
MINUTES OF SYMMES TOWNSHIP REGULAR MEETING

NOVEMBER 6, 2012

The meeting was called to order at 7:00 p.m. Elected officials (Trustees and Fiscal Officer) present were: Mr. Phil Beck, Mr. Kenneth Bryant, Mrs. Jodie Leis, and Mr. John Borchers.

Also present: Brian Elliff - Township Administrator; 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; Tom Turner - Assistant Chief, Loveland Symmes Fire Department.

MRS. LEIS moved to amend the agenda to include appointment to the Board of Zoning Appeals. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

PRESENTATION:

BRENDA COFFEY, INTEGRYS - Provided the Board with information regarding contract renewal and various pricing options available to the residents. The Township currently has two options - variable and lock-in price with flex down. Mrs. Coffey advised they are proposing the Board consider a hybrid option which would provide for the lock-in only during the winter months of January - April and then it would become a variable rate. Mrs. Coffey stated they feel this is the best way to save residents money on the natural gas aggregation program. Mrs. Coffey advised that other communities have elected to enter into this type of program.

MR. BECK questioned when the Board would need to make a decision and if Integrys had a recommendation.

MRS. COFFEY stated they would need to know the Board's choice before November 20. Mrs. Coffey advised the Board should continue to offer the variable option, but recommended the Board go with the new hybrid option which would allow them the ability to look into the market during the summer months. Residents would still be protected during the winter months with the locked-in price.

MRS. LEIS thanked Integrys for researching and providing this hybrid option for the residents.

MR. BRYANT stated he felt the Board should renew for two years as residents will still have an opt-out.

MRS. LEIS moved to entered into an contract with Integrys for a two year period including the variable and hybrid rate options, with the hybrid rate option being the default on an opt-out basis and to authorize the Township Administrator to execute the contract after it is in final form, including any other necessary paperwork.

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

The Board thanked Mrs. Coffey for her presentation.

RECEIPTS

Receipts totaling \$104,701.50 were read and accepted.

WARRANTS

MRS. LEIS moved that the Township pay its bills. Mr. Bryant seconded the motion and all voted 'aye'. Proper certification having been made, warrants totaling \$418,500.71 were issued.

REPORTS

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

1. SIDEWALK PLAN - Advised there has been good response to the "virtual" portion of the planning process and recommended the Board hold a public hearing to gather additional input. Mr. Elliff suggested December 4, 2012 from 5:00 p.m. to 6:45 p.m.

MR. BRYANT stated he would prefer to hold this public meeting next year due to the regular December 4 meeting, Operation Santa on December 5 and a possible special meeting later in the month. This would also allow for more notice to the residents.

MR. BECK stated there was good response to the "virtual" and the Board should keep the process moving forward. Mr. Beck advised he would also like to see the Board take action in December, have the consultant start work on the plans which would allow for bids to go out early 2013.

MR. BRYANT stated he was not against the project, but was concerned about the timing of the public hearing.

MRS. LEIS moved to hold a public hearing on December 4, 2012 at 5:00 p.m. for the purpose of receiving input from residents. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

HEARING FROM RESIDENTS

ANDREW SWALLOW, 9763 PINTO COURT - Stated it was important for the Township to finish the sidewalk project along Humphrey Road which would connect all the subdivisions. This project should be the first priority with the Board. Mr. Swallow thanked the Board for holding a public hearing on December 4.

JOHN KING, 9967 HUMPHREY - Stated he also supported the completion of this sidewalk for safety purposes.

MIKE HAMMER, 9930 ALYDAR - Stated he also agreed with the need for this sidewalk along Humphrey Road.

CORRESPONDENCE

HAMILTON COUNTY SHERIFF DEPT - Activity reports.

NARENDRA MEHTA, 8520 CALUMET WAY - e-mail suggestion that Township provide free paper shredding annually.

MIKE HAMMNER, 9938 ALYDAR - Petition for installation of sidewalk extension on Humphrey Road.

cc:MSD to SUMMIT CUSTOM HOMES - Letter regarding conditional availability of sewer for 11584 Snider/8306 Patrilla.

OHIO DEPT OF COMMERCE - Elevator inspection pass notification.

DEPT OF TREASURY - Acknowledgment of tax-exempt bond form.

BUREAU OF MOTOR VEHICLES - Letter regarding Audit submitted by City of Loveland.

PECK SHAFFER - e-mail request for signature on recent bond transaction.

DONALD MISRACH, 8619 CALUMET WAY - Application for Board of Zoning Appeals.

SPRINGMEYER COMMUNICATIONS - Request for information for snow closing.

AGNES GAZDER, 9735 PINTO - Notes of appreciation to Carol Sims and Bill Pitman for their assistance with recent issue.

cc: MSD to FRALEY & FRALEY - Letter regarding conditional availability of sewer for 9415 Fields Ertel Road.

cc: SPURGEON ECKARD, 8453 FIELDS ERTEL to DEERFIELD TOWNSHIP - Letter regarding dead pine tree across from 8453 Fields Ertel Road.

BOARD OF ELECTIONS - Copy of legal notice for ballot issue.

OHIO VALLEY LABORERS - Public Records Request for certified payroll documents for Rozzi project.

MEDICAL MUTUAL - Letter regarding Medicare-eligible participants.

MOODY'S - Request for 2011 financial audit report.

HIRONS MEMORIAL - Proposal for repairs to headstones in Union Cemetery.

RESPONSE TO SIDEWALK SURVEY:

M/M Gazader, 9735 Pinto Ct
Ashley Werthaiser, 8367 Ellenwoods
Michael Hammer, 9938 Alydar
Susan Schapiro, 9727 Pinto
Sun-Tak Hwang, 9880 Humphrey
M/M Smith, 9742 Pinto
Joyce Pullum, 9766 Pinto
Christine Swallow, 9763 Pinto
Thomas Sommer, 9824 Humphrey
Lin Fei, 9980 Walnutridge
M/M Dollin, 9758 Pinto
Larry Verne, 9789 Pinto
M/M West, 9963 Humphrey
Birgit Sommer, 9824 Humphrey
Jill King, 9967 Humphrey
Rick Schiesl, 9919 Walnutridge
M/M Besl, 9719 Pinto
M/M Tranter, 9934 Walnutridge
M/M White, 9816 Humphrey
M/M Labbe, 8885 Cross
George Flynn, 9437 Kempergrove
Linda Kirtley, 10844 Oakvalley
Brent Bullock, 9839 Humphrey
Karen Simpson
Christy Kline, 9317 Kempergrove
Donna Connelly, 9270 Kempergrove
Bethany Jewell, 9491 Hopewell

VO BUILDERS - Proposal for cleanup at 9237 Solon Drive.

M/M ROSS, 9235 SOLON - Letter regarding condition of property at 9237 Solon Drive.

OHIO DEFERRED COMP - 3rd Quarter statement.

ANGELA HITCHNER - e-mails regarding TREX license for Dos Tequila Restaurant.

BRUCE RAABE - Audit report on Township buildings.

OHIO EPA - Notice of Public Hearing on draft hazardous waste permit renewal for Spring Grove Resource Recovery.

DIV OF LIQUOR CONTROL - License fee report.

CAREWORKS - 3rd Quarter report.

ZONING AND PLANNING ISSUES

MRS. LEIS moved to appoint Donald Misrach, 8619 Calumet Way (45249) to the Board of Zoning Appeals for a five year term effective January 1, 2013. Mr. Bryant seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MRS. LEIS moved to establish December 4, 2012 at 7:00 p.m. as the Public Hearing date for Case #2012-01 - Text Amendment - Article XVIII. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MRS. LEIS moved to adopt the following resolution:

RESOLUTION G2012-31

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, 2013.

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

MRS. LEIS moved to adopt the following resolution:

RESOLUTION G2012-32

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

OLD BUSINESS

MR. ELLIFF reviewed the proposal from BHE Environmental for the Royal connector path. The initial assessment would cost \$1,000.00 which would determine the impact of this path to the wetland area and possible permits. Mr. Elliff recommended the Board build a pathway only to the limits of the wetland area.

MR. BRYANT moved to authorize the Township Administrator to enter into an agreement with BHE Environmental for an initial assessment consultation to determine an appropriate pathway on the Royal property and to approve an expenditure in an amount not to exceed \$1,000.00 for said service. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

NEW BUSINESS

MR. ELLIFF advised the Township has received a request to approve a TREX liquor license transfer for a new restaurant at 11198 Montgomery Road. Mr. Elliff reviewed the process which has been completed.

BARBARA WIETHE, ESQ. - Advised they are hoping to buy a license from Cambridge, Ohio and bring the license to Symmes Township for this business. The governmental entity needs to approve the transfer.

LEONEL SOTO - Stated he was associated with Fiesta Bravo and is now opening his own restaurant - El Cholula. Mr. Soto requested the Board to approve this transfer.

NICK GRAMMAS - Advised he is the property owner and stated that two restaurants have failed in this location. Mr. Grammas further stated he felt this liquor license is important for this business to succeed.

MRS. LEIS moved to approve the TREX liquor transfer for El Cholula restaurant and to find this is for purpose of economic development, and to authorize the Township Administrator to notify the appropriate agencies. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MRS. LEIS moved to adopt the following resolution:

RESOLUTION G2012-29

Resolution Declaring Emergency and
Providing for Clearing Undedicated Roadway

WHEREAS, the Ohio Revised Code Section 505.82 provides for the Board of Trustees to adopt a resolution declaring that an emergency is imminent which threatens life or property within the unincorporated territory; and

WHEREAS, the O.R.C. Section 505.82 requires that certain procedures be followed for the removal of snow and ice from an undedicated street, where the owner does not cause such snow and ice to be removed from such street; and

WHEREAS, the Board of Trustees of Symmes Township, Hamilton County, Ohio has determined that an emergency is imminent requiring the removal of snow and ice from undedicated streets as listed on Exhibit "A"; and

WHEREAS, the owners of the property have not provided for the removal of snow and ice from streets as listed on Exhibit "A".

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

- Section 1. The Board of Trustees declares an emergency is imminent which threatens life or property, by reason of the accumulations of snow and ice on these undedicated streets.
- Section 2. The Township Director of Public Works is hereby ordered to remove the snow and ice from the said undedicated streets on which the owners thereof have not caused the removal of such snow and ice.
- Section 3. Prior to such removal, the Township Director of Public Works shall give, or make a good faith attempt to give oral notice to the owners of the subject streets, notice of the Trustees' intent to clear the said streets and to impose a service charge for doing so.
- Section 4. An amount established as just and equitable service charges for such removal, which shall be paid by the owners of said streets, shall be \$100.00 per hour or any portion of an hour. If such owners fail to promptly pay such service charges after written notification, the said charges shall be certified to the Hamilton County Auditor to be included on the owner's tax bill and collected as a lien on the property.
- Section 5. The emergency declared herein shall expire six (6) months after date hereof, unless extended by unanimous resolution of this Board pursuant to O.R.C. Section 505.82.
- 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.

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

MRS. LEIS moved to adopt the following resolution:

RESOLUTION G2012-30
Resolution Approving Estimate of
Costs and Procedures for
Montgomery Road Sidewalk Project

WHEREAS, on 7th day of September, 2010, the Legislative Authority/Local Public Agency or "LPA" enacted legislation proposing cooperation with the Director of Transportation for the described project:

The project consists of constructing a sidewalk along the entire length of and in part on each side of U.S. Route 22/State Route 3 Montgomery Road from just south of Cornell Road to the County Line just north of Fields Ertle Road, lying within Symmes Township; and

WHEREAS, the LPA, shall cooperate with the Director of Transportation in the above described project as follows:

The Township agrees to assume and bear one hundred percent (100%) of the entire cost of the improvement, less the amount of Federal-aid OKI enhancement funds set aside by the Director of Transportation for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation, and further, the Township agrees to assume and bear one hundred percent (100%) of the cost of Preliminary Engineering, excluding in-house preliminary engineering charges incurred by the State. The share of the cost of the LPA is now estimated in the amount of One Hundred Twenty Nine Thousand Eight Hundred and 00/100 Dollars, (\$129,800.00), but said estimated amount is to be adjusted in order that the LPA's ultimate share of said improvement shall correspond with said percentages of actual costs when said actual costs are determined; and

WHEREAS, The Director of Transportation has approved said legislation proposing cooperation and has caused to be made plans and specifications and an estimate of cost and expense for improving the above described highway and has transmitted copies of the same to this legislative authority; and

WHEREAS, The LPA desires the Director of Transportation to proceed with the aforesaid highway improvement.

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

- Section 1. That the estimated sum, of One Hundred Twenty Nine Thousand Eight Hundred and 00/100 Dollars, (\$129,800.00), is hereby appropriated for the improvement described above and the fiscal officer is hereby authorized and directed to issue an order on the treasurer for said sum upon the requisition of the Director of Transportation to pay the cost and expense of said improvement. We hereby agree to assume in the first instance, the share of the cost and expense over and above the amount to be paid from Federal funds.
- Section 2. That the LPA hereby requests the Director of Transportation to proceed with the aforesaid highway improvement.
- Section 3. That the LPA enter into a contract with the State, and that Township Trustees be, and is hereby authorized to execute said contract, providing for the payment of the LPA the sum of money set forth

herein above for improving the described project.

Section 4. That the LPA transmit to the Director of Transportation a fully executed copy of this Resolution.

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

MRS. LEIS moved to approve an expenditure in the amount of \$450.00 for clean-up of remaining junk and debris at 8382 Patrilla and to authorize the Township Administrator to sign agreement with Forrest Lytle & Sons for said services. Mr. Bryant seconded the motion.

JOHN MEYER, 8382 PATRILLA - Advised he has been working on the condition of the property. Mr. Meyer stated he is in the process of installing a privacy fence.

MR. ELLIFF reminded the Board that this property had been declared a nuisance and it was necessary to file a lawsuit in Common Pleas Court. The judge declared the property to be in a nuisance condition and ordered Mr. Meyer to clean up the site. This has not been done and the Township has obtained an estimate. Staff has met with Mr. Meyer and advised him of the areas in question. Mr. Elliff stated that a privacy fence will not resolve this issue. This has been going on for over two years.

MR. BORCHERS stated it appears that Mr. Meyer has had ample time to abate the situation.

MR. MALLOY stated the judge ordered that the property be cleaned up and if not the Township had the right to proceed. This is the action before the Board tonight.

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

The Board agreed to give Mr. Meyer an additional two weeks to clean up the property before the contractor will proceed with the removal of the items.

MRS. LEIS moved to change the classification for Marcus Rose from part-time laborer (Step I) to intermittent laborer (Step I) with no change in the hourly rate effective November 7, 2012. Mr. Beck seconded the motion and the roll call vote was as follows:
Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

MRS. LEIS moved to amend:

a. Permanent Appropriation 6-A-2 (Cemetery Bequest - Contracts)
from \$500.00 to \$1,675.00

a. Permanent Appropriation 7-A-1 (Lighting-Contracts) from
\$120,000.00 to \$124,800.00

b. Permanent Appropriation 20-A-6 (Safety Levy - Maintenance of
Site) from \$20,000.00 to \$30,000.00

c. Permanent Appropriation 20-A-7 (Safety Levy - Contracts) from
\$1,052,187.59 to \$1,062,187.59

d. Permanent Appropriation 20-A-8 (Safety Levy - Other) from
\$31,000.00 to \$36,000.00

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

MRS. LEIS moved to transfer:

a. \$1,000.00 from 1-A-27 (General-Transfer) to 1-A-4 (General-Office
Supplies)

b. \$15,000.00 from 1-A-27 (General-Transfer) to 1-A-6
(General-Insurance)

c. \$5,000.00 from 1-A-27 (General-Transfer) to 1-D-1
(General-Cemetery-Salaries)

d. \$500.00 from 1-A-27 (General-Transfer) to 1-F-4
(General-Parks-Armed Service Memorial)

- e. \$15,000.00 from 1-A-27 (General-Transfer) to 1-J-3 (General-Zoning-Other Expenses)
- f. \$3,000.00 from 7-A-2 (Lighting-Other) to 7-A-1 (Lighting-Contracts)
- g. \$2,000.00 from 9-A-12 (Police-Insurance) to 9-A-8 (Police-Gasoline)
- h. \$2,000.00 from 9-A-12 (Police-Insurance) to 9-A-10 (Police-Contracts)
- i. \$1,000.00 from 9-A-12 (Police-Insurance) to 9-A-14 (Police-Other)
- j. \$1,700.00 from 10-A-14 (Fire-Insurance) to 10-A-11 (Fire-Contracts)
- k. \$2,000.00 from 10-A-15 (Fire-Other) to 10-A-11 (Fire-Contracts)
- l. \$ 500.00 from 11-C-3 (Road District-Road Contract) to 11-A-12 (Road District-Other)
- m. \$3,000.00 from 12-A-8 (Park-Other) to 12-A-6 (Park-Supplies)
- n. \$3,000.00 from 14-A-8 (EMS-Other) to 14-A-7 (EMS-Contract)
- o. \$2,000.00 from 23-A-5 (Permissive License-Supplies) to 23-A-7 (Permissive License-Maintenance)
- p. \$2,000.00 from 23-B-2 (Permissive License-Material) to 23-A-6 (Permissive License-Repairs)

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

MRS. LEIS moved to approve:

- a. Expenditure in the amount of \$1,269.45 to Y2K Landscaping as per mowing contracts for 2012
- b. Expenditure in the amount of \$1,675.00 for repair of headstones in Union Cemetery from the Cemetery Bequest Fund
- c. Expenditure in an amount not to exceed \$1,700.00 for brake repairs on M61
- d. Expenditure (Then & Now) in the amount of \$1,200.00 for IT support for computers at Stations 60 and 61
- e. Additional expenditure in the amount of \$72.52 for franchise fees
- f. Expenditure in the amount of \$1,600.00 for repair parts for T61
- g. Expenditure in the amount of \$3,345.00 for purchase of Mutt Mitts for park use

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

The following cemetery deeds were approved:

- Anthony Arbino, Kerr Cemetery, Lot 615, Graves 6 and 7
- Jeff Braun, Kerr Cemetery, Lot 526, Grave 4 and 5

EXECUTIVE SESSION

MRS. LEIS moved that the Board enter Executive Session to discuss the employment of a public employee, the compensation of a public employee, to consider the sale by competitive bid the sale of real property and to discuss, with the Township Law Director, pending court action. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

The meeting adjourned for Executive Session at 8:48 p.m.

The meeting reconvened from Executive Session at 10:35 p.m.

MRS. LEIS moved to approve the wage rates for Township employees as per Attachment B to the memo dated November 2, 2012 and to approve an amendment to the Township Administrator's contract to be prepared by the Fiscal Officer. Mr. Beck seconded the motion and the roll call vote was as follows: Mrs. Leis - 'aye'; Mr. Beck - 'aye'; Mr. Bryant - 'aye'.

The meeting adjourned at 10:36 p.m.