

## RECORD OF PROCEEDINGS

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

October 5, 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, Fiscal Officer Porter, Administrator Warrick, Superintendent / Assistant Administrator Kellums, Planning & Zoning Administrator Miller, Sgt. Sovern from the Hamilton County Sheriff's Office and Parks and Public Spaces Supervisor Jason Petty. Fire Chief Penny was absent.

The invocation from St. Vincent Ferrer was read by Mr. Kellums.

Pledge to the Flag.

#### **Approval of the September 21, 2021 Lighting District Public Hearing Minutes**

The September 21, 2021 Lighting District 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.

#### **Approval of the September 21, 2021 Trustees Meeting Minutes**

The September 21, 2021 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.

#### **Public Comments**

Ms. Kathy Kugler, of 7106 Tenderfoot Lane, addressed the Board in regard to high-speed police chases. She discussed tragedies in which people were killed as a result of a high-speed chase and asked what the criteria is for the Hamilton County Sheriff's Office to participate or assist in a high-speed chase. She also asked if Trustees are made aware of those incidents.

Mr. James stated the Trustees, the Administrator and the Fire Chief are all kept informed of incidents involving the police in the Township.

Sgt. Sovern answered the Hamilton County Sheriff's Office does have a policy and would only be involved in a high-speed chase for an offense very serious in nature not for misdemeanor crimes.

Ms. Tracy Hughes, of 4705 Duneden Avenue, addressed the board. Ms. Hughes stated she had questions after the presentation by Mr. Jack Pflum about the Kenwood Road corridor project and traffic safety and flow that took place at the last Trustees' meeting. She requested clarification

about the timeline for submitting Mr. Jack Pflum's scope of work to Hamilton County and ODOT questioning why it was not submitted until September if it was submitted in June. Ms. Hughes noted Mr. Pflum is an expert and asked if it was common practice to submit a citizen's scope of work for review.

Mr. Kellums answered it is very unusual for a citizen to prepare a scope of work; the Township would usually hire a traffic engineer to develop that. He noted Mr. Pflum was asked by Mr. LaBarbara to put the scope together. Mr. Kellums stated he did not wait until September to submit Mr. Pflum's scope. He stated the Township received it in June and reviewed it, then sent it to the County in July or August. The County then reviewed it, which took some time, and sent it to ODOT where it remains. Mr. Kellums reported Mr. Pflum has submitted another revised scope of work since the last meeting which he is currently reviewing.

Ms. Stacy Carpenter, of 12114 1<sup>st</sup> Avenue, addressed the Board. Ms. Carpenter stated she was born and raised in Highpoint and was chosen by neighbors to bring their concerns to the Board. She then read a prepared statement which stated that Highpoint is a lower to middle class community, but they pay taxes and vote, and most residents take pride in the neighborhood. She spoke about the Highpoint Neighborhood Watch Meetings being suspended since the pandemic began and went on to report on issues with drugs, sanitation, and criminals who are released back into the neighborhood and cause neighbors to fear retaliation. Ms. Carpenter spoke about one residence in particular that is a problem and asked if the Township has a criminal nuisance ordinance. She also reported people put up fences and outbuildings without permits, burn trash, engage in criminal behavior behind the community park, ignore stop signs and speed in their neighborhood which has no sidewalks.

Mr. James thanked Ms. Carpenter for reporting to the Board. He noted the neighborhood watch was stopped due to COVID-19 and requested the Sheriff's Office get it going again. He stated he is not sure if the Township has the authority to issue a criminal nuisance ordinance.

Sgt. Sovern stated something similar was done with the Drake Motel, but he was not sure they have done anything similar with a residential property.

There was discussion about the issues Ms. Carpenter described. Mr. James requested everyone brainstorm for ideas to help the residents in Highpoint saying the Board could call a special meeting to discuss. He also requested Sgt. Sovern get Highpoint Neighborhood Watch back on the calendar as soon as possible.

### **Sheriff Patrol Report**

Mr. LaBarbara reported about a post on Facebook about an incident involving racial intimidation at Bechtold Park by a resident adjacent to the park. He noted the police did respond to the incident, but the response was situation under control.

Sgt. Sovern answered he was not aware of situation but will look into it. He stated it is hard to charge someone with disorderly conduct on their own property.

Sgt. Sovern reported there are active shooter drills coming up this month at Moeller and Kenwood Towne Center.

Mr. James stated a resident asked him about people putting "caution children" signs in the right of way or roadway.

Sgt. Sovern said residents may call, and the police will discuss the issue with the residents who placed the signs.

Mr. LaBarbara spoke about vehicles being parked in neighborhoods by Deer Park Auto and asked in particular about a vehicle on Wexford with expired temporary plates.

Sgt. Sovern spoke about the extension granted by the Bureau of Motor Vehicles for renewal of license plates due to the pandemic. He noted that was lifted only recently. He stated before the police start ticketing cars on the street, it is better to find out if the car actually belongs there, and that can be time consuming.

Mr. James stated the Township has a court order in place against the auto shop.

Sgt. Sovern said the hard part is proving which cars are from the auto shop and which cars belong on the street. He noted the Sheriff's Office no longer marks tires, instead they place an abandoned vehicle sticker on the car.

Mr. Miller explained the Township has a junk vehicle statute for those on private property and listed the criteria that must be met for a vehicle to be considered junk: three model years old or older, expired tags and apparently inoperable.

Sgt. Sovern stated it is not an easy fix.

### **EMS/Fire Report**

Mr. Warrick reported on behalf of Chief Penny that the Trustees were sent a note from a woman who sent a \$1,000.00 donation to the Fire Department to thank them for the great care they took of her mother who has since passed away. He said Chief Penny wrote her a note thanking her for the donation.

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

#### **Parks Advisory Committee Update**

Mr. Petty reported with an update from the Parks Advisory Committee Meeting on Monday, September 27, 2021. He requested the Trustees approve a 2022 event calendar to hold one movie and one concert in the park per month from June through September. He reported the Township paid a company to show the movies in the park and the Parks Advisory Committee suggests the Township purchase a screen which would save money in the long run. Mr. Petty reported committee member J.T. Riley is moving out of the Township so there will be a vacancy on the Parks Advisory Committee. He also reported a Mount Notre Dame student will be doing an invasive species removal service project in the nature trail at Bechtold Park on October 9<sup>th</sup> and 10<sup>th</sup>. He stated he worked with Mr. Desai on waivers for the volunteers to complete.

Mr. Weidman asked if the screen Mr. Petty proposes would allow for movies to be seen in daylight. He noted it gets dark so late in June and July, kids can't stay up that late and it would be nice to start the movies earlier.

Mr. Petty answered no.

Mr. Weidman asked if the concerts would be at one venue and movies at another.

Mr. Petty answered yes, saying he would like to hold concerts at Bechtold Park and movies at McDaniel Park and listed the reasons.

Mr. Weidman asked about the possibility of placing the movie screen in a different location to make it visible before dark.

Mr. Miller suggested purchasing a projector that could be better for daylight. There was discussion about attendance and the cost of the screen and projector.

Mr. James stated this year was an experiment we have learned from and will help us plan for next year.

Mr. James thanked J.T. Riley for his service on the Parks Advisory Committee and reported he had requested the Township advertise in its next email newsletter about opportunities to serve on citizen committees.

Mr. Kellums reported the Kugler Mill Road Project has been affected by weather; concrete is now being poured and by the end of month the full depth reclamation should begin.

Mr. Kellums reported MSD wants to put a sewer line on Owlwoods Lane which is currently all septic. He stated this was the result of a request from a resident. He discussed the reasons the sewer main has to be a forced main due to the topography. He said as a result, the sewer line will be full most of the time and will thus need an odor control unit. Mr. Kellums explained the tank contents are not toxic and will be forced into the main every so often to eliminate odors. He said the issue is MSD wants the Township's permission to place the tank in the right of way very close to the road instead of having to get an easement to place it on private property. He stated the 1,050-gallon tank will be 74 inches high and very close to the road since Owlwoods does not have a curb line. Mr. Kellums stated he is concerned about the liability of that location.

Mr. Kellums noted 67% of residents are in support of this plan and MSD has asked for the Township's approval of the placement of the tank. He said if we say no, MSD will have to get an easement on a private property. He noted the tank will be maintained by the County and there will be public hearings after the design is complete in which all those affected will be invited to give comments.

Mr. James suggested the County be sold the property, so we do not have liability.

Mr. Desai stated there is no provision for insurance, no indemnity clause or liability clause. He said they claim the chemicals are not toxic, but we do not have proof of that and wondered what would happen if the tank got hit or there was a leak. He pointed out there is nothing in the contract holding them accountable. Mr. Desai said we have a group of residents who want this instead of septic and one of their properties might be just as suitable for easement. He said it might merit having MSD to come in and give a presentation.

Mr. James asked questions about this and who would be responsible for maintenance.

Mr. Weidman stated MSD should be encouraged to put it in the County right of way on Keller Road because, although it may not be as convenient, it removes any liability we might have.

Mr. Kellums said he is also concerned about noise. He noted he spoke to Anderson Township about a similar tank and was told they have not gotten one complaint.

It was decided Mr. Kellums should contact MSD and request someone come to the Board to give a presentation.

**Resolution – Declaring Township Property as Surplus and Obsolete and Authorizing its Disposition**

Mr. Kellums reported he had a resolution for the Board's consideration to auction off some obsolete property such as an old dump truck, old phone equipment and old phones which are listed in the attached Exhibit A.

The resolution "Declaring Township Property as Surplus and Obsolete and Authorizing its Disposition, Dispensing with a Second Reading and Declaring an Emergency" was presented by Mr. Kellums. A motion to approve was made by Mr. Weidman, seconded by Mr. LaBarbara. Mr. porter called roll. Vote: All Aye.

Resolution 2021-081 passed this 5<sup>th</sup> day of October, 2021.

**Planning & Zoning Report**

Mr. Miller reported the Zoning Commission discussed the Land Use Plan and Text Amendments on September 30<sup>th</sup>, but they were not yet comfortable enough with it to move forward with a public hearing before the Board of Trustees. He stated they added a policy area to focus on fine tuning development along Montgomery Road north of Galbraith Road and up to Kennedy Lane. He said he is also soliciting County comments before taking it to the Trustees.

Mr. James asked what Mr. Miller meant by fine tuning.

Mr. Miller stated they are defining a development corridor along Montgomery Road that would allow for office and institutional use but is restricted in intensity.

Mr. James encouraged Mr. Miller to contact people in the neighborhood behind that corridor.

Mr. Miller answered he had contact with neighbors in the area as well as their attorney.

Mr. Miller noted the October Zoning Commission meeting has been moved to October 21<sup>st</sup> due to lack of a quorum on their regular date and the Board of Zoning Appeals meeting has been canceled due to lack of an agenda.

**Law Director Report**

Mr. Desai reported there are several pieces of legislation moving through the State Assembly that have impact on home rule power, so we encourage everyone to keep track of those and give input to local representatives as they see fit.

**Administrator Report**

**Resolution – Accepting the Amounts and Rates as Determined by the Budget Commission & Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor**

Mr. Warrick reported he had a resolution for the Board’s consideration which is an annual requirement to set the rates for the levies as part of the tax budget process.

The resolution “Accepting the Amounts and Rates as Determined by the Budget Commission & Authorizing the Necessary Tax Levies and Certifying Them to the County Auditor” was presented by Mr. Warrick. A motion to approve was made by Mr. Weidman, seconded by Mr. LaBarbara, dispensing with a second reading. Mr. Porter called roll. Vote: All Aye. Resolution 2021-082 passed this 5<sup>th</sup> day of October, 2021.

**Resolution – Authorizing and Directing Transfers of Funds to Reconcile Budgets and Appropriations**

Mr. Warrick stated he had a resolution for the Board’s consideration that transfers some funds from the general fund to the General Obligation Debt Service Fund. He explained this is done every year as principal and interest is paid out of the Debt Service Fund, and it is time to do that as the payments will be made shortly.

The resolution “Authorizing and Directing Transfers of Funds to Reconcile Budgets and Appropriations 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 for the record the transfer amount is \$37,499.16.

Mr. Porter called roll. Vote: All Aye.  
Resolution 2021-083 passed this 5<sup>th</sup> day of October, 2021.

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

Mr. Warrick presented the following purchase order for approval, explaining it is for putting the crosswalks back on Montgomery Road which the Board approved by resolution on June 1<sup>st</sup> of this year.

656-2021	A & A Safety	Montgomery Road Crosswalks	\$238,606.50
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Mr. Weidman made a motion to approve the request. Mr. LaBarbara seconded the motion. Mr. Porter called roll. Vote: All Aye.

Mr. Warrick presented a purchase order for approval for a fire officer class for 16 fire fighters.

647-2021	BGSU	Fire Officer Class	\$6,300.00
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Mr. Weidman made a motion to approve the request. Mr. LaBarbara seconded the motion. Mr. Porter called roll. Vote: All Aye.

Mr. Warrick entertained a motion to cancel the November 2, 2021 Trustees Meeting which is on Election Day. He noted staff is prepared to handle all of our business with only one meeting in November.

Mr. Weidman made a motion, seconded by Mr. LaBarbara, to cancel the November 2, 2021 Trustees Meeting. Mr. Porter called roll. Vote: All Aye.

**Fiscal Officer Report**

**Pay Bills and Read Receipts**

The receipts in the amount of \$523,944.34 and disbursements in the amount of \$495,369.21 for October 5, 2021 were read by Mr. Porter 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. Porter called roll. Vote: LaBarbara: Aye; James: Aye; Weidman: Aye

**Trustee Comments**

Mr. LaBarbara reported Kenwood Towne Centre has some new stores opening including some who will be opening their first location in the State of Ohio. He said this includes Shoemaker, Doc Martens, Windsor, Special Occasion Dresses, Watches of Switzerland, Purple Mattress and a Capital One Café coffee shop and banking center.

Mr. James thanked Ms. Carpenter for bringing the concerns of the Highpoint community to the Board's attention. Mr. James reported the Hamilton County Board of Elections is still in need of paid poll workers for the November 2<sup>nd</sup> election and encouraged those interested to contact them. He stated it is election silly season and encouraged people to check into everything they hear and not to believe anything any politician tells you.

**Announcement Changes**

Mr. James stated as Mr. Miller already stated, the Zoning Commission Meeting will be held on a new date Thursday, October 21<sup>st</sup> at 6:00 p.m. 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 Sale of Township Property and Matters Required to be Kept Confidential by Federal Law.

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

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

End Regular Session: 8:12 p.m.

Begin Executive Session: 8:20 p.m.

End Executive Session: 8:51 p.m.


Back in Regular Session: 8:53 p.m.

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

Mr. Weidman made a motion to authorize the addition of the drug Rezurock to be added as an exception to our health plan through December 31, 2021. Mr. LaBarbara seconded the motion. Mr. Porter called roll. Vote: All Aye.

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

The meeting adjourned at 8:54 p.m.

  
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Thomas C. James, Jr., Chairman

  
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Jim LaBarbara, Vice Chairman

  
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Thomas J. Weidman, Trustee

  
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Robert C. Porter III, Fiscal Officer

10/05/2021