

## **RECORD OF PROCEEDINGS**

### *Minutes of Meeting*

### **Plain Township Board of Trustee Meeting**

The Plain Township Board of Trustees met in regular session at 12:00 p.m. at the Fire Station, 9500 Johnstown Road, New Albany, OH 43054.

Mr. Ferguson called the meeting to order. Mr. Ferguson led the Trustees in the Pledge of Allegiance to the flag.

Roll Call: Members Present: Dave Ferguson, Kerri Mollard and Jill Beckett-Hill. Others present: Fiscal Officer Bud Zappitelli, Administrator Ben Collins, Maintenance Supervisor Bobby Pharris, and Township/Zoning Coordinator Mary Fee. Visitors present: Deputy Upton.

### **ADDITIONS OR CORRECTIONS TO THE AGENDA**

Mr. Ferguson requested an executive session pursuant to the Ohio Revised Code 121.22 to discuss discipline, demotion, and dismissal.

### **PAYMENT OF THE BILLS**

Mr. Ferguson made a motion to pay the pending warrants in the amount of \$11,807.35. Ms. Beckett-Hill seconded the motion. Vote: All Aye. (Resolution 23071901)

### **APPROVAL OF MINUTES**

Ms. Mollard made a motion to approve the July 11, 2023 Board of Trustees Meeting minutes as submitted. Ms. Beckett-Hill seconded the motion. Vote: All Aye. (Resolution 23071902)

### **CITY LIASON-MIKE DURIK**

Mr. Durik was not in attendance.

### **FRANKLIN COUNTY SHERIFF'S OFFICE**

Deputy Upton did not have any updates.

### **ADMINISTRATOR**

Mr. Collins updated the Board of Trustees on the Pool activity. He reported that PTAC Gators won the swim championship for the third year in a row. The maintenance department did a great job getting the facility ready and putting out bleachers for spectators. Mr. Collins reminded the Board that the pool is closed on weekdays once school is back in session and that memberships and daily gates are tracking close to last year.

Mr. Collins also reviewed the bids for the fire station concrete work that came through the County Engineer's office. Plain Township has an intergovernmental agreement with Franklin County to keep the project moving forward. Franklin County will award, administer, and pay for the contract and then will seek reimbursement from Plain Township for the cost of the project. The bids came in right on target for the concrete work for the front apron, the rear apron, and replacing the rear driveway. Three percent over the engineer's estimate is \$450,000, which is within our \$500,000 earmark for the project. The estimates to repave the parking lots were higher than expected, 22% above the engineer's estimate. Mr. Collins believes the Township can do better by bidding this out separately and use those savings to fund additional improvements, such as the restrooms and other identified projects. The agreement today moves the Township forward with the base bid on the contract for the concrete aprons and driveway. Ms. Mollard inquired about the timing of the work. Mr. Collins explained that the work on the front apron would begin immediately once the contract is signed by the County Commissioner on August 1, 2023. The front apron would be completed by September 30, 2023. The rear apron and rear driveway can be completed through May 24, 2024.

Mr. Collins also presented a resolution for additional legal counsel specifically for a Worker's Compensation matter. Brosius, Johnson, and Griggs, who the Township uses for general counsel, has previously advised that they are not best situated to represent in Worker's Compensation matters.

Mr. Ferguson asked that the Board discuss resolution 230719A2 after executive session.

**Ms. Beckett-Hill made a Motion to pass Resolution No. 230719A1.**

**WHEREAS, Ohio Revised Code 9.482 permits a political subdivision to enter into agreements with other political subdivisions under which a contracting political subdivision agrees to exercise any power, perform any function, or render any service for another contracting recipient subdivision that the contracting recipient subdivision is otherwise legally authorized to exercise, perform or render; and**

**WHEREAS, the Plain Township Board of Trustees has previously requested the assistance of the Franklin County Engineer for the bidding and construction of site improvements at Plain Township Fire Station 121; and**

**WHEREAS, the construction of site improvements at Plain Township Fire Station 121 has been competitively bid as required by the Ohio Revised Code; and**

**NOW THEREFORE, BE IT RESOLVED by the Plain Township Board of Trustees:**

**Section 1: The Plain Township Board of Trustees hereby approves an intergovernmental agreement with the Franklin County Engineer for the Plain Township Fire Station No. 121 site improvements.**

**Section 2: Plain Township Administrator Ben Collins is authorized to enter into said agreements as may be necessary and appropriate for the completion of the Plain Township Fire Station No. 121 site improvements on behalf of the board of trustees.**

**Ms. Mollard seconded the Motion. Vote: All Aye**

## **ZONING**

Mr. Collins reported that the New Albany City Council had its public hearing on the rezoning application for the 65-acre Homewood development at the end of Central College Road at the county line. They are requesting to rezone it for planned residential for 152 age-restricted units. There were a number of Township residents who attended the meeting. The New Albany City Council unanimously approved the rezoning. It will go to a final development plan with the Planning Commission. This will stay within Plain Township for tax purposes; however it is annexed into the City of New Albany for water and sewer. Ms. Mollard asked if the residents that were in attendance were in favor of or against the development. Mr. Collins reported that most of the residents were opposed to the project.

Mr. Ferguson followed up on the zoning meeting and the legal opinion that the City of Columbus could not annex the property because of the annexation agreements that the Township currently has with New Albany and Columbus. Mr. Collins explained that ultimately whether land can be annexed into a city is a legal question. It is regulated by a statute which requires physical contiguity of the boundary. It is Mr. Collins' belief that there's no current physical contiguity between this property and the City of Columbus as of today. The Township entered into an annexation agreement with Columbus and New Albany back in 2008. That document states that anything north of Walnut Street and the Metro Park zone is the exclusive authority for the City of Columbus to annex. There have been some exceptions to that, for example Taylor Estates and Albany Estates. Mr. Ferguson asked if there is someone that could give the Board the best interpretation of what the application can or cannot do. Mr. Collins suggested that the Township will have to seek its own legal counsel if it wants to contest any future annexation. Rocky Fork Park is in the Columbus Growth Zone and Columbus did not permit them to connect to water and sewer across the street. The City of Columbus is also not allowing New Albany to annex or serve the property recently purchased for the Fieldhouse. The City of Columbus and New Albany negotiated water and sewer service for the 3600 acres annexed in Licking County. Mr. Collins explained that the Columbus Public Utility Department has confirmed a plan to extend water and sewer down Walnut Street from Harlem Road. When that happens, they will annex the remainder of the right-of-way.

## **ROAD/MAINTENANCE**

Mr. Pharris reported that the truck has been in the shop for two weeks. The mechanic is still waiting on parts. Mr. Pharris has also inquired about state-contract pricing for a new truck. He will report back with that price for the 2024 budget. He is getting pricing on a new dump truck and a pickup truck. For the pickup truck, he would like to get a chassis and put a work bed on it. He would like to replace the 2016 dump truck as it has had a lot of maintenance costs.

Mr. Pharris reported that everything is going well at the pool and that the heater is performing well. The pool is not experiencing any water loss.

### **FIRE DEPARTMENT**

Battalion Chief Dudley explained that Chief Connor and Assistant Chief Ecleberry are at the New Albany Leadership training. He reported that there were 59 Fire runs and 151 EMS runs since the last Trustee's meeting. Runs are slightly down from last year.

BC Dudley reported that the fire department has 15 part-time firefighters. Mr. Ferguson asked what the target number is for part-time staff. BC Dudley explained that there are still a couple of open spots.

**Ms. Mollard made a Motion to pass Resolution No. 230719F1. Be it resolved, to offer conditional employment to Daniel Logan as a part-time Firefighter EMT-Basic pending the results of background checks and drug screen.**

**Ms. Beckett-Hill seconded the Motion. Vote: All Aye**

Ms. Mollard updated the Board on the Strategic Plan. She met with Mr. Collins and Chief Connor to discuss the Mission, Vision, and Values statement. She surveyed the fire department and had respondents from all different lengths of service. Employees were asked for three words that described the fire department; Professional, Trustworthy, Dedicated, Integrity and Family were recurring answers. Employees were also asked "what is the most important or beneficial work"? Most answers were about saving lives and emergency response. Some responses questioned shared vision and communication. Ms. Mollard, Mr. Collins, and Chief Connor had a long conversation about that and whether they agree that there is less communication. They are interpreting the answers as not necessarily a lack of communication but that the communication is different than what it used to be. Ms. Mollard presented this information to the Board so that a more in-depth conversation can happen at the next meeting.

Ms. Mollard then presented a draft Mission, Vision, and Values statement. She followed the Peter Drucker definition where Mission is why you do what you do, Vision is the future state, the change in the people and places served as a result of fulfilling your mission, and Values are the truths that you hold dear.

Mr. Collins reported to the Board that the fire department is still working on the capital equipment replacement schedule. The Fire department will also be updating the Board on the chassis situation for the medic order.

### **FISCAL OFFICE**

The June 2023 Bank Reconciliation and Month End reports were presented.

Ms. Mollard inquired about the conversion to the new payroll system. Mr. Zappitelli explained that it is more extensive than we thought it would be. Mr. Collins explained that UKG is building the platform from scratch and that they have outsourced it to Accenture. He explained that the Accenture team is basically working in silos and not communicating with each other which is resulting in having the same conversations multiple times with different Accenture team members.

### **OLD BUSINESS**

Ms. Beckett-Hill reported that the New Albany 101 event was well attended. There were representatives from the City, Township and the Parks and Recreation department. She engaged with approximately 30-40 attendees.

Mr. Collins reported that the McCoy board approved a small adjustment to the annual capital contribution.

Mr. Ferguson asked if the Township has any openings on the Zoning Commission Board. Mr. Collins reported that the Township is actively recruiting for the Zoning Commission and the Board of Zoning Appeals. Mr. Ferguson knows of an engineer who is interested in the opening.

Battalion Chief Dudley met with the roofing guy and performed a walk-around of the fire station. He took pictures of the soffits.

### **EXECUTIVE SESSION**

**Mr. Ferguson made a motion to adjourn into executive session at 12:53 p.m. pursuant to Ohio Revised Code 121.22 (G)(1) for discipline and/or dismissal. Ms. Beckett-Hill seconded the motion. Vote: All Aye**

**Mr. Zappitelli and Mr. Collins attended the Executive Session.**

**Mr. Ferguson made a motion to close out of executive session 1:17 p.m. Ms. Beckett-Hill seconded the motion. Vote: All Aye**

**Mr. Ferguson made a Motion to pass Resolution No. 230719A2.**

**WHEREAS, the Plain Township Board of Township Trustees ("Board") is authorized by Section 309.09(B) of the Revised Code to employ attorneys other than the prosecuting attorney to represent the Township and its officers, boards and commissions in their official capacities and to advise them on legal matters; and**

**WHEREAS, Section 309.09(B) of the Revised Code provides that no such attorney may be employed except on the order of the Board, duly entered upon its Journal, in which the compensation to be paid for the attorney's legal services shall be fixed; and**

**WHEREAS, the Board finds it necessary to appoint attorneys to counsel and represent the Township on matters involving the Bureau of Workers Compensation; and**

**NOW THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Plain Township, Franklin County, Ohio, that:**

**SECTION 1. David A. Riepenhoff, of Fishel, Downey, Albrecht & Riepenhoff, LLP and the law firm of Fishel, Downey, Albrecht & Riepenhoff, LLP, are hereby employed as the Township's legal counsel in connection with matters involving the Bureau of Workers Compensation to represent the Township and its officers, boards and commissions in their official capacities and to advise them.**

**SECTION 2. The compensation for such counsel during 2023 shall be paid as follows: \$215.00 per hour partner attorney time; \$200.00 per hour associate time; \$95.00 per hour law clerk and paralegal time; plus out-of-pocket expense reimbursements; provided that the total compensation shall not exceed \$5,000 without further action by this Board.**

**SECTION 3. The attorneys may be discharged at any time by majority vote of the Board.**

**SECTION 4. It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including, without limitation, Section 121.22 of the Revised Code.**

**Ms. Mollard seconded the Motion. Vote: All Aye**

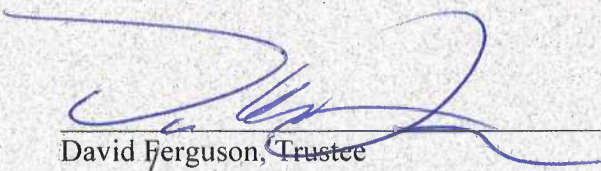
**ACTION TAKEN:**

**Ms. Mollard made a motion to accept the resignation of Lt. Jason Moore effective July 21, 2023. Ms. Beckett-Hill seconded the motion. Vote: All Aye.**

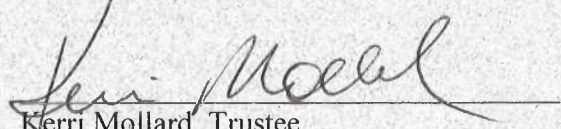
**ADJOURNMENT**

Mr. Ferguson made a motion to adjourn the meeting at 1:19 p.m. Ms. Mollard seconded the motion. Vote: All Aye


**BOARD OF TRUSTEES:**



David Ferguson, Trustee



Kerri Mollard, Trustee



Jill Beckett-Hill, Trustee



Bud Zappitelli, Fiscal Officer