

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

NOTE: Due to the COVID-19 pandemic and the issuance of guidelines to limit indoor public gatherings to ten people or less 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 without members of the public physically present. Video of the meeting was live streamed to the public on the internet.

The meeting was called to order at 9:00 a.m. Present for the meeting were Chairman LaBarbara, Vice Chairman James, Trustee Weidman, Fiscal Officer Porter (left before the end of the meeting), Law Director Desai, Administrator Warrick, Superintendent/Assistant Administrator Kellums, Planning & Zoning Administrator Miller and Fire Chief Penny. Lt. Tarr from the Hamilton County Sheriff's Office was absent.

Mr. LaBarbara entertained a motion to go into Executive Session with Attorney Scott Sollmann, the three Trustees, Ken Geis, Rob Porter, Ray Warrick, and Tracy Kellums; and then go into a second Executive Session with Law Director Desai after dismissing Scott Sollmann and Ken Geis.

A motion to adjourn into **Executive Session** with Attorney Scott Sollmann, to discuss ongoing litigation as permitted by Ohio Revised Code Section 121.22(G) and, following that, to continue in **Executive Session** with Law Director, Deepak Desai, to discuss ongoing litigation as permitted by Ohio Revised Code Section 121.22(G) was made by Trustee Weidman and seconded by Trustee James. Mr. Porter called roll. Vote: James: Aye; LaBarbara: Aye; Weidman: Aye.

End regular session: 9:01 a.m.

Begin Executive Session: 9:02 a.m.

End Executive Session: 11:00 a.m.

Back in regular session: 11:01 a.m.

Mr. LaBarbara explained the reason for holding the executive sessions at the beginning of the Workshop meeting was to avoid the Township paying more in attorney fees by keeping attorneys waiting.

Mr. Warrick called roll. The three Trustees all indicated they were present.

Mr. James made a motion, seconded by Mr. LaBarbara, to authorize Mr. Warrick to sign the revised Settlement Agreement in the House of Browns lawsuit.

Mr. Weidman stated, while he will support this agreement in order bring some finality to a long-standing issue and to clean up that strip, he is totally disappointed that, through our insurance company, we are paying a significant amount of money to this individual to get his property in compliance with the Zoning Resolution. Mr. Weidman pointed out this is a bad policy and, while he will support the motion, he is not crazy about how we got here.

Mr. James stated he understands Mr. Weidman's concerns, but pointed out this agreement puts an end to litigation and the Township paying legal fees. He said the settlement money is being paid for by insurance, and it achieves all the goals the Township set out to achieve in the beginning.

Mr. Warrick called roll. Vote: All Aye.

Approval of August 4, 2020 Trustees Workshop Meeting Minutes and August 6, 2020 Trustees Meeting Minutes

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

The August 6, 2020 Trustees Meeting Minutes were presented for approval. Mr. Weidman made a motion, seconded by Mr. James to accept them. Mr. Warrick called roll. Vote: All Aye.

Mr. LaBarbara noted Mr. Porter was excused. He asked Mr. Warrick to read the bills and receipts.

PAY BILLS AND READ RECEIPTS

The receipts, in the amount of \$312,197.90 and disbursements, in the amount \$375,300.26, for August 18, 2020 were read and are hereby made a part of these minutes.

Mr. Warrick pointed out to the Board that there are two checks in this check run, check number 67726 made payable to Bound Tree Medical and check number 67769 made payable to Stigler Supply, that will further compound our problem of exceeding appropriations.

Mr. Weidman asked if the expenses covered by the two checks mentioned are Covid-19 related.

Chief Penny answered yes.

Mr. Warrick said we are doing it out of order a little bit because we created a new fund, and even issued a purchase order out of that fund, without appropriating the money. Therefore, those two checks will be over appropriations because that wasn't done. He said we will get that money appropriated at the next meeting and fix other issues noting there are two appropriations that require the Board's attention. Mr. Warrick said there are 30 something appropriations he will try to resolve with the department heads to see if we can move money around within the department.

Mr. James asked if there was any measure that could be taken now for the two checks in question noting he doesn't want to approve the check run in excess of the legally appropriated amount.

Mr. Warrick said a resolution is required to increase an appropriation.

Mr. Desai agreed a resolution is needed to establish an appropriation. Mr. Desai suggested he create a "nunc pro tunc" resolution for approval at the next meeting for the appropriation to be retroactive back to when the Township first started using Cares Act funds.

Mr. James asked if the checks needed to go out before the next meeting on September 1st.

Mr. Warrick answered he did not know.

Mr. James asked Mr. Desai if it would be ok for the Trustees to approve the check run.

Mr. Desai stated it is not ideal, but often the Township is placed in a situation where we have to be creative within the confines of being legal. He said approving a "nunc pro tunc" resolution at the next meeting is a legal way to move forward. He noted because of the Fire and EMS function, keeping the vendors paid so we are supplied well, he thinks that public health interest overrides any technicality.

Mr. Weidman made a motion, seconded by Mr. James, to approve the check run. Mr. Warrick called roll. Vote: All Aye.

Mr. LaBarbara stated that Lt. Tarr had nothing new to report and had been excused from the meeting.

EMS AND FIRE ITEMS

COVID-19 Update

Chief Penny reported there are 72 COVID-19 cases quarantined at home in the Township and four released from quarantine since the last meeting. He said, typically, there are one to three cases a day reported to him which is nothing new. He said there are no cases among the firefighters, who are well protected, and noted supplies are holding up well.

Elevator Repair

Chief Penny reported the elevator at Station 92 was put in because the meeting room on the second floor had to be ADA compliant since it is located in a public building. He said the elevator is 25 years old and has a severe leak in a cylinder under the floor. Chief Penny noted the cylinder must be removed and replaced and explained why that is quite a project. He reported the quote to replace the cylinder is \$40,882.12. Chief Penny said he had emailed Law Director Desai asking if the Township must maintain the second floor as a public area. He stated, after more thought, it would not be a good idea to deem it not to be a public area and explained his reasoning.

Chief Penny went on to note other issues that must be addressed in the firehouse including the sprinkler system, roof, the need for storage, and garage doors. He proposed the Board allow him some more time to research pricing to address those other items as well and present them as a bundle.

Mr. LaBarbara asked Chief Penny if he had solicited other estimates for the elevator repair.

Chief Penny said the estimate came from the company that installed the elevator, but he can ask for other estimates.

Mr. Warrick said Chief Penny should do the same exercise for Station 93 and identify any issues. He stated he would like a list of needs and the cost to address them as well as a proposal to pay for it.

Chief Penny said he will work on that.

Resolution – Declaring a Township Vehicle as Surplus and Obsolete

“A Resolution Declaring a Township Vehicle as Surplus and Obsolete and Authorizing its Disposition, Dispensing with the Second Reading and Declaring an Emergency” was presented by Mr. Warrick. A motion was made by Mr. Weidman, seconded by Mr. James, to approve the resolution.

Mr. James asked the plan for the vehicle.

Chief Penny said it will be sold as junk. He stated the vehicle, which needs repairs, had been passed to the Fire Department for use to paint hydrants and it is not worth putting money into it. He noted he doesn't think it is worth putting on the government auction site. Chief Penny stated he would like to replace it someday, possibly with another used vehicle, because he doesn't like using the good staff cars for hydrant painting.

Mr. Warrick called the roll. Vote: All Aye.

Resolution No. 2020-55 passed this 18th day of August, 2020.

Mr. James said at the last meeting, he had asked about the second tent that was put up at Jewish Hospital. He said now the first tent is gone and asked if the tent layout is interfering with Fire Department operations.

Chief Penny answered no saying they can work around it.

ROADS, MAINTENANCE & RECREATION ITEMS

RFQ Results Larchview/Plainfield Project

Mr. Kellums stated the Board had previously approved a motion to advertise for engineering services for the Larchview/Plainfield Project, which will be partially funded by grant money. He reported he had received nine submissions to the RFQ request. Mr. Kellums said Choice One Engineering came in as the highest rated firm among the nine. He said his past experience with Choice One Engineering has been positive.

Mr. Kellums reminded the Board this project is a joint project with Hamilton County. He said Hamilton County will pay 50% of the engineering. He pointed out an agreement is not yet in place because when it was put before the County Commissioners July 3rd, Commissioner Stephanie Dumas requested a price first, which is not the usual process. Therefore, he said, he

had to go back to Choice One Engineering to get a proposal with a price and will go back to the County. He reported this was first sent to Hamilton County in January and pointed out the construction project must be out to bid by next July because of the grant money involved.

Mr. Kellums asked Mr. Desai if a motion was needed to approve the selection of Choice One Engineering before approving the resolution for the contract.

Mr. Desai reviewed everything that had been done for the consultant selection and noted it was in full compliance of the statute, therefore, a motion to select is not necessary.

Resolution – Authorizing a Contract for a Consultant Larchview/Plainfield Project

“A Resolution Authorizing a Contract with Choice One Engineering Corporation for Engineering Services, 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.

Mr. James asked if the Township would be on the hook for the entire project if Commissioner Dumas decides again – or others in the county – not to approve this?

Mr. Kellums answered if the County says no, what will happen is Plainfield Road would not get done and the Township would proceed with Larchview Drive only which is the Township’s part of the project.

Mr. Warrick called the roll. Vote: All Aye.

Resolution No. 2020-56 passed this 18th day of August, 2020.

Mr. Kellums reported the condemned house at 7330 Kugler Mill Road (Mr. Kellums misspoke the actual address is 6330 Kugler Mill Road) had been demolished and all other projects are proceeding as planned.

Mr. James thanked Mr. Kellums for his work getting the condemned house razed saying the neighbors are happy about it. He said he did hear from one neighbor concerned about a tree.

Mr. Miller said he spoke to the neighbor about his concerns; however, the tree in question is not in violation. He pointed out the Township completed a prior evaluation of some of the trees and took those down.

Mr. LaBarbara reported a drug dealer was working out of 6330 Kugler Mill Road supplying most of the kids at Sycamore High School. He also reported the daughter of a neighbor saw a person coming out of that house removing his clothing. He said it is great that it is down, thank you.

Mr. James said he took a 27-mile bike ride and stopped in each of our parks. He said the bathrooms in McDaniel Park were locked down and he understands that’s due to vandalism.

Mr. Kellums answered yes, noting vandalism has been an ongoing problem there including vandals ripping fixtures and sinks off walls in the restrooms. He said it is a big problem and he is

working with the contractor who does the Township's locks to remotely lock and unlock those restrooms because there are no employees there on the weekends to lock them at night.

Mr. James said the restrooms look like they already have remote locks and asked if those were not working.

Mr. Kellums said those are locks that may be operated in person using a key fob, the current locks cannot be controlled remotely.

PLANNING AND ZONING ITEMS

Resolution – Nuisance Property 12169 Scoutmaster Drive

Mr. Miller reported he had two property maintenance resolutions for the Board's consideration. Mr. Miller stated 12169 Scoutmaster Drive is a continuing problem and every effort had been made to reach out to the property owner.

Mr. Weidman asked if it was a rental property.

Mr. Miller answered he did not know if it is a rental property, but it is currently vacant.

Mr. Miller said 7256 Silvercrest Drive has multiple violations and the Township has received numerous complaints about it. He pointed out his department always tries to work with the property owner to resolve issues before taking this step.

"A 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, Ohio 45241" 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. 2020-57 passed this 18th day of August, 2020.

"A Resolution Providing for and Authorizing Removal of Vegetation, Garbage, Refuse and Other Debris and Declaring a Nuisance for the Property Located at 7256 Silvercrest 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. Porter called the roll. Vote: All Aye.

Resolution No. 2020-58 passed this 18th day of August, 2020.

Mr. James asked about a large pile of dirt at the rear of the property on Quailhollow Road discussed at previous meetings.

Mr. Miller said he just saw the email about that, and he will look at the property and speak to the contractor about it.

Mr. James asked the status of the Land Use Steering Committee and the Land Use Plan.

Mr. Miller said he is taking the land use comments from that group to finalize the document. He would like to have a final wrap up with the committee for the year, noting they were able to complete the land use portion, but there are additional topics to discuss such as park planning, transportation and environmental impacts that we can come back to later. Mr. Miller said he needs to get a final document through the zoning process to be approved.

Mr. James asked about the updates to the Zoning Resolution.

Mr. Miller answered his plan was to get the Land Use Plan done first, then proceed with updating the Zoning Resolution. He stated he has now had nine months to work with the current Zoning Resolution and, as seen by the high volume of variance requests, it has some functional issues. Mr. Miller stated there are ways we can modify the code to enable individual property owners to enjoy their property without adverse impact on the community.

LAW DIRECTOR ITEMS

Mr. Desai stated he had nothing to report.

ADMINISTRATOR ITEMS

Mr. Warrick stated he had a “nunc pro tunc” or “now for then” resolution for the Board’s consideration which Mr. Desai will explain.

Mr. Desai explained the July 14th Trustees Meeting, at which the 2021 Tax Budget was approved, was live streamed to the public as permitted by Ohio House Bill 197 and also included in person attendance. He stated a member of the public had trouble attempting to access the building, however, that person was able to view the meeting using the live stream link. He said out of an overabundance of caution, he prepared the “nunc pro tunc” resolution to ratify all action taken on July 14th.

Resolution – Nunc Pro Tunc, Ratifying and Approving all Action Taken at the July 14, 2020 Trustees’ Workshop Meeting

“A Resolution Nunc Pro Tunc, Ratifying and Approving all Action Taken at the July 14, 2020 Trustees’ Workshop Meeting” was presented by Mr. Warrick. A motion was made by Mr. Weidman, seconded by Mr. James, to approve the resolution and dispense with the second reading.

Mr. James said he brought this up to Mr. Desai after he heard about a member of the public not getting into the building to attend the meeting in person.

Mr. Warrick called the roll. Vote: All Aye.

Resolution No. 2020-59 passed this 18th day of August, 2020.

TRUSTEE ITEMS

Mr. LaBarbara recognized Trio restaurant, and owner Gregg Pancero, for bringing outside air into the restaurant by installing a bipolar ionization to the HVAC to destroy mold and viruses, including Covid-19, thus ensuring a safe dining experience.

Mr. Weidman thanked Tracy Kellums, Dan Durham, Steve Reutelshofer, and staff saying the Sycamore Road Project looks great, the Maintenance Storage/Salt Dome Project is also going great and the Montgomery Road Sidewalk Project is complete. He said he has seen quite a few people out walking on the new sidewalk.

Mr. James echoed Mr. Weidman saying great job to Mr. Kellums and team.

Mr. James reported he had received a Certificate of Completion for Sunshine Law Training offered by the State of Ohio. He stated Ohio law requires elected officials to complete the training once per term and he completed it the other day. He said anyone interested in how Sunshine Laws work may take the class noting it is very informative and offers free continuing education credit for attorneys.

Mr. James said Mr. Porter was here when the Workshop meeting began and when the Trustees went into Executive Session, but he had a court appearance and had to leave when the meeting went on for an extended period of time. He said Mr. LaBarbara mentioned he had been excused and that Lt. Tarr of the Hamilton County Sheriff's Office had been excused. Mr. James pointed out that the Sheriff's Office is not required to attend the meetings, and the Fiscal Officer is not required to attend every meeting, therefore it is not necessary to say they have been excused. He said, as a matter of fact, if a Trustee is absent, the Trustees may have to vote to excuse that person. He said if the Board is deciding to excuse, there has to be a decision to do that and there hasn't been. He then stated that he has to be in court on September 3rd and may not be present for the JEDZ meetings that afternoon and he hopes he'll be excused if that's the case.

Mr. LaBarbara stated the Fiscal Officer is only required to attend a meeting once per quarter.

Mr. LaBarbara stated Mr. Porter is not here and he said it is not on the agenda to discuss, but he would like to comment that after the August 6th meeting discussion about the accounting software, he emailed Debbie Campbell the following day requesting a report from BUCS to show that BUCS can generate the same report that Mr. Warrick showed as an example generated by UAN. He said 11 days later, he still does not have the report from BUCS he requested. He said thank goodness I was not calling an ambulance. He then requested the subject be placed on the next agenda.

Mr. James said he asked Mr. Porter about it during the break following the Executive Session earlier and he indicated Ms. Campbell did have a report generated and waiting for him on her desk. He said he retrieved it and stated it says it was printed on 08/17/2020.

Mr. LaBarbara said ok, so not 11 days it's 10 days.

ANNOUNCEMENT CHANGES

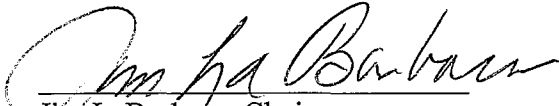
Mr. LaBarbara stated the next meeting is the Workshop on Sept 1st.

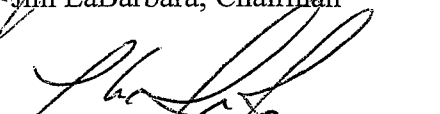
Mr. Warrick said there are also JEDZ meetings coming up and he will need to talk to Rob Ebel to see if the meetings can be conducted via Zoom.


Mr. LaBarbara referred people to the calendar on the Township website and said again the next meeting is the Workshop on Sept 1st at 9:00 a.m.

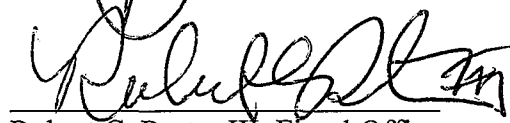
A motion to adjourn was made by Trustee Weidman and seconded by Trustee James. Vote: All Aye.

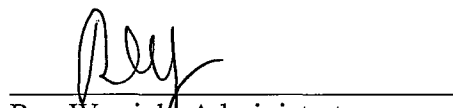
End regular session: 11:46 a.m.



Jim LaBarbara, Chairman

Thomas C. James, Jr., Trustee

Thomas J. Weidman, Trustee

Robert C. Porter III, Fiscal Officer

Ray Warrick, Administrator
Workshop Minutes 08/18/2020