

RECORD OF PROCEEDINGS
Minutes of the Trustees of Sycamore Township Meeting
Sycamore Township, Hamilton County, Ohio
April 14, 2020

NOTE: Due to the COVID-19 pandemic and the issuance of a Stay-at-Home order by Governor DeWine and the Director of the Ohio Department of Health, and due to enabling legislation (House Bill 197) which permits Ohio governments to meet remotely during this time, this meeting was held via remote video with all participants joining in by videoconference. Video of the meeting was live streamed to the public on the internet. To ensure compliance with HB 197, the Township provided public notice in advance of the meeting, along with links to the meeting agenda and to where the public could watch it.

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 and Assistant Fire Chief Cooper. Lt. Smith from the Hamilton County Sheriff's Office was absent due to an emergency.

Mr. LaBarbara noted this Workshop Meeting was being held remotely to comply with Governor DeWine's Stay at Home Order and social distancing requirements and asked the Board members to give permission for their signatures to be added electronically to any documents approved today.

Approval of April 2, 2020 Trustees Meeting Minutes

The April 2, 2020 Trustee Meeting Minutes were presented for approval. Mr. Weidman made a motion, seconded by Mr. James, to accept them. Mr. Porter called roll. Vote: All Aye.

Pay Bills and Read Receipts

The receipts, in the amount of \$10,328,305.76, and disbursements, in the amount of \$289,530.74, for April 14, 2020 were read by the Fiscal Officer and are hereby made a part of these minutes. Mr. James asked if the receipts include the real estate tax payment. Mr. Porter answered yes noting approximately half of that money will be paid to schools as TIF payments.

I hereby certify that the money for payment of these bills is in the fund provided and duly and properly appropriated.

Signed: /s/ Robert C. Porter, III
Robert C. Porter III, Fiscal Officer

A motion was made by Mr. James, seconded by Mr. LaBarbara, to accept them. Mr. Porter called roll. Vote: James: Aye; LaBarbara: Aye; Weidman: Aye

SHERIFF PATROL ITEMS

Lt. Smith was not present to report. Mr. LaBarbara thanked Sheriff Jim Neil and his officers, escorted by the Sycamore Township Fire Department, for delivering pizzas to healthcare workers at Jewish Hospital who are on the front lines of the COVID-19 pandemic.

EMS AND FIRE ITEMS

COVID-19 Update

Chief Penny reported his department had 16 EMS runs with patients fitting the criteria for COVID-19 with one confirmed case. He stated the department is in good shape as far as EMS supplies. He stated the department has tracked \$22,000.00 in COVID-19 expenses so far that should be eligible for reimbursement.

Chief Penny reported there were some homes which were significantly damaged by fallen trees during bad storms that came through the area last week. He said both the Fire and Maintenance Departments assisted residents with cleanup. He reminded residents that severe weather alerts should be taken seriously.

Assistant Chief Cooper reviewed how residents may sign up to receive severe weather alerts from Hamilton County and sign up for Smart 911, so dispatchers have their information on hand in the event of an emergency.

Assistant Chief Cooper reported the Fire Department had participated in 20 drive by birthday hellos for children in the Township during the Stay at Home Order. He reminded residents to practice social distancing.

ROADS, MAINTENANCE & RECREATION ITEMS

2020 Cape Seal Project

Mr. Kellums reported Cape Seal is a process used to extend the life of roads between paving. He requested approval to move forward with the 2020 Cape Seal Program noting this is a budgeted item that would be used to extend the life of 14 roads this year. He said the project will be state bid and noted the total of the 2020 Curb Replacement and Cape Seal Projects will be \$100,000.00 below budget.

Mr. Weidman made a motion, seconded by Mr. James, to approve the 2020 Cape Seal Project.

Mr. James raised concerns about proceeding with the project in uncertain times during which revenue may be down. He asked Mr. Kellums if the work must be done this year. He also noted he had received complaints about Cape Seal work done in the neighborhood behind All Saints.

Mr. Kellums said putting off the project could result in increased expenses in the future as the roads will deteriorate further. He stated he looked at the roads behind All Saints and saw no issues noting Cape Seal is not the same as paving and appears rough at first.

Mr. James asked Mr. Porter and Mr. Warrick if they thought it was ok financially for the Township to proceed with the project at this time.

Mr. Warrick said the Township is in good shape financially and noted Mr. Kellums brought up a good point that putting off road maintenance could lead to greater expense in the future

Mr. Porter called roll. All voted: Aye.

Mr. LaBarbara requested Mr. Kellums look at storm damage on Miami Hills to see if his department could assist in clean up there.

Mr. LaBarbara brought up issues on Bayberry and in Sturbridge with loss of electricity.

Mr. Kellums stated the former Township Administrator had been working with Duke Energy's government representative regarding that issue. He reported Duke now has a new person in that role and said he will contact the new government representative about this.

Mr. James noted a resident reported Duke Energy failed to notify residents on Kugler Mill about a planned outage.

Mr. Kellums stated Duke Energy notifies both the Township and residents for any planned outage. He said he will check with the Duke representative about that also to inquire if that was indeed the case.

Mr. LaBarbara reported there was a senior citizen scammed by someone claiming to work for the Township who took money from the resident for driveway work.

Mr. Kellums said the scammers posed as workers of Barrett Paving, the contractor the Township hired for work on Sycamore Road. He noted Corporal Kidd of the Hamilton County Sheriff's Office is investigating this.

Mr. James requested Mr. Kellums look at trees and stumps in the right of way in the northern part of the Township that may need attention as reported to him by a resident.

Mr. Kellums encouraged residents to call him directly to report dead trees or other issues in the right of way.

LAW DIRECTOR ITEMS

Mr. Desai had no report.

ADMINISTRATOR ITEMS

Social Media Policy

Mr. Warrick reported he had a draft social media policy for the employee handbook for the Trustees to approve. He stated the language had been reviewed both by Mr. James and Mr. Desai.

Mr. James moved to approve the social media policy for the employee handbook. Mr. LaBarbara seconded.

Mr. James noted at the Ohio Township Association Conference townships were encouraged to add such a policy to their employee manuals so that social media posts of employees are noted as their personal views and not those of the Township. He said this prevents the Township from being obligated to produce them as public records.

Mr. Porter called roll. Vote: All Aye.

Political Activities

Mr. Warrick reported he had a political activities policy for the Board's review to be added to the employee handbook, noting it had gone through a lot of scrutiny.

Mr. Weidman commented Mr. Warrick had said at the 02/18/2020 Workshop that many townships have similar policies and asked Mr. Warrick if since that time he has identified how many.

Mr. Warrick answered he had not.

Mr. Weidman stated Mr. Warrick had previously said the policy before the board had been modeled after Symmes Township's policy. Mr. Weidman noted Symmes Township's policy was adopted in 2001, is very extreme and two of the Symmes Township Trustees have informed him they plan on removing it from their handbook. He asked what other policies Mr. Warrick had looked at.

Mr. Warrick answered he has not looked at other policies.

Mr. Desai reported the policy before the Board is not as extreme as Symmes Township's policy.

Mr. Weidman inquired about what research Mr. Desai had done when developing the policy and cited cases in which employees prevailed in litigation against public employers. He expressed concern about the policy opening the Township up to the risk of litigation and taxpayers ultimately paying the price for that.

Mr. Desai described in great length what the Township is trying to achieve with the policy, noting the first amendment right to free speech is a right that prohibits governmental intrusion. However, he stated public employers have an interest in creating an apolitical work environment. He pointed out the importance of the policy using narrowly tailored language and being unambiguous. He gave the example of someone yelling "fire!" in a crowded movie theatre, noting that language may be restricted for inducing panic, but the government may not restrict people from using the word "fire" at all in a crowded venue. Mr. Desai reported he relied on the judge's decision in the City of Dayton versus Reynolds and thanked Trustee James for his input in pointing out statutes in the ORC.

Discussion continued with Mr. Weidman giving a few examples of employees participating in political groups, having discussions with others about candidates etc. and asking Mr. Desai if those would be permitted under this policy. Mr. Weidman's main concern was paragraph two of the policy and the effect it would have on employees in private groups and as precinct officers.

Mr. Desai stated he will have to research statutorily prescribed duties of precinct officials. Mr. Desai said, as far as expressing opinions, employees may do so in private conversations, but they may not distribute campaign material or participate in any other overt public expression of political opinions.

There was then a discussion among the Trustees about employees who have worked at polling locations and whether there is an issue with politics in the workplace.

Mr. James stated the goal is to make the work environment apolitical which Mr. LaBarbara and Mr. Weidman both agree on. He said the public impression is that there is politics in the Township work environment. He said Mr. Weidman had raised concerns that Mr. Desai should research and suggested excluding employees who are Township residents from the policy.

Mr. Weidman said adopting paragraph one of the policy, which states the employer shall not solicit employees in the workplace, would be a great start.

Mr. LaBarbara said Mr. James and Mr. Desai put a lot of work in the policy and we should move forward with it.

Mr. Desai suggested adopting paragraph one now and holding off on the other two paragraphs pending additional research.

Mr. LaBarbara asked Mr. Desai to review and revise paragraphs two and three and present this to the Board at the next Trustees meeting.

Mr. James made a motion to adopt paragraph one of the political activities policy. Mr. Weidman seconded the motion. Mr. Porter called roll. Vote: All Aye.

Finance Reporting

Mr. Warrick requested this item be postponed to allow more time for both he and Mr. Porter to work on it.

Mr. Porter reported the Tax Budget will be voted on during the second meeting in July noting this will include the actual expenses for the first six months of the year and projected expenses for the second six months of the year. He said some expenses and revenue could be down due to COVID-19 and we will have a better idea after the first six months of the year.

Mr. James asked about the bond rate that was in question at the last Trustees Meeting.

Mr. Porter answered that when Mr. Warrick noted the rate at the last meeting, he was looking at the maximum. He reported the actual interest rate is 2.1% which is more in line with the market rate for treasury bonds. He said he anticipates interest rates will drop further and, now that the bond is callable, it is possible that rate could be reduced.

PLANNING AND ZONING ITEMS

Mr. Miller reported the April 20th Board of Zoning Appeals Meeting will be held remotely on Zoom with opportunity for public comment.

Compliance with Zoning Conditions for Development Projects

Mr. James reported the demolition of the old Hauser building had been completed and the landscape berm has been replaced. He then stated he had requested this agenda item to ensure the Township is following up on conditions of zoning approvals. He pointed out there had been concerns from residents about noise levels at the CIG construction site and about landscaping at the Myers Y. Cooper development on Kenwood Road.

Mr. Miller reported the Myers Y. Cooper development will not receive final zoning approval until the landscaping requirements are met, noting he is working with the developer on that.

Mr. Miller went on to discuss the issues with noise at the CIG development noting construction is loud, but he is hoping to work with the developers to find a solution for residents.

Mr. Weidman asked if Mr. Miller had the baseline decibel level for the site. He pointed out condition #26 of the CIG approval pertained to mechanical units at completion of construction. He noted construction sites are loud, but the Township can go after the developers if it goes on after hours.

Mr. Miller stated Mr. Clark has been measuring decibel levels, trying to set a baseline, noting there are spikes in sound. He said the intersection of Montgomery and Kenwood Roads registered at 77 decibels on April 7th when there was most likely less traffic than normal due to the COVID-19 Stay at Home Order. There was discussion about 62 decibels being an appropriate threshold. Mr. Miller asked Mr. Desai to research if the 1994 noise resolution is still in effect.

Mr. Desai suggested establishing a code of ordinances for the Township of all home rule laws in effect. The Board agreed this was a good idea and instructed Mr. Desai and Mr. Warrick to work on it.

Resolution – Nuisance Property 8109 Reading Road

Mr. Miller reported he had a nuisance resolution for the Board's review for a commercial property that had been used for dumping. He noted it is the property owner's responsibility to secure the property and attempts had been made to work with the owner.

“A Resolution Providing for and Authorizing Removal of Vegetation, Garbage, Refuse and Other Debris and Declaring a Nuisance for the Property Located at 8109 Reading Road, Sycamore Township, Ohio 45237” was presented by Mr. Miller. A motion was made by Mr. Weidman, seconded by Mr. James, to approve the resolution and dispense with the second reading. Mr. Porter called the roll. Vote: All Aye.

Resolution No. 2020-33 passed this 14th day of April, 2020.

Mr. James asked Mr. Miller about the process for obtaining a permit for a temporary pool in case the pools do not open due to the Stay at Home Order.

Mr. Miller explained the process noting there is no cost for the permit and projects not requiring Hamilton County Building Department review may be submitted electronically.

Mr. James requested Mr. Miller put something together about this and post it on the website for residents.

FISCAL OFFICER ITEMS

Mr. Porter said he had nothing further to report.

TRUSTEE ITEMS

Mr. LaBarbara stated the latest on COVID-19, including valuable links, is on the Township website homepage. He reminded residents the spring newsletter was printed prior to the Stay at Home Order.

ANNOUNCEMENT CHANGES

Mr. LaBarbara referred residents to the website calendar for event information, noting the Trash Bash events scheduled for April had been postponed to a date to be determined.

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

End regular session: 11:01 a.m.

/s/ Jim LaBarbara
Jim LaBarbara, Chairman

/s/ Thomas C. James, Jr.
Thomas C. James, Jr., Trustee

/s/ Thomas J. Weidman
Thomas J. Weidman, Trustee

/s/ Robert C. Porter, III
Robert C. Porter III, Fiscal Officer

/s/ Ray Warrick
Ray Warrick, Administrator
Workshop Minutes 04/14/2020