

**MINUTES**  
**CONCORD TOWNSHIP BOARD OF TRUSTEES**  
**REGULAR SESSION**  
**APRIL 24, 2019**

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The Concord Township Board of Trustees met in Regular Session on Wednesday April 24, 2019. Bill Whidden called the meeting to order at 10:00 a.m. and led the Pledge of Allegiance. The roll was called: Bill Whidden, Don Pence, and Tom Mercer were present. Fiscal Officer Pat Quillen and Road Superintendent Neil Rhoades were also present.

**Minutes:** Bill Whidden made a motion to approve the Minutes of April 10, 2019 as circulated. Don Pence supported the motion and both Trustees signed the Minutes in favor of approval. Tom Mercer abstained since he had not attended that meeting.

**Guests:**

1. Capt. Tom Wheeler from the Miami County Sheriff's Office provided an incident report to the Trustees. He stated that there had been a burglary in Monroe Township and the suspect was arrested on Harrison Street in Troy. Other than that, there were no problems to report. Bill Whidden thanked him for coming.
2. Jacob Mercer of 2340 Seneca Drive addressed the Trustees regarding the Resolution prohibiting on-street parking of commercial vehicles. Jacob Mercer stated that he drives a van for his work that has lettering on it. He said it is smaller than a conversion van or a full sized pick-up truck. He complained of problems backing down his driveway into the street, having to move cars around in his driveway and garage, and stated that he is on call twenty-four hours a day, but is not dispatched by law enforcement. Tom Mercer said that the Trustees are searching for wording to help him, but keep the Resolution effective for all of Concord Township. Tom Mercer told him that the Resolution was designed to protect the neighborhoods. Jacob Mercer replied that the appearance of his work vehicle is the same in his driveway as it is on the street. Don Pence stated that he does not want to return to the old days of no regulations on commercial vehicle parking. Tom Mercer told Jacob Mercer that the Trustees will get back with him on the issue.
3. Chris Englert, Chief Civil Assistant from the Miami County Prosecutor's Office addressed the Trustees on two issues:
  - Creekwood Drive Turn Around: Bill Whidden asked Chris Englert to provide counsel on the matter of Creekwood Drive being extended into the new development at 1823 Peters Road and the temporary easement for the cul-de-sac turn-around that will be vacated when the road is straightened. Chris Englert stated that the Township's only duty is to maintain the roads. The easement for the turn-around will no longer be in place and that land will revert to the landowners. The landowners will be responsible for any expenses related to the conversion of those vacated areas to their properties. The street must be open and unobstructed to traffic at the point of connection to the new roadway. Bill Whidden will draft a letter to the affected property owners to let them know. In a related issue, Don Pence asked if the Township would be responsible for installing new curbs and gutter on the sides of Creekwood Drive in its new configuration the next time the road is paved. Chris Englert said that he will look into the matter.
  - High Water at the intersection of Creekwood Drive and Swailes Road: Chris Englert researched the high water from Boone Creek south of the bridge on Swailes Road at the terminus of Creekwood Drive. He also met with Miami County Engineer Paul Huelskamp, P.E., P.S. Chris Englert's opinion is that failure to clean out the creek south of the bridge could be declared a nuisance, but since officials cannot enter upon the land without permission, and permission has not been granted, there is no way to go in and look. He stated that flooding alone is not enough evidence to issue a nuisance complaint. He and Paul Huelskamp explored the idea of a ditch petition and offered that as a possible solution. Don Pence stated that one can see felled trees and accumulated brush in Boone Creek from that bridge and asked if that would be enough for a nuisance complaint. Chris Englert replied that it would

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and Bill Whidden asked what the process would entail. Chris Englert said there are several steps required and there is a timeline to follow. He can put together a Resolution and walk the Trustees through the process all the way to a potential Special Assessment. Don Pence offered to call Bart Denlinger to enlist his help in working with the owner of the land along Boone Creek.

**Clerk's Report:** Pat Quillen

- Distributed copies of the April Receipt and Payment Registers
- Provided the April 23, 2019 Fund Status Report
- Received the Miami County Auditor's correction to the Amended Official Certificate of Estimated Resources and a note explaining the error that can be given to the Ohio Auditor of State next year
- Has started working on the 2020 Budget

**Communications:** The Trustees reviewed all of the items listed on the Agenda. The Minutes of the meeting between the Creekwood Residents and the developer of the property at 1823 Peters Road will be filed in the Communications folder. The e-mails from Tom Mercer to residents' questions regarding Peters Road and development in the Township will be filed. None of the other items required action and none was retained.

**Road Superintendent's Report:** Neil Rhoades reported on two matters:

- 2270 Peebles Road: Staff from the Miami County Engineer's Office came out and marked the center line on the bridge at the east end of Peebles Road. Only one tree was in the Township's right-of-way, by about five inches. A couple of trees on her property are unstable and Neil Rhoades shared that information with her. She told him that she is not going to take them down right now, so the Township will deal with any emergency on an as-needed basis.
- Received a notice from the Miami Conservancy District (MCD) that Barbee Park and 1077 North County Road 25-A are subject to conservation easements. During their monitoring visit, the MCD noted that a tree had been taken down in Barbee Park and they advised that the MCD must be consulted in advance.

**Old Business:**

- A. Miami County Engineer's Paving Estimate: Don Pence studied the differences between the Capital Plan and the Miami County Engineer's Estimate. The price of asphalt is \$5.00 per ton higher in the Engineer's estimate and the milling is \$.50 more. The Engineer estimated longer road length to account for a cul-de-sac. Neil Rhoades stated that the asphalt tickets are given to the Engineer's representative as the work progresses. Don Pence stated that the Purchase Order will not be issued until the final bids come in from contractors.
- B. Commercial Parking: Bill Whidden stated he would like to find a simple way to address issues such as the one raised by Jacob Mercer earlier in this meeting. One question is whether or not law enforcement is the only one who decides if a situation is an emergency. Tom Mercer asked if the original purpose of the Resolution was for safety, aesthetics, or to regulate the size of vehicles parked on the streets. The Trustees will consider all the sides of the issue.
- C. Creekwood Drive: Don Pence stated that the Trustees should send a letter to the Creekwood Drive property owners who are affected by the vacation of the cul-de-sac at the top of the street to let them know of the Prosecutor's opinion. Bill Whidden will draft the letter.

**New Business:** None

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**Guest Comments:** None

**Payments:** Bill Whidden made a motion to approve and pay Charges 97- through 111-2019 and Warrants 24869 through 24876. Don Pence seconded the motion and the Warrants were signed by both Trustees.

**Adjournment:** There was no further business and the meeting adjourned by acclamation at 10:48 a.m. The next meeting will be held on Wednesday, May 8, 2019 at 10:00 a.m. in the Township Building.

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Bill Whidden

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Donald D. Pence

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Thomas N. Mercer

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Patricia M. Quillen, Fiscal Officer

All formal actions of the Board of Trustees of Concord Township concerning and relating to the adoption or resolutions and/or motions passed at this meeting were adopted in a meeting open to the public, in compliance with the law, including Section 121.22 of the Ohio Revised Code.