

RECORD OF PROCEEDINGS

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

March 16, 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. Video of the meeting was live streamed to the public on the internet.

The regular meeting was called to order at 7:40 p.m. Mr. James noted the meeting is being called to order about 40 minutes later than normal due to a public hearing held prior to the meeting which ran late.

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

The invocation was read by Mr. Warrick.

Pledge to the Flag.

The Trustees, Mr. Porter and Mr. Desai gave consent for their signatures to be added electronically to any documents approved tonight.

Approval of the March 2, 2021 Public Hearing & Trustees Meeting Minutes

The March 2, 2021 Public Hearing Minutes were presented for approval. Mr. Weidman made a motion, seconded by Mr. LaBarbara to accept them. Mr. Porter called roll. Vote: All Aye.

The March 2, 2021 Trustees Meeting Minutes were presented for approval. Mr. LaBarbara made a motion, seconded by Mr. James to accept them. Mr. Porter called roll. Vote: All Aye.

Approval of the March 9, 2021 Public Hearing Minutes

The March 9, 2021 Public Hearing Minutes were presented for approval. Mr. Weidman made a motion, seconded by Mr. LaBarbara to accept them. Mr. Porter called roll. Vote: All Aye.

Mr. James stated there are several development related items on the agenda that have been moved up to the start of the meeting.

Resolution – Approving Consent Decree

The resolution “Approving Consent Decree between Five Star Equity Investors, LLC, Sycamore Township Board of Zoning Appeals, Sturbridge Homeowners’ Association, and Heitmeyer Farms Homeowners’ Association in Case No. A1904001 Pending in the Hamilton County, Ohio Court of Common Pleas” was read by Mr. James. A motion was made by Mr. Weidman, seconded by Mr. LaBarbara, to approve the resolution, and dispense with a second reading.

Mr. James asked if counsel for the Township wished to speak about the resolution.

Mr. Scott Sollmann, attorney for Sycamore Township, thanked the Trustees, the attorneys for the other parties involved, Mr. Miller and Mr. Warrick for their joint effort in the long process of developing the consent decree. He noted the Hamilton County Common Pleas court date is set for April 15, 2021.

Mr. James stated public input on the consent decree was received at a public hearing held on March 9, 2021 and to his knowledge there has been no further public comment on the matter. He commented this is a good outcome which preserves the residential character of Kugler Mill Road.

Mr. Porter called roll. Vote: All Aye.

Resolution 2021-015 passed this 16th day of March, 2021.

Mr. James noted the next resolution for the Board’s consideration is for Zoning Case 2020-07Z, concerning 8760 Montgomery Road, which was the subject of the public hearing that took place just prior to this meeting.

Mr. Miller stated he had two versions of the resolution prepared for this request for a zone change from “B” – Single Family Residential to “DD” – Multi-Family residential. He said he is looking for direction from the Board as to which version of the resolution to present.

Mr. Weidman made a motion to deny the zone change application for Case 2020-07Z. Mr. LaBarbara seconded.

Mr. Weidman stated he has been around for 26 years having served on Planning & Zoning and the Board of Zoning Appeals and there has been a lot of discussion about the properties along the east side of Montgomery Road and this property in particular. He spoke about the intent of the 2008 Land Use Plan to designate this property as transitional use with low density office. He said his interpretation of the Land Use Plan is that the use of the property should be consistent with that.

Mr. James stated he appreciates how the neighborhoods and developer tried to find some common ground matter but ultimately it is up to the Trustees to decide what to do. He noted it is not about approving the beautiful rendering, but the question is should the property be rezoned to multi-family. He stated in order to decide, the Board must look at the Land Use Plan and what it means, and his thoughts coincide with Mr. Weidman’s. He said it is a beautiful project, but this is not the place for it. Mr. James said his interpretation is similar to Mr. Weidman’s that low density office, not multi-family residential, is appropriate for the site. He stated it seems out of

character to put residential in that spot. He said transitional with office, which is what the Land Use Plan provides for, seems to be the perfect fit. He said he will vote against the project, noting he says that with respect for the developers who put forth a good faith effort, but the rezoning does not make sense in the context of what our Land Use Plan provides.

Mr. Porter called roll.

Mr. LaBarbara commented he is going to vote no; he has walked the property with Mr. Miller and has done his homework. He said the proposed density is not consistent with the surrounding area and is inconsistent with the Land Use Plan. He said he is going to listen to the residents and vote no.

Mr. Desai asked for the motion to be restated, stating he believes it is Mr. LaBarbara's intent to deny the zone change request so an affirmative vote would be in order.

Mr. James stated Mr. Weidman made a motion to deny Zoning Case 2020-07Z and that motion was seconded.

Mr. Porter called roll. Vote all Aye.

Resolution - Zoning Case 2020-07Z

The resolution "Denying an Application for Zone Change for the Hillpointe Community Development in Sycamore Township and Dispensing with a Second Reading" was read by Mr. Miller. A motion was made by Mr. Weidman, seconded by Mr. LaBarbara, to approve the resolution.

Mr. Porter called roll. Vote: All Aye.

Resolution 2021-016 passed this 16th day of March, 2021.

Public Comments

Mr. James stated public comment will be limited to four minutes.

Mr. J. Janus, Jr., of 4462 Daffodil Ave., addressed the Board. Mr. Janus inquired about the status of a property owner he reported to Mr. Miller who began construction of a six-car garage without a permit. He said Mr. Miller and Mr. Clark reviewed the property and said it was in violation and that the owner would apply for zoning approval. He said the new administration likes to work with people, but this has gone on for months and the Township should consider declaring the property a public nuisance.

Mr. Janus inquired about the intent of a resolution passed previously that gave the former administrator authority to set dates and times for the meetings in contrast with what the Trustees had authorized. He asked if that authority would apply to the new administrator.

Mr. Janus asked if the Township is required by state law to make purchases at state bid. He questioned the motion to advertise for playground equipment being placed on the agenda without first informing the Parks Advisory Committee. Mr. Janus inquired about whether future meetings

would be held in-person or remotely. He then stated he'd like to know the number of parks surveys submitted.

Mr. James asked Mr. Miller for comments on Mr. Janus's concerns about the property owner building a detached structure without a permit.

Mr. Miller stated construction of a large accessory structure was begun without a permit. He said the owner has ceased work on the project and the Zoning Department is giving the gentleman opportunity to apply for a PUD. Mr. Miller reported the project may not be approved with a small variance but, due to the nature of property, will require a PUDII. He noted it took some time for the owner to get an architect on board. He said this is a small business owner who has needed help walking through this process. Mr. Miller pointed out he is trying to balance concerns of residents while continuing to work with the small business owner to get an application submitted. Mr. Miller stated if the property owner gives him the run around, he will pursue violations.

Mr. James addressed one of Mr. Janus' other questions saying anything stating the administrator has authority would carry over to next administration.

Sheriff Patrol Report

Lt. Tarr reported on complaints about Rumpke picking up trash too early in the morning while the noise ordinance is in effect. He noted a lot of the complaints come in after the fact and encouraged people to call the police (513-825-2280) when the noise ordinance violation issue occurs.

Mr. James said he heard from a resident in Sturbridge about the dumpster being emptied at the Korean Power Mission Baptist Church very early in the morning.

Lt. Tarr pointed out that Rumpke has a lot of turnover with drivers. He said recently a new driver was notified of the noise ordinance and was very cooperative.

EMS/Fire Report

Covid-19 Update

Chief Penny displayed a pie chart showing the substantial decrease in COVID-19 quarantines in the Township from January, 2021 to March, 2021.

Chief Penny reported he had gotten a call from Trustee Weidman about surplus PPE available from HCEMA. He said he was able to pick up 40,000 pairs of gloves and 48 packs of sanitizing wipes for the department. He noted gloves are expensive and this supply has saved the department about \$12,000.00.

Mr. James thanked Mr. Weidman for facilitating that with Chief Penny.

Roads, Maintenance and Recreation Report

Mr. Kellums reported on the parks survey saying it is now live and there have been

approximately 150 responses. He said he is hoping for a good return after the print newsletter is mailed to residents.

Mr. Kellums requested a motion to advertise for trucks. He said he is not sure it will be necessary to use it as state and federal procurement programs have already bid those items which saves the Township money on advertising.

Mr. LaBarbara made a motion to advertise for the purchase of trucks. Mr. Weidman seconded.

Mr. Desai asked Mr. Kellums to elaborate on the number of trucks and their purpose.

Mr. Kellums said the Maintenance Department needs two small dump trucks to be used all year for plowing and everyday maintenance. He stated the dump trucks are on the Sourcewell bid list.

Mr. LaBarbara amended his motion to advertise for the purchase of two Chevy 6500 dump trucks. Mr. Weidman seconded. Mr. Porter called roll. Vote: All Aye.

Mr. Kellums said he thought he needed a motion for playground equipment; however, he discovered the playground equipment is also on a federal procurement program. He reported the Township received a CDBG grant for the playground equipment. He stated Mr. Petty brought a plan for the playground to the Parks Advisory Committee and they had concerns about the playground being more inclusive. He said the Township has since addressed those concerns. Mr. Kellums said due to changes in CDBG rules concerning federal procurement programs, a motion to advertise is no longer necessary.

Mr. Kellums reported he attended a pre-construction meeting with John R. Jurgensen Co. to discuss the 2021 Road Program to be funded with 25% of unencumbered TIF money. He said the program will begin May 1st, continue all through summer and fall, with a completion date 10/31/2021.

Mr. Kellums reported he also had a meeting with Rack & Ballauer Excavating, Inc. about the Kugler Mill Road Reconstruction Project. He noted there will be a complete closure of Kugler Mill Road from Blue Ash Road to Kenwood Road, with access limited to residents only, from March 29th to July 2nd.

Mr. Kellums stated water main work in Kenwood Meadows is ongoing. He pointed out this is a Greater Cincinnati Waterworks Project and Rack & Ballauer is the contractor for that project as well.

Mr. Kellums reported Montgomery Road will be repaved from Stewart Road to Galbraith Road stating this is badly needed.

Mr. Weidman inquired about the start date.

Mr. Kellums answered paving will begin in early April. He then asked the Trustees for permission to allow ODOT to use our property as a staging lot.

The Trustees gave permission provided they sign a release and post a sign that the property is being used as a temporary staging lot.

Mr. LaBarbara asked Mr. Kellums for clarification on the Kugler Mill Road closure.

Mr. Kellums answered there is currently a soft closure for the water main work. The next closure will be a hard closure with only residents of the street permitted access from March 29th to July 2nd. He said after the portion of Kugler Mill Road from Blue Ash Road to Kenwood Road is complete, the project will move east to the section from Kenwood Road to Montgomery Road.

Mr. James asked if Kugler Mill Road residents will they have access to parking in front of their homes.

Mr. Kellums answered yes, saying there was quite a bit of discussion about that at the pre-construction meeting.

Mr. James asked about access for Kenwood Baptist Church.

Mr. Kellums said the church has driveways which are accessible from Kenwood Road.

Mr. Kellums reported the Central Corridor Pipeline Project has begun on Conrey Road. He stated there is a staging area right behind First Street in Highpoint. He noted Duke Energy is doing a good job keeping residents informed.

Mr. Kellums said monthly brush chipping starts up again beginning April 3rd. He also reported his department is busy moving into their new facility and starting road work.

Mr. Miller said Kenwood Baptist was granted an additional Conditional Use for a parking lot expansion and suggested Mr. Kellums may want to talk to them about their project timing as it relates to the road work on Kugler Mill Road.

Mr. Kellums said he will also have to coordinate with the developer of the Kugler Mill Road project which was the subject of the consent decree approved earlier in the meeting.

Mr. James commented Trash Bash and document shredding are coming up in April as well.

Mr. Kellums stated North Trash Bash at McDaniel Park will be April 9th and 10th, South Trash Bash at Bechtold Park will be April 23rd and 24th, and document shredding will be April 17th behind the Administration Building.

Mr. James reported he saw Mr. Petty putting signs for the parks survey in Bechtold Park today.

Planning & Zoning Report

Mr. Miller reported he has lots of policy projects on parallel tracks. He said a Resident Focus Group session for the Montgomery Road properties development took place on March 11th with a

lot of good comments. He said the Business Community Focus Group session will take place March 25th and be live streamed to the public.

Mr. James asked how much longer the Resident Focus Group session lasted after the video stopped.

Mr. Miller answered it went on about 15 seconds after that. He then explained why the video cut out and that he believes he has a fix for the next session to prevent it from happening again.

Law Director Report:

Mr. Desai reported on HB 157 working its way through the state legislature which could have an impact on the Township because of the existing JEDZ and the soon to be JEDD with Deer Park. He said the bill would repeal a section of a prior house bill which instructed municipalities to continue withholding income tax at a taxpayer's place of work even if the taxpayer was working from home in another jurisdiction. He said if HB 157 passes, it could impact revenue for the Township down the road.

Mr. James asked if the legislation has any retroactive clauses.

Mr. Desai answered not to his knowledge.

Mr. James asked what would happen if there were a court ruling which required reimbursement to taxpayers of taxes collected considering the taxes are collected for the Township by other municipalities.

Mr. Desai said he would take a look at it but offhand his position would be they collected the tax, so they'd have to pay back the money not us.

Administrator Report:

Mr. Warrick said he spoke to the City of Madeira about what would happen if HB 157 passes and is retroactive and they said they do not have the money to refund people. He reported Madeira asked for our help surveying large companies within the JEDZ about whether or not they had plans to move staff back into their offices once the pandemic restrictions are lifted. He said he met with Township staff about it, they agreed it is a good idea, and will get that information from Madeira to move forward with a survey.

Mr. Warrick stated the first resolution he has for the Board's consideration is to retire an older bond paying a six percent coupon rate. He said the balance is \$680,000.00. He stated there are sufficient funds in reserve in this TIF to retire the debt and save interest money as interest rates haven't been six percent in some time.

Mr. Weidman said this is to pay off the bonds which are currently at six percent, which is a good thing to do, but we do have public improvements payable from this TIF which have not been paid in full beyond that \$680,000.00.

Mr. Warrick said that is correct.

Mr. Weidman said it would not be possible for us to close that TIF because we have other obligations.

Mr. Warrick said that is correct.

Mr. James noted Mr. Warrick confirmed with bond counsel that we are clear to do this without endangering the TIF.

Resolution – Authorizing the Redemption of Goldcoast TIF Revenue Bonds

The resolution “Authorizing the Redemption of \$680,000 of Tax Increment Financing Revenue Bonds, (Kemper Goldcoast/Deerfield Project) of Sycamore Township, County of Hamilton, State of Ohio; and Authorizing the Payment of the Redemption Price and Related Costs; Authorizing Documents Necessary to Effectuate Such Redemption and Dispensing with a Second Reading” was read by Mr. Warrick. A motion was made by Mr. Weidman, seconded by Mr. LaBarbara, to approve the resolution.

Mr. Porter called roll. Vote: All Aye.

Resolution 2021-017 passed this 16th day of March, 2021.

Mr. Warrick noted the resolution does cover related documents but called the Board’s attention to the release and discharge of the service agreement because electronic signatures will be affixed to it. He requested a simple motion to approve moving ahead with the service agreement.

Mr. Weidman made a motion to move forward with the service agreement.

Mr. Desai pointed out section five of the resolution just passed takes into account collateral documents.

Mr. James asked if the Board should proceed with the motion on the floor.

Mr. Desai said since it is already on the floor may as well proceed with it.

Mr. James seconded the motion.

Mr. Porter called roll. Vote: All Aye.

Mr. Miller pointed out an incorrect date on the resolution displayed.

Mr. James stated the date will be corrected before electronic signatures are affixed.

Mr. Warrick reported he had a resolution for the Board’s consideration to amend 2021 appropriations. He said the change is needed because money paid to the Township by Greater Cincinnati Waterworks for their portion of the Kugler Mill Road Project is available in TIF but had not yet been appropriated. He noted a purchase order will be presented for approval afterward.

Mr. Weidman asked for the total dollar amount.

Mr. Warrick answered the appropriation request is an increase of \$600,000.00 which is a little bit more than the purchase order.

Resolution – Amending 2021 Appropriations

The resolution “Amending 2021 Appropriations, Dispensing with a Second Reading and Declaring an Emergency” was read by Mr. Warrick. A motion was made by Mr. Weidman, seconded by Mr. James, to approve the resolution.

Mr. Porter called roll. Vote: All Aye.

Resolution 2021-018 passed this 16th day of March, 2021.

Purchase Orders over \$2,500.00

Mr. Warrick presented purchase order number 8722A for utilities noting this is the second purchase order this year since he decided to issue purchase orders in thirds as part of cash management. He said funds are available and appropriated.

Blanket Vendor	Admin Utilities	\$14,845.65
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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 8799 which has to do with the money from waterworks for Kugler Mill Road to be paid to Rack and Ballauer.

Rack & Ballauer	Kugler Mill Waterworks	\$597,395.40
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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 8800 needed to pay for summer seasonal labor. He stated the money is available and has been appropriated.

LSQ Funding Group	Roads – Temporary Help	\$75,000.00
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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 said it is Sunshine Week in Ohio and Trustee James requested a resolution recognizing this.

Mr. James said Sunshine Week is about 15 years old and is something the State of Ohio celebrates. He said the State issues the new Sunshine Book, sort of the bible of openness in government in Ohio, at the beginning of Sunshine Week.

Resolution – Recognizing Sunshine Week, March 14-20, 2021

The resolution “Recognizing Sunshine Week, March 14-20, 2021” was read in full by Mr. James. A motion was made by Mr. Weidman, seconded by Mr. LaBarbara, to approve the resolution, and dispense with a second reading.

Mr. Porter called roll. Vote: All Aye.

Resolution 2021-019 passed this 16th day of March, 2021.

Fiscal Officer Report**Pay Bills and Read Receipts**

The receipts in the amount of \$141,869.91 and disbursements in the amount of \$276,050.53 for March 16, 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

Trustee Comments

Mr. Weidman reported he spoke with a resident about spreading the word that there is an option under the Township’s electric aggregation to opt into renewable energy for a small fee. He stated he talked to Beth Gunderson about sharing this information on the website and in the monthly Constant Contact email newsletter.

Mr. LaBarbara reported he was on a call about the COVID-19 pandemic with Hamilton County Public Health Commissioner Greg Kesterman and Nick Crossley from the Hamilton County EMA. He noted the EMA has PPE available any time and he thinks Chief Penny knows that. Mr. LaBarbara reported there are 3,300 active cases in Hamilton County, which is really low. He said daily hospital counts are under 197. He reported beginning March 29th, all Ohioans age 16 and over will be eligible to be vaccinated.

Mr. LaBarbara stated he enjoyed watching the Resident Focus Group session for the Montgomery Road properties development and noted this is the most transparent process in Sycamore Township in 15 years. He stated the Business Focus Group session will take place March 25, 2021.

Mr. James said it is Sunshine Week noting he has completed sunshine training and is also taking the Center for Local Governments elected officials training, which is a valuable resource. He reminded everyone in the Township, including elected officials and staff, to remember customer service. He said if staff receives an email, even if they don’t know the answer, they should at least acknowledge it to let people know someone is listening. Mr. James wished everyone a Happy St. Patrick’s Day.

Announcements

Mr. James referred people to the website calendar for information about meetings and events.

A motion was made by Mr. LaBarbara, seconded by Mr. Weidman, to adjourn the meeting.

Vote: All Aye.

The meeting adjourned at 8:53 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

03/16/2021