

**RECORD OF PROCEEDINGS**  
**Minutes of the Trustees of Sycamore Township Meeting**  
**Sycamore Township, Hamilton County, Ohio**  
**February 18, 2020**

The meeting was called to order at 9:01 a.m. Present for the meeting were Chairman LaBarbara, Vice Chairman James, Trustee Weidman, Fiscal Officer Porter, Law Director Desai, Administrator Warrick, Superintendent/Assistant Administrator Kellums, Planning & Zoning Administrator Miller, Fire Chief Penny, Cpl. Kidd from the Hamilton County Sheriff's Office and Beth Gunderson. Lt. Smith from the Hamilton County Sheriff's Office was absent.

**Approval of February 4, 2020 Trustee Meeting Minutes**

The February 4, 2020 Trustee Meeting Minutes were presented for approval. Mr. James made a motion, seconded by Mr. LaBarbara, to accept them. Mr. Porter called roll. Vote: All Aye.

**Pay Bills and Read Receipts**

The Receipts, in the amount of \$99,173.44, and Disbursements, in the amount of \$890,938.52, for February 18, 2020 were read by the Fiscal Officer and are hereby made a part of these Minutes.

**SHERIFF PATROL ITEMS**

Cpl. Kidd had no report.

**EMS AND FIRE ITEMS**

**Monthly Statistics Report**

Chief Penny reported the Monthly Statistics Report had been emailed to the Trustees.

**Medical Director Search**

Chief Penny reported the Department's current Medical Director has moved and needs to be replaced. He stated, with the Board's permission, he would like to interview for the position. He noted it will cost approximately \$15,000.00 to \$20,000.00 per year. Chief Penny stated he is considering a UC Medical Director Program in which a network of doctors perform the service.

Mr. Porter recommended someone who may be interested in the position.

Mr. James asked what the Medical Director does for the Fire Department.

Chief Penny explained the Medical Director is required for the Department to dispense medications, particularly narcotics; would get involved if there was ever an issue with an EMS run; reviews a certain amount of EMS runs per year to ensure protocol is being followed; and provides training.

**ROADS, MAINTENANCE & RECREATION ITEMS**

**Kenwood/Montgomery Traffic Study**

Mr. Kellums noted the Kenwood/Montgomery Road Traffic Study was discussed at the previous meeting with the Board requesting further discussion. He went on to discuss the need for the study noting in his opinion, the Township should hire the consultant because we may then ensure that residents in the area are considered, the consultant could help acquire and secure grants for funding, and we would have control of the project. He pointed out if a developer hires the

consultant to perform the study, Hamilton County and ODOT could control it because Montgomery and Kenwood Roads are their roads.

Mr. Warrick suggested the Township pick the consultant and the developer pay for it.

There was discussion about the traffic study with the Board agreeing that the next step should be to get a quote to know the cost.

Mr. Weidman made a motion, seconded by Mr. James, to proceed with the Montgomery/Kenwood Roads Traffic Study by requesting a proposal from TEC Engineering.

Mr. James noted TEC Engineering was chosen because the company was rated highest by the Township and Hamilton County.

Mr. Porter called roll. Vote: All Aye.

### **Kenwood Rd. Traffic & Economic Impact Study**

Mr. Kellums reported the Board had also previously requested additional discussion in regards to the draft RFP put together by Sycamore Township resident Jack Pflum. Mr. Kellums stated he is looking for direction from the Board on whether to proceed. He then noted the median was constructed as a result of a study and reviewed the timeline of the year long process for that which included two public hearings. He asked if the Board wished to pay for another study to go against the original study.

Mr. LaBarbara stated he would like to send out the RFP by Mr. Pflum, as well as a letter from Eric Beck at the Hamilton County Engineer's Office.

Mr. James stated a new study may go against the original study, or it may confirm it, noting Hamilton County did not take into account the economic impact of the median.

Mr. Weidman pointed out Hamilton County owns Kenwood Road and agreed the County is not interested in economic impact, their concern is safety on their road. He said he is not sure it makes sense to add left turn curb cuts to the median as this will decrease safety. Mr. Weidman noted, prior to the installation of the median, at peak times traffic would be backed up onto the shoulder of the highway trying to exit at Kenwood Road. He said he will support an RFP but does not think changes are in the best interest of safety.

Mr. James agreed cuts in the median could reduce safety but said sometimes there are tradeoffs that must be made. He supports proceeding with the RFP.

There was discussion about whether to pursue an RFQ or an RFP.

Mr. James made a motion, seconded by Mr. Weidman, to proceed with the RFP for a Traffic and Economic Impact Study on Kenwood Road. Mr. Porter called roll. Vote: All Aye.

### **Happiness Way Road Closure Considerations**

Mr. Kellums stated the Happiness Way closure is another topic that has been brought back for additional discussion. He referred the Board to Resolution 2018-141, Exhibit A, items 22 and 23 which addressed this issue in the Capital Investment development approval. He noted he is not

sure how the Township could enforce keeping construction traffic out of the neighborhoods as required in item 23 without having the road closed. Mr. Kellums went on to provide some options for moving the gate to provide access to the Jewish Hospital driveways.

Mr. LaBarbara asked resident Tracy Hughes to address the Board.

Ms. Tracy Hughes stated she supports keeping Happiness Way closed at least through construction of the development.

Mr. Weidman stated if Happiness Way were open, construction workers would go through to Frolic Drive. He said it is a bad idea to decide to open it without getting a consensus from the neighbors. He said he is happy to do whatever the residents want.

Ms. Hughes stated she thought the residents in the area were split on the subject but again said she thinks it should be closed.

Mr. Kellums pointed out the Township has money from the developer to complete a traffic study to determine the impact of the development on the neighborhood after it has been completed.

Mr. James said he has heard pros and cons from the neighbors about Happiness Way being closed but noted Jewish Hospital is very concerned about the loss of access to their driveways from Happiness Way.

There was discussion about this issue and it was decided Mr. Kellums will discuss this with the developer and Jewish Hospital to find a solution.

### **Parks Advisory Committee Applicants & Charter Direction**

Mr. Kellums introduced Mr. Jason Petty, Parks Supervisor, to the Board. Mr. Kellums stated there is a Parks Advisory Committee Charter which must be approved by the Board and noted the Township has received eight applicants to serve on that committee.

There was discussion about the charter and the process for choosing the Park Advisory Committee members.

Mr. James asked Mr. Petty to explain his background and how his role has transitioned.

Mr. Petty addressed the board reviewing his experience and responsibilities maintaining the Townships public spaces including parks, rights of way and ball fields and some of the other duties he has taken over since the retirement of the former Park Director.

Mr. LaBarbara asked Mr. Petty to bring a summary of the applicants to the next Workshop.

The Board directed Mr. Kellums to continue soliciting applicants for the Park Advisory Committee with Mr. James suggesting a renewed push for applicants on the Township's website and social media sites.

## **LAW DIRECTOR ITEMS**

### **Process to Complete the Deer Park JEDD Set Up**

Mr. Desai distributed a handout detailing the steps the Township must take to establish a new JEDD on the Capital Investment Group development property. He noted there is a requirement for a public hearing as well as a petition that must be distributed to the property owners.

Mr. Warrick asked if the Township and Deer Park could hold a joint public hearing.

Mr. Desai answered they must each hold their own public hearing, however, they may petition together with the Township taking the lead on that.

Mr. James inquired about a possible change in ownership of a portion of the property in question.

Mr. Desai noted the owner(s) of record on the date the petition is circulated will be sent the petition.

### **Conflict Waiver**

This topic was tabled to a future date.

## **ADMINISTRATOR ITEMS**

### **Electronic Check Signing**

Mr. Warrick reported the Auditor's office confirmed that it is acceptable to begin electronic signatures on Township checks as opposed to the Trustees and Fiscal Officer signing the checks manually. He stated a form has been prepared for the Trustees and Fiscal Officer to complete to set up electronic signatures.

Mr. Porter stated, historically, the Auditors office required manual signatures, however, times have changed, and if the process is now accepted by the Auditor, he is in favor of moving to electronic signatures.

Mr. James expressed dissatisfaction with the check register report, noting that its formatting makes it difficult to follow. Mr. Porter responded the report may be changed to meet the requirements of the Trustees. He noted all invoices to be paid are approved by department heads prior to being submitted for payment.

Mr. James noted there must be controls in place so no one inadvertently electronically signs a check made out to themselves, he cited the example of a CIC grant check.

Mr. Warrick stated those checks would be signed manually.

Mr. James made a motion, seconded by Mr. Weidman, to adopt electronic signing of Township checks in accordance with any regulations set by the Auditor. Mr. Porter called roll. Vote: All Aye.

### **Focused Capital Solutions Consulting Services Agreement**

Mr. Warrick reported he met with George Glover, a lobbyist with Taft Law, regarding a contract the Township has with him paying him \$2,000.00 per month for his services. He stated Mr. Glover gave him a history of some of the items he's lobbied for in the State legislature on the

Township's behalf. He stated there are no pressing items on the horizon and explained how the Trustees could terminate the contract and employ him on a project basis moving forward.

Mr. LaBarbara stated he is in favor of terminating the contract noting he was not aware that the Township had this contract in place.

Mr. James stated he was surprised to learn the Township had a lobbyist contractor and noted the Township has paid him \$72,000.00 since 2017 and he does not know what the Township is getting in return. Mr. James asked Mr. Weidman for information.

Mr. Weidman explained that, as an unincorporated area, the Township is at the mercy of State legislators. He went on to list items Mr. Glover had assisted the Township with in the past, including JEDZ and JEDD legislation and the billing dispute with Greater Cincinnati Water Works. He stated Mr. Glover advocates for the Township on various issues in state legislature to ensure we control our own destiny.

Mr. James stated it makes sense that the Township needed Mr. Glover's assistance with the JEDZ, but questioned if the contract is needed. He said a bigger concern is that, looking back through Trustee Meeting Minutes, he could find no record of any decisions made by the Board publicly, therefore it is not known who was telling Mr. Glover what to advocate for. He pointed out Mr. LaBarbara was unaware the Township had a contract with a lobbyist.

Mr. Weidman stated the administrator worked with Mr. Glover.

There was continued discussion about Mr. Glover's history with the Township.

Mr. James stated the contract should be cancelled and this resource used on a case by case basis.

Mr. LaBarbara asked Mr. Weidman about Mr. Glover lobbying for eminent domain in the Township involving Mr. Gregg Pancero's property.

Mr. Weidman stated he has no knowledge of that.

Mr. Warrick stated eminent domain was lobbied for in the state legislature but not for a particular property.

Mr. Weidman stated, for the record, there has never been any threat of eminent domain in Sycamore Township in the 14 years he has been here.

Mr. LaBarbara stated he could bring someone in to discuss that issue.

Mr. James made a motion, seconded by Mr. LaBarbara, to terminate the contract with Mr. Glover and Focused Capital Solutions. Mr. Porter called roll. Vote: All Aye.

### **Hamilton County Public Health District Advisory Council**

Mr. Warrick reported Mr. LaBarbara will serve as the Township's member of the Hamilton County Public Health District Advisory Council.

Mr. Weidman stated he had served as the Township's member for 14 years noting this is required because Hamilton County Public Health serves as the Township's Health Department.

Mr. James moved to appoint Mr. LaBarbara as the Township representative on the Hamilton County Public Health District Advisory Council. Mr. Weidman seconded. Mr. Porter called roll. Vote: All Aye.

### **Employee Handbook Language**

Mr. Warrick reported he and Mr. Desai are working on language to add to the Employee Handbook to address employee involvement in politics. He pointed out other Townships have such language in their employee handbooks.

Mr. Weidman requested statistics on Townships that have such language in their employee handbooks.

Mr. Warrick answered he does not have statistics but noted he has gotten language from some of them and added to it.

Mr. Weidman stated he is adamantly opposed to restricting Township employees' first amendment rights noting the addition of this language could open us up to litigation.

Mr. James said he agrees but wants to ensure employees are protected from being coerced into politics by their bosses.

Mr. LaBarbara stated research is still being done on the language. He went on to question raises given to employees who worked the polls.

Mr. Desai explained how township government and administration is like the legislative, judicial and executive branches of government. He then stated the first piece of the language being written is letting employees know they are not expected to support a particular candidate. He said the second piece of it is government is allowed to restrict speech to some extent, and the Township is compelled to make sure the employees' environment remains neutral when it comes to politics.

### **Township Email Notices and Newsletters**

Mr. James stated he would like to continue the print newsletter, solicit email addresses from Township residents, and look into options for emailing news and information to residents. Mr. Warrick will look into this.

## **PLANNING AND ZONING ITEMS**

### **Residential PACE Program**

Mr. Miller reported ESID (Energy Special Improvement District) is the public portion of a mechanism to support PACE (Property Assessed Clean Energy) financing. He noted this type of financing has been primarily done for commercial development and redevelopment. He introduced Mr. Chris Jones, of Bricker & Eckler, to speak to the Board about the adoption of a residential plan.

Mr. Chris Jones addressed the Board. Mr. Jones noted the Township's first commercial PACE financing project was Kids First Sports Center. He went on to explain the Toledo-Lucas County

Port Authority taking the lead in establishing a uniform Residential PACE Program in the State of Ohio. He noted there is a Residential Cooperative Agreement to allow Toledo-Lucas County Port Authority to approve PACE financing for Township residents. Mr. Jones said the Township is essentially a pass through and the Hamilton County Auditor will collect the payments for the special assessment placed on the tax bill to forward to the PACE lender. He reported there will be additional legislation for the Board's approval in July to approve those homeowners who have requested PACE financing.

Mr. James asked if there was any cost or risk to the Township.

Mr. Jones answered no, saying the special assessment affects only that particular property requesting the PACE financing.

Mr. Miller said it is a tax assessment voluntarily requested by the homeowner.

### **Resolution Approving Suburban Communities ESID Plan**

The resolution "A Resolution Approving the Suburban Communities Energy Special Improvement District Residential Program Plan; Authorizing and Approving the Execution, Delivery, and Performance of a Township Residential PACE Cooperative Agreement with Respect to Property Assessed Clean Energy Transactions in Cooperation with the Suburban Communities Energy Special Improvement District and the Toledo-Lucas County Port Authority; Authorizing the Toledo-Lucas County Port Authority to Approve Petitions and Plans for Public Improvements or Public Services Submitted by the owners of real property within the Township requesting that their property be added to the territory of the Suburban Communities Energy Special Improvement District and assessed for the costs of such plans on behalf of the Board of Township Trustees of the Township and Dispensing with the Second Reading." was presented by Mr. Desai. A motion was made by Mr. Weidman, seconded by Mr. James, to approve the resolution. Mr. Porter called the roll. Vote: All Aye.

Resolution No. 2020-14 passed this 18<sup>th</sup> day of February, 2020.

### **Resolution Appointing Skylor Miller on Suburban Communities Board**

The resolution "Resolution Appointing Skylor R. Miller to Serve on the Board of Directors of the Suburban Communities Energy Special Improvement District, Inc. and Declaring an Emergency." was presented by Mr. Desai. A motion was made by Mr. Weidman seconded by Mr. LaBarbara, to approve the resolution. Mr. Porter called the roll. Vote: All Aye.

Resolution No. 2020-15 passed this 18<sup>th</sup> day of February, 2020.

### **Active Development Tasks Direction**

Mr. Miller reported Mr. Warrick had requested he bring to the Board's attention three areas with potential for development projects to request direction from the Board. He noted two of the three have Township-owned land as a component.

Mr. Miller said there have been developers expressing interest in an area of land at Montgomery Road and Kenwood Road. He asked if the Board would like to draft an RFP for that land.

Mr. Weidman stated the property in question was purchased with TIF money for the purpose of access management and state law requires that it may not be relinquished until traffic studies have been completed and that purpose is exhausted.

Mr. James pointed out the Board speaks through its motions and the resolutions and its minutes and there is no record of the property being purchased for access management. He said the resolutions approving the purchase say only that the Township "is desirous of purchasing" those properties.

Mr. Desai stated he has not researched the purchase of this property. He noted since it is valued at over \$2,500.00 it would have to be sold at auction or by competitive sealed bid.

Mr. James asked if a bid would still be required if the Board agreed to sell it unanimously.

Mr. Desai answered he will have to research that. He pointed out the CIC allows for direct sale, therefore, the Board could transfer the property to the CIC.

There was continued discussion about this property, how to transfer it to the CIC and whether to solicit an RFP or an RFQ.

Mr. Miller requested Mr. Desai research ORC Section 505.10(A)(6).

Mr. LaBarbara inquired about the appraisal of the property. Mr. Warrick answered the appraisal is not back yet, noting the former administrator had instructed the appraiser to drop it.

Mr. Desai suggested transferring the land to the CIC and having the CIC put out the RFP.

Mr. Weidman stated most communities will go with an RFQ. He noted this area is the heart and soul of the business district and we do not want someone with a big check but a lack of experience to develop it. He suggested looking at the City of Montgomery's recent RFQ.

Mr. James stated Mr. Weidman raised a valid point that, if TIF funds were used to purchase the property, we will have to look into that.

Discussion ensued about the TIF and how to proceed. It was decided to look at the City of Montgomery's RFQ.

Mr. Miller said the second area he'd like the Board's input on is the property on Reading Road which includes the former Drake Motel and Carousel properties. He reported one developer had proposed purchasing the property. He said the Reading Road Corridor is still under review and there is a committee meeting he will be attending tomorrow.

Mr. Weidman asked if Blue Tide is the interested developer. Mr. Miller answered yes. Mr. Weidman went on to explain that Blue Tide's proposal for multi-family housing for veterans, renovated office space and an agricultural component and asked Mr. Miller if that plan is consistent with the Reading Road Corridor study. Mr. Miller answered not entirely.

Mr. Weidman went on to discuss concerns with Blue Tide's plan and recommended the Board proceed with caution and complete due diligence when it comes to Blue Tide. He pointed out ODOT has engineered for a full change in the nearby highway interchange which would increase considerably the value of the 28 acres the Township owns. He cautioned against selling off the frontage.



Mr. James inquired about an appraisal. Mr. Miller said the last appraisal is from 2007 with an update requested.

Mr. James stated a resolution approving a transfer of the property to the CIC was approved but the transfer was never done. Mr. Weidman stated he was unaware the transfer was not completed and deferred to former Law Director Doug Miller. Mr. Desai will look into what happened with the transfer to the CIC.

There was then discussion about the possibility of imposing a JEDD on the property now since it could take some time to establish.

Mr. Miller said the third property he'd like to discuss is the Greens of Kenwood, the office development proposed adjacent to Ronald Reagan Drive and the FBI building. He noted the developer, Neyer Properties, has indicated they would like to renegotiate the TIF agreement due to the tenant who was to have occupied 60% of the space pulling out of the project.

Mr. Weidman discussed the history of the project and the TIF arrangement. He noted the Township originally approved 266,000 square feet of office space which would have generated a significant amount of JEDZ income for the Township. He said when the economic downturn came, Neyer had financing issues and came back to the Township again for a scaled back project, cutting JEDZ income in half. The Township agreed because Neyer promised to bring in Northwest Mutual to occupy 60% of the development. He cautioned the Board to have a service agreement with Neyer Properties to compensate for the loss of that tenant.

Mr. Warrick requested instruction from the Board about next steps for these three areas.

Mr. Miller noted the Greens of Kenwood has zoning approval for one of the two office buildings.

Mr. Desai suggested Neyer Properties discuss with the Port Authority about the use of the TIF dollars on property we don't own, noting their attorneys could figure that out.

Mr. James stated Neyer is concerned that there is not enough TIF financing left and that the FBI building is undervalued. He expressed concerns about the involvement of the Port Authority. Mr. Miller noted the project should be finished before we look at making more TIF funds available.

### **Zoning Hearing Updates**

Mr. Miller reported briefly on Case 2020-01MA, 8250-8300 Kenwood Road, which will be heard by the Board of Trustees on March 5<sup>th</sup> at 6:15 p.m. He showed a PowerPoint of the proposed request for building signage for up to six tenants per building. He noted Zoning Commission recommended approval of the request with conditions.

### **FISCAL OFFICER ITEMS**

Mr. Porter had no additional report beyond the report he gave at the start of the meeting.

### **TRUSTEE ITEMS**

Mr. Weidman reported the Annual Meeting of County and Township Officials in Hamilton County will take place February 27, 2020, noting this will be Hamilton County Engineer Ted Hubbard's last meeting before his retirement.

Mr. James requested staff OCR scanned PDF documents prior to uploading to the Township website so they may be searchable by text. He also pointed out the minutes refer to those not present as being "excused" and requested that be changed to say absent. He suggested it would be useful to have a written structure and rules for the Trustees meetings.

Mr. LaBarbara reported there were a lot of new ideas he learned about at the Ohio Township Association Conference. He requested the bushes at I71 and Kenwood be trimmed. Mr. Kellums noted this had already been done. Mr. LaBarbara requested that all Township vehicles being driven by employees be marked as Township vehicles.


Mr. Miller stated he would like to purchase a light kit for Zoning Inspector Clark's vehicle for safety reasons. He will look into pricing for a kit and report back to the Board.

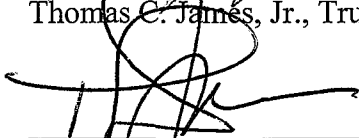
**ANNOUNCEMENT CHANGES**

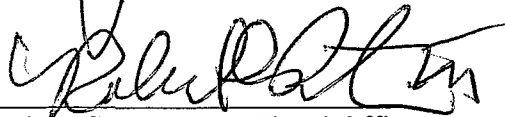
Mr. LaBarbara noted the next Workshop meeting will take place March 3<sup>rd</sup> and the next evening Board of Trustees meeting will take place March 5<sup>th</sup>.


A motion to adjourn was made by Trustee Weidman and seconded by Trustee James. Vote: All Aye. The meeting adjourned at 11:17 a.m.

  
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Jim LaBarbara, Chairman

  
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Thomas C. James, Jr., Trustee

  
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Thomas J. Weidman, Trustee

  
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Robert C. Porter III, Fiscal Officer

  
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Ray Warrick, Administrator  
Workshop Minutes 02/18/2020