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**MINUTES OF SYMMES TOWNSHIP REGULAR MEETING**

**JANUARY 8, 2013**

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The meeting was called to order at 7:01 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; Robert Malloy - Township Law Director; Carol Sims - Township Assistant Fiscal Officer; Bill Pitman - Director of Public Works; Sgt. P. Enderle - Hamilton County Sheriff's Department; Otto Huber - Chief, Loveland Symmes Fire Department.

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 Ken Bryant as President of the Board, noting that he has only served once as President during this current term as Trustee and only once before. The motion was seconded by Mr. Beck and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

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

MR. BECK moved to appoint Jodie Leis as Vice President. The roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

MR. BRYANT announced that Trustee meetings for 2013 will continue to be held on the first Tuesday each month at 7:00 p.m., with Special meetings scheduled as needed.

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

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

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

Mr. Bryant 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 at an estimated cost of \$883,845.03.

Mr. Bryant 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 & Audit Committee;
- Ken Bryant as the Board Representative to the Ad Hoc Community Reinvestment Area Committee;
- Phil Beck as the Board Representative and John Borchers as the Alternate to C.L.O.U.T.;
- Jodie Leis as the Board Representative to Hamilton County Planning Partnership;
- Ken Bryant as the Board Representative to ICRC;
- 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
- Brian Elliff as the Township Representative to the Hamilton County Storm Water District.

MR. BRYANT called to order a Special Meeting at 7:11 p.m. The purpose of this Special Meeting is for the review and acceptance of objections to a proposed settlement agreement of zoning litigation involving approximately 3.91 acres of property located approximately 460 feet east of Snider Road on the north side of East Kemper Road.

ROBERT MALLOY provided the Board with an overview of the Lucke litigation pursuant to ORC Section 505.07. Mr. Malloy advised that several settlement meetings were held and the concerns of residents and Trustees were addressed. The proposed agreement provides for increased landscaping along E. Kemper Road, mounding and trees along the east side of development, installation of a sidewalk and granting of ten feet right-of-way to Hamilton County. Additionally, the original conditions are contained within the agreement. Mr. Malloy stated that all parties were willing and fair in working out this settlement.

Mr. Malloy stated this hearing is required to hear any objections and the Consent Decree will be heard by the court on January 10, 2013 at 1:30 p.m. The Board will need to make a motion on this agreement.

MR. BRYANT questioned if anyone was present to object. Mr. Bryant noted that there were no objections.

MRS. LEIS stated her concerns have been addressed.

MR. BRYANT questioned if the conditions set by the Zoning Commission were included.

MR. MALLOY advised there conditions are included.

MR. BECK stated he was pleased the Township was moving forward with this development.

MR. BRYANT moved to approve the proposed consent decree and final judgement entry in Case No. A1202818 as submitted by township counsel and to direct counsel to file the document with the court for approval subject to required procedures and notifications. Mrs. Leis seconded the motion and the roll call vote was as follows: Mr. Bryant - 'aye'; Mrs. Leis - 'aye'; Mr. Beck - 'aye'.

#### RECEIPTS

Receipts totaling \$49,731.77 were read and accepted.

#### WARRANTS

MR. BRYANT moved that the Township pay its bills. Mrs. Leis seconded the motion and all voted 'aye'. Proper certification having been made, warrants totaling \$564,613.43 were issued.

#### MINUTES

Minutes of the August 7, 2012 special meeting were approved as submitted.

Minutes of the August 7, 2012 regular meeting were approved as submitted.

Minutes of the September 4, 2012 meeting were approved as submitted.

Minutes of the October 2, 2012 meeting were approved as submitted.

#### REPORTS

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

1. ROAD LEVY - Stated that a proposed time line was included in the report. Mr. Elliff advised Staff has been working on a revised road resurfacing plan which will be presented at the February meeting.

MR. BRYANT directed the Township Administrator to always consider any proposed levies for the November election.

MR. BORCHERS stated there are funds available for the 2013 resurfacing program.

MR. BRYANT advised the Township has provided a lot of resurfacing work for a small amount

of funds.

MR. BECK agreed that November should be the timeframe for levies.

2. WORK SESSIONS - Provided the Board with a draft communication plan and recommended a work session be held to review this document.

MR. BRYANT noted that the Board has already scheduled two special meetings - January 15 for a personnel issue and January 22 for a financial work session. There is now a proposed work session to discuss the communication plan. Mr. Bryant stated he felt work sessions are beneficial to the Board.

MR. BORCHERS stated he felt it was important to continue the discussion regarding the January special meetings.

MR. BECK stated, that due to a new job, the 4:00 p.m. time for any meeting will not work.

MRS. LEIS stated she felt the Board was not ready for the meeting on January 15.

MR. BORCHERS stated this is for personnel and believes this meeting is still necessary to discuss the issue.

MR. BRYANT stated he would like to have this meeting in order to determine why it is an issue.

MR. BORCHERS stated he would like to provide information to the Board regarding this topic which might help and requested that the meeting be held.

MRS. LEIS advised she assumed from a recent e-mail that the meeting was not necessary and stated it would have been nice to know this current status.

MR. BORCHERS stated that Mr. Elliff's e-mail was based on information from the Township Law Director; however, he has information to present to the Board on this issue.

MR. BECK advised he could be at the Township around 5:00 p.m., but would have to leave at 7:00 p.m.

MRS. LEIS advised that 5:00 p.m. works for her. Mrs. Leis stated she felt that she was not being kept in the loop and questioned if there has been any discussions she was not aware of.

MR. BORCHERS noted that no one is aware of the information he would like to present to the Board.

MR. BRYANT stated he just received the e-mail from Mr. Elliff stating the meeting was not necessary.

MR. ELLIFF stated that he felt, based on information from the Township Law Director, that

there was no longer a need to hold this special meeting to take action to hire a separate assistant fiscal officer. Mr. Malloy's e-mail was forwarded to each Board member.

MR. BRYANT noted that the e-mail from Mr. Elliff appeared to have been sent to only him and was just now aware now that it had been sent to the other Board members.

MRS. LEIS stated she was concern there were discussions that she was not aware of.

MR. BRYANT noted it appears there will need to be a special meeting on January 15 at 5:00 p.m. for the purpose of discussing a personnel issue.

MR. BORCHERS advised the second special meeting was to provide financial information to the Board. Mr. Borchers stated he will not be ready by the January 22 date.

MR. BRYANT noted that a work session will allow for a more detailed discussion of a specific item and questioned if the Board wished to discuss the proposed communication plan on January 22.

CHIEF HUBER - Presented the Board with two reports and provided an overview. The Strategic Plan was developed to guide the operational effectiveness of the fire department and to set goals for the next three years. The Standard of Coverage Document lays out the plan to protect the fire district. Chief Huber requested the Board to review these documents and stated he would be willing to discussion these documents at a future meeting.

#### CORRESPONDENCE

HAMILTON COUNTY SHERIFF'S DEPT - Activity reports.

CLARK THEDERS INSURANCE - Letter regarding Package Renewal.

HAMILTON COUNTY ENGINEER - Letter of appreciation for use of Safety Center.

HAMILTON COUNTY BOARD OF ELECTION - Certification of November park levy ballot issue.

WOOD & LAMPING - August 30 memo regarding alternate Board of Zoning Appeals members.

MARTINA WELCH - e-mail regarding sidewalks on Fields Ertel Road.

HAMILTON COUNTY AUDITOR - Amended Certificate of Appropriations.

MEDICAL MUTUAL - Annual notification of Women's Health and Cancer Rights Act of 1998.

HAMILTON COUNTY ENGINEER - Notice of required inventory listing.

BHE ENVIRONMENTAL - e-mail regarding review of wetland issue on Royal property.

McKINNEY DEVELOPERS - Signed snow removal agreement for Loveland Trace.

OTARMA - Letter regarding upcoming \$1,000,000 distribution to stakeholders.

DAVID SCHULER, MEADOWKNOLL DRIVE - e-mail regarding proposed sidewalks.

SUSAN JOHNSTAL - e-mail regarding Montgomery Trace HOA's desire to see sidewalks from Harbortown to library.

METRO DEVELOPERS - e-mail regarding proposal to donate \$10,635.00 to the Township in lieu of completion of required sidewalks along Fields Ertel Road.

RUMPKE - Recycling reports.

cc:LICENSE BUREAU to LOVELAND - Letter regarding IRP 2011 audit findings.

LA SUPPLY - Proposal for 2013 insect control.

JONES FISH HATCHERY - Proposal for 2013 lake management at Symmes and Home of the Brave parks.

TREVA UNDERHILL - e-mail regarding public records request.

WOOD & LAMPING - Submittal of permanent sidewalk easements for Humphrey Road.

ODOT - Notice of Preliminary construction meeting on Montgomery sidewalk project and Notice of additional money due on the Montgomery Road sidewalk project.

JOHN BORCHERS - e-mail approving payment of payroll on December 24 instead of December 26.

TREVA UNDERHILL - follow up e-mails regarding public records request and acknowledgment request has been completed.

cc:HAMILTON COUNTY AUDITOR to ITIS GROUP - Notice of tax abatement for 11033 Montgomery Road.

WOOD & LAMPING - Consent Decree for Lucke litigation

TAFT STETTINUIS - 2013 Retainer Agreement.

HAMILTON COUNTY ENGINEER - 2012 Bridge Inspection Report.

SUMMIT DIGITAL - Quote for computer equipment.

PHILIP FARNHAM - Letter acknowledging damage to signpost in Chatham Woods and remittance of \$1156.03.

RBC - Request for review of current Investment Policy.

DRAGONFLY FOUNDATION - Letter of appreciation for donation of Christmas bags.

STRATEGIC SERVICES - Settlement check for class action suit against unclaimed funds.

METRO COMMUNITIES - e-mail regarding Plantation Pointe sidewalk.

ODOT - Acknowledgement of additional funds for Montgomery Road sidewalk project.

GO DADDY - e-mail confirmation of renewal of SSL domain.

HAMILTON COUNTY AUDITOR - Amended certificates.

CHOICE ONE ENGINEERING - Proposal for engineering services on Humphrey Road sidewalk project.

KLEINGERS & ASSOC - Proposal for engineering services on Humphrey Road sidewalk project.

BURNHAM & FLOWERS - e-mail regarding HRA for 2013.

WOOD & LAMPING - Opinion regarding condition of duration of a variance.

US COMMUNITIES - Notification of participation in program.

SYMMES FIRE DEPT - Response Coverage & Risk Analysis report.

cc:MSD to FRICKERS - Letter regarding conditional availability of sewer for 8850 Governors Hill Drive.

JORDAN ATKINS - e-mail regarding enforcement of texting in Symmes Township.

JOHN ABRAHAM - e-mail regarding submission of information regarding Humphrey Road right-of-way issue.

EAGLE ENERGY - Letter regarding failure of Township to file electricity certification with PUCO.

CITY OF LOVELAND - License audit report for review.

WOOD & LAMPING - e-mail response to Fiscal Officer's question regarding need for RFP for Humphrey Road sidewalk project.

MEDICAL MUTUAL - Contract amendment.

HAMILTON COUNTY TREASURER - Notice of Collection of Inheritance Taxes (\$1,651.65).

### OLD BUSINESS

MR. ELLIFF reminded the Board of its request for a cost estimate for the Humphrey Road sidewalk. Mr. Elliff advised that several firms and contractors were contacted and these proposals were provided in the Staff Report. Mr. Elliff stated he had invited a representative from Choice One Engineering in case the Board had any questions. Their proposal was the best one received.

MR. BRYANT stated he did not see a summary in the report. Mr. Bryant noted that Staff has provided the information requested by the Board. There is a balance of \$285,000 available in the sidewalk plan and there is an estimate for engineering services. Mr. Bryant questioned the status of the right-of-way issue.

MR. ELLIFF stated he did receive information from Mr. Abraham, but has not reviewed this material. Mr. Elliff advised he felt the final engineering drawings will reflect whether or not the sidewalks will have to be placed within the disputed right-of-way.

MRS. LEIS stated it appears that Mr. Beck and Mr. Bryant have decided to move forward with this project.

MR. BRYANT stated there has been no decision.

MR. BECK stated that various information was requested and has been provided to the Board in order to make a decision.

MRS. LEIS questioned if any information has been received for the Enyart Road sidewalk, as well as other sections.

MR. ELLIFF stated that Staff was waiting for a pre-construction meeting with the contractor to discuss these sections with them.

Mr. Elliff questioned if the Board wished to enter into a contract for engineering drawings which would allow for a better estimate of construction costs. Mr. Elliff recommended that the Board select Choice One Engineering.

MR. BRYANT questioned how the Board wished to proceed.

MRS. LEIS stated she feels this is an important project; however, Mrs. Leis again expressed concern that this has already been approved by the other Board members.

MR. BECK requested Mrs. Leis to not mention that again. Mr. Beck reminded the Board of the process taken to receive input from residents regarding sidewalks. Mr. Beck stated the residents

are requesting the Board to proceed with this project.

Mr. Beck questioned if Staff had a timeline for construction of this project.

MATT HOYING, CHOICE ONE ENGINEERING - Advised they are ready to proceed with the engineering drawings and feels this could be completed within 30 days. Bid documents could be ready within 30 days from the County's approval.

MR. BRYANT questioned if Choice One Engineering was the lowest bidder.

MR. ELLIFF stated the proposal from Choice One is a complete estimate; whereas the others one indicate there could be additional fees.

MR. HOYING stated that his proposal is a complete cost and would only change if the Board decided to change the scope of the project.

MR. BRYANT thanked Mr. Hoying for this information.

MR. BECK moved to authorize the Township Administrator to enter into a contract with Choice One Engineering for Humphrey Road engineering services as per the proposal submitted and to approve an expenditure in the amount of \$22,610.00 for said services. Mrs. Leis seconded the motion and the roll call vote was as follows: Mr. Bryant - 'aye'; Mrs. Leis - 'aye'; Mr. Beck - 'aye'.

MR. ELLIFF reminded the Board of the previous request from the developer of Plantation Pointe to waive the installation of a sidewalk for this subdivision. The Board had requested time to review the site and the proposed offer of \$10,635.00.

Mr. Elliff advised that the Director of Public Works met with the developer. The developer noted that the grading and design expenses were already incurred and the proposed amount is fair. However, this money would not be sufficient for the Township to install a sidewalk in the future.

MRS. LEIS stated that she felt the terrain in this area would prevent the installation of any sidewalk.

MR. BRYANT questioned the Board's policy for installation of subdivision sidewalks. There have been other developers who had to install a sidewalk that did not connect with another sidewalk.

MR. BECK stated he felt the policy gives the Board the flexibility in making changes. This money could be used for the Enyart Road sidewalk.

MR. BRYANT moved to waive the requirement of installation of the sidewalk for Plantation Pointe along Fields Ertel Road and to accept the offer of \$10,635.00. Mrs. Leis seconded the motion and the roll call vote was as follows: Mr. Bryant - 'aye'; Mrs. Leis - 'aye'; Mr. Beck - 'aye'.

NEW BUSINESS

MR. ELLIFF advised that Staff is proposing the same special events for 2013 - Egg Hunt, Symmesfest, Fallfest and Operation Santa - with the same funding amount of \$20,000.00.

MR. BRYANT questioned if Integrys has provided any money for these special events.

MR. ELLIFF stated he will discuss this with Mrs. Brenda Coffey. Mr. Elliff noted that those funds might be used for a fun youth fitness event.

MRS. LEIS stated she would like to see the Township offer some type of fitness event during the summer months to have families come out to the parks.

MR. BECK questioned if the Township could have some type of race.

MRS. LEIS stated she is looking into having a run during Fallfest; however, there are no details at this time.

MR. ELLIFF stated he feels the proposed fitness event would be better than a race, especially when it comes to staffing and cost.

MR. BRYANT moved to approve an expenditure in an amount not to exceed \$20,000.00 for 2013 Special events - Egg Hunt, Symmesfest, Fallfest and Operation Santa. Mr. Beck seconded the motion.

MRS. LEIS questioned funding for the fitness event.

MR. BRYANT stated he felt the Board needed additional information on this event before proceeding.

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

MR. BRYANT moved to adopt the following resolution:

**RESOLUTION G2013-01**

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.

MRS. LEIS seconded the motion.

MR. ELLIFF advised there is a 3% increase in the legal fees.

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

MR. BRYANT moved to adopt the following resolution:

**RESOLUTION G2013-02**

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

MR. BRYANT moved to adopt the following resolution:

**RESOLUTION G2013-03**

Resolution Retaining Brenda Wehmer and  
the firm of Peck, Shaffer & Williams LLP  
as Bond Counsel and Special Counsel  
For Economic Development  
And Dispensing with the Second Reading

WHEREAS, from time to time Symmes Township, Ohio (the "Township") must issue its obligations in order to finance the costs of improvements (as defined in Chapters 133, 505 and 5709 of the revised Code); and

WHEREAS, in connection with such issuance, it is necessary to employ the services of a law firm to prepare the proceedings and the required associated documentation; and

WHEREAS, from time to time the Township participates in economic development transactions; and

WHEREAS, in connection with such transactions, it is necessary to employ the services of a law firm to review, analyze, advise the Township and prepare the proceedings and the required associated documentation.

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

Section 1. That the firm of Peck, Shaffer & Williams LLP ("PSW") is hereby engaged as Township's "bond counsel" and as "special counsel" with respect to certain economic development transactions and matters.

Section 2. That the Fiscal Officer, the Township Administrator and the Board President are hereby authorized and directed to execute and deliver the engagement letter of PSW in the form on file with the Fiscal Officer.

Section 3. That the Board of Township Trustees hereby finds and determines that all formal actions relative to the passage of this resolution were taken in an open meeting of this Board of Township Trustees, and that all deliberations of this Board of Township Trustees and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

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.

MRS. LEIS seconded the motion.

MR. BRYANT noted the Board previously instructed the Township Administrator to receive Board

approval before contacting this firm on economic development issues.

MR. ELLIFF stated he recognizes that idea; however, there might be a time critical matter where he might need to contact the Board individually for approval.

MR. BRYANT advised that he felt Mr. Elliff should be able to answer these questions based on his experience.

MR. ELLIFF stated he would be able to answer the questions; however, it is always nice to confer with others. Mr. Elliff noted that last year he was unable to speak with Peck Shaffer & Williams on a TIF issue and Mr. Borchers made the contact. Mr. Elliff advised he will proceed as the Board directs.

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

MR. BRYANT moved to adopt the following resolution:

**RESOLUTION G2013-04**  
Resolution Declaring Surplus Items  
For Disposal

WHEREAS, the Ohio General Assembly amended Ohio Revised Code, Sections 505.10 and enacted procedures for Townships to dispose of motor vehicles, road machinery, equipment and tools which are not needed, obsolete or are unfit for public use; and

WHEREAS, when the value of said items, in the opinion of the Board of Township Trustees, is two thousand five hundred dollars (\$2,500.00) or less, the Board may sell the property by private sale without advertisement or public notification.

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

Section 1. Hereby determine that the items on the attached "Surplus Items for Disposal" list are unfit for the use for which the items were acquired, are not needed for public use, and/or are obsolete.

Section 2. Hereby determine that the items on the attached "Surplus Items for Disposal" list are valued two thousand five hundred dollars (\$2,500.00) or less.

Section 3. Hereby declare that the selling price of said items may be credited to the person or firm against the purchase price of other motor vehicles, road machinery, equipment or tools.

Section 4. Hereby declare that the selling price of said items may be subtracted from the price of future purchases for new motor vehicles, road machinery, equipment, or tools.

Section 5. Hereby declare that if the other disposal options do not apply and no offers for purchase or trade or received, the Township personal property may be discarded or salvaged.

MRS. LEIS seconded the motion.

MR. BRYANT questioned if there were any other governmental entities that might be able to use any of this equipment.

MR. BORCHERS noted, that in the past, the Township has allow Staff to purchase items which were going to be thrown away. This resolution allows for the disposal of the surplus equipment.

MR. ELLIFF noted that some of the items could be donated.

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

MR. BRYANT moved to adopt the following resolution:

**RESOLUTION G2013-05**  
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 2013 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. BECK seconded the motion and the roll call vote was as follows: Mr. Bryant - 'aye'; Mrs. Leis - 'aye'; Mr. Beck - 'aye'.

MR. BRYANT moved to approve a one year supplement contract by the Loveland Symmes Fire Department with Milford Fire Department for the Camp Dennison area at \$500.00 per month effective January 1, 2013. Mrs. Leis seconded the motion and the roll call vote was as follows: Mr. Bryant - 'aye'; Mrs. Leis - 'aye'; Mr. Beck - 'aye'.

MR. BRYANT moved to approve the following:

- a. Expenditure (Then & Now) in the amount of \$3,039.73 for emergency repairs to T-201;
- b. Expenditure in an amount not to exceed \$3,200.00 for drug re-stock for 2013;
- c. Expenditure in an amount not to exceed \$8,000.00 for ambulance re-stock for 2013;
- d. Expenditure in an amount not to exceed \$2,500.00 for EMS re-stock for 2013;
- e. Expenditure in an amount not to exceed \$3,800.00 for EMS aircard/cell phone usage for 2013;
- f. Expenditure in an amount not to exceed \$7,500.00 for 2013 spring newsletter;
- g. Expenditure in the amount of \$1,200.00 for annual T-61 maintenance.

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

MR. BRYANT moved to authorize Bill Pitman and David Heider to attend the 2013 Commercial Pesticide Recertification Conference on March 5, 2013 in Columbus, Ohio. Mr. Beck seconded the motion and the roll call vote was as follows: Mr. Bryant - 'aye'; Mrs. Leis - 'aye'; Mr. Beck - 'aye'.

#### EXECUTIVE SESSION

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

The meeting adjourned for Executive Session at 8:51 p.m.

The meeting reconvened from Executive Session at 9:25 p.m.

MR. BRYANT moved to authorize the Township Administrator to extend the Chapelsquare Fire Station purchase contract for an additional thirty (30) days from January 15, 2013. Mr. Beck seconded the motion and the roll call vote was as follows: Mr. Bryant - 'aye'; Mrs. Leis - 'aye'; Mr. Beck - 'aye'.

MR. BRYANT moved to authorize the Township Administrator to enter into a license agreement for usage of an adjacent alleyway to property owned by Dorothy and David Buesher subject to approval by the Township Law Director. Mrs. Leis seconded the motion and the roll call vote was as follows: Mr. Bryant - 'aye'; Mrs. Leis - 'aye'; Mr. Beck - 'aye'.

MR. BRYANT moved to appoint George Flynn to a five year term as alternate member on the Zoning Commission effective September 5, 2012. Mr. Beck seconded the motion and the roll call vote was as follows: Mr. Bryant - 'aye'; Mrs. Leis - 'aye'; Mr. Beck - 'aye'.

MR. BRYANT moved to appoint Jennifer Harlow to a five year term retroactive to January 1, 2013 as alternate member on the Board of Zoning Appeals. Mrs. Leis seconded the motion and the roll call vote was as follows: Mr. Bryant - 'aye'; Mrs. Leis - 'aye'; Mr. Beck - 'aye'.

The meeting adjourned at 9:28 p.m.