

## RECORD OF PROCEEDINGS

### Minutes of the Regular Meeting of the Trustees of Sycamore Township Sycamore Township, Hamilton County, Ohio

January 19, 2021

**NOTE:** Due to the COVID-19 pandemic and the issuance of guidelines to limit public gatherings to ten people or less by Governor DeWine and the Director of the Ohio Department of Health, and due to enabling legislation (House Bill 404) which extended the ability of local governments in Ohio to meet remotely during this time, this meeting was held remotely via Zoom. Members of the public were given the opportunity to participate live in the meeting remotely via Zoom audio. Video of the meeting was live streamed to the public on the internet.

Present for the meeting were Trustee James, Trustee LaBarbara, Trustee Weidman, Fiscal Officer Porter, Law Director Desai, Administrator Warrick, Superintendent / Assistant Administrator Kellums, Planning & Zoning Administrator Miller, Fire Chief Penny, Lt. Tarr from the Hamilton County Sheriff's Office, Parks & Public Spaces Supervisor Petty, and Beth Gunderson.

Mr. Porter opened the meeting at 7:00 p.m. and requested a motion to organize the Board for 2021.

Mr. LaBarbara made a motion, seconded by Mr. James, for Mr. James to serve as Chairman of the Board. Mr. Porter called roll. Vote: James: Aye; LaBarbara: Aye; Weidman: No

Mr. James then began to run the meeting as Chairman.

Mr. James made a motion, seconded by Mr. LaBarbara, for Mr. LaBarbara to serve as Vice Chairman of the Board. Mr. Porter called roll. Vote: James: Aye; LaBarbara: Aye; Weidman: No

The invocation from Nativity School was ready by Mr. Kellums.

Pledge to the Flag.

Mr. James explained the need for the meeting to be held remotely due to COVID-19 and requested approval from Board members for placing electronic signatures on documents approved at this meeting. All three Trustees, Mr. Porter, Mr. Warrick, and Mr. Desai then gave consent for their signatures to be added electronically to any documents approved at the meeting.

#### **Approval of the December 15, 2020 Trustees Workshop Meeting Minutes**

The December 15, 2020 Trustees Workshop Meeting Minutes were presented for approval.

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

#### **Approval of the December 17, 2020 Records Commission Meeting Minutes**

Mr. Desai stated the approval of the Record Commission Meeting Minutes should be given by the Records Commission the next time it meets.

**Approval of the January 4, 2021 Special Trustees Meeting Minutes**

The January 4, 2021 Special Trustees Meeting Minutes were presented for approval. Mr. Weidman made a motion, seconded by Mr. LaBarbara, to accept them. Mr. Porter called roll. Vote: All Aye.

**Approval of the January 12, 2021 Special Trustees Meeting Minutes**

The January 12, 2021 Special Trustees Meeting Minutes were presented for approval. Mr. Weidman made a motion, seconded by Mr. LaBarbara to accept them. Mr. Porter called roll. Vote: All Aye.

**Fiscal Officer Report**

**Pay Bills and Read Receipts**

The Receipts in the amount of \$5,850.62 and Disbursements in the amount of \$57,162.99 for January 19, 2021 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

A motion was made by Mr. Weidman, seconded by Mr. LaBarbara to accept them. Mr. Porter called roll. Vote: James: Aye; LaBarbara: Aye; Weidman: Aye

**Public Comments**

Ms. Kathy Kugler, of 7106 Tenderfoot Lane, addressed the Board regarding an opportunity to establish a volunteer group for community service in Sycamore Township.

Mr. J. Janus, Jr., of 4462 Daffodil Avenue, addressed the Board. Mr. Janus stated the agenda should include the day of the week. Mr. Janus asked questions about protocol for Township vehicle purchases and consensus for street lighting districts. He then reported an issue with a digital speed sign, said the street sign at the intersection of Daffodil and Tudor is difficult to read at night and needs to be replaced, reported the no parking sign is bent in front of 8805 Lancaster, and asked a question of the Fire Department about COVID-19 testing protocols. Mr. Janus said he experienced that the Hamilton County Health Department was using a single-nostril testing process, but believes the CDC recommends both, and so he said he wondered whether the county or CDC might now have a new directive or was the practice just designed to save the county money. Mr. Janus went on to discuss the fire lane signs being faded and cars parking in the fire lane behind Dillonvale Shopping Center. He stated also in Dillonvale Shopping Center, near Deer Park Auto, there are four parking stalls in the fire lane. He asked what the minimum width requirements are for fire lanes. Mr. Janus asked if Township events would take place during the pandemic specifically the Easter Egg Hunt, the National Day of Prayer, and the Memorial Day Parade.

Mr. James said department heads could address resident concerns in their reports or at a later time.

### **Sheriff Patrol Report**

Lt. Tarr recognized the criminal investigation unit for indictments related to the 2019 murders at the Hampton Inn as well as a Hamilton County Sheriff's Officer who, with the assistance of a City of Montgomery Officer, safely removed a woman who had crashed during a diabetic episode from her burning vehicle.

Mr. James asked about the new Sheriff.

Lt. Tarr said he expects the Sheriff to reach out to Townships in the future; but she has a lot on her plate at the moment.

### **EMS/Fire Report**

Chief Penny addressed Mr. Janus' concerns about the fire lane behind Dillonvale Shopping Center noting he had asked the Sheriff's Office and his Fire Inspector to keep an eye on cars parking there. He said he will follow up on the faded fire lane signs.

### **COVID-19 Update**

Chief Penny reported since December 1, 2020, 358 additional people have been quarantined in their homes in Sycamore Township. He also reported there have been nine firefighters who have had COVID-19.

Mr. LaBarbara commented EMS runs are up quite a bit.

Chief Penny answered yes, stating the department is getting busier as people are out more.

### **Replacement for Gas Detectors**

Chief Penny explained the Fire Department carries gas detectors on the fire trucks for use when people call about possible gas leaks. He said the detectors show whether or not the gas leak is at an explosive level. He said the gas detectors are old and in need of replacement and requested approval to purchase two new gas detectors at a cost of \$3,336.82.

Mr. Warrick said this purchase falls under a blanket purchase order already appropriated and approved for the Fire Department.

### **Roads, Maintenance and Recreation Report**

#### **Park Rules and Park Survey**

Mr. Petty reported the Parks Advisory Committee met on Monday, January 4<sup>th</sup> and to review the drafts of the park rules and survey. He read a proposed change to the language of Section 15 regarding alcohol in the parks which would allow for alcohol consumption in the parks without the rental of a shelter or field.

Mr. Weidman asked what rules other communities have in place in regard to alcohol consumption.

Mr. Petty said he looked at Symmes Township and their rules are similar to what ours were prior to this proposed change.

Mr. Kellums said he looked at Anderson Township as well and found the same; they prohibit sale or consumption of alcohol in their parks.

Mr. Weidman said he is opposed to allowing consumption of alcohol in the parks.

Mr. Kellums asked Mr. Desai if there is added liability if they take out the word consumption.

Mr. Desai answered what your research shows is what is being proposed is outside of the norm.

Mr. James said he had suggested taking that word out because there are other parts of the rules that restrict unruly behavior.

Mr. Petty read proposed changes to Section 13 regarding disorderly conduct.

Mr. Weidman commented that is pretty subjective.

There was a discussion about enforcement of the park rules and how to regulate skateboards which have been known to cause damage to park property.

Mr. James suggested looking at what other Townships have in place and said he is in favor of leaving alcohol consumption out because unruly behavior is addressed elsewhere in the rules. He then asked about the current rule in place for skateboards.

Mr. Petty said the current rules are more restrictive in regard to skateboards and the current rules are often broken.

Mr. Petty displayed the proposed new language in Section 15.

Mr. James asked the plan for moving forward with the rules.

Mr. Kellums said he was hoping for a vote, but if the Board would like, they could look at other Townships' park rules and come back to the Park Advisory Committee with that information.

Mr. James said Mr. Weidman is not in favor of changing the alcohol rule but he is in favor of changing it. He said he is curious and asked Mr. LaBarbara what he thinks about allowing consumption of alcohol for those who have not rented a facility.

Mr. LaBarbara said there is always someone having a beer at ball games and he doesn't see anything wrong with that.

Mr. James said he hopes that gives Mr. Petty guidance to come back to the Board with a final proposal next meeting after the Parks Advisory Committee meets again.

Mr. Desai said Mr. Weidman had pointed out we should hone down the skateboard rules, so they are not so subjective.

Mr. Kellums requested Mr. Desai assist with that by providing the language.

Mr. Petty said the Parks Advisory Committee approved the rules being presented tonight but he will look at other Townships' park rules and report on those to the committee.

Mr. Petty reported he also had a rough draft of the parks survey and noted some changes to that since it was last presented to the Trustees. He said the committee wants to move forward with the survey if the Trustees are ok with it.

Mr. Weidman asked how we will get the survey out to residents.

Mr. Petty answered via the print newsletter, monthly email blast, signs with a QR code in the parks and other areas around the Township, as well as Facebook and Twitter.

Mr. Desai said there is numbering issue on the survey and Mr. James pointed out an indenting issue.

Mr. Miller said the final survey will be in an electronic form; this is just a draft.

Mr. Weidman made a motion, seconded by Mr. LaBarbara, to proceed with this parks survey using the questions and procedure explained by Mr. Petty. Mr. Porter called roll. Vote: All Aye.

Mr. Petty reported the public may now check availability of field rentals online through the website. He said ball fields are already booking up for spring.

Mr. Kellums said he attended a pre-construct meeting for the Duke Energy Central Corridor Pipeline construction which will begin March 1<sup>st</sup>. He gave an update on the groundwork done for this project and pointed out the work within Sycamore Township will take place only on Kemper Road and Conrey Road. Mr. Kellums stated surveying for the project will begin mid-February. He went on to say he had requested notices be sent to residents in proximity of the project and explained the ways in which the public will be kept informed about the progress of the pipeline project. Mr. Kellums said there will be a field office in the Cornell Office Park at the intersection of Cornell Road and Reed Hartman Highway behind the PNC Bank for walk-ins in case any residents have questions.

Mr. Weidman asked if they would be using a park as a staging area.

Mr. Kellums answered that is not going to happen.

Mr. Desai asked about them getting easements for boring under the North Fire Station.

Mr. Kellums answered the pipeline is not going that direction anymore and explained the new course. He reiterated Conrey and Kemper are the only effected areas in Sycamore Township.

Mr. Kellums said he also attended a pre-construct meeting for the Kugler Mill Road Project. He reported water main work will begin February 1st on the west end of the project and should be completed by April. He stated the Hamilton County Engineer issued a press release today from about the road closure for the water main work which will be during working hours only; the road will be open at night. Mr. Kellums said after the water main is finished, road work will start from west to east in three phases. He reported, if all goes as planned, the project will be finished

by the end of October. He stated this information will be updated on the Township website and noted the contractor is Rack & Ballaeur Excavating Company, Inc.

Mr. Weidman asked about road projects scheduled using the eligible 25% of unencumbered TIF funds.

Mr. Kellums answered he will have a breakdown of those for the Trustees at the next meeting.

Mr. Weidman asked if those funds may be used for retaining walls.

Mr. Kellums answered yes.

Mr. LaBarbara stated the 25% of unencumbered TIF funds amounts to \$5 million.

Mr. Warrick stated that is the amount what we budgeted.

Mr. Kellums said it will probably be around the \$4 million mark.

Mr. James asked about the Maintenance Storage Building Project.

Mr. Kellums answered that project is still proceeding slowly noting a planned walk through for this Thursday had been cancelled because not enough work has been done to warrant it. He went on to discuss what remained to be done and said he thinks it will be another month before the project is complete.

Mr. James said Parks Advisory Committee members told him they were concerned about a parks master plan from the past and asked for information about it. He said his guidance to them was that we set up a Parks Committee so that they can look forward, not back at what might have been put together in the past, and if there's a plan to make, let's make one going forward.

Mr. Kellums said Mr. Bickford and Mr. McKeown put together a master plan but said he agrees 100% that Mr. Petty and the Park Advisory Committee should look forward, not back.

Mr. James asked about the Duke Energy Grant being used for putting together a park master plan.

Mr. Kellums stated he is unsure if it may be used for that purpose, but he will investigate.

Mr. LaBarbara said he would like to see the old master plan.

### **Planning & Zoning Report**

Mr. Miller reported he originally had three resolution for the Board's consideration but, after discussion with Mr. Desai, he is going to pull two of those. He said there is a property owner in the Township who owns multiple residential properties which are collecting trash and debris and junk vehicles. He said originally, he had prepared junk vehicle resolutions on two of the properties but is now holding off on those pending more information. He said he will move forward with the trash resolution.

**Resolution – 3700 E. Galbraith Road Nuisance Property**

The resolution “Providing for and Authorizing Removal of Vegetation, Garbage, Refuse and Other Debris and Declaring a Nuisance for the Property Located at 3700 E. Galbraith Road, Sycamore Township, OH 45236” was read by Mr. Miller.

Mr. Miller reviewed the property maintenance issues on the property and attempts to contact the property owner. He said the property owner has responded to the Planning & Zoning Department telling staff to stay off his property. Mr. Miller pointed out neighbors are upset about the condition of the property and stated an approval of the trash resolution would give the Township the ability to go on this property to clean it up and document the rest of the site.

Mr. Miller noted if at any time during enforcement the owner is responsive, the Township can halt enforcement.

Mr. James asked how many vehicles are on the property.

Mr. Miller answered about ten.

Mr. James said the vehicles on the property are visible on Google maps.

A motion was made by Mr. Weidman, seconded by Mr. LaBarbara to approve the resolution and dispense with a second reading.

Mr. Weidman asked if there had been previous problems with this property.

Mr. Miller answered yes, he believes historically there have been issues with this property.

Mr. Porter called roll. Vote: All Aye.  
Resolution 2021-003 passed this 19<sup>th</sup> day of January, 2021.

Mr. Miller then gave updates on long term projects.

Mr. Miller said the Land Use Plan which stalled partly because of COVID-19, has started back up and he hopes to have a final document to Zoning commission for initial review by the end of next month.

Mr. Miller reported on the Montgomery Road Planning Project saying he met with the consultant and has a plan in mind for the upcoming focus groups. He said the first group will be comprised of nearby residents, noting it is difficult to get an unbiased sampling of the area. He said he hopes to have the first focus group scheduled by the middle of February.

Mr. Miller reported Mr. Warrick contacted Jewish Hospital who will make their auditorium available to us so people can spread out. He said the meetings will be streamed and stated the focus group is not necessarily a public body; but the meeting is a public meeting in the usual sense.

Mr. Desai commented it is best to presume the focus group meetings are subject to the Open Meetings Act and should be made available to the public; but we don't have to allow public comment as long as the public can see the focus groups' business.

Mr. Miller said the second focus group will be with business owners in the area and the third focus group would be with prospective developers or members of the development community. He explained the process will culminate in a one-day charrette to try and develop conceptual ideas to help guide the development of this site. Mr. Miller pointed out the Land Use Steering Committee could be the core of the charrette planning group.

Mr. James said, to be clear, the focus groups will not have Township personnel involved.

Mr. Miller said he will be there as a facilitator only and the independent planning consultant may provide guidance. He pointed out the Township is trying, not to lead, but to gather information from the public.

Mr. James stated it is nice of Jewish Hospital to allow the use of their auditorium and added it will be interesting to hear public input.

Mr. LaBarbara noted the idea of the focus group is to have no input from the Township and put the residents first.

Mr. James asked what is being done to promote the Public Hearing on the Consent Decree for the project alongside Kugler Mill Road to the public.

Mr. Miller stated there will be a Public Hearing before the Trustees at 6:00 p.m. on February 2, 2021 to review a Consent Decree. He said this is in regard to a potential settlement on a Board of Zoning Appeals Conditional Use application that was made to the Township. He said there was a proposal for a church Conditional Use along Kugler Mill Road which has evolved over time. He noted the settlement is available on the Township website and the Township has met its legal requirements by posting a legal notice in the Cincinnati Enquirer and on the Township website. He said it can be posted on Facebook as well and explained the reason for the two Zoning Public Hearing signs on the property.

Mr. James requested a notice of the Public Hearing be put on Facebook.

**Law Director Report:**

Mr. Desai reported the tax-exempt forms had been submitted to the Hamilton County Auditor's office and will be filed with the Ohio Department of Taxation.

**Administrator Report:**

Mr. Warrick said he has a resolution to amend 2021 appropriations. He explained initially COVID-19 Cares Act money was not included in the 2021 budget because of the deadline to use it. He said since then the deadline has been adjusted. He noted there is \$265,000.00 for ESID, which is just a pass through, and some money in Zoning lines missed throughout the year. Mr. Warrick stated he wants to stay on top of appropriations so the board will probably see this a few times throughout year.



**Resolution – Amending 2021 Appropriations**

The Resolution “Amending 2021 Appropriations, Dispensing with the Second Reading and Declaring an Emergency” was presented by Mr. Miller. A motion was made by Mr. LaBarbara, seconded by Mr. Weidman, to approve the resolution, and dispense with a second reading.

Mr. Porter called roll. Vote: All Aye.

Resolution 2021-004 passed this 19<sup>th</sup> day of January, 2021.

Mr. Warrick reported he had three blanket purchase orders for approval that go with the appropriation amendments.

Mr. Warrick presented purchase order number 8782.

Blanket Vendor	Contract Services Planning & Zoning	\$6,667.00
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Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve this request. Mr. Porter called roll. Vote: All Aye.

Mr. Warrick presented purchase order number 8784.

The Enquirer Media	Zoning Legal ads	\$2,500.00
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Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve this request. Mr. Porter called roll. Vote: All Aye.

Mr. Warrick presented purchase order number 8785.

Blanket Vendor	Zoning Property Clean Up	\$8,334.00.
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Mr. LaBarbara made a motion, seconded by Mr. James, to approve this request. Mr. Porter called roll. Vote: All Aye.

In response to Mr. Janus’ earlier comments, Mr. Warrick said one person can’t request a street lighting district, there is a certain percentage for consensus required. He said there has not yet been discussion about whether or not to hold upcoming Township events. He said he would like to hold all three of the events Mr. Janus mentioned and the topic will be discussed in the coming weeks.

Mr. James said the day of the week and meeting start time should be on the agenda.

**Trustee Comments**

Mr. Weidman said he serves on the Hamilton County COVID-19 Defense Team and reported vaccinations are now available for those 80 years old and older. He said we have about 100,000 doses currently and 400,000 in that age group in Ohio, so we are behind on doses. Mr. Weidman reported Johnson & Johnson is close to getting FDA approval for a single dose vaccine that does not use MRNA. He stated Johnson & Johnson is already in the process of making 100 million doses under contract with the U.S. Government.

Mr. James asked Mr. Weidman if he knew anything about Jewish Hospital using space in the Kenwood Towne Center for vaccinations.

Mr. Weidman answered he did not have information on that.

Mr. LaBarbara reported he was on a call for the Hamilton County COVID-19 update and the Hamilton County Public Health Commissioner said there are 12,000 active cases, Hamilton County will remain purple, people should stay home, and the curfew is still in effect. He said the number of new cases is on the decline from a couple of weeks ago with only five new hospitalizations in the last seven days. Mr. LaBarbara noted the vaccine priority list is because 86% of those who have died were over 65 years old.

Mr. LaBarbara encouraged residents to sign up for the Township's monthly email blast.

Mr. James thanked Beth Gunderson for her work on the monthly email blast. Mr. James then stated yesterday was Martin Luther King, Jr. Day; a day to celebrate how very far we have come and how far we have to go. It is a good reminder we should all strive to judge our fellow Americans, nationally and locally, by the content of their character. Mr. James pointed out this is the first regular meeting of the year and an election year. He said he will keep politics out of the meeting room and invited his fellow Trustees to do the same.

Mr. James stated tomorrow is the inauguration of a new president, some are happy, and some are not, but the peaceful transition of power is at the core of our United States government. He said he may not agree with many of the policies of our new President, but he wishes him well and hopes for a peaceful inauguration and that the country comes together a bit after some of the chaos seen lately.

**Announcements:**

Mr. James said there the Public Hearing will be held February 2<sup>nd</sup> for the Consent Decree. He referred members of the public to the website calendar and noted the Citizen Finance Committee Meeting is later this week and the Board of Zoning Appeals Meeting scheduled for January 20<sup>th</sup> has been cancelled.

**Executive Session**

There was a discussion about technical difficulties with the Executive Session breakout room.

Mr. James made a motion to adjourn into Executive Session with Law Director Deepak Desai as permitted by Ohio Revised Code Section 121.22 to discuss ongoing litigation and to adjourn into Executive Session with Law Director Deepak Desai as permitted by Ohio Revised Code Section 121.22 to consider the compensation of a public employee. Mr. Weidman seconded the motion.

Mr. James invited Fiscal Officer Porter, Mr. Warrick, Mr. Kellums and Mr. Miller into the Executive Session with the Trustees and Mr. Desai.

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

End Regular Session: 8:30 p.m.

Begin Executive Session: 8:35 p.m.

End Executive Session: 8:50 p.m.

Back in Regular Session: 8:52 p.m.

Mr. Porter called roll and all three Trustees indicated they were present.

The Resolution “Increasing the Rate of Pay for a Township Employee and Dispensing with a Second Reading” was presented by Mr. Kellums. A motion was made by Mr. Weidman, seconded by Mr. LaBarbara, to approve the resolution.

Mr. James noted for the record the resolution increases the rate of pay for employee John Estell from \$20.55 an hour to \$23.55 an hour. He then asked Mr. Kellums to explain what Mr. Estell does for the Township.

Mr. Kellums stated Mr. Estell is a retired Cincinnati Bell employee who is very valuable as he does all of our fiber work, takes care of our phone systems, and will run our cameras. He also works in the parks for us in the summer but his main focus from here on out will be fiber and cameras. Mr. Kellums said Mr. Estell does work it would cost the Township much more to pay contractors to do.

Mr. Weidman added John is a great employee and a real bargain for us to have on staff; he has a great talent.

Mr. Porter called roll. Vote: All Aye.  
Resolution 2021-005 passed this 19<sup>th</sup> day of January, 2021.

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

The meeting adjourned at 8:55 p.m.

/s/ Thomas C. James, Jr.  
Thomas C. James, Jr., Chairman

/s/ Jim LaBarbara  
Jim LaBarbara, Vice Chairman

/s/ Thomas J. Weidman  
Thomas J. Weidman, Trustee

/s/ Robert C. Porter III  
Robert C. Porter III, Fiscal Officer

01/19/2021