

**RECORD OF PROCEEDINGS**  
**Minutes of the Trustees of Sycamore Township Meeting**  
**Sycamore Township, Hamilton County, Ohio**  
**February 27, 2018**

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

The resolution "Approving a Site Plan for the McDonald's Restaurant Development in 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. 2018-25 approved this 27<sup>th</sup> day of February, 2018.

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. 2018-26 approved this 27<sup>th</sup> day of February, 2018.

Chief Penny advised the Board that Dr. Jay Johannigman will present a "Train the Trainer" program to control bleeding from a gunshot or other wound in the field where the patient runs the risk of bleeding out. The idea of the program is to train Township Fire and EMS personnel to be able to train school employees on how to deal with these incidents. Channel 9 will tape the training process and interview those involved to get awareness out there about the program.

The Chief also reported that the Department is sending two Firefighters to the ALICE Training program. The Chief stated this is an important program in today's environment and they are serious about the training and public awareness.

Chief Penny reported that the new pumper is almost complete and is currently being inspected by our crews. The final delivery should be within the next three weeks.

Mr. Weidman asked about the final cost. Chief Penny noted it was approximately \$640,000 which was priced very well for what we received. It is a better value than the Seagrave brand and many departments in the area are purchasing these.

Lt. Smith reported that he had met with Kathy Kugler on Tenderfoot about coyotes and out of that conversation she inquired about starting a block watch program for Superior Heights. Officer Bittermann will take the lead in starting the program.

Mr. Bickford reported that information about the national acts for the Festival in Sycamore is starting to circulate and we are beginning to receive calls.

Mr. Kellums reported that the Township crews are attempting to get the fields ready for the upcoming season. He also reported that there have been many drainage problems and high water reported throughout the Township and his crews are addressing any issues that arise.

Mr. Kellums stated that he is working with the County and Sharonville on the Fields Ertel / Conrey Road improvements. The RFQ's (requests for qualifications) have been submitted and they are being reviewed now.

Mr. Kellums stated that all but four out of the 70 parcels on the Sycamore Road project have signed the easements and of those four there are two that may need to go through the establishment process.

Mr. Kellums reported that he will be meeting with a resident about a monarch butterfly station in the cemetery across the street.

Mr. Weidman stated that she is a resident on Kenwood Road.

Mr. Connor asked if there was a timetable for easement acquisition. Mr. Kellums stated there is not a firm deadline, but the Township is hoping to begin bidding the project as soon as this summer. He stated that if establishment is required, it will be approximately three to four months before the process will be completed.

Mr. LaBarbara asked about the status of Kugler Mill Road. Mr. Kellums stated that it is dependent on a grant. He also added that Kugler Mill is a County Road and the Township's portion of the project is the sidewalks and storm sewer. However, the County will not complete the road paving unless it receives a grant for its portion. He also noted that we thought there would be returned grant money from last year, but unfortunately, none was returned.

Mr. Kellums also indicated that the Township would be competing with itself for grant money because of the Fields Ertel / McCauly project.

Mr. LaBarbara asked who will fix Kugler Mill. Mr. Kellums stated that he talked to the County about repairing Kugler Mill, Deerfield, and Blue Ash Roads because of the potholes. He noted that there have been several complaints about potholes and they have all been on County roads.

Mr. Bickford stated that he had researched some information for the Board based on discussion from the last meeting in order to aid in their discussion on this topic.

He advised the Board that Franchise Fees are governed and regulated under Section 622 of the Cable Communications Act of 1984 and amended by the Telecommunications Act of 1996. It allows for a fee of up to five percent (5%) of gross revenues from the operation of the cable system – video service delivery portion only and not telephone or internet access. The act also says that it is for the use of public property and right-of-way. He also noted that the cable company considers it a cost of doing business and is no different than say the electric bill for the operation. The only difference is the FCC allows the cable company to show it as a charge. The act also allowed the formation of PEG channels if requested by the franchise holder, but they were not required as part of receiving the franchise fee. The local community can designate how the funds are utilized and is under no obligation to provide any local programming.

Mr. Bickford noted that the ICRC was formed in 1990 in response to the Cable Communications Act of 1984 to make sure that cable services were extended to new developments and along new roadways. At the time, the FCC allowed a "regional council" type of quasi government (ICRC)

to also act as watchdogs and clearing houses for cable information and complaints. He also noted that the State Franchise has now taken over and the function of ICRC is no longer for that purpose.

He advised the Board that the original Time Warner franchise ran from July 21, 1994 thru September 24, 2007 when the State franchise took over. He noted that Section 5 of the agreement states that Time Warner shall pay for use of the streets and other facilities of the township. The rest of the document deals with operation of the system and deal with issues about indemnification, granting of PEG channels, inspection of the books, prompt payment of the five percent (5%) fee, technology upgrades, FCC filing, reporting, free cable to public entities, how they must update their system, who they can hire (can't discriminate,) etc. It also talks about the technical requirements of being able to play videos.

Mr. Bickford stated that he listened to the audio from the February 2, 2006 meeting and advised the Board that Andrew Burgess, a senior at Indian Hill at the time, had used the Indian Hill School facilities that were modeled after ICRC. He noted that some hardware and software was donated to Indian Hill Schools from ICRC, but production was done at Indian Hill and broadcast on ICRC.

Mr. Bickford stated that Mr. Janus spoke in favor of keeping ICRC and his comments were mostly about seeing the other local governments on TV (Hamilton County, etc..) and that it didn't matter if it was ICRC or not, he just wanted it on TV, both Cincinnati and Hamilton County. Mr. Weidman asked Mr. Janus if his major concern was losing his access to local government and Mr. Janus answered yes.

Mr. Bickford reported that Stephen Thomas Rice from Larchview did a public access program about the woods in Dillonvale and was in favor of keeping ICRC. He also said it was a very emotional issue for him as he wanted to save the woods with his program.

Mr. Bickford stated that Trustee Bishop said that, leading up to the February 2, 2006 meeting, the Township had requested info from ICRC on their programming. He noted at the time that no information was received until the meeting. Mr. Bickford continued by stating that Mr. Bishop asked the ICRC to show what the Township was getting for the approximately \$100,000 per year noting that the budget showed capital expenses and that their budget was over revenues.

Mr. Bickford advised the Board that Mr. Weidman gave an analogy of ICRC to a library. A library provides services to 100% of the people whereas ICRC is only 60% at best. Mr. Weidman pointed out that ICRC excludes 40% of our residents right out of the gate.

Mr. Bickford noted that there was discussion on the events listed under Sycamore Township and of the 52 listed, only four, which were zoning meetings, were listed as direct Sycamore Township events. The rest were events that were widespread and may have involved someone with a tie in to the Township.

Mr. Weidman stated that he wanted to make it clear that those were zoning meetings and were not typically broadcast. Mr. Bickford stated that was correct, they were the Moeller High School zoning hearings.

Mr. Bickford then went on to explain that he was asked by the Board at the time to come up with alternatives in order to get the broadcasts out.

Mr. Bickford explained that Mike Berens was here at the time and he stated that he had received two calls on the issue. One was a resident who worked for Media Bridges, another local access provider who was in favor of keeping ICRC and he also stated that a resident who works for a nonprofit that advertises with ICRC. Mr. Bickford also noted that the discussion that took place at the February 2, 2006 meeting was limited.

Mr. Bickford reported that Mr. Bishop then made the comment that this has been in the paper, was announced and was even on the Star 64 news yet despite all of that there were only 16 people in the audience. Mr. Bishop further stated that if we say we are building a shopping center, 200 people show up. Mr. Bickford explained that this was taking place at the time Shoppes of Kenwood was going through an expansion.

Mr. Bickford went on to explain that on February 2, 2006 the Board voted to cancel the contract with ICRC. He said that in May of 2006, Time Warner gave us three dedicated channels and the final budget ended up being \$20,000 for equipment which included intake machines and on screen graphics. He also reported that the plan was to air events submitted and not edit any of them. The only thing we would do is to make sure that whatever was submitted would meet FCC decency standards.

Mr. Bickford then stated that before the project got underway, Local 12 created Cincyscape and the Township started with that program in January of 2007. The Township was with them for seven years and received two professionally produced videos, one for economic development and one for residential quality of life. He explained that they did an average of 13 events per year and it included mostly high school events as well as some of the Township's concerts where videotaping was allowed.

Mr. Connor asked what the cost of Cincyscape was. Mr. Bickford stated it was a sliding scale and he believed it was \$20,000 in the first year and \$13,000 in the final year.

Mr. Bickford stated that on September 24, 2007 the State of Ohio created a statewide video service authorization act which took all existing franchise agreements and put them under State control.

The Township then passed resolution 2008-20 which authorized the continuation of the video franchise fee and is in effect for Spectrum and Cincinnati Bell. He also reported that the franchise fee goes directly into the general fund.

Mr. Bickford reported that he spoke to Charter Communications and they advised him that Time Warner had set up Sycamore Township on shared nodes with Sharonville, Symmes, and Princeton and, in fact, some Sycamore Township residents still had access to ICRC. He advised the Board that if they went back to ICRC, Charter would charge an engineering fee to recreate the proper nodes which was never done in the first place.

Mr. Bickford reported that all the surrounding communities charge the five percent (5%) fee except for Blue Ash which charges three percent (3%).

Mr. LaBarbara stated that Green Township, Colerain Township, Winton Woods and several others broadcast their meetings or put them on their website

Mr. LaBarbara noted that the word tax was used in the ICRC contract.

Mr. LaBarbara also stated that the FCC established fee is three percent (3%) but would approve up to five percent (5%) if they were found appropriated with the planned local regulatory program. He then said that the franchising authority could use the money for any purpose and that the higher fee required the authority to prove that the cost of the cable regulation required the higher amount. If the higher fee was not explained, then they would not raise the three percent (3%) ceiling.

Mr. LaBarbara also stated that the 1996 Telecommunications Act did not change that requirement. He noted the word is not tax, but in Section 602 they interchange the word tax and fee.

Mr. LaBarbara asked about the fee paid to the ICRC. Mr. Bickford stated that it was generally 40% of the received franchise fee.

Mr. Bickford advised the Board that, if they took away part of the franchise fee, new revenue would be needed as the \$100,000 is the equivalent of funding, for example, a police officer or two fire fighters.

Mr. LaBarbara stated he wants to see the meetings recorded on the website and stated that ICRC would come and make a presentation. Mr. LaBarbara stated he likes the way they format things and specific items are broken down on their website. He stated he would be in favor of recording these meetings and the Thursday night meetings.

Mr. LaBarbara presented information on the cost of a camera and stated we could purchase one to use.

Mr. Bickford reported that Charter will not share exact numbers on subscribers but he noted that the franchise fee is starting to see the effects of cord cutting and that will probably continue into 2018 and beyond.

Mr. Connor stated that he has no interest in joining ICRC because it means that we will pull money out of safety services and other budgets to fund the ICRC.

Mr. Weidman stated he remembered when Bob Schuler had a program on ICRC back when the cube remotes were used and they could track viewers, he said that the show aired three times and there were 18 views of it. He also stated that he is not sure people are clamoring to see these videos.

Mr. Weidman stated that in 2006 he strongly supported leaving ICRC because of the cost and he would not support rejoining it as it is a waste of taxpayer dollars. He stated that if there is an alternative way of getting the information out there without spending the money then he would entertain it.

Mr. Miller stated that he was president of the ICRC for two years and during that time there was a lot of concern over censoring the information that was requested to be played on the system. He also stated that back in 1994, it was a different climate, where there was no completion in the cable business and the agreement existed to make sure that service was delivered.

Mr. Miller also stated that it would be difficult to show the meeting in the hearing room because of the different angles and it would require multiple cameras and any computer graphics that are shown on the monitors could not be on the video. He also stated that additional personnel would need to be hired to take on the workload.

Mr. Connor noted that someone would need to direct the meeting in order to get the proper angle.

Mr. Miller noted that he is on the Sharonville node and sees some of the programming for the Reading council and the ICRC switches the cameras. He also stated that is what the ICRC does and it is an expensive way to go about it.

Mr. Connor stated that based on his experience it would take a minimum of three cameras and would require someone to be able to switch them live and if you wanted to edit it afterwards you would need to have someone stitch the videos together.

Mr. Weidman asked if we could make the audio available.

Mr. Connor stated it could be done but we are working on the assumption that people are clamoring for this content. He noted that if people were interested in the content then there would be more people at the meeting.

Mr. Weidman stated that we could try the audio and see what kind of usage it gets.

Mr. Connor stated that we are upgrading the audio in the meeting room and perhaps we should wait until the new equipment is installed to get a quality recording which could then be sent out as a podcast on the website.

Mr. LaBarbara says you want to be transparent it should be on video. He stated it can be purchased for \$840 or we can rent a camera and try it out inexpensively.

Mr. Connor noted that the camera may not have the proper lens to properly record in that environment.

Mr. Weidman asked Mr. LaBarbara what the difference was in audio versus video in transparency.

Mr. LaBarbara stated that in this day people want to see the video.

Mr. Weidman noted that the Township has been transparent for years. If people seek information, it is provided by law. He feels that the audio will provide transparency.

Mr. Weidman suggested that we try the audio and then, if it's popular and in demand, they could discuss moving to video at a later date.

Mr. LaBarbara suggested that two percent (2%) of the franchise fee be given back to the residents since there is no public access. He also suggested that the Board take comments on it at the next meeting.

Mr. Connor stated that the money is not earmarked for TV. He noted that the franchise agreement states that there is no obligation to provide alternative programming on the public access channels. He also noted that the money is for access to the right-of-way and can be used how the Township sees fit.

Mr. Miller stated that at the time if we were not allowed to charge five percent (5%), Time Warner would have raised the issue.

Mr. Connor stated that this will be revisited after the audio is installed.

Mr. LaBarbara asked for public comment and there was none.

### **Upcoming Public Hearings**

Mr. Bickford advised the Board that the JEDZ meetings are scheduled for Thursday, March 1<sup>st</sup> and that there is an open house scheduled for the properties next to Jewish Hospital on March 12<sup>th</sup>. He also advised the Board of a public hearing for a property on Kemper Road on March 19<sup>th</sup>.

Mr. Bickford advised the Board that the Mercedes Benz public hearing was scheduled for March 15<sup>th</sup> at 6:00 p.m.

Mr. Bickford stated that the Hills property is scheduled for another open house on April 9<sup>th</sup> as the approved residential plan has fallen through at this time. Mr. Holbert advised the Board on the history and proposal for the Hills property.

Mr. Bickford advised the Board on how the open house process works. He also recommended to the Board that no elected official attend the open house as it is between the residents and applicant.

### **Schedule**

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

Mr. LaBarbara stated he won the election on transparency. He stated that the door is now open before the meeting. He noted that before the door was open there were two Trustees talking which is a violation of the sunshine laws.

Mr. Miller stated that it is not a violation of the sunshine law to have two Trustees in a room talking to one another. He stated that they could talk to one another but that they could not discuss business. He advised Mr. LaBarbara not to say that it was a violation just because the door was closed.

Mr. Weidman stated that Mr. LaBarbara is reckless with the facts sometimes.

Mr. Miller stated that it is nice that the door is opened, but it wasn't a violation of the sunshine laws.

Mr. LaBarbara stated he brought this up because he did not feel the minutes represented what he said and that's why he wants the video.

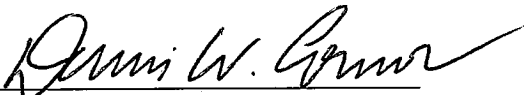
Mr. Miller stated that the audio will provide that also.

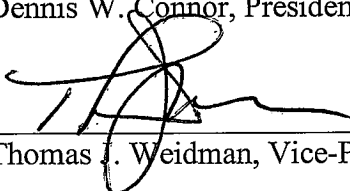
Mr. Bickford stated that he creates the minutes off of the audio and he believes the minutes represent what took place at the meeting. He noted there are often times a difference in what was said versus what was meant. He also stated that a lot of work goes into making the minutes as accurate as possible. He stated that the audio for the meetings is available should anyone want to listen to it.

Mr. Connor stated that the Attorney General's Yellow Book states that minutes are not a verbatim transcript of a meeting. They are intended to give the public an indication of the discussion and rationale for a vote.

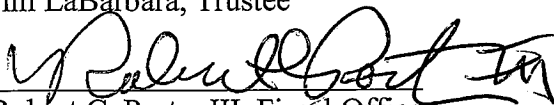
A motion to adjourn was made by Trustee Weidman and seconded by Trustee Connor. Vote: All Aye.

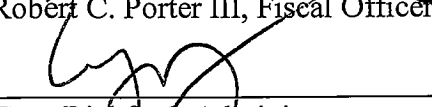
End regular session: 9:53 a.m.

  
Dennis W. Connor, President

  
Thomas J. Weidman, Vice-President

Jim LaBarbara, Trustee

  
Robert C. Porter III, Fiscal Officer

  
Greg Bickford, Administrator  
Workshop Minutes 02/27/2018