

RECORD OF PROCEEDINGS
Minutes of the Trustees of Sycamore Township Meeting
Sycamore Township, Hamilton County, Ohio
January 30, 2018

The meeting was called to order at 9:00 a.m. Present for the meeting were President Connor, Vice President Weidman, Trustee LaBarbara, Fiscal Officer Porter, Law Director Miller, Administrator Bickford, Superintendent Kellums, Zoning Administrator Holbert, Parks/Recreation Director McKeown, Fire Chief Penny and Lt. Smith from the Hamilton County Sheriff's Office.

Appointed Boards

Mr. Holbert presented the one applicant for the open Board of Zoning Appeals (BZA) position. He stated that Mrs. Julie Glassmeyer is a Township resident in the northern part of the Township and has been involved in construction management, residential and commercial building as well as safety coaching.

Mr. Weidman made a motion, seconded by Mr. Connor, to appoint Julie Glassmeyer to the BZA. Mr. Weidman stated she has an outstanding resume and experience. Mr. Connor stated that her experience in construction management will be helpful. All voted yes.

Mr. LaBarbara asked when the minutes are approved. Mr. Connor stated that they are approved at the Thursday night meeting.

6330 Kugler Mill Road

Mr. Holbert presented information on 6330 Kugler Mill Road and updated the Board on the abatement progress. He noted that a few trees were cut down and that no other abatement actions have been taken. He also noticed that the property owner was personally served at his residence in Indian Hill. Mr. Holbert requested direction from the Board on the razing of the building. He noted the building department refers the safety issue back to the Township. Chief Penny reported that there is concern about the condition of the building and, if no work has been done, it is a safety hazard and should be razed.

Mr. Holbert stated that the resolution personally served on the property owner stated it is the Township's intent to raze the building. He also noted that there has been no communication from the property owner.

Mr. Miller advised Mr. Holbert to reach out to Mr. Marley and advise him of our intent to raze the structure. Mr. Connor asked if there is any appeal time left on the original resolution. Mr. Miller stated he believes the appeal time has run out. Mr. Weidman stated that no effort has been made to abate the property and the impact on the neighbors is significant.

Mr. Connor noted that the property owner is unwilling to fix the property therefore we should take the next step to raze the building.

Mr. Miller would like to have the building department on board with the condemnation. Mr. Weidman stated that we need to make sure we follow the proper procedures to tear the structure down.

Mr. Holbert discussed some of the structural deficiencies and also informed the Board of animal feces and other items found inside the house. The Chief stated he was told the electric was still on in the house and, if that's the case, there is a real hazard from the structure.

Mr. Miller will double check the paperwork and check for new lien holders. Mr. Connor stated from the Board's perspective our position has not changed. Mr. Miller will work with Mr. Holbert to make sure the proper process has been followed and he also noted that we have made every attempt to accommodate the property owner by continuing hearings when he did not attend as well as giving him time to abate the issue.

Mr. Connor made a motion, seconded by Mr. Weidman, to take formal action on the previously approved resolution for the razing of the structure at 6330 Kugler Mill Road. All voted yes.

Mr. Porter asked if the Township will receive bids for the demolition work. Mr. Holbert stated that the Township will typically get three proposals for the razing of the structure after Mr. Miller certifies the paperwork is correct.

Mr. LaBarbara asked if a formal notice was required if the structure was to be razed. Mr. Miller stated that a formal notice is not required as it was given in the resolution. However, we will be in contact with the owner to advise him when it will take place.

Mr. Kellums asked if an environmental study is required. Mr. Miller stated that would be up to a contractor, but there was probably lead based paint that will need to be dealt with.

Mr. Miller stated that there have been conversations in the past about selling the property but they have never panned out with either a developer or the neighboring church.

4462 Daffodil Avenue

Mr. Holbert stated that an appeal to the Board of Zoning Appeals was received on this property yesterday. He stated that he sent information to the staff and elected officials outlining the history of the property and the abatement efforts up to this point.

He explained that the Township received an anonymous complaint about the property on 3-17-17 with certified service dated 4-17-17. The property owner sent an email to staff on 4-27-17 simply stating "I appeal". Mr. Holbert explained that there was no accompanying documentation or other request to the appeal. The property owner was advised of the required forms to complete the appeal via email. The forms were never returned and the appeal did not advance to the BZA due to lack of application. The property owner was cited to court on 6-26-17 and the court process has been ongoing. He noted that it has been almost a year since the violation was served and now an appeal request has been submitted that more closely follows the requirements. He also stated he received an email from Mr. Bob Carter outlining his understanding of how he was going to help the property owner abate the situation. Mr. Holbert requested direction from

the Board on how to proceed. Based on a meeting with Mr. Carter, he was under the impression the property would be abated, but now an appeal has been filed.

Mr. Miller advised Mr. Holbert to continue the case in the court process and place the item on the next BZA agenda.

Mr. Holbert stated that the time limit for the appeal had expired. Mr. Miller stated that the fact that the applicant simply said "I appeal" should have triggered the case to the BZA regardless of any paperwork filed. It is then up to the applicant to decide what evidence to present and it's up to the BZA to decide on the case. If the applicant chooses not to present anything then that is his choice.

Mr. Bickford asked if the Property Maintenance Code lists requirements for an appeal. Mr. Holbert said it does. Mr. Bickford stated that in order for the appeal to advance it would need to follow the established procedure.

Mr. Miller stated he does not believe that to be correct and it's up to the BZA to decide if the appeal is proper.

Mr. Holbert stated he believes by doing that we are then inconsistent on a case by case basis.

Mr. Weidman asked why we can't enforce our paperwork requirements.

Mr. Miller stated he believes that if anybody files or states an appeal then they should be granted a hearing before the BZA and it's up to the BZA to decide the case.

There was general discussion about the paperwork and appeal process and what constitutes an appeal. Mr. Weidman questioned how the Township is supposed to know what he is appealing when it simply states "I appeal". He could be appealing some other action.

Mr. Miller believes that "I appeal" is sufficient for court proceedings and believes a judge would allow that type of statement to an appeal.

Mr. Weidman stated he is fine with letting the case go to BZA but he also noted that this property owner has a history of sending cryptic emails to the Township so it could be difficult to understand what "I appeal" means.

Mr. Miller further stated that if someone appeals and then does not submit documentation and the BZA denies the case, then you have an opportunity to say to the judge that we afforded them the opportunity to submit documentation and they chose not to.

Mr. Bickford stated that what Mr. Miller is saying will affect all future cases in that if the proper documentation is not received it's then up to the BZA to decide what to do with the case.

Mr. Miller explained the process of filing an appeal with the courts stating this is similar to the BZA process.

Mr. LaBarbara stated that he received a letter from an advocate about Mr. Janus outlining some of his issues and he stated that they are progressing on the issue and when the weather breaks they will address it. Mr. Miller stated that at the last meeting the Trustees agreed to continue the hearing until the issues get resolved and everything would be dismissed. Mr. Miller also added the goal is compliance, not punishment.

Mr. Weidman discussed that an indemnification was to be drawn up on the issue and Mr. LaBarbara said it was discussed and in process.

Mr. Miller advised Mr. Holbert to request a continuance for 60 days so that the case may be played out before the BZA.

Mr. Bob Carter spoke and stated that there was a process that was agreed upon to abate the conditions and he is trying to help out this person.

Mr. Bickford stated that the process was moving along until the property owner filed an appeal which brings everything into question.

Mr. Miller stated he appreciated Mr. Carter's efforts to fix the situation but with the newest development of the appeal, the Township has to follow certain procedures. He also stated that per the last Trustee meeting, the Board has given the necessary time to abate the situation and if it is abated as discussed, it will be dismissed.

Mr. Bickford stated that Mr. Holbert doesn't want to tear the structure down because of the plan put in place with Mr. LaBarbara and Mr. Carter, however, since the appeal has arrived the process has been changed and it appears that Mr. Carter and Mr. LaBarbara are unaware of the appeal which has led to this discussion.

Mr. Carter stated that is correct we were unaware of the process and appeal until today's meeting and it appears to be a communication issue.

Mr. Weidman stated that this is not a personal issue with the Township, it's about protecting the process. He also stated that he does not want liability on either the Township or a private citizen because of some action that was taken because of the appeal. He further stated that the Township is not interested in penalties, we are more interested in compliance and when there are attempts to change the process after a solution was agreed upon, it makes it difficult to make decisions.

Mr. Holbert stated that he would ask for a 60 day continuance so that the process could continue forward.

Mr. Miller stated he did not want Mr. LaBarbara involved in the case until there is a signed agreement indemnifying the Township.

Nuisance Property and Vehicle Resolutions 8551 Monroe Avenue

The resolution "Providing For and Authorizing Weed Cutting and Debris Removal, Declaring a Nuisance for the Property Located at 8551 Monroe Avenue, Sycamore Township, OH 45236" was read. A motion was made by Mr. Weidman, seconded by Mr. Connor, dispensing with the second reading and declaring an emergency. Mr. Porter called the roll. Vote: All Aye. Resolution No. 2018-05 passed this 30th day of January, 2018.

The resolution "Providing for the Removal of Junk Vehicle(s) in Sycamore Township, Hamilton County and the Proper Disposal, Storage or Impoundment of Motor Vehicle(s)" was read. A motion was made by Mr. Weidman, seconded by Mr. Connor, dispensing with the second reading and declaring an emergency. Mr. Porter called the roll. Vote: All Aye. Resolution No. 2018-06 passed this 30th day of January, 2018.

Fire Department Update

Chief Penny reported that he is meeting with the Horton representative about the rebuild of the damaged squad and will have a firm proposal in the next few weeks. He also stated that the new engine would be delivered in February.

The Chief reported that Firefighter Moe Cooper has retired and he believes that he has found a replacement from the part time pool. He requested permission to hire as soon as possible. Mr. Bickford stated that he can't start as full time until the resolution is passed.

Chief Penny reported that EMS revenue was almost \$800,000, which was over the projection. Mr. Connor asked about the purchase of Microsoft Surface tablets and if they were working out well. Chief Penny stated they have held up very well and work exactly as needed at a much reduced cost.

Sheriff Department Update

Lt. Smith reported on a barricaded subject at the Shell Gas Station. Lt. Smith stated he negotiated with the subject and brought the matter to a successful close without incident. He also noted that the first deputy had arrived within three minutes of the 911 call.

Lt. Smith stated that the two new cruisers will be ordered soon and rotated into the fleet.

Parks and Recreation Update

Mr. McKeown stated that Night Ranger would only accept \$35,000, not the \$32,500 offered. He also reported that Dave Mason is touring with Steve Cropper this summer and they are asking \$30,000.

Mr. McKeown reported that the anonymous donor has indicated they would participate this year. In addition Atkins and Stang, Acute Hearing Solutions, and Deer Park Roofing are new sponsors this year.

Mr. Weidman made a motion, seconded by Mr. LaBarbara, to offer up to \$28,000 for Dave Mason and Steve Cropper. All voted yes.

Mr. McKeown stated that the Jump and Jive show band would play a free show for a twilight concert if a date is available. Mr. Connor stated to make sure the date doesn't conflict with other communities' concerts.

Maintenance Update

Mr. Kellums reported on sidewalks on Silvercrest and Garden. He stated the cost to construct sidewalks on both sides will be approximately \$300,000 and would need to be engineered.

He noted that there is a high volume of cut through traffic on these streets and the sidewalks would connect to an existing sidewalk network.

Mr. Weidman made a motion seconded by Mr. LaBarbara to solicit proposals from qualified engineering firms for sidewalks on the outside of Garden and Silvercrest. All voted yes.

Mr. Miller asked if right-of-way would be required. Mr. Kellums stated it does not appear that right-of-way would be required, but if it is, the project could be in jeopardy. He also asked if this will be an assessment project and Mr. Kellums stated that would need to be determined.

Mr. Kellums stated the Maintenance Department has been repairing equipment from all of the plowing and salting as well as cleaning out of catch basins.

Upcoming Public Hearings

Mr. Bickford stated that the McDonalds PUD hearing will take place on February 15, 2018 at 6:30 p.m. He also noted that the March 1st meeting would need to be changed since that was the date of the annual Hamilton County Engineer / Township Trustee meeting, noting Sycamore Township was the only Township with a meeting scheduled that night. Mr. Bickford noted that the March 1st meeting could potentially have four public hearings as well as JEDZ meetings. Mr. Weidman made a motion, seconded by Mr. Connor, to tentatively agree to move the Trustee meeting to February 28 and keep the JEDZ meetings as scheduled.

Resolution 2015-112

Mr. Miller reported that the issuance of a civil citation must be done by a Sheriff's Deputy and that the service of the citation can be done under the rules of civil service which takes place through the Clerk of Courts office. He also noted that if the Clerk of Courts office does not receive notice of service through the certified mail process then the rules require the citation to be delivered by an agent of the Court which is typically a Sheriff's Deputy.

Mr. LaBarbara stated that he talked with several jurisdictions and they do not serve their zoning violations the way we do. He also said he would be satisfied if we served the citation the same way.

Mr. Bickford stated that we already file zoning actions in this matter. The issue here is that these are civil citations under the home rule statute. Mr. Porter stated he would volunteer to take the citations to the Clerk of Courts if needed.

Mr. Weidman said he was agreeable to the new procedure.

Mr. Bickford requested clarification on how the Board wants the resolution enforced. If there is something in the road is staff to issue the citation and call the Sheriff's office for a right-of-way obstruction in order to have a separate citation issued?

Lt. Smith stated that a right-of-way citation is a traffic citation that is defined in the Ohio Revised Code and is not a Township citation.

Mr. Miller clarified that this is a home rule citation to be served by the Township.

Mr. Kellums asked for clarification on who could be cited. Mr. Miller stated that if a citation is issued on the home rule resolution, then the created form is used and submitted to the Clerk of Court for processing under the rules of Civil Service.

Lt. Smith stated in order to issue a citation under Ohio Revised Code 4511, the Sheriff's Office will have to have probable cause.

Mr. LaBarbara asked if the Sheriff would still deliver the citations to residents. Mr. Connor stated that if the Sheriff sees an individual dumping in the right-of-way they could be cited under the State statute just as if they were caught speeding. Violations to the home rule resolution would be handled through the Clerk of Courts Office.

Mr. LaBarbara asked if the officers would warn the violator. Lt. Smith stated that he would not rob his officers of their discretion in issuing citations. He stated it's always a case by case basis.

Mr. Miller stated that the home rule resolution states that a citation may be issued which means it's up to the discretion of the person issuing the citation.

Mr. Connor clarified that if there is documentation evidencing violation of the home rule resolution then a citation will be issued and sent down to be served via the Clerk of Courts.

Employee Evaluations

Mr. Bickford explained that the numbered evaluation system was stopped by Mr. Berens and was not continued by Mr. Molloy or Mr. Raabe. He said that the employees would have a discussion about their performance and notes may or may not have been kept.

Mr. Bickford stated that he has just continued the process but is happy to do whatever the Board would like.

Mr. Miller suggested that since the Township was going through the handbook rewrite process the Board waits to make a decision until after they have all the information.

Mr. LaBarbara said the handbook states that employees will be reviewed for job performance once a year.

Mr. LaBarbara stated that he spoke with several other jurisdictions about employee evaluations and that they are important in protecting the Township.

Mr. Bickford stated he is meeting with potential firms on the handbook rewrite and will present his findings for the Board for action.

Mr. Weidman stated that the department heads meet with the Board on each employee and raises are given out on merit. He also stated that we hire good department heads and do not micromanage the employees.

Mr. Connor stated he has never worked in a company that had written performance reviews.

Mr. LaBarbara stated he has worked in many places that had written performance reviews.

Mr. Weidman stated that if an employee has a deficiency then it is well known by the staff that it had better be documented if they wish to seek termination.

Mr. Bickford stated that the reverse of the performance review situation is that an employee has had great reviews in the past and then does something that warrants termination, it is very difficult to remove them. He stated he understands the direction of the Board and will report back after he has more information.

Employee Time Off Requirements

Mr. Bickford stated that this issue is a continuation from the previous Trustee meeting.

Mr. LaBarbara provided examples of information from others that he had talked to regarding employee time off.

Mr. Miller advised the Board that there are first amendment violations that could be associated with a policy prohibiting employees from doing certain things during their time off.

Mr. LaBarbara stated that if in a meeting we tell an employee they can't work the polls then that's one thing, but he could go up to someone outside of the meeting and ask them not to work the polls and there was nothing stopping him from doing that.

Mr. Miller strongly advised the Board not to consider this type of proposal.

Mr. Miller stated that we would be treading on thin ice that if under the cover of your office you told someone that you do not like it if they are working the polls.

Mr. Connor stated he has no interest in pursuing this matter any further.

Mr. LaBarbara stated this is something he would like to revisit to see what could be done about it.

Mr. Bickford stated this goes back to the employee handbook where if you wanted to put this policy in place you would have it in there. He stated that he would consult with the professionals to get their opinion and he would report back. He also understands that Mr. Miller is advising the Board not to do it as well.

Resolution – Authorizing and Directing a Transfer of Funds to the CIC

The resolution “Authorizing and Directing a Transfer of Funds for Economic Development Purposes to Sycamore Township CIC, Inc., the Designated Community Improvement Corporation of Sycamore Township” was read. A motion was made by Mr. Weidman, seconded by Mr. LaBarbara, dispensing with the second reading. Mr. Porter called roll. Vote: All Aye. Resolution No. 2018-07 approved this 30th day of January, 2018.

Schedule

The schedule of upcoming events was read by Mr. Connor.

Mr. LaBarbara reported that he received an email from a renter of Township owned property. In the correspondence the renter, Mr. Blair, stated he was harassed by his neighbor and was asked to leave by the Township. He also wanted to be reimbursed for improvements he made to the property.

Mr. Kellums stated that what was typed on the email was not the case at all. In fact, Mr. Blair gave the Township a thirty day notice that he was leaving. At no time did the Township evict or tell Mr. Blair to leave. He also stated that the two neighbors had known each other from their days in Reading and they both had agreed that they could get along with each other. Chief Penny was also involved as the Fire Department was called out on several occasions because of alleged issues. In each case, the Fire Department found no violations of burning laws and did not take any action.

Lt. Smith stated that Mr. Blair had contacted the Sheriff's Office and advised Lt. Smith that he was moving.

Mr. Kellums stated that he is asking for reimbursements for improvements which he is not entitled to.

Mr. Miller stated that he talked to Mr. Blair about his deposit and nothing was mentioned about his complaints. Mr. Bickford stated he would work with Mr. Kellums and Mr. Miller to respond to Mr. Blair.

Mr. Miller reported that Norton Outdoor Advertising is willing to pay \$2,000 a month instead of the requested \$2,500 for the billboard on the Township property.

Mr. Weidman made a motion to accept \$2,000 a month on a month to month basis for the lease of the property, seconded by Mr. LaBarbara. All voted yes.

A motion to enter into **Executive Session to discuss Pending Litigation** was made by Trustee Weidman and seconded by Trustee LaBarbara.

Vote: Weidman: Aye; LaBarbara: Aye; Connor: Aye.

End regular session: 11:10 a.m.

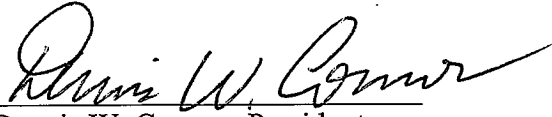
Begin Executive Session: 11:15 a.m.

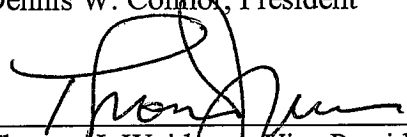
End Executive Session: 11:25 a.m.

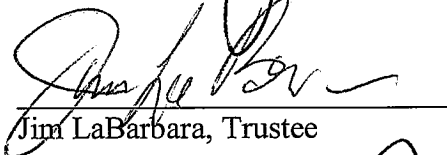
Back in regular session: 11:25 a.m.

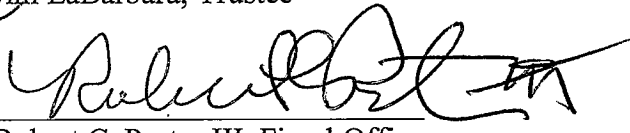
A motion to adjourn was made by Trustee Weidman and seconded by Trustee Connor. Vote: All Aye.

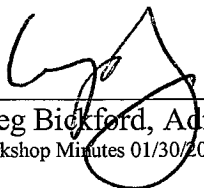
End regular session: 11:25 a.m.


Dennis W. Connor, President


Thomas J. Weidman, Vice President


Jim LaBarbara, Trustee


Robert C. Porter III, Fiscal Officer


Greg Bickford, Administrator
Workshop Minutes 01/30/2018