

## **RECORD OF PROCEEDINGS**

### **Minutes of the Trustees of Sycamore Township Meeting Sycamore Township, Hamilton County, Ohio**

**May 19, 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 9:03 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 Lt. Smith from the Hamilton County Sheriff's Office. (*\*Mr. Porter had technical difficulties and could hear the meeting but was unable to comment.*)

#### **Approval of Electronic Signatures**

Mr. LaBarbara asked Trustees James and Weidman, Fiscal Officer Porter and Law Director Desai if they give permission for electronic signatures. All answered yes. Mr. LaBarbara then gave his permission for his signature to be added electronically to any documents approved at the meeting.

(*\*Mr. Porter was able to comment at this point in the meeting.*)

#### **Approval of May 7, 2020 Public Hearing City of Deer Park/Sycamore Township JEDD Minutes**

The Public Hearing City of Deer Park/Sycamore Township JEDD Minutes were presented for approval. Mr. Weidman made a motion, seconded by Mr. James, to accept them. Mr. Warrick called roll. Vote: All Aye.

#### **Approval of May 7, 2020 Trustees Meeting Minutes**

The May 7, 2020 Trustee Meeting Minutes were presented for approval. Mr. LaBarbara made a motion, seconded by Mr. Weidman, to accept them. Mr. Warrick called roll. Vote: All Aye.

#### **SHERIFF PATROL ITEMS**

Lt. Smith reported the Sheriff's Office will be lifting their limited response plan that was implemented during the COVID-19 Stay at Home Order on June 1<sup>st</sup>. He stated there have been no major issues or complaints. He said there have been reports of bars and restaurants experiencing issues with overcrowding in Hamilton County but noted there have been no complaints about that in the Township.

## **EMS AND FIRE ITEMS**

### **COVID-19 Update**

Chief Penny reported there are 21 residents in the Township on home quarantine for the Coronavirus and 15 residents who have recovered and been released from quarantine.

Chief Penny stated the Fire Department is doing well and has enough supplies. He said they have participated in 15 birthday drive by parades this month.

Chief Penny said he has been working on gathering receipts from COVID-19 expenses to submit for FEMA reimbursement. He said they are now dealing with the heavy rains and noted runs have been picking up again.

## **ROADS, MAINTENANCE & RECREATION ITEMS**

### **2020 Cape Seal Program**

Mr. Kellums reported on the Cape Seal Project which was discussed at a previous meeting. He said he had a resolution prepared approving a contract with Strawser Construction for the work. He noted the bid is a state bid and came in at \$168,177.75.

“A Resolution awarding the Contract for the 2020 Cape Seal Program to Strawser Construction Inc, Dispensing with the Second Reading and Declaring an Emergency” was presented by Mr. Kellums. A motion was made by Mr. Weidman, seconded by Mr. James, to approve the resolution and dispense with the second reading. Mr. Warrick called the roll. Vote: All Aye. Resolution No. 2020-36 passed this 19<sup>th</sup> day of May, 2020.

Mr. Kellums reported the Spring Compost Giveaway was very busy and people were happy that the Township moved forward with this low contact event.

Mr. Kellums reported the park restrooms and ball fields will open June 1<sup>st</sup>. He said the Maintenance Department has developed a protocol for daily sanitizing of bathrooms, including weekends, and deep cleaning once a week.

Mr. LaBarbara asked about playgrounds being opened.

Mr. Kellums answered the Governor has not yet said when playgrounds are permitted to open. He noted the Township is still not renting shelters because there is still a ten-person limit for gatherings in Ohio.

Mr. Kellums stated he spoke to members of the Jump ‘n Jive Show Band about their concert scheduled for June 27<sup>th</sup>, and to Car Show organizers about the Sycamore Township Car Show scheduled for August 1<sup>st</sup> and both indicated they would like to proceed with the events. He asked for the Trustees’ opinions on whether to hold the events.

There was a discussion about safe procedures and social distancing practices for these events. It was decided to leave them on the calendar.

Mr. Kellums reported he had rescheduled document shredding to June 20<sup>th</sup> noting there will be two maintenance employees there to help. He said this event deals with one car at a time with minimum contact. He noted he has had a lot of calls from people asking when Trash Bash will be rescheduled. He said he is contacting the companies the Township uses for the Trash Bash events for potential rescheduling in mid to late September.

Mr. Kellums said Sycamore Road has been paved from Blue Ash Road to Plainfield Road. He noted the Hamilton County Engineer issued a press release about an intersection closure so the project can proceed to the east. The press release was published on the Township website and social media platforms.

Mr. Kellums reported good progress is being made on the Montgomery Road Sidewalk Project.

Mr. James asked if the contractors using Township property as a staging area are fully insured so the Township has no liability with that.

Mr. Kellums answered yes.

### **6330 Kugler Mill Road**

Mr. Kellums reported he has received quotes to have the condemned building at 6330 Kugler Mill torn down and is waiting on estimates to have the asbestos in the window glazing removed. He noted at the last meeting there was a question brought up about the court order to get into the building to remove asbestos.

Mr. Desai stated the Township is looking to pursue demolition of the building pursuant to O.R.C. 505.86. He said the asbestos removal is part of any demolition, therefore, the Township does not need a separate search warrant. Mr. Desai noted the demolition of the building was approved by Trustee resolution in 2017, noting this was a long process in which the property owner had requested a hearing.

He stated it appears no sale of the property is imminent and asked if the Trustees would like to move forward using the authority of the 2017 resolution or pass another resolution as an extra precaution. He noted there is no time limit on the 2017 resolution.

Mr. Weidman stated in his opinion this has taken long enough and if the existing resolution allows it, we should move forward with the demolition.

Mr. LaBarbara agreed.

Mr. James also agreed unless there is a legal risk in moving forward on the authority of the 2017 resolution.

Mr. Desai said the Township has allowed time for the property owner to take care of the problem himself and it is fine to move forward. Mr. Desai said there was already a motion to move forward with the demolition at the May 7<sup>th</sup> Trustees Meeting.

Mr. LaBarbara asked if Mr. Kellums was waiting on another bid for the demolition. Mr. Kellums said he is waiting on a bid for the asbestos removal. He said he already received a much lower bid for the demolition; therefore, the cost of the demolition and the asbestos removal should not exceed the maximum cost the Trustees previously approved. He stated once the asbestos bid is received, we will proceed immediately.

### **PLANNING AND ZONING ITEMS**

Mr. Miller reported he had nuisance property and vehicle resolutions for the Board's consideration. He showed the photos of the nuisance properties on the screen for the Board and the public to view.

#### **Resolution – Nuisance Property 4106 Jud Drive**

“A Resolution Providing for and Authorizing Removal of Vegetation, Garbage, Refuse and Other Debris and Declaring a Nuisance for the Property Located at 4106 Jud Drive, Sycamore Township, Ohio 45236” 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. Warrick called the roll. Vote: All Aye.

Resolution No. 2020-37 passed this 19<sup>th</sup> day of May, 2020.

#### **Resolution – Nuisance Property 8671 Darnell Avenue**

“A Resolution Providing for and Authorizing Removal of Vegetation, Garbage, Refuse and Other Debris and Declaring a Nuisance for the Property Located at 8671 Darnell Avenue, Sycamore Township, Ohio 45236” 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. Warrick called the roll. Vote: All Aye.

Resolution No. 2020-38 passed this 19<sup>th</sup> day of May, 2020.

#### **Resolution – Nuisance Vehicle 8100 Camner Avenue**

“A Resolution Providing for the Removal of a Junk Vehicle in Sycamore Township, Hamilton County and the Proper Disposal, Storage or Impoundment of Motor Vehicle by Implementing the Procedures Set Forth in Sycamore Township Resolution 2012-14, and Sections §§ 505.173, 505.85, AND 505.871 of the Ohio Revised Code and Dispensing with the Second Reading” 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. Warrick called the roll. Vote: All Aye.

Resolution No. 2020-39 passed this 19<sup>th</sup> day of May, 2020.

Mr. Miller reported on the Board of Zoning Appeals meeting that took place May 18<sup>th</sup>. Mr. James asked if both cases had been approved. Mr. Miller answered yes, saying there were technology issues and he looks forward to holding meetings in person again.

### **LAW DIRECTOR ITEMS**

Mr. Desai said he had nothing to report.

## **ADMINISTRATOR ITEMS**

Mr. Warrick reported he had three purchase orders over \$2,500.00 to present to the Board for approval.

US Bank	2014 TriHealth General Obligation Bond	\$54,225.00
US Bank	2016 Various Purpose Refunding	\$140,350.00
Huntington Bank	Kemper/Goldcoast/Deerfield Interest	\$24,750.00

Mr. Weidman made a motion, seconded by Mr. James, to approve these requests. Mr. Warrick called roll. Vote: All Aye.

## **Financial Review Overview**

Mr. Warrick displayed on screen a spreadsheet he had put together. He noted the spreadsheet took a lot of effort to create because when the Township closes out the year with BUCS, the accounting software, our CPA has to do a lot of extra spreadsheet work to construct the financial report so that we can be audited. Mr. Warrick said he wanted to tie our numbers back to numbers in the finance report, noting he put them in fund accounting nomenclature. He arbitrability put accounts together and described how he did so. Mr. Warrick pointed out fund accounting starts with an opening balance, shows revenue and expenses, and the closing balance. He then reviewed the numbers for 2018 and 2019 stating the closing balance in 2019 was \$43,580,359.00.

Mr. Warrick explained he extended this out to 2020 with the opening balance equal to the 2019 closing balance. He stated the budget is submitted to Hamilton County and the County then issues a certificate which may be amended. He said, typically, our numbers and the operating budget should match what we send to the County, but they do not. He said he thinks the Township should reenter this budget in BUCS because predicted revenues are way off, and the expenses are over inflated. He noted if we operated through this budget, we would knock down reserves by \$10.5 million, and of course that is not going to happen. Mr. Warrick said we are at a standstill because he thinks BUCS is unworkable, but the Fiscal Officer does not want to change accounting systems. He said there are two issues, the accounting system and operating budget.

Mr. Weidman stated the Board should yield to the Fiscal Officer on this noting he has used BUCS for years and the Township has never had a negative audit.

Mr. James stated the Trustees have a fiduciary responsibility and needs more accurate reporting. He said the Board should not decide without Mr. Porter's input noting he was having technical difficulties and was unable to fully participate in the meeting. Mr. James said it is important to have more accurate numbers saying, while Ms. Campbell does her best, the numbers are inaccurate because of the software used. He said other Townships are moving away from BUCS in droves and we should look at other options. Mr. James said the numbers concern him because it shows the Township dipping into the reserves by \$10 million which is essentially a \$10 million deficit, although the Township does have the money to cover it.

Mr. Weidman noted Mr. Warrick said the numbers are inaccurate suggesting the \$10 million deficit is not the case.

Mr. James stated that is not what he was saying.

Mr. Warrick stated the numbers certified to county are correct, they just do not tie back to the numbers we are using to run the Township.

Mr. James said we need to have Mr. Porter as part of the discussion.

Mr. LaBarbara asked why we are afraid of going to a new system that is not antiquated when we have the funds to afford a new system.

Mr. Weidman said he is not afraid of anything, but Mr. Porter is the Township's duly elected Fiscal Officer who has statutory obligations dictated by the O.R.C. and for the Trustees to run his job is not their position. He said the Trustees may choose how the Township spends money, but the accounting is Mr. Porter's responsibility; he was elected to do it. Mr. Weidman said if Mr. Porter wants to switch that is fine, noting he has been doing this job very successfully for 30 years and he is not sure it is a good idea for the Trustees to come in and suggest that they know more than he does. Mr. Weidman suggested tabling the discussion until Mr. Porter can provide input.

Mr. Warrick stated he reviewed all these numbers with Mr. Porter a couple weeks ago.

Mr. LaBarbara stated he is not satisfied with the numbers he has seen the past two years. He said Mr. Porter only presents two numbers and the Board should look at numbers from another angle. He said Mr. Warrick was directed to do this, and should continue to do so, and he hopes Mr. Porter helps Mr. Warrick with this.

Mr. Weidman stated Mr. Porter has fiduciary responsibility to the job that he was elected to and we should not try to intervene in that.

Mr. LaBarbara pointed out the Trustees must oversee this and guide Mr. Porter if necessary.

### **June Meeting and Events**

Mr. Warrick stated the Board must discuss June meetings and how to proceed with them, noting there is a Workshop Meeting scheduled for June 2<sup>nd</sup>, as well as JEDZ Boards, CIC, and Trustees meetings on June 4<sup>th</sup>.

Mr. LaBarbara suggested holding the June 2<sup>nd</sup> Workshop Meeting remotely via Zoom and the June 4<sup>th</sup> meetings in person.

Mr. Warrick noted the curve ball is how many are going to show up from the public for the meetings.

Mr. James suggested asking people to register in advance for the meetings so we have an idea of how many will be there.

Mr. Kellums said we could put out a limited number of seats and when the seats are all filled, close off the meeting.

Mr. Warrick stated staff would like to get back to in person meetings noting we should rely on Chief Penny to ensure we follow best proper practices.

There was a conversation about the reasons for holding a Workshop Meeting and Trustee Meeting two days apart and continued discussion about the best way to proceed with the June meetings. It was decided to hold the Workshop remotely via Zoom on June 2<sup>nd</sup> and the JEDZ, CIC and Trustees meetings on June 4<sup>th</sup> in person with social distancing.

Mr. Miller asked if zoning meetings could be also be held in person. He was told that is fine if the Zoning Board members are comfortable with that and proper protocol is followed.

Mr. James reported someone had asked him about the Township enforcing issues with businesses reopening. He stated he thought that would be an issue for the Public Health District possibly in their partnership with the Sheriff's Department. The other members of the Board agreed.

### **FISCAL OFFICER ITEMS**

#### **Receipts and Disbursements**

The receipts, in the amount of \$184,595.69 and disbursements, in the amount \$659,789.79 for May 19, 2020 were read and are hereby made a part of these minutes.

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

Mr. Weidman made a motion, seconded by Mr. James, to accept them. Mr. Warrick called roll. Vote: All Aye.

### **TRUSTEE ITEMS**

Mr. LaBarbara asked if the Board wanted to discuss the establishment of the citizen finance and audit committee noting the Board unanimously approved to start the process to establish the committee at the last meeting. He said Mr. Warrick had already received some applications and should interview the applicants.

Mr. Warrick reported he had received eight applications and noted he would like to discuss it with Mr. Porter before beginning interviews.

Mr. LaBarbara reported Mr. Porter had included a resolution from Symmes Township approving the establishment of a similar committee in the document packet for the Workshop.

Mr. James noted the motion to establish a citizen's finance and audit committee was brought up at the last moment of the previous Trustees Meeting. He said afterward Mr. Porter had emailed the Trustees to let them know he had concerns about that being brought up last minute without being placed on the agenda. Mr. James commented Mr. Porter had valuable thoughts that he communicated with everyone and told the Trustees he was caught off guard at the last meeting.

Mr. Weidman said he was concerned about the fact that it was brought up in the Trustees Comments section of the agenda noting it should not have been voted on.

Mr. James agreed it should have been on the agenda.

Mr. LaBarbara said Mr. Warrick will oversee the establishment of the committee and it will be discussed further at the next meeting.

Mr. Weidman gave an update on the COVID-19 testing tent at Jewish Hospital saying they had tested 2,112 patients. He stated Jewish Hospital is in good shape with PPE noting they had received another shipment from Hamilton County EMA.

Mr. Weidman reported Kenwood Towne Center had reopened and had 35% foot traffic compared to this time last year. He said Dillard's was the only department store that opened the first day, Macy's opened Monday, May 18<sup>th</sup> and Nordstrom will open Friday. He said Tiffany's and Louis Vuitton had lines to get in and pointed out many businesses are scrambling for work force.

Mr. Weidman stated he is working with parents of CHCA graduates to honor the class of 2020 and thanked Chief Penny and crew for their participation.

Mr. James thanked Mr. Weidman for the report. He then stated he would like the legal scholars Mr. Weidman consulted about the personnel policy discussed at the last meeting to contact him as he would like to hear their opinions.

### **ANNOUNCEMENT CHANGES**

Mr. LaBarbara referred people to the website calendar of events attached to the agenda and noted the next Workshop Meeting will take place June 2<sup>nd</sup> via Zoom. He said on Thursday, June 4<sup>th</sup> there will be JEDZ Meetings, a CIC Meeting, and a Trustees Meeting, which will all take place live with social distancing.

A motion to adjourn into **Executive Session** with attorney, Scott Sollmann, attorney Rob Butler and Law Director, Deepak Desai, to discuss ongoing litigation in which their law offices are representing the Township as permitted by Ohio Revised Code Section 121.22(G) was made by Trustee Weidman and seconded by Trustee James.

Vote: James: Aye; LaBarbara: Aye; Weidman: Aye.

Mr. LaBarbara invited the following people into the Executive Session: Ray Warrick, Tracy Kellums, Deepak Desai, Rob Butler, Scott Sollmann, Rob Porter, Tom James, and Tom Weidman.



End regular session: 10:12 a.m.

Begin Executive Session: 10:13 a.m.

End Executive Session: 11:11 a.m.

Back in regular session: 11:12 a.m.

Mr. LaBarbara made a motion to authorize Administrator Warrick, Law Director Desai, and Mr. James, along with attorneys of record Rob Butler and Scott Sollmann, to enter into settlement talks with the Defendants in the House of Browns case. The motion was seconded by Mr. James. Mr. Warrick called roll. Vote: All Aye.

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

End regular session: 11:14 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 05/19/2020