

RECORD OF PROCEEDINGS

Minutes of the Public Hearing of the Trustees of Sycamore Township
Sycamore Township, Hamilton County, Ohio

November 7, 2019

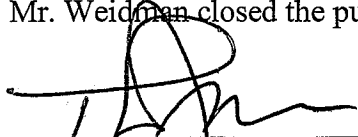
The Public Hearing for Zoning Case 2019-15MA was called to order at 6:45 p.m.

Mr. Bickford presented the case and case history in a PowerPoint presentation pointing out this is a request for a major adjustment to a PUD. Mr. Bickford noted the location of the proposed sign stating the building is currently permitted a 7.6 square foot sign in that location and the request is for a 9.3 square foot sign. He stated because the approved PUD specifically referenced signage, therefore, a major adjustment is required to install the larger sign.

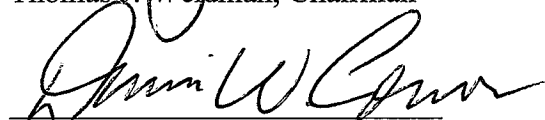
Mr. Jeff Baumgarth, of The Myers Y. Cooper Company, 9301 Montgomery Road, Suite 2B, Cincinnati, OH 45242, addressed the Board about the project. He noted Drayer Physical Therapy moved in to the space in May, 2019 and had the sign built prior to learning it was slightly larger than permitted. He noted the site is permitted a total of 74.5 square feet of building signage and they are only using 30.6 square feet of that currently. Mr. Baumgarth said it is a back lit sign.

Mr. Weidman asked if there was any member of the public present who wished to comment on the case. No response.

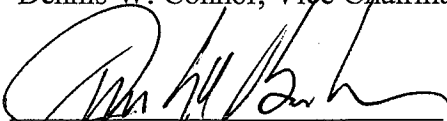
Mr. Weidman closed the public hearing at 6:50 p.m.



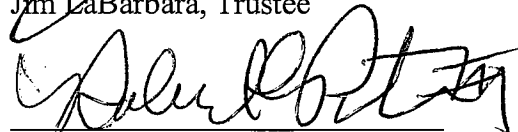
Thomas J. Weidman, Chairman



Dennis W. Connor, Vice Chairman



Jim LaBarbara, Trustee



Robert C. Porter III, Fiscal Officer

11/07/2019

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November 7, 2019

The regular meeting was called to order at 7:00 pm.

The invocation from All Saints Church was then read by Mr. Connor.

Pledge to the Flag.

Present for the meeting were Chairman Weidman, Vice Chairman Connor, Trustee LaBarbara, Fiscal Officer Porter, Law Director Miller, Attorney Deepak Desai, Administrator Bickford, Superintendent / Assistant Administrator Kellums, Fire Chief Penny and Lt. Smith from the Hamilton County Sheriff's Office. Parks and Recreation Director McKeown was excused.

The Proclamation designating November, 2019 as "Pancreatic Cancer Awareness Month" in Sycamore Township was read by Mr. Weidman. Mr. Connor made a motion to approve the Proclamation, seconded by Mr. LaBarbara. Mr. Porter called roll. Vote: All Aye. Proclamation passed this 7th day of November, 2019.

The minutes of the Board of Trustees meeting held October 3, 2019 were presented for approval. Mr. LaBarbara made a motion, seconded by Mr. Connor, to approve them. Mr. Porter called roll. Vote: All Aye.

Ms. Becky Ganis, addressed the Board reiterating her opposition to the CIG project.

Ms. Jean Bresnen, of 4687 Happiness Way, Sycamore Township, OH 45236, addresses the Board objecting to the TIF financing for the CIG project.

Mr. Michael Long, of 4074 Larchview Drive, Sycamore Township, OH 45236, addressed the Board to request that the no parking zone on Larchview Drive be revisited as it effects eight properties with single driveways.

Mr. Kellums and Chief Penny discussed the reasons for the no parking zones but said they will look at other options.

Mr. Tom James, of 5784 Whitechapel Drive, Sycamore Township, OH 45236 addressed the Board expressing concerns about the proposed TIF legislation for the Capital Investment Project.

Law Director Miller addressed some of Mr. James concerns noting the Township is not borrowing the money. He explained the reasoning for the language in the resolution. He pointed out the public infrastructure improvements are listed in Section 1 of the resolution.

Mr. LaBarbara asked Mr. Miller about the resolution stating the Board has previously expressed its intention to use its statutory authority granted pursuant to the TIF Act for the development of the property. He stated he does not recall the Board expressing that intention.

Mr. Miller answered the Board has used the TIF Act on a number of other projects.

Mr. James suggested the Board use caution dealing with the Port Authority.

Mr. Miller stated the agreement with the Port Authority will be thoroughly reviewed and pointed out there is a similar deal with the Port Authority for the Kenwood Collection garage.

Mr. LaBarbara inquired about when the notice regarding the TIF resolutions would be published in the newspaper and at what point the 30 day referendum period would begin.

Mr. Miller answered it begins when the resolution is approved.

Mr. David Bastos, one of the developers for the CIG Project, addressed the Board in regards to bond obligation noting the bonds will be issued by the Port Authority and the obligation is with the developer, not the Township. He noted the public improvements are for the public portion of the parking garage, a shared retention system, fire lane and shared utilities. He stated everything else will be paid for with private funding. He said this is very similar to what was done with the Kenwood Collection development. Mr. Bastos said the use of the TIF had been discussed previously with all of the Trustees noting the total amount to be issued is \$15 million.

Ms. Rita Lambers, of 7933 Frolic Drive, Sycamore Township, OH 45236, addressed the Board about the financing.

Mr. Bastos said the developer will get \$15 million in TIF proceeds and will be putting in their own money to offset the remaining cost of the public improvements.

Mr. Miller explained the resolution does not approve any borrowing of money, rather, it exempts the private improvements from taxes and requires the developer to make payments equal to the amount that the taxes would have been. He said that then goes to the school districts in the amount they are due which is noted in the agreement, the balance goes to the Port Authority to service the debt. He said the Township acts as the collection agency and does not borrow any money.

Ms. Lambers stated she is against this TIF because it does not constitute public use as people will have to pay to park there. She said she doesn't think it fits the definition of TIF.

Mr. Miller stated the portion of the garage paid for through the TIF must be public, therefore, the developer cannot charge the public to park there.

The developer stated there will be 168 private spaces, which will be paid for by the developer to be used by the residents, and there will be 896 public parking spaces. He noted Jewish Hospital did not want to have parking there and the plans approved by zoning reflected that.

Mr. LaBarbara asked if there should be clarification with the Port Authority regarding the \$27 million dollars mentioned in the resolution.

Mr. Miller stated the Township may get clarification on that prior to entering into an agreement with the Port Authority.

Mr. Standish Fortin, 12137 McCauly Road, Sycamore Township, OH 45241, addressed the Board about questions from residents at public meetings and expressing concerns about the members of the Parks and Recreation Committee retiring.

Mr. Glen Hughes, of 4705 Duneden Avenue, Sycamore Township, OH 45236, addressed the Board asking about a mailing he received during the election season.

Ms. Tracy Hughes, of 4705 Duneden Avenue, Sycamore Township, OH 45236, addressed the Board asking for clarification about the draft of the TIF resolution. She requested Mr. Connor vote no on the TIF resolution.

Mr. Mike Herald, of 4713 Duneden Avenue, Sycamore Township, OH 45236, addressed the Board asking for careful consideration of the TIF approval saying he does not support the CIG project.

Ms. Kat Kuzniczci, of 7675 Styra Lane, Sycamore Township, OH 45236, addressed the Board asking that the Board take more time when considering important decisions and not rush. She said she is opposed to the CIG development.

Mr. John Rising, 7918 Frolic Drive, Sycamore Township, OH 45236, addressed the Board asking if CIG is abandoning its pursuit of a CRA and for details about the agreement with Deer Park Community City School District.

Mr. Greg Fusaro, of Capital Investment Group, Inc., 226 East 8th Street, Cincinnati, OH 45202, addressed the Board in regards to the agreement with Deer Park Community City Schools and Great Oaks Joint Vocational School District. He stated the terms of the agreement are identical to what was proposed previously.

Mr. LaBarbara asked if CIG was abandoning the CRA.

Mr. Fusaro stated he originally spoke to the Trustees about the need for a TIF for the public infrastructure to go along with the project. He said when it became apparent that one of the Trustees would not support the TIF, they looked into the CRA. He noted almost every development of this size in the region has some type of public financing to pay for public infrastructure. Mr. Fusaro said the CRA was a fall back and now that the law has changed with regards to the TIF they are abandoning the CRA.

Mr. LaBarbara said he would have agreed on a TIF had they been able to come to a compromise to downsize the development.

Mr. Rising reviewed the amounts of the payments to Deer Park Schools that were listed in the original letter sent to residents and asked if Deer Park Schools will not receive the \$1.2 million and yearly payments if the TIF does not go through.

Mr. Fusaro said he does not know what will happen to the development if the TIF does not go through and went on to explain the payments to the school districts.

Lt. Smith stated he would like to speak to Mr. Kellums regarding the issues with the no parking zone on Larchview Drive.

Lt. Smith reported off duty detail is on the rise and is paid for by private companies or schools not by the Township. He noted there will be beefed up security at the Kenwood Towne Center for the holiday shopping season.

Chief Penny reported he sent the monthly report is out and noted opioid runs are down.

Chief Penny also informed the Board Firefighter/Paramedic Mike Kramer conducted a CPR class at Kids First Sports Center which was very successful.

Chief Penny stated there was an active fire at the Lyondell Chemical Company but the Firefighters were able to take care of it pretty quickly.

Mr. Bickford reported on behalf of Mr. McKeown that all the facilities including restrooms have been closed down for the winter.

Mr. Kellums reported Steve Reutelshofer attended a funding seminar.

Mr. Kellums stated he will be out of the office in the morning reviewing appeals for the OPWC projects. He noted the Township's Larchview project will be reviewed.

Mr. Bickford reported he and Mr. Desai are preparing paperwork to create a JEDD for the CIG development property. He said the Trustees must decide what municipality they would like the Township to partner with to collect the earnings tax and decide if the new JEDD district should include the residential portion of the development or just the commercial.

Mr. Weidman said he is against taxing the residents. The other Trustees agreed.

Mr. Connor made a motion, seconded by Mr. LaBarbara, to direct Mr. Bickford and Mr. Desai to designate the City of Deer Park as the partner for the new JEDD district. Mr. Porter called roll. All Aye.

Mr. Connor made a motion, seconded by Mr. LaBarbara that the commercial properties only would be subject to the JEDD tax at a rate of .75%. Mr. Porter called roll. All Aye.

Mr. Bickford reported on the CRA versus the TIF and what it means for the Township and the school districts using a PowerPoint presentation. He noted the development is projected to bring

in approximately \$414,700.00 annually to the Township. Mr. Bickford said if the development is not constructed as approved, the property would either be sold by the developer or they would come up with another economically viable use for it. He noted Jewish Hospital would be the most obvious buyer and they would either construct parking and/or expand the hospital. Mr. Bickford said the hospital, as an institutional use, would be tax exempt and could not be part of a JEDD.

Mr. Bickford noted if the TIF fails to go through, the CRA would still be possible and the school districts would get the same payments either way. He went on to explain the differences between the TIF and the CRA noting the TIF is not an abatement and the TIF ties any debt issuance to required construction. He noted in this case, it is the Port Authority, not Sycamore Township, who will take the risk on any debt and is responsible to the bond holders if the debt does not get paid. He went on to explain the service agreement and TIF payments. Mr. Bickford pointed out at the end of 30 years, the revenue from the TIF versus a CRA would be the same.

Mr. LaBarbara asked Mr. Bickford questions about the status of the CRA.

Mr. Bickford answered the CRA has not been officially withdrawn. He concluded by reiterating the Township would not benefit financially at all if the current project was abandoned and Jewish Hospital purchased the property.

Mr. Weidman asked about foreclosure rights under the TIF versus the CRA.

Mr. Bickford explained we do have foreclosure rights under both but they are much more defined and simpler to act upon with a TIF.

There was discussion about the debt the Township issued for previous TIF projects.

Mr. Bickford requested an Executive Session to discuss Personnel – Employment for Planning and Zoning.

The following purchase orders were presented for approval:

LSQ Funding Group, LC	Temporary Help	\$16,000.00
Rockwern Academy	Parking Lot Resurface	\$40,745.50

Mr. Connor made a motion, seconded by Mr. LaBarbara, to approve these requests.
Mr. Porter called roll. Vote: All Aye.

Mr. Connor made a motion, seconded by Mr. LaBarbara, to direct Law Director Miller to prepare a resolution approving zoning Case 2019-15MA as submitted. Mr. Porter called roll.
Vote: All Aye

The resolution “Pursuant to Revised Code Section 5709.73(B) Declaring to be a Public Purpose Certain Public Infrastructure Improvements that are Necessary for the Development of the Capital Investment Group Development on Parcels of Real Property Located in the

Unincorporated Are of the Township and Exempting Improvements to those Parcels from Real Property Taxation, Requiring the Payment of Service Payments in Lieu of the Exempted Property Taxes as a Covenant Running with the Land and Authorizing the Use of the Service Payments for those Public Infrastructure Improvements, Authorizing Execution of a Related Service Agreement and Such Other Documents as May Be Necessary or Appropriate to Such Purposes, Establishing a Tax Increment Equivalent Fund for the Deposit of the Service Payments” was read. A motion was made by Mr. Connor, seconded by Mr. Weidman, dispensing with the second reading.

Mr. LaBarbara read a prepared statement which he requested be made part of the public record:

“Mr. Bickford, as our Administrator, I want my comments to be all included in the public record.

This absolutely goes against the will of the people of Sycamore Township. This was discussed in eight public meetings before the residents and Capital Investment Group – each represented by an attorney. Regional Planning recommended denial – too dense; our own zoning department said no – too dense. We need to develop this, there’s no question about that, but at this stage it is just too massive. CIG’s traffic study shows a projected nine lanes of traffic on this four lane Kenwood Road.

Trustee Tom Weidman accepted a \$10,000.00 campaign contribution from CIG shortly before Election Day 2017 under a hidden LLC, Carriage Empire 2, knowing that this project would come before the Board in the immediate future. Weidman received \$11,100.00 from CIG and should recuse himself from voting. When I voted no for this project then I added that I would also vote no on any tax abatements, any TIFs. Weidman then lobbied house member Tom Brinkman to change the TIF law, Home Rule Law Act for 26, only 26, of the 3009 Ohio Townships from a unanimous vote to a majority vote. This change was attached in the final hours, actually about 4:30 in the afternoon, to the Ohio State Budget Bill. Tom Weidman should be forced to recuse himself from this vote accepting the hidden \$10,000.00.

Trustee Denny Connor is a lame duck Trustee because of Tuesday’s election. At a meeting yesterday to interview a new Zoning Department head, Denny Connor left after the first of three interviews because he’s leaving office and didn’t feel he should be involved. He deferred to incoming Trustee Tom James who was invited to this meeting. Clearly a motivating factor behind this election and the way residents voted was this big CIG development. Tom James is the incoming Trustee and he should be able to weigh in on this tonight.

This resolution tonight may well be the most important we will ever sign because of the long range implications.

Since becoming a board member of this board, we have made great strides in becoming more transparent. We should push for more transparency. What is the urgency in this vote that it can’t wait less than two months from now when Mr. James takes office as a Trustee?

During this time period I'm requesting that Sycamore Township be transparent especially under the circumstances and allow residents to weigh in at a public hearing for due process. We should have at least one public hearing.

It must be noted no legislation, no legislation, can hold the hands of an incoming elected official.

The appropriate action, the appropriate action, we should take is to table consideration of this until our newly elected Trustee Tom James takes office in two months. Thank you."

Mr. Connor stated the discussion and vote this evening are not about the project itself, noting there had already been 27 hours of public hearings about the project itself and the Board has already voted on it. He stated the project has been approved and this is about financing the public portion of the project. He noted a CRA, which provided a means to finance the project, had already been approved and now the Board must decide if a tax increment financing program provides a better deal to the Township than the CRA as far as financing.

Mr. Connor stated the fact that it is subject to a majority vote versus a unanimous vote had nothing to do with him. He said he didn't contact anybody in Columbus and nobody in Columbus contacted him. He said that is totally irrelevant as far as he's concerned.

Mr. Connor stated he listened to Mr. Bickford's presentation and pointed out there is no guarantee of construction under a CRA; the Port Authority, not the Township, is at risk on the debt in a TIF; and there is a service agreement in place with the TIF. He said all of those points make the TIF program a better deal for the Township than a CRA. Mr. Connor stated he believed in the CIG project from the very beginning. He said obviously some people disagreed with him and voted that way. He said that is fine, but he will not go out the door and torpedo a project that he put his reputation on the line for. Mr. Connor said he thinks the project needs to move forward and the Board needs to do what it can to make sure this project is successful, which is why he motioned to approve the resolution as it was submitted.

Mr. Weidman stated he will not go into detail on some of the reckless allegations that were made against him tonight. He said he does agree with Mr. Connor stating the TIF is a much more beneficial means of financing the public portion of the project than the CRA.

Mr. LaBarbara stated he wanted to make clear that, although the CRA was approved in Columbus, it still has to go through another meeting with Todd Portune and the Hamilton County Commissioners to be passed.

Mr. Porter called the roll. Vote: Connor: Aye; LaBarbara: Nay; Weidman: Aye
Resolution No. 2019-119 passed this 7th day of November, 2019.

The resolution "Declaring Official Intent with Respect to Reimbursement for Capital Expenditures" was read. A motion was made by Mr. Connor, seconded by Mr. Weidman, dispensing with the second reading. Mr. Porter called the roll. Vote: Connor: Aye; LaBarbara: Nay; Weidman: Aye
Resolution No. 2019-120 passed this 7th day of November, 2019.

The resolution "Authorizing Entering into an Agreement with the Deer Park Community City School District" was read.

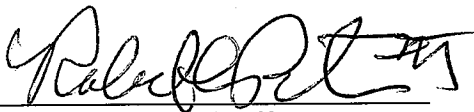
Mr. Miller noted the resolution also includes compensation for Great Oaks Schools.

A motion was made by Mr. Connor, seconded by Mr. Weidman, dispensing with the second reading. Mr. Porter called the roll. Vote: Connor: Aye; LaBarbara: Nay; Weidman: Aye
Resolution No. 2019-121 passed this 7th day of November, 2019.

Mr. Weidman noted the Township offices will be closed on November 11th for Veterans Day.

The Receipts and Disbursements of November 7, 2019 were available in the Fiscal Officer's Office and are hereby made a part of these minutes.

I hereby certify that the money for payment of these bills is in the fund provided and duly and properly appropriated.

Signed: 
Robert C. Porter III, Fiscal Officer

A motion was made by Mr. Connor, seconded by Mr. Weidman, to accept them. Mr. Porter called roll. Vote: All Aye.

Mr. LaBarbara welcomed Tom James to the Board of Trustees for the next term and invited him to be a part of the Executive Session.

Mr. Weidman stated he welcomed Mr. James at the Workshop on Tuesday and said he is looking forward to working with him. He also congratulated Mr. Porter.

Mr. Miller congratulated Mr. James and Mr. Porter and all the candidates in the election and thanked Mr. Connor for his years of service to the Township.

Mr. Connor echoed the thoughts of congratulations and welcome.

A motion to enter into **Executive Session to discuss Personnel – Employment** was made by Trustee Connor and seconded by Trustee LaBarbara.
Vote: Connor: Aye; LaBarbara: Aye; Weidman: Aye

End regular session: 8:44 p.m.

Begin Executive Session: 8:48 p.m.

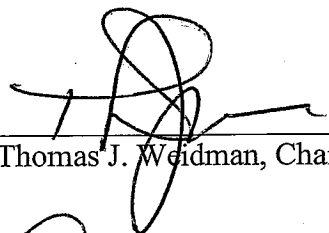
End Executive Session: 8:58 p.m.

Back in regular session: 9:05 p.m.

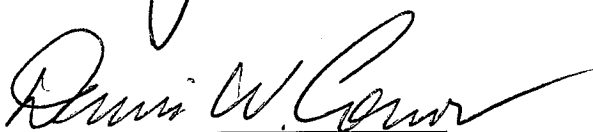
Mr. LaBarbara made a motion, seconded by Mr. Weidman, to hire Skylor Miller as the new Planning and Zoning Administrator. Mr. Porter called roll. Vote: All Aye.

A motion to adjourn was made by Trustee Connor and seconded by Trustee Weidman.
Vote: All Aye.

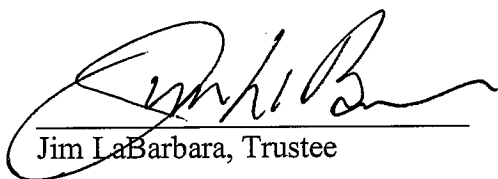
The meeting adjourned at 9:06 p.m.



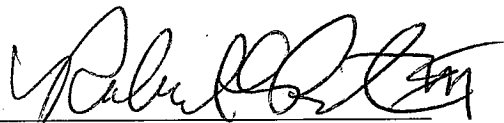
Thomas J. Weidman, Chairman



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