

RECORD OF PROCEEDINGS
Minutes of the Public Meeting of the Trustees of Sycamore Township
Sycamore Township, Hamilton County, Ohio
June 4, 2020

The regular meeting was called to order at 7:00 pm. Mr. LaBarbara explained the COVID-19 prevention protocol for the meeting.


The invocation was read by Mr. Warrick.

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, Planning & Zoning Administrator Miller, Assistant Fire Chief Cooper and Cpl. Kidd from the Hamilton County Sheriff's Office. Fire Chief Penny and Lt. Smith from the Hamilton County Sheriff's Office were absent.

The Receipts in the amount of \$884,135.25 and Disbursements in the amount of \$450,758.50 of June 4, 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: 
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.

Presentation by Eagle Scout Candidate Harrison Painter

Eagle Scout Candidate Harrison Painter addressed the Board regarding his proposed Eagle Scout project. He requested permission to install several bat houses in Sycamore Township Parks. Mr. Painter informed the Board of the benefits bat houses provide to the community. The Board asked questions of Mr. Painter and Mr. Desai discussed liability issues that must be addressed. It was decided that Mr. Kellums will be the point of Township contact for Mr. Painter to assist with facilitating his project.

Public Comments

Mr. Warrick explained the Township had requested reservations for public comment to assist with logistics for the meeting while following COVID-19 prevention protocol. He requested the four-minute time limit for public comment be suspended for the first speaker, Mr. Standish Fortin.

Mr. Weidman made a motion, seconded by Mr. James, to suspend the four-minute time limit for Mr. Fortin. Mr. Porter called roll. Vote: All Aye.

Mr. Standish Fortin, of 12137 McCauly Road, addressed the Board. Mr. Fortin stated he would like to make sure our Nation's Independence Day is remembered. He displayed a slide presentation detailing his plans to hold a fireworks display at McDaniel Park which would also include food trucks and a beer garden sponsored by March First Brewing. Mr. Fortin addressed concerns expressed at the Workshop Meeting regarding possible damage to the fields. He noted he had obtained community partners and explained some of the proceeds would go towards the creation of a cemetery endowment fund. Mr. Fortin showed the proposed layout for the event and reviewed his parking plan. He said he spoke to Jeremy Hessel of Hamilton County Public Health who will review the plan and stated there would be signs posted at the event encouraging social distancing.

Mr. Fortin went on to introduce key partners.

Mr. Joe Rozzi, Rozzi Fireworks, 5518 Chancellor Lane, Hamilton Township, addressed the board regarding the logistics of the proposed fireworks display. The Board asked questions of Mr. Rozzi about this event and the ways in which other communities are moving forward with fireworks displays during the pandemic.

Mr. Christopher Paquette, of March First Brewing, 7885 E. Kemper Road, addressed the Board regarding the plan for the proposed beer garden. He discussed the festival permit for sale of beer, fencing around the beer garden, staffing and volunteers.

Mr. James asked Mr. Fortin what he needs from the Township.

Mr. Fortin answered he needs a green light to move forward. He stated he has budgeted for portable restrooms and police noting volunteers will not be an issue.

Mr. James asked how the event would be promoted.

Mr. Fortin answered there will be no social media nor radio or print advertising to the public. He said there will be postcards sent to Township residents.

Mr. LaBarbara stated he is concerned about the number of people who will show up noting many other communities have cancelled their fireworks due to the current public health issue.

Mr. Warrick agreed with the concerns already mentioned noting the fear of the unknown concerns him. He stated the Township form of government is the best but is the lowest on the totem pole even though he thinks it's a great idea, other agencies could cause the Township a black eye even if the event goes fine. He said he views it as his job to express his concerns.

Mr. James asked Mr. Warrick if Mr. Fortin had Health Department blessing for this event if that would help alleviate his concerns.

Mr. Warrick answered that would be nice, but he is worried about a crush of a crowd and noted in his role he must err on the side of caution.

There was continued discussion about the possibility of a large crowd, especially due to many other municipalities cancelling similar events, and possible issues given the fluidity of the COVID-19 situation.

Mr. Desai asked how social distancing would be enforced. Mr. Fortin answered all we can do is make suggestions. Mr. Desai expressed concerns about that answer noting his biggest concern is a large crowd congregating in a relatively small area.

There was continued discussion about the size of the crowd, enforcing social distancing, parking and other communities holding fireworks displays intended to be viewed from a vehicle or another location.

Mr. James invited those present from the public to comment on the idea for this event.

Ms. Kathy Kugler, of 7106 Tenderfoot Lane, addressed the Board in support of Mr. Fortin's plan and suggested making it a ticketed event. She noted people who do not feel comfortable at the event can leave.

Mr. J. Janus, Jr., of 4462 Daffodil Ave., addressed the Board in favor of the event. He discussed the Health Department's role in enforcing social distancing and asked the duration of the fireworks display.

Ms. Barbara Holwadel, of 6022 Cherokee Dr., Madeira, OH, addressed the Board noting she owns two properties in Sycamore Township and has been working with Mr. Fortin to secure food trucks for the event. Ms. Holwadel spoke in favor of holding the event noting we have the right to assemble and it is a good education for our children about freedom and what it means to be an American.

Ms. Katie Stewart, of 4600 Orchard Ln., addressed the Board stating people are intelligent enough to practice social distancing and stay home if feeling sick or if they have a compromised immunity. She said she is in favor of holding the event.

Mr. James made a motion, seconded by Mr. LaBarbara, to allow the rental to proceed with the following conditions:

1. The sponsors will agree to comply with any state orders that do apply to the event or any activities occurring there.
2. The sponsors will seek and obtain clearance from Hamilton County Public Health that the event is not in violation of the law if it proceeds as planned.
3. The event may be promoted only to Sycamore Township residents.
4. The event is approved according to the logistics plan described by Mr. Fortin during his presentation earlier at the meeting, including but not limited to the closure of the roads and securing the four parking lots for use during the event.

Mr. LaBarbara said the unknown factor concerns him in the current environment.

Mr. James said, as a citizen, he is in favor of this event but, as a Trustee, he has concerns. He noted other communities are celebrating remotely and that the Township should have all legal bases covered if the Board decides to approve it. He requested Mr. Desai's opinion.

Mr. Desai stated he has insurance indemnification concerns noting Mr. Warrick has been on top of that. He reiterated his concerns about the difficulty in enforcing social distancing guidelines and said it seems the event could be held very nicely at a remote location. From a legal standpoint, he thinks we have covered our bases with the conditions Mr. James noted in his motion.

Mr. Weidman agreed that, as a resident, he thinks it is an awesome event, but as a Trustee, he has concerns. He suggested holding fireworks only and omitting the beer garden and food trucks. He noted with so many similar events cancelled, this may be the only game in town and to not know what kind of a crowd to expect is concerning. He said it is the Board's responsibility to make the right decision for the entire Township. He said this is a bright light in a dark time, but he struggles with the fact that we do not really know what to expect.

Mr. LaBarbara and Mr. Weidman both stated Mr. Fortin had come up with a great plan for the proposed event but noted that fear of the unknown is holding them back.

Mr. James said he is torn but he thinks he is prepared to take a leap into the unknown and trust our residents' judgement if all the other clearances are in place.

Mr. Fortin commented, based on the conditions, Hamilton County Public Health would be required to sign off on this event; there is no reason to believe the Trustees think their opinion is superior to the Health Department's.

Mr. James stated he was still concerned about the crowd.

Mr. Fortin suggested, hearing the hesitation, the Board permit the fireworks only and close the park.

There was discussion about the feasibility of that suggestion.

Mr. James withdrew his original motion and moved to allow Mr. Standish Fortin, or an organization he designates, to rent McDaniel Park for the purpose of a private firework display with the following conditions:

1. No food or beverages may be served.
2. The event will be held from 10:00 p.m. to 10:30 p.m.
3. No outside entertainment is permitted.
4. The event will be invitation only and the park will not be open to the public.
5. The event may be promoted only to Sycamore Township residents.
6. The event is approved according to the logistics plan described by Mr. Fortin during his presentation earlier at the meeting, including but not limited to the closure of the roads and securing the four parking lots for use during the event.

Mr. LaBarbara seconded the motion. Mr. Porter called roll. Vote: All Aye.

Mr. LaBarbara stated the Board will now hear public comments noting each speaker's comments are limited to four minutes each.

Mr. J. Janus, Jr. addressed the Board again in response to comments made by Mr. Porter at the 06/02/2020 Trustees Workshop meeting. Mr. Janus said he never suggested the establishment of an audit committee as Mr. Porter stated in the Workshop meeting. He said he had suggested a forensic audit. Mr. Janus made comments about the accounting software the Township uses noting Mr. James and Mr. LaBarbara want to change software and Mr. Porter and Mr. Weidman are opposed to that. He then discussed comments Mr. Porter made about Mr. Warrick being a non-resident, which he said were disparaging, and listed other past and present employees of the Township who are not residents of the Township noting Mr. Porter never made similar comments about them. Mr. Janus said Mr. Porter does not like the new Administrator because he asks questions about the finances and he does not know why Mr. Porter has fears about a committee looking at the budget.

Mr. John Abraham, of 4978 Elmcrest Ln., Sycamore Township, OH, addressed the Board regarding deficiencies in the operation of the Township, noting transparency was lost the minute the election concluded. Mr. Abraham challenged the Trustees to explain why the dismissal of the former Administrator was good for the Township and expressed concerns about the financial impact of his dismissal. He questioned the transparency of the hiring process for the current Administrator saying this is his formal public records request for the documentation of that hire. Mr. Abraham stated the Administrator was not vetted, listed items about Mr. Warrick's past business experience that he found troubling and commented that those hiring him knew of his deficiencies and hired him anyway. He questioned why this final candidate's qualifications were not presented in an open meeting with taxpayers present and asked if the Board should be taking his guidance regarding financial decisions. Mr. Abraham concluded by calling for the termination of the Township Administrator and the start of an honest and open process for the hiring of a qualified and competent Administrator to manage the day to day operations of the Township. Mr. Abraham then distributed a partial copy of a past personal bankruptcy statement for Mr. Warrick from 2005 to each of the Trustees and exited the building.

Mr. James said Mr. Abraham is walking out the door so he must not want to hear the responses to the questions he raised. Mr. James stated for the record, Mr. Bickford resigned and there is a severance agreement with him and that is the Township's official position. Mr. James stated Mr. Warrick is eminently qualified and he does not appreciate someone insulting one of our Township officials in a public meeting but noted people are entitled to their opinion.

Sheriff Patrol Report

Cpl. Kidd stated he had no report. Mr. James asked if there was any criminal activity in the Township related to recent protests. Cpl. Kidd answered no.

EMS/Fire Report

Assistant Chief Cooper noted he had given a COVID-19 update at the Workshop Meeting on June 2nd and did not have any additional updates to report since then.

Mr. Weidman inquired about a fire that afternoon.

Assistant Chief Cooper answered there was a fire at 5:00 p.m. that was confined to a bedroom on Beech Ave.

Roads, Maintenance & Recreation Report

Mr. Kellums reported Document Shredding for residents will take place Saturday, June 20th from 10:00 a.m. to 2:00 p.m. in the parking lot behind the Administration Building at 8540 Kenwood Road.

Mr. Kellums stated the rescheduled dates for the Trash Bash events will be in September.

Mr. Kellums read the list of names of the nominees for the Park Advisory Committee and requested a motion for approval from the Board.

Mr. Weidman made a motion to approve Kathy Kugler, J. Janus, Jr., James C. Stanley, Christine Early, James T. Riley and Lisa Bass Hodge as members of the Sycamore Township Park Advisory Committee. Mr. James seconded. Mr. Porter called roll. Vote: All Aye.

Mr. James stated Governor DeWine said playgrounds may re-open on June 10th and asked Mr. Kellums if he is prepared to open them.

Mr. Kellums answered playgrounds will re-open June 10th.

Planning & Zoning Report

Mr. Miller reported on 7300 Quailhollow Drive explaining Zoning and Building permits were issued for the construction of a new house on the property. He said the excavation was done then the project came to a halt leaving a large hole on the property which is a nuisance and dangerous.

Mr. Weidman reported he had met with a neighboring property owner, Mr. Hart, and there is way too much erosion, the hole was filled with rainwater a week ago, and the construction fence is not enough to keep anyone out.

Mr. Miller stated the Planning & Zoning Department has issued a violation letter and the contractor keeps promising to take care of the issue but has not followed through. He requested a motion from the Board to allow for Township to act under Section 109 of the Property Maintenance Code emergency measures for unsafe structures.

Neighboring property owner Mr. Robert Sartarelli, of 6930 Michael Drive, addressed the Board saying the lack of adequate fencing is a danger to children and pets. He said there is an erosion problem and that he had contacted Hamilton County to have anti-larvae bricks put down to prevent mosquitos caused by the standing water.

Mr. Weidman asked Mr. Desai if the Board could declare an emergency to fill the hole back in with dirt.

Mr. Miller stated he is recommending a motion for emergency action through the court.

Mr. Desai explained Mr. Miller will issue a new notice of violation to Sections 108 and 109.2 of the Property Maintenance Code instructing the owner to drain the water and install a fence. He requested a motion from the Board of Trustees to authorize the Law Director to file a complaint and a temporary restraining order to allow the Township to fill in the hole.

Mr. Weidman made a motion, seconded by Mr. James, to authorize Law Director Desai to file a temporary restraining order to allow the Township to fill in the hole.

There was additional discussion about the process.

Mr. James suggested amending the motion to state that Mr. Desai will stop the process if Mr. Warrick or Mr. Miller let him know the property owner has abated the nuisance.

Mr. Weidman amended his motion accordingly. Mr. James seconded. Mr. Porter called roll. Vote: All Aye.

Mr. Miller stated at the June 2nd Workshop he was directed to prepare a resolution to authorize the Administrator to enter into contracts for the Montgomery Road Properties Project. He then read the breakdown of the cost for site planning services.

Mr. James asked about the focus groups saying he would like there to be as much public input as possible.

Mr. Miller stated they are trying to identify the stakeholders which would include residents in the area, businesses, and developers.

A member of the public asked for clarification on the address of the property being discussed.

Mr. Miller answered it is the former Taco Bell/PEP Boys property and Mr. Kellums said the address is 7777 Montgomery Road.

A member of the public present inquired about Township owned properties on Orchard Lane.

Mr. Weidman explained the Township bought those properties for a potential transitional use noting they were purchased using TIF funds.

Mr. Miller stated this Montgomery Road site is prime property and the Township wants to go through this process to find the best use for it.

“A Resolution Authorizing the Administrator to Enter into Contracts for Master Site Planning Services for the Montgomery Road Properties Project, Dispensing with the Second Reading and Declaring an Emergency.” was presented by Mr. Miller. 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. 2020-45 passed this 4th day of June, 2020.

Mr. James requested an update on the Myers Y. Cooper Company development.

Mr. Miller said he has had communications from the project developer, but he has not yet determined if they have satisfied the landscape plan requirements. He reported, in the meantime, no additional zoning permits will be issued for the property.

Law Director Report

Mr. Desai said he had nothing further to report.

Administrator Report:

Mr. Warrick presented the following purchase order for approval noting it is to approve payment for the audit of the Township's finances.

Auditor of State of Ohio	Audit 2019-2018	\$13,750.00
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Mr. Weidman made a motion, seconded by Mr. LaBarbara to approve this request. Mr. Porter called roll. Vote: All Aye.

Fiscal Officer Report and Communications

Mr. Porter reported he had no communications to share.

Mr. Porter stated as we begin the audit, he would like to address resident Mr. Janus' comments from earlier in the meeting. He stated the Trustees are not authorized to conduct a forensic audit, only the Auditor of the State can do that. He stated the Auditor of the State will conduct a thorough audit which he welcomes, noting he is not afraid of anything.

Mr. Porter stated resident Mr. Abraham made some good points as the hiring of the current Administrator was highly irregular. He noted in the past the Trustees have solicited resumes for this position, vetted candidates and brought them in to be interviewed by all three Trustees. He said in Mr. Warrick's case none of this was done. Mr. Porter went on to say Mr. LaBarbara has frequently mentioned performance reviews. He said, in past, there has been a probationary period for new hires after which their performance is analyzed. He stated this should be done with recent hires.

Trustee Comments

Mr. Weidman reported he has been working closely with some of the legislators on an amendment to SB310 regarding \$350 million from the Federal Government to the State of Ohio that will be distributed to Townships. He then read a synopsis of the bill. Mr. Weidman said, as President of the Hamilton County Township Association, he has seen a push from many Townships to get this bill through. He suggested the Board prepare a letter to legislators encouraging approval of this amendment.

Mr. James stated he would like to read the bill before writing a letter.

Mr. Weidman also reported, with elective surgeries being scheduled again, Hoxworth needs blood donors. He said Hoxworth also needs plasma donations from those who have been diagnosed with COVID-19 and recovered so they may use the antibodies to help seriously ill patients. The number to call to donate is (513) 451-0910.

Mr. James encouraged residents to respond to the 2020 Census.

Mr. James stated Mr. Porter has statutory duties and said it is incorrect for him to say that Trustees are not authorized to do a forensic audit. He pointed out the Trustees have the authority to commission an outside audit.

Mr. James addressed resident Mr. Abraham's comments expressing confidence in Mr. Warrick and saying he ran for office to change the culture in the Township. He said Mr. Bickford, according to his severance contract, resigned. He said Mr. Bickford told him that the other Trustees instructed him to exclude Mr. LaBarbara whereas he has instructed Mr. Warrick to treat all three Trustees equally. Mr. James said Township employees should be subject to performance reviews. He then spoke against the wisdom of the severance provisions a prior Board had included in Mr. Bickford's contract and reiterated he stands behind Mr. Warrick.

Mr. LaBarbara said when he became a Trustee, he looked for performance reviews and it had been a long time since some employees had them done. Mr. LaBarbara also stated he stands behind Mr. Warrick as Administrator.

Mr. Weidman stated in response to Mr. James comments about Mr. Bickford's contract, we entered into a contract with Mr. Bickford because we wanted to retain his services, we did not want to let him go. He said there were four ways Mr. Bickford could leave, he could quit and we wouldn't owe him a penny, he could retire and we wouldn't owe him a penny, he could be dismissed for cause and we wouldn't owe him a penny. In this case, Mr. Bickford was released with no cause and that was the only thing that would kick in that contract. He said when Mr. James says that it was our fault that we entered into that contract, we entered into that contract hoping that Mr. Bickford would stay here until retirement. He noted other Township Administrators have contracts and, as of this year, he would have been the lowest paid township administrator in Hamilton County. He stated, contrary to what Mr. James says, the contract was a good contract for a great employee.

Mr. James said he is not suggesting he was not a good employee, but he stands by his other comments saying the contract did require a buyout, unless he was fired for cause, and it had such a narrow definition of cause it was practically meaningless. He said he would be happy to discuss this further outside of the meeting with anyone who has questions. Mr. James also noted he had reviewed other Township Administrators' contracts from around the County and the severance periods were significantly shorter in almost all of them.

Announcement Changes

Mr. LaBarbara noted Document Shredding will take place June 20th and the next Trustees Workshop Meeting will be Tuesday, June 16th at 9:00 a.m.

A motion was made by Mr. LaBarbara, seconded by Mr. James, to adjourn the meeting to executive session for the purpose of discussing ongoing litigation and personnel - discipline of a public employee as permitted by Ohio Revised Code Section 121.22(G).

Mr. LaBarbara invited the following people to join the Trustees in the Executive Session: Rob Porter, Deepak Desai, Scott Sollmann, Ray Warrick, Tracy Kellums and Skylor Miller.

Mr. Porter called roll. Vote: James: AYE; Weidman: AYE; LaBarbara: AYE

End regular session: 9:43 p.m.

Begin Executive Session: 9:45 p.m.

End Executive Session: 10:26 p.m.

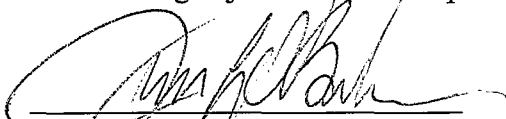
A motion was made by Mr. James, seconded by Mr. Weidman, to return to regular session.
Vote: All Aye.

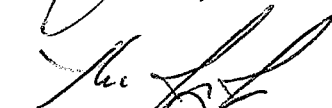
Back in regular session: 10:27 p.m.


A motion was made by Mr. James to authorize spending up \$5,000.00 to retain Geis Consulting Ltd. To provide consulting services in relation to a potential TIF in the Township for settlement of pending litigation. Mr. Weidman seconded the motion.
Mr. Porter called roll. Vote: All Aye.

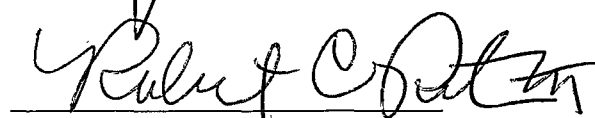
A motion was made by Mr. Weidman, seconded by Mr. James, to adjourn the meeting.
Vote: All Aye

The meeting adjourned at 10:30 p.m.


Jim LaBarbara, Chairman


Thomas C. James, Jr., Vice Chairman


Thomas J. Weidman, Trustee


Robert C. Porter III, Fiscal Officer
06/04/2020