
MINUTES OF SYMMES TOWNSHIP REGULAR MEETING

JANUARY 3, 2012

The meeting was called to order at 7:00 p.m. Elected officials (Trustees and Fiscal Officer) present were: Mr. Phil Beck, Mr. Kenneth Bryant, Mrs. Jodie Leis, and Mr. John Borchers.

Also present: Brian Eliff - Township Administrator; Robert Malloy - Township Law Director; Carol Sims - Township Assistant Fiscal Officer; Bill Pitman - Director of Public Works; Lt. Thomas Butler - Hamilton County Sheriff's Department; Otto Huber - Chief, Loveland Symmes Fire Department.

PHIL BECK presented his bond to the Board of Trustees. Fiscal Officer Borchers administered the oath of office to Trustee Beck who was elected in November to a four-year term.

Mr. Borchers announced a brief reception would be held.

The meeting re-convened at 7:35 p.m.

ORGANIZATION OF THE BOARD

MR. BORCHERS asked for nominations for President of the Board and noted that a second would not be required.

MR. BRYANT moved to appoint Jodie Leis as President of the Board. The motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

MRS. LEIS asked for nominations for Vice-President of the Board and noted that a second would not be required.

MR. BRYANT moved to appoint Phil Beck as Vice President. Mrs. Leis seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

MRS. LEIS announced that Trustee meetings for 2012 will continue to be held on the first Tuesday each month at 7:00 p.m., with Special meetings scheduled as needed.

Mrs. Leis announced the salary for the Township Trustees will be \$20,568.00 and will be paid in monthly installments. The salary for the Township Fiscal Officer will be \$28,176.00 per year, paid in monthly installments.

Mrs. Leis announced that members of the Township Zoning Commission and Board of Zoning Appeals will receive \$50.00 per meeting.

Mrs. Leis announced that the Employee Personnel Policy will remain the same and that the Holiday schedule will remain as outlined in the Employee Personnel Policy.

Mrs. Leis announced the Township will continue its contract with the Loveland Symmes Fire Department at an annual fee of \$2,067,357.31 and its contract with the Hamilton County Sheriff's Patrol.

Mrs. Leis announced the Township will continue employee reimbursement for cell phones in the amount of \$700.00 to employees who use their own phone/service and in the amount of \$550.00 to employees who use a Township phone with personal calls.

The following appointments were made by the Board:

John Borchers as the Board Representative to Finance Committee;

Jodie Leis as the Board Representative to the Ad Hoc Park Expansion Committee;

Ken Bryant as the Board Representative to the Ad Hoc Community Reinvestment Area Committee;

Phil Beck as the Board Representative and Jodie Leis as the Alternate to C.L.O.U.T.;

Jodie Leis as the Board Representative to Hamilton County Planning Partnership;

Jodie Leis as the Board Representative to Hamilton County General Health District Advisory Council;

Ken Bryant as the Township Representative to ICRC;

Phil Beck as the Township Representative to the Hamilton County Township Association;

Brian Elliff as the Township Representative to the Cincinnati Horticultural Society;

Brian Elliff as the Township Representative to the Hamilton County Tax Incentive Review Council;

Bill Pitman as the Township Representative to Hamilton County Township Road Superintendents Association; and

Bill Pitman as the Township Representative to the Hamilton County Storm Water District.

PRESENTATION

DOUG RACK, TURNER CONSTRUCTION provided the Board with a status report on the Home of the Brave Park. Mr. Rack reported the memorial lights have been installed. The playground surface, landscaping and final asphalt paving will be completed in the Spring.

RECEIPTS

Receipts totaling \$62,468.48 were read and accepted.

WARRANTS

MRS. LEIS moved that the Township pay its bills. Mr. Beck seconded the motion and all voted 'aye'. Proper certification having been made, warrants totaling \$181,808.49 were issued.

REPORTS

BRIAN ELLIFF - Reported on activities in the township since the last meeting;

1. DIRECTOR OF PUBLIC WORKS - Advised that Bill Pitman has been elected President of the Hamilton County Township Road Superintendent Association for 2012, as well as Vice-President for the Public Works Officials of Southwest Ohio.

2. CAMP DENNISON FIRE FLOW - Reported the new water loop has been completed.

HEARING FROM RESIDENTS

BOB DEAN - Advised he is the General Manager of the Cincinnati Riverhawks, a baseball team for 12 and 14 year olds. This is the second year for this organization and they are looking for a home field. Mr. Dean stated he contacted the Township requesting use of Hopewell Park. He was advised of an agreement with surrounding residents which prevents the use of the field for organized sports. Mr. Dean requested the use of Hopewell Park in 2012 and then at the new park when it is available.

MRS. LEIS questioned the number of nights the field would be needed and the number of players who are Township residents.

MR. DEAN stated it would be Monday, Tuesday, Wednesday, Friday during the week. Mr. Dean advised he is not sure of where the players live; however, the majority are in the Indian Hill School District.

MR. BECK noted there is an agenda item to discuss the use of Hopewell Park fields.

C.J. CARR, SYMMES HISTORICAL SOCIETY - Provided the Board with an update on the status of the log house. The dedication date has been set for April 21 with an 1860 style baseball game and other activities scheduled.

Mr. Carr reminded the Board of previous vandalism at the log house and noted that recently several windows, containing old glass, were broken.

CORRESPONDENCE

HAMILTON COUNTY SHERIFF DEPT - Report on fine adjustments.

M/M WEISFELDER - Request for permission to use Singleton Alley for driveway.

INTEGRYS - Letter regarding 2012 natural gas aggregation program.

HAMILTON COUNTY SHERIFF DEPT - Activity report.

COUNTY AUDITOR - Amended Certificate of Estimated Resources.

CHIEF HUBER - e-mail regarding status of grant for purchase of heart monitors.

cc:MSD to OAKMONT HOMES - Letter regarding conditional availability of sewer for 9767 Union Cemetery Road.

cc:HAMILTON COUNTY DEVELOPMENT - Letter regarding proposed amendment to CRA - All About Kids - sent to:

- a. Great Oaks
- b. Sycamore Schools

HAMILTON COUNTY AUDITOR - Letter regarding reappraisal of Parcels 620-

0070-0017 and 620-0070-0042

CENTER FOR LOCAL GOVERNMENT - Letter regarding final financial obligations in the amount of \$149,411.16 due to termination of insurance.

ELIZABETH STANTON - Letter regarding 2012 Retainer Agreement.

RUMPKE - Recycling report.

MARTHA GENTRY - e-mail regarding problems with construction traffic on Camp Road.

CALUMET FARMS HOA - Signed agreement for maintaining landscape area on Blong Road.

cc:MSD to UNIT BLDG SERVICES - Letter regarding conditional availability of sewer for 11005 Montgomery Road.

DUKE RETAIL - Letters regarding Township aggregation program.

OHIO MOTOR VEHICLES - Letter regarding 2011 audit findings:

- a. From Symmes Township to City of Loveland (3120)
- b. From City of Loveland to Symmes Township (1306)
- c. From City of Loveland to Symmes Township (3120)

HAMILTON COUNTY GENERAL HEALTH DISTRICT - Letter advising they will no longer hold a community clinic at Symmes Township.

RBC - Letters requesting confirmation of authorized signers on account and regarding review of current investment policy statement.

HCRPC - Memo regarding annual membership and renewal invoice for Planning Partnership.

HAMILTON COUNTY AUDITOR - Amended Certificate of Total Appropriations.

WOOD & LAMPING - E-mail with application for tax exemption of Home of the Brave park property.

JOHN STEVENS - e-mail regarding status of Civil War flag markers in Union Cemetery.

STATE OF OHIO - Elevator certificate for 2012.

SNOW REMOVAL AGREEMENT received from:

- a. McKinney Developers
- b. Metro Developers

FROST BROWN TODD - Letter with CD of Payne Firm's summary report on Home of The Brave Park property.

ROBERT GOERING, HAMILTON COUNTY TREASURER - Notice of Collection of Inheritance Taxes (\$26.99).

FCC - Radio station authorization for 12-28-2011 to 1-4-2022.

ZONING AND PLANNING ISSUES

MRS. LEIS moved to appoint D'Arcy Havill, 9976 Lincoln Road (45111) to the Board of Zoning Appeals to a five year term effective January 1, 2012. Mr. Beck seconded the motion and the roll call vote was as

follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

NEW BUSINESS

MRS. LEIS moved to adopt the following resolution and to dispense with the second reading:

RESOLUTION G2012-01
Resolution Appointing Robert P. Malloy
Law Director Pursuant to R.C. 504.15 and
Dispensing with the Second Reading

WHEREAS, pursuant to R.C. 504.15, the Board of Trustees is required to appoint a full-time or part-time Law Director; and

WHEREAS, Robert P. Malloy is by reason of his training and experience competent to act as legal advisor to the Board, the Township Administrator and other Township officers; and

WHEREAS, R.C. 504.151 provides that the Township Law Director may appoint as Assistant Law Director a person who is an associate or partner of or who is employed by the Township Law Director in the private practice of law; and

WHEREAS, certain associates, partners and employees of Robert P. Malloy are qualified and capable of assisting and supporting the legal services.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Symmes Township, Hamilton County, Ohio pursuant to Chapter 504 of the Revised Code, as follows:

Section 1. Robert P. Malloy is hereby appointed and retained pursuant to R.C. 504.15 as the Township Law Director who shall serve in such capacity on a part-time basis as an independent contractor unless terminated by the Board or Robert P. Malloy upon thirty (30) days notice. Robert P. Malloy shall be compensated for such services at the rate of One Thousand Five Hundred and Eighty Dollars (\$1,580.00) per month. Services in excess of twelve (12) hours per month shall be paid monthly at the rate of One Hundred Fifty-Eight Dollars (\$158.00) per hour, plus authorized expenses, except that legal services rendered for matters involving litigation or administrative appeals shall be compensated at the rate of One Hundred Eighty-Four Dollars (\$184.00) per hour. Such a rate of compensation shall also be applicable for legal services performed by other persons in the law firm of Wood & Lamping who are so designated as Assistant Law Directors by Robert P. Malloy.

Section 2. The Board hereby authorized and directs that the Township enter into a Law Director Employment Agreement with Robert P. Malloy, which Agreement fully defines the terms and conditions upon which Robert P. Malloy shall serve as Law Director, a copy of which is incorporated herein by reference as Exhibit "A."

Section 3. The Trustees of Symmes Township upon majority vote do hereby dispense with the requirement that this Resolution be read on two separate days, and hereby authorize the adoption of this Resolution upon its first reading.

Section 4. This Resolution shall be adopted as an emergency necessary for the immediate preservation of the public, peace, health, safety or welfare of the community for the reason that it is necessary to maintain the continuity of legal services for this Township.

Section 5. It is hereby determined that all formal actions of the Board of

Trustees relating to the adoption of this Resolution were taken in an open meeting of the Board of Township Trustees and that all deliberations of such Board of Trustees were in meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

MR. BRYANT seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MRS. LEIS moved to adopt the following resolution and to dispense with the second reading:

RESOLUTION G2012-02
Resolution Retaining Elizabeth M. Stanton and
the Firm of Taft, Stettinius & Hollister, LLP
as Legal Counsel to Advise and Represent
the Township in Annexation Matters
and Dispensing with the Second Reading

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio, deems it necessary and advisable to employ legal counsel to advise and represent the Township on legal matters relating to annexation;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Symmes Township that:

Section 1. Elizabeth M. Stanton and the firm of Taft, Stettinius & Hollister, LLP, be retained as Legal Counsel to advise and represent Symmes Township on legal matters relating to annexation.

Section 2. Representation will be paid for as follows: \$250.00 per hour partner and senior attorney time; \$190.00 per hour associate attorney time; and \$95.00 per hour law clerk or legal assistant time. Rate is fixed for six months but subject to increase thereafter, with a maximum increase of six (6%) percent every six (6) months. Time spent on travel and telephone calls is considered billable time. Court costs and expenses will be paid by the Township. Fees will be paid monthly upon receipt of the bill.

Section 3. Board will execute a Retainer Agreement reciting these terms.

Section 4. The Fiscal Officer is hereby authorized and directed to pay for the above services from the Township fund from and after January 1, 2012.

Section 5. That this action by order of the Board of Trustees of Symmes Township be duly entered upon its journal.

Section 6. This Resolution shall be adopted as an emergency necessary for the immediate preservation of the public peace, health, safety, or welfare of the community for the reason that it is necessary to maintain the continuity of legal services for this Township.

MR. BECK seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MRS. LEIS moved to adopt the following resolution:

RESOLUTION G2012-03
Resolution Requesting the County
Auditor to Make Advance Payments of Taxes

WHEREAS, the Ohio revised Code allows a taxing authority to request

payment from the County Auditor funds derived from taxes or other sources to the County Treasurer, which is held on account of a local subdivision; and

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio, wishes the Township Fiscal Officer to make requests for advance payments of property taxes prior to the completion of a tax settlement.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Symmes Township, Hamilton County, Ohio:

Section 1. That the Auditor and Treasurer of Hamilton County, Ohio, in accordance with Ohio Revised Code Section 321.34, be requested to draw and pay to Symmes Township upon written request of John C. Borchers, Fiscal Officer to the County Auditor, funds due in any settlement of 2012 derived from taxes or other sources, payment to the County Treasurer to the account of Symmes Township, and lawfully applicable for purposes of the current fiscal year.

Section 2. That the Fiscal Officer is hereby directed to forward a certified copy of this Resolution to the County Auditor.

MR. BRYANT seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MRS. LEIS moved to adopt the following resolution:

RESOLUTION G2012-04
Resolution Consenting to the Execution of an
Amendment to the Community Reinvestment Area Agreement
Between the Board of County Commissioners
of Hamilton County, Ohio and All About
Morelia, LLC dba All About Kids

WHEREAS, the Symmes Township Board of Trustees, Hamilton County, Ohio by Resolution G-0823 passed on June 3, 2008 designated an area as the "Symmes Township Community Reinvestment Area #2" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, on July 17, 2008, the Board of County Commissioners of Hamilton County did duly establish such an Area; and

WHEREAS, on September 5, 2008, the Director of Development of the State of Ohio certified the area designated by this Council and the Board of County Commissioners of Hamilton County, Ohio, as a Community Reinvestment Area pursuant to Section 3735.66 of the Ohio Revised Code; and

WHEREAS, All About Morelia, LLC dba All About Kids (hereinafter "Morelia") entered into a community reinvestment area agreement relating to their Hamilton County facility located at 11210 Montgomery Road; Symmes Township, Ohio 45249, with Hamilton County on October 21, 2009; and

WHEREAS, Morelia has established a joint venture business arrangement with Contadino Properties, LLC (hereinafter "Contadino"), Contadino has requested an amendment to the community reinvestment area agreement executed with Hamilton County for Contadino to assume the rights and responsibilities, in regards to the real property obligations of the existing community reinvestment area agreement.

NOW, THEREFORE, BE IT RESOLVED, Symmes Township supports the

proposed amendment requested by All About Morelia, LLC dba All About Kids.

MR. BECK seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MRS. LEIS noted that last year the Township held special events for the Easter Egg Hunt, Symmesfest, Fallfest and Operation Santa. Mrs. Leis stated she felt these events were well received and felt these should be continued.

MR. BECK agreed with this statement.

MRS. LEIS moved to establish the date of March 31 for Easter Egg Hunt, June 14-15-16 for Symmesfest, October 5 for Fallfest and December 5 for Operation Santa. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MRS. LEIS moved to approve an expenditure in an amount not to exceed \$20,000.00 for the Township's special events. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MR. ELLIFF noted that Staff is requesting the Board to establish a dedication date for the Home of the Brave Park.

MR. BORCHERS stated he felt additional information is needed before an opening date is established.

MR. BECK stated it would be nice to have the Memorial Wall completed by Memorial Day.

MR. BRYANT stated he felt that might be a good time.

MRS. LEIS stated she would like to include other special activities for the dedication.

MR. ELLIFF advised he would meet with Staff to further discuss this event and will have this as an agenda item at the next meeting.

MR. BRYANT noted there is interest in the use of Hopewell Park for organized sports.

MRS. LEIS stated she felt the Board should contact the residents for input on this request.

MR. BECK stated residents should be invited to a special meeting and made aware of this recent request and to hear their comments.

MR. ELLIFF offered to hold a meeting with the residents and report back to the Board at the next meeting.

MR. BECK questioned if a meeting with the residents could be held before the February Board meeting.

MR. BORCHERS stated he felt it would be beneficial to discuss this request with the surrounding residents.

MR. BRYANT questioned if the plan is to hold a Public Hearing or an informal meeting with the residents.

MR. ELLIFF stated residents would be notified of this issue and encourage them to attend a meeting to provide comments. This would assist in the Board's decision.

The Board directed the Township Administrator to determine a date for this meeting and to provide proper notification.

MRS. LEIS moved to approve a one year supplemental contract by the Loveland Symmes Fire Department with Milford Fire Department for the Camp Dennison area at \$500.00 per month effective January 1, 2012. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MRS. LEIS moved to approve:

- a. Expenditure in the amount of \$1,800.00 for 2012 membership fee (1/2 participation) in the Hamilton County Regional Planning Commission and the Planning Partnership
- b. Expenditure in an amount not to exceed \$8,000.00 for publication and distribution of Spring newsletter
- c. Expenditure in an amount not to exceed \$3,200.00 for drug re-stock for 2012
- d. Expenditure in an amount not to exceed \$9,000.00 for ambulance re-stock for 2012
- e. Expenditure in an amount not to exceed \$2,500.00 for EMS re-stock for 2012
- f. Expenditure in an amount not to exceed \$3,800.00 for EMS aircard/cell phone usage for 2012

Mr. Bryant seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MRS. LEIS moved to authorize John Borchers and Carol Sims to attend Local Government Innovation Fund Regional Information session on January 24, 2012 in Hamilton, Ohio. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

EXECUTIVE SESSION

MRS. LEIS moved that the Board enter Executive Session to discuss the employment of a public employee. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

The meeting adjourned for Executive Session at 8:34 p.m.

The meeting reconvened from Executive Session at 11:00 p.m.

No further action was taken and the meeting adjourned at 11:00 p.m.