
MINUTES OF SYMMES TOWNSHIP REGULAR MEETING

SEPTEMBER 6, 2011

The meeting was called to order at 7:06 p.m. Members of the Board 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; Lt. Thomas Butler - Hamilton County Sheriff's Department; Otto Huber - Chief, Loveland Symmes Fire Department.

PRESENTATIONS:

DOUG RACK, TURNER CONSTRUCTION - Updated the Board on the status of the new park. Mr. Rack reported that work on the replacement playground in Symmes Park will be starting.

FRANK WALSH, CINCINNATI HORTICULTURAL SOCIETY - Thanked the Board for the use of the Meade House and the opportunity to speak tonight in order to address the Board's concerns.

Dr. Walsh stated that this year the Society choose to separate the various events of the Flower Show instead of hosting a large show. Dr. Walsh reviewed the 2011 Schedule of Events. A future flower show will only be scheduled when funds are available and would be held at the major sponsor's chosen location. Dr. Walsh stated that six of the ten events were held in the Township.

Dr. Walsh indicated that the Fresh Air School was held at the Meade House and the Secret Garden Tour included one location in the Township, with five in Indian Hill. There were no township entries for the Gardeners' Recognitions award program which was administered at the Meade House. Dr. Walsh stated there are concept ideas for use of the Meade House and future flower shows.

The Board thanked the Cincinnati Horticultural Society members for attending.

RECEIPTS

Receipts totaling \$241,059.44 were read and accepted.

WARRANTS

MR. BECK moved that the Township pay its bills. Mrs. Leis seconded the motion and all voted 'aye'. Proper certification having been made, warrants totaling \$1,694,569.00 were issued.

REPORTS

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

CAMP DENNISON FIRE FLOW - Provided the Board with an update on this project. Mr. Elliff reminded the Board that the Township has been looking at ways to accomplish adequate fire flow out of the hydrants. After reviewing the consultant's report, it appears that Option C would resolve this issue and

at a lower cost.

Mr. Elliff advised that a meeting has been scheduled with the appropriate parties to discuss the Indian Hill water contract. This option would be reviewed at that time with Indian Hill and Hamilton County.

MR. BECK stated it appears that Option C will provide adequate fire flow, that no permanent easement would be required and the fire department agrees that this will resolve the safety concern.

MR. ELLIFF recommended that the Board authorize him to proceed with obtaining bids for this project.

MR. BECK moved to authorize the Township Administrator to accept bids for Camp Dennison Fire Flow as per Option C. Mrs. Leis seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

NAMING OF NEW PARK - A Public Session will be held before the November meeting in order for residents to provide suggestions for a park name. These suggestions would be presented to the Board for review.

MR. BECK moved to hold a Special Meeting on November 1 at 5:30 p.m. for the purpose of discussing names for the new park. Mrs. Leis seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

FALLFEST - Reviewed memo regarding the status of this event and how the fire pit will be managed in order to address safety concerns.

ROBERT MALLOY - Stated he has reviewed the Board's concerns regarding the proposed workplace violence policy. Mr. Malloy advised he feels the wording within this policy is acceptable.

LT. BUTLER - Presented the monthly report.

HEARING FROM RESIDENTS

JUDY HAVILL, 9976 LINCOLN (45111) - Thanked the Board for taking action on the Camp Dennison fire flow and placing this project out to bid.

CORRESPONDENCE

HAMILTON COUNTY SHERIFF DEPT - June and July activity reports.

HAMILTON COUNTY COURT OF COMMON PLEAS - Request for transcript for BZA appeal filed by J. Steffen.

OHIO DEPARTMENT OF LIQUOR CONTROL - Notice of new liquor license for Bhavini Enterprises, LLC, dba BP Food Mart, 11406 Montgomery Road (45249)

MOBILCOM - Letter regarding two year renewal agreement for warning sirens.

OTARMA - 2010 Annual report.

BECKER'S ELECTRIC SUPPLY - Notice of Furnishings to Amerilect for Rozzi project.

LIFE MANAGEMENT SYSTEMS - Acknowledgement of non-renewal of contract.

GEORGE FLYNN, 9437 KEMPERGROVE - Application for appointment to the Board of Zoning Appeals.

TRI-HEALTH - Copies of contract for CONCERN services.

PERSO - Letter regarding representative for BZA appeal filed by J. Steffen.

cc:CAMP DENNISON CIVIC LEAGUE to CAESAR CREEK STATE PARK - Letter regarding the unsafe conditions of bike trail in area.

OHIO CONSUMERS' COUNSEL - Request verification of interstate gross revenues as of December 31, 2010.

JUDY HAVILL - e-mail regarding available property easements for waterflow in Camp Dennison area.

INTEGRYS - e-mail regarding sponsorship of Fallfest.

JEFF WAGNER, 11995 RIVER OAKS - Request for block party on August 20.

LOVELAND SCHOOL - e-mail regarding future meeting of political entities with school.

DECKER VONAU - Public records request.

CINCINNATI HORTICULTURAL SOCIETY - e-mail regarding September presentation before Board and copies of minutes.

OHIO DEPARTMENT OF LIQUOR CONTROL - Notice of new liquor license for Flipdaddys LLC, Flipdaddys Burgers & Beers, 12071 Mason Montgomery Road (45249)

HAMILTON COUNTY AUDITOR - Letter regarding tax rates and estimated revenue to be presented to Budget Commission.

cc:HAMILTON COUNTY DEVELOPMENT to NKB ASSOC. - Letter regarding non-functioning detention basin at 11304 Montgomery Road.

HAMILTON COUNTY ZONING - e-mail regarding issues at Chateau LaRoche.

D'ARCY HAVILL, 9976 LINCOLN (45111) - Application for appointment to the Board of Zoning Appeals.

HAMILTON COUNTY ENGINEER - Letter regarding sidewalk repairs for 8750 and 8720 E. Kemper Road.

CITI - Notice that property at 8762 Birchbark Drive has released this Litton Loan Service.

HAMILTON COUNTY DEVELOPMENT - Letter advising that Fifth Third Processing Solutions wishes to amend CRA agreement due to name change to Vantiv LLC.

BURHAM & FLOWERS - e-mail response to questions regarding medical coverage.

HAMILTON COUNTY BUILDING DEPT. - Permits for Rozzi development.

cc:MSD to STONEHEDGE BLDG GROUP - Letters regarding conditional availability of sewer for 9561 Loveland Madeira Road and 9531 E. Kemper Road.

WOOD & LAMPING - Copy of Offer to Sell Real Property at 11674 Woodwind.

ODOT - Proposed legislation for Board approval regarding Montgomery Road sidewalk project.

ALVIS MATERIALS - Notice of Furnishings to Kelchner for Rozzi project.

FRANK GATES - Acknowledgement of 2012 enrollment.

cc:MSD to John Adams - Letter regarding conditional availability of sewer for 9745 Union Cemetery Road.

NATROP'S - Proposal for replacement of sidewalk at 11352 Donwiddle Drive.

BRUCE RAABE - Price list for OSHA services.

HAMILTON COUNTY RECYCLING - Notification of \$6,667.80 for 1st half 2011 recycling award.

cc:MSD to WILLIAM HINES - Letter regarding conditional availability of sewer for 10281 Humphrey Road.

PROPOSALS FOR MORGANSTRACE WORK -

- a. J.K. Meuer - \$30,000.00
- b. West Side Paving - \$33,980.00
- c. Schumacher Dugan - \$34,300.00

Y2K LANDSCAPING - Letter regarding extension of mowing contract.

OLD BUSINESS

MR. BECK moved to approve the Work Place Violence Policy. Mr. Leis seconded the motion.

MR. BRYANT stated the Township Law Director has addressed his concern regarding this policy.

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

MR. ELLIFF reported on recent meeting with John Finnigan, Duke Energy Retail to discuss pricing for Township facilities and lighting. Mr. Finnigan has provided the Board with two options for a period between January 2012 through December 2013. Option #1 would charge 5.49 cents/kWh for buildings and 3.99 cents/kWh for lighting and Option #2 would be 5.32 cents for all building and lighting facilities.

Mr. Elliff advised that Duke Energy Retail's proposed price for renewal of the residential aggregation program would be 6.25 cents/kWh through May 2013.

MR. BRYANT stated he also attended this recent meeting. One point of discussion was a percentage discount offer for residential customers. Duke Energy Retail advised that a percentage discount offer has not been developed at this time as they do not know what future pricing would be approved by PUCO.

Mr. Bryant further stated that another discussion point was if a guarantee

program would be offered to Symmes Township which would match any lower offers made to other communities.

MR. FINNIGAN stated this guarantee would only apply to the current campaign. Any future campaign pricing offered to other communities would not apply to Township residents. Mr. Finnigan noted that Symmes Township residents are not subject to any termination fee and therefore could take advantage of any lower pricing offered by Duke Energy Retail.

MR. BRYANT stated it appears that, if the Township agrees, the electric aggregation rate would be 6.25 cents/kWh through May 2013 with no percentage discount option, there is no termination fee to residents, and Duke Energy Retail would be willing to match any lower price made to other communities until the current contract ends on December 31, 2011.

MR. FINNIGAN stated that is correct. Mr. Finnigan further stated that if a percentage discount option is developed at a later date it would be offered to Symmes Township residents.

MR. BRYANT stated that some Township residents are with a different provider and questioned if these residents will receive the current aggregation offer.

MR. FINNIGAN stated all Township residents are eligible for the aggregation rate; however, those with a different provider can join at the end of that program.

MR. BECK questioned why the rate for government facilities is less than residential customers.

MR. FINNIGAN stated the cost to provide service to residential customers is greater than providing to commercial customers and these savings are being passed through.

MR. BECK questioned when residents will be made aware of the new rate.

MR. FINNIGAN stated that residents will be provided with an "opt-out" letter. The timeframe will depend on when the contract is signed and the mailing prepared.

MR. BRYANT questioned what happens if a resident decides to "opt-out".

MR. FINNIGAN stated they would automatically revert back to Duke Ohio unless they choose a different supplier.

MR. BRYANT stated there appears that this current offer from Duke Energy Retail is lower than any other plan.

MR. BRYANT moved to enter into an agreement with Duke Energy Retail for continuation of our township facilities, lighting and community wide electric aggregation program consistent with the terms of Option #2 of the proposal dated August 31, 2011 and to authorize the Township Administrator to execute all necessary documentation. Mrs. Leis seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'aye'.

MR. FINNIGAN thanked the Board for continuing its contract with Duke Energy Retail.

NEW BUSINESS

MR. BECK moved to appoint Peter J. Taormina, 9017 Symmes Knoll Court

(45140), to the Community Reinvestment Area Committee. 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 G2011-16

Resolution Consenting to the Execution of an
Amendment to the Community Reinvestment Area Executed
Between the Board of County Commissioners
of Hamilton County, Ohio and Vantiv LLC

WHEREAS, Symmes Township, Hamilton County, Ohio has encouraged the development of real property and the acquisition of personal property located in the area designated as the Symmes Township Community Reinvestment Area #2; and

WHEREAS, the Trustees of Symmes Township, Ohio by Resolution G2010-31 passed on October 5, 2010 consented to the establishment and expansion of Community Reinvestment Area #2 as authorized by Section 3735.66 of the Ohio Revised Code; and

WHEREAS, the Board of County Commissioners of Hamilton County passed a Resolution dated January 19, 2011 (Volume 321, Image 1648) expanding the Community Reinvestment Area #2 as authorized by Section 3735.66 of the Ohio Revised Code; and

WHEREAS, the Director of Development of the State of Ohio determined on April 22, 2011 that the aforementioned area designated by the Board of County Commissioners in said Resolution contains the characteristics set forth in O.R.C., Section 3735.66 and confirmed said area as a Community Reinvestment Area under said Chapter 3735; and

WHEREAS, Fifth Third Processing Solutions, LLC entered into a community reinvestment area agreement with Hamilton County on May 11th, 2011; and

WHEREAS, Fifth Third Processing Solutions, LLC has legally changed their name to Vantiv, LLC and now requests that the agreement be amended to reflect the company's new name.

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

Section 1. Symmes Township supports the proposed amendment requested by Vantiv, LLC to reflect the company's new name.

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

MR. BRYANT moved to table discussion of the approval of certain professional and training fees for the Township Administrator pending discussion of personnel issues in Executive Session. Mr. Beck seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'nay'.

MR. BECK moved to approve a 2-year maintenance agreement with Mobilcom for federal warning sirens at \$160.00 per month and to authorize the Township Administrator to execute the necessary documents. 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 to exceed \$32,000.00 for emergency repairs to Morganstrace Drive and to authorize the Township Administrator to execute any necessary documents. Mr. Bryant seconded the motion.

MR. PITMAN advised there are five areas on Morganstrace which require full depth repairs in order to prevent further damage to the roadway. Mr. Pitman stated he obtained three proposals for this work.

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 to exceed \$1,500.00 for the purchase of drainage pipe for installation along Lebanon Road and to authorize the Township Administrator to execute any necessary documents. Mrs. Leis seconded the motion.

MR. PITMAN advised that Turner Construction and Hamilton County Engineer's Department has recommended that the pipe under these two adjacent driveways be increased to allow for better water flow. Hamilton County has agreed to install the pipe.

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

MR. BECK moved to approve the following transfers:

- a. \$4,500.00 from 9-A-12 (Police-Insurance) to 9-A-14 (Police-Other)
- b. \$ 750.00 from 10-A-14 (Fire-Insurance) to 10-A-15 (Fire-Other)

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:

a. Permanent Appropriation 2-A-9 (Motor Vehicle-Other) from \$1,250.00 to \$2,000.00

b. Permanent Appropriation 20-A-6 (Safety-Maintenance/Repairs) from \$40,000.00 to \$42,500.00

c. Permanent Appropriation 23-A-9 (Permissive License-Other) from \$2,500.00 to \$3,500.00

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. Expenditure in the amount of \$1,130.20 for annual copier maintenance agreement

b. Expenditure (Then & Now) in the amount of \$981.07 for brake repairs to Police Car #094

c. Expenditure (Then & Now) in the amount of \$1,115.00 for replacement of handicap ramp/sidewalk at Souffle and Gourmet

d. Expenditure (Then & Now) in the amount of \$1,100.00 for HVAC repairs at Safety Center

e. Expenditure in an amount not to exceed \$5,000.00 for the purchase of crack sealing material

f. Expenditure (Then & Now) in the amount of \$2,447.38 for emergency pump/shaft repairs to T61

g. Expenditure in an amount not to exceed \$2,200.00 for repainting of pavement markings

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

MR. BRYANT moved to table authorization for the Township Administrator to attend APA Statewide Planning Conference in Dayton, Ohio on October 20-21, 2011 pending discussion of personnel issues in Executive Session. Mr. Beck seconded the motion and the roll call vote was as follows: Mr. Beck - 'aye'; Mr. Bryant - 'aye'; Mrs. Leis - 'nay'.

MR. BECK moved to table authorization for the Township Administrator to attend OTA's Law Director's Group CLE course on September 16 in Blacklick, Ohio 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 - 'nay'.

MR. BECK moved to authorize four (4) service personnel to attend snowplow training on October 6, 2011 in Miamisburg, Ohio. 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 David Heider to attend USDA Forest Service Urban Tree Canopy Assessment on September 14, 2011 in Cincinnati, Ohio. 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 new liquor license for Bhavini Enterprises, LLC, dba BP Food Mart, 11406 Montgomery Road (45249).

The Board had no objection to the new liquor license for Flipdaddys LLC, Flipdaddys Burgers & Beers, 12071 Mason Montgomery Road (45249).

EXECUTIVE SESSION

MR. BECK moved that the Board enter Executive Session to discuss the employment of a public employee, to consider the purchase of real property and to discuss pending court action. 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 9:03 p.m.

The meeting reconvened from Executive Session at 12:05 p.m.

MR. BECK moved to untable the discussions regarding membership fees and seminars for the Township Administrator. 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 the payment of professional membership fees for the Ohio Bar, American Planning Association, American Bar Association, Cincinnati Bar Association and Cincinnati Area Managers Association as set forth in August 24, 2011 memo. Mrs. Leis seconded the motion.

MRS. LEIS stated that, when Mr. Elliff was interviewed and hired, the Board was aware he was an attorney and understood that there were membership

fees. Mrs. Leis further stated she felt this is important to the Township for Mr. Elliff to maintain these memberships.

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 attend APA Statewide Planning Conference in Dayton, Ohio on October 20-21, 2011. 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 authorize the Township Administrator to attend OTA's Law Director's Group CLE course on September 16 in Blacklick, Ohio. 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 at 12:10 p.m.