

RECORD OF PROCEEDINGS

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

January 18, 2022

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

Present for the meeting were Chairman Weidman, Vice Chairman Schwegmann, Trustee James, Interim Law Director Barbieri, Fiscal Officer Porter, Interim Administrator / Superintendent 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.

Approval of the January 4, 2022 Special Trustees Meeting Minutes

The January 4, 2022 Special Trustees Meeting Minutes were presented for approval. Mr. James made a motion, seconded by Ms. Schwegmann, to accept them.

Mr. Porter called roll. Vote: Mr. James: Aye; Ms. Schwegmann: Aye; Mr. Weidman: Aye

Approval of the January 4, 2022 Trustees Meeting Minutes

The January 4, 2022 Trustees Meeting Minutes were presented for approval. Mr. James made a motion, seconded by Ms. Schwegmann, to accept them.

Mr. Porter called roll. Vote: Mr. James: Aye; Ms. Schwegmann: Aye; Mr. Weidman: Aye

Presentation – Deer Park Library

Mr. Chris Smith, of the Deer Park Branch Library, addressed the Board presenting information about the new library space in the Dillonvale Shopping Center which opened on December 10, 2021. He reported attendance at the new library and use of its services has greatly increased. He noted the library is open 10:00 a.m. to 9:00 p.m. Monday through Thursday; 10:00 a.m. to 6:00 p.m. Friday and Saturday; and 1:00 p.m. to 5:00 p.m. on Sunday. Mr. Smith went on to report on the amenities of the new location including seven study rooms, two meeting rooms, in-person story time for preschoolers and after school events. He said as the pandemic allows, they plan to hold more events in the future. He said the study rooms and meeting rooms may be booked in advance.

Public Comments

No one from the public signed up to make comments.

Sheriff Patrol Report

Lt. Tarr reported the Sheriff's Office is still working under limited response due to COVID-19.

Mr. James noted the Highpoint Neighborhood Watch was canceled in January and asked if there were plans to schedule a meeting.

Lt. Tarr answered P.O. Bittermann is staying on top of that and is hoping they may meet in February.

EMS/Fire Report
Station Repair Update

Chief Penny reported the floors and windows have been installed at Station 93 and the exhaust system should be finished by the end of the week.

Chief Penny reported the truck and trailer that the Trustees passed a resolution to dispose of had been sold on GovDeals for \$21,555.00. He noted Mr. Kellums will have a purchase order for the Board's consideration later in the meeting for a new water heater for the Fire Department.

Roads, Maintenance & Recreation Report

Mr. Kellums reported he had sent the Board a copy of a proposal from Elgin for a street sweeper. He said Mr. James commented the proposal was made out to Symmes Township and said that is because we are looking to split this with them. He said Sycamore Township's portion of the cost would be \$131,000.00 which is in the budget. He pointed out the Maintenance Department currently rents a street sweeper for \$20,000.00 per year, \$10,000.00 in the spring and \$10,000.00 in the fall, to sweep the streets the minimum twice a year required by the EPA. Mr. Kellums requested approval from the Board to partner with Symmes Township for the purchase of the street sweeper. He pointed out the indemnification clause Mr. Barbieri had concerns about had been removed from the proposal.

Mr. James asked what kind of agreement the Township would have with Symmes Township.

Mr. Kellums answered it will be a 50/50 use that will be scheduled and whoever uses it last will store it.

Ms. Schwegmann asked if street sweeping will be more than twice a year.

Mr. Kellums answered he hopes to double that, and this will give us the option to do so when we have construction projects that dirty the streets.

Ms. Schwegmann asked the projected life span of the street sweeper.

Mr. Kellums answered 20 years.

Mr. Weidman asked if this could be funded with TIF.

Mr. Kellums answered yes.

Mr. Miller asked if this has the vacuum on it as well.

Mr. Kellums answered yes saying the catch basins are currently cleaned out by hand because we do not have a vacuum which is a safety issue as sometimes there are hypodermic needles from drug users in the catch basins. He said this purchase will also allow the catch basins to be cleaned out more safely.

Mr. James asked about the possibility of using Federal ARPA funds for the purchase.

Mr. Kellums answered that is possible, but those funds may be used for operations, therefore, he would rather use TIF.

Mr. James made a motion to work with Symmes Township to enter into an arrangement to purchase a shared street sweeper. Ms. Schwegmann seconded. Mr. Weidman said this is a good use of TIF funds and will save the Township and Symmes money. Mr. Porter called roll. Vote: All Aye.

Mr. Kellums displayed an award Sycamore Township received from Hamilton County R3Source for the Best Township Waste Diversion Rate for recycling. He noted this is the third year in a row that Sycamore Township has been the recipient of this award. He reported the award itself is made from recycled materials and congratulated Township residents for their recycling efforts.

Motion to Advertise for an RFQ for Gideon Lane Culvert Project

Mr. Kellums reported the existing steel culvert under Gideon Lane has rusted and needs to be replaced noting the Township did receive grant money to pay for half. He requested a motion to advertise for an RFQ for engineering for this project.

Mr. James made a motion to advertise for an RFQ for the Gideon Lane Culvert Project. Ms. Schwegmann seconded the motion. Mr. Porter called roll. Vote: All Aye.

Motion to Advertise for an RFQ for Montgomery Road Sidewalks

Mr. Kellums reported the Township was successful in getting a SORTA Grant to pay for 50% of the cost to construct new sidewalks on Montgomery Road between Stewart Road and Ken Arbre. He requested a motion to advertise for an RFQ for engineering for this project.

Mr. James made a motion to advertise for an RFQ for the Montgomery Road Sidewalk Project as described by Mr. Kellums. Ms. Schwegmann seconded the motion. Mr. Porter called roll. Vote: All Aye.

Motion to Advertise for 2022 Road Program

Mr. Kellums requested a motion to advertise for the 2022 Road Program. He said the project will take place in the Kenwood Meadows neighborhood and reported the Township has reached an agreement with Greater Cincinnati Waterworks for them to fund over \$300,000.00 of this project.

Mr. James made a motion to advertise for the 2022 Road Program as described by Mr. Kellums. Ms. Schwegmann seconded the motion. Mr. Porter called roll. Vote: All Aye.

Mr. Kellums said the maintenance crews were out over the weekend pre-treating the roads and plowing snow.

Planning & Zoning Report

Mr. Miller presented the resolutions for the Zoning Cases that were the subject of the public hearings before the meeting.

Resolution – Zoning Case 2021-11LU

The resolution “Adopting a New Land Use Plan for Sycamore Township and Dispensing with the Second Reading” was presented by Mr. Miller. Mr. James made a motion, seconded by Ms. Schwegmann, to approve the resolution as amended.

Mr. Weidman thanked the Land Use Steering Committee and Mr. Miller for the work on the Land Use Plan.

Ms. Schwegmann thanked the Zoning Commission as well.

Mr. James thanked members of the public for their input.

Mr. Porter called roll. Vote: All Aye.
Resolution 2022-002 passed this 18th day of January, 2022

Resolution – Zoning Case 2021-12T

The resolution “Approving Text Amendments to the Sycamore Township Zoning Resolution and Dispensing with the Second Reading” was presented by Mr. Miller. Mr. James made a motion, seconded by Ms. Schwegmann, to approve the resolution. Mr. Porter called roll. Vote: All Aye.
Resolution 2022-003 passed this 18th day of January, 2022

Resolution - 11937 3rd Avenue Nuisance Property

The resolution “ Providing for and Authorizing Removal of Vegetation, Garbage, Refuse and Other Debris and Declaring a Nuisance for the Property Located at 11937 3rd Avenue, Sycamore Township, OH 45249” was presented by Mr. Miller.

Mr. Miller showed photos of the violations on the property on the screen and described them.

Mr. Weidman noted it is a repeat offender.

Mr. James asked if the property is owner occupied.

Mr. Miller answered he is not sure and reported there had been no response from the owner to the notice of violation.

Mr. James made a motion, seconded by Ms. Schwegmann, to approve the resolution, dispensing with a second reading. Mr. Porter called roll. Vote: All Aye.
Resolution 2022-004 passed this 18th day of January, 2022

Mr. Miller reported he had a conversation with Mr. Gregg Fusaro of Capital Investment Group regarding the construction of the hotel pad. He said there was a reduction in height of the hotel pad by one story and a very small change to the footprint of the building which was approved as a minor adjustment. He said there will be a restaurant unit in that space as well. Mr. Miller reported he has been informed the new owners of the property are interested in PACE (Property Assessed Clean Energy) financing, so he expects there to be an ESID meeting convened on that with resolutions coming before the Board of Trustees sometime in February.

Mr. Miller said he was told the multi-family portion of the development is set to be completed and accepting leases in April. He said there is nothing concrete to report on the office pad yet.

Mr. James asked Mr. Miller to explain the change to the building footprint.

Mr. Miller answered it is an "L" shaped hotel and the foot has extended eight feet out toward their own parking lot adjacent to the Kenwood Place development and there has been a one-story reduction in the height. He said the encroachment is towards the apartment building and does not make the building any closer to any property line.

Mr. James asked if the amended plan is on the Township's website.

Mr. Miller answered he will check.

Law Director Report

Mr. Barbieri reported letters had been mailed last week to the sex offenders in the Township who are in violation of the Township's resolution.

Mr. Barbieri reported he was tasked with looking at the Township's employee handbook and said he is concerned about the language in Section Seven having to do with political activity policy and in particular the part titled Township-Related Political Activities. He said there was a case from 1990 that may have been the basis for the language but more recent decisions by the United States Supreme Court leave doubt that this would be considered constitutional if it were challenged. Mr. Barbieri recommended this section be removed from the employee handbook. He cited a 2006 Supreme Court decision in support of public employees' first amendment rights.

Mr. Weidman gave the history on this section of the handbook saying it was added a couple of years ago with the majority of the Board voting in favor of it. He stated he voted no on it because it is a clear violation of our employees' first amendment rights. Mr. Weidman said he does not want to expose the residents to this liability if it were to go to federal court. He said this is a bad policy and the Township should not tell employees what to do on their free time.

Mr. Weidman made a motion to remove the Political Activity Policy from the Sycamore Township Employee Handbook. Ms. Schwegmann seconded the motion.

Ms. Schwegmann stated she is not interested in restraining the activities of employees on their own time and noted the Supreme Court has ruled in favor of first amendment rights.

Mr. James said this change was made a couple of years ago and at the time Mr. Weidman stated he had consulted three legal scholars on the subject but would not tell Mr. James the names of those people. He said he is open to persuasion and understands there are concerns but at the time Law Director Desai had said there is risk, but he was confident we could defend this particular plan. Mr. James said this came about because historically there has been concern about Township employees campaigning for their elected bosses or being pressured to campaign for them. Mr. James said the result was this narrowly tailored policy which limits employees overtly campaigning within the Township.

Mr. James said he does not have a problem with limiting the policy more, if necessary, but he does not think it should be tossed out. He stated he thinks something should be in the handbook to preserve the goal of an apolitical workplace in which there is no pressure on employees to

campaign for their bosses. He said that goes on in Hamilton County and added Ohio politics is sickly, vaguely corrupt which he does not like.

Mr. Weidman said he has been with the Township 27 years, and he has never heard a resident say they were concerned about employees working in campaigns. He said for Mr. James to suggest this has been a problem is looking for answers for a problem that does not exist. Mr. Weidman concluded the Board should respect employees First Amendment rights to do as they please when they are not on the job. He said language saying we should not be pressuring people to engage politically would be more than enough to try to keep the workplace apolitical.

Mr. James stated he has been told by residents they were concerned about employees campaigning.

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

Administrator Report

Mr. Kellums reported he had sent the Board photos of sign designs Symmes Township is considering for the Snider Road bridge. He said both Symmes Township and ODOT would like to know if the Township is interested in partnering with them to put the Townships' names on the bridge. Mr. Kellums said he thinks it is a great idea for Sycamore Township name recognition. He said the project will be done in 2023-2024 and includes refacing of the bridge face and decking so he has asked if a sidewalk could be added to connect people to Kemper Road. He said ODOT thinks that can be done and will put a cost together.

Mr. Kellums displayed the sign he refers with green lettering noting it would have the Township's logo on each side of the lettering. He stated TIF funds may be used for this expense which would be \$100,000.00 to \$150,000.00 to get the fence, parapet, emblems, and the Township's name. Symmes estimates \$25,000.00 for engineering for the project, and we would pay half of that as well.

The Board asked for clarification on the cost.

Mr. Weidman asked if the sign would be facing northbound or southbound.

Mr. Kellums answered it would be facing southbound as people are entering Sycamore Township.

Mr. James asked who would be responsible for maintenance of the sign since it would be in Symmes Township.

Mr. Kellums answered there would be an agreement in which we would be responsible for the maintenance of our sign and Symmes would be responsible for theirs.

Mr. James asked if we decline to do this if Symmes Township would move forward with their sign. He also asked if that were the case if there would be a chain link fence on our side with no cost to us.

Mr. Kellums answered Symmes Township plans to move forward regardless of our decision and there would be no cost to us if we do not want any improvements. He said there would be cost

for the sidewalk if the Board decides to do that later. He noted the Board had tasked him with improving sidewalks and described the sidewalk progress in the northern portion of the Township.

Ms. Schwegmann noted a resident recently came to a Trustees Meeting requesting sidewalks on Snider Road and School Road. She said a sidewalk over the bridge is key and the fact that it is eligible for TIF funds as opposed to taxpayer dollars makes it more attractive. She noted the newly adopted Land Use Plan calls for sidewalks and gateways at key access points. Ms. Schwegmann stated this meets these key objectives of the Land Use Plan.

Ms. Schwegmann made a motion to proceed with the Sycamore Township's portion of the decorative and structural road improvement to Snider Road as described by Mr. Kellums. Mr. Weidman seconded.

Mr. James asked if the sidewalk was separate and if the Board voted no on the fence if the sidewalks could still be done in the future.

Mr. Kellums answered yes.

Mr. James stated paying for this cosmetic improvement with TIF does not mean there is no cost and noted the TIF money could be used for other things. He said this is the sort of thing that when he moved to Ohio he noticed, and he thought was a spectacular waste of taxpayer money. He said this is local government spending money on frilly things we do not need. He concluded he cannot justify spending the money on it.

Mr. Porter called roll. Mr. James: No; Ms. Schwegmann: Aye; Mr. Weidman: Aye

Mr. Kellums reported he sent the Board the final job description for the open Township Administrator position.

There was a brief period in which the audio for the meeting was not working correctly and the meeting was briefly halted while that was remedied.

Mr. James reviewed for the record some of the discussion that took place while the audio was not working properly. He said he had commented there were some items missing in the job description he had suggested such as a requirement that the candidate be a member of ICMA with a demonstrated history of adherence to the ICMA Code of Ethics. He said Mr. Weidman had suggested that is something that the Board may question the candidate during vetting. He said his other concern was the removal of his proposed bullet point "Maintains impartiality and equal treatment as to each Board member, including by keeping them equally informed as to Township government business and events." He said that has been a concern of multiple people in the past and is an important responsibility of the job. He asked why that was removed.

Mr. Kellums answered that and the bullet point about politics sounded unprofessional and would make candidates concerned about coming to work at the Township.

Mr. James disagreed saying it is important to have those items included as several of the elected officials have had concerns about that in the past. He noted the bullet point about refraining from politics is taken from the ICMA Code of Ethics. He noted it is important for the candidates to

know this is expected and for our residents to know the Board thinks an apolitical workplace is important.

Ms. Schwegmann said she is happy to see attention turned to the notion of an apolitical Administrator, but she is not sure the job description is the right place for it. She suggested other ways to ensure potential candidates would be impartial and apolitical.

Mr. Weidman agreed the job description is not a good place.

Mr. Weidman made a motion to move forward with advertising for the Sycamore Township Administrator position using the job description presented by Mr. Kellums. Ms. Schwegmann seconded the motion. Mr. Porter called roll.

Mr. James said he has made his point, and this will be an important concern of his during the interview process. He stated overall the description is good.

Vote: Mr. James: Aye; Ms. Schwegmann: Aye; Mr. Weidman: Aye

Mr. Miller requested to speak as he neglected to bring up something in his report. He reported there has been interest from a private property owner to vacate a paper street section of Spencer Avenue. He explained how Pine Road forms a cul-de-sac adjacent to the Spencer Road paper street. He said preliminary research shows there are no public utilities or public use on the paper street, therefore, we are interested in petitioning the County Commissioners to consider a vacation of this section of the paper street. Mr. Miller stated the developer is willing to pay for any surveying or right of way vacation plats that would be needed. He explained how the section would be bisected if it were to be vacated.

The Board asked questions of Mr. Miller.

Mr. Weidman made a motion to direct staff to proceed with the vacation petition to Hamilton County. Mr. James seconded. Mr. Porter called roll. Vote: All Aye.

Mr. Kellums followed up on the refunds to aggregation customers overcharged by Duke Energy saying he is still waiting on quantitative numbers of those effected by the mistake, but they said all the rebates have been mailed as of last week and people should be receiving them soon. He said there were four communities effected by this it was not just Sycamore Township.

Purchase Orders Over \$5,000.00

Mr. Kellums presented the following purchase orders over \$5,000.00 for approval:

22-172	Blanket Vendor	Parks Trash/PT	\$25,000.00
22-174	Rumpke Container Service	Trash 8540 Kenwood	\$5,200.00
22-175	Jill A. Schiller, Treasurer	Real Estate Taxes	\$100,000.00
22-176	Blanket Vendor	Roads Utilities	\$8,000.00
22-178	Bureau of Workers' Compensation	2021 Payroll True-Up	\$35,780.00
22-180	Safety Compliance Inspections	Fire Prevention Pay	\$48,831.00
22-185	Nixco Plumbing	Tankless Water Heater	\$5,315.83
22-191	Cincinnati Bell Telephone	Utilities	\$12,163.20

Mr. James made a motion to approve these requests as listed and detailed by Mr. Kellums. Ms. Schwegmann seconded.

Mr. James asked on which properties we pay real estate taxes.

Mr. Kellums answered some of them are properties we have filed for exemption on, but we must pay the tax until the exemption is approved.

Mr. James asked about the water heater and why it is so expensive.

Chief Penny answered the tankless is about the same price as a regular water heater.

Mr. James asked if the money is appropriated for the requests.

Mr. Kellums answered yes.

Mr. James pointed out Ms. Gunderson pointed out to him after the last meeting that the report which appeared to show money was not appropriated was a printing glitch in the report and she provided him with a report demonstrating that.

Mr. Porter called roll. Vote: All Aye.

Fiscal Officer Report

Pay Bills and Read Receipts

The receipts in the amount of \$307,640.23 and disbursements in the amount of \$637,950.82 for January 18, 2022 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. James, seconded by Ms. Schwegmann.

Mr. Porter called roll. Vote: Mr. James: Aye; Ms. Schwegmann: Aye; Mr. Weidman: Aye

Trustee Comments

Ms. Schwegmann stated a lot was accomplished tonight and thanked staff for their work.

Mr. James said staff works hard and we all appreciate that. He said even though we sometimes disagree we are all trying to work for the common good of the Township. He said he respects his fellow Trustees views, and he hopes they respect his. Mr. James thanked the road crews for their work during the snow.

Mr. Weidman thanked the road crew as well.

Announcement Changes

Mr. Weidman noted the Board of Zoning Appeals Meeting is canceled due to lack of an agenda.

Executive Session

A motion was made by Mr. Weidman to adjourn the meeting into executive session with the Township Law Director as permitted by Ohio Revised Code Section 121.22(G)(1) to consider the employment of a public employee or official and as permitted by Ohio Revised Code Section 121.22(G)(3) to discuss imminent litigation.

Mr. James seconded the motion.

Mr. Porter called roll. Vote: Mr. James: Aye; Ms. Schwegmann: Aye; Mr. Weidman: Aye

End Regular Session: 8:20 p.m.

Begin Executive Session: 8:25 p.m.

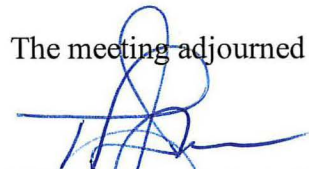
End Executive Session: 8:40 p.m.

Back in Regular Session: 8:44 p.m.


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

A motion was made by Mr. James, seconded by Ms. Schwegmann, to adjourn the meeting. Mr. Porter called roll. Vote: All Aye.


The meeting adjourned at 8:45 p.m.




Thomas J. Weidman, Chairman



Tracy Schwegmann, Vice Chairman



Thomas C. James, Jr., Trustee



Robert C. Porter III, Fiscal Officer
01/18/2022