
MINUTES OF SYMMES TOWNSHIP REGULAR MEETING

DECEMBER 6, 2011

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

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.

The Public Hearing for SYMMES #2011-1, East Kemper Road Office was called to order at 7:01 p.m.

BRYAN SNYDER, HAMILTON COUNTY REGIONAL PLANNING - Stated that a Staff Report has been forwarded to the Board for this case. The application is for a zone change for the property, consisting of seven parcels, located on the north side of East Kemper Road approximately four hundred sixty (460) feet east of Snider Road. Robert Lucke Interests is requesting a zone change from "A" Residence to "OO" Planned Residence (with Subservient Office). Mr. Snyder noted this property is next to the Silver Spring House and contains a single family residence which is vacant. Mr. Snyder reviewed photos of the subject site from various angles.

Mr. Snyder advised that property to the north and south contains single family homes and is zoned "A" Residence. The Silver Spring House Restaurant, located to the west, is zoned "EE" Planned Residence. The property to the east contains Mariner's Cove development and is zoned "DD" Planned Multi-Family.

Mr. Snyder stated the applicant is proposing to construct three 9,000 square-foot, one-story office buildings on this site with 137 on-site parking spaces. The proposed plan includes a storm water detention pond, a full-access drive onto E. Kemper Road and a cross-access to the Silver Spring House Restaurant.

Mr. Snyder further stated that a twenty (20) foot buffer is proposed along the northern and eastern property line, with a ten (10) foot streetscape along E. Kemper Road. The detention pond will be located on the far eastern portion of the site with an adjacent segmental retaining wall. One six-foot tall ground sign has been proposed near the entrance. The impervious surface ratio (ISR) for the site would be 59.4%. The elevations submitted indicate these buildings will be one-story with pitched roofs and brick veneer. The applicant is suggesting a residential character for this project.

Mr. Snyder advised the adopted Land Use Plan for this site reflects a designation of "Transitional Mixed Use". This designation calls for residential, low intensity office uses, with retail and industrial uses specially excluded. This was reviewed in depth by Hamilton County Staff as to the Land Use Map and Strategies. Based on Staff's review and findings, it is felt this proposed development would be consistent with the Township Land Use

Plan's map and text provided that sidewalks are installed along the frontage of the property. The applicant has agreed to this condition.

MR. SNYDER stated that the Hamilton County Regional Planning Commission feels that this proposed development is consistent with the adopted Land Use Plan.

Mr. Snyder noted that the Hamilton County Thoroughfare Plan designates E. Kemper Road as a Minor Arterial with a required right-of-way of one hundred (100) feet. The developer is willing to donate the necessary right-of-way to the County.

Mr. Snyder stated that the proposed site plan meets the requirements of the Zoning Resolution and the "OO" Planned Residence District with one exception. The Zoning Resolution requires a minimum front yard setback of twenty (20) feet for parking areas adjacent to any Residential District. The proposed parking area is setback eleven (11) feet from the proposed E. Kemper Road right-of-way. Staff supports the requested variance since the adjacent Silver Spring House does not have a twenty (20) foot parking area setback. There is a substantial mound with mature evergreen trees on the south side of E. Kemper Road which will eliminate any negative impact related to this reduced setback.

Mr. Snyder advised Staff has reviewed other issues relative to this proposed development. It appears that the current house on the property has been the only residence on this site for over sixty years. Based on the lack of residential development, this proposed use would be appropriate.

Mr. Snyder stated the applicant has proposed six 22-foot 6 inch tall light poles for this development. A lighting plan has not been submitted at this time, but would be submitted as part of the Final Development Plan process. Because of the uncertainty of the proposed locations for the light poles, Staff is recommending that the maximum permitted light spillage along all property lines should be 0.0 foot-candles and that these fixtures should utilize shielding to ensure that adjacent residences would not be impacted.

Mr. Snyder further stated that the applicant has proposed to use the existing vegetation as the boundary buffer along the majority of the northern property line. Staff is recommending that signage and temporary fencing be installed during construction to ensure that this vegetation is preserved and not damaged.

Mr. Snyder further stated that due to the proposed changes to the Silver Spring House site, they will be required to obtain approval for these modifications to the Final Development Plan by the Township Zoning Commission.

Mr. Snyder advised that based on the above information, Staff recommends approval with the following conditions:

1. That a lighting plan in compliance with the requirements of the Zoning Resolution shall be submitted as part of the Final Development Plan;
2. That the maximum permitted light levels along all property lines shall be 0.0 foot-candles and that the light fixtures shall include appropriate shielding;
3. That a landscape plan in compliance with the requirements of

the Zoning resolution shall be submitted as part of the Final Development Plan;

4. That signage and temporary fencing shall be installed during construction along the drip line of the existing vegetation to remain along the northern property line;

5. That the site shall include a maximum of one 50 square-foot ground sign with a maximum height of six feet;

6. That there shall be a recorded cross-access easement and shared parking agreement with the Silver Spring House submitted as part of the Final Development Plan approval process;

7. That the seven parcels involved in this development shall be consolidated into one parcel prior to the issuance of any Zoning Certificate;

8. That sidewalks shall be installed along E. Kemper Road in compliance with Hamilton County Engineer standards for sidewalk construction; and

9. A variance to Section 136.4-2 be granted in order that the parking area shall be have an 11-foot front yard setback along E. Kemper Road where a 20 foot setback is required.

Mr. Snyder stated the Township Zoning Commission heard this presentation on November 16 and voted 3-2 to recommend approval, with the conditions, of the proposed zone amendment.

MR. BRYANT questioned the setback on the north side of the property.

MR. SNYDER stated it is forty feet.

MR. BRYANT questioned if the buffer will be retained at twenty feet.

MR. SNYDER stated the applicant is proposing to preserve the existing twenty feet of vegetation along the northern property line.

MR. BRYANT questioned if the 137 parking spaces meet the requirement for three 9,000 square foot buildings for the proposed uses.

MR. SNYDER stated this number of parking spaces would be sufficient.

SCOTT LUCKE stated he is the Vice-President for the Robert Lucke Group. Mr. Lucke reviewed the history of Lucke Homes. Mr. Lucke noted that since 1998 they have constructed nine office condominium developments, of which four are in the Symmes Township area. Mr. Lucke advised that all these developments have been one-story in height and residential in character.

Mr. Lucke stated that this development is for the construction of three 9,000 square foot buildings. All these units will be sold as the Robert Lucke Group feels it is important in providing a vested interest in the community. Mr. Lucke reviewed pictures of other developments and explained the management and maintenance for these developments.

Mr. Lucke advised he feels this proposed development will provide a good transition between Mariners Cove and the Silver Spring House. Mr. Lucke stated he does not feel this site is suitable for residential development. The majority of the adjacent property owners have given positive feedback and are in favor of this proposal. Mr. Lucke explained that the site currently has a large number of mature trees and this should provide a natural buffer to the north. The buffer along the east will also be retained as much as possible. Any natural buffer which needs to be removed will be replaced.

Mr. Lucke stated that traffic is always a concern. Jack Pflum has performed a traffic study and is here tonight to address any concerns.

JACK PFLUM advised this traffic study has been submitted to Hamilton County for review and approval. Mr. Pflum reviewed the report and explained the process.

MR. BRYANT questioned what type of occupants were utilized for this study.

MR. PFLUM stated they considered 100% medical usage which is the highest end. In the morning, it is felt there would be 62 trips and 89 trips in the evening. Mr. Pflum advised that E. Kemper Road currently has 1,100 cars in the evening. Based on this study, this proposed development would have a minimal impact to the traffic flow on E. Kemper Road.

Mr. Pflum stated they also reviewed the driveway spacing along E. Kemper Road. The minimum distance is 405 feet and the proposed access point exceeds this minimum requirement of the Hamilton County Engineer. Additionally, the sight distance exceeds the minimum requirements.

Mr. Pflum further stated that the Hamilton County Engineer requires a study on possible turn lanes. These are not warranted by ODOT standards.

Mr. Pflum advised, based on this study, they are recommending that a 100 foot left turn be stripped on E. Kemper Road even though it is not warranted.

MR. BECK questioned if Hamilton County approves this recommended turn lane.

MR. PFLUM stated they have no objection to this left turn lane.

Mr. Pflum advised the other two recommendations are that the pavement markings adhere to the new guidelines and that any landscaping along E. Kemper Road should be planted and maintained at a low height.

MR. LUCKE stated that this development is different from a previous development submitted in 2008. Mr. Lucke noted that the square footage has been reduced by 25%, a curb cut has been eliminated and the density is lower. Mr. Lucke stated that they feel this is a very good product and will provide a nice transition in this area.

RICHARD GOLDBERG, 8354 JEANETTE LANE - Advised he lives in the Hartland Subdivision across the road from this property. Mr. Goldberg stated that he contacted many people in this subdivision and all were opposed to the development. The proposed density is not appropriate for this residential area and this property could be developed for residential use. The north side of E. Kemper Road will be nothing but an asphalt parking area from Snider Road to Montgomery Road. Mr. Goldberg noted that the developer has not spoken with anyone in the subdivision. Mr. Goldberg expressed concern regarding traffic entering/leaving this development on a four lane highway. Additionally, there is a concern that patrons of the Silver Spring House will utilize all the parking spaces, not just the allotted ones. In conclusion, Mr. Goldberg stated there are concerns and issues with lighting, traffic, noise, landscaping and intensity and this development should not be approved.

LORIE ECKERT, 3 MARINERS COVE - Expressed safety concerns for the walkers in this area.

LAKSHMI AMANTA, 8400 CHESNEY LANE - Expressed concern regarding the removal of mature trees.

JIM BREN, 6 MARINERS COVE - Advised there are a total of 12 units in his development. Mr. Bren stated he feels that Lucke will do a good job and protect the neighborhood. Mr. Bren expressed concern what will happen to this property if this proposal is not approved.

GREG BARRY, 16 MARINERS COVE - Advised he was in favor of this development. Mr. Barry stated he does not feel that traffic and speeding concerns should be reasons to deny this project. Mr. Barry further stated that he feels that Lucke will do a good job.

STEPHANIE DRAKE, 960 STEPHENS ROAD - Stated she felt this development is important in bringing jobs to this area.

SCOTT GRESKY, 8380 JEANETTE LANE - Advised that no one has talked to him about this development. Mr. Gresky expressed concern regarding the "if possibles" being discussed tonight. Mr. Gresky questioned the Board's vision for the Township and the encroachment of business into a residential area. Mr. Gresky asked the Board not to approve this request at this time and to take time to look at other options and the buffering.

JODIE LEIS advised she is also concerned about the buffering. A development went in behind her house and there is no buffer. Mrs. Leis questioned what guarantee Lucke can give on this issue.

MR. LUCKE stated there is existing vegetation to the north and they will attempt to keep as much as possible. It will depend on the type of vegetation and they will provide the buffer as required by the zoning requirements. A detailed landscape plan, as required, will be submitted to the Zoning Commission, along with a grading plan.

MRS. LEIS stated this would be after the Board's approval.

MR. BRYANT stated that the Board is only approving the zone change. They will still need to appear before the Zoning Commission with plans for approval.

MRS. LEIS noted that if she says yes they would be able to move forward.

MR. BRYANT stated the only issue before the Board is the zone change.

MR. LUCKE stated he is willing to work with residents on the buffering.

STEVE SNIDER, 1 MARINERS COVE - Presented the Board with a recap of the comments made by the Zoning Commission before its vote. Mr. Snider stated he felt these concerns still have not been addressed. Mr. Snider advised that he and two others own property which abuts this site. Mr. Snider noted that at this time of the year there is no buffering between them and the existing house. Mr. Snider advised that people spoke at the Zoning Commission regarding that this site is not suitable for residential development. Mr. Snider advised he is in real estate and feels that residential is possible if the property owners would be willing to accept a lower price. Mr. Snider stated he is the closest person to this development and he still has not been contacted by Lucke. Many residents have stated that this development will eliminate the house eyesore, but this should not be a reason to approve a zone change and this problem can be addressed by other means. Mr. Snider further stated that if the Board does approve the zone change the sidewalk requirement should be eliminated as does not make any sense as it will go nowhere.

RUTH SMITH - Advised she is the owner of the mentioned "eyesore" house. This house has been vacant and vandalized beyond repair.

MR. BORCHERS read a letter received from Fred Klaus who lives at 7 Mariners Cove. This letter indicated that this development makes sense for the area.

MR. LUCKE thanked the Board and stated he felt this development will be an asset to the community.

MR. BRYANT questioned the possible impact should the variance not be granted.

MR. LUCKE stated this variance is needed for the project and would need to move the building further into the rear yard.

The Public Hearing was closed at 8:12 p.m.

PRESENTATION

DOUG RACK, TURNER CONSTRUCTION - Updated the Board on the status of the new park project and reviewed the three change orders on the agenda. Mr. Rack reminded the Board that it was felt there was no need to upright the memorial wall. Additional research has been done and it appears there is a possible alternative.

MR. BORCHERS pointed out that the Board felt there was no need for these lights and questioned what has changed since then.

MR. RACK advised that the manufacturer of the wall feels that lighting will help to display the engravings.

MRS. LEIS stated she felt that the lights might prevent vandalism.

MR. BECK advised that the police feels this lighting would be beneficial for security. These lights would be on from dawn to dusk.

MR. RACK stated that Mr. Pitman has worked with a supplier in order to resolve this lighting issue.

TOYS-FOR-TOTS - The Board presented a token display of toys which were collected from residents during Operation Santa last night. PFC Josh Pasely accepted the toys on behalf of the Marines.

The Board took a short recess.

RECEIPTS

Receipts totaling \$188,536.04 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 \$2,055,443.42 were issued:

REPORTS

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

DUKE RETAIL - Noted an e-mail was just received advising that Symmes Township will receive a new rate of .599 KhW since we are an aggregator. Mr. Bryant had previously questioned why Symmes Township was not

receiving a lower rate since we are an aggregator. Mr. Elliff also advised Duke Retail is willing to extend the contract to December 2013 and questioned how the Board wished to proceed.

MR. BRYANT noted that the Township went with Duke Retail last year at .619 and then was advised our new rate would be .625 for this year. This rate was then lower to 619. Mr. Bryant stated he was happy to see that Duke Retail is willing to extend the contract to December 2013 and feels that .599 is a good number and the Township should accept.

Mr. Bryant moved to direct the Township Administrator to extend the contract with Duke Retail through the end of December 2013 at a rate of .599 Kwh, with no cancellation fee. Mrs. Leis seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

LT. BUTLER - Submitted the monthly report. Lt. Butler advised he has submitted the bid purchase for 2012 cars to the Township Administrator.

CHIEF HUBER - Noted he has submitted a written report to the Board.

OTHER - MR. BORCHERS reported on tonight's annual meeting of the Records Commission and noted that no action was taken. Mr. Borchers invited the Law Director to comment on recent discussions between himself and the Township Administrator.

MR. MALLOY advised it is important for a community to have a records retention schedule. One issue which has been identified deals with transition records and proper disposal. There is also a large amount of information dealing with electronic records. He will be working with the Township Administrator on proposed changes.

CORRESPONDENCE

STATE OF OHIO - Liquor permit report.

THELEN - Field reports on Rozzi project.

MARJIE BECUS - e-mail advising that tree at Rozzi is a Pin Oak and not an oak as discussed at recent meeting.

cc:OEPA to INDIAN HILL WATER - Permit for Camp Dennison Fire Flow project.

BUREAU OF MOTOR VEHICLES - Receipt of recent audit filing.

MEDICAL MUTUAL - Request for Medicare status on employee.

OH DEPT OF TAXATION - Letter regarding request for exemption.

OHIO DEPARTMENT OF LIQUOR CONTROL - Notice of liquor license transfer from Backseat Driver & Patio, 8850 Governors Hill (45259) to Tulsa 62 Deuce LLC, dba Bar 71, 8850 Governors Hill (45249).

STATE AUDITOR - e-mail regarding new website - skinnyOhio.org.

TIME WARNER - 3rd Quarter franchise fee - \$47,263.27.

DUKE ENERGY - e-mail acknowledgment that customer list will be sent to Integrys.

LIGHTHOUSE YOUTH SERVICE - Letter of appreciation for use of Hopewell Meadows Park for fund raising purpose.

CAITLIN SCHAUER - Letter from student as class project.

DIMITRI LOUKOUMIDIS - Letter from student as class project.

SYMMES FIRE - Letter regarding emergency repairs on M60.

INTEGRYS - e-mail regarding aggregation program.

HAMILTON COUNTY BOARD OF HEALTH - Copy of Notice of Violation for 9237 Solon Drive.

JONES FISH - Proposal for re-stocking of lake.

HAMILTON COUNTY SHERIFF - October activity reports.

CHESTER WILLCOX - Notice of merge with Taft Stettinus & Hollister.

RUMPKE - Recycling report.

TOWNSHIP ZONING COMMISSION - Recommendation for zone change - Symmes #2011-01 - East Kemper Road.

HAMILTON COUNTY REGIONAL PLANNING - Zoning contract for 2012.

MOTOR VEHICLES - Letter regarding recent Audit Report filed for January - December 2010 (Montgomery).

HAMILTON COUNTY AUDITOR - Notice of property tax refund for Parcel 620-0070 - 0017, 0018 and 0039.

M/M FUNCK - Note of appreciation to Carol Sims for assistance with cemetery.

JOYCE NEAL - Note of appreciation to Carol Sims for assistance with cemetery.

OHIO MOTOR VEHICLES - Acknowledgment of receipt of Audit Report filed by Loveland.

KEN LANE - e-mail regarding Duke Retail aggregation.

INTEGRYS - Signed price confirmation for natural gas aggregation.

LA SUPPLY - 2012 proposal for yard waste drop-off.

cc:MSD to WILLIAM HINES - Letter regarding conditional availability of sewer for 10239 Humphrey Road.

KEVIN STEELE, SUMMITT DIGITAL - Quotes for computer software/equipment.

LA SUPPLY - Yard waste drop-off report.

DUKE RETAIL ENERGY - e-mail regarding new rate of 6.19 cents/kWh.

SNIDER BRICK - Request for Notice of Commencement on Rozzi project.

DUKE ENERGY - Letter regarding enrollment in program.

MOBILCOMM - Letter regarding required paperwork to apply for modifications to Township's radio license.

THYSSENKRUPP ELEVATOR - Proposal for elevator repairs at Safety Center.

DOUG NORWELL - e-mail regarding electric aggregation.

SUMMIT DIGITAL - Signed agreement for IT services.

SYSTEMS INSIGHT - Signed agreement for web design.

TURNER CONSTRUCTION - e-mail requesting that an additional \$5,000 be approved for Thelen Assoc. on Rozzi project.

WCPO - Letter regarding notification of snow emergency.

ZONING AND PLANNING ISSUES

MR. BECK stated the Township Zoning Commission has recommended approval, with conditions, of Symmes #2011-01 and he has not heard any new information to overturn its decision.

MRS. LEIS stated the vote was 3-2.

MR. BRYANT stated he has several concerns dealing with the amount of footprint and the resulting run-off since no one addressed detention/retention. Mr. Bryant questioned if it would be feasible for Lucke to proceed with less square footage than shown in the proposed plan.

MR. LUCKE advised it would not be economically feasible to reduce the project. The original plan was for 32,000 square feet and it has been reduced to 27,000 square feet in order to meet ISR and Land Use Plan requirements.

MR. BRYANT expressed concern regarding the need of a variance to make this development fit on the property.

MR. BECK moved to consider approval of the proposed zone change for Symmes #2011-1, E. Kemper Road Office from "A" Residence to "OO" Planned Residence (with Subservient Office) with conditions. Mr. Bryant seconded the motion.

MRS. LEIS expressed concern about the existing vegetation and buffering based on personal experience. Mrs. Leis stated she would like to have a better guarantee.

MR. BECK stated the Township has a very good historic record of creating developments and working with neighbors to address any concerns. Mr. Beck noted that any specifics would be addressed in the Final Development Plan. The Board is reviewing the proposed zone change tonight from "A" to "OO".

MR. BRYANT noted the Board is not approving the plan, only the zone change. Lucke Homes would still have to appear before the Zoning Commission for approval of the plan, including a landscape plan.

MRS. LEIS stated, if the Board approved the zone change, this would allow the developer to meet with Hartland Subdivision to develop a landscape plan which would be agreeable to both parties or to come back to the Board.

MR. ELLIFF stated this plan will not come back before the Trustees. It will go before the Zoning Commission which voted 3-2.

MR. BRYANT stated the next path would be the Board of Zoning Appeals and then the courts.

MR. ELLIFF stated this does not go before the Board of Zoning Appeals.

MR. MALLOY advised this is a legislative change and is handled different than an administrative appeal.

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

MR. BRYANT suggested, since the Board has voted down this zoning change and wishes to see this property developed in a way that makes everyone happy, that Lucke go back and bring it before the Board again with more residential support, as well as address the concerns regarding a concrete jungle and landscape/buffer plan and consider reducing the number of the buildings. The Board might be able to get something to happen.

MRS. LEIS stated she is okay with the three buildings, but would like to have something more specific information on how they plan to protect the neighbors. Mrs. Leis advised she would be a "yes" if that could happen.

MR. BRYANT stated he would like to see the lot cleaned up and the building razed, as well as a plan that would benefit all the residents.

MRS. LEIS stated she felt this was a good project and would be the second "yes" if the neighbors could be protected.

MR. LUCKE questioned how he should proceed.

MR. MALLOY noted that, since this has been denied, the applicant will need to start the process over again.

MR. BRYANT stated the Township respects and likes the Lucke Group for what it has done elsewhere in the Township and this is nothing personal.

MR. BECK moved to adopt the following resolution:

RESOLUTION G2011-19
Resolution To Amend Fees for Applications and
Other Procedures Required by the Provisions of
the Symmes Township Zoning Resolution

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio adopted Resolution G-9649, Resolution Establishing Fees for Applications and Other Procedures Required by the Provisions of the Symmes Township Zoning Resolution, on November 19, 1996; and

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio adopted subsequent resolutions to amend the fees for applications and other procedures required by the provision of the Symmes Township Zoning Resolution; and

WHEREAS, the Board of Trustees has determined that revisions are required to update the adopted fee scheduled in connection with Applications for Zoning Amendments, Zoning Certificates, and other types of approvals and appeals.

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

Section 1. The adopted schedule of non-refundable fees is hereby amended in connection with Applications for Zoning Amendments, Zoning

Certificates, and all other types of approvals or appeals which are permitted or required by the provisions of the Zoning Resolution. The schedule of fees, as amended, is set forth on Exhibit "A", attached hereto and incorporated as if fully set forth herein.

Section 2. This Resolution shall take effect and be enforced from January 1, 2012.

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 G2011-20
Resolution Authorizing and Approving
Contracts With the Hamilton County
Regional Planning Commission

WHEREAS, the Board of Trustees entered into a one-year contract with the Hamilton County Regional Planning Commission pursuant to Resolution G-9647 adopted November 19, 1996 and renewed the contract pursuant to subsequent resolutions; and

WHEREAS, the Board of Trustees has determined that it is in the best interests of Township zoning to continue to contract for assistance in zoning administration and enforcement with the Hamilton County Regional Planning Commission;

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

Section 1. The Board of Trustees, pursuant to the authority provided in Chapter 504 of the Ohio Revised Code, hereby approves and authorizes the execution of the contract for zoning administration and enforcement assistance substantially set forth and attached hereto as Exhibit A.

Section 2. The Board of Township Trustees hereby authorizes and directs the Township Fiscal Officer to expend such funds in accordance with the terms as set forth in the contract.

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

OLD BUSINESS

MR. BECK reviewed the November 1 meeting held to obtain input from residents for the naming of the new park. Mr. Elliff advised the top four suggestions were Rozzi-Symmes Park, Home of the Brave Park and Whispering Oaks Park. Additional names received after the meeting include Tribute Park, Freedom Park and Heroes of America Park.

Mr. Beck stated he came to the meeting with an idea of "Veterans Memorial Park". However, it was pointed out that this is not an unique name and feels that "Home of the Brave" is catchy and very appropriate.

MRS. LEIS stated she likes "Home of the Brave" and "Whispering Oaks" as these names are different enough to set this park apart from the others.

MR. BRYANT stated he has no preference, but would like to make sure that naming rights will still be possible.

MR. BECK stated that it was important to the Board that the community had input into the naming of this new park.

MR. BECK moved to name the new park as "Home of the Brave". Mrs. Leis seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'nay'; Mrs. Leis - 'aye'.

MR. BECK noted that the Board heard earlier from Mr. Rack regarding the change order to provide for uplighting around the Memorial Wall. The previous proposal was a higher cost and the Board elected not to proceed with lighting. The new proposal, thanks to the Township Service Department, will not create an increase to the project and will allow for the purchase and installation of an alternative flush mount fixture.

MR. BECK moved to approve the purchase of seven LSI RBD-100 recessed fixtures at a cost of \$2,932.65. Mr. Bryant seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

MR. BORCHERS stated this will allow for the purchase of these fixtures and a change order will need to be generated for the installation.

NEW BUSINESS

MR. BECK moved to approve Change Order #01-005 with Kelchner, Inc. in the amount of \$4,041.00 for installation of air release valve, conditional on determining an alternative location. 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 and to dispense with the second reading:

RESOLUTION G2011-21
Resolution Authorizing and Approving
an Amendment to the Contract for
Fire Protection and Emergency Medical
Services with the Loveland-Symmes Fire Department
and Dispensing with the Second Reading

WHEREAS, the Symmes Township Board of Trustees, Hamilton County, Ohio is authorized to contract for fire protection and emergency medical services; and

WHEREAS, the Symmes Township Board of Trustees and the Loveland-Symmes Fire Department have entered into a contract which provide such terms and conditions which are appropriate for the protection of the lives and property of all persons and businesses within Symmes Township ("contract"); and

WHEREAS, the Board of Trustees of Symmes Township and the Loveland-Symmes Fire Department desire to amend said contract to fix the amount of payment for personnel for the years 2012, 2013 and 2014; and

WHEREAS, the Board of Trustees of Symmes Township and the Loveland-Symmes Fire Department desire to fix the contract term so that the contract shall end on December 31, 2014, but also that the parties shall in good faith work to negotiate a new contract prior to expiration of the contract;

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

Section 1. Hereby authorizes and approves the amendment to the contract for fire protection and emergency medical services as it is set forth on Attachment "A".

Section 2. Hereby authorizes and directs that such payments be made in accordance with the terms and conditions as set forth in the amendment attached hereto as Attachment "A".

Section 3. Authorizes the Administrator to execute the amendment on behalf of the Township.

Section 4. That this Resolution is adopted as an emergency necessary for the immediate preservation of the safety and welfare of the community for the reason that the additional personnel will enhance the fire protection services provided to Symmes Township.

MR. BRYANT seconded the motion.

MR. BORCHERS advised that, per this contract, the Loveland Symmes Fire Department is maintaining it's annual contract increase in 2012; however, there will be a freeze on the contract amount for 2013 and 2014. The contract will be re-negotiated in 2014 for future periods.

CHIEF HUBER advised that the Fire Department has been able to find additional savings by making personnel assignments. This will allow the Township to save an additional \$47,000.00 a year starting in 2012.

MR. BORCHERS stated the Fire Department has been working with the Township on other financial issues.

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

MR. BECK moved to consider the adoption of a resolution dealing with the contract with the Hamilton County Sheriff's Department. Mr. Bryant seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

MR. BRYANT noted that this contract is for a four year term and questioned if previous contracts have also been for the same term.

MR. BORCHERS stated the Township has extended previous contracts. The Hamilton County Sheriff's Department has requested adoption of a new contract. This contract will take effect on January 1, 2012 and expire on December 31, 2015.

MR. ELLIFF advised that he compared this new contract to the old contract to determine if there were any major changes in the terms. The Board will need to decide if there should be 11 or 12 officers.

MRS. LEIS stated this is an important safety issue for Symmes Township and we should maintain the number of current officers. Lt. Butler has demonstrated the need for 12 officers.

MR. BORCHERS noted that the Board previously took action to retain the Loveland High School Officer after the annexation in 2009. Mr. Borchers stated that the Hamilton County Sheriff's Department felt there was a need for the Township to maintain 12 officers.

MR. BECK reviewed the information provided by Lt. Butler which compares the population to the police department size of surrounding political subdivisions. Mr. Beck stated he agrees with the 12 officers.

MR. BRYANT stated he also agrees there is a need for 12 officers and expressed concern about what might happen if the Sheriff makes changes in the County patrols.

MR. BECK, based on the above discussion, moved to adopt the following resolution and to dispense with the second reading:

RESOLUTION G2011-22
Resolution Approving the Contract for
Police Protection Services with the
Hamilton County Sheriff's Department
and Dispensing with the Second Reading

WHEREAS, the Symmes Township Board of Trustees, Hamilton County, Ohio is authorized to contract for police protection services; and

WHEREAS, the Symmes Township Board of Trustees and the Sheriff of Hamilton County, Ohio, desire to enter into a contract for a term of four (4) years, commencing January 1, 2012, which provides such terms and conditions which are appropriate for the protection of the lives and property of all persons and businesses within Symmes Township.

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

Section 1. Hereby authorizes and approves the contract for police protection services as it is set forth on Attachment "A", with the contingent of twelve deputies.

Section 2. Hereby authorizes and directs that such payments be made in accordance with the terms and conditions as set forth in the contract.

Section 3. Hereby authorizes the Administrator to execute the contract on behalf of the Board.

Section 4. That this Resolution is adopted as an emergency necessary for the immediate preservation of the safety and welfare of Symmes 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 G2011-23
Resolution Authorizing the Transfer of Funds

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio, entered into agreements for the re-payment of Various Purpose Limited Tax General Obligation Bonds pursuant to Resolution F-0312 adopted September 16, 2003 and Resolution F-0403 adopted February 3, 2004; and

WHEREAS, the Township Fiscal Officer, on advice of the State Auditors, has established Fund 14-D as a Special Revenue Fund and Fund 14-B as a Debt Service Fund for the revenue and expenditures dealing with these Various Purpose Limited Tax General Obligations Bonds; and

WHEREAS, the Township Fiscal Officer has advised the Board of

Trustees that the amount needed for payment of its 2011 obligations is a total of \$336,902.50; and

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio, wishes to transfer money from the Special Revenue Fund (14-D) to the Debt Service Fund (14-B) as instructed by the State Auditors.

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

Section 1. Hereby authorizes a transfer of \$336,902.50 from the Special Revenue Fund (Fund 14-D) to the Debt Service Fund (Fund 14-B) as instructed by the State Auditors.

Section 2. Hereby directs the Township Fiscal Officer to make the above adjustments to the Special Revenue Fund (Fund 14-D) and the Debt Service Fund (Fund 14-B).

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 authorize the Township Administrator to enter into an agreement with LA Supply to continue the Yard Waste Drop-Off program for 2012 and to approve an expenditure in the amount of \$10,800.00 for said program. 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 authorize the Township Administrator to enter into a 2-year agreement with Rumpke for trash pick-up and recycling. Mrs. Leis seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

MR. BORCHERS requested the Board consider a special meeting on December 20 for the purpose of making end-year adjustments and adopting 2012 Temporary Appropriations. Mr. Borchers noted that any other action required could be included in the Public Notice.

MR. BECK moved to hold a special meeting on December 20, 2011 at 6:00 p.m. for the purpose of making year-end adjustments and adopting resolutions. 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:

a. Permanent Appropriation 14-A-01D (Note Proceeds-TIF-Principal) in the amount of \$470,000.00

b. Permanent Appropriation 14-A-04D (Note Proceeds-TIF-Interest) in the amount of \$29,400.00

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 amend:

a. Permanent Appropriation 9-A-10 (Police-Contracts) from \$747,615.00 to \$822,115.00

b. Permanent Appropriation 20-A-7 (Safety Levy-Contracts) from \$850,500.00 to \$925,000.00

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:

a. Transfer of \$10,000.00 from 1-A-27 (General-Transfers) to 1-J-3 (General-Zoning-Other)

b. Transfer of \$5,500.00 from 7-A-2 (Lighting-Other) to 7-A-1 (Lighting-Contracts)

c. Transfer of \$5,000.00 from 9-A-7 (Police-Tools) to 9-A-10 (Police-Contracts)

d. Transfer of \$5,000.00 from 9-A-9 (Police-Repairs) to 9-A-10 (Police-Contracts)

e. Transfer of \$5,000.00 from 9-A-13 (Police-Utilities) to 9-A-10 (Police-Contracts)

f. Transfer of \$8,000.00 from 10-A-11 (Fire-Contracts) to 10-A-7 (Fire-Utilities)

g. Transfer of \$4,000.00 from 14-A-8 (EMS-Other) to 14-A-7 (EMS-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 approve:

a. Expenditure (Then & Now) in the amount of \$1,792.37 for emergency repairs to M60

b. Additional expenditure (Then & Now) in the amount of \$122.74 for publication of help wanted advertisement

c. Expenditure (Then & Now) in the amount of \$3,202.21 for emergency brake repairs to T61

d. Additional expenditure in an amount not to exceed \$5,000.00 for construction review of the Rozzi project

e. Expenditure in the amount of \$1,670.00 for elevator repairs at the Safety Center

f. Expenditure in an amount not to exceed \$1,300.00 for suspension repair on T-209

g. Expenditure in the amount of \$1,842.28 to Y2K Landscaping as per mowing contracts for 2011

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

The Board had no objection to the liquor license transfer from Backseat Driver & Patio, 8850 Governors Hill (45249) to Tulsa 62 Deuce LLC, dba Bar 71, 8850 Governors Hill (45249).

EXECUTIVE SESSION

MR. BECK moved that the Board enter Executive Session to discuss the compensation of a public employee, the purchase of real estate and

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

The meeting adjourned for Executive Session at 9:58 p.m.

The meeting reconvened from Executive Session at 10:55 p.m.

MR. BECK moved to approve employee pay raises consistent with the December 6, 2011 memo from the Township Administrator with an effective date of January 1, 2012. 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 at 10:57 p.m.