

RECORD OF PROCEEDINGS

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

May 7, 2020

NOTE: Due to the COVID-19 pandemic and the issuance of a Stay-at-Home order by Governor DeWine and the Director of the Ohio Department of Health, and due to enabling legislation (House Bill 197) which permits Ohio governments to meet remotely during this time, this meeting was held via remote video with all participants joining in by videoconference. Video of the hearing was live streamed to the public on the internet. To ensure compliance with HB 197, the Township provided the following public notice in advance of the hearing, along with links to the hearing agenda and to where the public could watch it:

*Due to the COVID-19 pandemic and the issuance of a Stay-at-Home order by Governor DeWine and the Director of the Ohio Department of Health, and due to enabling legislation (House Bill 197) which permits Ohio governments to meet remotely during this time, The Sycamore Township Board of Trustees will hold the May 7, 2020, 6:30 p.m. public hearing for the proposed City of Deer Park/Sycamore Township JEDD via remote video with all participants joining in by videoconference. Members of the public who would like to submit comments or questions prior to the hearing may submit them to Ray Warrick, Administrator, at rwarrick@sycamoretownship.org or by dropping off written comments in the bin at the Sycamore Township Fire Station 92 at 8540 Kenwood Road. **All written comments or questions must be submitted or dropped off by 4:00 p.m. Thursday, May 7th.** The comments/questions will be read aloud during the public hearing.*

*Alternatively, members of the public may register in advance of the public hearing to participate through Zoom. **In order to participate live during the hearing, please register with Beth Gunderson by phone (513) 792-7248 or email bgunderson@sycamoretownship.org no later than 4:00 pm on May 7, 2020. Once registered, you will be sent login instructions to join the video conference or call in to the meeting. Please provide your name, address, phone number and email for registration.***

[Agenda & Video Links followed the notice.]

The Public Hearing for the Proposed City of Deer Park/Sycamore Township JEDD was called to order at 6:34 p.m.

Present for the hearing were Chairman LaBarbara, Vice Chairman James, Trustee Weidman, Fiscal Officer Porter, Law Director Desai, Administrator Warrick, and Planning & Zoning Administrator Miller.

Law Director's Comments

Mr. Desai explained the City of Deer Park and Sycamore Township wish to establish a Joint Economic Development District in the Kenwood Area. He displayed a map showing the location of the proposed district. Mr. Desai stated the area is currently under construction to build commercial buildings on the property.

Mr. Desai pointed out the Township had put a notice of the hearing in the newspaper 30 days prior to the hearing. He stated on April 7, 2020 a petition was sent to the property owner to approve the district which the property owner had signed and submitted.

Mr. Desai stated the purpose of the proposed JEDD is a collaborative economic development tool for the City of Deer Park and Sycamore Township. He noted the hearing this evening is to allow public comment to the Board of Trustees for their consideration while deciding whether to approve the JEDD.

Public Comments

Mr. Desai administered an oath to a member of the public who wished to comment.

Ms. Mary Anne Lucas, 4087 Belfast Ave., Cincinnati, OH 45236, addressed the Board. Ms. Lucas asked what the advantages and disadvantages of the proposed JEDD to the City of Deer Park and Sycamore Township would be.

Mr. Desai answered the advantages to both the City and Township are economic growth and job creation. He stated both municipalities commit to providing police and fire services to the development. He said, if the JEDD is approved, there will be a board set up to oversee it which may impose an income tax on the businesses operating in the district. He said the City of Deer Park would collect those taxes, keep a portion, and distribute the remaining tax revenue to the Township.

Mr. James added the other JEDZ the Township had established with partner cities had lines drawn to exclude residential properties. He noted this property is now commercial and the JEDD is the mechanism to be able to impose an income tax.

Mr. Desai administered an oath to another member of the public who wished to comment.

Ms. Nancy Wells, 7837 Quarter Maine Ave., Deer Park, OH 45236, addressed the Board. Ms. Wells stated she had no comment but desired to learn more about the proposed JEDD.

Mr. Warrick read a written comment sent in by a member of the public. Mr. J. Janus, Jr. requested the projected net income for the proposed JEDD.

Mr. Desai stated he will find out and forward that information to Mr. Janus.

There was discussion about the projected estimates the Board members recalled from the Capital Investment Group hearings that took place previously. Mr. Weidman said he thought the estimate was \$375,000 per year based on hotel tax and JEDD income.

Mr. LaBarbara asked if Deer Park High School had received the funds from CIG that they were promised would be sent at the start of construction.

Mr. Weidman stated he believes they did.

Mr. Weidman made a motion to adjourn the hearing, seconded by Mr. James. Mr. Porter called roll. Vote: All Aye.

The public hearing adjourned at 6:52 p.m.

/s/ Jim LaBarbara

Jim LaBarbara, Chairman

/s/ Thomas C. James, Jr.

Thomas C. James, Jr., Trustee

/s/ Thomas J. Weidman

Thomas J. Weidman, Trustee

/s/ Robert C. Porter, II

Robert C. Porter III, Fiscal Officer

JEDD Public Hearing Minutes 05/07/2020

RECORD OF PROCEEDINGS

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

May 7, 2020

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*Members of the public who would like to submit comments or questions prior to the meeting may submit them to Ray Warrick, Administrator, at rwarrick@sycamoretownship.org or by dropping off written comments in the bin at the Sycamore Township Fire Station 92 at 8540 Kenwood Road. **All written comments or questions must be submitted or dropped off by 4:00 p.m. Thursday, May 7th.** The comments/questions will be read aloud during the public comment portion of the meeting.*

*Alternatively, members of the public may register in advance of the meeting to participate through Zoom. **In order to participate live during the meeting, please register with Beth Gunderson by phone (513) 792-7248 or email bgunderson@sycamoretownship.org no later than 4:00 pm on May 7, 2020. Once registered, you will be sent login instructions to join the video conference or call in to the meeting. Please provide your name, address, phone number and email for registration.***

[Agenda & Video Links followed the notice.]

The regular meeting was called to order at 7:04 pm.

The invocation was then read by Mr. Kellums.

Pledge to the Flag.

Present for the meeting were Chairman LaBarbara, Vice Chairman James, Trustee Weidman, Fiscal Officer Porter, Law Director Desai, Administrator Warrick, Superintendent / Assistant Administrator Kellums, Zoning Administrator Miller, Fire Chief Penny and Lt. Smith from the Hamilton County Sheriff's Office.

Approval of Electronic Signatures

Mr. LaBarbara asked Trustees James and Weidman, Fiscal Officer Porter and Law Director Desai if they give permission for electronic signatures. All answered yes. Mr. LaBarbara then gave his permission for his signature to be added electronically to any documents approved at the meeting.

Approval of April 14, 2020 Trustees Workshop Meeting Minutes

The April 2, 2020 Trustee Meeting Minutes were presented for approval. Mr. Weidman made a motion, seconded by Mr. James, to accept them. Mr. Porter called roll. Vote: All Aye.

Receipts and Disbursements

The receipts, in the amount of \$5,126,709.94 and disbursements, in the amount \$4,338,725.37 for May 7, 2020 were read by the Fiscal Officer 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: /s/ Robert C. Porter, III
Robert C. Porter III, Fiscal Officer

Mr. Weidman made a motion, seconded by Mr. James, to accept them. Mr. Porter called roll. Vote: All Aye.

Public Comments

Mr. LaBarbara explained the time limit and procedures for public comments noting members of the public had the option to comment live during the meeting or submit comments in writing in advance of the meeting to Administrator Warrick.

Mr. Warrick read a comment submitted by a member of the public through Facebook Messenger stating that all comments, whether written or in any other format, should be accommodated at the remote meetings.

Mr. Warrick read a comment from Mr. Standish Fortin, 12137 McCauly Rd., Sycamore Township, Ohio, 45241. Mr. Fortin wrote that he has attempted to improve the standard of living in the Township and noted the Administrator is trying to improve things also. He requested the establishment of a citizens' finance and audit committee to improve management of Sycamore Township's revenue.

Sheriff Patrol Report

Lt. Smith reported, despite the craziness of the times, the Hamilton County Sheriff's Office has fared well with mostly positive interactions with the community and support from businesses which he said is much appreciated. He noted the April call volume is down about 25% and the Sheriff's Office limited response procedures will continue through June 1st. Lt. Smith said he has been in contact with Wanda Wagner of the Kenwood Towne Center about the mall's reopening on May 12th. He also reported four District Three officers had been ill, but they all tested negative for COVID-19.

EMS/Fire Report

Mr. LaBarbara commented the Fire Department did a drive by birthday parade for a youngster in his neighborhood and the people loved it.

Chief Penny stated the Department is doing one or two of those a day with lots of positive comments from residents.

Chief Penny shared some slides and gave information about money the department had received from the CARES Act and uncertainty about how that money may be applied. He informed the Board of the loss of revenue due to the decrease in run volume in March and April. He noted the department may use FEMA reimbursement for PPE purchases and he is planning to apply for the second round of CARES Act funding.

Chief Penny reported the department has had 28 runs with patients fitting the criteria for COVID-19. He stated of those, there had been four confirmed cases. He said there are 17 people in the Township quarantined at home and eight who had COVID-19 and have now been cleared.

Chief Penny thanked Mr. Weidman for his help in securing 45 respirator masks through Hamilton County EMA that they had obtained with grant money.

Chief Penny reported the Fire Department had done 31 birthday drive-bys, two parades at nursing homes and participated in a picture for Sycamore High School seniors.

He stated there had been 12 patients with serious symptoms who refused transport to the hospital for fear of COVID-19 which is concerning to him.

Chief Penny thanked the Trustees for their support. He thanked Mr. James for facilitating the parade at the Seasons, Mr. LaBarbara for his help securing a supply of Narcan and Mr. Weidman for dinners from Silver Spring House and Montgomery Inn for the Firefighters/EMS and for his help securing a supply of masks and gowns from the EMA.

Chief Penny stated the April statistics would be available on the Fire Department website and concluded by offering tips on the proper way to wear a face mask.

Roads, Maintenance and Recreation Report

Mr. LaBarbara thanked Mr. Kellums and staff for the storm damage pickups.

Mr. Kellums reported his crews had swept the entire Township collecting storm damage which was much appreciated by residents.

Mr. Kellums reported last year the Township won an award for having the highest recycling rate of any Township in Hamilton County and this year the rate increased to 25.9% which is amazing for a Township.

Mr. Kellums reported he had followed up on concerns expressed at the last meeting about power outages in Heitmeyer Farms and Sturbridge subdivisions. He spoke to Chad Schaefer, the Duke Energy government liaison, who told him work will be done to sectionalize off some of those areas to make delivery of electricity more dependable. Mr. Kellums pointed out he also spoke to Mr. Schaefer about residents' comments that they were not notified of a planned outage. He was assured there were no planned outages in that area and that Duke always notifies residents of those in advance.

Mr. Kellums reported the new hire set to begin work at the beginning of May was offered a raise and promotion by his current employer not to leave, which he accepted. He requested permission from the Board to advertise again to fill this position. Mr. Weidman made a motion, seconded by Mr. James, to allow Mr. Kellums to advertise for a new employee. Mr. Porter called roll. Vote: All Aye.

There was then discussion regarding the need for seasonal workers. Mr. Weidman made a motion, seconded by Mr. LaBarbara, to allow Mr. Kellums to hire seasonal workers at his discretion. Mr. James stated there should be no more than three seasonal workers. Mr. Porter called roll. Vote: All Aye.

Mr. James stated other municipalities have restrooms open in their parks and suggested the Township do the same and institute daily cleanings. Mr. Kellums stated his department would need seasonal help to clean restrooms daily. Discussion ensued about procedures for doing so with Mr. LaBarbara suggesting the topic be put on hold until the next Workshop. Mr. Kellums stated in the meantime he will put a protocol together and noted his department has the equipment they need to clean the restrooms.

Mr. Kellums went on to give updates on construction projects in the Township. He said the paving for the Sycamore Road project had begun and would soon move across the railroad tracks. He said the Montgomery Road Sidewalk Project was moving forward as planned and the Maintenance Storage facility Project would soon be coming up out of the ground. Mr. Kellums reported he had received an email from Hamilton County informing him they will be replacing a fire hydrant on Happiness Way at 10:00 p.m. noting this had nothing to do with the construction at the CIG development.

Mr. Kellums asked for direction on whether to cancel the Jump 'n Jive Show Band concert scheduled for June 27th at Bechtold Park. It was decided to hold off on cancelling and revisit this topic at the next meeting.

Mr. James noted the Memorial Day Parade had been cancelled and inquired if organizers had plans to honor veterans in some other way. Chief Penny said he will speak to Tom Camp, one of the organizers, about it.

Mr. LaBarbara asked about the Spring Compost Give-Away. Mr. Kellums explained the leaf dump at Hartzell United Methodist will be open for the distribution of compost and wood chips. He noted the event requires little public contact and therefore will move forward as scheduled.

Planning & Zoning Report

Mr. Miller reported a few businesses had inquired about sign allowances to keep the public informed as operations are limited and businesses re-open. He stated the current Zoning Resolution prohibits such signs; therefore, he and Mr. Warrick discussed it, and he created guidelines to allow for temporary signs to help businesses at this time. Mr. Miller reviewed the guidelines and noted he and Mr. Clark would ensure that the location of any signs would not cause any safety issues.

Mr. Weidman thanked Mr. Miller noting it is critical that the Township help the Kenwood business district get back on its feet.

Mr. Miller pointed out the resolution prepared approving the guidelines is a temporary measure expiring September, 2020 unless extended by the Board.

“A Resolution Establishing a Temporary Signage Allowance for Township Businesses During the Covid-19 Pandemic, Dispensing with the Second Reading and Declaring an Emergency.” was presented by Mr. LaBarbara. A motion was made by Mr. Weidman, seconded by Mr. James, to approve the resolution. Mr. Porter called the roll. Vote: All Aye. Resolution No. 2020-34 passed this 7th day of May, 2020.

Mr. Miller reported in 2018 the Board of Trustees had authorized the demolition of the condemned building at 6330 Kugler Mill road. He presented a quote for the demolition in the amount of \$24,850.00 noting there may also be the need for asbestos removal. He requested approval from the Board to proceed with the demolition in an amount not to exceed \$24,850.00 as he expected to receive another bid.

Mr. Weidman made a motion, seconded by Mr. James, to move forward with the demolition of the building at 6330 Kugler Mill Road in an amount not to exceed \$24,850.00.

Mr. James asked about the Township placing liens on the property for expenses incurred and if the liens could be foreclosed on. Discussion ensued about the liens and a possible foreclosure as well as a potential buyer for the property. Lt. Smith and Chief Penny expressed concerns about the unsafe structure noting it would not be worth risking the safety of first responders by having them enter that building if there were a fire or trespassers. Mr. Kellums asked if another court order was needed to go into the building to remove asbestos. Mr. Desai stated he would look at the language of the court order and outline a list of options regarding liens/foreclosure for the Board in a memo.

There was consensus that due to safety concerns, the Township should move forward with having the building demolished.

Mr. Porter called roll. Vote: All Aye.

Law Director Report

Mr. Desai reported he had a resolution for the Board to approve the contract with the City of Deer Park to establish the City of Deer Park/Sycamore Township JEDD.

Mr. James inquired about the process and if the City of Deer Park had done something out of order. Mr. Desai said he had a conference call scheduled with Deer Park the next day and would find out what else needs to be done on their end.

“A Resolution Approving a Contract with the City of Deer Park, Hamilton County, Ohio to Designate the City of Deer Park – Sycamore Township Joint Economic Development District Along Kenwood Road Between Happiness Way to the North and Property Commonly Known as 7887 Kenwood Road to the South, Dispensing with the Second Reading and Declaring an Emergency.” was presented by Mr. Desai. A motion was made by Mr. Weidman, seconded by Mr. James, to approve the resolution. Mr. Porter called the roll. Vote: All Aye. Resolution No. 2020-35 passed this 7th day of May, 2020.

Administrator Report

The following purchase orders were presented by Mr. Warrick for approval:

US Bank	Kenwood Town Place TIF Payment	\$633,263.05
Pacewell 2 LLC	Assessments and ESID Fees	\$157,540.56
Sycamore Board of Education	TIF School Payment	\$82,971.38
Princeton City Schools	TIF School Payment	\$239,294.47
Great Oaks Career Campuses	TIF School Payment	\$23,445.91
Indian Hill Schools	TIF School Payment	\$2,379,455.33
Deer Park Community Schools	TIF School Payment	\$279,823.23

Mr. Weidman made a motion, seconded by Mr. James, to approve these requests. Mr. Weidman inquired about City of Cincinnati School District missing from the list. Mr. Warrick said he will investigate that. Mr. Porter called roll. Vote: All Aye.

Mr. Warrick reported a lot of work had been done since the last meeting on the language for the proposed political activities policy.

Mr. Desai explained the proposed policy would be inserted into the employee handbook. He noted the first paragraph was already approved by the Trustees at their last meeting. Mr. Desai stated the bottom two paragraphs had been tabled to allow him to conduct additional research, specifically about precinct executives. He said his research showed that duties of precinct executives are prescribed by their political party and are not governed by the O.R.C.

Mr. Desai said Mr. Weidman brought forth a policy from Delhi Township which led to the addition of language prohibiting the appearance of speaking in any official Township capacity while engaging in political activity. He pointed out the paragraphs after that are specifically limited to Township politics. He stated the last sentence refers the employee to the Law Director with any questions which will hopefully allow any employee to vet any concerns they have about applicability of the policy.

Mr. James made a motion, seconded by Mr. LaBarbara, to adopt the political activities policy in its entirety.

Mr. Weidman reiterated that the Board should do everything they can to make the workplace apolitical but said it is a bad idea and against the constitution to take away employees' right to free speech. He stated the language opens the Township, and therefore the residents, to the risk of possible lawsuits and costs. Mr. Weidman went on to say he had consulted several legal experts who agreed the language used in the last two paragraphs make the Township vulnerable to lawsuits. He stated he agreed with Mr. James' suggestion at the last meeting to exclude from the policy employees who are Township residents.

Mr. James stated there is always the risk of litigation and asked Mr. Desai if he is confident that courts have determined such language to be a compelling government interest. Mr. Desai answered that is correct. Mr. James added as a safety valve, employees could contact Mr. Desai so the Township may intervene before an issue gets to the litigation stage. Mr. James stated the second part of the policy is needed to ensure an apolitical workplace in which employees do not feel pressured by Trustees and thus mistreat residents. Mr. James said this is a good workable plan. He then asked Mr. Weidman the names of the legal scholars he consulted. Mr. Weidman declined, saying those opinions may be discounted but noting he wants it on record that he is opposed to the language in the last two paragraphs. Mr. James stated anything Mr. Weidman received from them in writing would be a public record and he requested copies.

Mr. Weidman stated there is no document he can provide to Mr. James.

Mr. Desai suggested moving on to the vote.

Mr. Porter called roll. Mr. James: Aye; Mr. LaBarbara: Aye; Mr. Weidman: Nay

Mr. Warrick reported on a memo to the Trustees detailing changes to Township procedures dealing with COVID-19. He noted staff had returned to the office and safety procedures are being followed. Mr. Warrick said things are running smoothly with the buildings closed to the public. He said as the State opens, we will have to adjust procedures. He said coaches have been asking about field rentals, but he is not prepared to address that yet as the Governor has not discussed large gatherings. Mr. Warrick said the quarterly newsletter may be abbreviated, noting the last newsletter went to print prior to the Governor's orders and consequently the events listed in it had to be cancelled. He said staff has been flexible with Maintenance staff reporting to two different locations and the Fire Department using lots of extra caution on runs. Mr. Warrick noted he has not received complaints from citizens, who have been cooperative. He then stated the compost give-away will move forward with no contact.

Fiscal Officer Report and Communications

The Fiscal Officer read the following communications to the Township:

A communication from Tom Anthony, 8213 Farwick Court thanking the Maintenance Department for a thorough job collecting storm damage and cleaning up at his home was read by Mr. Porter.

A communication from Frances Costello thanking the Fire and EMS Department for the care they gave and requesting the Chief put a commendation in their files was read by Mr. Porter.

Trustee Comments

Mr. Weidman thanked Mr. Kellums and the Maintenance Department for storm damage clean up. He reported he had worked with Duke Energy to have power restored quickly at Jewish Hospital during that storm. Mr. Weidman gave a special thank you to the Fire Department and Sheriff's Office for continued service to the residents and doing drive-bys when not on call to brighten the lives of residents, both young and old. He thanked the Joe Smith, Joe Kendle and Derek Colby of Silver Spring House for working with him to provide meals for all three Fire Department shifts and the Montgomery Inn for their support of our safety services.

Mr. Weidman stated as a member of the Board of the Hamilton County EMA, he worked with Director Nick Crosley and Chief Penny to provide additional masks and gowns for EMS personnel. He said they are working on a supply of more permanent respirator masks which Chief Penny referred to earlier in his report.

Mr. Weidman stated he had worked with Kenwood Towne Center to schedule a remote blood drive, noting this proved to be difficult due to social distancing requirements. He said since then Hoxworth has appealed for donors and is in good shape. Mr. Weidman said they are collecting convalescent plasma from people who have recovered from COVID-19 and directed people to call 513-451-0228 to donate.

Mr. Weidman reported he is scheduling a conference call with the Ohio Township Association and State Senator Bill Blessing next Tuesday to discuss the details of the CARES Act and the distribution of those funds. He said the State of Ohio is receiving Federal funds which will be distributed to 88 counties to offset unbudgeted expenses for COVID-19. He spoke to State Senator Bill Blessing who said there is a push to allow use of the funds for revenue shortfalls due to COVID-19 and he will have more information next week.

Mr. Weidman concluded by addressing residents saying he hopes they stay healthy and safe and to let us know if there is anything we can do to help.

Mr. James reiterated Mr. Weidman's wish for residents to stay safe and said praise for staff is well-deserved for stepping up during an emergency. He reported he has heard from residents with varying opinions on the Governor's orders asking the Township to take a stand. He said the Township wants the State to open as soon and as safely as possible, but it is not in our authority. He encouraged residents to patronize local restaurants and keep commerce going. Mr. James

referenced the earlier comment Mr. Warrick read from Facebook and encouraged the public to communicate with the Board as it is their duty to put the interest of the public before their own.

Mr. LaBarbara thanked the Fire Department, police, and maintenance crew. He reported the Ohio Treasurer had contacted him letting him know that there are programs available for Townships to borrow money if needed. He then requested Mr. Warrick move forward with Mr. Fortin's idea that a citizens' finance and audit committee be established by posting information on the Township website. He said we should request volunteers and have four to six members on the committee to meet once a month. He then requested that Mr. Warrick and Mr. Porter provide the Board with accurate and timely financial numbers monthly.

Mr. LaBarbara noted the Memorial Day Parade had been cancelled, the compost give-away will move forward as scheduled on May 9th and the next Trustees Workshop Meeting will be May 19th at 9:00 a.m.

Mr. Desai stated there must be a motion to establish a citizens' finance and audit committee.

Mr. LaBarbara made a motion, seconded by Mr. James, to establish a citizens' finance and audit committee. Mr. James said it is a good idea to have citizen input and another set of eyes on things. Mr. Porter called roll. Vote: All Aye.

Mr. LaBarbara made a motion to adjourn the hearing, seconded by Mr. Weidman. Mr. Porter called roll. Vote: All Aye.

The meeting adjourned at 9:12 p.m.

/s/ Jim LaBarbara

Jim LaBarbara, Chairman

/s/ Thomas C. James, Jr.

Thomas C. James, Jr., Trustee

/s/ Thomas J. Weidman

Thomas J. Weidman, Trustee

/s/ Robert C. Porter, II

Robert C. Porter III, Fiscal Officer

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