

## RECORD OF PROCEEDINGS

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

February 1, 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 Sgt. Sovern from the Hamilton County Sheriff's Office.

The invocation was read by Chief Penny.

Pledge to the Flag.

#### **Presentation – Dan Deters, Energy Alliance**

Mr. Weidman invited Dan Deters to address the Board and help clear up the confusion about the rebates Sycamore Township residents have received from Dynegy, the electric aggregation supplier.

Mr. Dan Deters, of Energy Alliance, addressed the Board. He stated the billing issues were discovered last summer when a resident reached out to Mr. Weidman about his invoice. Dynegy sent the reduction in the rate to Duke but for some reason the rate was not properly lowered in four of the communities Dynegy services, including Sycamore Township. He said Energy Alliance requested Dynegy give them a plan of how they would refund the money to affected customers at which point they produced the plan to send the gift cards.

Mr. Deters said the letter and gift card were sent to the Township for approval in the fall. He noted Duke Energy will not put a credit on customer invoices. He stated there were two issues with using the cards to refund customers: the card was placed over the terms and conditions on the letter stating there is no fee and customers have been suspicious of the letter and card thinking it may be a scam.

Mr. Deters gave the phone number for the company taking care of the rebate cards (North Lane - 877-483-3028) saying they can tell you the card balance, how much of the balance has been spent, and they will send a check if people prefer.

Mr. Weidman stated part of the problem is people are contacted often from energy suppliers trying to get them to switch to a different source it can be confusing. He said a lot of people have called the Township.

Mr. Deters said he would give the Township some information to put on the website.

Mr. James said it was confusing because people thought there was a fee, and many were told the card had a zero balance not knowing you must activate the card to see the balance. He then asked questions of Mr. Deters.

Ms. Schwegmann stated it is good they will be able to track the usage of the cards because some people could have thought it was a scam and tossed the card.

There was discussion about unclaimed funds.

### **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 pending and imminent litigation.

Mr. James seconded the motion.

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

End Regular Session: 7:16 p.m.

Begin Executive Session: 7:20 p.m.

End Executive Session: 8:08 p.m.

Back in Regular Session: 8:10 p.m.

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

### **Approval of the January 18, 2022 Public Hearing Minutes**

The January 18, 2022 Public Hearing 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 18, 2022 Trustees Meeting Minutes**

The January 18, 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

### **Public Comments**

No one from the public signed up to speak at the meeting.

### **Sheriff Patrol Report**

Sgt. Sovern stated he had no report.

### **EMS/Fire Report**

#### **Station Repair Update**

Chief Penny reported the drawings for the Station 93 HVAC system are complete and he will set up a meeting to review them with Mr. Kellums and Lt. Feichtner.

Chief Penny reported he completed the final audit for the Cares Act funds used in 2021.

Chief Penny reported the Fire Department must perform a data collection audit for Medicare for 2022 and complete a 46-page report to be submitted in May, 2023. He said it will be very labor intensive to gather all the necessary data to complete the report.

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

Mr. Kellums reported the Larchview Drive/Plainfield Road Project continues with half the water main in and a pressure test being performed. He said full construction will begin in the spring.

Mr. Kellums reported the Maintenance Department is preparing for the winter storm predicted for later in the week. He said staff will be working 12-hour shifts and pre-treating will not be possible with rain predicted first. He noted the rain will then transition to ice before the snow which will make clearing the streets more difficult.

### **Planning & Zoning Report**

Mr. Miller reported he had one public nuisance resolution for the Board's consideration generated by neighborhood complaints. He showed photos of the violations on the property noting there has been no response from the property owner.

#### **Resolution - 11903 4<sup>th</sup> 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 11903 4<sup>th</sup> Avenue, Sycamore Township, OH 45249" was presented by Mr. Miller. 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 2022-005 passed this 1<sup>st</sup> day of February, 2022

Mr. Miller reported the Zoning Commission will meet on February 14<sup>th</sup> at 6:00 p.m. to hear Zoning Case 2022-01P2 for Tire Discounters. He stated Tire Discounters purchased the adjacent former Graeter's ice cream location on Kenwood Road and is proposing to consolidate the lots, demolish both buildings and construct a new Tire Discounters building on the site. Mr. Miller noted it is a PUD2 therefore it will also be heard by the Board of Trustees at a later date.

Mr. Miller reported both the former Drake and Carrousel properties on Reading Road have been secured by the Port Authority. He stated they have an agreement with Hamilton County Sheriff for regular patrols and have blocked vehicular traffic to the site. He said he does not yet have a date for demolition of the buildings.

Mr. James asked Mr. Miller if he had any updates from the developer regarding construction of the new homes on Kugler Mill Road.

Mr. Miller answered they are trying to develop the first site and have been admonished for driving equipment on the newly constructed road and tracking debris and mud onto the road. He said they must put better measures in place as the Township will not tolerate damage to the new road.

#### **Law Director Report**

Mr. Barbieri had no report.

#### **Administrator Report**

Mr. Kellums reported he heard a lot about ARPA funds at the OTA (Ohio Township Association) Conference in Columbus. He said there is a new ruling that allows a claim for \$10,000,000.00 in loss of revenue without documentation. He said the funds may now be used for anything having to do with government services except for paying off loans and interest.

Mr. Barbieri reported the OTA put out a couple of sample resolutions with regard to revenue replacement under ARPA.

There was a discussion about the resolutions and the Board instructed Mr. Barbieri to prepare a resolution for consideration at the next Trustees Meeting.

#### **Parks Advisory Committee**

Mr. Kellums reported the Parks Advisory and Citizen Finance Committees were intended to be Trustees advisory committees; however, they seem to be going off in their own direction. He stated he forwarded some particular emails to the Board that involved the Parks Advisory Committee in particular that were slanderous to Township employees, Trustees, and other Board members.

Mr. Kellums stated he does not think that should be tolerated from any committee member representing the Township. He stated Jason Petty, Parks and Public Spaces Supervisor, is the Chairman of the Parks Advisory Committee. He establishes the agenda and has received flack from the committee members about the agenda. He noted the Township does not need a committee to tell them what maintenance needs to be done in the parks, rather, what is needed is a special events committee with active participants who are willing to help.

Mr. James said the Parks Advisory Committee was established to generate ideas and was not put in place to represent the Township. He said there have been good ideas from the committee and agreed re-envisioning how the committee works is not a bad idea.

Mr. Weidman said after hearing from Mr. Petty he thinks that the Board should dissolve the group noting he asked the Law Director to prepare a resolution. He thanked everyone on the committee for their service and encouraged them to apply to serve on the new committee which will be more of an events-oriented committee.

Mr. Kellums said some it could have been the Board did not provide the committee with enough direction.

Ms. Schwegmann said she thinks community involvement is good and important noting before being elected Trustee she served on the Land Use Steering Committee. She stated it is an honor and privilege to serve and there should be a minimum standard of conduct for those serving. Ms. Schwegmann said they should be expected to treat fellow committee members and staff members supervising the committee with respect. She added they should be expected to work with fellow committee members in a collaborative fashion. Ms. Schwegmann agreed it could be the Township needs to provide better direction to the committees so they may be more productive.

**Resolution – To Dissolve the Sycamore Township Parks Advisory Committee**

The resolution “To Dissolve the Sycamore Township Parks Advisory Committee” was presented by Mr. Barbieri. Mr. Weidman made a motion, seconded by Ms. Schwegmann, to approve the resolution, dispensing with a second reading.

Mr. James stated this is a surprise and requested to read the resolution before voting on it. He stated he would appreciate these things being provided prior to the meeting for review and that the Administrator notify him in advance of the meeting.

Mr. Barbieri commented there has been a push by the courts lately for committees to be subject to the Ohio Sunshine Laws. He gave an example of a current court case and stated any committees must be informed of the current Sunshine Laws.

Mr. James said disagreements over that have been an issue with the Parks Advisory Committee.

Mr. Kellums said we have been following the Open Meetings Act.

Mr. James said he does not think there is a rush to adopt the resolution before a replacement plan is made and recommended waiting.

Mr. Weidman said the Board members received the emails going around from one of the committee members saying if that was one of his employees, he would have terminated them on the spot. He said this is an opportunity for a fresh outlook and he supports the resolution. He is in favor of moving forward with the resolution.

Mr. Porter called roll. Vote: Mr. James: No; Ms. Schwegmann: Aye; Mr. Weidman: Aye  
Resolution 2022-006 passed this 1<sup>st</sup> day of February, 2022

**Citizen Finance Committee**

Mr. Kellums stated the Citizen Finance Committee meetings is also supposed to be an advisory committee to the Trustees. He said in his opinion, the advisory capacity should be more for special projects such as bonds and not necessarily monthly review of the finances.

Mr. James said the committee has been looking at those things, such as bonds, investments and TIFs, and has plans to do so in the future. He said the committee is not political and he hopes Mr.

Porter finds it helpful noting he has attended many of the meetings. Mr. James said he thinks it should continue saying it would be a good thing to provide them guidance.

Mr. Kellums stated he thinks Mr. Porter should be more involved in the committee. Mr. James agreed.

Mr. Porter stated he was against the committee in the very beginning because it was constituted for a very specific purpose. He said other communities that have such committees are to advise the Board on whether or not to have a levy. He stated the current committee acts as an auditor and causes a burden on the Fiscal Office. He said he thinks the committee was constituted for political reasons and that it should be re-constituted with a different make-up but noted that is up to the Board.

Ms. Schwegmann stated citizen involvement in the form of committees can bring a lot of expertise on specific topics when there is good guidance and direction by the Township. She said she is not certain we have that with the current finance committee. She commented on her own experience being involved in the Land Use Steering Committee which she said benefited from the guidance of Mr. Miller in staying focused on the end goal. She said she gets the sense that some of these are ad hoc groups that get together and decide what they are going to talk about without a great deal of focus. Ms. Schwegmann stated it is incumbent upon the Board to provide some good focus so the committees can provide us with some real value.

Mr. James noted Ms. Schwegmann has not attended any Citizen Finance Committee meetings and asked if she was basing that perception or what she has been told by Mr. Porter who dislikes the committee.

Ms. Schwegmann answered not at all saying she has gotten calls from committee members, and some of what the committee does seems duplicative to her as opposed to additive.

Mr. Porter noted the finance committee has been setting its own agenda; the Trustees are not giving them an agenda. He said his opinion is their agenda was to change the accounting system.

Mr. James said this is a group of very capable, professional residents who want to advise us on what we are doing and keep an eye on what we are doing for the residents. He said they also keep an eye on Mr. Porter and our staff on what they are doing and have made some very valuable recommendations. He discussed recommendations they have made and noted how they provide checks and balances. He added that one recommendation they made was that in moving back to BUCS we should make sure we have some of the audit controls in place that we didn't have before, because it is a bad idea to allow department heads to be able to create vendors in the system, for example because that opens the system up to potential fraud. Mr. James stated the Board has a fiduciary duty to manage the Township finances and make sure the taxpayers are not being shafted.

Ms. Schwegmann asked if there is a record that the taxpayers have been shafted.

Mr. James answered no but there is no record that they have not been and noted it is useful to have extra eyes. He questioned why the Board would be against the added oversight of the committee noting the Township is a massive financial operation.

Ms. Schwegmann stated the committee could bring some real value in some of those areas and suggested waiting until the Township has hired the new Administrator to guide them.

Mr. James suggested the committee continue and meet with the new Administrator at that time.

Mr. Weidman stated it is public knowledge that he voted no for the group which he said he did for multiple reasons. He said he did think it was a political group and during the discussion about the committee's creation Mr. James had said there should not be political appointments to these types of committees. Mr. Weidman said he thinks there were political appointments to the committees.

Mr. James asked who.

Mr. Weidman answered Mr. Ginn, who is not a resident of the Township but a resident of Florida since 1993, was appointed on a committee supposed to be comprised of residents. He said he does not know if that is because Mr. Ginn made a contribution to Mr. James campaign of over \$9,000.00 and to Mr. LaBarbara's campaign of over \$5,000.00. He said Mr. James and Mr. LaBarbara appointed him to the committee.

Mr. James stated that is not true, it is because he is the Treasurer of the Sturbridge Homeowners' Association.

Mr. Weidman said he does not know if it is true or untrue that it was a political appointment, but it does not look good. He said Mr. Ginn is not a resident of the Township and is serving on a committee of five residents three of whom live in the Sturbridge neighborhood, one from Kenwood and one from the northern section of the Township. Mr. Weidman said the committee should not have been rushed into formation without equal representation. He noted 40% of Township residents live in Dillonvale but there is no representative from Dillonvale on the committee.

Mr. Weidman stated he asked the Law Director to draw up a resolution to dissolve the current committee. He said he thinks a resident finance committee is good and his recommendation would be that the committee be comprised of two members from Kenwood, two from the north and two from Dillonvale for a minimum of six. He said the Fiscal Officer should be the Chairman of the committee. He gave Mr. James the resolution for his review.

Mr. James said Mr. Ginn is a resident of the Township; he is not a full year resident of the Township, and he does not vote here, he votes in Florida. He said Mr. Ginn is a volunteer with Indian Hill Schools and owns a property in Sturbridge, a property on Kenwood Road and other properties in the Township. He said he recalls Mr. Weidman's concerns about the committee not having a representative from Dillonvale and he shared Mr. Weidman's concerns and encouraged

him to use his very large email and contact list to find some people from there to add to the committee and after two years that has not happened.

Mr. Weidman said he recommends we advertise for a new finance committee, that the Trustees develop the by-laws for the committee with the help of the Law Director, and that the committee have equal geographic representation. He noted a resume from an applicant to the committee from Dillonvale was found in files left by the former Township Administrator which he never knew had been received. He concluded he thinks a citizen finance committee is important and should be established with representation from all areas of the Township.

**Resolution – To Dissolve the Sycamore Township Finance Committee**

The resolution “To Dissolve the Sycamore Township Finance Committee” was presented by Mr. Barbieri. Mr. Weidman made a motion, seconded by Ms. Schwegmann, to approve the resolution, dispensing with a second reading.

Ms. Schwegmann noted those who have served previously on the committees are welcome to reapply.

Mr. James requested a copy of the application from the person from Dillonvale found in the former Administrator’s files. He stated the Trustees attended the Ohio Township Association Conference last week and attended educational seminars. Mr. James said he went to a seminar on understanding the budget in which the presenter stated the Trustees, finance committee, Fiscal Officer and Department heads should all review the monthly financial reports. He went on to list specifically what the Trustees should be monitoring in the monthly financial reports. He noted all of those things historically the Trustees were not getting prior to having the finance committee and the other accounting system in place. He said he hopes the Board will continue to review those things and not just a list of checks and purchase orders. He told Mr. Porter the Trustees need those reports and said he hopes that will be an agenda item going forward. He said he thinks it is premature to dissolve the committee and this is political in nature and said he hopes it is not that we do not want these people looking at our books.

Mr. Weidman said that is definitely not the case and noted both he and Ms. Schwegmann stated a citizen finance committee is important.

Mr. Porter called roll. Vote: Mr. James: No; Ms. Schwegmann: Aye; Mr. Weidman: Aye  
Resolution 2022-007 passed this 1<sup>st</sup> day of February, 2022

**Resolution – Transfer of Funds**

The resolution “Authorizing and Directing a Transfer of Funds to Reconcile Budgets and Appropriations and Dispensing with a Second Reading” was presented by Mr. Kellums.

Mr. Kellums noted this is to move \$1,000,000.00 from the Central JEDZ Fund to the Fire Fund and has already been appropriated.

Mr. James made a motion, seconded by Ms. Schwegmann, to approve the resolution. Mr. Porter called roll. Vote: All Aye.



Resolution 2022-008 passed this 1<sup>st</sup> day of February, 2022

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

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

22-187	Bramble Mower Service	2-Scag Turf Tire Mower	\$29,758.00
22-192	Hamilton County Sheriff	Contracts – Police	\$2,300,000.00
22-193	BPS Heating & Cooling	Station 92 Furnace	\$5,400.00
22-194	Jack Doheny Company	Street Sweeper	\$131,384.50

Mr. James made a motion to approve purchase order numbers 22-187, 192, 193 and 194 as detailed by Mr. Kellums. Ms. Schwegmann seconded.

Mr. Porter called roll. Vote: All Aye.

**Fiscal Officer Report**

**Pay Bills and Read Receipts**

The receipts in the amount of \$118,748.89 and disbursements in the amount of \$841,230.38 for February 1, 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 thanked the maintenance department for their work during the last snow fall and their work during the coming winter weather. She noted her street was clear compared to County and State roads.

Mr. Weidman stated February 1<sup>st</sup> is Ohio Township Day in Ohio and wished staff and residents a happy Township Day. He said there are 1,308 townships in Ohio representing about 35% of the population. He said there were some great breakout sessions at the OTA conference in Columbus last week. He said he and Ms. Schwegmann and Mr. Kellums participated in a legislative meeting in the capitol with the Southwest Ohio State Legislators which allowed them to get updated information on pending legislation affecting townships in Ohio.

Mr. Weidman stated he is on the Board with Hamilton County EMA and was on a call with the National Weather Service about the coming winter storm expected to bring ice, snow and high winds to the area. He said he also had a call with Duke Energy who is anticipating power outages

and has called in 300 additional workers to help with those. He asked residents to remove vehicles from the street to allow the roads to be cleared.

Mr. James also extended wishes for a happy Ohio Township Day to residents. He said politics can sometimes cause discussions to get testy, but he wants the public to know everyone on the Board is working in their own way for what they think is best for the Township. He encouraged people to let the Board know what they think and how the Board can work better for residents. Mr. James also thanked the maintenance crew for their work during the surprise snow on Friday.

Mr. James thanked the members of the parks and finance committee for their service saying he hopes they will apply to the new committees. He noted he looks forward to their advice whether they are on the committee or not and hopes they continue to be interested in the Township to make sure the Board is doing the best they can with taxpayer money.

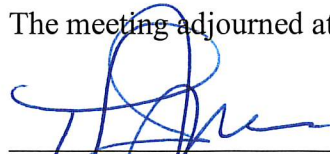
Mr. James exclaimed "Who Dey!" and noted how exciting it is the Bengals are going to the Super Bowl.

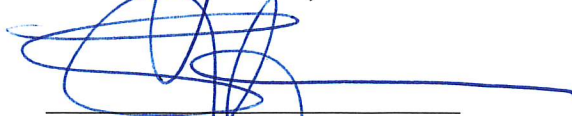
**Announcement Changes**


Mr. Weidman noted there will be a bid opening for the 2022 Road Improvement Program on Friday, February 11, 2022 at 10:00 a.m. in the Township Administration Building at 8540 Kenwood Road. He referred people to the website calendar for all other scheduled meetings and events.


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 9:06 p.m.

  
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Thomas J. Weidman, Chairman

  
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Tracy Schwegmann, Vice Chairman

  
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Thomas C. James, Jr., Trustee

  
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Robert C. Porter III, Fiscal Officer  
02/01/2022