

RECORD OF PROCEEDINGS

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

April 20, 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.

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

The invocation was read by Mr. Kellums.

Pledge to the Flag.

Present for the meeting were Chairman James, Vice Chairman LaBarbara, Trustee Weidman, Fiscal Officer Porter, Law Director Desai (Logged in at 7:47 p.m.), Administrator Warrick, Superintendent / Assistant Administrator Kellums, Planning & Zoning Administrator Miller, Fire Chief Penny, Lt. Tarr from the Hamilton County Sheriff's Office, and Beth Gunderson.

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. The Board members then gave consent for their signatures to be added electronically to any documents approved at the meeting.

Approval of the March 16, 2021 Public Hearing Transcript

The March 16, 2021 Public Hearing Transcript was 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 April 6, 2021 Trustees Meeting Minutes

The April 6, 2021 Trustees Meeting Minutes was 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 April 13, 2021 Special Meeting Minutes

The April 13, 2021 Special Trustees Meeting Minutes was presented for approval.

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

Public Comments

No one from the public registered to comment.

Mr. James noted he wants the Trustees Meetings to be always non-political. He stated there have been some things that have gotten the Township in the news this week that he wants to address for the public, not to be political. Mr. James said he and his fellow Trustees are happy to serve the public. He said there have been troubling news reports about a real estate developer's accusations against a long serving Township official and various lawsuits now pending between the developer and the official.

Mr. James said he does not know if the developer's claims are true, and he really hopes they are not and the official is cleared in the end. However, if these things did happen in the past, they were a breach of the public's trust and he wants the public to know Township administration and elected officials are taking this very seriously. Mr. James said he first heard about this in early 2020 when the developer told him about it, and he reported it to law enforcement as was his legal and ethical duty.

Mr. James stated the few who knew about it did not try to play politics with the information and stayed watchful but silent during the investigation. He said the investigation took most of 2020, the developer requested immunity and exercised his right against self-incrimination when he did not get it. Mr. James noted the official was questioned and strongly denied the charges. He said the official offered to take a polygraph exam and provided numerous documents. He said the investigation closed due to lack of witness cooperation and difficulty obtaining bank records due to the length of time since the alleged act took place.

Mr. James said this left him wondering whether the accusations from the developer were really true and if the Township official was the victim of a smear. He said only those two people know the truth and we should be careful of any assumptions that we make. Mr. James said since the investigation closed, there have been lawsuit and threats of lawsuits as well as burdensome records requests. He said this was not in the media until the developer sued the elected official.

Mr. James said again he does not know if the allegations against the Township official are true; but they are worrying, and we cannot ignore them. He said this situation cannot interfere with the Board doing the public's business. He assured the public things have changed since whatever might have happened ten years ago, there are new elected officials, changes at the top of Township staff, and changes in how real estate developments are handled. Mr. James went on to say the government culture is more customer service oriented and open than ever and meetings are live streamed to the public. He spoke about the creation of the Citizen Finance Committee. He assured the public the Township would monitor the situation and investigate further if necessary and said if the allegations turn out to be true, the Township will aggressively pursue whatever remedies are available.

Mr. James said anyone with questions about this should contact any of the Trustees or the Township Administrator.

Sheriff Patrol Report

Lt. Tarr reported the Hamilton County Sheriff's Office continues to offer vacation watch service. He stated Township residents should call 513-825-1500 to request this service.

Capital Plan

Mr. Warrick discussed the age of the Township's Sheriff's vehicles noting three of the vehicles have well over 100,000 miles on them. He stated those three patrol cars should be replaced this year noting the replacement cost for a Ford Explorer with the necessary accessories is about \$38,500.00. Mr. Warrick pointed out that amount would go a little lower depending on trade in value of the vehicles to be replaced. He stated he will be coming to Board soon with more details and a five-year capital plan.

Mr. Weidman asked if that is state bid price plus retrofitting.

Mr. Warrick answered yes and yes.

EMS/Fire Report COVID-19 Update

Chief Penny reported there have only been three additional cases added to the quarantine at home list in Sycamore Township since the last Trustees meeting. He said the Fire/EMS Department is participating in a program to administer COVID-19 vaccines at home to homebound residents in the Township. He explained how that program works adding the department will be administering the first round of vaccines to the homebound on Thursday, April 22nd. Chief Penny encouraged homebound residents to register for this service is using the link on the Township's website.

Reading Road Update

Chief Penny followed up on a discussion from the last Trustees meeting about problems with vacant buildings on Reading Road. He said he and Mr. Warrick, Mr. Miller and Fire Inspector Doug Morath inspected the buildings and found evidence of vagrants and illegal storage. He said Inspector Morath has issued Fire Code violations to the property owners and is waiting for a response.

Mr. Miller displayed photos of the properties and Chief Penny described the conditions of the buildings. Chief Penny noted almost every bit of copper piping and wiring has been stolen. He said Mr. Miller will report on what he can do about this issue on the zoning side in his report.

Mr. James asked if Chief Penny would describe the buildings as insecure.

Chief Penny answered yes. He pointed out there have been two fires there recently and there is evidence that people have been staying in the buildings. He expressed concern about someone being in the building and there being another fire.

Mr. James asked what can be done about this problem.

Chief Penny answered he will let Mr. Miller discuss the steps that may be taken in his report.

Chief Penny reported he would like to replace the Station 93 1998 Quint ladder truck and tow staff vehicles. He said there is also a 28-foot trailer used to haul hazmat equipment, lighting, and tarps that he would really like to replace with a van or truck because the trailer is difficult to manage.

There was discussion about what kind of van Chief Penny would like to have for this purpose. He said he will show the Board pictures of what he has in mind in the future.

Mr. James asked if there is any value in the vehicles he would like to replace.

Chief Penny answered the quint does not have any value due to its age, but the two staff cars probably have some value. He said next year he will probably need to replace the 2007 ambulance.

Mr. LaBarbara asked Chief Penny to make a priority list for the vehicles he would like to purchase.

Roads, Maintenance & Recreation Report

Mr. Kellums reported document shredding for Township residents was very busy with seven tons of documents shredded in four hours. He noted it worked out much better holding the event at the Administration Building instead of in conjunction with the South Trash Bash.

Mr. James asked the cost for this event saying some residents have asked if the Township could hold a document shredding event twice a year.

Mr. Kellums stated he would have to get back to him with the cost.

Mr. Kellums reported 13 dumpsters of trash, two dumpsters of steel for recycling, and several hundred tires were collected at the North Trash Bash. He reported the South Trash Bash at Bechtold Park will take place this coming weekend and noted the South Trash Bash accepts hazardous waste.

Mr. Kellums reported on the Kugler Mill Road Project noting the street is closed except to local traffic between Blue Ash Road and Kenwood Road.

Mr. Kellums stated the 2021 Road Program has begun with curb replacement being done in Trowbridge.

Mr. James asked if the Kugler Mill Road Project is being coordinated with development activity for the new single-family homes to be built on that street.

Mr. Kellums said he has reached out to Greater Cincinnati Waterworks and discussed the difficulties he has had coordinating that but noted he is still researching it with the County and with Water Works.

Capital Plan

Mr. Kellums reported on the capital expenses for the Maintenance Department noting he had removed a couple inexpensive items from the list he sent the Board and added a snowplow that

must be replaced. He pointed out the cost of the dump trucks will be \$245,000.00 not two and a quarter. Mr. Kellums said he will come back to the Board in May to request money be appropriated.

Mr. Kellums reminded the Board he submitted a five-year capital plan last year noting vehicles scheduled for purchase this year are already behind a few months due to a shortage of computer chips. He said it will be the end of this year before the trucks are delivered. These two trucks are replacing a 2005 truck and a 2007 truck. He spoke about using an existing truck as a mechanic's truck.

Mr. Kellums reported the cost of the salt conveyer will be shared among eight Townships and is the first joint purchasing venture for them.

Mr. Kellums stated the Maintenance Department will spend \$306,000.00 in capital expenses for the year. He pointed out he had supplied information about the vehicles being purchased including specifications in the meeting document packet.

Mr. James asked if the vehicles would be purchased through the government buying program and is not something that has to go out to bid.

Mr. Kellums answered the truck body equipment is a state bid and the bid from McCluskey is under state bid.

Dillonvale Culverts

Mr. Kellums reported on the proposal from Carpenter Marty, who had the highest scoring RFQ for engineering services for the culverts in Dillonvale. He said the proposal is for \$48,600.00 in all including surveying and monument finding. He said the engineering only is right around eight percent which is extremely reasonable. Mr. Kellums noted this will be paid for using 25 percent unencumbered TIF and must be completed by the end of the year. He went on to discuss the scheduling for the project and requested a motion to proceed so he can have a resolution and purchase order prepared for the next Trustees meeting.

Mr. Weidman made a motion to allow Mr. Kellums to proceed with Carpenter Marty for engineering services for the Dillonvale Culvert Project. Mr. James seconded. Mr. porter called roll. Vote: All Aye.

Mr. James asked about Mr. Warrick and Mr. Kellums meeting with Duke Energy regarding power outages in Heitmeyer and Sturbridge.

Mr. Kellums answered Duke Energy pulled records and found that one power outage was due to a car wreck, another caused by workers hitting a line, and the bigger outage caused by an animal in the substation. He reported they said only two of the outages were because of trees in backyards. He said this area is not scheduled for vegetation control until 2022 but Duke Energy is changing priority to do some addresses this year. He stated Duke Energy did not feel like this area had an abundance of outages.

Mr. James asked what happens if projects being paid for with 25 percent of unencumbered TIF not done by end of year.

Mr. Kellums answered he does not have an answer for that but said they will get done.

Mr. Weidman thanked Mr. Kellums and crew for hard work on North Trash Bash and Document Shredding.

Planning & Zoning Report

Mr. Miller reported at the last Trustees Meeting there was a discussion about pay protocols for Zoning Boards. He shared a resolution prepared to clean up language in the previous zoning board resolution. He discussed what would happen if there was an issue with absences.

Mr. Weidman said the Township has great boards and absences are not an issue.

Mr. Miller agreed we have professional, quality board members.

Mr. LaBarbara stated he is glad Mr. Miller is taking care of this because Mr. Heidel brought this issue up to him.

Mr. Miller stated he made this retroactive to January 1st; but if there were issues last year the Board could make retroactive to last year.

Mr. James noted the last resolution said pay was to be per meeting, while the practice was to pay each month, so this resolution will put practice in line with the resolution. He suggested moving forward with the resolution as is retroactive to January 1, 2021.

Resolution – Zoning Board Compensation

The resolution “Amending Rates of Pay for the Sycamore Township Zoning Commission and Board of Zoning Appeals, Dispensing with a Second Reading and Declaring an Emergency” was presented by Mr. Miller. A motion to approve was made by Mr. Weidman, seconded by Mr. LaBarbara. Mr. Porter called roll. Vote: All Aye.
Resolution 2021-024 passed this 20th day of April, 2021.

Mr. Miller reported the Reading Road properties are currently in foreclosure and, as Chief Penny mentioned, a site visit was conducted. He said Inspector Morath issued Fire Code violations and zoning issued a dozen different violations which have been sent to the property owner and lien holder to set up groundwork for enforcement. He noted there is both an open public nuisance and a court order on the Drake Motel property.

Mr. Miller said the sections of the Ohio Revised Code which the Township may use to enforce remedies to these issues.

There was a discussion about the timeline for compliance.

Mr. James asked about placing a lien on the property if the Township spends money on it. Mr.

Miller stated that process is already in place.

Chief Penny stated after the fire in February, 2020, he met with the owner who promised to clean it up and fence in the whole property but has not followed through.

Mr. James requested a resolution be prepared for the next meeting or sooner if necessary.

Mr. Miller reported he has a follow up meeting with Reading Road Corridor Group coming up noting the Port Authority is interested in these properties and the foreclosure action.

Mr. James said some neighbors in Heitmeyer had reported a commercial looking truck in the neighborhood with a power cord running into the house.

Mr. Miller responded any time we are dealing with the right of way it is difficult to use zoning as the first tool. He said zoning deals with private property. He said zoning has some provisions for on street parking in residential areas and gave some examples. Mr. Miller stated zoning has drawn a line saying any vehicle larger than 1.5 tons is prohibited in residential areas. He noted the truck in question is three quarters of a ton, so well under that threshold, and therefore does not fit the definition of a prohibited commercial vehicle. He pointed out running the power cord is a health and safety issue which zoning can take care of, but the vehicle is permitted.

Mr. James said the neighbors reported the vehicle never moves.

Mr. Miller again stated zoning is not best tool as it does not have any provisions for that. He said in the past, the Hamilton County Sheriff's Office has marked tires, but they are not currently using that practice.

Mr. Kellums said there are also problems with trailers parked in the street not attached to a vehicle.

Lt. Tarr stated chalking tires was deemed unlawful search and seizure so it is difficult to determine if a vehicle has not moved. He said this has caused enforcement action to go out the window and he does not have a solution.

Mr. James suggested a knock on the door.

LT. Tarr answered that is what the Sheriff's Office is doing, and vehicle owners will often move the vehicle right away and then let it sit again. He answered if trailers are registered and parked legally, they are permitted on the street noting the Governor extended time to have tags renewed due to COVID.

Mr. Kellums asked if the Trustees could pass a resolution saying trailers have to be hooked up to a vehicle.

Lt. Tarr answered that is a question for Mr. Desai.

Mr. James said the truck in question is a bucket truck and asked if the Trustees could pass a resolution restricting parking of vehicles of that sort.

Mr. Miller said that is a question for Mr. Desai and pointed out it is hard to know where to draw the line as there is such a variety of equipment one can have on a vehicle.

Mr. James encouraged them to discuss this topic.

Mr. LaBarbara said he likes the idea of coming up with resolutions for these issues.

Law Director Report

Mr. Desai reported the court hearing on the House of Browns case will take place May 26th. He said there is an appeal of the Moeller Parking lot decision by Ms. Willis which the attorney for Moeller told him is in settlement negotiations.

Mr. James asked if the Township would have to approve a settlement agreement.

Mr. Desai answered yes, any settlement will require our blessing.

Administrator Report

Purchase Orders Over \$2,500.00

Mr. Warrick reported he had many large purchase orders and requested they be bundled together for efficiency.

Mr. Warrick presented five purchase orders for TIF School Payments:

Purchase Order 8804	Great Oaks Career Campuses	\$495,469.64
Purchase Order 8805	Indian Hill Exempted Village	\$2,597,404.02
Purchase Order 8806	Princeton City Schools	\$183,676.52
Purchase Order 8807	Deer Park Community City Schools	\$277,088.21
Purchase Order 8808	Sycamore Board of Education	\$87,909.20

Mr. Weidman made a motion to approve the five purchase orders. Mr. LaBarbara seconded. Mr. Porter called roll. All Aye.

Mr. Warrick presented 10 operating purchase orders noting all the money has been appropriated:

Purchase Order 8726A	Blanket Vendor	Dump Fees	\$7,333.00
Purchase Order 8729B	Blanket Vendor	Roads - Materials	\$50,000.00
Purchase Order 8730A	Blanket Vendor	Building Cost	\$4,000.00
Purchase Order 8732B	Blanket Vendor	Misc. Roads	\$3,259.11
Purchase Order 8733B	Blanket Vendor	Uniforms - Roads	\$3,622.34
Purchase Order 8734A	Blanket Vendor	Contract Services – Roads	\$11,652.52
Purchase Order 8736B	Blanket Vendor	Fleet Repair – Roads	\$10,319.78
Purchase Order 8776A	Blanket Vendor	Parks/Public Spaces	\$33,334.00
Purchase Order 8810	Blanket Vendor	Trash Bash	\$35,000.00
Purchase Order 8743A	Safety Comp. Insp.	Fire Prevention	\$31,844.62

Mr. Weidman made a motion to approve the ten purchase orders Mr. Warrick described. Mr. LaBarbara seconded. Mr. Porter called roll. All Aye.

Mr. Warrick presented purchase order 8809 for ESID Fees and Assessments.

Pacewell 2 LLC ESID Fees and Assessments \$157,540.56

A motion to approve was made by Mr. Weidman, seconded by Mr. LaBarbara.

Mr. James stated for the public's reference the ESID fees are fees collected through tax mechanisms and disbursed back out without a cost to the Township.

Mr. Porter called roll. Vote: All Aye.

Mr. Warrick presented purchase order 8812 which he said is a pass through to the Port Authority on the Kenwood Collection Garage.

US Bank Kenwood Towne Place TIF Payment \$721,952.87

A motion to approve was made by Mr. Weidman, seconded by Mr. LaBarbara.

Mr. Porter called roll. Vote: All Aye.

Mr. Warrick presented purchase order 8811 having to do with the bond anticipation note to be renewed. He stated the Township has been aggressively paying down the road portion as opposed to the maintenance portion. Mr. Warrick said if the Township paid \$279,229.02 that would completely retire the road portion. He noted that would leave the rest of the funds flexible from the standpoint that whether they were renewed again or funded with a bond offering, all costs could then be paid out of TIF money. He said Fairfield ended up with their issue at .22 percent and Andy Brossart predicts the Township will be in the .27 to .35 percent range because it is callable, and we have a little lesser credit rating than Fairfield.

Mr. Weidman asked for clarification on the purchase order Mr. Warrick presented and stated we could pay the \$279,229.02 off or we could finance it with the rollover. He pointed out if it is paid off, the Township will be missing out on almost an entire percentage point in interest on the \$279 thousand.

Mr. Warrick answered that math is correct, saying that percentage is not much, and it cleans it up and keeps it nimble going forward.

Mr. James said this cleans up the other funds so they are purely TIF and asked what the Board should consider. He asked if it is an accounting issue not to have that cleaned up now as opposed to refinancing and if the administrative hassle is not worth the little bit of interest earned.

Mr. Warrick answered it is not that it is an administrative hassle, he would just like to clean it up and get it nimble.

Mr. LaBarbara asked if Mr. Porter wanted to weigh in on the discussion.

Mr. Weidman requested he confirm the math.

Mr. Porter said everyone agrees on the math.

Mr. Weidman commented if we pay it off, we will be losing just under a point in interest on that money.

Mr. Warrick said yes and that is just under \$3,000.00.

Mr. LaBarbara made a motion to approve the purchase order.

There was no second to the motion.

Mr. James said unless there is a compelling reason to pay this off now; his understanding is the bonds will be callable in thirty days and could be paid off. He noted this does not add to cost and we might still earn money he is inclined not to second the motion for that reason.

Mr. Warrick said he will give a new number on Mr. Porter's check run because that check will be removed.

Mr. LaBarbara said he is fine with that.

Fiscal Officer Report
Pay Bills and Read Receipts

The receipts in the amount of \$11,099,941.52 and disbursements of \$5,059,917.18 were read by the Fiscal Officer and are hereby made a part of these minutes.

Mr. Porter explained the large amounts are due to the first half taxes coming in and the Township making the TIF school payments.

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 to approve was made by Mr. Weidman, seconded by Mr. LaBarbara.
Mr. Porter called roll. Vote: LaBarbara: Aye; James: Aye; Weidman: Aye

Trustee Comments

Mr. Weidman reported he received communication from a Dillonvale resident concerned about delivery trucks parking in the area creating safety issue. He is working with Lt. Tarr to address the situation.

Mr. Weidman stated, as member of the Hamilton County COVID Defense Team, he can report that distribution of both the Pfizer and Moderna vaccines continues. He stated they are hopeful that the Johnson & Johnson vaccine will be back in use soon. He stated there was a question about the number of vaccines allocated for the homebound program, and he believes County-wide the first number was a thousand units with Sycamore Township receiving nine of those. He said again the Defense Team is hoping the Johnson & Johnson vaccine will be back in use soon as it allows for only one shot for people who are homebound and is critical to getting students on college campuses in Ohio vaccinated before they leave campus.

Mr. Weidman addressed Mr. James' comments at the beginning of the meeting. He said if you followed these cases at all, you would find that there are some serious allegations made that are completely false. Mr. Weidman said, at the advice of his attorney, he will not go into detail about these, but the public can pull them up on the Clerk of Courts website both in Warren County and Hamilton County. He stated he is confident that he will prevail in both of those cases but at this time he will not comment.

Mr. James asked Mr. Weidman about the date of the next Hamilton County Township Association Meeting, saying Mr. Weidman was trying to schedule it for April 29th.

Mr. Weidman answered there was a conflict with some of the legislators they were hoping to get to speak, therefore, the meeting will probably be moved to May. He described the difficulty he has in choosing a date around all the many Townships regular meetings.

Mr. LaBarbara reported there is no update on the American Rescue Plan from Greg Kesterman or Commissioner Denise Driehaus. He said people are being encouraged to get vaccinated noting Hamilton County is still in the red level with 39 percent of the population vaccinated, 44 percent of the eligible population age 16 and over.

Announcement Changes

Mr. James noted there will be an Open House Public Meeting regarding the Larchview Drive/Plainfield Road Improvements on Thursday, April 29, 2021, from 6:00 p.m. to 8:00 p.m. at the Township Administration Building at 8540 Kenwood Road. He then referred people to the website calendar for information on other events.

Executive Session

A motion was made by Mr. James, seconded by Mr. Weidman, to adjourn the meeting to executive session with Law Director Deepak Desai as permitted by Ohio Revised Code Section 121.22 to consider pending litigation.

Mr. James invited Fiscal Officer Porter, Law Director Desai, Mr. Warrick, Mr. Miller, and Mr. Kellums into the executive session with himself and Mr. LaBarbara. He said Mr. Weidman will be recusing himself from the discussion in executive session.

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

End Regular Session: 8:40 p.m.

Begin Executive Session: 8:43 p.m.

End Executive Session: 8:53 p.m.

Back in Regular Session: 8:54 p.m.

Mr. Porter called roll. All three Trustees indicated they were present.

Mr. James made a motion that Sycamore Township hire the law firm of Surdyk, Dowd & Turner, Co. LPA to handle the responses to the subpoenas and records requests served to the Township and Township officials in the Weidman versus Hildebrant lawsuit pending in Warren County, Ohio and for the Administrator to be authorized to execute the engagement agreement with that firm. Mr. LaBarbara seconded the motion.

Mr. Porter called roll. Vote: Mr. LaBarbara: Aye; Mr. James: Aye; Mr. Weidman: No

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

The meeting adjourned at 8:56 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
04/20/2021