

Held OCTOBER 12, 2020 20

The Miami Township Board of Trustees met in a virtual work session on Monday, October 12, 2020 at 8:30 a.m., as permitted by Bill 197 passed by the Ohio General Assembly. Chairperson Tracy called the meeting to order and led the Pledge of Allegiance.

Mr. Ferry called the roll. Attending were Ken Tracy, Mary Makley Wolff and Karl Schultz.

Correspondence: Mr. Ferry advised of one liquor permit for BWR Milford LLC, DBA Buffalo Wings & Rings, 5809 Smysor Road. There were no objections from the Police Department and no hearing is required.

Mr. Wright advised that he and Mr. Musselman are requesting to extend the probationary term for Maintenance Worker 1 Lloyd Novak until April 23, 2021.

Mr. Schultz made a motion to extend the term of probation for Service Worker 1 Lloyd Novak until April 23, 2021, seconded by Ms. Wolff with all voting "AYE".

Chief Kelly presented a request to replace 11 sections of fire hose that failed inspection during the annual testing. The majority is five-inch supply line. A quote was received from First In, Last Out Fire Equipment in the amount of \$5,815 which includes shipping and handling. This item will return to the October Business Meeting to request formal approval.

Mr. Musselman reported that on October 1st at 10 a.m. a bid opening was conducted for the Mt. Zion/Buckwheat Road sidewalk project. The engineer's estimate was \$107,973. He reviewed the bids received as follows:

Fred A. Nieman Company	\$115,736.00
R.A. Miller Construction	\$109,262.05
Ford Development	\$103,323.00
Smith Construction	\$ 97,726.00
Filmore Construction	\$ 87,851.00
Adleta Construction	\$ 82,071.41

Mr. Musselman stated the project is designed for construction from June 1, 2021 through August 10, 2021 to avoid the school year. The award request will be brought to the October 20th Business Meeting.

Mr. Elliff presented proposed text amendments for mobile food vendors and deck setbacks. He shared that the regulations were prepared in response to input received by the public and business community regarding mobile food vendors setting up somewhat permanently in visible areas, primarily on the business corridors. He noted the proposed regulations were included in full in the Board's packets and were the same as what was shared with the Zoning Commission recently.

Mr. Elliff summarized the intent of the regulations and highlighted that the proposed text includes where the mobile food vendors could locate, duration at one location, signage, safe setup that does not create line of sight, parking or access issues and an option to produce a Board of Health certificate at the Township's request. He noted that location was defined as the same lot or spot or within a half mile to keep the vendors moving along.

Mr. Elliff next summarized the text amendments for deck setbacks. He shared that some modern lots have short rear yards and stated the Board of Zoning Appeals has recurring variance requests for decks in this regard. The proposed amendment would allow open decks to project into the rear yard setback and shared a photo as an example of the deck type. He stated it would provide relief to a lot of residents who would otherwise have to obtain a variance.

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Mr. Elliff shared that the Zoning Commission did not have any further comments to add regarding the proposed deck setbacks and stated that much discussion occurred on the mobile food vendor regulations, and generally held the consensus that some regulation would help even the playing field between the mobile vendors and the bricks and mortar businesses; and be inclusive of the cultural element of having mobile food vendors in the community.

Mr. Elliff inquired as to the Board's direction and input on whether these proposed amendments were desirable and to be brought forward as a text amendment resolution at a future meeting.

Ms. Wolff held discussion regarding the County Health Department's role in managing mobile food vendors. Mr. Schultz discussed outcomes when regulations are instituted and inquired as to the regulations of other communities. Mr. Elliff provided his interpretation of Springfield Township and Middletown's regulations which were reviewed as a result of a Center for Local Government survey.

Mr. Schultz held discussion regarding the definition of a deck, and upon further discussion with Mr. Elliff, it was clarified that enclosed or covered decks would not be subject to the setback exception proposed in the text amendment. The Board provided direction to proceed with drafting formal regulations.

Chief Kelly informed the Board of a request to purchase a portable forcible entry training simulator. He shared that forcible entry is also sometimes used on medical related calls in addition to fire calls. He highlighted that training on this technique helps minimize the damage that occurs and is important to practice. It was also noted that the unit would be easy to transport to other departments and is versatile in available training scenarios. A quote was presented from PAR Training Props, LLC at a cost of \$4,300. This item will return to the October Business Meeting to request formal approval.

Mr. Wright advised that the Board and Fiscal Officer recently directed staff to propose new language in the personnel policy manual, which was last updated July 16, 2019. He stated that one of the primary reasons for the current proposal is that we were asked to address the issue of a 27th pay that happens approximately every decade. New language was proposed, Mr. Ferry has reviewed it and agrees with it, which reads as follows, and would be inserted in Section 25:

"All salaried positions are calculated assuming a 26 pay period schedule from January 1 through December 31, which is the normal annual pay schedule for the Township. In the event the Township experiences a year which has 27 bi-weekly pay periods, the annual salary will be divided by 27, rather than the typical 26, to account for the 27th pay. Due to the additional pay period, the bi-weekly amount will reflect a reduction over a 26 pay period year."

Mr. Wright advised that the Leadership Team also provided proposed changes to the sections of tuition reimbursement and sick time policies to further define language to prevent abuse and strengthen those sections. Minor changes were proposed to the section of operating a township vehicle related to the points the BMV may have on an employee's license and performing annual checks to benefit the Township, in addition to other minor changes and scribes' errors. Mr. Wright recommended the proposed policies for adoption by the Board.

Mr. Tracy expressed to Mr. Wright his appreciation for the work and detail put into the document. Ms. Wolff also expressed her appreciation for this work. She next discussed prior processes for reviewing policy changes and her preference to defer approval of the proposed changes other than the 27th pay period language requested. She asked for the opportunity to provide a forum where the Trustees can be further engaged to hear reasoning, provide feedback, and gain better understanding of the additional proposed changes not previously requested.

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Discussion was held regarding past practice on review processes for policy changes and the use of the Strauss Troy law firm in previous processes. Mr. Braun added that he worked with Mr. Wright and Ms. Flanigan on changes that incorporated the records management policy. He also offered to revisit the policy manual for a comprehensive review and update as has been performed previously.

Mr. Tracy directed this item for deferral to further discuss the redline changes as Ms. Wolff requested and for review of the subject matter by Law Director Braun for possible discussion at the next executive session or preparation of a comprehensive memo regarding the changes. He noted this would allow all the Trustees to ensure their questions are answered and proposed changes are discussed. He clarified that after that step takes place, then this item can move forward.

Mr. Musselman reported on October 9, 2020, a bid opening was conducted for the Redbird Road Slope Stabilization project. The engineer's estimate was \$196,180. He shared the following three bids received:

Scherzinger Drilling	\$183,558.00
Alan Stone Company Inc.	\$173,082.00
W.E. Smith Construction	\$159,690.00

Mr. Musselman stated the project is designed to be constructed from the period of October 26, 2020 and January 1, 2021. He noted that because of the water main being so close to the edge of the road it was advisable to perform this work prior to spring. He stated he would return this item to the Business Meeting to request formal approval.

Chief Kelly requested approval to enter into a contract with MSA Design to conduct a facility study for Station 27 for planning and development assistance to meet current operations. He noted MSA conducted a facility study in 2012 of all fire facilities at that time. The information has been used over the past seven years to improve the buildings, originally designed for volunteer operations which are now utilized 24/7.

Chief Kelly stated MSA was utilized in the design of Station 29 and had very positive results and effective recommendations. The amount budgeted for 2019 for this study was carried over into 2020. He shared that this year is the first year the septic system has failed inspection and that system needs improvement among other items. The study facility costs are proposed as not to exceed \$11,000 and could come in less.

Ms. Wolff discussed if access to tap into the sewer system was available. Chief Kelly shared that he has opened dialogue with the County in this regard.

Mr. Wright advised that, as the Board is aware, there is a private development for Aldi on the south side of State Route 28 at the existing traffic signal that accesses Kohls. He stated conversations have been held regarding improved safety to the motoring public to have the proposed street extend further south of Aldi. Then it would connect to the east to Sorrel, Pinto Place and Roan Road subdivision, as well as Christ Hospital.

Mr. Wright stated a civil engineering firm would next be engaged and that McGill Smith Punshon is working on survey information, site development and part of the new street for the proposed Aldi. He stated efficiency would be achieved utilizing this firm as they are on-site, and the Township would request MSP to design a roadway that would benefit the public in making those connections. He stated the cost would be paid for through the Kohls TIF fund. The proposal from MSP includes the remainder of the survey work, design and construction documents, record plat development and construction oversight for a total cost of \$39,900.

Ms. Flanigan reported that the Township has received the third round of CARES Act funding from the County and additional appropriations are being requested in the amount of

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\$1,540,300. Interest is also included for the coming months. It was noted all dollars must be encumbered for the Township to be permitted to spend it. She stated a blanket, multi-vendor purchase order would also be presented in this regard.

Ms. Wolff inquired as to the potential expenditures that the funds could go toward over the next few months. Ms. Flanigan provided an update on possible projects being discussed in addition to the eligibility of fire and police personnel costs related to COVID-19 responses that was recently added. Mr. Wright added that he, Ms. Flanigan and Mr. Ferry have had conversations over the past few weeks regarding the state's guidance, also including Mr. Braun, and all agree on the eligible expenses.

Ms. Wolff made a motion to adopt Resolution 2020-30, a Resolution to Amend Appropriations for current expenses and other expenditures of Miami Township, State of Ohio, during the fiscal year ending December 31, 2020 and declaring an emergency, seconded by Mr. Schultz with all voting "AYE".

Chief Kelly presented a request to purchase two additional Clorox T360 electrostatic sprayers in the amount of \$9,808.96. He stated the Township has received its first order of sprayers, in-service training was conducted, and all departments have put them into use on the buildings, ambulances, and workspaces which is working very well. This purchase request is for additional machines, spare parts, and cleaning solution to carry through the remainder of this year and into 2021.

Mr. Schultz made a motion to purchase two Clorox T360 Electrostatic Sprayers from Valley Janitorial Supply in the amount of \$9,808.96, seconded by Ms. Wolff with all voting "AYE".

Mr. Elliff shared a reminder announcement of the Trustees Special Meeting to conduct a zoning hearing at 7 p.m. on October 13, 2020.

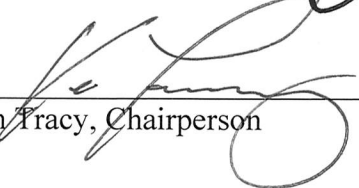
Public Comment: None.

Executive Session: None.

With no further business to come before the Board the meeting was adjourned at 9:16 a.m.

ATTEST:


Eric C. Ferry, Fiscal Officer


Ken Tracy, Chairperson