
MINUTES OF SYMMES TOWNSHIP REGULAR MEETING

OCTOBER 4, 2011

The meeting was called to order at 7:00 p.m. Members of the Board present were: Mr. Philip Beck, Mr. Kenneth Bryant, Mrs. Jodie Leis, and Mr. John Borchers.

Also present: Brian Elliff - 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.

PRESENTATION

DOUG RACK, TURNER CONSTRUCTION - Updated the Board on the status of the new park project. Mr. Rack reported this project has been greatly impacted by the weather and some of the landscaping might be delayed until the spring of next year. The contractor is in agreement with this possibility.

MR. BECK questioned the status on the installation of the pre-purchased memorial bricks.

MR. RACK advised he was not aware of these bricks.

MR. ELLIFF stated he would speak with Staff about these bricks and work with Turner Construction to resolve this issue.

MR. BORCHERS requested explanation regarding the proposed change order to allow for upgrade to memorial ground lights and questioned if this is necessary since the park will close at dark.

MR. RACK stated there are currently lights for the flags; however, these proposed lights will be for the memorial wall. The original lights in the bid were not suitable to pedestrian traffic.

MRS. LEIS stated she felt these lights would provide security for the memorial wall.

MR. BORCHERS stated the light could also provide the means for vandalism.

MR. BECK stated he felt the Board should consider the installation of conduit in case it is necessary to add lighting at a later date.

MR. BRYANT stated there had been discussion regarding the installation of security cameras, including this site, and electric should be available.

MR. BECK moved to direct the Township Administrator to work with Turner Construction to determine the credit amount due to the removal of the memorial lights. Mr. Bryant seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

RECEIPTS

Receipts totaling \$109,167.36 were read and accepted.

WARRANTS

MR. BECK moved that the Township pay its bills. Mr. Bryant seconded the motion and all voted 'aye'. Proper certification having been made, warrants totaling \$934,361.36 were issued.

REPORTS

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

MEETING NOTICES - Advised he will be researching ways for the Township to save money for the posting of legal notices by the Township.

MR. BORCHERS stated he has asked the Township Administrator to look at ways to save money. The Board has always noticed a meeting even though it might not be required.

MR. BRYANT noted that the State of Ohio currently has a website on which to notice meetings.

MRS. LEIS stated she felt the Township needs to notice another place than the State and feels that our site would be acceptable.

MR. ELLIFF stated he would look into options and advised the Board.

BLONG ROAD LANDSCAPING - Advised Staff has re-evaluated options to resolve the issues on this site. Mr. Elliff reported on recent meeting with the Calumet Farms Homeowners Association to review these options. Staff is recommending the installation of a fence with minimal landscaping. The HOA is willing to undertake the maintenance of the landscaping for three (3) years.

MR. BORCHERS questioned why the Township needs to acquire ownership of this area.

MR. ELLIFF stated that ODOT has indicated its willingness to transfer ownership to the Township which would eliminate the need for obtaining ODOT's permission and permits.

MR. BECK moved to direct the Township Administrator to a) pursue the required agreement with ODOT for access to subject site; b) pursue the permits necessary to install landscaping and fence; and c) pursue necessary agreement with Calumet Farms HOA for maintenance of landscaping. Mrs. Leis seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

MR. BECK moved to approve an expenditure in an amount not exceed \$2,000.00 for the purchase and installation of proposed landscaping and fence. Mrs. Leis seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

ROBERT MALLOY - Updated the Board on the status of the litigation filed against the Patrilla property.

LT. BUTLER - Advised the monthly reports would be available next week.

MRS. LEIS noted there is excessive speeding in her neighborhood and questioned what can be done to remind people not to speed in subdivisions.

LT. BUTLER noted that the speed trailer has proven to be effective as it

reminds people of their speed. There is a hand-held radar unit which is available for residents which would help to identify a problem in a specific area.

CHIEF HUBER - Advised a proposal had been developed last fall for additional cameras for the parks. Chief Huber stated he would update this information and forward to the Board for review.

OTHER - MR. BORCHERS advised he is working on information which will show the changes in revenue due to recent reductions by the State . Mr. Borchers stated he would like to have a work session with the Board before presenting the information to the Finance & Audit Committee.

MR. BECK questioned when he would be ready for this presentation.

MR. BORCHERS stated he felt the information would be completed by mid-November. Mr. Borchers advised he would be able to make a recommendation on a date at the next meeting.

The Board agreed it would be a good idea to review this information.

MR. BORCHERS reported that he and Mr. Beck attended a training session on the Ohio Sunshine Law. Mr. Borchers presented the Board with information from this session.

HEARING FROM RESIDENTS

C.J. CARR - Reminded the Board that at the July meeting he expressed concerns regarding problems on Shore Drive and the Loveland Castle. Mr. Carr questioned if there was any update.

MR. ELLIFF advised he has met with Mr. Carr about these issues. Mr. Elliff stated he has reviewed the issued from different angles - safety, law enforcement, zoning - and feels that the zoning decision provides limited options to the Township. Lt. Butler has been requested to monitor the situation during normal business times, as well as special events. Lt. Butler has noted that there were no issues found and cars are legally parked.

Mr. Elliff further advised that he has scheduled a meeting with representatives of the Castle, as well as their attorney.

MR. CARR advised that an event was held on September 25. The street was blocked and cars were parked in front of the "No Parking" area. Police officers did come and everyone left. There are continuing issues at this site. The Shore Drive Park is being used commercially and visitors are unable to utilize the reserved parking spaces.

Mr. Carr stated that the Zoning Resolution allows for the Castle to be opened only during the weekends for the period between October 1 to March 31. Their website states that they are open every day through October 31 which is a violation. There are problems with parking and speeding.

The Board directed the Township Administrator to look into this issue.

SUSAN JOHNSTAL, 11963 CARRINGTON COURT - Advised she was the president for the Montgomery Trace Homeowners Association and noted that, on a recent neighborhood survey, residents expressed interest in having a sidewalk leading from Harbortown to the library and Symmes Elementary. Mrs. Johnstal asked for information from the Board that she could take back to her neighbors.

MRS. LEIS stated she would like to see sidewalks everywhere in the Township.

MR. BECK advised that the Board would like to have a sidewalk on Enyart Road to connect the library and school; however, funds are not available at this time. Mr. Beck stated that he considers safety as an important factor as to where sidewalks should be installed.

MR. BRYANT stated he supports this request and the Township should look into possible grants in order to accomplish this request, such as the "Safe Routes to School" grant.

MR. ELLIFF advised that Staff has discussed revising the Township's sidewalk plan once the Montgomery Road sidewalk is completed. Mr. Elliff stated that this request could be considered at that time.

MR. BRYANT explained the Board agrees that sidewalks are important to the residents. A road levy was passed and a portion of this revenue has been set aside for sidewalks. The Board has tried to use this money to connect existing sidewalks, to provide sidewalks to public places and to look resolving safety issues.

MR. BORCHERS noted that the existing road levy will be up for renewal soon and at time additional millage could be consider to allow for more sidewalk construction.

MRS. JOHNSTAL thanked for the Board and advised she would attend a future meeting to re-visit this request.

CORRESPONDENCE

JOHN MULLOWNEY - Letter requesting re-appointment to the Zoning Commission.

HAMILTON COUNTY SHERIFF DEPT - Activity reports.

TURNER CONSTRUCTION - Monthly report on Rozzi project.

SPRINGFIELD TOWNSHIP - e-mail notification that sign retro-reflectivity requirement has been eliminated.

BILL SMEAL - Name suggestion for new park - "Symmes Township Family Recreation Complex".

WOOD & LAMPING - Letter regarding Patrilla Lane nuisance lawsuit.

KZF DESIGN - Plans for Montgomery Road sidewalk project.

MEDICAL MUTUAL INSURANCE - Signed group contract.

THELEN ASSOC. - Fields reports on Rozzi project.

VICKIE GREGORY, 10201 PLANTATION POINTE - e-mail regarding high grass on neighbors' empty lot.

CANTRELL FENCE - Proposal for fence at Blong Road.

McGILL SMITH PUNSHON INC. - Addendum to Rozzi contract.

VALLEY ASPHALT - Request for copy of Notice of Commencement for J.K. Meurer on Rozzi project.

TIM BRUNKEL - Letter advising last day of work will be September 16.

HAMILTON COUNTY ENGINEER - Letter advising of refund for recent sidewalk repairs due to incorrect price per square foot.

CHIEF OTTO HUBER - Suggestion for naming of park in honor of Wilma Berger.

cc:MSD to OTABEK ARIPOV - Letter regarding conditional availability of sewer for 9448 Union Cemetery Road.

RUMPKE - Recycling reports for August and September 2011

HAMILTON COUNTY AUDITOR - Notification of LGF funds for 2012 - \$182,569.37.

HAMILTON COUNTY BOARD OF ELECTIONS - Request to use Symmes Park for distribution of election material.

CALUMET HOA - Letter regarding proposed landscape plan along Blong Road.

RICHARD DYSON - e-mail of appreciation for placement of speed trailer on Fallis Road.

cc:ZONING INSPECTOR to KNIGHTS - Letter regarding violation.

MILLS FENCE - Proposal for Blong Road.

MARK SUTTON, 9970 BENT CREEK - Request for speed humps in neighbor.

MOBILCOMM - Proposal for Repeater.

DANIELLE HOLLIGSWORTH - Request to use Symmes Park for Girl Scout event in April, 2012.

STATE OF OHIO - Notice that elevator passed inspection.

ZONING AND PLANNING ISSUES

MR. BECK moved to table appointment to the Board of Zoning Appeals pending discussion of personnel issues in Executive Session. Mr. Bryant seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

Mr. Beck stated that John Mullooney's term on the Township Zoning Commission has expired. Mr. Mullooney has expressed interest in being reappointed. Mr. Beck noted that in the past, the Board has advertised for any openings and conducted interviews before making appointments. Mr. Beck stated that he would like to follow this procedure.

MRS. LEIS expressed concern that the Board wants to go through this process when a qualified person wishes to continue on a committee. Mrs. Leis stated she feels it is not fair to inform someone they are doing a good job and then advise them that other people are being considered.

MR. BECK stated this has been the Board's policy.

Mr. Beck moved to direct the Township Administrator to advertise for the open position on the Township Zoning Commission. Mr. Bryant seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

Mr. Beck noted that Mr. Mullooney can continue to serve on the Zoning Commission until a re-appointment is made.

OLD BUSINESS

MR. BECK moved to authorize the Township Administrator to advertise for open position in the Service Department. Mrs. Leis seconded the motion.

MR. ELLIFF reminded the Board of previous discussions regarding the need to hire an employee for this open position. This position is mainly for the parks and would be funded from the Park Fund. Additionally, this person would be utilized for snow removal.

MR. BORCHERS stated that Staff has justified the need to fill the position at this time and funds are available. Mr. Borchers recommended that Staff consider hiring someone with a CDL license even though this is not a requirement of the position.

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

MR. BECK moved to approve Change Order #01-003 with Kelchner, Inc. in the amount of \$14,130.00 for material removal and re-compaction. Mr. Bryant seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

NEW BUSINESS

MR. BECK moved to adopt the following resolution:

RESOLUTION F-2011-04

Resolution Accepting the Amounts and Rates as Determined
by the Budget Commission and Authorizing the Necessary
Tax Levies and Certifying them to the County Auditor

RESOLVED, By the Board of Trustees of Symmes Township,
Hamilton County, Ohio, in accordance with the provisions of law has
previously adopted a Tax Budget for the next succeeding fiscal year
commencing January 1st, 2012; and

WHEREAS, The Budget Commission of Hamilton County, Ohio, has
certified its action thereon to this Board together with an estimate by the
County Auditor of the rate of each tax necessary to be levied by this Board,
and what part thereof is without, and what part within, the ten mill tax
limitations; therefore be it

RESOLVED, By the Board of Trustees of Symmes Township,
Hamilton County, Ohio, that the amounts and rates, as determined by the

Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said Township the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

General	1.00 mill	Inside of 10 m. limit
Road & Bridge	.30 mill	Inside of 10 m. limit
Fire	3.50 mill	Outside of 10 m. limit
Police	2.70 mill	Outside of 10 m. limit
EMS	1.50 mill	Outside of 10 m. limit
Park	1.00 mill	Outside of 10 m. limit
Park - Rozzi	.90 mill	Outside of 10 m. limit
Road & Bridge II	.90 mill	Outside of 10 m. limit
Safety Services	2.70 mill	Outside of 10 m. limit
Total	14.50 mill	

and be it further

RESOLVED, That the Fiscal Officer of this Board be and he is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

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

Mr. Beck moved to adopt the following resolution:

RESOLUTION C2011-02

Resolution Amending Rules and Regulations
and Revising Rate Schedule
for Township Cemeteries

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio established and adopted rules and regulations for township cemeteries on March 6, 1990 by passage of Resolution C-9001; and

WHEREAS, the Board of Trustees of Symmes Township established and adopted a Rate Schedule for the cost of grave spaces, opening and closing fees, foundations, and cornerstones pursuant to Resolution C-9001; and

WHEREAS, revisions to the adopted rules and regulations and to the Rate Schedule have been made pursuant to Resolutions C-9601, C-0001, C-0201, C-0301, C-0302, C-0401, C-0701 and C2011-01 adopted May 21, 1996, May 19, 2000, September 3, 2002, July 1, 2003, October 7, 2003, September 7, 2004, June 5, 2007 and June 1, 2010; and

WHEREAS, the Board of Trustees of Symmes Township has determined the need to amend the rules and regulations and to revise the Rate Schedule; and

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

Section 1. Hereby amends the Symmes Township Cemetery Rules and Regulations as follows:

BURIALS

5. All interments must be placed in a concrete vault (one piece

lid is required). The Township requests the use of top-seal vaults. The size of the container shall not exceed the dimensions of the grave. No "wilbert-way" set-ups shall be permitted. Any additional charge associated with a "Batesville" vault set-up shall be the responsibility of the arranging party. The funeral home and vault company shall be responsible for the function and safety of this set-up.

FOUNDATIONS

12. Foundations are ~~laid~~ installed without charge for veterans whose grave stone (or marker) has been provided by the Federal Government. A fee of \$50.00 will be charged for installation of a veteran's marker which has been pre-mounted by an outside vendor.

Section 2. Hereby revises the Cemetery Rate Schedule as follows:

Opening & Closing (includes lowering device, set-up and tent):		
Weekday (8:30 a.m. to 2:00 p.m.)\$800.00	<u>850.00</u>
Saturday (8:30 a.m. to Noon)\$1000.00	<u>1100.00</u>
Disinterment\$ 1500.00	<u>2000.00</u>
Foundations (per square inch)\$.60	<u>\$.65</u>
Infant burial \$300.00	<u>350.00</u>
including 2x5 grave\$600.00	<u>650.00</u>
Interment of ashes\$300.00	<u>350.00</u>
including 2x5 grave 600.00	<u>650.00</u>
Memorial Garden:		
Level One\$650.00	<u>700.00</u>
Level Two\$575.00	<u>625.00</u>
Level Three\$500.00	<u>550.00</u>
Cornerstones \$150.00	<u>160.00</u>
Columbarium		
Inscription \$250.00	<u>350.00</u>

Section 5. This Resolution shall take effect and be in force from and after the earliest period allowed by law; and

Section 6. The Township Fiscal Officer is directed to cause the amended cemetery rules and regulations and revised Rate Schedule to be published once a week for two consecutive weeks in a newspaper of general circulation within the Township.

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

MR. BECK moved to adopt the following resolution:

RESOLUTION G2011-17

Resolution Providing for the Abatement of Vegetation and Other Debris from Property Located at 9237 Solon Drive

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio, enacted Resolution G-8707, Resolution Providing for the Abatement, Control, or Removal of Vegetation, Garbage, Refuse, and Other Debris from Land in the Township, on August 18, 1987; and

WHEREAS, a complaint has been received regarding the condition

of property located at 9237 Solon Drive (Parcel 620-0170-0107); and

WHEREAS, a visual inspection of said property has revealed that the complaint is valid in that there is vegetation and other debris located on the property; and

WHEREAS, Resolution G-8707 provides that the Board of Trustees of Symmes Township, Hamilton County, Ohio, may at its discretion order the abatement of vegetation and other debris from land in the Township; and

WHEREAS, Resolution G-8707 provides that should such vegetation and other debris not be abated, the Board of Trustees of Symmes Township, Hamilton County, Ohio, will provide for the abatement and any expenses incurred by the Township in performing such task shall be a lien upon the land if not paid by the property owner.

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

Section 1. Hereby invokes Resolution G-8707 against parcel #620-0170-0107 - 9237 Solon Drive.

Section 2. Hereby directs the Township Administrator to notify the property owner, Margaret Sulfsted, to abate the nuisance.

Section 3. Hereby authorizes the Township Administrator to take appropriate measures and approves an expenditure to provide for the abatement of this nuisance.

Section 4. Hereby directs the Township Fiscal Officer to pay out of the Township general fund for all expenses incurred for the removal of the vegetation and other debris and to bill the property owner for said expenses.

Section 5. Hereby directs the Township Fiscal Officer to enter upon the tax duplicate for said expenses if not paid within fourteen (14) days from date of billing.

Section 6. Hereby directs the Township Administrator to monitor said property for ninety (90) days to ensure compliance and authorizes the Township Administrator to take appropriate measures to abate future nuisances after written notification to the property owner.

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

Mr. Beck moved to approve Addendum #0001 to contract with McGill Smith Punshon, Inc. in the amount of \$7,000.00. Mrs. Leis seconded the motion.

MR. BORCHERS explained that this additional fee is due to the revised playground design. Mr. Borchers stated he felt this request was reasonable due to the amount of additional work done by the consultant above the original contract.

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

MR. BECK moved to establish October 27, 2011 at 3:00 p.m. as the bid opening date for Camp Dennison Fire Flow Improvement on Adams Lane project. Mr. Bryant seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

Mr. Beck moved to approve a transfer of \$12,000.00 from 9-A-7 (Police-Equipment) to 9-A-10 (Police-Contracts). Mr. Bryant seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

Mr. Beck moved to amend Permanent Appropriation 20-A-6 (Safety Levy-Repairs) from \$42,500.00 to \$49,000.00. Mr. Bryant seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

Mr. Beck moved to approve:

- a. Expenditure in an amount not to exceed \$8,000.00 for publication and distribution of Fall newsletter
- b. Expenditure (Then & Now) in the amount of \$2,557.00 for repair of natural gas valve at Safety Center
- c. Expenditure (Then & Now) in the amount of \$784.00 for emergency HVAC repairs at Safety Center
- d. Expenditure (Then & Now) in the amount of \$1,625.00 for emergency replacement of HVAC compressor for Safety Center computer room
- e. Expenditure in the amount of \$1,890.00 for annual heart monitors maintenance agreement
- f. Expenditure in the amount of \$1,830.00 for purchase and installation of gate for Township storage area in Union Cemetery
- g. Expenditure in the amount of \$3,072.00 for three additional mowings in Township cemeteries
- h. Expenditure in the amount of \$3,375.00 for three additional mowings in Township parks
- i. Expenditure in the amount of \$756.00 for aerial and ground ladder testing

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

Mr. Beck moved to establish October 31, 2011 from 6:00 p.m. to 8:00 p.m. for Halloween Observance in Symmes Township. Mr. Bryant seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

EXECUTIVE SESSION

MR. BRYANT moved that the Board enter Executive Session to discuss the appointment of a public employee, to consider the purchase of real property and to discuss pending court action. Mrs. Leis seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

The meeting adjourned for Executive Session at 8:50 p.m.

The meeting reconvened from Executive Session at 9:15 p.m.

MR. BECK moved to appoint D'Arcy Havill, 9976 Lincoln Road (45111) to the Township Board of Zoning Appeals for an unexpired term ending December 31, 2011.

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

MR. BECK moved to enter back into Executive Session. Mr. Bryant seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

The meeting adjourned for Executive Session at 9:17 p.m.

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

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