

RECORD OF PROCEEDINGS

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

December 7, 2021

The regular meeting was called to order at 7:03 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, Fire Chief Penny and Lt. Tarr from the Hamilton County Sheriff's Office.

The invocation was read by Mr. Kellums.

Pledge to the Flag.

Mr. James noted Trustee-Elect Tracy Schwegmann was also present in the audience.

Approval of the November 16, 2021 Public Hearing and Trustees Meeting Minutes

The November 16, 2021 Public Hearing were presented for approval. Mr. Weidman made a motion, seconded by Mr. LaBarbara, to accept them.

Mr. Porter called roll. Vote: All Aye.

The November 16, 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. Emily Supinger, attorney with Strauss Troy, addressed the Board saying she would like to make comments about the Greens of Kenwood Presentation. She asked if she should comment now or after the presentation. Mr. James suggested she comment after the presentation.

Mr. Al Early, 8120 Glenmill Court, addressed the Board in regard to the Township's Electric Aggregation Program. He spoke about calling Dynegy about an issue with the rate change for the electric aggregation. He spoke about being told he would receive a refund for the issue with the rate change and asked who is holding Dynegy accountable for this error.

Mr. James stated he would also like to know how this happened and how many people were affected.

Mr. Warrick said when he found out about the billing error, he contacted the Township's broker who contacted Dynegy. He said the issue was blamed on COVID-19. He said Duke Energy would not give those affected a credit on their energy bill, so Dynegy decided to give refunds in the form of prepaid master cards. Mr. Warrick noted the issue was not just in Sycamore Township.

Mr. Early said he has never seen anyone work so hard as the Township Maintenance crews who are picking up leaves in all types of weather.

Mr. James asked Mr. Warrick to find out how many people were affected by the Dynegy billing error.

Mr. Warrick stated he will look into it and report back to the Board.

PRESENTATION – Citizen Finance Committee

Mr. Chris Virgulak, Chairman of the Citizen Finance Committee, addressed the Board with a presentation about the committee's accomplishments since its inception. A list of the committee's accomplishments was displayed, and Mr. Virgulak discussed each of them including the change to the UAN accounting software, financial reporting, a revised investment policy, a detailed TIF activity report and the recommendation to move up a level in annual financial reporting through GASB34 Basis. Mr. Virgulak thanked Mr. Warrick for his leadership, Ms. Debbie Campbell for her efforts, and Mr. LaBarbara for his service. He also congratulated Mr. Weidman and Ms. Schwegmann on the election and stated the committee can only be successful with the support of the Board of the Trustees.

Mr. James thanked Mr. Virgulak and all the Citizen Finance Committee members.

Mr. LaBarbara also thanked them and stated he hopes the Board continues to support them.

Mr. Porter thanked Mr. Virgulak and the committee, especially for their work on updating the investment policy. He stated he does disagree about the change to UAN saying that was a disaster which has cost the Township over \$100,000.00. Mr. Porter said UAN is cumbersome and not a very effective way of handling the accounting. He said the people who use it to do the reporting on staff do not like it. He said he tried to convince the Trustees and he is sorry that they did not listen to him. He said Debbie Campbell has always done the Tax Increment Financing reporting.

Mr. Virgulak stated prior to the committee's inception there was limited financial reporting available to the public.

There was a discussion about adjustments to appropriations.

Mr. James thanked the committee and commented it may be cumbersome for staff, but he appreciates the financial reporting.

PRESENTATION – The Greens of Kenwood Project

Mr. Rusty Myers, Leasing agent and Executive Vice-President of JLL Cincinnati, addressed the Board in regard to the Greens of Kenwood Project. He stated he was present to discuss a proposed project for a global tenant looking for its own statement building. He displayed renderings of the building.

Mr. Myers stated the office market is turbulent and there is a unique opportunity with a very important tenant who can bring jobs to the Township with an estimated \$20 million payroll. He noted this would be a statement building right on I-71. He showed the proposed site plan and architecture of the building. Mr. Myers pointed out some design elements including floor to

ceiling windows and green elements. He reported the tenant is a global company with about 225 employees that would occupy the building. He pointed out the site sitting fallow since 2007.

Mr. Myers said he was present to introduce the project stating they will be asking for a project TIF. He said there would be a roughly 3.4 million bond, \$2.9 million of that would be for public infrastructure. He said they are looking for the support of the Township for the project.

The Board asked questions of Mr. Myers and there was discussion about the original TIF, the history of the site, and public infrastructure.

Mr. James asked Mr. Miller what the process would be through zoning for the project.

Mr. Miller stated this would warrant a major adjustment to a PUD which would include a review by Zoning Commission for a recommendation and final review and approval by the Board of Trustees. He said it would take approximately 60 days.

Mr. James invited Ms. Emily Supinger to address the Board.

Ms. Emily Supinger, attorney with Strauss Troy, addressed the Board stating she represents Viking Partners owner of a 4,000 square foot office building at 8044 Montgomery Road. She stated her client has reason to believe the tenant Mr. Myers spoke of who does not want to be named is their tenant and it is a very desirable tenant. She stated her client is actively negotiating the lease with this tenant and the issue of the tenant's identity is critical for the Board of Trustees to know before they make any agreement to modify the existing service agreement for the TIF.

Ms. Supinger said, assuming we are talking about the same tenant, that tenant can be accommodated in their current building. She said moving one tenant from one office building to another in the same JEDZ does not do anything for the Township. She noted Viking Partners has invested \$6 million into their property and if the Township agrees this TIF for Neyer, they will be in the position of picking winners and losers.

Ms. Supinger went on to discuss the history of the site and the TIF noting Neyer Properties is now proposing only a 100,000 square foot office building when the original agreement was for 266,000 square feet of office use. She said they will not guarantee the second office building, and even if it does get built it would still fall short of the 266,000 square feet of office space they agreed to build. Ms. Supinger said compared to the original agreement, there is now a 26% reduction in the size of the hotel and an 81% reduction in office space, which she concluded is not a responsible use of the TIF dollars. She spoke about the administrative costs of having the Port Authority issue bonds. She stated the proposal should be fully vetted as a major modification to the PUD and any recommendation that comes before the Board should be considered before the Trustees decide to make any amendments to the existing service agreement.

Mr. James asked if her client would be equally opposed if the plan was to construct a 400,00 square foot office building because of the tenant.

Mr. Steve Miller, of Viking Properties, addressed the Board saying they are not opposed to development but noted Neyer Properties has an agreement with the Township and Viking Partners does not think that agreement should be modified because there is no benefit to the

Township. He said the tenant is UBS and Viking Properties can accommodate them in their current building. He stated the Township should not be in the business of picking winners and losers.

Mr. Weidman noted Neyer Properties has an obligation to provide a certain number of parking spaces, 108 he thought, for the adjacent hotel.

Mr. James asked if there is any further information about the parking.

Mr. Chris Dobrozsi, of Neyer Properties who was seated in the audience, stated there is more surface that could be used for parking as well as the garage.

Mr. Miller reported this tenant is looking at several different options to get the best deal they can.

Mr. Weidman said for the record they do want to stay in the Township.

Sheriff Patrol Report

Sgt. Sovern stated he had no report.

EMS/Fire Report

Station Repair Update

Chief Penny reported the Fire department does have COVID-19 Booster shots available if any staff members need them.

Chief Penny stated the North Station alarm system has been totally rebuilt.

Chief Penny reported the Fire Department received \$1,000.00 from Lyondell Industries which will be used to purchase smoke detectors.

Chief Penny stated back in June or July the Fire Department had to take the parking garage out of service at the old Willie's Building due to a failed inspection. He reported it is on the verge of collapse. He said because of the shortage in contractors, the owner is looking at one to two years to get the garage fixed.

Chief Penny stated he would like a resolution at the next meeting to dispose of the Fire Department's old pickup and trailer.

Roads, Maintenance & Recreation Report

Mr. Kellums reported the Parks Advisory Committee was scheduled to have a meeting last night which was a date change from November 22nd. He said Mr. Desai had said the meeting was a date change and pointed out notice of the date change was given on the Township website. He said committee member Mr. J. Janus, Jr. arrived for the meeting, stated it should have been advertised as a Special Meeting, and left the meeting. Mr. Kellums noted after Mr. Janus left there was not a quorum for the meeting so the committee could not make any decisions on the agenda items discussed.

Mr. James asked Mr. Desai to address the rules on this noting the Parks Committee is not a decision-making body it is an advisory body, but we want them to advise and be transparent.

Mr. Desai stated one could argue that this volunteer committee is not subject to the Open Meetings Act. He stated in an effort to be transparent, we follow the Open Meetings protocol for the committee. Mr. Desai said Mr. Petty has been advised to advertise a date change as a Special Meeting in future. Mr. Desai stressed that Mr. Petty is also a laborer in the Maintenance Department and sometimes, due to circumstances that arise, he is pressed for time when preparing agendas. He stated sometimes the committee is not well attended.

Mr. James asked about reducing the number of committee members needed for a quorum.

Mr. Desai said he does not think we would want there to be less than a majority but deferred to Mr. Petty. He noted discussion may still take place without a quorum as long as no decisions are made.

Mr. James suggested adding more members to the committee noting there are multiple applicants for the one vacant spot on the committee.

Mr. Kellums noted Mr. Petty has tried to keep the committee going and do what's best for the Township. Mr. James agreed saying Mr. Petty has done a good job. Mr. Kellums said he is not changing dates to hide anything and for the record the date change was on the website more than 24 hours in advance.

Mr. James asked if Mr. Desai's comments addressed Mr. Janus' concerns.

Mr. J. Janus, Jr. spoke from the audience stating it was on the website but based on what Mr. Desai said since it was not on the fourth Monday of the month it should have been advertised as a special meeting.

Mr. James said he is not discussing what has already happened right or wrong, he is asking if what Mr. Desai said about moving forward has satisfied his concerns.

Mr. Janus answered he is ok with that.

Mr. Kellums then gave updates on road projects in the Township. He stated the Kugler Mill Project looks very nice and the only item left is the setting of new lights and poles at the intersection. He said there is a small punch list but overall, it turned out very nice.

Mr. Kellums reported the Dillonvale Culvert Project is also completed. He stated this was funded with 25% of unencumbered TIF funds therefore it had to be completed before the end of the year.

Mr. Kellums reported Ford Development will now start water main installation on the Larchview project next week and have already been in taking down trees along the road which had to be removed due to storm sewer, curb and under drain work.

Mr. Kellums said leaf collection continues.

Mr. James asked if leaf collection can be extended.

Mr. Kellums answered it will go through the end of the week with the 18th being the last day due to labor shortages.

Mr. Steve Ginn, a resident in the audience, asked if the mailboxes would be coming back on one side of Kugler Mill Road.

Mr. Kellums answered no.

Mr. Ginn asked if the address sign he requested could be expedited.

Chief Penny said he will check on it.

Mr. James thanked Mr. Kellums for responding to a resident who had a question about a crosswalk on Plainfield Road and pointed out there will be a crosswalk with flashing lights so people may get to the park safely.

Planning & Zoning Report **Expired Zoning Board Terms**

Mr. Miller reported there are three terms expiring for the zoning Boards, Roger Friedmann the Chairman of the Zoning Commission, Bill Swanson the Zoning Commission Alternate, and Michael Schwartz the Board of Zoning Appeals Alternate. He stated they have all indicated they would like to continue to serve on the Boards.

Mr. Weidman made a motion, seconded by Mr. James, to renew the four-year term for Zoning Commission Chairman Roger Friedmann. Mr. Porter called roll. All Aye.

Mr. Weidman made a motion, seconded by Mr. LaBarbara, to renew the one-year term for Zoning Commission Alternate Bill Swanson. Mr. Porter called roll. All Aye.

Mr. Weidman made a motion, seconded by Mr. James, to renew the one-year term for Board of Zoning Appeals Alternate Michael Schwartz. Mr. Porter called roll. All Aye.

Mr. James thanked them for their service.

Mr. Miller reported both the Zoning Commission and Board of Zoning Appeals have been canceled in December due to lack of an agenda. He stated the public hearing before the Board of Trustees for the Land Use Plan and Text Amendments will be December 21st at 6:00 p.m.

Mr. Miller reported the Port Authority hopes to have demolition permits in hand before the end of the year to raze the buildings on the Drake Motel and Carrousel Inn sites. He instructed them to secure the buildings and the site in the meantime.

Law Director Report

Mr. Desai reported most of his items will be under executive session at the end of the agenda. He requested to amend the agenda to add an executive session item for pending litigation.

Administrator Report

Mr. Warrick reported he had 13 resolutions for the Board's consideration. He noted 12 of them are end of year resolutions. He reported the first one is a resolution for another opioid settlement.

Resolution – Reaffirming the Material Terms of the OneOhio Subdivision Settlement as it Pertains to Janssen / Johnson & Johnson

The resolution “Reaffirming the Material Terms of the OneOhio Subdivision Settlement as it Pertains to Janssen / Johnson & Johnson Pursuant to the OneOhio Memorandum of Understanding and Consistent with the Terms of the July 21, 2021 National Opioid Settlement Agreement, and Dispensing with a Second Reading and Declaring an Emergency” was read by Mr. Warrick. Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the resolution. Mr. Porter called roll. Vote: All Aye.

Resolution 2021-095 passed this 7th of December, 2021

Resolution – Adopting Appropriations for Calendar Year 2022

The resolution “Adopting Appropriations for Calendar Year 2022 and Dispensing with a Second Reading” was read by Mr. Warrick. Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the resolution. Mr. Porter called roll. Vote: All Aye.

Resolution 2021-096 passed this 7th of December, 2021

Resolution – Establishing Financial Policies for the Approval of Purchase Orders in 2022

The resolution “Establishing Financial Policies for the Approval of Purchase Orders in 2022, Dispensing with a Second Reading and Declaring an Emergency” was read by Mr. Warrick. Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the resolution. Mr. Porter called roll. Vote: All Aye.

Resolution 2021-097 passed this 7th of December, 2021

Resolution – Authorizing the Disbursement of Checks for Payroll, Payroll Related Withholdings and Expenses and Othe Expenses in 2022

The resolution “Authorizing the Disbursement of Checks for Payroll, Payroll Related Withholdings and Expenses and Othe Expenses in 2022 Dispensing with a Second Reading and Declaring an Emergency” was read by Mr. Warrick. Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the resolution. Mr. Porter called roll. Vote: All Aye.

Resolution 2021-098 passed this 7th of December, 2021

Resolution – Authorizing Membership in the Coalition of Large Ohio Urban Townships

The resolution “Authorizing Membership in the Coalition of Large Ohio Urban Townships and Dispensing with a Second Reading” was read by Mr. Warrick. Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the resolution. Mr. Porter called roll. Vote: All Aye.

Resolution 2021-099 passed this 7th of December, 2021

Resolution – Requesting the County Auditor to Make Advance Payments of Taxes

The resolution “Requesting the County Auditor to Make Advance Payments of Taxes and Dispensing with a Second Reading” was read by Mr. Warrick. Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the resolution. Mr. Porter called roll. Vote: All Aye.

Resolution 2021-100 passed this 7th of December, 2021

Resolution – Authorizing Payment for Association Dues

The resolution “Authorizing Payment for Association Dues and Dispensing with a Second Reading” was read by Mr. Warrick. Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the resolution. Mr. Porter called roll. Vote: All Aye.

Resolution 2021-101 passed this 7th of December, 2021

Resolution – Establishing Mileage Allowance for Township Employees Providing for Reimbursement Expenses

The resolution “Establishing Mileage Allowance for Township Employees Providing for Reimbursement Expenses, and Dispensing with a Second Reading” was read by Mr. Warrick. Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the resolution. Mr. Porter called roll. Vote: All Aye.

Resolution 2021-102 passed this 7th of December, 2021

Mr. Warrick noted the Fiscal Officer and Trustee salaries are set by State statute.

Resolution – Setting the Township Fiscal Officer’s Salary and Benefits

The resolution “Setting the Township Fiscal Officer’s Salary and Benefits, and Dispensing with a Second Reading” was read by Mr. Warrick. Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the resolution. Mr. Porter called roll. Vote: All Aye.

Resolution 2021-103 passed this 7th of December, 2021

Resolution – Providing for Compensation to the Township Trustees

The resolution “Providing for Compensation to the Township Trustees and Dispensing with a Second Reading” was read by Mr. Warrick. Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the resolution. Mr. Porter called roll. Vote: All Aye.

Resolution 2021-104 passed this 7th of December, 2021

Resolution – Providing Insurance Benefits to the Township Trustees and Fiscal Officer

The resolution “Providing Insurance Benefits to the Township Trustees and Fiscal Officer and Dispensing with a Second Reading” was read by Mr. Warrick. Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the resolution. Mr. Porter called roll. Vote: All Aye.

Resolution 2021-105 passed this 7th of December, 2021

Mr. Warrick reported when we switched to OTARMA insurance, we no longer have to purchase bonds. He stated the following resolution is required to go along with this change.

Resolution – Adopting a Policy to Allow the Use of an Employee Dishonesty and Faithful Performance of Duty Coverage Document

The resolution “Adopting a Policy to Allow the Use of an Employee Dishonesty and Faithful Performance of Duty Coverage Document” was read by Mr. Warrick. Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the resolution. Mr. Porter called roll.

Vote: All Aye.

Resolution 2021-106 passed this 7th of December, 2021

Resolution – Setting Trustee Meeting Dates and Times

The resolution “Setting Trustee Meeting Dates and Times and Dispensing with a Second Reading” was read by Mr. Warrick. Mr. Weidman made a motion, seconded by Mr. LaBarbara, to approve the resolution.

Mr. James said he neglected to mention Trustee-Elect Tracy Schwegmann was present in the audience and asked if she is ok with the days and times set in the resolution.

Mr. Porter called roll. Vote: All Aye.

Resolution 2021-107 passed this 7th of December, 2021

Purchase Orders Over \$5,000.00

Mr. Kellums presented the following purchase order for approval:

759-2021	Ohio Treasurer	CB13L Loan Payment	\$37,499.17
768-2021	Jefferson Health Plan	Fire Health Care	\$116,730.50
788-2021	Cintas Fire	Alarm System	\$32,879.00
793-2021	Parr Public Safety Equipment	Equipment for 2021 Tahoe	\$6,676.06
794-2021	Parr Public Safety Equipment	Equipment for 2021 Silverado	\$6821.23
795-2021	Knox Company	Knox Boxes	\$11,821.00
796-2021	River City Body	Fold Away Cargo Shelving	\$10,933.00
811-2021	Restroom Direct	Touchless Drinking Fountains	\$14,723.58
822-2021	Joseph Chevrolet	2022 Chevrolet Silverado	\$47,935.00
823-2021	Veleanor, LLC	Phone Upgrades	\$26,500.00
826-2021	Bureau of Workers' Compensation	2022 Policy	\$98,790.00

Mr. Kellums pointed out purchase orders 811, 822 and 833 are using Cares Act funds.

Mr. Weidman made a motion to approve these requests. Mr. LaBarbara seconded the motion.

Mr. James noted the purchase order numbers for the record.

Mr. Porter called roll. Vote: All Aye.

Fiscal Officer Report

Pay Bills and Read Receipts

The receipts in the amount of \$748,970.31 and disbursements in the amount of \$457,668.30 for December 7, 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. Weidman stated the crew doing leaf pickup is doing a fantastic job.

Mr. LaBarbara thanked the maintenance crews for doing a great job as well.

Mr. James reported he went to an event sponsored by CLOUT (Coalition of Large Urban Townships) which was a valuable discussion on how to spend federal funds. He then thanked Mr. Weidman and his wife for a personal gesture they made to his wife.

Announcement Changes

Mr. James noted both the Zoning Commission and Board of Zoning Appeals Meetings had been canceled in December due to lack of an agenda. 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 consider the employment, discipline, and compensation of public employees or officials; to consider the investigation of complaints against a public official; to discuss imminent litigation; and to discuss pending litigation.

Mr. Weidman stated he would like to include Trustee-Elect Schwegmann in the Executive Sessions.

Mr. James stated she will be included to the extent possible at the advice of Mr. Desai.

Mr. James invited Mr. Porter, Mr. Warrick, Mr. Kellums, Mr. Miller, and, to the extent possible, Ms. Schwegmann, into the executive session with the Trustees and Law Director.

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

End Regular Session: 8:41 p.m.

Begin Executive Session: 8:45 p.m.

End Executive Session: 10:57 p.m.

Back in Regular Session: 10:59 p.m.

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

Mr. James reported the Board will hold a special meeting on Thursday, December 9, 2021 at 3:30 p.m. and will hold an executive session at that time to discuss the employment of a public employee per ORC 121.22. He said there will be a public notice for the special meeting.

Mr. James said there is an additional resolution for the Board's consideration.

Mr. Desai entertained a motion to amend the agenda to consider an additional resolution "Retaining the Law Firm of Donnellon, Donnellon & Miller as Legal Counsel and Retaining Deepak K. Desai, an Attorney with Donnellon, Donnellon & Miller, as the Township Law Director."

Mr. James made a motion to amend the agenda to consider a resolution "Retaining the Law Firm of Donnellon, Donnellon & Miller as Legal Counsel and Retaining Deepak K. Desai, an Attorney with Donnellon, Donnellon & Miller, as the Township Law Director." Mr. LaBarbara seconded. Mr. Porter called roll.

Mr. James asked to see the resolution and asked if the rate is the same as it is currently.

Vote: All Aye.

Resolution – Retaining the Law Firm of Donnellon, Donnellon & Miller as Legal Counsel and Retaining Deepak K. Desai, an Attorney with Donnellon, Donnellon & Miller, as the Township Law Director

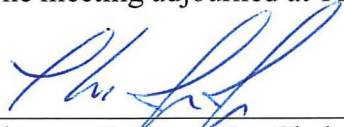
The resolution “Retaining the Law Firm of Donnellon, Donnellon & Miller as Legal Counsel and Retaining Deepak K. Desai, an Attorney with Donnellon, Donnellon & Miller, as the Township Law Director and Dispensing with the Second Reading” was read by Mr. Desai. Mr. James made a motion, seconded by Mr. LaBarbara, to approve the resolution. Mr. Porter called roll.

Vote: Mr. James; Aye; Mr. LaBarbara: Aye; Mr. Weidman: No

Resolution 2021-108 passed this 7th of December, 2021

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

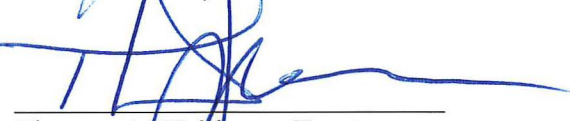
The meeting adjourned at 11:02 p.m.



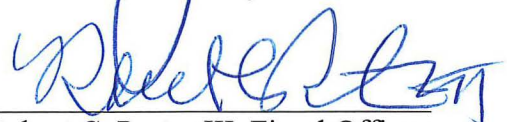
Thomas C. James, Jr., Chairman



Jim LaBarbara, Vice Chairman



Thomas J. Weidman, Trustee



Robert C. Porter III, Fiscal Officer
12/07/2021