

## RECORD OF PROCEEDINGS

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

September 21, 2021

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

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

The invocation was read by Mr. Warrick.

Pledge to the Flag.

#### **Approval of the September 7, 2021 Public Hearing Minutes and Trustees Meeting Minutes**

The September 7, 2021 Public Hearing minutes and Trustees Meeting minutes were presented for approval. Mr. Weidman made a motion, seconded by Mr. LaBarbara, to accept them. Mr. Warrick called roll. Vote: All Aye.

#### **Public Comments**

Mr. J. Janus, Jr, of 4462 Daffodil Avenue, addressed the Board. Mr. Janus asked for clarification about the Township's agreement with towing companies for removal of junk vehicles. He requested an update on liability and insurance issues with the library holding events in the parks. Mr. Janus requested an update on handicap access to the side entrance of Station 92. Mr. Janus disputed claims of vandalism issues by Township officials at Bechtold, McDaniel and Highpoint Parks stating he submitted public records requests to the communications center for police reports and found no reports of vandalism. He stated the movies and music in the parks are well attended and that he hopes those events will continue.

Mr. James asked Mr. Kellums why there have not been police reports made about vandalism in the parks.

Mr. Kellums answered the last time he witnessed one filed was when there was a fire at shelter 3 and 911 was called.

Mr. James asked if we call the police or just take care of it if there is graffiti in the parks.

Mr. Kellums answered we just take care of it.

Chief Penny stated a report to a specific officer may not go through the communications center.

Mr. LaBarbara asked Mr. Janus how he obtained the reports.

Mr. Janus answered it is a public record.

Mr. LaBarbara stated he used to get reports but doesn't anymore.

Cpl. Kidd stated he will check with Lt. Tarr about the reports.

Mr. Warrick stated there is a new format for the reports and they will begin to be sent out again.

Mr. Miller answered Mr. Janus' question about junk vehicles stating there is a statute that allows for removal of junk vehicles. He stated if the junk vehicle is in the right of way, it is much more expedient to contact the Sheriff's Office as those incidents are not treated the same way as a junk vehicle on private property.

Ms. Paula Givens, of Birmingham, MI, addressed the Board. Ms. Givens, a co-owner of marijuana dispensaries in Michigan, stated her reason for attending the meeting was to open discussion about medical marijuana. She stated there have been changes to the values/attitudes and medical utility of cannabis. She stated the Board passed a resolution in 2017 banning marijuana dispensaries in Sycamore Township and she requested the Trustees reconsider.

Mr. James asked if something brought her to Sycamore Township in particular or if she was visiting multiple municipalities in the area.

Ms. Givens stated Sycamore Township seems familiar to her economically and business-wise and that is why it is attractive.

Mr. Miller noted there is an upcoming licensing lottery.

Ms. Givens said yes, applications are due shortly so the Board would have to decide soon.

Mr. Miller asked how many licenses are available.

Ms. Givens answered there are nine additional available in Hamilton County and explained the process.

Mr. LaBarbara noted Columbia Township allowed a dispensary and earned revenue of \$1 million in one year. He stated location would be important but maybe the Board should look at this in the future.

Mr. James asked how Columbia Township got the revenue.

Mr. LaBarbara answered through income tax.

Ms. Gretchen Fortin, of 12137 McCauly Road, addressed the Board about the importance of sidewalks to keep her and her friends and family safe.

Mr. Standish Fortin, of 12137 McCauly Road, addressed the Board. Mr. Fortin stated the Trustees have been in violation of their fiduciary duty for over a decade because they own speculative real estate bought with taxpayer money. He stated the Township has invested 25% of its holdings into a speculative real estate venture. Mr. Fortin stated he had a submission for the Administrator and that he is making an offer on two properties the Township has owned for over a decade. He said he doesn't know how many millions of dollars the Township has lost on speculative real estate deals. Mr. Fortin stated he is glad the master zoning plan is being worked out noting in 2015 the Township paid Jacobs Engineering \$100,000 of taxpayer money to manage a master plan and has nothing to show for it. He then requested a response from Mr. Weidman as to why that administration felt developers could be incorporated but input from Township residents should be kept at a minimum. Mr. Fortin said he has a check to present to Mr. Porter and stated elected officials should donate revenue in their campaigns from other events to the Sycamore Township Cemetery Endowment Fund.

Mr. Weidman stated the Township purchased the property on Montgomery Road for \$10.8 million specifically for access management. He stated we had studies done and things have changed over the years and the Township held a charrette recently about that property. He stated COVID-19 threw a curve ball on things but the property just appraised at \$15.2 million so the suggestion we have lost money on it is not really true.

Mr. James stated he was not a part of the Board at the time that property was purchased and that is one of the reasons he ran for Trustee because he didn't think the Township should have done that in the manner it did. He said we own the properties now and we need to do something to maximize their value to the Township which is why we did undertake the charrette process to find a use for it so we are no longer the government investing in private real estate and it is returned to the private sector so that it can be profitable.

Mr. Fortin stated the Board should update the investment policy statement.

Mr. James stated there was an update of the financial policy within the past year.

Mr. Nathan Alley, of 6150 Miami Road, addressed the Board. Mr. Alley applauded Ms. Fortin for her words and encouraged the Board to apply for Issue 7 money. He then introduced himself as candidate for Indian Hill School Board saying he would like to get to know everyone in the community. He stated his day job is to help communities with sustainability. He said he knows the Township has a successful aggregation program and asked if the Board would share their positive experience with the City of Blue Ash.

#### **Presentation – Kenwood/Orchard Traffic Control**

Mr. Jack Pflum of 7541 Hosbrook Road, addressed the Board about the Kenwood Road corridor project and traffic safety and flow. He introduced Gregg Pancero, Glenn and Tracy Hughes and Mark Rippe who were present with him. He requested the Trustees pass a motion to allow them to move forward with the corridor study. He explained there are two critical areas of the study:

the intersection of Kenwood Road that services St. Vincent and Kenwood Square and the intersection of Orchard Lane and Kenwood Road. He spoke about a TEC Engineering study, which needs updating, that had the idea about a roundabout to improve access to businesses at the first critical area and presented a slide showing ideas to improve the intersection of Orchard Lane and Kenwood Road.

Mr. Gregg Pancero, of 8450 Keller Road, spoke about issues with the Orchard Lane / Kenwood Road intersection. He discussed a continuous lane option.

Mr. Pflum said Mr. Glenn Hughes and Ms. Tracy Hughes have been passing out a petition requesting a turn signal at the intersection of Orchard Lane and Kenwood Road.

Ms. Tracy Hughes, of 4705 Duneden Avenue, addressed the board saying she has lived there 30 years and spoke about issues with Orchard Lane / Kenwood Road intersection. She stated she just started the petition and already has 35 signatures.

Mr. Pflum stated he would like the Board to act tonight by supporting them, noting the scope should be reviewed by the County Engineer and Mr. Warrick will need to hire a consultant. He stated he has been working on this almost two years.

Mr. Kellums stated the scope, which did not include the document Mr. Pflum just presented, has already been reviewed and sent to Traffic Engineer Jeff Newby, who reviewed it, sent back comments, and sent it to ODOT. He said Mr. Pflum asked for the Township to move forward with this and that's what has been done. He said ODOT has it now because we want to include Montgomery Road.

Mr. Pflum asked if they have been forwarded the document about the Orchard Road intersection.

Mr. Kellums answered it was forwarded to the County the first day he saw it. He said we are moving forward with this already; Mr. Newby will give comments on the Orchard Road portion, and it will be forwarded to ODOT as well.

Mr. James asked if a motion was necessary.

Mr. Kellums stated it is already in progress and we need to get comments back.

Mr. Weidman stated he would like to hear what the County Engineer has to say. He noted we have had this problem for many years, and he is in support of studying it.

Mr. Pflum asked if he could send Mr. Kellums an updated scope of work to pass on to ODOT.

Mr. Kellums answered that would be fine.

Mr. James stated it sounds like we don't need a motion, and the Board is in support of the study.

Mr. Pflum stated he is satisfied and appreciates Mr. Kellums taking the steps he has to move forward. He said he doesn't think a motion is needed.

Mr. Weidman stated to Ms. Hughes' point it is a safety issue and he is in support.

Mr. James thanked Mr. Pflum and those in attendance with him for their work.

### **Sheriff Patrol Report**

Cpl. Kidd stated he had nothing to reported.

Mr. James stated there has been suspicious overnight traffic and vehicle break-ins in Sturbridge and in other neighborhoods. He encouraged people to lock their cars and said people have reported the incidents to the Sheriff's Office.

### **EMS/Fire Report**

#### **Station Repair Status**

Chief Penny reported a lot of the materials for the kitchen project for the north station have been ordered and the electrical work has been scheduled. He stated he signed all the paperwork for the alarm system installation and alarm monitors. Chief Penny reported we do now have a working sprinkler system noting the fire department connection was installed last Thursday. He thanked the maintenance department for doing all the digging.

Chief Penny asked if the Board is in favor of the fire trucks going out to pass out candy on Halloween. The Board was in favor.

Chief Penny said he had no updates on vaccination boosters because he got an email from Hamilton County Public Health saying they are waiting for direction from the State.

Mr. James stated Mr. Janus had asked about curb cuts and truncated domes and asked if any progress has been made for handicap access to fire station.

Chief Penny responded no and spoke about issues with contractors. He stated he will talk with Mr. Kellums about if this could be done in-house.

Mr. James discussed the possibility of using FEMA money for reimbursement of covid expenses to update ventilation and have greater quality filtration in Township buildings. He requested Chief Penny and Mr. Kellums work on that to take advantage of this opportunity.

Chief Penny stated HVAC improvements at Station 93 are in progress and that could be worked into that upgrade.

Mr. James suggested looking at ASHRAE (American Society of Heating, Refrigeration and Air-Conditioning Engineers) standards for this project.

### **Roads, Maintenance & Recreation Report**

Mr. Kellums reported the last movie in the park was last weekend and there is one more concert this week.

Mr. Kellums reported the Kugler Mill Road Project is on time right now, but the current weather is holding it back. He said they will be pouring concrete next week and noted the curbs are all in place.

Mr. Kellums stated, we have not gotten official notification yet on the SORTA Grant for the Montgomery Road Sidewalk from Euclid to Stewart, but it is listed as the second highest rated project on their website. He reported SORTA will recommend it be approved and that would be a 50% grant which will be about \$605,000.00.

Mr. James said that is good work by Mr. Kellums and Steve Reutelshofer.

Mr. Kellums reported there is a Township Stimulus Program, and we will be submitting for a grant for Gideon Road to replace a washed-out culvert. He stated the grant is for a project valued at up to \$250,000.00 and there are no matching funds it would be funded 100%.

Mr. James asked if there is a cap on the number of projects for which Townships can submit grant applications.

Mr. Kellums answered he will check on that, but he thinks it is a \$250,000.00 cap for one project with a limit of one project.

Mr. James said it looked like it provided sidewalk funding also.

Mr. Kellums stated it can't be used for new sidewalks only repairs.

Mr. Kellums reported there will be a purchase order for the Board's consideration for the wood to repair Shelter 3 in Bechtold Park which was damaged in a fire. He stated he is purchasing materials so that we have them when we select a contractor. He said he is waiting to hear back from the insurance adjuster about this claim.

### **Planning & Zoning Report**

#### **Motion – Termination of Covenants and Grants of Easements**

Mr. Miller reported Scott Street Partners has gone through the Hamilton County Subdivision process and submitted a record plat with new easements and covenants that has been recorded. He said the developer has forwarded a document and requested the Board make a motion to approve termination of covenants and grants of easements pending full review by Special Counsel Scott Sollmann.

Mr. Weidman made a motion, seconded by Mr. LaBarbara, to authorize the termination of covenants and grants of easements related to the Villas of Kenwood Subdivision upon final review and approval by Special Counsel Scott Sollmann.

Mr. James made a motion to amend Mr. Weidman's motion to specify this is the termination of the prior covenants and grants of easements as opposed to the newer ones required by the consent decree. Mr. Weidman seconded.

Mr. James said this is part of the plan consent decree noting there is a prior permanent landscape easement being replaced by these houses. He noted this is all part of a previously agreed upon plan which has gone through public hearings.

Mr. Warrick called roll. Vote: All Aye.

Mr. Miller reported he had multiple resolutions for the same property due to multiple violations on the same property and it makes more sense administratively to handle the issues with separate resolutions. He said there are junk vehicles, overgrown vegetation and weeds and weeds growing out of the gutters. He stated letters have been sent with no response from the owner. Mr. Miller then showed photos of the violations on the property.

**Resolution – 4701 Kugler Mill Road Junk Vehicles**

The Resolution "Providing for the Removal of a Junk Vehicle in Sycamore Township, Hamilton County and the Proper Disposal, Storage or Impoundment of Motor Vehicle by Implementing the Procedures Set Forth in Sycamore Township Resolution 2012-14, and Sections §§ 505.173, 505.85, and 505.871 of the Ohio Revised Code and Dispensing with the Second Reading" was presented by Mr. Miller. A motion was made by Mr. Weidman, seconded by Mr. LaBarbara to approve the resolution, and dispense with the second reading.

The Board asked questions of Mr. Miller about the vehicles.

Mr. Desai noted there was an issue with the motion from the prior agenda item. He said the amendment to Mr. Weidman's motion about the termination of covenants and grants of easements was passed but the underlying motion was not voted upon.

Mr. Warrick called roll for Mr. Weidman's motion to authorize the termination of prior covenants and grants of easements related to the Villas of Kenwood Subdivision upon final review and approval by Special Counsel Scott Sollmann that was seconded by Mr. LaBarbara. Vote: All Aye.

Mr. Desai stated he is fine with the resolution with the photos of the vehicles attached since there is no other black pickup truck on the property.

Mr. Weidman made a motion to include the photos. Mr. Warrick called roll. Vote: All Aye.

Mr. Warrick called the roll as to the resolution. Vote: All Aye.  
Resolution No. 2021-074 passed this 21st day of December, 2020.

**Resolution – 4701 Kugler Mill Road Nuisance Property (SYCC210235)**

Mr. Miller stated this resolution is specifically for the weeds growing out of the gutter.

The resolution "Providing for and Authorizing Removal of Vegetation, Garbage Refuse and Other Debris and Declaring a Nuisance for the Property Located at 4701 Kugler Mill Road, Sycamore Township, OH 45236" was presented by Mr. Miller. A motion to approve was made by Mr. Weidman, seconded by Mr. LaBarbara, dispensing with a second reading.

Mr. Warrick called roll. Vote: All Aye.

Resolution 2021-075 passed this 21<sup>st</sup> day of September, 2021.

**Resolution – 4701 Kugler Mill Road Nuisance Property (SYCC210236)**

Mr. Miller stated the next resolution is for the overgrown honeysuckle and vegetation in the front yard on the property.

The resolution "Providing for and Authorizing Removal of Vegetation, Garbage Refuse and Other Debris and Declaring a Nuisance for the Property Located at 4701 Kugler Mill Road, Sycamore Township, OH 45236" was presented by Mr. Miller. A motion to approve was made by Mr. Weidman, seconded by Mr. LaBarbara, dispensing with a second reading.

Mr. Warrick asked who owns the house.

Mr. Miller stated he does not have the name in front of him, but he does have owner and lien holder information.

Mr. Warrick called roll. Vote: All Aye.

Resolution 2021-076 passed this 21<sup>st</sup> day of September, 2021.

Mr. Miller reported that although they technically had a quorum, after discussion with the Chairman, it was decided to wait until more members of the Board could be present to discuss the Land Use Plan and Zoning Resolution Text Amendments. The new date for the Zoning Commission meeting will be held next Thursday, September 30<sup>th</sup> at 6:00 p.m. He said hopefully this does not delay the timeline for approval, but he is hoping for a more thorough review by the Zoning Commission.

Mr. James requested extra effort to publicize this meeting since the Land Use Plan will be discussed.

Mr. LaBarbara asked for clarification on the timeline for approval.

Mr. Miller said he hopes to have the Land Use Plan to the Board of Trustees in October.

**Law Director Report**

Mr. Desai reported the Township received three letters from the Hamilton County Treasurer's Office alerting the Township was receiving approximately \$25,664.29 back for property taxes previously paid for properties on which his office had filed for tax exempt status. He said this is for 8622 Plainfield Road, 4316 Sycamore Road, and 7783 Montgomery Road.

Mr. James noted there will be an Executive Session later to discuss pending and imminent litigation.

### **Administrator Report**

Mr. Warrick reported he has a resolution for the Board's consideration to amend appropriations having to do with bond payments most of which has to do with a pass through for the Kenwood Collection to the Port Authority.

### **Resolution – Amending 2021 Appropriations**

The resolution "Amending 2021 Appropriations, Dispensing with a Second Reading and Declaring an Emergency" was presented by Mr. Warrick. A motion to approve was made by Mr. Weidman, seconded by Mr. LaBarbara. Mr. Warrick called roll. Vote: All Aye. Resolution 2021-077 passed this 21<sup>st</sup> day of September, 2021.

Mr. Warrick stated he has three resolutions prepared for the lighting district renewals which were the subject of public hearings earlier that evening.

### **Resolution – Richmond Avenue Street Lighting District Renewal**

The resolution "Renewing and Upgrading to LED Lights the Richmond Avenue Lighting District and Dispensing with a Second Reading" was presented by Mr. Warrick. A motion to approve was made by Mr. Weidman, seconded by Mr. LaBarbara. Mr. Warrick called roll. Vote: All Aye. Resolution 2021-078 passed this 21<sup>st</sup> day of September, 2021.

### **Resolution – Hemesath Drive Street Lighting District Renewal**

The resolution "Renewing and Upgrading to LED Lights the Hemesath Drive Lighting District and Dispensing with a Second Reading" was presented by Mr. Warrick. A motion to approve was made by Mr. Weidman, seconded by Mr. LaBarbara. Mr. Warrick called roll. Vote: All Aye. Resolution 2021-079 passed this 21<sup>st</sup> day of September, 2021.

### **Resolution – McCauly, Lewisclark, Bearvalley, Coyote Street Lighting District Renewal**

The resolution "Renewing the McCauly Woods Lighting District and Dispensing with a Second Reading" was presented by Mr. Warrick. A motion to approve was made by Mr. Weidman, seconded by Mr. LaBarbara.

Mr. James noted this was the only public hearing in which a member of the public commented. He stated the President of the HOA requested the Board renew the lighting district as is following the wishes of the majority of homeowners in the area.

Mr. Warrick called roll. Vote: All Aye.

Resolution 2021-080 passed this 21<sup>st</sup> day of September, 2021.

### **August Financial Reports**

Mr. Warrick reported he had sent the August Financial Package to the Board last week. He pointed out just over 100% of revenue has been collected for the year and only 56.4% of the budget has been spent and we are 67% of the way through the year. He reported TIFs are up seven percent year-to-date and JEDZ are up 2.7 percent across the four JEDZ. Mr. Warrick stated he is watching issues with the budget in the Fire Department most of which have to do

with salaries and benefits. He concluded the Township is in a positive position since we are bringing in more money than we thought and spending less than projected.

Mr. James asked if revenues are up due to Cares Act funds.

Mr. Warrick answered tax revenues are up also, so revenues are up even if the COVID-19 relief funds are removed.

#### **Port Authority Letter**

Mr. Warrick reported there is a proposed letter from the Port Authority they asked him to sign because they are close to a deal to purchase the Drake and Carrousel Properties. He stated the deal would be funded by the County and the Port has said that is without restrictions. He said we can change the wording of the letter and reported Amberley Village, the City of Reading and the City of Cincinnati have already given the Port Authority a similar letter stating they are ok with the Port Authority proceeding with the purchase.

Mr. Weidman asked if the letter is needed to secure funds from County.

Mr. Warrick answered yes.

Mr. James stated he has a problem with the second paragraph of the letter as he doesn't want us treated like the Port treated the City of Cincinnati and the County with the FC Stadium with the Port leasing the property and suddenly it is no longer a taxable property.

There was a discussion among the Board about the best wording for the letter.

Mr. Warrick made notes of the changes to the letter and requested a motion to allow him to make changes and send it to the Port Authority.

Mr. James made a motion to allow the Township Administrator to modify the letter with the sentiments expressed by the Board in tonight's meeting and proceed to send the letter to the Port Authority himself without need for further Board approval. Mr. Weidman seconded the motion and requested the changes to the letter be read back to the board.

Mr. Warrick read the changes and the Board gave additional feedback as to the changes in the wording of the letter.

Mr. James withdrew his motion.

Mr. Weidman made a motion to approve the modified letter as written. Mr. LaBarbara seconded. Mr. Warrick called roll. Vote: All Aye.

#### **Purchase Orders Over \$5,000.00**

Mr. Warrick presented the following purchase orders for approval:

613-2021	Verizon Wireless	Cell Phones	\$6,500.00
----------	------------------	-------------	------------

614-2021	BGSU	Fire Officer Class	\$6,000.00
617-2021	Glue-Lam Erectors, Inc.	Bechtold Shelter 3 Wood	\$8,620.00
619-2021	Cincinnati School District	2021 School Payment	\$256,835.26
624-2021	U.S. Bank National Assoc.	Balance of Fund to Port Authority	\$721,871.53
631-2021	Bound Tree Medical, LLC	Supplies	\$10,000.00

Mr. Weidman made a motion to approve purchase orders over \$5,000.00. Mr. LaBarbara seconded the motion.

Mr. Warrick stated for the record the purchase order numbers are 613, 614, 617, 619, 624 and 631. Mr. Warrick called roll. Vote: All Aye.

### **Fiscal Officer Report**

Mr. Warrick reported on behalf of Fiscal Officer Porter.

### **Pay Bills and Read Receipts**

The receipts in the amount of \$123,087.68 and disbursements in the amount of \$795,877.15 for September 21, 2021 were read by Mr. Warrick 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

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

### **Trustee Comments**

Mr. Weidman thanked Mr. Kellums and his staff for the great job on the sidewalk replacement in Bishop's Gate.

Mr. LaBarbara thanked Mr. Kellums also for handling a couple of issues he went to him about that he and Steve Reutelshofer responded to very quickly. He then noted the final music in the park is this Friday with The Missy Werner Band.

Mr. James stated the November meeting is on election day evening. There was a discussion about changing that meeting date. He said it is election silly season and cautioned people not to believe everything they are told but to check out what they hear and ask elected officials about things they are told and about things the officials said -- or supposedly said.

### **Announcement Changes**

Mr. James noted the Zoning Commission Meeting has been rescheduled to Thursday, September 30<sup>th</sup>. He then referred people to the website calendar for 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 discuss Pending and Imminent Litigation.

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

Mr. James invited Mr. Warrick, Mr. Kellums and Mr. Miller into the executive session with the Trustees and Law Director.

End Regular Session: 8:36 p.m.

Begin Executive Session: 8:40 p.m.

End Executive Session: 9:30 p.m.


Back in Regular Session: 9:33 p.m.

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


Mr. Weidman made a motion to pursue abatement of violations at 4106 Jud to the Hamilton County Courts. Mr. LaBarbara seconded the motion. Mr. Warrick called roll. Vote: All Aye.


A motion was made by Mr. Weidman, seconded by Mr. LaBarbara, to adjourn the meeting. Mr. Warrick called roll. Vote: Mr. LaBarbara: Aye; Mr. James: Aye; Mr. Weidman: Aye.

The meeting adjourned at 9:34 p.m.

  
Thomas C. James, Jr., Chairman

  
Jim LaBarbara, Vice Chairman

  
Thomas J. Weidman, Trustee

  
Robert C. Porter III, Fiscal Officer  
09/21/2021