
MINUTES OF SYMMES TOWNSHIP REGULAR MEETING

December 8, 2020

The meeting was called to order at 7:00 p.m. Elected officials present were Mr. Phil Beck, Ms. Jodie Leis and Mr. Joe Grossi.

Also, present: Kimberly Lapensee - Administrator; Lieutenant Mike Tarr – HCSO, and Chief Ott Huber – LSFD.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Ms. Leis made a motion to approve the Agenda. Mr. Beck seconded the motion. The roll call vote was as follows: Ms. Leis - ‘aye’, Mr. Beck - ‘aye’. Motion passes.

APPROVAL OF MINUTES

Ms. Leis made a motion to approve the regular minutes for November 3, 2020. Mr. Beck seconded the motion. The roll call vote was as follows: Ms. Leis - ‘aye’, Mr. Beck - ‘aye’. Motion passes.

FISCAL OFFICERS REPORT

Mr. Grossi stated that the financial reports for November were included in the packet. He stated that we have \$2,459,028.41 in our checking account, \$1,193,713.82 in our money market account, \$2,704.97 in our credit card account and \$32,618.11 in our HRA account. He stated that we have \$8,234,662.45 in investments with Meeder for the month of November. Mr. Grossi stated that we have \$2,314,673.81 in the General Fund, \$460,487.36 in the Police Fund, \$235,579.29 in the Fire Fund, \$346,793.65 in the EMS Fund, \$1,811,489.48 in the Safety Services Fund, \$452,825.40 in the Park fund. He also stated that we are switching to a new accounting system January 1, 2021 and we will be receiving our new hardware and training on this new system next week. He stated that we will also be working on bringing the records retention process into compliance. He stated that he has been talking to the State of Ohio and they have no record of us having the correct forms approved (RC-2 form). He stated that we must inventory everything we have to and to destroy any old records that we no longer need to keep.

PRESENTATIONS

The Board presented Dragonfly with donations from the community during Operation Santa, a certificate to Joey Kapszukiewicz for his work with Life Food Pantry for a senior project and employee awards to Jeff Iles and Jason Andrews – 10 years of service to the township and Brent Scott – 15 years of service to the township.

PUBLIC HEARINGS

None.

APPROVAL OF DISBURSEMENTS

Ms. Leis made a motion to approve the warrants from 78652 – 78817 in the amount of \$1,013,648.54 from November. Mr. Beck seconded the motion.

The roll call vote was as follows: Ms. Leis - ‘aye’; Mr. Beck - ‘aye’. Motion passes.

REPORTS

JEFF FORBES, LAW DIRECTOR – Mr. Forbes was absent.

LIEUTENANT MIKE TARR, HAMILTON COUNTY SHERIFF’S DEPT – Mr. Tarr stated that he had nothing new to report.

CHIEF OTT HUBER, LSF D – Chief Huber had no report and that the board received their written report prior to the meeting.

BILL PITMAN, DIRECTOR OF PUBLIC WORKS - None.

COMMITTEE - None.

OTHER – None.

CORRESPONDENCE

Attached to the packet.

HEARING OF RESIDENTS

CJ Carr, 10403 Willow Drive, asked for clarification about driveways and how the new text will be written. He asked if this new section would be the only driveway requirement at the apron. He asked if all the existing driveways can stay gravel. Mrs. Lapensee stated that everyone would also still have to comply with Section 144 that requires all parking areas to be paved so both sections would apply.

Ms. Carol Sims, 9972 Washington Street, stated that she was disappointed that the signage text was still included in the changes for variable message signs in residential districts. She stated that she does not agree with Section 319. She stated that we only added that section to serve our own interest. She stated that she believes that it should still go before the Board of Zoning Appeals to be approved or denied through the conditional use permit process. She stated that she feels it will be confusing to everyone.

She stated that she also asked under what section in the ORC gives the township the authority to regulate zoning in the ROW. Mrs. Lapensee stated that Sections 505.17 and 519.02 give townships the authority to regulate zoning/parking in the ROW. Ms. Sims asked what section we would enforce the parking restrictions under. Mrs. Lapensee stated that we would most likely use Section 519.02. Ms. Sims asked what the zoning enforcement process would be. Mrs. Lapensee stated that it would go through the normal process which is (1) you get a letter stating the violation and that you have 21 days to mitigate it, (2) if the 21 days are up, then you get a ticket to court and must go through Housing court to mitigate the issue with the judge. Mrs. Lapensee asked Mr. Snyder to clarify the process.

Mr. Snyder stated that they do write a notice of violation and they have 21 days to abate the violation or file for an appeal to the BZA, then if not abated or an application to the BZA has not been filed, then they get a ticket to housing court.

Ms. Sims also questioned the use of Section 519.02 because she believes that we should use Section 505.17 in the ORC that deals with parking in the ROW and have the cops enforce it. She stated that she believes it will be faster rather than go through the zoning process.

Ms. Sims stated that she is mostly concerned that we did not follow Section 519.12 of the ORC for the 20/40-day rule because we did not have our meeting within the 40-day window. Mrs. Lapensee stated at the last meeting that we are fine with the timeline. Ms. Leis stated that according to our Law Director we are within our rights. She disagreed and went through the timeline and says that we went longer than all dates as required in the ORC. She stated that she is requesting a certified copy of the resolution if adopted tonight.

Mike Howell, 7801 Clement Street, stated that we should not be voting on these text amendments if the board cannot answer any of the questions because they have not been paying attention during the whole meeting.

EVENTS/MEETINGS

- Merry and Bright Decorating Contest – Judging will end on December 13, 2020 and prizes will be awarded by December 17th.
- Christmas Holiday, Offices will be closed for Christmas – Thursday and Friday, December 24 & 25, 2020.
- Christmas Tree Recycling Begins – Saturday, December 26, 2020 and ends January 29, 2021.
- Christmas Lights Recycling Ends – January 29, 2021.
- New Year’s Day, Offices will be closed – Friday, January 1, 2021.
- Board of Zoning Appeals Meeting – Monday, January 4, 2021 at 7:00 p.m. via zoom.
- Regular Trustees Meeting – Tuesday, January 5, 2021 at 7:00 p.m. at the Safety Center.

OLD BUSINESS

Ms. Leis made a motion to approve Resolution G2020-92 – Resolution to Approve and Accept a Text Amendment to Sections 51 General Provisions, Sections 62, 66, 70, 74, 78 and 82 Residential Districts, Section 143 Residential Parking, Section 171 Additional Use, Height and Area Regulations and Exceptions, Section 191 Zoning Certificates, Section 319 Signs in Residential Districts, Section 342 Accessory Uses and Structures, and Section 346 Fences and Walls of the Symmes Township Zoning Resolution and Dispensing with the Second Reading. Mr. Beck seconded the meeting. Discussion continued

Mr. Beck stated that what Mr. Howell said earlier was inappropriate. Mr. Beck stated that he would want to table the sign section. Mrs. Lapensee asked what the reason is for tabling that section. Mr. Beck stated that Ms. Sims questioned the legality of it. Mrs. Lapensee stated that the text amendment would allow for the variable message signs in a residential district, but it would still need to go to the BZA for approval and they could not deny the signs but could tweak what they look like. She stated that the variable message sign would now be allowed and a sign for the public use would be no larger than 32 square feet or 8 sf for the variable message.

Mr. Snyder stated that currently the variable message signs are prohibited in residential districts. He stated that with these changes to the text, we would now be asking for a permitted sign instead of a prohibited sign. He stated that the BZA would still have the right to review the look of the sign. Ms. Leis asked if they could regulate the brightness, etc. Mr. Snyder stated yes. Ms. Leis asked him if the township would send notices to the surrounding properties for these cases. Mr. Snyder stated yes, we would still notify the surrounding properties just like any other case. Mr. Beck asked how we would regulate these going forward. Mr. Snyder stated that they (any applicant) would apply and go to the BZA process.

The roll call vote was as follows: Ms. Leis - ‘aye’, Mr. Beck - ‘aye’. Motion passes.

NEW BUSINESS

Ms. Leis asked for discussion concerning the LSFDF request for overtime reimbursement. Mrs. Lapensee stated that she had received a request from LSFDF requesting that they be reimbursed for some overtime that they have accumulated due to COVID. She stated that they have exceeded their budgeted overtime amount and that they are asking for the township to release some of the COVID money.

Ms. Leis and Mr. Beck stated that they are okay with the methodology. Ms. Leis stated that she wanted to thank everyone at LSFDF for their hard work on all the many runs they have been responding to.

Ms. Leis made a motion to approve the amount presented by the Administrator \$59,882.81 (55% of the amount of their overtime for March – November). Mr. Beck seconded the motion. The roll call vote was as follows: Ms. Leis - ‘aye’, Mr. Beck - ‘aye’. Motion passes.

Ms. Leis asked for discussion concerning the Household Hazardous Waste Drop-off. Mrs. Lapensee asked the board if they would like to pay for this program again for 2021. The Board agreed to pay for a part of this program next year.

Ms. Leis made a motion to authorize the administrator to advertise for the 2021 mowing program. Mr. Beck seconded the motion. Discussion continued.

Ms. Leis asked if we could also investigate hiring a part-time person to mow the parks instead of hiring an outside company. Mr. Beck stated that if we hire an outside company, that company would have the liability in case something happened instead of us.

The roll call vote was as follows: Ms. Leis - ‘aye’, Mr. Beck - ‘aye’. Motion passes.

Ms. Leis made a motion to schedule a special meeting for Tuesday, December 29, 2020 at 1:00 p.m. in the Administration building to discuss final appropriations and expenditures for the amended certificate. Mr. Beck seconded the motion. The roll call vote was as follows: Ms. Leis - ‘aye’, Mr. Beck - ‘aye’. Motion passes.

Ms. Leis made a motion to reappoint Jennifer Harlow to the Board of Zoning Appeals for a 5-year term beginning 1/1/21 to 12/31/2025. Mr. Beck seconded the motion. The roll call vote was as follows: Ms. Leis - ‘aye’, Mr. Beck - ‘aye’. Motion passes.

Ms. Leis made a motion to approve Resolution G2020-95, a Resolution Authorizing the Township Administrator to Enter into a Contract with the Hamilton County Regional Planning Commission to Provide Planning and Zoning Services for Symmes Township for 2021. Mr. Beck seconded the motion.

The roll call vote was as follows: Ms. Leis - ‘aye’, Mr. Beck - ‘aye’. Motion passes.

Ms. Leis made a motion to approve Resolution G2020-96, a Resolution to Reorganize Symmes Township for 2021. Mr. Beck seconded the motion.

The roll call vote was as follows: Ms. Leis - ‘aye’, Mr. Beck - ‘aye’. Motion passes.

Ms. Leis nominated Mr. Bryant to be the President for next year. Mr. Beck seconded the nomination. Mr. Beck nominated Ms. Leis to be the Vice-President for next year. Ms. Leis seconded the motion. The roll call vote was as follows: Ms. Leis - ‘aye’, Mr. Beck - ‘aye’. Motion passes.

Ms. Leis made a motion to table Resolution G2020-97, a Resolution Approving Township Permanent Appropriations for Fiscal Year 2021. Mr. Beck seconded the motion. The roll call vote was as follows: Ms. Leis - ‘aye’, Mr. Beck - ‘aye’. Motion passes.

Ms. Leis made a motion to approve Resolution G2020-98, a Resolution to Amend Fees for Applications and Other Procedures under the Symmes Township Zoning Resolution. Mr. Beck seconded the motion. The roll call vote was as follows: Ms. Leis - ‘aye’, Mr. Bryant - ‘aye’ and Mr. Beck - ‘aye’. Motion passes.

Ms. Leis made a motion to approve Resolution G2020-99, a Resolution Approving Pay Adjustments for Township employees for Fiscal Year 2021. Mr. Beck seconded the motion. Discussion continued.

Ms. Leis wanted to thank all the employees for all their hard work over the last year.

The roll call vote was as follows: Ms. Leis - ‘aye’, Mr. Beck - ‘aye’. Motion passes.

Ms. Leis made a motion to approve Resolution G2020-100, a Resolution Authorizing a Change Order in the Hopewell, and Enyart Road Sidewalk Project Contract for Fillmore Construction in the amount of \$9,620.00. Mr. Beck seconded the motion. The roll call vote was as follows: Ms. Leis - 'aye', Mr. Beck - 'aye'. Motion passes.

Ms. Leis made a motion to approve Resolution G2020-101, a Resolution Authorizing the Township Administrator to Purchase a new Ford Explorer and Accessories from Lebanon Ford, Parr Equipment and Danco Lettering for the Police Department in the amount of \$36,000.00. Mr. Beck seconded the motion. Discussion continued.

Mrs. Lapensee stated that one of our cars was wrecked into by another motorist and totaled so we will need to purchase a replacement. Ms. Leis asked if we would get an insurance payment from that motorist's insurance company. Mrs. Lapensee stated yes.

The roll call vote was as follows: Ms. Leis - 'aye', Mr. Beck - 'aye'. Motion passes.

Ms. Leis made a motion to approve Resolution G2020-102, a Resolution Authorizing Acceptance of Bids for the Union Cemetery Sidewalk Project and Awarding the Contract to Smith Construction in the amount of \$466,782.00. Mr. Beck seconded the motion. The roll call vote was as follows: Ms. Leis - 'aye', Mr. Beck - 'aye'. Motion passes.

Ms. Leis made a motion to approve Resolution G2020-103, a Resolution Authorizing the Township Administrator to Amend the Agreement with Axium Consulting to Perform Accounting Services not to exceed \$30,000.00. Mr. Beck seconded the motion. Discussion continued.

Mrs. Lapensee stated that this is just to increase the contract by \$10,000.00. Mrs. Leis stated that she does not want the contract to go above that amount. Mr. Beck asked how it was coming along. Mrs. Lapensee stated that they are finished with two sections and are still working on the last section.

The roll call vote was as follows: Ms. Leis - 'aye', Mr. Beck - 'aye'. Motion passes.

Ms. Leis made a motion to approve the following amendments, expenditures, and authorization for the Township Administrator to sign any necessary contracts/agreement or paperwork:

- a. Amend: 14L from \$1,059,885.83 to \$1,074,811.88.
- b. Amend: 14-A-07L from \$761,047.00 to \$775,973.05.
- c. Expenditure: \$4,209.85 Locution Systems Inc. (service agreement for dispatch).
- d. Expenditure: \$18,464.53 ICRC for 3rd quarter.
- e. Expenditure: \$1,200.00 Choice One Engineering for a request to install border enhanced LED warning signs on Hopewell, Humphrey, and Union Cemetery Roads.

Mr. Beck seconded the motion.

The roll call vote was as follows: Ms. Leis - 'aye', Mr. Beck - 'aye'. Motion passes.

HEARING OF RESIDENTS

Mark Leguillon, 9355 McKinney Road, stated that at the last meeting he was trying to make a comparison and he felt that the board attacked him, and he feels that this attack stops other residents from bringing forward complaints. He asked what does it take for resolutions to be initiated? He stated that he is always concerned about the process.

Mike Howell, 7801 Clement Street, stated that he apologized the comments he made earlier. He stated that he made them as sarcasm. He stated that he did not feel that the board was paying attention if they were passing notes.

Carol Sims, 9972 Washington Street, stated that she wanted to revisit the sign section and that she does not agree. She stated that there is specific sign language for public signs. She stated that she has two outstanding public records requests (1) a 2017 text message concerning a memorial tree, and (2) 2020 payroll time sheets from January. She stated that the township administrator

did send her the Paycor sheets, but she wants the actual time sheets that the employees fill out. She stated that she is concerned about the board acting on items outside of a meeting concerning Lawanda Willis and the decision to terminate her employment with the township and she still has no answers on the money that was collected by the Chamber of Commerce for a wine tasting last year.

EXECUTIVE SESSION

None.

ADJOURNMENT

Ms. Leis made a motion to adjourn the meeting. Mr. Beck seconded the motion, and the roll call vote was as follows: Ms. Leis - 'aye', Mr. Beck - 'aye'.

Meeting adjourned at 8:10 p.m.

Approved:

Jodie L. Leis, President

Kenneth N. Bryant, Vice-President

Philip J. Beck, Trustee