

**RECORD OF PROCEEDINGS**  
**Minutes of the Trustees of Sycamore Township Meeting**  
**Sycamore Township, Hamilton County, Ohio**  
**September 1, 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, Law Director Desai, Administrator Warrick, Superintendent/Assistant Administrator Kellums, Planning & Zoning Administrator Miller, Fire Chief Penny and Lt. Tarr from the Hamilton County Sheriff's Office.

**Approval of the August 18, 2020 Trustees Workshop Meeting Minutes**

Mr. LaBarbara made a motion, seconded by Mr. James, to approve the August 18, 2020 Trustees Workshop Meeting Minutes. Mr. Porter called roll. Vote: All Aye.

**SHERIFF PATROL ITEMS**

Lt. Tarr reported the office is continuing with somewhat of a limited response such as taking reports by phone, but actively conducting traffic enforcement and things that can be done safely.

**EMS AND FIRE ITEMS**

**COVID-19 Update**

Chief Penny reported there are currently 68 COVID-19 cases quarantined in home in the Township. He said there have been 84 cases total released from quarantine. Chief Penny noted since his last report, there have been two people released from quarantine and one person added. He reported Fire Department staff is doing well and supplies are holding up well.

Chief Penny requested to purchase a gear extractor washer and dryer. He noted the existing appliances are 25 years old and worn out. He stated this washer will wash blood, bodily fluids and soot out of turn out gear and, because of exposure risks, is highly recommend for washing out gear after a fire. Chief Penny said this is not a budgeted expense, therefore, the Township may use CARES Act funds to pay for it, noting the firefighters could be exposed to COVID patients while wearing their gear. He noted the total cost for the gear washer and dryer is \$30,216.15.

Mr. LaBarbara asked whether the purchase required a motion and Mr. Warrick indicated it did not because the Board had already approved the purchase order.

**ROADS, MAINTENANCE & RECREATION ITEMS**

Mr. Kellums reported on 2021 road projects. He reminded the Board of recent legislation passed by the State legislature allowing Townships to use a portion of unencumbered TIF funds to pay for road projects. He stated he is not sure of the exact dates and timeline for spending those funds, but in

looking into it with Mr. Warrick, he believes the money must be spent by the end of next year. He noted it is too late to use those funds on this year's projects.

Mr. Kellums proposed using unencumbered TIF funds for the Larchview Drive reconstruction. He noted the Kugler Mill Road Project is eligible for TIF funds as a normal TIF project. Mr. Kellums listed Township streets in Heitmeyer, Dillonvale and other areas that need an estimated \$2 million in work. He said he doesn't know the exact dollar amount of the unencumbered TIF funds available, but he would like to figure all this out and get projects out to bid.

The Board asked questions of Mr. Kellums about the road projects.

Mr. Weidman said he believes Townships have two years from the date the Governor signed the bill to use those funds.

Mr. Desai said the legislation went into effect October 13, 2020. He said he will look into the dates and send an email out to the Board members this afternoon.

Mr. Warrick noted there is a lot of confusion about the bill even with the OTA (Ohio Township Association) and he is trying to get clarity. He stated the Township should put together a stellar road program to take advantage of this, noting he is not sure if it can all get done because of the shortage of contractors. He said he has asked the OTA if some of the work may be done in 2022 as long as the money is already encumbered.

Mr. Desai discussed the timeline and said he will look into it and get back to the Board.

Mr. Kellums said he could get the projects out to bid but cannot get all that work done that quickly.

Mr. Warrick said it is impractical to think anyone could get road projects completed that quickly.

Mr. James asked whether there were potential creative solutions for that, such as setting up a new CIC, appropriating the money, and then paying it in to that, tasking it with the mission of improving roads in the township.

Mr. Weidman noted the Township already has a CIC, then asked Mr. Desai to double-check that option.

Mr. Kellums asked about other things being eligible for use of the funds such as infrastructure in parks.

Mr. James asked if sidewalks would be eligible.

Mr. Desai said he will research that.

Mr. Kellums noted Bechtold Park lot needs to be repaved. He said he would like to get all these questions answered so he may put projects out to bid and get them scheduled this fall.

Mr. James told Mr. Kellums the Bechtold park grass area is divided off from the road with telephone pole things to keep people from driving on grass. He said they are unattractive and asked about a more aesthetically pleasing solution being installed.

Mr. Kellums answered curb won't work because people will drive over it. He said when those poles were new, they looked a lot better saying they may be able to replace them and have them look attractive.

Mr. Kellums reported the current maintenance projects are going well. He said there has been a lot of progress on the Maintenance Storage Building and Salt Dome project behind the Administration Building. He said he is waiting on the start of the driveway this week and said utilities will be brought back to the building. Mr. Kellums said the large underground detention portion of the Sycamore Road Project should be completed today. He reported the curb projects on Marlette Drive and Bayberry Drive have been completed and went well. He said the Cape Seal Project is also complete and noted he had gotten calls from people happy about that project.

Mr. James requested Mr. Kellums keep a close eye on how the Cape Seal holds up.

Mr. Weidman asked Mr. Kellums if he had received anything from the Ohio EPA (Environmental Protection Agency) about Mill Creek regulations.

Mr. Kellums answered he had not.

Mr. Weidman stated he is setting up a call regarding apparent issues with the Mill Creek and will get back to the Board about it.

Mr. James said he had received correspondence from a resident about traffic incidents in the Plainfield Road roundabout.

Mr. Kellums stated he has a meeting with the traffic engineer on Thursday. He said, at first glance, there doesn't seem to be an issue, noting 14,000 cars use the roundabout per day and there have only been four incidents. He pointed out one of those incidents involved someone speeding at 80 mph.

Mr. James noted there have been reports on NextDoor about wrong way drivers in the roundabout.

Mr. Kellums said there was a problem in the beginning of people who have gone left of center, noting there is a double yellow line, but he hasn't seen that lately.

Mr. Weidman commented only four accidents with 14,000 cars a day in a new traffic pattern seems pretty good.

Mr. Kellums said he is looking into signage to see if there is any that could be helpful with traffic in the roundabout.

## **PLANNING AND ZONING ITEMS**

### **Upcoming Public Hearing - Case 2020-05P2**

Mr. Miller reported that at the September 14<sup>th</sup> Zoning Commission Meeting, that board will hear Case 2020-05P2 for 7555 Fields Ertel Road. He noted the property is to the west of Butler Warren Road and west of Highpoint subdivision. He said the proposal is for an existing Shell gas station to construct a cooler addition which would increase the building area and make the ISR (impervious surface area) close to 80%, which is why the case is a PUD2. He stated the case will be heard by the Trustees after Zoning Commission hears it and makes a recommendation.

### **Open House - Proposed Zone Change 8760 Montgomery Road**

Mr. Miller reported there is an open house scheduled on September 9<sup>th</sup> for the property located at 8760 Montgomery Road. He said the applicant for the project is a partner group with Fischer Homes who is proposing a zone change to construct 22 town homes near Mercedes Benz on Montgomery Road.

Mr. Kellums asked if the proposed plan included a private drive.

Mr. Miller answered yes, a 20 feet wide private drive is proposed with a narrower alley behind it. He said Doug Morath has looked at the plan. Mr. Miller said he is concerned about turn around capability and is getting dimensions on that, so the Fire Department has good access.

Mr. Miller stated the plan is for owner occupied, two story town homes noting the applicant is still working on final renderings. He said the property is currently zoned single family so the applicant has to hold an open house and allow neighboring property owners to view the plans. He said the open house will be remote via zoom due to COVID-19. Mr. Miller stated the applicant will show a PowerPoint presentation and then open up to Q & A. He said the process will be on website.

Mr. Weidman asked about notification of the neighbors.

Mr. Miller said notices were sent to all those within 200 feet of the property.

Mr. Weidman said development is a sensitive issue with that neighborhood. He also commented he is surprised the plan calls for so many town homes because of the topography.

Mr. Miller noted there is a retaining wall proposed. He said the density is low enough that the plan can be done under the D zoning with just a PUD1. Therefore, he said, the Zoning Commission only will review the PUD portion of this case and the zone change will come in front of the Board of Trustees.

Mr. LaBarbara asked if the property is in the Indian Hill School District.

Mr. Miller answered yes.

Mr. James asked who received the open house notices.

Mr. Miller answered all those within 200 feet saying he could get the list to the Board.

Mr. James requested more neighbors be notified and asked about a sign being placed on the property.

Mr. Miller discussed the importance of consistency saying if the Township broadens the notice distance for certain cases, that could be a discriminatory practice issue. He recommends following the standard written practice to the best of our ability but agreed that sometimes certain properties off the beaten path might require special notice means.

Mr. Weidman asked the for the height of the retaining wall.

Mr. Miller answered he is not sure as the plans are conceptual.

Mr. LaBarbara commented the people who were complaining the most about the other developments are behind there and he is sure Mr. Miller will hear from them.

Mr. Miller said he hopes residents attend the open house and have the opportunity to speak. He said he is still working through protocol for the Zoom open house.

Mr. James asked about activity at the Graeter's construction site and if the sewer district issue had been resolved.

Mr. Miller answered he hasn't seen a sign off approval. He said he has reviewed and approved a sign plan recently, so they are moving forward with the project.

Mr. Miller reporter he had five nuisance resolutions for the Board's consideration. He showed photos of the issues on the properties.

Mr. LaBarbara said he received a letter from a neighbor who had offered to help the property owner with cleanup, but the property owner refused.

Mr. Miller said, from a zoning enforcement standpoint, he has no way of knowing if it is the owner or a neighbor cleaning up but if the grass is cut it is no longer in violation. He asked for patience from neighbors to let the Township work with the property owner to take care of it.

There was discussion about debris on the property and what could be seen in the photos. Mr. Miller noted the Township Inspector must take pictures from the public right of way or, if he makes contact with a neighbor, he may get permission to access neighboring private property to view a violation.

**Resolution – Nuisance Property 4608 Kugler Mill Road**

“A Resolution Providing for and Authorizing Removal of Vegetation, Garbage, Refuse and Other Debris and Declaring a Nuisance for the Property Located at 4608 Kugler Mill Road, 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. 2020-60 passed this 1<sup>st</sup> day of September, 2020.

Mr. Miller then showed photos of junk and debris at 8987 Plainfield Road including construction debris and mattresses.

**Resolution – Nuisance Property 8987 Plainfield Road**

“A Resolution Providing for and Authorizing Removal of Vegetation, Garbage, Refuse and Other Debris and Declaring a Nuisance for the Property Located at 8987 Plainfield Road, 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. 2020-61 passed this 1<sup>st</sup> day of September, 2020.

Mr. Miller showed the Board photos of tall grass, garbage, and debris at 8357 Beech Avenue.

**Resolution – Nuisance Property 8357 Beech Avenue**

“A Resolution Providing for and Authorizing Removal of Vegetation, Garbage, Refuse and Other Debris and Declaring a Nuisance for the Property Located at 8357 Beech Avenue, Sycamore Township, Ohio 45236” was presented by Mr. Miller. A motion was made by Mr. Weidman, seconded by Mr. LaBarbara, to approve the resolution and dispense with the second reading. Mr. Porter called the roll. Vote: All Aye. Resolution No. 2020-62 passed this 1<sup>st</sup> day of September, 2020.

Mr. Miller showed photos of 7301 Dunleith Court noting it is hard to tell from the pictures, but there is significant junk as well as tall grass and weeds.

Mr. James asked for a description of the junk.

Mr. Miller pointed out items piled up in front of the driveway and improper storage of materials in front yard. He said it seems minor in relation to others, but if his office receives a complaint, it has to be pursued.

Mr. LaBarbara asked if the issue is ongoing.

Mr. Desai asked if it would make sense to have Kevin Clark take more pictures and come back to the Board Thursday night.

Mr. James said that is a good idea.

Mr. Weidman noted it looks like the property owner covers furniture that is outside, but he does not see tall grass and weeds.

Mr. James said a resident texted him the live stream of the meeting is not working. Mr. Warrick went to check on it.

Mr. Miller then showed photos of property maintenance violations at 12195 6<sup>th</sup> Avenue. Mr. Weidman asked if the house was occupied. Mr. Miller answered he did not know.

Mr. James said someone else texted him saying there was no problem with the live stream of the Workshop meeting. Mr. Warrick said yes, the meeting is live on the internet.

**Resolution – Nuisance Property 12195 6<sup>th</sup> Avenue**

“A Resolution Providing for and Authorizing Removal of Vegetation, Garbage, Refuse and Other Debris and Declaring a Nuisance for the Property Located at 12195 6<sup>th</sup> Avenue, Sycamore Township, Ohio 45249” 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. 2020-63 passed this 1<sup>st</sup> day of September, 2020.

**LAW DIRECTOR ITEMS**

Mr. Desai stated he had nothing to report.

**ADMINISTRATOR ITEMS**

Mr. Warrick reported we had gotten out of order with regard to the CARES Act funds because a purchase order had already been approved. He said the foregoing resolution will approve the proper appropriation of the funds and is a “nunc pro tunc”, now for then, resolution.

**Resolution – Establishing Appropriations for the Coronavirus Relief Fund**

“A Resolution Establishing Appropriations for the Coronavirus Relief Fund, Dispensing with a 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. Porter called the roll. Vote: All Aye. Resolution No: 2020-64 passed this 1<sup>st</sup> day of September, 2020.

Mr. Warrick reported he had another resolution “nunc pro tunc”, now for then, to increase appropriations for the Kemper Road Fund by \$472,000.00 and for the Road Improvement Bond Fund by \$3,564,219.34. He noted the latter is a debt account which is slightly different than other accounts. He said the Township has the money this has to do with where we spend money and noted all major funds are now in good shape with respect to appropriations.

Mr. James said, to clarify for public, the Township is not spending new money, just correcting the appropriations.

**Resolution – Amending Appropriations for the Kemper Road Fund and the Road Improvement Bond Fund**

“A Resolution Amending Appropriations for the Kemper Road Fund and the Road Improvement Bond Fund, Dispensing with a 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. Porter called the roll. Vote: All Aye. Resolution No. 2020-65 passed this 1<sup>st</sup> day of September, 2020.

Mr. Warrick made said the next resolution is for a transfer of funds to the CIC. He stated he had made a projection about how much money would be needed to cover grant applications based on last year. He noted people can go back three years and there have been two or three submitted reaching back that far which has knocked CIC funds down to \$4,000.00. He said he would like approval to add \$10,000.00 to the CIC to last the rest of the year.

**Resolution – Authorizing a Transfer of Funds to the Sycamore Township CIC**

“A Resolution Authorizing and Directing a Transfer of Funds to the Sycamore Township CIC, Inc., the Designated Community Improvement Corporation of Sycamore Township, for Funding Grants and Operating

Costs and Dispensing with a Second Reading” was presented by Mr. Warrick. 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. 2020-66 passed this 1<sup>st</sup> day of September, 2020.

**Resolution – Authorizing an Amendment to the Master Service Agreement with Dynegy Energy Services**

Mr. Warrick said there is information in the Board’s packets about electric aggregation. He said he met with broker Dan Deters who is coming to us early because of uncertainty in energy markets, some of which hinges on the November election. Mr. Warrick stated currently, the Township’s aggregation program is beating Duke Energy’s price by just 1.2 %, so hasn’t performed all that well. He said, instead of staying with the current .549 rate now scheduled to drop July, 2021 to .518, Mr. Deters suggests the Township lock in lower price in January down to .527 and keep that rate constant to the end of 2022. In addition to uncertainty about the November election, capacity resets in May which Mr. Deters thinks may not go in the right direction.

Mr. James said it may be a good idea but since it is not urgent to decide today, it would be useful to give the public time to comment on this. He said he would like to research it a little more.

Mr. Warrick said the Township needs to do something before the first of the year, noting we cannot lock in a rate until the Board acts. He pointed out Mr. Deters fears if we wait the prices could go up. Mr. Warrick offered to invite Mr. Deters to a meeting to address the Board.

Mr. James said that would be helpful.

Mr. LaBarbara asked if we should entertain any other bids.

Mr. Warrick said Mr. Deters asserts that Dynegy has the best price.

Mr. LaBarbara said he is a salesperson.

Mr. Warrick said he is aware of that.

Mr. James asked if it is correct that Mr. Deters’ business is located within the Township.

Mr. Warrick answered yes.

Mr. LaBarbara said he doesn’t see the need to decide tonight but a decision should be made before the 1<sup>st</sup> of the year.

Mr. Warrick said the idea is to decide before the election because if fracking is shut down prices could be higher.

Mr. James stated we need to give the public time to chime in.

Mr. Miller asked if the Board would allow him to go back to the discussion of the Dunleith Court nuisance property. He said he pulled the file for 7301 Dunleith Court and found the initial complaint



was from a citizen who emailed Mr. LaBarbara about a smell coming from property. He said the Planning & Zoning Department has been documenting findings on the property for about a month now. He said the issue is not grass but actually junk, trash, and debris. He said there are piles of garbage, equipment covered up, a wheelbarrow and a pressure washer in front of the garage. He said his concern is the smell which cannot be conveyed with photos. He said it could be something rancid and he would like to start process to abate it. Mr. Miller pointed out that even if the Board declares the property a nuisance, if the inspector goes out tomorrow and it is clean, the file just gets closed out.

Mr. Weidman asked Mr. Miller if he is saying there is an odor there.

Mr. Miller answered yes, noting the complainant said he can smell it from Michael Drive. He said he would like to continue enforcement on this.

Mr. James said he is ready to move forward.

**Resolution – Nuisance Property 7301 Dunleith Court**

“A Resolution Providing for and Authorizing Removal of Vegetation, Garbage, Refuse and Other Debris and Declaring a Nuisance for the Property Located at 7301 Dunleith Court, Sycamore Township, Ohio 45249” 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. 2020-67 passed this 1<sup>st</sup> day of September, 2020.

Mr. Miller misread the house number in the address. He then repeated it correctly and listed the parcel number as well.

**FISCAL OFFICER ITEMS**

Mr. Porter reported he checked with the auditor’s office this morning and the second half tax payment should be in sometime around the middle of the month. He said that will give a better idea of how COVID-19 has affected revenue.

**TRUSTEE ITEMS**

Mr. Weidman thanked Mr. Kellum’s crew for the Marlette Drive curb project which looks great. He noted the old curbs were in really bad shape before the project.

Mr. James reminded residents to complete the 2020 census. He also encouraged people to make their voter registration current or register to vote, especially young people who have just come of age and those who have moved.

Mr. James also extended good wishes and a swift recovery to a long time Township resident, Gary Banfield, Scout Leader Troop 502, who suffered a stroke while camping in Georgia. He said the community is very fond of Mr. Banfield and again wished him a swift recovery.

**ANNOUNCEMENT CHANGES**

Mr. LaBarbara said the JEDZ meetings on Thursday, September 3<sup>rd</sup> will be held remotely via Zoom beginning at 4:00 p.m. He said the CIC Meeting will be held at 5:45 p.m. and noted the time change for the Thursday Board of Trustees Meeting which will begin at 6:00 p.m.

A motion to adjourn into **Executive Session** with Law Director Deepak Desai as permitted by Ohio Revised Code Section 121.22(G)(4) "Preparing for, conducting, or reviewing negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment" was made by Trustee LaBarbara and seconded by Trustee James.  
Vote: James: Aye; LaBarbara: Aye; Weidman: Aye.

Mr. LaBarbara invited the following people into the Executive Session with the Trustees: Rob Porter, Ray Warrick, Tracy Kellums, Rob Penny, Skylor Miller, and Beth Gunderson.

End regular session: 10:05 a.m.

Begin Executive Session: 10:12 a.m.

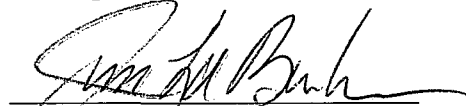
End Executive Session: 10:55 a.m.

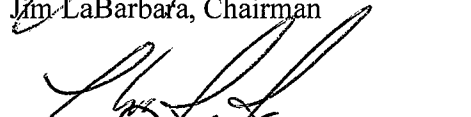
Back in regular session: 10:56 a.m.

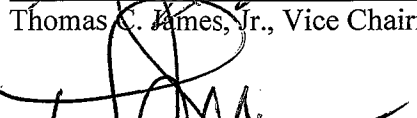
Mr. Porter called roll. The three Trustees all indicated they were present.

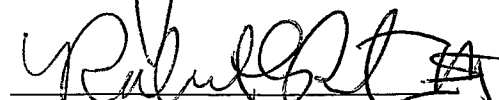
A motion to adjourn was made by Trustee Weidman and seconded by Trustee James. Vote: All Aye.


End regular session: 10:58 a.m.

  
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Jim LaBarbara, Chairman

  
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Thomas C. James, Jr., Vice Chairman

  
\_\_\_\_\_  
Thomas J. Weidman, Trustee

  
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Robert C. Porter III, Fiscal Officer

  
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Ray Warrick, Administrator  
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