

RECORD OF PROCEEDINGS
Minutes of the Trustees of Sycamore Township Meeting
Sycamore Township, Hamilton County, Ohio
September 3, 2019

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

The meeting was called to order by Chairman Weidman.

Approval of August 20, 2019 Workshop Minutes

Mr. Connor made a motion, seconded by Mr. LaBarbara, to approve the August 20, 2019 Workshop minutes. Mr. Porter called roll. Vote: Connor: Aye; LaBarbara: Aye; Weidman: Aye

Nuisance Property Resolution – 8968 Eldora Drive, 7977 Bearcreek Drive, 12169 Scoutmaster Drive and 8616 Pine Road

The resolution "Providing for and Authorizing Removal of Vegetation, Garbage, Refuse and Other Debris and Declaring a Nuisance for the Property Located at 12169 Scoutmaster Drive, Sycamore Township, OH 45241" was read. A motion was made by Mr. Connor, seconded by Mr. LaBarbara, dispensing with the second reading. Mr. Porter called the roll. Vote: All Aye.
Resolution No. 2019-89 passed this 3rd day of September, 2019.

The resolution "Providing for and Authorizing Removal of Vegetation, Garbage, Refuse and Other Debris and Declaring a Nuisance for the Property Located at 8616 Pine Road, Sycamore Township, OH 45242" was read. A motion was made by Mr. Connor, seconded by Mr. LaBarbara, dispensing with the second reading. Mr. Porter called the roll. Vote: All Aye.
Resolution No. 2019-90 passed this 3rd day of September, 2019.

Mr. Holbert reported 7881 Montgomery Road had been cleaned and Jason Petty and his team has working to maintain it and Inspector Kevin Clark has been monitoring it weekly. He then asked if the Trustees had heard of any complaints that hadn't made it to his office yet. Mr. Weidman informed Mr. Holbert of a problem property on Beech Ave.

Mr. Holbert noted that a tenant moved into 7230 Kenwood Road without going through Sycamore Township zoning. He also pointed out that a face change on an existing monument sign was done without permit and banners that are not permitted were installed in the area. He provided photos of the property and explained that the building was formerly a Kentucky Fried Chicken that had been abandoned for years. He stated the Zoning Resolution states that once a building has been abandoned for two years or more, in order to be used again, it must be brought into full compliance with the Zoning Resolution. Mr. Holbert said the owner has a lease for a new tenant operating in the space who has not submitted any plans except for the signage. Mr. Holbert explained how the Planning and Zoning Department would normally handle this situation and asked for guidance from the Board as to how they'd like him to proceed.

Mr. Desai stated that he knows Law Director Miller has been in contact with the tenant and her attorney regarding the property and they have indicated a willingness to work with the Township

to come into compliance. Mr. Desai said his suggestion would be to give it a week to see if the tenant will cooperate with what needs to be done.

Mr. Holbert discussed the issues he has faced trying to get the property into compliance.

Mr. Desai stated he thinks waiting another week will not make much of a difference and Mr. Connor agreed it would be best not to take action until Mr. Miller is available. Mr. Connor asked if they had Board of Health approval. Mr. Holbert said he does not know about Health Department approval noting he knows they have a permit for the suppression system through the County because our permit systems is linked with the Building Department.

Mr. Weidman asked if the tenant had a certificate of occupancy from Hamilton County.

Mr. Holbert answered no, they have the permit for the suppression system only.

Mr. Bickford stated it is a zoning violation, therefore, they have 21 days to comply. He said the Hamilton County Building Department needs to take the lead but it sounds like they are unwilling to do so.

There was discussion about how to proceed.

Mr. Connor made a motion, seconded by Mr. Weidman, to have Mr. Holbert issue a Zoning violation for 7230 Kenwood Road with 21 days to comply.

Mr. Connor noted if the Board does not issue a violation it sets a precedent which could lead others to operate businesses without zoning approval as well. Mr. LaBarbara disagreed stating the Board should wait a week until Mr. Miller returns. There was continued discussion with Mr. Bickford pointing out that the Board should be consistent in enforcement and be careful about treating some business owners differently than others. Mr. Weidman agreed, saying if we start being inconsistent with our code, then we are opening ourselves up for legal action.

Mr. Porter called roll. Vote: All Aye.

The resolution "Providing for and Authorizing Removal of Vegetation, Garbage, Refuse and Other Debris and Declaring a Nuisance for the Property Located at 8968 Eldora Drive, Sycamore Township, OH 45236" was read. A motion was made by Mr. Connor, seconded by Mr. LaBarbara, dispensing with the second reading. Mr. Porter called the roll. Vote: All Aye.

Resolution No. 2019-91 passed this 3rd day of September, 2019.

Mr. Bickford asked about the nuisance resolution for the address on Bearcreek Drive. Mr. Holbert stated he would like to hold off on that pending Mr. Clark reaching out to the property owner.

Parks and Recreation Update

Mr. McKeown stated the Soft Ball with the Stars event is scheduled for September 14th at McDaniel Park.

Mr. LaBarbara asked if Moeller would still be using Schuler for next baseball season. Mr. McKeown answered yes.

A member of the public asked about a Festival report and if there would be a scheduled meeting to review. Mr. McKeown answered he would have a report prepared for the Trustees review at a future meeting.

Fire Department Update

Chief Penny reported he was invited to a staff meeting at Kenwood Collection to discuss putting together an emergency operations plan that includes cooperation between the Fire department and their staff.

Chief Penny reported the ladder truck will be at St. Saviour for the Golf Ball Drop on Sunday.

Chief Penny informed the Board the Crowne Victoria that failed to draw a bid on the auction site was donated to Cars for Veterans.

Mr. LaBarbara stated a Dillonvale resident inquired about testing fire hydrants and asked Chief Penny to respond.

Chief Penny said the fire hydrants are tested about every eight years noting they do flush and pump them. He said the testing part of it stirs up rust in the water for residents doing laundry and may have other negative effects for residents so they do not do it that often. He said they are able to have them tested if they believe something is wrong. Chief Penny said they open and close them in the fall to prepare them for winter and should be able to tell then if there is a problem.

Maintenance Update

Mr. Kellums requested a motion to advertise for the Montgomery Road Sidewalk Project Phase IV.

Mr. Connor made a motion, seconded by Mr. LaBarbara, to advertise for the Montgomery Road Sidewalk Project Phase IV. Mr. Porter called roll. All Aye.

Mr. Kellums stated he had been contacted by a Mr. Tom Oeters from Rockwern Academy asking if he knew anything about an agreement with the Township for maintenance on their parking lot. He pointed out we share the parking lot, which is on Rockwern property, for Bob Mayer Park. Mr. Kellums stated we do have an agreement dating back to 1995 that states we will share in the maintenance of the pavement. He stated Mr. Oeters has received a couple of proposals to have the parking lot with the Township's share coming to \$40,745.50. Mr. Kellums asked Mr. Desai for input.

Mr. Desai stated his concern is that the entire project is well over \$50,000 and his inclination is that it should go to bid. He stated he would like to do further research.

Mr. Kellums reported the Sycamore Road roundabout is half way finished and should be completed by Thanksgiving.

Resolution – Approving a Proposal for the Repair of a Retaining Wall on Kenwood Road

The resolution "Approving a Proposal for the Repair of a Retaining Wall on Kenwood Road" was read. A motion was made by Mr. Connor, seconded by Mr. LaBarbara, dispensing with the second reading. Mr. Porter called the roll. Vote: All Aye.

Resolution No. 2019-92 passed this 3rd day of September, 2019.

Resolution – Designating No Parking on a Portion of Certain Streets in the Rossmoyne / Dillonvale Area of Sycamore Township

The resolution “Designating No Parking on a Portion of Certain Streets in the Rossmoyne/Dillonvale Area of Sycamore Township” was read. A motion was made by Mr. Connor, seconded by

Mr. LaBarbara, dispensing with the second reading. Mr. Porter called the roll. Vote: All Aye. Resolution No. 2019-93 passed this 3rd day of September, 2019.

Resolution – Authorizing the Purchase and Closing of the Real Property Located at 7783-7789 Montgomery Road in Sycamore Township

The resolution “Authorizing the Purchase and Closing of the Real Property Located at 7783-7789 Montgomery Road in Sycamore Township” was read. A motion was made by Mr. Connor, seconded by Mr. LaBarbara, dispensing with the second reading. Mr. Porter called the roll. Vote: All Aye.

Resolution No. 2019-94 passed this 3rd day of September, 2019.

Attorney Conflict Waiver

Mr. Bickford stated Chick-fil-A has submitted an application to Zoning Commission and will be on the September agenda. He said they have retained Dinsmore & Shohl as their legal representation and, since the Township retains the same firm for bond work, Chick-fil-A has asked that the Township sign a waiverstaff to authorize Mr. Bickford to sign a waiver allowing Dinsmore to represent Chick-fil-A. Mr. Bickford noted the attorney who does our bond work would not be involved in the Chick-fil-A case.

Mr. Connor made a motion, seconded by Mr. LaBarbara, approving the attorney conflict waiver allowing Dinsmore & Shohl to represent Chick-fil-A and authorizing Mr. Bickford to sign the waiver. Mr. Porter called roll. Vote: All Aye.

Purchase Orders Over \$2,500

Mr. Bickford presented the following purchase orders for approval:

Blanket Vendor	Materials – Roads (Gas Tax)	\$50,000.00
Carriage Shop	Sheriff Vehicle Repair	\$3,441.78

A motion was made by Mr. Connor, seconded by Mr. LaBarbara, to approve these requests. Mr. Porter called roll. Vote: All Aye

Schedule

Mr. Weidman noted on the printed schedule of events the Special Board of Zoning Appeals Meeting on 09/05/2019 at 3:00 p.m.

Mr. LaBarbara brought up emails he had been getting about 5G from cell towers. There was a discussion about drafting a standard response and/or statement regarding the cell towers which are regulated by the FCC.

A motion to enter into **Executive Session to discuss Property Acquisition** was made by Trustee Connor and seconded by Trustee LaBarbara.

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

End regular session: 9:49 a.m.

Begin Executive Session: 9:53 a.m.

End Executive Session: 10:07 a.m.

Back in regular session: 10:10 a.m.

A motion was made by Mr. Connor, seconded by Mr. LaBarbara, to give the Law Director bid authority of \$135,000 for the purchase of 4316 Sycamore Road, a foreclosed property. Mr. Porter called roll. Vote: All Aye

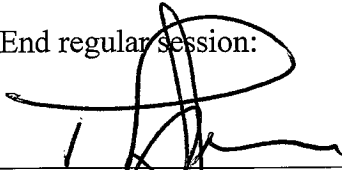
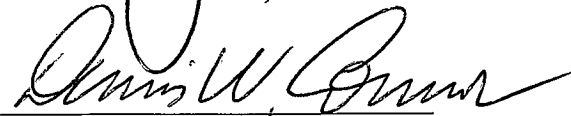
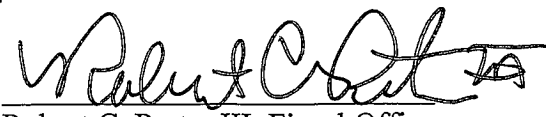

Mr. Bickford reported, since the issue on Bayberry Drive was remediated by the Township per the court's orders, the Township is entitled to recoup fees.

Mr. Desai stated the fine for the Zoning Violations is \$1,000.00 per day and the Township filed three counts: a civil fine, a lien against the property for the civil fine, and an injunction for the remediation. Mr. Desai stated we got the remediation and the bailiff called him asking about the other counts. He asked if the Board wanted to dismiss the case or pursue collection for the cost of remediation and fees.

Mr. Weidman stated he thinks the Township should pursue fines up to the amount necessary to cover legal fees and court costs. Mr. Desai stated that the court should be in agreement with that as the fines for the Zoning Violations could be much higher based on how long the property was in violation.

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

End regular session: 10:15 a.m.


Thomas J. Weidman, Chairman
Dennis W. Connor, Vice Chairman
Jim LaBarbara, Trustee
Robert C. Porter III, Fiscal Officer
Greg Bickford, Administrator
Workshop Minutes 09/03/2019