

## RECORD OF PROCEEDINGS

Minutes of MIAMI TOWNSHIP BOARD OF TRUSTEES WORK SESSION

Meeting

BEAR GRAPHICS 800-325-8094 FORM NO. 10148

Held

February 21, 2023

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The Miami Township Board of Trustees held their monthly Business Meeting on Monday, February 21, 2023, at 7:00 p.m. at the Miami Township Civic Center. Chairperson Tracy called the meeting to order and led the Pledge of Allegiance.

Mr. Ferry called the roll. Attending were Mark Schulte, Ken Tracy, and Mary Makley Wolff.

Chief Mills pinned Macklin Kelby Tudor as the newest Miami Township Police Officer, and he was sworn in and welcomed by the Board.

Chief Kelly announced the promotion of Greg Ortman to Lieutenant, and he was sworn in and welcomed by the Board.

Mr. Schulte made a motion to approve the minutes of the January 23, 2023, Board Meeting and the February 13, 2023 Work Session, seconded by Ms. Wolff and all voted "AYE."

Mr. Ferry read two notices from the Department of Liquor Control, the Board did not ask for a hearing on either.

Department heads presented their monthly reports.

Ms. Wolff made a motion to pay the bills of the Township with: 285 checks numbered 143637 to 143921 and 37 electronic checks numbered 2876 to 2912 for the total amount of \$1,937,245.40, plus payroll and payroll taxes for the check dates 1/27/2023 in the amount of \$344,519.65 and 2/1/2023 in the amount of \$365,933.86, seconded by Mr. Schulte and all voted "AYE."

Mr. Wright presented the need for a Then & Now Certificate from the Finance Office. Mr. Schulte made a motion to adopt Resolution 2023-06 authorizing the Township Fiscal Officer to issue and certify a Then and Now Certificate for payment of various expenditures, totaling \$226,288.28 and declaring an emergency, seconded by Ms. Wolff and all voted "AYE."

Mr. Wright presented the following personnel actions:

#### **Fire Department**

Accept the resignation of Blake Olson, full-time Firefighter/Paramedic effective February 13, 2023.

Accept the resignation of Peter Froehlich, full-time Firefighter/EMT effective February 16, 2023.

#### **Recreation Department**

Accept the resignation of Kimberleigh Szaz, part-time recreation assistant effective February 21, 2023.

Adjust the hourly rate of pay for Michelle Schmahl to \$10.50 effective January 1, 2023.



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Adjust the hourly rate of pay for the following part-time recreation employees effective February 19, 2023:

Name	Lead Rate	Assistant Rate
Lois Boggs-Leavens	\$17.50	
Bruce Brunetti	\$17.50	
Pam Conner	\$17.50	
Patricia Day	\$17.00	\$11.25
Sara Zdrowjewski	\$15.50	\$10.75
Ethan Burzynski		\$10.75
Marla Conrad		\$11.25
Ella Sizemore		\$10.75
Sarah Wanamaker		\$10.75
Lyndon Williams		\$10.75
Mollie Vonderhaar	\$15.50	\$11.25

**Police Department**

Grant employment to Macklin Kelby Tudor for the position of full-time police officer, with an eighteen-month probationary period, at a pay rate of \$42.03 per hour with a starting date of March 8, 2023. This is to replace a vacant position.

Ms. Wolff made a motion to accept the personnel actions as stated, seconded by Mr. Schulte and all voted "AYE."

Mr. Wright presented an update on the Electric Aggregation rate. Energy Alliances was able to negotiate a rate of 7.0 cents per kWh for a two-year term.

Mr. Schulte made a motion to authorize the Township Administrator to sign an Electric Aggregation Agreement with Energy Harbor, LLC at or below a rate of 7.0 cents per kWh for a two-year term beginning in May of 2023, seconded by Ms. Wolff and all voted "AYE."

Mr. Wright discussed an increase in the Off Duty Detail Rate from \$50 to \$65 per hour. This also includes an additional fee of \$10 per hour that goes to the Township for the use of a police vehicle and any incurred liabilities when billing for-profits. Those requesting the Off Duty Details pay the costs.

The Off Duty Details are voluntary, and we cannot force officers to work them. To keep enough officers on the list, we have had to occasionally review and recommend raising the rate. It has been about six years since the rate was increased. Historically speaking, the rate was increased from \$28 to \$35 in 2013-14, and from \$35 to \$50 in 2017. When we cannot fill the details, we must call outside agencies such as Bethel, Owensville, and other. to help us fill the hours. Over the past two years we have had to use outside agencies to provide those services for about 400 hours.

Comparing our rate to similar surrounding agencies, we found the following for Off Duty Detail rates: Loveland bills the vendors \$75 per hour and pays their officer's overtime. Milford bills about \$70 per hour or equal to an officer's overtime rate, and Union Township bills \$65. The Sheriff's office has different rates but bills up to \$60 per hour.

Chief Mills has communicated with our regular details, and they understand our need to recommend the 2023 rate increase. In the future, he will also review the Off Duty Detail rates annually and recommend increases when needed versus waiting six years. After researching, he recommends the Off Duty Detail Rate increase to \$65 per hour.



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Ms. Wolff made a motion to increase the Off Duty Detail Rate for a Miami Township Police Officer to \$65 per hour, plus an additional \$10 fee for the use of a police vehicle and any incurred liabilities when billing for-profit entities. Non-Profits would not be billed the additional \$10 fee, seconded by Mr. Schulte and all voted "AYE."

FEMS is requesting approval to send Deputy Chief Jetter and FF/Medic Jason Burbrink to the annual Fire Industry Education and Research (FIERO) Symposium from March 18<sup>th</sup> through 23<sup>rd</sup> in Greenville, SC. The symposium specifically focuses on firefighter personal protective equipment (PPE) and is a one-stop resource for a variety of information to obtain.

A few topics this year include, PPE contamination issues, the latest research on PFAS ("forever chemicals"), and the most recent proposals for the next revision of NFPA 1971. Several subject matter experts will be presenting topics for what applies to our department and its personnel. Additionally, the symposium will have numerous vendors who will be displaying their products. This will be a good opportunity to look at trends in PPE and other uniform items so that we can plan appropriately for our annual purchasing needs and for future planning.

The training request forms reflect a total cost of \$3,229.00 for both members to attend. Fortunately, we had enough funds in last year's training budget to prepay the registration costs and realize early-bird pricing, so the fees for this year are limited to travel and lodging. We will be seeking approval to spend \$1,649.00 for both members to travel to this symposium.

Mr. Schulte made a motion authorizing a request for approval to send Deputy Chief Dave Jetter and FF/Medic Jason Burbrink to the annual Fire Industry Education & Research Organization (FIERO) Symposium from March 18<sup>th</sup> through 23<sup>rd</sup> in Greenville, SC at a cost of \$1649, seconded by Ms. Wolff and all voted "AYE."

The Service Department identified a storm sewer pipe that runs under Beech Road adjacent to the bike trail that is undersized and needs to be replaced with a larger pipe to meet current standards and stop the flooding to portions of the Bike Trail. We contacted our local ODNR resource due to its proximity to the bike trail and have a letter from their Chief of Engineering confirming their approval of the installation of the 30" pipe.

Quotes are listed below:

J.K. Meurer	\$20,945.00
Upcharge for winter rate asphalt	690.00
Richmond Excavating	\$35,000.00
Ford Development	\$44,872.00

Each of the bidders was provided identical specifications and J.K. Meurer has the lowest mobilization costs since their shop is very close by. J.K Meurer's quote has the added benefit of being under the prevailing wage threshold of \$28,789. This project must be completed prior to the start of our paving program as Beech Road is on the paving list.

Ms. Wolff made a motion to contract with JK Meurer for the replacement of a storm sewer pipe under Beech Road in an amount not to exceed \$21,635, seconded by Mr. Schulte and all voted "AYE."



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The Police Department is requesting to purchase an Intoxilyzer DMT breath-testing instrument. The DMT instrument was just recently approved by the Ohio Board of Health, and we are expecting long delays, up to nine months, before receiving our order. The purchase of the instrument was a planned expense but has increased in price since the 2023 budget was finalized. The current price is \$11,979.50, which includes freight charges. It can be purchased with the enforcement and education supplies fund (2150) since it is directly related to the enforcement of impaired drivers.

The Miami Township Police Department has used the Intoxilyzer 5000 breath-testing instrument to process impaired drivers since March 2004. In accordance with Ohio law, the Ohio Department of Health has certified our officers annually on the operation and calibration of the instrument. Unfortunately, the inability to find replacement parts for the regular maintenance of Intoxilyzer 5000 breath-testing instruments has prompted the Ohio Department of Health to announce that they will stop certifying all officers across the state on this instrument.

Mr. Schulte made a motion to accept and proceed with the purchase of an Intoxilyzer DMT breath-testing instrument at a cost not to exceed \$11,979.50, which includes freight charges, seconded by Ms. Wolff and all voted "AYE."

The Fire Department is requesting to purchase three seats to add an additional riding position to the three 2014 Rosenbauer fire engines. Unfortunately, our current staffing was not a factor at the time these trucks were being designed and the seating did not reflect the times we have new employees on orientation or have students doing ride-alongs with our crews. This means there are times we cannot allow them to ride the fire engine when their training requirements might require that, and they are forced to join up with our crews by riding other trucks to the scene. This impacts crew continuity and the ability to develop a plan of action while driving to the scene of an incident.

The quote from All American Fire Apparatus to provide the manufacturer-specific seats and to perform the installation work was \$2,701.39 for each seat, which includes the cost of the seat, vehicle programming, and labor. A total cost of \$8,500.00 will cover this project, which includes any overage due to shipping or increase in cost for the seat. This expense was planned in our 2023 vehicle outfitting budget.

Ms. Wolff made a motion to purchase three (3) manufacturer-specific seats and to install one each in our 2014 Rosenbauer fire engines from American Fire Apparatus in an amount not to exceed \$8,500, seconded by Mr. Schulte and all voted "AYE."

K.E. Rose has provided a quote for the upfitting equipment on the Freightliner Cab & Chassis, that was approved at last month's meeting. The quote includes the equipment and installation labor and materials to have this truck upfitted to serve as a new salt truck. This includes a new truck bed, under tailgate spreader, snowplow, all lights and hydraulics, and a liquids tank.

Time is an issue with ordering this equipment and waiting another month to seek approval will add further delay to an already lengthy purchase process. The total current price quotes of \$207,827 for the cab and chassis plus the upfit as currently quoted, we will be well under the budgeted amount of \$225,000 for this purchase.

Mr. Schulte made a motion to authorize the purchase of equipment, installation labor and materials to have the 2023 Freightliner Cab & Chassis upfitted to serve as a salt truck in the amount of \$207,827, seconded by Ms. Wolff and all voted "AYE."



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The Police Department is requesting to have the patrol room and work area floors resurfaced with a heavy-duty epoxy flooring. The current flooring is peeling and is slippery when wet. Continuous upkeep and improvement to our 47-year-old building will help it last for another 47 years.

Chief Mills solicited three quotes for 2,800 square feet of floors resurfaced on the entire lower level of the police department.: Monster Cote \$15,900.00, Hard Surface Solutions \$25,998.00, and Nature Stone \$34,265.

Ms. Wolff made a motion to accept and proceed with floor resurfacing through Monster Cote for \$15,900.00, seconded by Mr. Schulte and all voted "AYE."

The Fire Department is requesting to purchase additional voice amplifiers for the SCBA facepieces for our current Scott SCBA air packs. We first purchased the current inventory of SCBA in 2014 with a grant from FEMA and have had success with them over the years. One of the newer developments has been the ability to add a voice amplifier to the SCBA facepiece that allows our personnel to communicate more clearly and effectively when wearing the facepiece. Traditionally, radio communications have been very difficult at times due to the noisy environments that our crews are operating in when they are required to have their facepiece on.

The voice amplifiers he is requesting to purchase interface with our Motorola portable radios through a Bluetooth connection. This allows for voice transmission to be very clear and easier to understand for both the sender and receiver.

Eight additional voice amplifiers will allow the FD to cover additional riding positions and add to the inventory we started building in 2022. The cost through MES/Warren Fire Equipment will be \$7,568.00, which includes shipping and handling. This is the only local distributor for this equipment. These devices can be installed by our personnel. The addition of these amplifiers will also require them to reprogram twenty-two (22) of our portable Motorola radios through Mobilcomm at a cost of \$5,050 for all units. The quote was verbal through Mobilcomm and that email is attached that reflects the "per radio cost" plus travel charges.

Mr. Schulte made a motion authorizing the purchase of 8 voice amplifiers from MES/Warren Fire Equipment in the amount of \$7,568 and the programming of 22 portable Motorola radios through Mobilcomm in the amount of \$5,050, seconded by Ms. Wolff and all voted "AYE."

The Zoning Department presented research that has determined that there are 31 single family residential parcels located within Miami Township that are incorrectly zoned "B-2" General Business District or "B-1" Neighborhood Business District. This discrepancy likely dates to 1999, wherein zoning case #447, "residential" was eliminated as an allowed use in the "B-1" and "B-2" zoning districts.

In addition to the interesting zoning history, there is a reasonable modern concern that if a business were to propose to locate within one of these "residential "B-2" or "B-1" properties, it may be difficult to regulate. Further, residential use within the "B-2" or "B-1" districts is considered "nonconforming" which sometimes leads to difficulties in transferring the home or obtaining financing. Therefore, staff is recommending that these parcels be re-zoned to the appropriate single family residential district, which will allow them to remain in keeping with the surrounding residential uses.



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More detailed information on these parcels, their precise identification, and the proposed residential classification for each is as follows:

- 1) Focus Area 1 – State Route 28; Barre Road: Currently, there are 3 parcels in this focus area that are zoned B-2 General Business District. The proposed zoning change is to R-2 Residence District.
- 2) Focus Area 2 – Buckwheat Road; Hunt Club & Whitegate: In Focus Area 2, there are 19 parcels that are incorrectly zoned B-1 Neighborhood Business District. These 19 parcels are presently being used as single-family residential, and the surrounding properties are zoned R-2 Residence District. Thus, it is proposed to correct the zoning from B-1 Neighborhood Business District to R-2 Residence District.
- 3) Focus Area 3 – State Route 131 West; Autumn Wynd Lane: In this focus area, there are 3 parcels that are currently zoned B-2 General Business District but are being used for residential. It is proposed to correct the zoning to R-3 Residence District to match the residential uses with the surrounding residential zoning.
- 4) Focus Area 4 – State Route 131 East; Mt Vernon, Berkshire: Along Mt Vernon Drive, there are 4 parcels that are presently zoned B-1 Neighborhood Business District. Off Berkshire Drive, there are 2 parcels with B-1 Neighborhood Business District zoning. In total, there are 6 parcels in this focus area that are incorrectly zoned for business. It is proposed to change the zoning to R-1 Residence District.

Focus Area	Location	Current Zoning	Proposed Zoning	# of Parcels
1	State Route 28 Barre Road	B-2	R-2	3
2	Buckwheat Road Hunt Club & Whitegate	B-1	R-2	19
3	SR 131 West Autumn Wynd Lane	B-2	R-3	3
4	SR 131 East Mt Vernon, Berkshire	B-1	R-1	6
<b>Total # of Parcels</b>				<b>31</b>

Ms. Wolff made a motion authorizing Resolution 2023-07 and dispensing with second reading, to re-zone the presented properties to the appropriate single family residential district, which will allow them to remain in keeping with the surrounding residential uses, seconded by Mr. Schulte and all voted "AYE."



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The bid results from the opening on February 9, 2023 for the Township Resurfacing Project were as follows:

Engineers Estimate	Base Bid	\$2,085,338.17
	Base & Alternates	\$2,178,443.17
Barrett Paving	Base Bid:	\$2,079,459.00
	Base & Alternates	\$2,181,242.00
JR Jurgenson	Base Bid:	\$2,493,995.90
	Base & Alternates	\$2,611,381.75

Asphalt rejuvenation by other's costs:	Base plus alternates estimate:
	\$132,070.32
	Total with resurfacing:
	\$2,310,513.49

We have a total of \$2,190,000 budgeted for resurfacing this year. Barrett Paving submitted the lowest and best bid on both the base bid and the base plus alternates bid. The Gas Tax fund has a balance better than anticipated that will allow us to perform the Base Bid Plus Alternates and perform the asphalt rejuvenation.

Mr. Schulte made a motion to accept the bid of Barrett Paving and contract with them to perform the work of the Miami Township 2023 Resurfacing Project as outlined in the Base Bid Plus Alternates project specifications, seconded by Ms. Wolff and all voted "AYE."

The Police Department is requesting to have wall guards installed along about 205 linear feet in the lower level of the police department. Due to the 24/7 high traffic nature of the building, it gets worn quickly. We collected three competing bids for wall guards: Osborne Construction \$8,690.33, Midwest Construction \$16,632.00, and All Around Joe \$9,942.

Ms. Wolff a motion to accept and proceed with installing wall guard coverings through Osborne Reconstruction Service for \$8,690.33, seconded by Mr. Schulte and all voted "AYE."

The Fire Department is requesting approval to contract with Citizens First Fire Training again this year for our annual fire hose and ladder testing services. We had them perform these services for us in 2022 and were very happy with their performance and cost structure. We solicited quotes for these services again this year and found them to be the most affordable and responsive to the services we require.

We are required to perform inspection, testing and maintenance annually on each section of fire hose and each ladder in our inventory to ensure their safe operation in accordance with NFPA 1962 and NFPA 1932 respectively. Citizens First Fire Training has quoted \$6,779.70 to perform all services listed above. Their quote it attached for your review. These services are always included in our annual operating budget.



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Mr. Schulte made a motion to contract with Citizens First Fire Training in the amount of \$6,779.70 to perform inspection, testing and maintenance on each section of fire hose and each ladder in our inventory to ensure their safe operation in accordance with NFPA 1962 and NFPA 1932 respectively, seconded by Ms. Wolff and all voted "AYE."

Miami Township Zoning Commission adopted a recommendation to the Board of Trustees of approval of the draft Miami Township 2023 Land Use Plan at their meeting on February 2, 2023. Ms. Kreindler gave background on the development of the Plan and the planning process and showed a brief power point. Planning consultant Jay Stewart presented his remarks.

Ms. Wolff made a motion to adopt the Miami Township 2023 Land Use Plan as the official land use policy document for Miami Township, seconded by Mr. Schulte and all voted "AYE."

The results of the bid opening on February 9, 2023, for the Mill Street and Main Street Improvement project were as follows:

Engineers Estimate	\$419,411.00
D.J. Drew	\$426,678.70
Ford Development	\$457,044.00
Majors Supply	\$618,572.00

The Township's portion of this project (storm sewer, curb and gutter, sidewalk) is coming from ARPA funds. The Township's portion with the low bid is \$206,755.00. The watermain portion is being funded by Clermont County Water. The County's portion with the low bid is \$219,923.70. D.J. Drew submitted the lowest and best bid on this project.

Mr. Schulte made a motion to accept the bid of D.J. Drew and contract with them to perform the work of the Mill Street and Main Street Improvements Project as outlined in the project specifications, seconded by Ms. Wolff and all voted "AYE."

In review of the number of active shooter incidents that have happened across the country in the past several years, it has become quite clear that patrol officers need ballistic shields to perform their duties in these critical events. As such, it is becoming an industry standard to equip patrol officers with this equipment, which allows officers to enter high-risk situations, breach entryways, and evacuate civilians. The purchase of the ballistic shields was a planned expense and thoroughly discussed in the formation of the 2023 budget.

We have collected three competing bids for the four (4) ballistic shields - plus freight charges. The competing bids are: Guardian Uniforms \$30,085.68, Pro-Tech \$30,360.00, and Dana Safety Supply \$35,100.00.



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Ms. Wolff made a motion to purchase ballistic shields from Guardian Uniform, at a cost not to exceed \$30,085.68, which includes freight charges, seconded by Mr. Schulte and all voted "AYE."

Mr. Wright presented a travel request from Finance Director, Kelly Flanigan, to attend the Government Finance Officers Association (GFOA) annual conference in Portland, Oregon from May 21-24, 2023. Session tracks include the latest developments in state and local governments finance.

Numerous public finance professionals from across the nation attend this conference to get new ideas, continuing education and network with the best of the best. This conference is extremely valuable and resourceful for all sizes and types of government entities. Additionally, this conference provides an opportunity to earn continuing professional education credits of which her CPA license requires 120 every three years, with at least 20 to be earned annually.

Mr. Schulte made a motion to approve the attendance of Kelly Flanigan to the Government Finance Officers Association conference in Portland, Oregon from May 21-24, 2023, at an estimated cost of \$1,841.16, seconded by Ms. Wolff and all voted "AYE."

Annually the Tax Incentive Review Council meets on a county-wide basis to review the status of existing TIFs, Enterprise Zone agreements and Community Reinvestment Area agreements that are used to incentivize redevelopment. The Finance Director and I attend these annual meetings on behalf of the Township.

The Clermont County Department of Community and Economic Development recently sent correspondence to every local jurisdiction and school district in the County to inform us that we need to formalize the appointment of our representatives. They stated the following requirement from the Ohio Revised Code:

Per O.R.C. Section 5709.85 the following representatives must be in attendance:

1. 3 Members appointed by Board of County Commissioners
2. 2 Members from each Municipality with an active EZ/CRA Agreement (appointed by Chief Executive Officer with the concurrence of the legislative authority of the respective municipal corporations)
3. 2 Members from each Township with an active EZ/CRA Agreement (appointed by Township Trustees)
4. Chair of the Board of Trustees from each Township with an active TIF Agreement
5. The County Auditor or the County Auditor's Designee
6. 1 Member from each Board of Education to which EZ/CRA applies (appointed by the School Board)
7. 1 Member from each Joint Vocational School to which EZ/CRA applies (appointed by the School Board)

Since the TIRC meeting is held during the workday and item #4, above, is specific to requiring the Chairperson of a Board of Trustees, Mr. Wright inquired if alternates could be included and was informed that Boards of Trustees may appoint representatives and alternates for each.

Ms. Wolff made a motion to appoint the following as representatives and alternates from Miami Township to the Clermont County Tax Incentive Review Council:

Seat 1: Representative: Chairperson of the Board of Trustees, Alternate: Township Administrator; Seat 2: Representative: Fiscal Officer, Alternate: Finance Director, seconded by Mr. Schulte and all voted "AYE."



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Ohio Revised Code Section 505.87 authorizes the Township Board of Trustees to provide for the abatement, control or removal of vegetation, garbage, refuse and other debris from land within the Township if the Board determines that the conditions constitute a nuisance. The Township's Property Maintenance Code also requires that properties be kept to minimum standards to avoid nuisances such as tall vegetation and accumulation of garbage or rubbish. The Community Development Department is authorized to enforce the requirements to encourage property owners to bring conditions into compliance.

Staff investigates properties for nuisance conditions and provides notification to owners describing violations in detail. Unfortunately, several properties remain in violation even after having been notified. To provide for the abatement of the violations, the Board must adopt a resolution declaring the properties as a nuisance before a contractor can be hired. Prior to the contractor abating the nuisance, the Township will notify the property owners and any lien holders of the proposed action, giving them an opportunity to remedy the problem.

Under Ohio Revised Code Section 505.87(F), if the Township must proceed and after the nuisance conditions are abated, the Township may in cooperation with the Clermont County Auditor's office place a lien on each of the properties so that the costs are eventually recouped when the property taxes are collected by the Clermont County Auditor's office.

At the upcoming Board of Trustee Business meeting, it is requested that the following properties be declared a public nuisance. A resolution declaring the nuisance is attached.

**ADDRESS**

5704 Cromley Dr

**PARCEL ID #**

184613.054.

Mr. Schulte made a motion to adopt Resolution 2023-08 a resolution authorizing the abatement, control or removal of vegetation, garbage, rubbish, or debris and declaring 5704 Cromley Drive a public nuisance, seconded by Ms. Wolff and all voted "AYE."

**PUBLIC COMMENTS**

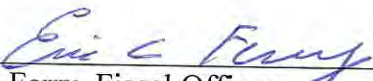
Ms. Darlene Siemer, 5860 Menno Drive, spoke to the Board regarding her Code Enforcement notices and the declaration of her property as a public nuisance.

Mr. Schulte made a motion to go into Executive Session. pursuant to ORC 121.22 (G) (2) to consider the lease of property, seconded by Ms. Wolff and all voted "AYE."

Mr. Schulte made a motion to come out of executive session, seconded by Ms. Wolff and all voted "AYE."

There being no other business the meeting adjourned at 9:10 p.m.

ATTEST:

  
Eric Ferry, Fiscal Officer

  
Ken Tracy, Chairperson