



COALITION of LARGE OHIO URBAN TOWNSHIPS
Executive Committee Meeting
Wednesday, October 3, 2018

10:30 a.m.

MINUTES

- I. Welcome - Chair Maticic called the meeting to order at 10:36 a.m. The following members were in attendance: Tom Costello (East), John Crandall (Northwest), John Eisel (Central), Tracy Hatmaker (Central), Jeff Markley (East), Christine Maticic (Southwest), Cheryl Sieve (Southwest), Barry Tiffany (Southwest), Mike Vaccaro (East) and Paul Wise (Central). OTA staff members present include Matthew J. DeTemple and Heidi M. Fought.
- II. Old Business
- A. Approval of July 18, 2018 Minutes - **Eisel moved, seconded by Wise, to approve the minutes of the July 18 Executive Committee meeting.** Without objection, **motion carried.**
 - B. Review of CLOUT Financials - Fought reported that as of October 3, the CLOUT fund had a balance of \$120,678.27. The Coalition spent a total of \$18,915.13 in 2018.
 - C. Review of Legislation Pending 132nd General Assembly - Fought provided the Committee with a legislative status sheet of bills pending before the General Assembly that have an impact on townships. Specifically, she reviewed the following bills: HB 500 (Township Omnibus); HB 602 (Fair Water Pricing Act); and SB 43 (Building Codes). Sieve stated that HB 602 was of great importance to townships in Hamilton County.
 - D. Amicus Briefs Update - OTA Executive Director DeTemple then reported on the case of *New Riegel Local School District Board of Education v. The Buehrer Group Architecture & Engineering, Inc.* He stated that the OTA was asked to join an amicus brief with the County Commissioners Association of Ohio and the Ohio School Boards Association. The case involves the applicability of R.C. §2305.131, which limits to ten years the accrual of any claim against architects on public works construction projects. New Riegel, through the Ohio School Facilities Commission, built and began using a new school in 2004. The State of Ohio signed off on the project but new Riegel has been plagued with issues at the building including moisture and condensation intrusion allegedly caused by design and construction errors. DeTemple then provided an update in the case of *McConnell v. Dudley, Jr.* regarding a township police officer that was involved in an accident during a police pursuit. The township is claiming sovereign immunity should apply. The trial court denied Coitsville Township's motion for summary judgment. The Court of Appeals affirmed in part and reversed in part, dismissing claims against the police officer but leaving claims against the township to be litigated. Both courts concluded that there were questions of fact about whether the police officer's pursuit was conducted in a willful and wanton manner, thereby negating the immunity that applies to an emergency response situation. Those fact questions require denial of summary judgment and necessitate a trial on those issues. The appellate court decision also suggested that there may be a claim against the township for negligent hiring of and failure to train the police officer, even though applicable Ohio law makes no mention of such a claim. The township asked the Ohio Supreme Court to review all aspects of the Court of Appeals decision. Instead, the Supreme Court decided to review only the negligent hiring/failure to train issue. The OTA will be participating in an amicus brief on that issue.

- E. Cox Report Update - Fought reported that the State Association has received the first draft of the report for review and comment. She noted that one area in which the report is lacking, and an area of grave importance to the Coalition, is qualified data relating to economic development in townships. She strongly encouraged CLOUT townships to send information to the State Association so that it can be forwarded to Mr. Cox.
- F. CLOUT Legislative Priorities for 133rd General Assembly - Fought reviewed the draft of the 133rd Legislative Priorities with the Executive Committee. She stated that some provisions will be removed should HB 500 be enacted. She requested that Executive Committee members provide specific township examples for the newly proposed items. She requested all feedback and examples be sent to her no later than November 19.
 - 1. Jackson Twp/Stark Co. Request - Property Maintenance Code Enforcement - Vaccaro asked for consideration of language that would help townships address building owners that are not maintaining properties that are rented out. Fought shared with the Committee that she spoke with attorney Matthew Vansuch, a trustee in Trumbull County and legal counsel to Boardman Township in Mahoning County, and that he does not feel a change in the Revised Code is warranted; rather, he feels that townships need to make sure their zoning resolution and property maintenance code address the issue. Vaccaro stated that he will reach out to attorney Vansuch.
- G. Wage & Benefit Survey - Fought reported that all CLOUT members and townships with administrators received the Wage & Benefit Survey link via Survey Monkey. She reported that Crandall has agreed to help compile the results into an Excel document which will be shared with all responders.

III. New Business

- A. 2019 CLOUT Membership Packet - A draft of the 2019 membership letter was distributed to Committee members for review and comment. A request was made that Fought send the list of townships that receive the membership letter so that Committee members can reach out to those that have not joined. Fought reported that the letter will be sent out the first week of November and will include information about the CLOUT Legislative Breakfast Reception and the annual meeting.
- B. CLOUT Participation in 2019 OTA Winter Conference - For the purpose of record keeping, Maticic reported that on September 20 via email, **Humphrys moved, seconded by Hatmaker, that the Coalition sponsor two refreshment breaks at the 2019 OTA WC at a total cost not to exceed \$15,000 and that the Coalition only charge \$5.00 per person to attend the Legislative Breakfast Reception and that the Coalition pick up the remaining costs. With Sieve voting in the negative, the motion carried by a vote of 9-1.** Tiffany requested that the CLOUT information table be more prominently displayed during the refreshment breaks.
 - 1. CLOUT Legislative Breakfast Reception - Fought reported that legislative invites have been printed and will be mailed to the 133rd General Assembly the first week of January. She reiterated that CLOUT members will receive their invitation in the membership mailing packet.
 - 2. Sponsorship of Two Breaks - Fought stated that OTA staff will be working the Convention Center on the food menu for the breaks.
 - 3. CLOUT Annual Meeting
 - a. Suggestion for Presentation Topic - Fought stated that she had asked Wendell Cox to attend the conference and is waiting to hear back from him. Committee members also suggested that HB 602 and branding of townships be considered as a topic.
 - b. Vote on Bylaws Change - Fought reminded Committee members that the full membership will be voting on the recommended change to the CLOUT Bylaws that was voted on by the Committee back in March.

IV. Items for the Good of the Coalition

- A. Tiffany reported that the townships in Greene County petitioned the county commissioners for a portion of the money being collected for motor vehicle registrations pursuant to R.C. §4504.05.
- B. Fought thanked Administrator Tracy Hatmaker for his service to CLOUT and the OTA. She reported that Tracy is retiring as of November 30.
- C. Markley reported that in Geauga County, the County Planning Director is crafting economic development agreements with the townships.

V. Adjournment - **Tiffany moved, seconded by Vaccaro, to adjourn** the meeting at 12:53 p.m.

DRAFT