

## RECORD OF PROCEEDINGS

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

August 2, 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 Cpl. Kidd from the Hamilton County Sheriff's Office.

The invocation from Pastor Larry Cornett at Bethel Baptist Temple was read by Mr. Kellums.

Pledge to the Flag.

#### **Approval of the July 13, 2022 Zoning Public Hearing (Case 2022-10Z) Minutes**

The July 13, 2022 Zoning 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 July 13, 2022 Special Trustees Meeting Minutes**

The July 13, 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

#### **Public Comments**

Mr. Weidman stated he would like to move public comments to later on the agenda as there may be someone coming to speak.

Mr. Miller said no one else had signed up to speak.

#### **Sheriff Patrol Report**

Cpl. Kidd stated he had no report.

#### **EMS/Fire Report**

Chief Penny reported Fire Department personnel had a meeting with Jim Craycroft at the Kenwood Collection and conducted fire training to create an evacuation plan for their building.

Ms. Schwegmann thanked Mr. Kellums for sending the Board EMS/Fire and Police run reports.

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

Mr. Kellums reported both the Kenwood Meadows and Larchview Drive Projects are running on time and stated Sycamore Township Project Inspector Tony Perkins is doing a really good job.

Mr. Kellums said the members of the maintenance crew who had been helping with tornado cleanup in Goshen Township are now back working in Sycamore. He noted the Goshen community is very thankful for the help neighboring municipalities provided.

**Resolution – Approving an LPA Federal Local-Let Project Agreement for the Sycamore Township Kemper Road Sidewalk (HAM CR 266 14.97) Project**

Mr. Kellums reported the Township was awarded a grant for the Kemper Road Sidewalk Project and must pass a resolution approving an agreement with ODOT to proceed.

The resolution “Approving an LPA Federal Local-Let Project Agreement for the Sycamore Township Kemper Road Sidewalk (HAM CR 266 14.97) Project and Dispensing with the 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 2022-076 passed this 2<sup>nd</sup> day of August, 2022

**Resolution – Approving and Authorizing a Contract for the Illuminated Street Name Sign Project**

Mr. Kellums reported he had a resolution for the Board’s consideration to install additional illuminated street name signs at intersections along Kenwood Road to American Way and On Montgomery Road from Ken Arbore to Galbraith Road. He said the Township solicited bids for this project and received three responses. He reported Capital Electric Line Builders, Inc. submitted the lowest bid at 13% below the engineer’s estimate for the project.

The resolution “Approving and Authorizing a Contract for the Illuminated Street Name Sign 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 2022-077 passed this 2<sup>nd</sup> day of August, 2022

**Planning & Zoning Report**

Mr. Miller reported an Open House is scheduled for August 9<sup>th</sup> at 6:00 p.m. for a proposed zone change and SPUD review for the new campus associated with Kids First Sports Center on the west side of Solzman Road up to Old Solzman. He said the proposal includes a day care center and shared a conceptual plan on screen.

Mr. Miller reported Zoning Case 2022-12P1 for 7251 E. Kemper Road which proposes an addition to the existing ARKU manufacturing and storage facility. He noted there is no change to the ISR, and the case will require a PUD1 with Zoning Commission approval only.

Mr. Miller reported Zoning Case 2022-11MA for 4650 E. Galbraith Road, Landmark Recovery. He stated the property is the existing Carriage Court, 119 bed, assistant living and memory care facility. Mr. Miller reported Landmark Recovery is proposing a 136 bed, inpatient, and outpatient substance abuse treatment facility. He noted this is a major adjustment to the existing PUD.

Ms. Schwegmann asked if the request is to transform the existing assisted living.

Mr. Miller answered it is a change of use with an interior remodel only.

**Resolution – 4105 Estermarie Drive 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 4105 Estermarie Drive, Sycamore Township, HAM OH 45236” was presented by Mr. Miller. Mr. James made a motion to approve the resolution, seconded by Ms. Schwegmann.

There was discussion about the need to correct a typo in the property address on the first page of the resolution.

Mr. James amended his motion to approve the resolution as corrected. Ms. Schwegmann seconded the motion, dispensing with a second reading. Mr. Porter called roll. Vote: All Aye.

Resolution 2022-078 passed this 2<sup>nd</sup> day of August, 2022

**Resolution – 3969 Larchview Drive Nuisance Vehicle**

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. Porter called roll. Vote: All Aye.

Resolution 2022-079 passed this 2<sup>nd</sup> day of August, 2022

**Resolution – 11988 5<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 11988 5<sup>th</sup> Avenue, Sycamore Township, HAM OH 45249” was presented by Mr. Miller.

Mr. Miller noted the same error was in this resolution and stated he will have to check with CAGIS as there must be an issue with the values of the documents being generated by their system.

Mr. James made a motion to approve the resolution with the correction to reflect Sycamore Township, Hamilton County Ohio 45249 in each place where it appears as HAM OH OH. Ms. Schwegmann seconded the motion, dispensing with a second reading. Mr. Porter called roll. Vote: All Aye.

Resolution 2022-080 passed this 2<sup>nd</sup> day of August, 2022

**Resolution – 11988 5<sup>th</sup> Avenue Nuisance Vehicle**

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. Kellums pointed out the same address issue in section 1 of this resolution.

Mr. James amended his motion to include the correction of the address to reflect Sycamore Township, Hamilton County Ohio. Ms. Schwegmann seconded the motion, dispensing with a second reading. Mr. Porter called roll. Vote: All Aye.

Resolution 2022-081 passed this 2<sup>nd</sup> day of August, 2022

Mr. Miller reported Zoning Commission meets August 8<sup>th</sup> at 6:00 p.m. and the Board of Zoning Appeals meets the following Monday, August 15<sup>th</sup> at 6:30 p.m.

Mr. James said he was going to have a question about a discussion he and Mr. Miller had last week about a property still under construction that needed cleaning. He stated he drove by the property on the way to the meeting and noticed much of it had been cleaned. He said he sees Mr. Gregg Fusaro is here and perhaps he will speak about that. He said residents have been asking about the property and thanked Mr. Fusaro.

### **Public Comments**

Mr. Weidman said he would like to proceed with the Public Comment agenda item and invited Mr. Fusaro to address the Board. He noted he had spoken to Mr. Fusaro several times about the issues on the site.

Mr. Gregg Fusaro, 6745 Kenwood Road, addressed the Board regarding issues on the construction site across from Kenwood Towne Centre. Mr. Fusaro stated they have made great progress with construction although not as good as hoped initially due to material shortages and logistics issues which have led to their construction timeline being four months behind the original estimate.

Mr. Fusaro reviewed a list of items still in progress on the site noting the landscapers have been on site several times and will be back. He said they recently hired a company to maintain the landscaping. He said he hopes to have landscaping counted and complete in the next few weeks noting anything that is dead will be replaced.

Mr. Fusaro addressed the issue with the retaining pond holding water which he said is caused by a significantly higher volume of water being taken on than anticipated. He explained the plan the subcontractor, Worksite Solutions, has to remedy the issue.

Mr. Fusaro said the good news is the property is 70% leased and 53% occupied. He reported they have leased 200 units in four months which is a testament to the location and the quality of the product. Mr. Fusaro said they are planning a Grand Opening event in late September.

Mr. Fusaro reported Corporex is constructing a Residence Inn on the site with an estimated completion of July, 2023. He said they hope to have the white box completed for the restaurant, Condado, in March 2023 and they will open in October or November, 2023.

Mr. Fusaro said the third portion of the project was slated to be an office building. He noted that landscape has changed significantly since the pandemic with the move toward remote work. Mr. Fusaro said they are looking at several different ways to get that developed as quickly as possible noting any change to the original zoning approval would have to come back before the Board of Trustees. He pointed out since there will not be 120,000 square feet of office, there will be a lot less traffic generated by the development than originally anticipated.

Mr. Kellums asked if the landscape maintenance company Mr. Fusaro hired was asked to maintain the residential side of the property.

Mr. Fusaro answered yes and discussed the practical issues with getting access to the adjacent properties to maintain the landscaping due to fencing on both properties and the width of the evergreen trees. He stated the area is irrigated and they will do the best they can to maintain it.

Mr. James commented he walked back there and could see that work had been done.

Ms. Schwegmann said there was a fence around the office pad and asked if another fence would be installed.

Mr. Fusaro answered a chain link fence will be erected within the next few weeks.

Mr. James said the right of way adjoining Jewish Hospital on Happiness Way across from the development needs maintenance.

Mr. Kellums requested Mr. Fusaro have the contractor remove the plastic that held down the straw so that area may be mowed.

The Board thanked Mr. Fusaro for addressing these issues.

#### **Law Director Report**

#### **Resolution – An Emergency Resolution to Accept the Terms of the Distributor Settlement Participation Agreement and Janssen Settlement Participation Agreement Pursuant to the OneOhio Memorandum of understanding and Establishing a Separate OneOhio Special Fund Under R.C. §5705.09(F) to Receive Such OneOhio Funds**

Mr. Barbieri reported as part of the settlement agreement the State of Ohio entered into with National Opioid Distributors for over \$800 million, Sycamore Township will receive \$90,891.36 over a number of years. He stated one of the requirements of receiving that money, is that the money be put into a special fund, and there are limitations as to how that money may be spent. He said the limitations are set forth on Exhibit C of the resolution, but in a nutshell the money must be spent to prevent substance abuse, treat substance abuse and things of that nature. Mr. Barbieri said he had a resolution for the Board's consideration which will accept the terms of the settlement; create the new fund; and states the Fiscal Officer will make sure the funds will only be expended for purposes allowed by the Auditor.

The resolution "An Emergency Resolution to Accept the Terms of the Distributor Settlement Participation Agreement and Janssen Settlement Participation Agreement Pursuant to the OneOhio Memorandum of understanding and Establishing a Separate OneOhio Special Fund Under R.C. §5705.09(F) to Receive Such OneOhio Funds" was presented by Mr. Barbieri. Mr. James made a motion to approve the resolution, seconded by Ms. Schwegmann.

Mr. Weidman asked if the funds may be used retroactively for medications already purchased.

Mr. Barbieri answered he does not believe so.

Mr. Weidman thanked Tracy Schwegmann for representing all the Townships in Hamilton County by serving on the OneOhio Board for Hamilton County.

Ms. Schwegmann thanked the Board for expediting the process.

Mr. Porter called roll. Vote: All Aye.

Resolution 2022-082 passed this 2<sup>nd</sup> day of August, 2022

### **Administrator Report**

#### **Resolution – Amending 2022 Appropriations, Dispensing with a Second Reading and Declaring an Emergency**

Mr. Kellums reported he has a resolution for the Board’s consideration to amend 2022 appropriations. He said the main reason for this is there is a payment coming up to the schools and there was not enough appropriated to make two payments. He said there are a few other items that need to be amended such as salaries.

The resolution “Amending 2022 Appropriations, Dispensing with a Second Reading and Declaring an Emergency” 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 2022-083 passed this 2<sup>nd</sup> day of August, 2022

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

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

22-165-9	World Fuel Services	Fuel – Roads & Fire	\$16,742.93
22-261	Phoenix Safety Outfitters	Turnout Gear Replacements	\$10,080.00
22-262	Blanket Vendor	Parks – Repairs & Maintenance	\$4,500.00
22-263	Symmes Township	Reimb. - Design of Snider Fence	\$15,158.03
22-264	911 Fleet & Fire Equipment	Repairs 2009 SeaGrave Pumper	\$23,339.66

Mr. James made a motion to approve the purchase orders presented. Ms. Schwegmann seconded. Mr. Porter called roll. Vote: All Aye.

### **Fiscal Officer Report**

#### **Pay Bills and Read Receipts**

The receipts in the amount of \$1,550,915.19 and disbursements in the amount of \$1,201,526.43 for August 2, 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 today is election day and encouraged people to be engaged civically by voting, volunteering on a committee or running for office. She thanked the committee for putting on events in our parks this summer.

Mr. James said he had a very productive meeting with Mr. Kellums last week. He said he asked Mr. Kellums a lot of questions in the meetings because he knows Mr. Kellums knows the answers and he wants the public to know the answers too. He stated Mr. Kellums is doing a good job as Administrator and he appreciates it.

Mr. Weidman said members of the Sycamore Township road crew have been working in Goshen Township doing tornado cleanup. He said when the tornado went through Sycamore Township, we had a lot of help, and it is nice to return the favor noting the crew did a great job.

**Announcement Changes**

Mr. Weidman reported there will be an open house for a proposed zone change on Solzman Road on Tuesday, August 9<sup>th</sup> at 6:00 p.m. He then referred people to the website calendar for details on all meetings and events.

**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 and official. Mr. James seconded the motion.

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

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

End Regular Session: 7:40 p.m.

Begin Executive Session: 7:45 p.m.

End Executive Session: 8:13 p.m.

Back in Regular Session: 8:14 p.m.

Mr. Porter called roll and all three Trustees were present.



Ms. Schwegmann made a motion in accordance with O.R.C. Section 145.381 to give public notice that Tracy Kellums plans to retire and is seeking to be rehired by Sycamore Township in the position of Administrator and to set a public meeting to discuss the issue on September 20, 2022. Mr. James seconded the motion. Mr. Porter called roll. Vote: Mr. James: Aye; Ms. Schwegmann: Aye; Mr. Weidman: Aye

The resolution "Contracting with the Law Firm of Schroeder, Maundrell, Barbieri & Powers as Legal Counsel and Lawrence E. Barbieri, an Attorney with Schroeder, Maundrell, Barbieri & Powers, as the Township Law Director 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: Mr. James: Aye; Ms. Schwegmann: Aye; Mr. Weidman: Aye  
Resolution 2022-084 passed this 2<sup>nd</sup> day of August, 2022

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 8:16 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  
08/02/2022