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**MINUTES OF SYMMES TOWNSHIP REGULAR MEETING**

**APRIL 3, 2012**

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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 Elliff - Township Administrator; 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.

OATH OF OFFICE

JOHN BORCHERS presented his bond to the Board of Trustees. Carol Sims administered the oath of office to Fiscal Officer Borchers who was elected in November to a four-year term effective April 1, 2012. A short recession was taken for a reception.

PRESENTATION

FRANK WELSH, CINCINNATI HORTICULTURAL SOCIETY - Stated they would like to update the Board on recent activities and planned events, as well as proposed improvements to the Meade House.

GREG HOTHEN - Stated the Society has improved this property by repairing the attic floors, rebuilt the arbor and various landscaping project. Mr. Hothem advised they have removed a number of mis-shaped trees.

JENNIFER BARLOW - Reviewed proposed landscaping plan consisting of a rose garden, herb garden and butterfly garden.

JULIE SINGER - Provided additional information regarding the various gardens.

ROBERT LAVIEREI - Stated he represented the Greater Cincinnati Rose Association and advised they will be planting roses at the arbor. These "Earth Kind" roses are will provide an opportunity for people to see this new concept.

MRS. SINGER - Reviewed information regarding the upcoming events, including the Fresh Air Schools and participation at the log house dedication and the Township's Fallfest which will include the annual AG Ed Day.

MR. WELSH - Reviewed the Society's 2012 schedule of events.

MR. BRYANT stated the Board was upset with the removal of trees since there appeared the Township was not notified.

MR. HOTHEN advised they were surprised at the Board's reaction to the removal of these trees. Mr. Hothem stated he spoke with the Township

Administrator and the Director of Public Works regarding a concept plan and the Township offered the use of a truck and chipper. Mr. Hothem further stated he felt the Society had made proper notification to the Township of the planned action to remove these trees.

MR. BRYANT questioned if there was a Children's Garden planned for this property.

MRS. SINGER stated the proposed landscaping plan is to provide for immediate improvement to the Meade House. The goal is for the development of a Children's Garden; however, that would involve major funds.

MRS. BARLOW noted there has been discussion to re-do the existing patio area and this will be utilized for the Fresh Air classes. The butterfly garden will also be used for these classes.

MR. BRYANT questioned if the Cincinnati Rose Association will be working under the Horticultural Society.

MR. LAVIEREI stated this group will donate the roses, and assist with the planting and education. There is no cost to the Township.

MR. BRYANT questioned if the Fresh Air School makes money for the Society.

MRS. SINGER stated the money from this event is used to supplement her salary. The Ag Ed Day is a sponsored event.

MR. BRYANT advised he likes the plans which were presented tonight, but questioned what happened to the original plan submitted in 2008. This original plan indicated there would be educational buildings and various gardens. Mr. Bryant stated he would like to have an overall master plan for this property to see how these different components fit. Mr. Bryant further stated he would like to have this master plan before giving approval for any proposals.

MRS. LEIS stated she is glad that the Society is involved with Symmes Township and happy with the proposed landscape plan and rose garden.

MR. BECK stated everything the Society has done requires a tremendous amount of effort and the Township is proud to play a small role in the process. Mr. Beck further stated he hoped that the Flower Show will return to Symmes Township. Mr. Beck advised he is very supportive of the children's education program.

MR. BORCHERS noted the Township was very excited about the Flower Show coming to Symmes Township. It appears that the Society is starting to develop plans for the future.

The Board thanked the members of the Cincinnati Horticultural Society for attending the meeting.

#### RECEIPTS

Receipts totaling \$53,088.31 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 \$382,538.55 were issued.

### MINUTES

Minutes of the June 7, 2011 meeting were approved as submitted.  
Minutes of the July 12, 2011 meeting were approved as submitted.  
Minutes of the August 2, 2011 meeting were approved as submitted.  
Minutes of the August 16, 2011 meeting were approved as submitted.

### REPORTS

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

9024 SYMMESKNOLL - Updated the Board on the status of this property and advised he will continue to monitor this situation.

### HEARING FROM RESIDENTS

JUDY HAVILL, 9976 LINCOLN (45111) - Stated she does not support the Board's decision to have a permanent park levy for maintenance. The residents would lose the ability to have oversight over the park system. Mrs. Havill further stated she read a recent newspaper article regarding the water contract with Indian Hill and Hamilton County. This article indicated that an agreement has been reached which would allow for a 25% surcharge for future infrastructure improvements. Mrs. Havill advised she was disappointed that the residents of Camp Dennison were not aware of this agreement until after it was completed. The Township should have kept the residents informed during this process which would have allowed for comments. Mrs. Havill stated she hoped the Township would communicate with the residents to explain this agreement and how it will impact their water bills.

MRS. LEIS stated this was the first time she has heard of this issue and questioned who was the Township's representative.

MR. ELLIFF advised there is no Township representative and stated he had attended meetings in the past in order to help facilitate the negotiations between Indian Hill and Hamilton County on a water contract. Mr. Elliff noted there had been discussions regarding a surcharge which would be similar to a surcharge in other communities.

MRS. LEIS questioned if the Township could attend the next meeting and request them to provide information to the residents.

MR. ELLIFF stated he was not aware of any additional meetings and the Township has not been notified of the status of this contract.

MRS. HAVILL stated the Board had previously indicated that a Township representative would be at these meetings order to look out for the best interest of the residents.

MR. BRYANT stated the Township is a third party to this agreement and it is the Board's duty to observe and lobby on behalf of the residents. Mr. Bryant noted that the Township might have failed to communicate with the residents.

MRS. HAVILL requested that the Township determine the status of this contract in order to let the residents know what is happening.

C.J. CARR, SYMMES TOWNSHIP HISTORICAL SOCIETY - Advised that the Society will hold the dedication of the Ross Family Log House on

April 21. There are many activities planned for this event, including a 1860s baseball game. Mr. Carr inquired if the Township would be able to help in providing tents, tables, chairs, etc. for this event, as well as assistance in chipping brush.

MR. BRYANT moved to direct the Township Administrator and Director of Public Works to provide necessary support to the Symmes Historical Society for this event. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

D'ARCY HAVILL, 9976 LINCOLN (45111) - Expressed concern regarding speeding in the Camp Dennison area, especially near the intersection of Lincoln and Glendale Milford Road. Mr. Havill requested the Township's assistance in resolving this issue.

LT. BUTLER indicated he would look into this matter.

### CORRESPONDENCE

CAMP DENNISON CIVIC LEAGUE - Letter of appreciation for installation of water looping system.

ANDREW TEMMEL - e-mail response to questions regarding proposed easement.

INTEGRYS - e-mail regarding aggregation program price comparisons.

cc:MSD to KLEINGERS & ASSOC - Letter regarding conditional availability of sewer for 11251 Montgomery Road.

BESCO - Proposal for pump station operation and maintenance.

DUKE ENERGY RETAIL - e-mails regarding electric aggregation.

TURNER CONSTRUCTION - e-mail response to recent slide recall.

ERIC ARILL - e-mails regarding electric aggregation.

cc:PUCO to KEN BRYANT - e-mails regarding aggregation.

DANIELLE AYERS - e-mail request for use of Symmes Park for walk/run to raise money.

HAMILTON COUNTY SHERIFF OFFICE - Activity reports.

HAMILTON COUNTY PUBLIC HEALTH - Notice of Violation for property at 9024 Symmes Knoll.

SERB - e-mail acknowledgment of recent survey.

KLA RISK CONSULTING - Letter regarding recent loss control visit at Hopewell Par,

DANIELLE HOPKINS - e-mail regarding recent Easter Egg Hunt.

HAMILTON COUNTY AUDITOR - Notice of Public Hearing on April 10 on General Health District Budget.

RALPH TEDESCHI, 11507 APPLEJACK - Letter regarding rates being charged under electric aggregation.

OLD BUSINESS

MRS. LEIS moved to authorize the Township Administrator to enter into a three (3) year contract with Cintas, Inc. for Township employee uniforms. Mr. Beck seconded the motion.

MR. BRYANT noted this action had been tabled by the Board in order to receive more information and a memo has been received from Staff.

MR. BORCHERS questioned if this three year contract is the same price for all three years.

MR. PITMAN advised that it is the same pricing.

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 \$5,000.00 for the purchase of new township street signage. Mr. Beck seconded the motion.

MR. BRYANT noted this action was also tabled at the last meeting and additional information has been received from Staff.

The roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MR. ELLIFF reviewed his memo regarding questions on the proposed park levy which were discussed at the last meeting. Mr. Elliff advised that Staff had prepared two resolutions for the Board's consideration - one is for a "four year" period and one for "continuing" - in order to proceed with requesting the necessary certification from the County Auditor.

MR. BORCHERS stated he appreciated the comments from Mrs. Havill. The Finance & Audit Committee recommended no increase in the millage amount. Mr. Borchers advised the Board should consider a permanent levy in order to insure there are always funds available to maintain the existing park system. There are always opportunities for the public to provide input to the Board on various issues.

MR. BRYANT noted that the common factor between these resolutions is that it is 1 mil levy.

MRS. LEIS stated she will always be willing to receive input from residents and it is important that the Township can properly maintain the parks in the future.

MRS. LEIS moved to adopt the following resolution:

RESOLUTION G2012-09

Resolution Declaring It Necessary to Levy a Tax in Excess of the Ten-Mill Limitation For a Continuing Period of Time and to Certify the Millage Rate to the County Auditor and Request the County Auditor to Certify Certain Matters in Connection Therewith

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio, desires to continue to provide to the residents of Symmes Township the use and enjoyment of public parks; and

WHEREAS, the Board of Trustees has determined that it is necessary

to replace an existing levy in excess of the ten-mill limitation for park and recreational purposes under the provisions of 5705.19(H) of the Ohio Revised Code; and

WHEREAS, pursuant to Section 5705.03 of the Ohio Revised Code, this Board of Trustees is required to certify to the County Auditor a resolution requesting the county auditor to certify certain matters in connection with such a tax levy;

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

Section 1. That pursuant to the provisions of Section 5705.19 (H) of the Ohio Revised Code, it is necessary that a tax be levied in excess of the ten-mill limitation for the purpose of providing parks and recreation within the township.

Section 2. It is necessary to replace an existing one (1.0) mill parks and recreational with a replacement levy at a rate not exceeding one (1.0) mill for each One Dollar (\$1.00) of valuation, which amounts to ten (\$0.10) cents for each One Hundred Dollars (\$100.00) in valuation, for a continuing period of time.

Section 3. That the question of the passage of said replacement tax levy shall be submitted to the electors of Symmes Township at the election to be held at the usual voting places within Symmes Township on November 6, 2012. If approved by the electors, said levy shall first be placed upon the 2012 tax list and duplicate, for first collection in calendar year 2013.

Section 4. That pursuant to Section 5705.03 of the Ohio Revised Code, the County Auditor is hereby requested to certify to this Board of Trustees the current tax valuation of the Township and the dollar amount of revenue that would be generated by the number of replacement mills specified in Section 2 hereof, and the Symmes Township Fiscal Officer is hereby directed to certify immediately to the County Auditor a copy of this resolution so that the County Auditor may certify such matters in accordance with such Section 5705.03.

Section 5. It is found and determined that all formal actions of this Board of Trustees of Symmes Township, Hamilton County, Ohio, concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board of Trustees of Symmes Township, Hamilton County, Ohio, and that all deliberations of the Board of Trustees of Symmes Township, Hamilton County, Ohio, and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6. This Resolution shall be adopted as an emergency necessary for the immediate preservation of the public health, safety and welfare within the community for the reason that it is necessary to continue to provide park and recreational services within the Township.

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

MRS. LEIS moved to approve a revised contract with the Hamilton County Sheriff's Office. Mr. Beck seconded the motion.

MR. BORCHERS advised he has reviewed this contract and this will save the Township a considerable amount of money over the next four years.

MR. BRYANT stated he just received this revised contract tonight and noted his vote would be based on the recommendation from Mr. Borchers and the Township Administrator.

MR. BORCHERS stated he has reviewed this new proposal and it relates to future expenditures and the contract only provides for twelve officers as directed by the Board.

The roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

### NEW BUSINESS

MR. ELLIFF advised the Township has received a request for water and sewer easements to the property owner at 9767 Union Cemetery Road. They are constructing a new single family house next to the Royal Park property and would like to purchase these easements across the property rather than install an on-site septic system.

Mr. Elliff stated that as requested by the Board he has met with various consultants and the builder to insure adequate protection to the Township. This information was provided in a memo to the Board. Mr. Elliff noted the builder is available to answer any questions from the Board.

MR. BECK stated he wanted to have clarification that these easements would not interfere with any future park expansion.

MR. ELLIFF advised the consultant has indicated the remaining tap will be adequate to serve any future expansion. The builder is willing to pay for a video of the sewer line to make sure there is no problem.

MRS. LEIS moved to authorize the Township Administrator to enter into an agreement to sell a water and sanitary easement for \$7,500.00, plus engineering expenses, and to execute a deed for same, subject to approval by legal and incorporating contingencies of March 27, 2012 memorandum and April 3, 2012 e-mail from Jose Castrejon. 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 establish April 24, 2012 at 2:00 p.m. as the bid opening date for 2012 Resurfacing Program. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MR. BORCHERS advised he has been in contact with Peck Shaffer & Williams, bond counsel, regarding the possibility of using the Tax Increment Financing fund for the purchase of Police/Fire/EMS equipment. Mr. Borchers stated it appears this will be possible; however, there are a couple outstanding issues before a final opinion is available. Mr. Borchers noted he will report on this at the next meeting.

MRS. LEIS moved to approve:

- a. Expenditure in an amount not to exceed \$1,000.00 for the purchase of two outdoor grills for Home of the Brave Park
- b. Expenditure in the amount of \$978.00 for roof repairs at Safety Center

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

MR. BECK noted that the Board has not taken action on the request made by the Cincinnati Horticultural Society for the proposed improvement to the Meade House.

MR. BECK moved to approve the 2012 Garden Plan for the Meade House as presented by the Cincinnati Horticultural Society and to grant authority for the Society to proceed. Mrs. Leis seconded the motion.

MR. BRYANT advised he would like to make sure these are the only improvements being made at this time since the contract stipulates that the Society must come before the Board for approval.

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 consider the sale of real property by competitive bid. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mrs. Bryant - 'aye'.

The meeting adjourned for Executive Session at 9:50 p.m.

The meeting reconvened from Executive Session at 10:00 p.m.

No further action was taken and the meeting adjourned at 10:01 p.m.