers with this equipment, which allows officers to enter high-risk situations, breach entryways, and evacuate civilians. The purchase of the ballistic shields was a planned expense and thoroughly discussed in the formation of the 2023 budget.

We have collected three competing bids for the four (4) ballistic shields - plus freight charges. The competing bids are: Guardian Uniforms \$30,085.68, Pro-Tech \$30,360.00, and Dana Safety Supply \$35,100.00.

We are recommending the ballistic shield purchase from Guardian Uniform, at a cost not to exceed \$30,085.68, which includes freight charges. We are working to cover some of the charges with grant funding, but we are still waiting for a response. We believe getting these, training with them and deploying them is ultra-important.

Mr. Wright presented a travel request from Finance Director, Kelly Flanigan, to attend the Government Finance Officers Association (GFOA) annual conference in Portland, Oregon from May 21-24, 2023. Session tracks include the latest developments in state and local governments finance.

Numerous public finance professionals from across the nation attend this conference to get new ideas, continuing education and network with the best of the best. This conference is extremely valuable and resourceful for all sizes and types of government entities. Additionally, this conference provides an opportunity to earn continuing professional education credits of which my CPA license requires 120 every three years, with at least 20 to be earned annually.

The total estimated cost of the conference is \$1,841.16, which includes transportation, lodging, airport parking, and an estimate of meals not provided at the conference.

Mr. Wright reminded the Board that at the January Business meeting he shared that our electric aggregation broker, Energy Alliances, was not able to find an electric supplier with a rate lower than Duke Retail's current rate of 6.78 cents per kWh and so the best decision was for our aggregation program to temporarily be placed with Duke as our supplier for a few

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months. Many factors are contributing to increasing energy prices around the world: inflation, war in Europe and uncertain economics futures in many countries.

Energy Alliances continues to negotiate for the best rate with various electric suppliers. Signs are pointing towards Duke's default supply rate increasing to 9.5 cents per kWh starting in June. Energy Alliances has two separate suppliers appearing to be able to supply the next aggregation contract for Miami Township at a rate of only 7.5 cents per kWh.

Since neither one of those two suppliers will be able to guarantee a two-year rate, beginning in June 2023 that will be significantly lower than the next Duke rate, I intend to ask the Board to authorize me to sign an Electric Aggregation agreement at or below a rate of 7.5 cents per kWh for a two-year term beginning in June.

Chairperson Tracy asked for public comments. Mr. Mark Peterson, 6074 Bridgestone Drive noted the land near the condos has been cleared of trees and there has been an increase in the noise. Mr. Wright will look into the process of requesting sound walls through ODOT/State of Ohio for the area bordering I-275.

Mr. Jordi Roura, 1388 Wade Road commented on the impact on the budget if police contract services were free for non-profits. He also asked if there was an opportunity to set up solar panels in Meijer. The property is wholly owned by Meijer.

Mr. Schulte made a motion to go into Executive Session. pursuant to ORC 121.22 (G) (1) to consider the compensation of a public employee and pursuant to Ohio Revised Code Section 121.22(G)(3) to conference with counsel regarding pending litigation, seconded by Ms. Wolff and all voted "AYE."

The Trustees came out of Executive Session at 9:20 p.m.

Mr. Schulte made a motion to authorize the Township Administrator to enter into a settlement agreement with Muath Shalash and World Smoke Shop as presented, seconded by Ms. Wolff and all voted "AYE."

Mr. Schulte made a motion to approve Resolution 2023-05 establishing a 180-Day moratorium on the acceptance of all applications and the issuance of any permits for any type of smoke, tobacco, electronic vaping, or CBD business in any zoning district established within the Township, dispensing with a second reading, and declaring an emergency, seconded by Ms. Wolff and all voted "AYE."

There being no other business the meeting adjourned at 9:25 p.m.

ATTEST:



Jeff Wright, Acting Fiscal Officer



Ken Tracy, Chairperson