

RECORD OF PROCEEDINGS

MINUTES OF THE XENIA TOWNSHIP TRUSTEES:

**REGULAR MEETING
OCTOBER 18, 2018 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 5:18 p.m.

ROLL CALL: Sheila Seiter, Fiscal Officer; Steve Combs Trustee, Chair; Susan Spradlin, Trustee; Alan Stock, Township Administrator. Mr. Comb stated Mr. Miller was running late but would join the meeting as soon as possible.

All participated in the Pledge of Allegiance.

IN THE READ FILE:

Miami Valley Planning and Zoning Workshop Agenda, Greene County Probate Court, Greene Council on Aging (Oct/Nov), Greene County Public Health Press Release (1)

EXECUTIVE SESSION:

Mr. Combs moved to enter Executive Session at 5:20 p.m. for R.C. 121.22(G)(1); To consider the employment, dismissal or compensation of a public employee. Mrs. Spradlin seconded the motion. Roll Call: Mrs. Spradlin – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 2-0. Included were three Trustees and Administrator.

Mr. Combs moved to exit executive session at 6:02 p.m.

PUBLIC HEARING:

Mr. Combs stated they would be starting the public hearing at 6:02 p.m. for 1038 Union Road. Mr. Combs advised the Public Hearing was adjourned at 6:18p.m; the minutes for the public hearing will be a separate document.

REGULAR MEETING:

Mr. Combs continued with the regular meeting at 6:20 p.m. and invited the guest to come forward to make his presentation.

GUESTS:

John Fedarko, 920 Oak Dale Drive, stated he was here to speak to the Trustees about an issue that had been going on for sixteen years. He stated in 2000/2001 his area of Amlin Heights was repaved and the repaving caused some issues. He stated that the Road Superintendent, at that time, told him they would address the issue within three weeks. He stated the issue still exists, because during heavy rains the run off does not follow the gutter as it was supposed to, instead it cascades into his yard. He further explained the runoff issue and the concerns with his property. He stated he has spoken with three different Superintendents including Mr. Pile. He stated he just wants to know when this problem will be resolved and explained everything he has tried to stop the runoff from damaging his property. He stated the neighbor's driveway does not comply with Township Resolutions either, because it was extended into the gutter which blocks the water as well. Mr. Combs and Mrs. Spradlin stated this was the first they had heard of this issue. Mrs. Spradlin asked if Mr. Fedarko's yard was the only one being flooded. Mr. Fedarko stated he was directly across from the low point but no other yards were being flooded. He explained how the water flows across his driveway. Mr. Combs asked when he had his driveway last done and Mr. Fedarko stated it was done before he bought the house 1998. Mr. Combs asked Mr. Fedarko for his opinion on what should be done. Mr. Fedarko stated he did not know what equipment the Township had but if a grinder was what was needed but if not, then borrow one and if the Township cannot borrow one then rent one. Mr. Combs asked if his opinion was to grind the road and Mr. Fedarko stated that was the recommendation of the Road Superintendent, Mr. Pile. Mr. Fedarko stated he would like to get the grinding done and then deal with the neighbor's driveway which was also blocking the gutter. Mrs. Spradlin asked if he knew the owner's name with the

**XENIA TOWNSHIP TRUSTEES
REGULAR MEETING, OCTOBER 18, 2018**

driveway and Mr. Fedarko stated the owner's do not live there but rent the property. Mr. Combs stated he would like to come and look at the area. Mr. Fedarko stated if the Trustee could come out he would gladly walk them through all the issues. Mr. Fedarko advised he had provided Mr. Stock with a timeline for this issue. Mr. Miller asked Mr. Pile if he was aware of Mr. Fedarko's issue and if he had a plan in place. Mr. Pile stated he has a plan he does not know if it will correct it or make it better. Mr. Pile stated he has been working with Mr. Fedarko and explained he spent some time at Mr. Fedarko's property. He explained measurements were done and suggested milling one and a quarter inch off the crown of the road that might help the issue. The Trustees thanked Mr. Fedarko for coming and stated they would set up a time to come take a look at his issue.

ROAD DEPARTMENT:

Mr. Pile reported on the first reading of the Road Report Condition to be voted on the following meeting for County Engineer. Mrs. Spradlin asked how he would choose which roads to repair. Mr. Pile stated any roads that were in poor condition. Mrs. Spradlin asked for clarification on the fair plus and minus category of the road report. Mr. Stock stated the condition is what the Greene County Road Superintendent would like, i.e. poor, good fair. He explained during the annual road ride they have those three choices. Mr. Stock explained Mr. Pile has added a plus or minus to the three choices to help aide in deciding which roads need to work on the following year. Mr. Stock explained how the scale of one to nine would also help in deciding road repairs as well. There was discussion about the Road Report and the Road Ride.

ADMINISTRATOR:

Mr. Stock advised there would be three members unable to attend the next meeting scheduled for November 1, 2018 due to medical issues. Mr. Stock suggested moving the meeting to November 8, 2018. Mr. Combs stated he did not have a problem with this change and everyone agreed to change the November 1st meeting to November 8th at 6:00 p.m.

Mr. Stock reported he had spoken with both Zoning Boards about the Combined Trustee/Zoning Boards agenda for October 30th. There were no agenda items from these two Boards and Mr. Stock suggested cancelling the October 30th meeting. There was discussion about this change and everyone decided it would be best to cancel the October 30th meeting and work on agenda items for the January 29, 2019 meeting.

Mr. Stock advised he had received an email from a senior at Taylor University and stated he would like to be considered as a potential intern for one month or 160 hours. Mr. Stock stated this would be an unpaid internship from December 17, 2018 and January 25, 2019. He explained the work this intern could work on while here. He asked the Trustees if they would consider the internship and a possible \$500 honoraria afterwards. Mrs. Seiter asked if this was different from the Yes for Youth program and Mr. Stock stated it was different. He stated this would be for college credit for this individual and accentuate his political science major. Mrs. Spradlin asked if Mr. Stock had a resume for this intern and if he would be working in the office. Mr. Stock stated he did have the resume but it was in his office. Mr. Stock reported on the credentials of the possible intern. There was discussion about the possible internship.

Mr. Miller moved to approve an offer for the unpaid intern position for the time frame discussed to Charles Brads. Mr. Combs seconded the motion. Roll Call: Mrs. Spradlin – aye, Mr. Miller – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

RESOLUTION NO. 2018-161

Mr. Stock advised he supplied everyone with the 2019 Holiday Schedule for review. Mr. Miller stated the date for Memorial Day on the Fire Holiday schedule was incorrect and needed changed from the 28th to the 27th.

Mr. Combs moved to approve the 2019 Holiday schedule as presented with the correction of May 27th for Fire. Mr. Miller seconded the motion. Roll Call: Mrs. Spradlin – aye, Mr. Miller – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

RESOLUTION NO. 2018-162

**XENIA TOWNSHIP TRUSTEES
REGULAR MEETING, OCTOBER 18, 2018**

Mr. Stock explained the propane lock-in rate agreement with Duncan Oil for the 2018-19 heating season with a guaranteed price of \$1.85 per gallon. He stated there were few articles in everyone's packets regarding propane prices for this coming season and a spreadsheet showing prices for different suppliers in the area. He asked the Trustees if they would like him to sign the contract to lock in the propane price for this winter season. There was detailed discussion about the contract.

Mr. Combs moved to approve the lock in rate with Duncan Oil for \$1.85 per gallon for one heating season up to 3000 gallons as presented. Mrs. Spradlin seconded the motion. Roll Call: Mrs. Spradlin – aye, Mr. Miller – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

RESOLUTION NO. 2018-163

Mr. Stock stated the Xenia Chamber meeting was about the YMCA hard hat tours of the new facility and plan to open on January 2, 2019, and discussion about the next Safety Council meeting which will be about emergency preparedness.

Mr. Stock stated he spoke with legal counsel today about 125 Fairground Road. He stated he found out that the Township could rent property but could not use money for investment and renovations. He stated this would need to be considered before the next phase stated at 125 Fairground Road.

Mrs. Spradlin asked for clarification about what monies could be used for. Mr. Stock stated no law shall be passed to be come a stock holder or to raise money for or aide in such company. He stated the Township could not front money to a private company or entity. He apologized for not getting this information to them sooner but just received it a few hours ago. There was discussion about building usage, occupancy and fire suppression at 125 Fairground Road.

Mr. Combs asked if the Purchase Orders for Megacity and the Architect had to be done together or is one more pressing than the other. Mr. Stock stated he was not sure but the quoted prices could change if they wait. He stated both were needed to get through the next adjudication. Mr. Miller stated he would hold off to see if the interested party can work out a deal with another agency; however, if this would not be able to happen due to the Revised Code then so be it. He stated he did not think they should spend money on these buildings since they do not have a definite use for them at this time. There was discussion about the space in each building. Mrs. Spradlin stated they had already talked about this for two meetings and the question was when they would get occupancy. She stated they know they cannot put money into a building for a private entity, so the intention with this was to get the fire suppression up, to stop dragging their feet and be able to occupy the buildings and use them for whatever purpose is needed at the time. Mr. Miller stated if they get the fire suppression up and running then they will have to heat the building and they do not have a particular use at this time, and until they have a definite use for the building he did not see spending the money on the fire suppression. There was discussion about the fire suppression system and how it works in each building. Mr. Stock advised they were at least 6 to 8 weeks out even if they use the building for cold storage, because they cannot get occupancy until the fire suppression system is working due to the permitting process. Mr. Miller stated if they spend the money on the fire suppression then they have to turn the heat on, with the insulation in the building not being sufficient, without having something specific in mind would not be an appropriate move. There was discussion about the work needing to be done on the insulation. Mr. Stock advised they would not get final occupancy until the fire suppression was either maintained or removed. Mrs. Spradlin stated it was like a domino effect; they had to fix the ceiling insulation, then fire and alarm system which all need permits which can take up to 6 six weeks to get approved. Mr. Miller asked what was in each building. Mr. Pile stated in the Quonset hut there was the backhoe, skid steer, and other miscellaneous equipment, the Kiln has crack fill, the trophy building has County stuff, and items from a previous tenant, some mowers. There was discussion about what things could be moved in the Road Building and moved out of the other buildings. Mrs. Spradlin asked if the Road Crew would be able to move everything out of the builds without any additional help. Mr. Pile state the Road Crew could handle their stuff but the Fairgrounds would have to come and remove theirs. There was discussion about what should be done first at 125 Fairground Road. Mr. Combs suggested taking a five minute break and everyone agreed.

**XENIA TOWNSHIP TRUSTEES
REGULAR MEETING, OCTOBER 18, 2018**

Mr. Combs advised they were back from break, there was a guest that would like to speak and he invited her to come forward. Alesia Austin, 907 Oak Dale Drive, stated John Fedarko had come to a previous meeting to talk about her issue. She stated her issue was with the neighbors behind her that had built a fence across her property line. She stated Mr. Stock had come to her house to look at the back property pins to verify the fence had crossed the line by about 4 to 6 inches. Mrs. Austin stated she had to make a decision whether to work with the neighbors, who spoke with their side neighbors but not her, and the fence was not attached to hers, but actually butted up to hers. She stated this issue had been going on for a while and she sent the property owners a letter asking them to have the fence removed from her property by the end of September, which did not happen. She stated after speaking with family members she has decided, based on Mr. Stock 's suggestion, to have a letter written from the Township Zoning Inspector asking them to remove the fence which has crossed the property line. She stated she wanted to have this on record in the hopes to get this resolved. She stated if the neighbors had come and talked to her in the beginning she was not sure what her response would have been but at least she would have been given that option to decide. She stated she feels if they were to move some day it could be a possible issue with the new owners. Mrs. Spradlin asked if the fences were similar, Mrs. Austin stated she believes both fences were six foot cedar fences. Mrs. Spradlin said that Mrs. Austin could not access the back of her fence to maintain it. Mrs. Austin stated that was correct. Mr. Miller asked when this happened. Mrs. Austin stated she noticed the fence in February. Mr. Miller asked if the neighbor had gotten a permit. Mr. Stock advised there were permits for both fences. Mrs. Austin advised the fence company that installed the neighbor's fence was told he had permission to butt up to the back fence. John Fedarko, Oak Dale Drive stated he spoke with the fence contractor, when the neighbors came home. He explained the conversation they had while walking the fence line. Mrs. Austin stated when they bought the property they decided to build inside the property line to avoid this type of situation. She stated they were caught off guard with this issue. Mr. Combs stated it was unfortunate that she may have to get an attorney. Mrs. Austin agreed and stated that was why she wanted to come and speak on the record about her fence issue. She thanked the Trustees letting her speak on the record and for their time. Mr. Miller suggested to make sure Mrs. Austin may need a survey because the Township and the Zoning Inspector were not surveyors, and that having one done may come up done the road. Mrs. Spradlin asked Mrs. Austin if when they bought their property if it had a survey. Mrs. Austin said it did and she had a copy with her.

Mr. Combs asked if there was any more discussion regarding 125 Fairground Road. Mr. Combs asked Mr. Stock if the Purchase Order for the architect was more important. Mr. Stock stated the quote for the architect was for work to complete occupancy for all buildings. Mr. Combs stated that the architect cannot complete his work until the fire suppression work is done. Mr. Stock stated until the Township gets occupancy the architect would not get paid. Mr. Combs stated since this discussion was at a standstill, he would move on to the Fire Department and come back to this later if possible.

FIRE DEPARTMENT:

Chief Fox reported Jay Leach had accepted another job with the City of Bellbrook and would be resigning from his Full Time position with Xenia Township and was asking to move to part time Lieutenant status effective November 3, 2018. Chief Fox advised Lt. Leach understood the 1500 rule for insurance and would not be requesting insurance for the rest of this year. Mrs. Spradlin wanted to read his resignation letter before a motion was made and stated she did not see anything about him not requesting the insurance. Mr. Stock stated he asked Lt. Leach to put that in writing but has not received it yet.

Mr. Miller moved to accept the resignation of Lt. Leach from his full time position and move to part time lieutenant at \$14.44 per hour with the stipulation of no health care benefits due to the 1500 hour rule effective November 3, 2018. Mr. Combs seconded the motion. Roll Call: Mrs. Spradlin – aye, Mr. Miller – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

RESOLUTION NO. 2018-164

Chief Fox advised they had sent Engine 51 out for valve repair. He stated the original thought was it would cost \$650 but in addition to that work there was more work that needed to be done once the repairmen started taking things a part. Chief Fox stated this

**XENIA TOWNSHIP TRUSTEES
REGULAR MEETING, OCTOBER 18, 2018**

was the complete repair. Chief Fox explained the work that was done to Engine 51 in more detail. There was discussion about the repairs.

Mr. Combs moved to approve the Purchase Order for Repairs to Engine 51 for \$5,286.75 from 2282.230.360.0000 to Heritage Fire Equipment. Mr. Miller seconded the motion. Roll Call: Mrs. Spradlin – aye, Mr. Miller – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

RESOLUTION NO. 2018-165

Chief Fox stated Deputy Chief Beegle attended the Safety Council meeting but was unavailable for this meeting and asked if this could be moved to the next meeting. Mr. Combs stated that would be good.

TRUSTEE BUSINESS:

Mr. Miller stated the Washington Road agreement was ready and sign off by Legal Counsel. He stated the contractor was ready to start as soon as next week but they also need to get the property owners to sign the agreement before work could start. There was discussion about the agreement details and the Purchase Orders needed to purchase the materials needed.

Mr. Miller moved to approve the purchase order to JMD Supply for pipe and fittings for the Washington Road project for \$2,847. Mr. Combs seconded the motion. Roll Call: Mrs. Spradlin – nay, Mr. Miller – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 2-1.

RESOLUTION NO. 2018-166

Mr. Miller moved to approve the Purchase Order to Middleton Lawn and Landscaping LLC for \$4,900 for project on Washington Road. Mr. Combs seconded the motion. Roll Call: Mrs. Spradlin – nay, Mr. Miller – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 2-1.

RESOLUTION NO. 2018-167

Mr. Combs asked for any further discussion about Washington Road. Mr. Miller stated this was a project they had asked to be approved in the past and was surprised to not have a unanimous decision on this matter. Mrs. Spradlin stated she looks for the same treatment to be given in depth to the visitors who came tonight and spoke of their road problems. She stated she voted no because she did not see a problem or issue and she was not an engineer and she was not going to go against the engineer who designed the road and the ditches. She stated she felt this could create more problems down the road but it passed with a 2-1 vote. Mr. Miller asked which engineers she was speaking of. Mrs. Spradlin stated any of the engineers that designed the road, the ditches, that made decisions about how that road when it was first done. Mr. Miller stated he felt this project was rectifying a problem from the project that the Township undertook on Washington Road and he thinks that there were property owners that ended up with the fronts of their properties and changed them from what they had previously and this would rectify that and get the properties closer to what they were before the original project. Mrs. Spradlin stated if the home owners were so dissatisfied with their property why haven't all of them attended a meeting and why was there only two people listed on the ditch improvement agreement and they were still trying to get the other two to "buy in" and they do not know if those people will agree with this document and project. Mr. Miller stated there was only one property owner he had not made contact. Mrs. Spradlin stated the agreement only shows two property owners, attendees noted Mrs. Spradlin received one page of one property and each other elected official had hand in front of them one of each of the other three as examples. Mr. Combs stated there was one other spot of Washington Road that in some point in the future will be addressed. Mrs. Spradlin stated she agreed that was the only spot that actually needed fixed.

FISCAL OFFICER:

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

RESOLUTION NO. 2018-168

**XENIA TOWNSHIP TRUSTEES
REGULAR MEETING, OCTOBER 18, 2018**

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

RESOLUTION NO. 2018-169

Mr. Miller moved to approve the Then & Now Purchase Order to Greene County Engineer for line striping for \$5,557.47 from 2011-330-360-0000. Mr. Comb seconded the motion. Roll Call: Mrs. Spradlin – aye, Mr. Miller – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

RESOLUTION NO. 2018-170

Mrs. Seiter advised there were two sets of minutes to approve.

Mr. Combs moved to approve the minutes from the September 20, 2018 regular meeting. Mrs. Spradlin seconded the motion. Roll Call: Mrs. Spradlin – aye, Mr. Miller – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

RESOLUTION NO. 2018-171

Mr. Combs moved to approve the minutes from the September 6, 2018 regular meeting. Mrs. Spradlin seconded the motion. Roll Call: Mrs. Spradlin – aye, Mr. Miller – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

RESOLUTION NO. 2018-172

Mr. Miller stated the agreements were ready and were ready to be signed off by Mrs. DeWine. Mr. Combs asked if this could be done tomorrow. Mr. Stock advised he would get the agreements to Mrs. DeWine first thing in the morning. Mr. Miller stated as soon as they were ready someone should get the property owners signatures. Mr. Stock stated he would go and get the signatures as soon as he could.

Mr. Combs moved to re-enter Executive Session at 8:30 p.m. for R.C. 121.22(G)(1) To consider the employment, dismissal or compensation of a public employee. 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 were all elected officials, Administrator and Chief Fox.

Mr. Combs advised they had exited Executive Session at 9:12 p.m.

UPCOMING MEETING DATES:

- November 8, Trustee Meeting
- November 15, Trustee Meeting
- November 27, Zoning Commission

ADJOURNMENT:

Mr. Combs moved to adjourn at 9:13 p.m. Mr. Miller seconded the motion. Roll Call: Mrs. Spradlin – aye, Mr. Miller – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

Xenia Township Board of Trustees

Date Approved: _____

L. Stephen Combs, Chair

Resolution # _____

Attest:

Scott Miller

Sheila J. Seiter, Fiscal Officer
MEH

Susan Spradlin