

RECORD OF PROCEEDINGS
Minutes of the Trustees of Sycamore Township Meeting
Sycamore Township, Hamilton County, Ohio
September 15, 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, Assistant Fire Chief Cooper and Lt. Tarr from the Hamilton County Sheriff's Office. Fire Chief Penny was absent.

Approval of the September 1, 2020 Trustees Workshop Meeting Minutes and Approval of the September 3, 2020 Trustees Meeting Minutes

The September 1, 2020 Trustees Workshop minutes were presented for approval. Mr. LaBarbara made a motion, seconded by Mr. Weidman, to accept them. Mr. Porter called roll. Vote: All Aye.

The September 3, 2020 Trustees Meeting minutes were presented for approval. Mr. LaBarbara made a motion, seconded by Mr. Weidman, to accept them. Mr. Porter called roll. Vote: All Aye.

PRESENTATION – Electric Aggregation

Mr. Warrick introduced Mr. Dan Deters of Energy Alliance.

Mr. Deters said his company has assisted the Township with aggregation programs since 2007. He reported the Township is at the end of a three-year deal with Dynegy for electric aggregation. He said currently, the cost for electric through the aggregation program, is 5.49 cents per kWh. Mr. Deters referred to a packet he had distributed to the members of the Board. He noted Dynegy offered a six-month extension and we are at the beginning of that extension. He stated residents must be sent an opt-out notice every three years. He said the Township must now make a choice about how to go forward with the next six months saying there are three options. Mr. Deters said Mr. Warrick referred some residents to him asking about renewable energy and pointed out all three choices have renewable energy options for a small extra charge.

Mr. Deters stated the best long-term choice for the Township involves sticking with 5.49 cents per kWh until May, then dropping to 5.19 cents per kWh for 18 months which would save the most money for the average resident. He said the Board must either pick an option or set a ceiling price and have Administrator Warrick pick an option at some point. He noted prices change daily and this price will be held until midnight tonight. Mr. Deters said there will be not be a new contract, there will be an addendum to the existing contract.

Mr. Weidman asked Mr. Deters for the current Duke Energy rate.

Mr. Deters answered the current Duke Energy rate is about 5.51 cents per kWh.

Mr. Deters said capacity is an unknown, therefore, locking in a rate protects residents. He also pointed out the 5.51 Duke Energy rate will jump a little bit in May so the 5.19 rate will be an even greater discount than we are seeing today.

Mr. James asked if residents are committed to a contract if they don't opt out during the opt out window.

Mr. Deters answered Energy Alliance has a term in their contract that every person can come and go without fee. He said residents can change at no cost on their side of the program. He noted there could be a penalty or early termination fee from a third-party supplier. He said even though the PUCO requires the opt-out notification, Energy Alliance makes sure the supplier allows the residents to come and go.

Mr. James commented the aggregation program provides a discount to residents with no downside, they can leave whenever they want.

Mr. Deters said yes and this protects the residents from door to door solicitors because those solicitors know they cannot generally beat an aggregation program.

Mr. Weidman said a resident called him asking what was going on with the aggregation program because he was paying more for electric now. Mr. Weidman had asked him to look at his bill and discovered the resident had jumped to another company which was a great deal in the short term, was now paying a lot and the company wanted a lot of money to let him out. Mr. Weidman said he pushed for aggregation and Energy Alliance has done well for the Township on price noting he cannot recall a time when the aggregate prices were equal to or greater than Duke Energy.

Mr. Deters said that is actually happening right now because energy is currently so cheap. He pointed out if energy policy changes and fracking stops, prices could double.

Mr. Weidman stated he thinks option three is the best but yielded to the other Trustees.

Mr. LaBarbara said he knows residents are getting hit with phone calls from energy solicitors.

Mr. Deters talked about some solicitors calling and saying things that are not true.

Mr. James said at a previous meeting, he had requested more information about electric aggregation, that Mr. Deters address the Board, and that there be opportunity for public comment. He asked Mr. Warrick if the Township had gotten any comments from the public.

Mr. Warrick said the only calls the Township has received from residents were a couple questions about renewable energy.

Mr. Weidman commented that shows residents are happy with the aggregation program.

Mr. Deters noted he does take calls from Sycamore Township residents. He said his company's customer service is different than the average consultant; they are here to protect residents.

Mr. Warrick asked Mr. Deters what the dollar effect would be on the average electric bill if the Township chose option three.

Mr. Deters answered \$3 more a month saved.

There was continued discussion about the three options.

Mr. Deters explained the savings may not be there every month but there is an annual savings.

Mr. James asked if it was possible to include a note on the Duke bill that there has been a change so people can look it up.

Mr. Deters explained that information will be sent to the residents and said he will field phone calls with questions from residents.

There was discussion about the rates, movement in the market and the decision to be made.

Mr. James asked Mr. Desai whether a motion to go with an option is appropriate or if a resolution is needed to approve the contract addendum.

Mr. Desai said the Board could make a motion to go with a rate and authorize Mr. Warrick to sign the agreement.

Mr. James made a motion to proceed with option three which is a 24 month tiered traditional rate from December 2020 through June 2021 at 5.49 cents per kWh and from June 2021 through December 2022 at 5.19 cents per kWh and that the Board authorize Mr. Warrick to approve the contract addendum that has been proposed to the Board at those rates. Mr. LaBarbara seconded. Mr. Porter called roll. All Aye.

Mr. LaBarbara thanked Mr. Deters for coming.

PAY BILLS AND READ RECEIPTS

The receipts, in the amount of \$81,457.60 and disbursements, in the amount \$257,443.94 for September 15, 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: 
Robert C. Porter III, Fiscal Officer

Mr. Weidman made a motion, seconded by Mr. James, to accept them.

Mr. LaBarbara stated he would like to pull the bill to Schroeder, Maundrell for attorney Scott Sollmann in the amount of \$3,762.40 saying he would like to see more clarification on that. He said he never talked to Scott Sollmann and he is looking at that wondering why he's charging us. Mr. LaBarbara said he talked with Ken Geis and questioned the possibility of double billing. Mr. LaBarbara said the bill showed a 54-minute conversation between Mr. Sollmann and himself and a 2 hour and 18-minute conversation with Mr. Weidman. He said maybe he can mention this to Mr. Sollmann in Executive Session and get clarification. He said we should have seriously considered dismissing them on August 5th when they clearly violated the attorney client privilege. Mr. LaBarbara then stated let's go ahead and pay that bill, but I want my comments to be on the public record.

Mr. Porter commented go ahead and pay it.

Mr. LaBarbara said go ahead and pay it, but I want those comments on the public record.

Mr. Porter called roll. Vote: All Aye.

Mr. James noted Mr. Porter always states the complete list of receipts and disbursements is available in the office. He asked why we don't publish the record on the website each week.

Mr. Porter answered he doesn't see any problem with publishing it on the website noting the disbursements are already on the Ohio Checkbook.

Mr. James asked if we can we make that happen.

Mr. Warrick answered no problem.

SHERIFF PATROL ITEMS

Lt. Tarr reported the Ford Explorer the Township purchased was outfitted by the garage and put into service this week. He said the vehicle from the Fire department is waiting on a couple parts.

Mr. James asked Lt. Tarr if there was any information he could share about a recent fatal accident on I-71.

Lt. Tarr reported there were no injuries except for the fatality. He said the driver lost control of the vehicle, hit the median and then hit a semi parked lawfully on the shoulder. He said he does not know the circumstances of why that occurred; it is still being investigated.

EMS AND FIRE ITEMS

COVID-19 Update

Assistant Chief Cooper reported there are currently 65 addresses in the Township with active COVID-19 quarantines.

ROADS, MAINTENANCE & RECREATION ITEMS

Mr. Kellums reported the first yoga in the park at Bechtold Park was held on Sunday, September 13th with about a dozen people in attendance. He said yoga is not yet scheduled for other parks in the Township saying he is waiting to see how it goes at Bechtold.

Mr. Kellums reported the North Trash Bash will take place this weekend. He also reported the houses on Plainfield Road and Sycamore Road have been demolished. He said all other projects continue and are on schedule.

Mr. James praised Jason Petty, the Parks Advisory Committee, and Mr. Kellums for making yoga happen at Bechtold Park.

PLANNING AND ZONING ITEMS

Mr. Miller reported he originally had four nuisance resolutions for consideration at this meeting. He said he would like to remove the first one from consideration as the vacant property at 7796 Columbia Avenue, which appears to be under bank control, had some upkeep done over the weekend. He said the junk vehicle on the property is still there. Mr. Miller stated he has had no dialogue with the bank, therefore, would like to move forward with junk vehicle resolution for the property. He showed a photo of the junk vehicle noting there have been complaints received from residents about the property.

Resolution – 7796 Columbia Avenue Junk Vehicle

“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” 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. 2020-68 passed this 15th day of September, 2020.

Mr. Miller reported the next resolution for consideration is regarding a junk vehicle on a property in Rossmoyne. He noted the township has received complaints about it and has reached out to property owner without success registration. He pointed out the vehicle has expired tags and flat tires.

Mr. James asked if someone lives there.

Mr. Miller answered yes but there has been no response to the Township’s attempts to contact.

Resolution – 8475 St. Clair Avenue Junk Vehicle

“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” 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. 2020-69 passed this 15th day of September, 2020.

Mr. Miller stated the last resolution is a Highpoint property already under public nuisance for property maintenance issues. He said he is working with Mr. Desai to get lien holder information for the property. Mr. Miller showed photos of the two junk vehicles on the property saying that there was

previously a resolution on one of the junk vehicles which was moved temporarily in the past and is now back. He said the vehicle has flat tires and storage material stacked against it. He said there has been no cooperation from the resident.

Mr. Weidman noted this is a repeat offender.

Mr. Miller stated this is a repeat offender and the property is a total wreck which has been looked at by Hamilton County to potentially condemn.

Resolutions – 12098 3rd Avenue Junk Vehicles

“A Resolution Providing for the Removal of Junk Vehicles in Sycamore Township, Hamilton County and the Proper Disposal, Storage or Impoundment of Motor Vehicles 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” 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. 2020-70 passed this 15th day of September, 2020.

Mr. Weidman said on August 23rd Mr. Bien had 52 cars on the Deer Park Auto lot. He asked Mr. Miller the status of that issue.

Mr. Miller said his department has documented excess of vehicles numerous times and he is in contact with the attorney about filing paperwork.

There was discussion about this issue and the fines due.

Mr. Desai noted Mr. Bien doesn't have a choice but to pay the fines as there is a standing order that he must pay any time in excess of the maximum number of vehicles permitted on the lot. He stated Rob Butler will file a motion of contempt using data provided by Mr. Miller.

There was then discussion about junk vehicles on Mr. Bien's other properties and how the Township can avoid being stuck with cleanup should something happen to Mr. Bien.

Mr. Miller reported Case 2020-05P2 for 7555 Fields Ertel Road was heard by the Zoning Commission on September 14th. He stated no members of the public requested to participate in the remote meeting. He said the Zoning Commission recommended approval of the PUD2 with minor conditions. Mr. Miller stated the case will be brought to Board of Trustees at the next evening meeting.

Mr. Miller reported on the Open House held last week for the proposed zone change at 8760 Montgomery Road to allow for the construction of a 22-unit multi-family project. He said the meeting was fairly well attended with at least 20 people on the Zoom meeting. He stated there were a lot of concerns from surrounding residents and community members about the appropriateness and the density of that site. He noted the developers have until September 21st to officially submit to be included on the October 12th Zoning Commission agenda.

Mr. James stated he had asked Mr. Miller about renderings showing the rear side of that development and asked if the developer is going to be providing that.

Mr. Miller answered the developer would be required to submit that as part of a PUD application, but they haven't formally submitted yet.

Mr. James stated he had asked Mr. Miller last week about the dead trees in the permanent landscape buffer behind the TriHealth building on the Northcreek property. He asked Mr. Miller if he had the opportunity to reach out to them.

Mr. Miller answered you spoke to me about this on Friday, I haven't had the opportunity to reach out to them yet, but I will this week.

LAW DIRECTOR ITEMS

Mr. Desai nothing to report.

ADMINISTRATOR ITEMS

Mr. Warrick reported nothing to report

Mr. James suggested to Mr. Desai and Mr. Warrick that the Township use CARES Act money to digitize and create an index of Township resolutions since it would make those documents hands off and accessible remotely. He said this would enable the public access to records going back further than what we currently have online. He suggested a contractor be hired for this project.

Mr. Weidman asked Mr. Desai to look into the legality of using CARES act money for this.

Mr. Miller said the Township uses OnBase for document storage noting the company has notified us that the current version is being phased out. He said if we want to continue with OnBase, we have to renew to the latest version. He said we could have a salesperson come in and talk about how to implement that and get an updated price.

Mr. James stated he has gotten solicitations for this service saying CARES Act funds may be used to pay for it.

Mr. Warrick reported the OTA (Ohio Township Association) is hosting a webinar about eligible expenses for CARES Act funding later in the week. He said with regard to digitizing documents, the Township has some hardware problems that would have to be addressed as well. He said if it is confirmed that CARES Act money is fair game for that, there is plenty we could do if we don't need the money for first responder things.

FISCAL OFFICER ITEMS

Mr. Porter has no report or communication.

TRUSTEE ITEMS

Mr. James gave a reminder to the public to register to vote and serve as poll workers. He said the Township should encourage Township employees to work at the polls and asked if that could be facilitated as it would be a good thing for us to promote.

Mr. LaBarbara stated he saw on Nextdoor that a couple houses on Orchard Lane were being rented for \$1,900.00 to \$2,300.00 per month. He said the Township owned houses are being rented for \$700.00 per month and that they should be rented at a fair market value.

Mr. Kellums said he will have to check the rental contracts.

ANNOUNCEMENT CHANGES

Mr. LaBarbara encouraged people to check the website calendar. He noted the North Trash Bash at McDaniel Park is September 18th and 19th, Yoga in the Park at Bechtold Park is September 20th, the South Trash Bash at Bechtold Park is September 25th and 26th, and the next Trustees Workshop Meeting is September 29th at 9:00 a.m.

A motion to adjourn into **Executive Session** with attorney Scott Sollmann to discuss ongoing litigation as permitted by Ohio Revised Code Section 121.22 was made by Trustee LaBarbara and seconded by Trustee Weidman

Mr. James said the motion was made per Ohio Revised Code Section 121.22 and asked if a sub-part must be stated.

Mr. Desai answered he doesn't think the motion even needs to reference the code, but technically it should be pending litigation not ongoing litigation. He said a motion to adjourn into executive session to discuss pending litigation is sufficient.

Mr. LaBarbara revised his motion to state a motion to adjourn into **Executive Session** with attorney Scott Sollmann to discuss pending litigation. Mr. Weidman seconded.

Mr. Porter called roll. Vote: James: Aye; LaBarbara: Aye; Weidman: Aye.

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

End regular session: 9:51 a.m.

Begin Executive Session: 9:55 a.m.

End Executive Session: 11:18 a.m.

Back in regular session: 11:20 a.m.

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

Mr. James made a motion to give authority to Mr. Sollmann on behalf of the Township to finalize a TIF memorandum of understanding to facilitate further negotiations for the Northcreek project and our goal of facilitating continued residential character maintenance on Kugler Mill Road.

Mr. LaBarbara seconded.

Mr. Porter called roll. Vote: James: Aye; LaBarbara: Aye; Weidman: Aye.

Mr. Miller displayed an aerial photo taken by Township resident Mr. Jeremy Payne of the Maintenance Storage Building/Salt Dome Project. He thanked Mr. Payne for sharing the photos and stated they would be posted on the Township website.

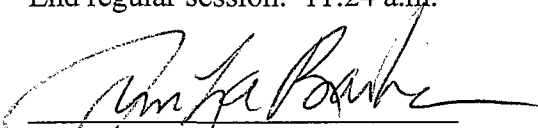
Mr. LaBarbara thanked Mr. Miller for taking him on a tour of the Maintenance Storage Building/Salt Dome Project and said the contractors are doing a great job.

Mr. Porter added for the publication of receipts and disbursements he was reminded by Ms. Campbell we will have to redact any individual payments to firefighters and police officers.

Mr. James asked if a report could be generated without those names so that the document can be searchable. There was discussion about making the document searchable.

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

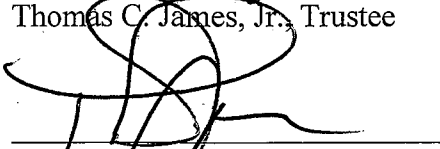
End regular session: 11:24 a.m.




Jim LaBarbara, Chairman



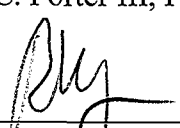
Thomas C. James, Jr., Trustee



Thomas J. Weidman, Trustee



Robert C. Porter III, Fiscal Officer



Ray Warrick, Administrator
Workshop Minutes 09/15/2020