

## MIAMI TOWNSHIP BOARD OF TRUSTEES

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held \_\_\_\_\_ 20\_\_\_\_\_  
DECEMBER 18, 2018

The Miami Township Board of Trustees met in regular session on Tuesday, December 18, 2018 at 7:00 PM. Trustee Wolff called the meeting to order and led the Pledge of Allegiance. The invocation was given by Mr. Tracy. Mr. Ferry called the roll. Attending were Mary Makley Wolff, Karl Schultz and Ken Tracy. Mr. Tracy made a motion to approve the minutes of the November 20, 2018 business meeting and the December 10, 2018 work session seconded by Mr. Schultz with all voting "AYE".

**Correspondence:**

**Proclamations and Special Presentations:** Chief Madsen recognized the Police Department's 50<sup>th</sup> Anniversary by giving a slide presentation of old photos and noting past minutes of when, and how, they became the Miami Township Police Department. Also shown, were items worn by the first officer that will be displayed in the Police Department. Chief Madsen explained how the department has grown and the changes made over the years.

**Department Reports:** A representative of each department presented a report of activities during the month of November.

|                       |                  |
|-----------------------|------------------|
| Community Development | Mr. Elliff       |
| Finance               | Mr. Ferry        |
| Fire/EMS              | Asst. Chief Mack |
| Police                | Chief Madsen     |
| Recreation            | Mrs. Thibodeau   |
| Service               | Mr. Musselman    |
| Administration        | Mr. Wright       |

**Old Business:** None

**New Business:** Mr. Tracy made a motion to pay the bills of the Township with 305 checks numbered 132232-132537 and 12 electronic checks numbered 1323-1335 for the total amount of \$1,512,733.61 plus payroll for the check date 11/23/2018 in the amount of \$275,025.57 and payroll for the check date 12/7/2018 in the amount of \$297,712.30 and special payroll for the check date 12/7/2018 in the amount of \$149,742.01, seconded by Mr. Schultz with all voting "AYE".

Mr. Wright advised of the need for a then and now certificate in the amount of \$2,939.82.

Mr. Schultz made a motion to adopt Resolution 2018-61 authorizing the township Fiscal Officer to issue and certify a Then and Now Certificate for payment of various expenditures, totaling \$2,939.82 and dispensing with the second reading, seconded by Mr. Tracy with all voting "AYE".

Mr. Wright presented personnel actions for the Board to consider. In the Community Development Department to appoint Steve Reece to a regular member of the BZA for the term of January 1, 2019 through December 31, 2023.

Mr. Schultz made a motion to appoint Steve Reece to a regular member of the BZA for the term of January 1, 2019 through December 31, 2023, seconded by Mr. Tracy with all voting "AYE".

Also, to appoint Randy Merrill to the alternate position of the BZA for the term January 1, 2019 through December 31, 2023.

Mr. Tracy made a motion to appoint Randy Merrill as an alternate BZA member for the term of January 1, 2019 through December 31, 2023, seconded by Mr. Tracy with all voting "AYE".

Also, to re-appoint John Rademacher to the Zoning Commission as a regular member for the term of January 1, 2019 through December 31, 2023.

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Mr. Schultz made a motion to re-appoint John Rademacher to the Zoning Commission as a regular member for the term of January 1, 2019 through December 31, 2023, seconded by Mr. Tracy with all voting "AYE".

Mr. Wright advised they have completed the negotiations for a new three year Sergeants contract that will include a 2% raise for 2019.

Mr. Tracy made a motion to approve the Collective Bargaining Agreement between the Miami Township Board of Trustees and the Fraternal Order of Police effective January 1, 2019 through December 31, 2021, seconded by Mr. Schultz with all voting "AYE".

In the Service Department, Mr. Wright is recommending the Board give conditional offer of employment to Brad Roettele for the position of Service Department Maintenance Worker. This is a replacement hiring due to a resignation earlier in the year. The conditional offer will allow the background check and drug screening to proceed.

Mr. Schulz made a motion to grant conditional offer of employment to Brad Roettele for the position of Service Department Maintenance Worker, seconded by Mr. Tracy with all voting "AYE".

Also, in the Service Department, to promote Service Department employee Justin Leever to Maintenance Worker 3, Step 1. In addition to being a very dependable employee, Mr. Leever's skills in the area of plumbing have enabled us to occasionally have some tasks completed in-house rather than contracting them out.

Mr. Tracy made a motion to recategorize Justin Leever to a Maintenance Worker 3, Step 1 effective December 19, 2018, seconded by Mr. Schultz with all voting "AYE".

Mr. Wright advised that at the end of each year the Board of Trustees appoint two Township representatives to the Volunteer Fire Fighter's Dependents Fund Board. Historically the township Administrator and the Fire Chief have been appointed. Mr. Wright is recommending the Board do the same this year.

Mr. Schultz made a motion to appoint Jeff Wright, Township Administrator, and Steve Kelly, Fire Chief, to the Volunteer Fire Fighter's Dependents Fund Board for 2019, seconded by Mr. Tracy with all voting "AYE".

Mr. Wright advised we have been contacted about a new lighting district for Lamorna Cove. The developer currently owns all of the lots. Mr. Wright is recommending the Board set January 7, 2019 at 8:30 a.m., during the regular work session, for the public hearing.

Mr. Tracy made a motion to set a public hearing for a street lighting district on Monday, January 7, 2019 at 8:30 a.m. and any other business to come before the Board, seconded by Mr. Schultz with all voting "AYE".

Mr. Wright reminded the Board of the recent discussions regarding engine brakes and the Township prohibiting their use. Mr. Wright and Chief Mills determined that Sections 505.17 and 4513.221 of the Ohio Revised Code permit Townships to regulate the use of engine brakes and have found examples of resolutions adopted by several Townships in Ohio. A police officer must be present to witness an infraction of the use of an engine brake if prohibited. If the resolution would be adopted, the Township will work with ODOT and the Clermont County Engineer's Office for the installation of "No Engine Brakes" signs at main entrances in the Township. Staff will also send letters to the larger trucking companies in the area advising them of our regulations. Staff and Law Director Braun has completed a review to make sure that they are not in conflict with any federal safety requirements for commercial vehicles. Mr. Wright submitted Resolution 2018-62 for the Board to consider.

## RECORD OF PROCEEDINGS

Minutes of

Meeting

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Mr. Schultz made a motion to adopt Resolution 2018-62 a resolution prohibiting engine retarders and brakes and dispensing with the second reading, seconded by Mr. Tracy with all voting "AYE".

Mr. Wright advised of the need to amend the 2018 Township Appropriations due to increases or decreases in revenue or expenditures in certain funds. Resolution 2018-63 was presented to the Board for consideration.

Mr. Tracy made a motion to adopt Resolution 2018-63 a resolution amending the Township's 2018 Appropriations and dispensing with the second reading, seconded by Mr. Schultz with all voting "AYE".

Mr. Wright advised he was pleased to present the proposed Miami Township 2019 Budget. Staff has continued to prepare fiscally conservative budgets that recognize our moderate gains in revenue, yet still provide sufficient funds to allow the departments to carry out their missions to provide quality, efficient services to our residents. Mr. Wright reminded all that the Trustees held a Budget Hearing on Monday December 10, 2018 to discuss the 2019 Budget. Mr. Wright is recommending the Board adopt the 2019 budget by resolution.

Mr. Schultz made a motion to adopt Resolution 2018-64 a resolution adopting the Miami Township 2019 Appropriations and dispensing with the second reading, seconded by Mr. Tracy with all voting "AYE".

Mr. Wright requested the Board adopt a resolution that will permit the Township to request advance payments of real estate taxes from the County Auditor in 2019 pursuant to Ohio Revised Code 321.34. Mr. Wright presented Resolution 2018-65 for the Board to consider.

Mr. Tracy made a motion to adopt Resolution 2018-65 a resolution requesting the County Auditor to make advance payments of taxes and dispensing with the second reading, seconded by Mr. Schultz with all voting "AYE".

Mr. Wright advised each year the Board needs to adopt a resolution for the Trustees and Fiscal Officer's travel expenses for the next year. Resolution 2018-66 is for consideration.

Mr. Schultz made a motion to adopt Resolution 2018-66 a resolution approving travel expenses for Township Trustees and Fiscal Officer, seconded by Mr. Tracy with all voting "AYE".

Mr. Wright presented Resolution 2018-67 authorizing the compensation of each member of the Board of Trustees and Fiscal Officer. The compensation of the Township Trustees and Fiscal Officer shall be the maximum compensation permitted per the Ohio Revised Code and the compensation of the Township Trustees and Fiscal Officer shall be an annual salary to be paid in equal monthly payments.

Mr. Tracy made a motion to adopt Resolution 2018-67 a resolution authorizing the compensation of the Township Trustees and Township Fiscal Officer, seconded by Mr. Schultz with all voting "AYE".

Mr. Wright presented Resolution 2018-68 which sets the pay rates for all employees for the following year. For collective bargaining units, the rates of pay are previously established by approved contracts. The pay increases are as follows: The FOP Police Sergeants will be 2.0%, the non-bargaining employees rate increase is generally a 2.0% increase to align with the increases in the collective bargaining units. Two other collective bargaining unit contracts that expire on December 31, 2018 are still being negotiated.

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Mr. Schultz made a motion to adopt Resolution 2018-68 a resolution providing for compensation of Township employees effective with the first pay period of 2019 and dispensing with the second reading, seconded by Mr. Tracy with all voting "AYE".

Mr. Wright advised that in September of 2016 the Township purchased the property at Business 28 and Bypass 28 that contained our gateway wall and now contains a retention pond feature. Prior to the Township's purchase of the property it was agreed and understood that the subject property would contain the stormwater basin for the adjacent properties at such time they developed. In November 2016 the Township and developer of the adjacent commercial properties entered into a Retention Basin Maintenance and Easement Agreement that outlined the developer's responsibilities to construct the basin, decorative retaining wall and fountain and the Township's agreement to allow the basin to be used for the conveyance of storm water as the adjacent property developed. A portion of the developer's vacant property is in the process of being sold to permit the construction of a commercial building and the new owners are asking for a very small, specific drainage easement to be recorded on the Township's retention basin property to be used to convey the development's storm water pipe. The requested drainage is in keeping with the previous retention basin maintenance and easement agreement. Mr. Wright is recommending the Board execute the Grant of Drainage Easement and authorize the Township Administrator, with approval of the Law Director, to execute any and all documents associated with the granting of this standard drainage easement. Law Director Braun has reviewed and approve this agreement as to form.

Mr. Tracy made a motion to execute the Grant of Drainage Easement and authorize the Township Administrator, with approval of the Law Director, to execute an all documents associated with the granting of this standard drainage easement, seconded by Mr. Schultz with all voting "AYE".

Mr. Wright advised that every five years the Clermont County Budget Commission approves an Alternative Method of Distribution of how to divide the local government funds received from the State. On June 28, 2018 the County Budget Commission and County Auditor held a meeting with Clermont County local governments relating to the future distribution of Local Government funds. Several alternatives to the state formula were discussed, including maintaining the current distribution method. Using the method approved in 2013 Miami Township is estimated to receive approximately \$117,382 in 2019. In order for a county to adopt an alternative distribution method, it must be adopted by the County Commissioners and a majority of the townships and municipalities. ORC Section 5747.51 also allows for an alternative method of distribution that may exclude the approval otherwise required of the legislative authority of the city with the greatest population. It is in Miami Township's interest to add this change. The County requires a resolution from a majority of local jurisdictions to adopt an alternative distribution method of Local Government Funds. Mr. Wright explained the current method and a proposed method of distribution. Mr. Wright is recommending the Board adopt a resolution authorizing adoption of an Alternative Method of Apportionment of the Undivided Local Government fund for a period of five years that per Ohio Revised Code Section 5747.53 excludes the approval otherwise required of the legislative authority of the city, located wholly or partially in the county with the greatest population.

Mr. Schultz made a motion to adopt Resolution 2018-69 authorizing adoption of an Alternative Method of Apportionment of the Undivided Local Government Fund for a period of five years per Ohio Revised Code Section 5747.53 excludes the approval otherwise required of the legislative authority of, the city, located wholly or partially in the county with the greatest population and dispensing with the second reading, seconded by Mr. Tracy with all voting "AYE".

Mr. Wright advised this Alternative Method still needs to be adopted by the County Commissioners and a majority of the jurisdictions.

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Mr. Wright advised the Board needs to elect the chair and vice chair of the Board for 2019 and set meeting dates and times for 2019.

Mr. Tracy made a motion to set the Trustee work session is the second Monday of each month at 8:30 a.m. except for January and October, which will be the first Monday. (January 7<sup>th</sup> and October 7<sup>th</sup>). (In January, Monday the 14<sup>th</sup> is the day before the 3<sup>rd</sup> Tuesday and in October the 14<sup>th</sup> is Columbus Day and is the day before the 3<sup>rd</sup> Tuesday). In March, Mr. Wright is requesting that there be one meeting that month and that meeting be a business meeting on Tuesday, March 12<sup>th</sup>, seconded by Mr. Schultz with all voting "AYE".

Mr. Tracy made a motion to nominate Karl. Schultz to be the Chair of the Board, Ken Tracy as Vice Chair and Mary Makley Wolff as Member for 2019, seconded by Mr. Schultz with all voting "AYE".

**Public Comment:** None

**Executive Session:** Mr. Tracy made a motion to go into Executive Session to consider the sale or purchase of property pursuant to Section 121.22(G)(2) of the Ohio Revised Code and to discuss and review negotiations with public employees concerning their compensation and terms of employment pursuant to Section 121.22(G)(4) of the Ohio Revised Code, seconded by Mr. Schultz with all voting "AYE".

The Board came out of Executive Session.

With no further business to come before the Board the meeting was adjourned at 8:55 p.m.

ATTEST: Eric C. Ferry  
 Eric C. Ferry, Fiscal Officer

Mary Makley Wolff  
 Mary Makley Wolff, Chairperson