

## RECORD OF PROCEEDINGS

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

June 7, 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 May 17, 2022 Trustee Meeting Minutes**

The May 17, 2022 Trustee 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**

Mr. Erv Moermond, of 4704 Duneden Avenue, addressed the Board. Mr. Moermond expressed concerns about tall grass and weeds and a lack of a landscape buffer between his rear yard and the development behind his property. He stated he cleaned the area and now has to pay to have stumps removed. Mr. Moermond said he believes someone should at least cover half that cost and asked when the appropriate size trees would be planted in the buffer.

Mr. James stated he had spoken to Mr. Moermond on the phone about this and asked if Mr. Miller had anything to add about the issue.

Mr. Miller said a temporary certificate of occupancy had been issued by the County for the first two floors of the building without zoning approval. He explained typically, zoning would hold the developer accountable by delaying the certificate of occupancy until all conditions of the approval for the development have been met. He said the County will not be able to issue a permanent certificate of occupancy until all the plantings are in place and zoning has signed off on it.

Mr. Weidman stated the developer had gotten trees that were not the required caliper and was to get new trees that met the requirement. He reiterated the developer will have to comply to get their C.O.

Mr. Miller noted they pay a penalty every month they operate under a temporary C.O.

Mr. James requested Mr. Miller reach out to the developer for a timeline.

Mr. Miller said he will do that and noted their groundskeeper is going to have to take care of both sides of the fence.

Mr. Moermond stated they have not done any maintenance since the fence was installed.

There was continued discussion about the problem. Mr. Weidman assured Mr. Moermond the Township will discuss this with the developer and requested Mr. Miller let him know if there are issues.

### **Sheriff Patrol Report**

Lt. Tarr reported the vehicle to replace the wrecked car is at the dealership and the equipment is on site so it should be in service much sooner than anticipated.

### **EMS/Fire Report**

#### **Vehicle Purchases**

Chief Penny reported there are three vehicles that will need to be replaced in the next four years. He said the two in the most critical need of replacement are a 2007 Medic Unit and 1999 Engine. He said he needs the Board's permission to move forward because the engine and the squad are both 24 month builds. He said the last vehicle that needs to be replaced is the 1998 Quint. Chief Penny suggested investigating the purchase of a tower truck to replace the Quint as recommended by the NFPA for rescue of elderly from tall buildings. There was discussion about the process and the length of time it would take to get the vehicles. Chief Penny stated he would probably not have to sign a contract until next year.

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

Mr. Kellums reported the food truck event at Bechtold Park on June 25<sup>th</sup> is coming together and has been advertised.

### **Resolution – Requiring Residents of Sycamore Township to Maintain the Right of Way**

Mr. Kellums reported due to recent issues with residents not taking care of mowing the right of way in front of their properties, he asked Mr. Barbieri to address it with legislation.

The resolution "Requiring Residents of Sycamore Township to Maintain the Right of Way" was presented by Mr. Kellums. Mr. Weidman made a motion to approve the resolution dispensing with a second reading, seconded by Ms. Schwegmann.

Mr. James stated he had concerns about the resolution saying he had spoken with Mr. Barbieri about it. He stated the Board should not rush into this in one meeting. Mr. James noted his concerns are that there are ambiguities in the resolution and about our legal authority to do this, although Mr. Barbieri has assured him the Township can do this under its home rule authority. He read a portion of the resolution that talks about a property under someone's control and stated "control" is not defined which concerns him.

Mr. James said the goal is for the area between the sidewalk and the road owned by the Township, County or State to be mowed but what the resolution states is not defined as such. Mr. James concluded that if we are going to legally obligate our residents to maintain right of way, we should be more specific about exactly where they must mow and have a firm grasp of our authority to do that. He also expressed liability concerns if someone were to get injured while

mowing right of way. He suggested the Board refrain from rushing on this and stated the people in the community may have input on it.

Mr. Barbieri stated he took another look at this from a legal standpoint after speaking with Mr. James about his concerns and stated he is confident after looking at O.R.C. Section 504.04 that, as a limited home rule township, Sycamore Township has the legal authority to do this. Mr. Barbieri went on to explain the reasoning behind the use of the word “control” in the resolution stating most people know what yard they have control over, and the purpose of the resolution is to let them know whatever right of way is adjacent to the yard they control, we want them to mow that too. Mr. Barbieri concluded from a legal standpoint; he is comfortable with the resolution. He said it is up to the Trustees from a policy standpoint whether they want to pass it.

Mr. James asked if that would apply to the private property next to the fence Mr. Moermond brought up earlier.

Mr. Barbieri answered it would not apply because that land is not right of way. He said this only applies to right of way adjacent to land under a person’s control.

Mr. Kellums noted 99% of people already maintain the right of way adjacent to their property.

Mr. Porter called roll. Vote: All Aye.  
Resolution 2022-053 passed this 7<sup>th</sup> day of June, 2022

Mr. James asked Mr. Kellums who is responsible for damage to a portion of a driveway that is in the right of way.

Mr. Kellums answered repair of a driveway apron is the property owner’s responsibility and a permit is required through the Maintenance Department.

**Resolution – Authorizing Participation in Transit Infrastructure Program(s)**

Mr. Kellums reported he had a resolution for the Board’s consideration to allow the Township to apply for a SORTA grant for the Euclid Road Sidewalk Project to connect sidewalks from Hosbrook to Kenwood Road which is a bus route.

The resolution “Authorizing the Assistant Township Maintenance Superintendent to Prepare and Submit an Application to Participate in the Transit Infrastructure Program(s) and also Authorizing the Interim Township Administrator to execute Contracts as Required” was presented by Mr. Kellums. Mr. James made a motion to approve the resolution dispensing with a second reading, seconded by Ms. Schwegmann. Mr. Porter called roll. Vote: All Aye.  
Resolution 2022-054 passed this 7<sup>th</sup> day of June, 2022

**Resolution – Approving a NatureWorks Grant Application through the Ohio Department of Natural Resources**

Mr. Kellums reported he had a resolution for the Board’s consideration for a NatureWorks grant application to replace the aging Shelter #4 at Bechtold Park. He noted the cost of the shelter would include the addition of restrooms in the back of the park.

The resolution “Approving a NatureWorks Grant Application through the Ohio Department of Natural Resources” was presented by Mr. Kellums. Mr. James made a motion to approve the

resolution dispensing with a second reading, seconded by Ms. Schwegmann. Mr. Porter called roll. Vote: All Aye.

Resolution 2022-055 passed this 7<sup>th</sup> day of June, 2022

**Resolution – Approving and Authorizing a Contract to Reconstruct a Headwall for the Donegal Drive Culvert Improvement Project**

Mr. Kellums reported the Township had advertised for bids for the Donegal Drive Culvert Improvement Project and received four bids. He stated the engineer's estimate for the project was a little over \$236,000.00 and Ford Development Corp. had submitted the lowest and best bid at \$229,120.10.

The resolution "Approving and Authorizing a Contract to Reconstruct a Headwall for the Donegal Drive Culvert Improvement Project and Dispensing with a Second Reading" was presented by Mr. Kellums. Mr. James made a motion to approve the resolution, seconded by Ms. Schwegmann. Mr. Porter called roll. Vote: All Aye.

Resolution 2022-056 passed this 7<sup>th</sup> day of June, 2022

Mr. Kellums reported the Township had installed some aluminum street blade signs as part of recent road projects on Sycamore Road, Kugler Mill Road, and Happiness Way. He said plans have been prepared to add such signs to major intersections in the Kenwood area at a cost of about \$25,000.00 per intersection which may be funded with TIF. Mr. Kellums said the signs make a huge difference as far as visibility.

Mr. Kellums reported the Township has applied for a TA (Transportation Alternatives) grant to install sidewalks on Solzman and School Roads. He said the cost is \$1.6 million and the grant would be a 50% match. He noted if approved, the project would be a few years away.

Mr. Kellums reported another TA grant application has been submitted for signal preemption for police and fire for every intersection with a traffic light in the Township. He stated the cost is \$720,000.00 and the grant would be an 80/20 split with the Township covering 20% of the cost.

Mr. Weidman asked if that gives the emergency personnel control of the traffic lights.

Mr. Kellums answered it is done through GPS and explained the vehicles will have a transmitter and the traffic lights will have a receiver so the traffic light will turn green as the emergency vehicle comes through.

Mr. Kellums reported Hamilton County has submitted a TA grant application for the Fields Ertel / Conrey and Fields Ertel / McCauley intersections. He stated this is a \$6.7 million project partnered with Hamilton County, Sycamore Township and Sharonville. He noted that would also be an 80/20 split.

Mr. Kellums reported we have spoken to Kleingers, and we are looking for a grant to construct a new veterans memorial off the roundabout in the front of Bechtold Park.

Mr. Weidman stated he and Ms. Schwegmann had spoken at the Memorial Day Parade about improving the memorial.

Mr. Kellums reported the final storm sewer pieces are being installed as part of the Larchview Drive / Plainfield Road project. He said next week they will begin reconstructing the road.

Ms. Schwegmann asked about the completion timetable for the project.

Mr. Kellums said it is on time and will be finished this construction year noting the utility and storm sewer work takes a long time, but the actual reconstruction of the road will go quickly.

Mr. James asked what is happening on Kugler Mill Road.

Mr. Kellums answered a low spot was repaired that had been holding water. He noted there is very little left to do on that project.

### **Planning & Zoning Report**

Mr. Miller reported he had seven resolutions for the Board's consideration tonight noting all of them are repeat offenders.

#### **Resolution – 4020 Limerick 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 4020 Limerick Avenue, Sycamore Township, OH 45236" was presented by Mr. Miller. Mr. James made a motion to approve the resolution, seconded by Ms. Schwegmann.

Mr. Porter called roll. Vote: All Aye.

Resolution 2022-057 passed this 7<sup>th</sup> day of June, 2022

#### **Resolution – 8566 Plainfield Road Nuisance Property (SYCC220071 rubbish & debris)**

The resolution "Providing for and Authorizing Removal of Vegetation, Garbage, Refuse and Other Debris and Declaring a Nuisance for the Property Located at 8566 Plainfield Road, Sycamore Township, OH 45236" was presented by Mr. Miller. Mr. James made a motion to approve the resolution, seconded by Ms. Schwegmann, dispensing with a second reading.

Mr. Porter called roll. Vote: All Aye.

Resolution 2022-058 passed this 7<sup>th</sup> day of June, 2022

#### **Resolution – 8566 Plainfield Road Nuisance Property (SYCC220072 tall grass)**

The resolution "Providing for and Authorizing Removal of Vegetation, Garbage, Refuse and Other Debris and Declaring a Nuisance for the Property Located at 8566 Plainfield Road, Sycamore Township, OH 45236" was presented by Mr. Miller. Mr. James made a motion to approve the resolution, seconded by Ms. Schwegmann, dispensing with a second reading.

Mr. Porter called roll. Vote: All Aye.

Resolution 2022-059 passed this 7<sup>th</sup> day of June, 2022

#### **Resolution – 4545 East Galbraith Road 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 4545 East Galbraith Road, Sycamore Township, OH 45236" was presented by Mr. Miller. Mr. James made a motion to approve the resolution, seconded by Ms. Schwegmann, dispensing with a second reading.

Mr. Porter called roll. Vote: All Aye.

Resolution 2022-060 passed this 7<sup>th</sup> day of June, 2022

**Resolution – 8987 Plainfield Road Nuisance Vehicle**

Mr. Miller reported the vehicle appears inoperable and is parked on the front lawn.

The resolution “Providing for the Removal of Junk Vehicle in Sycamore Township, Hamilton County and the Proper Disposal, Storage or Impoundment of Motor Vehicle by Implementing the Procedures Set Forth in Sycamore Township Resolution 2012-14, and Sections §§ 505.173, 505.85, and 505.871 of the Ohio Revised Code” was presented by Mr. Miller. Mr. James made a motion to approve the resolution, seconded by Ms. Schwegmann, dispensing with a second reading.

Mr. Weidman asked if the plates are expired.

Mr. Miller answered he believes so.

Mr. James asked what makes it appear inoperable.

Mr. Miller answered the tires are flat.

Mr. Porter called roll. Vote: All Aye.  
Resolution 2022-061 passed this 7<sup>th</sup> day of June, 2022

**Resolution – 12107 1<sup>st</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 12107 1<sup>st</sup> Avenue, Sycamore Township, OH 45249” was presented by Mr. Miller. Mr. James made a motion to approve the resolution, seconded by Ms. Schwegmann, dispensing with a second reading.

Mr. Porter called roll. Vote: All Aye.  
Resolution 2022-062 passed this 7<sup>th</sup> day of June, 2022

**Resolution – 12121 3<sup>rd</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 12121 3<sup>rd</sup> Avenue, Sycamore Township, OH 45249” was presented by Mr. Miller. Mr. James made a motion to approve the resolution, seconded by Ms. Schwegmann, dispensing with a second reading.

Ms. Schwegmann asked about turnaround time for our vendors to get the lawns mowed on the nuisance properties.

Mr. Miller said it varies quite a bit.

Mr. Porter called roll. Vote: All Aye.  
Resolution 2022-063 passed this 7<sup>th</sup> day of June, 2022

Mr. Kellums asked Mr. Barbieri if there was a way to speed up the process.

Mr. Barbieri answered if they are repeat offenders the Township only has to wait four days instead of seven days to clean it.

There was discussion about possible ways to remedy these issues in a timelier manner.

## **Law Director Report**

Mr. Barbieri stated he had nothing to report.

## **Administrator Report Station 93 HVAC Bid**

Mr. Kellums reported the Township went out to bid to convert the Station 93 HVAC to a traditional forced air service. He said the engineer's estimate was \$229,800.00. He reported only one bid was received for \$500,000.00 and requested a motion to reject that bid.

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

Mr. James asked what the plan is.

Mr. Kellums answered he is working with the engineer again and also with the company that has been maintaining the current system. He said that system has never worked well, but it is not worth a half million dollars to replace it. He stated we are going to have to come up with a new idea.

There was discussion about what the problems are with the current HVAC system at Station 93.

## **Resolution – Authorizing LPA-ODOT Let Participatory / Maintenance Agreement**

Mr. Kellums reported he had a revised resolution prepared for the Board's consideration that is an agreement with ODOT. He noted it is not an LPA LET project as indicated in the first version sent to the Board. He said this is an agreement with ODOT to allow them to obtain bids for the Snider Road Bridge Rehabilitation Project. Mr. Kellums stated once the bids are obtained, the Township has three days to choose between the standard ODOT fence and the aesthetic vandal protection fence. He said ODOT requires this resolution to proceed.

The resolution "Entering into an Agreement with ODOT for the Snider Road Bridge Rehabilitation Project PID No. 102793 County/Route/Section: HAM IR71-14.40/18.58" was presented by Mr. Kellums. Ms. Schwegmann made a motion to approve the resolution dispensing with a second reading, seconded by Mr. Weidman.

Mr. Weidman said the Board had previously talked about a cap of \$150,000.00 including engineering and asked if that number should be included in the resolution.

Mr. Kellums said the Board should make a motion to set the cap tonight.

Mr. James stated the resolution gives a very tight deadline of three days for the Board to decide on the fence and gives Mr. Kellums the authority to make the decision. Mr. James said he does not think it is a good idea to do it or to put it in the resolution and questioned the wording of the description of the fence in Section 3 of the resolution. He showed a photo he took of the bridge saying no one will be able to see the sign anyway because ODOT has a sign in front of it.

Mr. Porter called roll. Vote: James: No; Schwegmann: Aye; Weidman: Aye  
Resolution 2022-064 passed this 7<sup>th</sup> day of June, 2022

Ms. Schwegmann made a motion with respect to the aesthetic component of the Snider Road Bridge Rehabilitation Project, to cap the cost at \$150,000.00 all in and to reject any proposal over that amount and choose the standard ODOT fence within the three-day window. Mr. Weidman seconded the motion. Mr. Porter called roll.

Mr. James noted he is opposed to spending the money on this but happy to set a cap.

Vote: James: Aye; Schwegmann: Aye; Weidman: Aye

Mr. Kellums proposed moving the July 5<sup>th</sup> meeting, which is the Tuesday after a holiday weekend, to Tuesday, July 12<sup>th</sup> and hold only one meeting in July. He said we would then have to have the tax budget ready by the 12<sup>th</sup> and hold that hearing and zoning hearings on the 12<sup>th</sup> as well.

There was discussion among the Board members about their availability. It was decided to hold one meeting in July on July 13<sup>th</sup> at 7:00 p.m. Mr. Barbieri stated it should be noticed as a rescheduled regular meeting.

Mr. James made a motion to reschedule the regular Trustee meetings currently set for July 5<sup>th</sup> and July 19<sup>th</sup> to a single meeting on July 13, 2022 at 7:00 p.m. Ms. Schwegmann seconded. Mr. Porter called roll. Vote: All Aye.

Mr. Kellums brought up the MSD project on Owlwoods Lane which was the subject of a meeting in which many residents expressed opposition to the project and had asked MSD to change or cancel the project.

Mr. Weidman gave background on this saying there was a meeting at the Township with MSD and 24 property owners on Owlwoods and Keller Road. He said it was clear from that meeting that people were very unhappy with the plans for the odor control unit MSD proposed. He said the meeting was organized because a lot of people felt like this was a bait and switch from MSD because they were not told the size and location of the odor control unit which MSD intended to place in a resident's front yard. Mr. Weidman explained MSD was supposed to try to adjust the plans to either relocate the unit to the side yard of the resident's property along Keller Road or put it down the street and run lateral lines back to the intersection.

Mr. Weidman reported he received an email from MSD saying the option to put it in the side yard will not work and they have not yet even looked at the other possibility. Mr. Weidman said he sent an email to the 24 residents affected asking if they want to re-vote on this project. He said he received 15 responses all of whom want to vote again.

Mr. Weidman made a motion to instruct MSD to work with residents to put together a re-vote for the MSD project on Owlwoods and Keller. Mr. James seconded the motion.

There was discussion about how MSD handled the project with Mr. Kellums noting had it not been for the odor control unit being in the Township right of way and the Township getting involved, MSD would not have notified the residents of the intent to install the large odor control unit in the right of way adjacent to the resident's front yard.



Mr. James requested Mr. Weidman share the email he sent to the residents with the rest of the Board and asked Mr. Barbieri if there is any legal consequence to the Trustees voting on this.

Mr. Barbieri answered not of which he is aware.

Mr. Porter called roll. Vote: All Aye.

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

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

22-165-5	World Fuel Services	Fuel – Fire Dept	\$14,944.00
22-165-6	World Fuel Services	Fuel – Maintenance	\$15,920.97
22-165-7	World Fuel Services	Fuel – Police	\$12,749.62
22-175-1	Jill A. Schiller, Treasurer	Real Estate Taxes	\$70,000.00
22-245	Lebanon Ford	Sheriff’s Cruisers	\$102,651.00
22-226-3	Blanket Vendor	P&Z Contracts	\$25,000.00
22-109-4	Blanket Vendor	Fire Contracts	\$19,524.28

Mr. James made a motion to approve the list of purchase orders as presented by Mr. Kellums. Ms. Schwegmann seconded.

Mr. James asked questions about the Township’s fuel usage and cost. Mr. Kellums responded noting the cost of fuel has risen.

Mr. James asked Mr. Kellums why we are paying real estate taxes on the maintenance building.

Mr. Kellums said it should be exempt and asked Mr. Barbieri to file for exemption.

Mr. James asked about other properties we are paying real estate taxes on and mentioned the rental property on Orchard Lane is a commercial purpose.

Mr. Kellums said he will review the properties with Mr. Barbieri.

Mr. Barbieri said the Township is exempt from property tax on property being used for a government purpose so if the property is being leased for another purpose, we do have to pay taxes on it.

Mr. James also asked if the Township had raised the rent on the rental properties to market rate.

Mr. Kellums answered the rent was raised on one and will be raised on the others once their contracts are up.

Mr. Porter called roll. Vote: All Aye.

**Fiscal Officer Report**

**Pay Bills and Read Receipts**

The receipts in the amount of \$799,017.10 and disbursements in the amount of \$750,460.72 for June 7, 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 she thinks all the Trustees were honored to participate in the V.F.W. Memorial Day Parade with Silverton and Deer Park and thanked the Fire Department and community for support. She said she is excited to increase participation and hopes we are successful in getting a grant to honor those who gave the ultimate sacrifice. She said she is excited for the food truck event June 25<sup>th</sup>.

Mr. James agreed with Ms. Schwegmann's comments and said it was a joy to be involved in the parade and a great event to honor those who have given their lives for our country. He said he hopes we can dress up our monument and increase the Township's level of participation in the parade. He said a lot of people are excited about the Street Food Expo which is a low-cost event for the Township. Mr. James congratulated Kenwood Baptist Church on their grand reopening scheduled for Sunday, June 12<sup>th</sup> in their remodeled facility.

Mr. Weidman said Station 92 is doing a car seat check event on Saturday, June 18<sup>th</sup> from 10:00 a.m. to 2:00 p.m.

**Executive Session**

Mr. Weidman made a motion to adjourn into executive session as permitted by Ohio Revised Code Section 121.22(G)(1) to consider the employment, dismissal, discipline, or compensation of a public employee with the Township Law Director.

Mr. James seconded the motion.

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

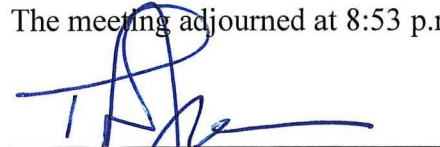
Mr. Weidman invited Mr. Kellums, Mr. Miller, and Mr. Porter into the executive session with the Trustees and Law Director.

End Regular Session:	8:19 p.m.
Begin Executive Session:	8:25 p.m.
End Executive Session:	8:50 p.m.
Back in Regular Session:	8:53 p.m.

Mr. Porter called roll and all three Trustees 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 8:53 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  
06/07/2022