

# MINUTES OF THE WAYNE TOWNSHIP BOARD OF TRUSTEES MEETING HELD MAY 21, 2019

Mr. Patrick called the meeting to order at 7:00 pm.

**Roll call:** Mr. Patrick – present; Mr. Coffman – present; Mr. Foley- present.

**The following staff were present:** Administrator, Donald Edwards; Roads Supervisor, Scott Camery; Fire Chief, Paul Scherer; Zoning Inspector, Erin Hartsock; and Fiscal Officer, Darrell Coffman.

**The following residents were present:** Gary Breeze, George Cherryholmes, MJ Walling, Tom Duerr, Pat Davidson, John Federle, Diane Colvin, Joette Dedden, Earl Isaacs, Andy Jacobs, and Brian Wells

Mr. Patrick led all present in the **pledge of allegiance to the flag.**

Mr. Foley motioned to **approve the Minutes of the May 7<sup>th</sup>** meeting. Mr. Coffman seconded the motion. Upon call of the roll thereon the vote resulted as follows: Mr. Coffman – yea, Mr. Patrick – yea, Mr. Foley – yea.

## CITIZENS' COMMENTS:

**Mr. Tom Duerr** shared his belief that the Township should strike the Village Transition PUD provision from the Zoning Code after summarizing the referendum results.

**Ms. Gary Breeze** shared his belief that erosion on a curve on O'Neall Rd. is a safety concern. [Mr. Patrick requested that Mr. Camery look into the matter.]

## DEPARTMENT REPORTS:

### ROAD DEPARTMENT:

Road Superintendent, Scott Camery provided the following report:

Continuing to work towards hiring **seasonal help.**

**Crack sealant was ordered** and has been delivered.

We **completed** crack-sealing **Laura Marie Dr.** and have **7/8ths of Morris and Fairfield done.**

My plan is to finish there and move to **Trillium Run, Administration Building parking lot** and **Firehouse # 1.** All is weather dependent.

Currently working on **1<sup>st</sup> round of mowing.** Hopefully we will have it completed by mid-week this week [at the time of the meeting, the project was reported as complete].

**Mt. Holly bridge project** has been pushed back to **mid-July.** The bridge company has experienced some delays on their current project in Clinton County.

**New Burlington Rd bridge** replacement is set to start on the **28<sup>th</sup> of this month.** It will be closed for approximately 12 weeks (this is a county project).

This year's **paving project bids** have been opened. Current figures suggest that JRJ is the low bid and will apparently be awarded the project. I have a pre-construction meeting on 10 June 2019.

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This year's **chip-seal bid** has not been advertised yet [at the time of the meeting, it was reported that the bids would be opened on June 11].

**[Additional updates provided at the time of the meeting:**

A resolution was prepared for participation in the **2019 County striping program.**]

Anticipate **accepting Carter Rd. [Hidden Trails portion]** at the next Board of Trustees meeting. **Valdosta Way** will be the last subdivision road remaining. It will be eligible for public acceptance in July 2020.]

**All Road Department equipment is available for use.**

**FIRE DEPARTMENT:**

Fire Chief, Paul Scherer provided the following report:

**Specs for new squad** are about 90% completed working on paint details.

**ISO (Insurance Services Office)** grading is scheduled for August 19<sup>th</sup>. This is about a year ahead of the normal. Plus they advised they will also be doing an update next year due to new station. [While the timing is inconvenient, WTFD is ready for the process].

Working on setting up meeting with Spring Valley Twp for **AMARS (Automatic Mutual Aid Response)** on some areas of New Burlington Rd during the bridge closure for 12 weeks.

The following **notes** were provided on the submitted report:

Working to **update Equipment Replacement Plan** with updated pricing. Equipment replacement plan, operating cost of new station, and personnel cost will drive an evaluation of next levy that is up for renewal.

**[Additional updates provided at the time of the meeting:**

Medicount has put a bulletin out stating that the Ohio Attorney General will follow up regarding billing once Medicount has exhausted all options, if the Township elects to have them do so].

[There were no questions for Chief Scherer.]

**ZONING DEPARTMENT:**

Zoning Inspector, Erin Hartsock provided the following report:

**Hearings:**

**Past Variance Hearing:** 5994 Thomas Dr., Accessory Structure Setback from ROW (5.16.2019) (Granted)

**Future Variance Hearing:** 3072 E SR 73, non-conforming lot split (6.20.2019).

**Future Rezoning Hearing:** 8640 SR 42, Gravel Pit "G" to Rural Residential "RU" (ZC 6.6.2019; **BoT 6.18.2019**)

**(Administrative) Wayne Mobile Home Park: PUD Stage III**

RPC and ZC recommended approval of the final site plan. **BoT will give final review/approval on May 21, 2019 (legislation)**

**Other:**

**2019 Recycler of the Year:** Wayne Township awarded the Warren County Recycler of the Year for 2019. Award Breakfast 6.7.2019. Please RSVP to me and I will extend our total numbers.

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**CDBG:** [Community Development Block Grant] officially awarded for Carter Dr./Wayne Meadows Stormwater management improvements. Engineering out to bid currently.

**Corwin Tractor Show:** Saturday, June 1

**Second Saturdays** (Saturday, June 8): Street Fair with Live music on Main and WAAC Free concert in Bicentennial Park following (7-10 pm) "Brimstone" performing

[There were no questions for Ms. Hartsock.]

## **ADMINISTRATOR REPORT:**

Administrator, Donald Edwards provided the following report:

### **Fire Station: Status Update**

PCI: Light gauge framing; all load bearing walls and 90% of trusses have been erected. Few interior walls remain and roof sheeting going down.

Storm shelter by "Safe Shed" is being finalized.

DP&L line construction is complete. Pole in middle of apron has been removed.

Waterline meter pit: contract has been awarded; still waiting on material to arrive.

Cin.-Dayton Fire Protection has completed fire suppression piping in the apparatus bays.

Parsons & Prows have the third floor and tower concrete poured. Stairs are installed and poured.

Mid-Miami Roofing is still on hold. Did box in light gauge roof area.

Applied Mech. has exhaust, and plumbing installed in bays. Now working on center and fabricating for office area.

Kenmarc Electric is staying with all trades with doing electric runs.

Exhaust hangers (six inch steel tubing) still being installed. Sub-contractor lost a couple of guys to injury and illness. Another sub-contractor has been hire to fill in.

Miter Masonry is back on site laying brick from bay doors, clockwise around office area.

Updated Cost sheets and current schedule was sent out prior to meeting.

### **State Audit:**

Audit for years 2017 & 2018 began on May 1<sup>st</sup>. AUP (agreed upon procedure) has been sent to all Board members. All on site work was completed last Friday. Should have a preliminary report back in June.

### **Economic Development Committee: (No update)**

**Zoning Inspector:** Received letter of resignation effective June 7, 2019.

### **Mr. Wells' Concerns:**

There are no statutory provisions for regulating demolition of structures under zoning.

There is nothing in the Zoning Code regarding removal of damaged, condemned or abandoned structures.

Township zoning (at least non-limited home rule township zoning) does not have the authority to regulate the condition of a structure (we are limited to use, size, location and setbacks). This falls more under property maintenance codes which are options for limited home rule townships (like Clearcreek or Washington (Mont) Twps.)

This sort of thing COULD be deemed a nuisance and pursued via nuisance resolution of the Trustees under ORC 505.86 however this process is cumbersome and very lengthy.

We have conferenced with Mr. Wells to inform him on our regulations and other jurisdictional pursuits. The Warren County Health Dept. was also made aware of his concerns.

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The Ohio Fire Code actually prohibits the demolition of a burned structure for six months or until the authorized insurance company releases the property.

**Paving Bids:** The Warren County Engineer's Office bids for pavement resurfacing.

Type I, Surface Course 448 unit price was \$68.00 per ton.

Total program cost for Wayne Twp. Roads \$114,765.60. [Mr. Edwards stated that this estimate included plans to repave Chenoweth Rd and potentially Old Route 73].

**Chip Seal:** Hasn't been advertised yet. Corwin has decided to not participate this year.

### **Other:**

Memorial Day Services: Miami Cemetery Monday, May 27<sup>th</sup> at 11:00 am.

Corwin Tractor Show: Saturday, June 1<sup>st</sup> 10:00 am – 2:00 pm.

**Mr. Wells** thanked staff for meeting with him and shared that he has spoken with his neighbor and believes that they wish to have the property cleaned up as quickly as possible so that the home may be rebuilt.

### **OLD BUSINESS:**

**Discussion on costs and legal requirements for recording meetings:** Mr. Patrick is continuing to work on details.

**FLUM: Future Land Use Map (updates and conformities):** Mr. Edwards stated that there were no updates, but he would require feedback from the Trustees prior to the July full RPC (Regional Planning Commission) meeting.

### **NEW BUSINESS:**

**Questions or Concerns Regarding the Bills:** None

**Wayne Mobile, Inc. Manufactured Home Park- Stage 3 PUD:** Ms. Hartsock shared the final revised site plan as recommended for approval by the RPC with the condition that language referencing the future installation of utility lines be buried in accordance with Wayne Township Zoning Code [effective 1997-2017] 20.09(B)17 be included on the final site plan. She further shared the Zoning Commission's subsequent recommendation to approve the final site plan with modified site plan language referring the burial of future utilities.

She also recapped the conditions as approved in Stage 1 and Stage 2 and the property's compliance with all recommendations.

There were no questions for Ms. Hartsock [see legislation 2019-31]

### **Legislation:**

[Tabled] **RESOLUTION 2019-25 A RESOLUTION APPROVING THE RENEWAL OF A CONTRACT FOR STREET LIGHTS AND SERVICE AGREEMENT WITH MIAMI VALLEY LIGHTING, LLC ("MVL")**

Legislation was tabled until Mr. Edwards could reconcile discrepancies between the contract and the presented materials. It was noted that action was required by August 1]

**RESOLUTION 2019-29 A RESOLUTION AUTHORIZING CONTRACT WITH WARREN COUNTY ENGINEER'S OFFICE FOR WARREN COUNTY 2019 ROAD STRIPING PROGRAM**

Mr. Patrick motioned to adopt the resolution. Mr. Foley seconded the motion and upon call of the roll thereon the vote resulted as follows: Mr. Patrick – yea; Mr. Coffman – yea; Mr. Foley – yea. The resolution was therefore adopted the 21<sup>st</sup> of May 2019.

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**RESOLUTION 2019-30 A RESOLUTION AUTHORIZING CONTRACT WITH SAFE SHEDS, INC. FOR CONSTRUCTION AND DELIVERY OF A FEMA AND ICC 500 APPROVED "SAFE ROOM" AT THE FIRE STATION NO. 2 FIRE HOUSE PROJECT**

Mr. Patrick motioned to adopt the resolution. Mr. Foley seconded the motion and upon call of the roll thereon the vote resulted as follows: Mr. Patrick – yea; Mr. Coffman – yea; Mr. Foley – yea. The resolution was therefore adopted the 21<sup>st</sup> of May 2019.

**RESOLUTION 2019-31 A RESOLUTION APPROVING THE WAYNE MOBILE, INC. MANUFACTURED HOME PARK PUD STAGE 3 FINAL SITE PLAN**

Mr. Foley motioned to adopt the resolution. Mr. Patrick seconded the motion and upon call of the roll thereon the vote resulted as follows: Mr. Patrick – yea; Mr. Coffman – yea; Mr. Foley – yea. The resolution was therefore adopted the 21<sup>st</sup> of May 2019.

**RESOLUTION 2019-32 A RESOLUTION AUTHORIZING THE SUBMISSION OF A PRE-APPLICATION AND MULTI JURISDICITONAL PARTICIPATION THEREOF BY THE VILLAGE OF WAYNESVILLE, OHIO AND THE WAYNE TOWNSHIP BOARD OF TRUSTEES IN THE OHIO PUBLIC WORKS PROGRAM FOR PY 35**

[Mr. Patrick stated that the Board discussed the matter at the end of the previous meeting. It was at that time, the Trustees determined that the Fire Fund cannot currently support the Village of Waynesville request for matching grant funding due to unforeseen expenses associated with a requirement related to the water meter pit required for Fire Station No. 2. It was further noted that the Fire Department's equipment replacement schedule was unfortunately already requiring readjustment as a result of these expenses.]

**CORRESPONDENCE:**

**Warren County Engineer's Office:** notification of pending public acceptance of Carter Rd./Hidden Trails subdivision

**LCNB:** Spring 2019 Trust and Investment Bulletin

**WORK SESSION:** Mr. Edwards demonstrated the division of funds (utilizing a bagel) from **gas tax revenues** among governmental entities (State, County, Local) as well as the amounts received by Wayne Township in comparison to its neighbors Massie and Clearcreek Townships. This was to show inequities between Large, Medium and Small township based on road mileage, population and property valuation. It also demonstrated what portion of each dollar went to State roads, County roads, Local roads. Townships in Ohio have more miles of roadway than any other jurisdiction but they receive the least amount of revenue to maintain those roads. However, with that said, Mr. Edwards said they were appreciative of any new money that was distributed to townships for road maintenance.

Mr. Andy Jacobs asked if the tax was permanent or for a fixed period and when the Township can look to begin receiving funds. Mr. Edwards stated it was permanent and the tax would become effective in July with anticipated receipts beginning in October.

Ms. Colvin asked what in the local distribution formula makes the division so inequitable on a per capita/per lane mile basis. Mr. Edwards reported that the minor differences in dollar amounts result from a high minimum population threshold for a base funding level.

**EXECUTIVE SESSION:** Mr. Coffman motioned to enter executive session at 7:51 p.m. per ORC 121.22(G)(1) to discuss personnel matters with the Trustees, Mr. Edwards and Chief Scherer. The motion was seconded by Mr. Foley. The motion passed by unanimous vote.

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At 8:42 p.m., Mr. Foley made a motion to come out of executive session and return to regular meeting. Seconded by Mr. Patrick: on voice vote all were in favor.

No action was taken.

**Further new business topics:**

Fire House No. 2 progress and completion schedule was discussed and reviewed.

**OPWC PY-35:** the Trustees instructed the Township Administrator to send a letter of explanation to the Waynesville Village Manager regarding Wayne Township's inability to participate at present do to unknown additional cost associated with Fire Station #2 completion, fire department payroll adjustments, additional part-time personnel, along with operational cost of the new station have not been finalized.

**ADJOURNMENT:** With no further business, Mr. Foley moved to adjourn at 9:42 p.m. Mr. Patrick seconded the motion. The motion passed with a unanimous vote.

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President, Board of Trustees