

RECORD OF PROCEEDINGS

Minutes of MIAMI TOWNSHIP BOARD OF TRUSTEES WORK SESSION

Meeting

BEAR GRAPHICS 800.325.8094 FORM NO 10148

Held MAY 10, 2021 20

The Miami Township Board of Trustees met in a work session on Monday, May 10, 2021 at 8:30 a.m. at the Miami Township Civic Center. Chairperson Wolff called the meeting to order and led the Pledge of Allegiance.

Mr. Tracy made a motion to appoint Township Administrator Jeff Wright as Acting Clerk for this meeting, seconded by Mr. Schultz with all voting "AYE".

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

Proclamation: Ms. Wolff read and presented to Police Chief Mills a proclamation recognizing National Police Week occurring May 9-15, 2021.

Chief Kelly presented a proposal for an inflatable boat as planned for in the current year's operating expenses. He stated it would provide for the ability to have two boats on the water for any emergency. One would serve as the rescue boat and the other as the back-up boat. He noted the redundancy is recommended during all water related responses to ensure maximum safety for victims and rescuers. He shared that the existing inflatable boat was damaged in a recent rescue that occurred on the Little Miami River. The cost was presented as \$4,795 including delivery from Milpro Marine and would be brought back to the Business Meeting to request formal approval.

The Board held discussion on timing and options for boat types for this purpose.

Chief Mills presented a request to send two Drug Recognition Experts (DREs) to a training conference in Orlando, Florida. He noted this training was part of the cancelled conferences last year. He stated the location would necessitate air travel at a cost not to exceed \$2,930 to cover all fees, airfare, rental car, food, and lodging. He informed the Board that the conference is sponsored by the International Association of Chiefs of Police and is the largest training conference for Drug Recognition Experts and Traffic Enforcement Specialists. He shared the focus and purpose of the available training for prosecution of impaired drivers. He noted that Miami Township has two of the six Drug Recognition Experts in all of Clermont County. It was noted this item would be brought back to be formally approved at the next Business Meeting.

Ms. Wolff commented that she may be able to assist through another source as to funding of this type of training.

Mr. Musselman reported that \$14,000 was budgeted to add two new aerators to the lake at Miami Meadows Park as part of the plan to mitigate the algae blooms experienced last summer. He stated chemical treatment of the lake had occurred preventatively this year. He commented the additional aerators would provide increased oxygen in the water to help prevent the algae blooms from re-occurring. He presented a quote from Kraft Electric for \$2,633 and from Beckman Services for \$5,355. He shared the Township could perform the trenching and backfill portion of the work in-house to help save cost. He noted there will be an installation expense for the aerators which will come in under \$3,000 for both aerators. The project will stay under the original budgeted amount. It was noted this would be brought back to the next Business Meeting with a recommendation for purchase.

Ms. Wolff commented that keeping the lake healthy was a priority and concurred with this effort to manage such problems. She also mentioned having Scotty Scott as a resource as it pertains to the fish in the lake.

Chief Kelly presented a request for the purchase of three desktop computers through Intrust as part of the Fire Department's planned 2021 workstation replacements. He stated there was a replacement schedule and this year there are three to replace. The total cost was presented as \$3,393.25 which includes shipping, handling, setup, and programming. He noted the original number of workstations to replace was six and they were able to update and reallocate some,

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thus reducing the number of replacements to three. It was noted this item would be brought to the next Business Meeting to request formal approval.

Mr. Tracy discussed the items included in the cost.

Mr. Wright advised the Board that about six years ago the Township did construct a prominent pylon sign near the gateway of State Route 28 and I-275 for the purpose of communicating with the residents and the over 80,000 vehicles that pass by on the interstate. He stated those funds were provided by the adjacent commercial TIF districts. He commented that it had always been the goal of the Board to have a few panels available for the attraction and retention of new commercial development. He reported on the Wings & Rings which opened recently and offered that as part of completing business retention with them, a license agreement could be approved to provide one of the double-sided bottom panels of the sign. He advised Law Director Braun has crafted the license agreement and Wings & Rings has reviewed as well. It was noted that this item would be brought back to the Board to request formal approval at the next Business Meeting.

Mr. Musselman reported that \$80,000 was included in the 2020 and 2021 annual budgets funds toward the purchase of a combination Vactor truck. He commented the functions of the cleaning machine included clearing clogged driveway pipes, drainage ditches, cleaning catch basins and performing hydro-excavation along with other tasks. He shared the Township has utilized this type of machine in the past when a vault was exhumed in part of the cemetery where a backhoe could not (strategically) dig.

Mr. Musselman continued with an inventory that the Township currently has 162 lane miles of road that has drainage swales and driveway pipes. He stated that equates to roughly 7,000 driveway pipes that, at some point, need flushed or cleaned out. It was noted that generally there is a standing list of pipes that need cleared, which leaves approximately 150 miles of road that have catch basins that would be cleaned out.

Mr. Musselman proposed a used Vactor machine would save money and a quote was obtained for a lease-purchase agreement. He stated that the proposed machine was a 2019 Vactor rental unit that currently has approximately 10,000 miles and 1900 hours on it. He presented the cost of the machine as \$388,345. An option would be to pay \$100,000 down (to save \$60,000) and finance the bulk of the cost through a five or seven-year purchase agreement. It was noted that the machines rent for about \$1,400 daily or \$4,200 weekly or \$12,500 per month and may not be available when needed. He stated that the Township currently borrows Milford's machine. A video was shared with the Board introducing the Vactor machine and its available functions.

The Board held discussion on current expenses related to this type of work, what additional services could be accomplished once a truck was acquired, and the preventative maintenance services required for catch basins.

Chief Mills reported that as discussed in the April Work Session, additional research was performed on a possible resolution to manage the golf activity in the Township. He reviewed that it continues to be brought to his attention by residents that there is state law that gives the Township authority to allow golf carts on public roadways. He shared the law gives the final say to local authorities which requires the jurisdiction to adopt a resolution to permit the under-speed vehicles.

Chief Mills reviewed that the requirements would include a speed limit of 25 miles per hour; must be inspected and licensed; must be driven by a licensed operator; cannot be driven on roadways with a speed greater than 35 miles per hour; and all traffic law must be obeyed. He commented that many resolutions that he had researched have reduced the last item to 25 miles per hour.

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Chief Mills continued by sharing that surveys were conducted through the Ohio Township Association and the Center for Local Government on this topic and this along with his additional research was provided to the Board in their meeting materials. He stated the draft of the under-speed resolution was crafted with the assistance of Law Director Braun. Chief Mills commented that the resolution would assist the Police Department in having a clearer response to the residents and stated if the Board would like to proceed, this item could be brought to be formally approved at the next Business Meeting.

The Board held discussion regarding staff time to process permits, licensing fees and the lack of Townships with regulations in place. Chief Mills stated that the inspections could be performed during a set time, without charge and integrated in the community relations position. It was noted golf cart activity is occurring in the Glenclyff subdivision, Hunt Club, Oasis, and Whitegate Farms in addition to other areas. Discussion continued regarding exemptions for golf cart paths, overall safety related concerns, and managing unlicensed drivers in golf carts.

Law Director Braun clarified that unlicensed drivers were not permitted under either scenario and encouraged an education campaign. He also stated that golf carts are not permitted currently on Township roads so they could be cited. He commented that there may be a misconception by the public that if the golf cart gets licensed that an unlicensed driver can then drive the golf cart.

Additional discussion was held regarding an education component for the related safety issues.

Ms. Flanigan reported that the Auditor of State's office is charged with auditing all public entities in Ohio throughout the year, whether an annual or biannual audit. She stated it is common for this service to be contracted out. She stated that the Township has had Perry & Associates perform biannual audits from 2013 to 2018 and that contract has expired. She noted there is also a limitation on the number of years we can utilize an independent accounting firm.

Ms. Flanigan advised the Auditor of State's office would be auditing the 2019 and 2020 financials. She reviewed the increase in cost related to the single audit, utilization of a different auditing entity, and expenditures thresholds having been exceeded that then require the single audit. She stated that Bastin & Company LLC has prepared the financial statements and related schedules which will be the basis of the audit. She stated the final cost estimate is pending and \$12,000 was budgeted and an estimate will be returned from Columbus. It was noted that another township similarly sized had a cost of \$14,000 and if the final quote is received in time this item would return for formal approval at the next Business Meeting.

Chief Mills informed the Board that the Police Department has been reviewing tow requests with local tow companies. He stated that there has been a small rotation for the past 25 years. Upon review, it is being proposed to expand the rotation and standardize the tow fee to prevent varying costs to residents. Appropriate fees were discussed with the tow companies. He stated a draft resolution as prepared for review and it would be brought back to the Business Meeting to be formally considered.

The Board held discussion regarding response times. Chief Mills added that as part of the MOU with the tow companies in the rotation, if a tow company cannot arrive within 30 minutes it would be required the company pass it on to the next tow company. It was confirmed that Law Director Braun worked with the Police Department to prepare the resolution.

Mr. Wright advised that as previously discussed, the on-site septic system for Fire Station 27 is at the end of its useful life. He stated that strategically it makes sense to continue a Fire & EMS station there for several generations. The cost to replace the system has been evaluated along with the cost to extend the public sanitary system. He shared it was more economical to extend the public sanitary sewer which is located a few hundred feet away. He noted it terminates where Jackson Woods is located on Branch Hill Guinea Pike.

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Mr. Wright stated that the Township previously awarded a design contract to Kleingers Group to perform the surveying and engineering services. He stated that the Township has been talking with the Director of the Clermont County Water Resources Department for this project. He stated that he and Chief Kelly are recommending the Township enter into a Memorandum of Understanding with Clermont County Water Resources which would include their taking on of the bidding services, bid review, award recommendation, construction administration and inspection of the project. At the completion of the project, the County would have ownership and maintenance responsibility. It was noted this item would be brought back to be formally considered at the next Business Meeting.

Mr. Wright advised that the Ohio Department of Transportation (ODOT) has completed stage two of the design and fully funded in their budget for 2022 the construction of the improvements to the intersection of Business 28, Bypass 28, and Romar Drive. He stated this was one of the higher accident intersections in the State of Ohio. He shared that the state has six different alternatives it provided last year that received public input as well as the Township input provided last summer.

Mr. Wright stated that after review, the State has selected a plan that will add an additional right turn lane coming from Business 28 onto 28, and there will be a new lane that will sequester drivers who want to enter northbound I-275 that will be separated by a concrete median. He stated this will prevent the current jockeying of lanes which leads to some of the current traffic accidents. He stated it will also widen the on-ramp for I-275 northbound, which may help morning and peak time congestion. He stated that additional signage was requested by the Township to alert drivers to when the light is red on Bypass 28 westbound traffic in an effort to prepare motorists to stop earlier.

Mr. Wright informed the Board that the new turn lane will need to occur on a Township-owned parcel which is the reason for the land donation request. The construction would not impact the Township's sign in the vicinity, nor any flag poles. He referenced on the northern part of an aerial photograph provided to the Board, there are a few maple trees that would be removed. The Township has requested ODOT plant two replacement trees on Township property along with any other necessary restoration. He stated that ODOT could have this completed in 12-16 months from now and there is no detriment to the Township. It was noted this would be brought back to the next Business Meeting to be formally considered by resolution.

Ms. Wolff made a request to have ODOT make an improvement to the right turn out by Chick-fil-A to prevent the right turn, noting signage was not enough due to the 55 mile per hour speed limit on the bypass.

Law Director Braun advised that as the Board is aware, the Township is involved in a public records lawsuit pending in federal court. He shared that he has been advised by the Township's insurance counsel, Mr. Barbieri, that he would like to ask the Trustees on the record to consider placing a limitation on the ability of he and other members of the Police Department to testify in this case because they are limited by the attorney-client privilege. Mr. Braun stated that it is a case, as the Board is aware, relates to whether the Township should or should not have produced certain public records. He stated it is the opinion of the Township's insurance counsel that this would aid the Township in its litigation defense. The request is for a motion with a limited waiver which would only be those that insurance counsel deems to be necessary.

Mr. Tracy made a motion authorizing the limited waiver of the attorney-client privilege as it relates to documents and testimony to be provided in the defense of the case of John Doe v. Miami Township pending in federal court, seconded by Mr. Schultz with all voting "AYE".

Public Comment: None.

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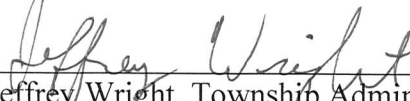
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Executive Session: Mr. Schultz made a motion to go into executive session to consult with counsel regarding pending or imminent litigation pursuant to Ohio Revised Code Section 121.22 (G)(3), seconded by Mr. Tracy with all voting "AYE".


Mr. Schultz made a motion to authorize the Township Administrator to sign the letter of engagement for outside legal counsel with Mr. Tom Keating, Esq. of Schroeder, Maundrell, Barbieri and Powers, seconded by Mr. Tracy with all voting "AYE".

With no further business to come before the Board the meeting was adjourned at 9:57 a.m.

ATTEST:



Jeffrey Wright, Township Administrator/Acting Clerk



Mary Makley Wolff, Chairperson