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**MINUTES OF SYMMES TOWNSHIP REGULAR MEETING**

**July 7, 2020**

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

Ms. Leis apologized for the inconvenience of the internet comment portion not working tonight.

Also, present: Kimberly Lapensee - Administrator; Kevin McDonough - Law Director; Lieutenant Tory Smith – HCSO and Chief Ott Huber – LSF.

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’, and Mr. Bryant - ‘aye’. Motion passes.

APPROVAL OF MINUTES

Ms. Leis made a motion to approve the Minutes of the regular meeting from June 2, 2020. Mr. Bryant seconded the motion.

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

FISCAL OFFICERS REPORT

Mr. Grossi stated that the financial reports for June were included in the packet. He stated that we have \$1,906,729.35 in our checking account, \$1,193,526.95 in our money market account, \$2,272.62 in our credit card account and \$13,103.01 in our HRA account. He stated that we have \$8,206,985.86 in investments with Meeder.

Mr. Grossi stated that we received a notice for our vision insurance and there will be no increase for the next 5 years.

PRESENTATIONS

None.

PUBLIC HEARINGS

Ms. Leis opened the public hearing for the Proposed 2020 Land Use Plan. She stated that she wanted to thank the people who volunteered for the committee. Ms. Leis stated that she has heard from a number of residents in the community and she would like the scenic river corridor land use designation omitted from the Land Use Plan/Map for the area surrounding the Castle and the transitional use parcels on Mason Montgomery Road and Montgomery Road that back up to Montgomery Trace Subdivision. She asked how the other two board members felt about that.

Mr. Bryant stated that he has no objection to that. He stated that he also has heard from several residents concerning the plan and thinks its wonderful that everyone has commented. He stated that we have a statutory requirement to provide a Land Use Map for Symmes Township and we must periodically update the map every 5 years. He stated that we are delinquent in doing an update by roughly 6 years. He stated that we have gone through multiple administrators in the past 6 years and they each served as the acting township administrator and they had a hard time getting volunteers to serve on the committee even though we advertised it many times. He stated that we did have people volunteer and he wanted to thank those that volunteered. He stated that this is a land use map and it is not the zoning map. He stated that the committee looks at the previous land use map and goes through the process of identifying parcels that have changed or should change. He stated that the committee pulls all the information together with the help of Hamilton County Regional Planning Commission and they present the information to the trustees. He stated that there was an open house in January of this year where all the residents were invited to come and see the maps and information provided and make comments. He stated that comments were made and that is how were heard of the requested changes prior to tonight's meeting. He stated that they got a lot of flack on several issues and that is what Ms. Leis spoke to tonight. Mr. Bryant asked everyone to raise their hands on whether they were here tonight concerning the scenic river corridor land use designation. He stated that they were not going to change it.

Ms. Leis stated that there were a lot of scare tactics used prior to this meeting. She stated that if anyone has any questions ever to please call the township and talk to someone and that the board is here for them. She stated that she believes that there was a lot of false information being spread and that people tried to scare you. Ms. Leis stated that there no volunteers on the committee that was self-serving. She stated that the committee members volunteered and we accepted anyone who wanted to volunteer. She asked that the next time anyone receives a flyer to please call us. She stated that they always try and do what is best for the community. She stated that the committee members do not always live in the areas where there are questions and may or may not understand them.

Mr. Beck stated that the proposed map that was brought to the board for tonight's meeting is a concept and is subject to change because it is not set in stone. He stated that is just the committee looking at potential usages for different parts of the township. He stated that those decisions are based on information from the last 5 to 10 years of how the township has been growing. Mr. Beck stated that everyone here has elected us to represent the township and they are here tonight to hear the concerns. He stated that the only comments he has heard so far prior to tonight concerns the scenic river corridor and the parcels the abut Montgomery Trace and that people said no to those ideas.

Ms. Leis asked if there was anyone here tonight concerned about the Montgomery Trace subdivision. She stated that they are not going to change that either.

Mr. Donald Trisdale, Riveroaks Subdivision, stated that he lives two lots over from the Castle property and wanted to know why he just found out now a week before this meeting. He stated that it seems to him that this is important and people who it would be affecting should know. He stated that he missed the open house and learned about it from another property owner who does not live in their subdivision. He stated that the change was not well defined and there was no definition provided for the change and what it would even mean if the change went through. He stated that they were totally in the dark. He stated that it is a nice quiet area and they do not need a bar in their subdivision. He stated that he felt nothing good can come from this change. He stated that something needs to change about the communication line and residents need to be informed. He also does not want someone to come in and take out the trees.

Ms. Leis stated that we do send out emails to the HOA's and that they should have received an email from the HOA letting you know.

Mr. Steve Johns, Hamilton County Regional Planning Commission stated that they were hired by Symmes Township to develop a proposed land use map for the township. He stated that a Land Use Plan is a plan because things change. He cited a recent example of how drive-in theaters are making a comeback. He stated that there have been changes occurring in all areas due to the changes in retail and how many people are now shopping online and getting their packages delivered instead of shopping in the community. He stated that they looked at the entire township and most of it was to clean up and match the existing land use categories to what the zoning map currently shows. He stated that they did make some recommendations where the maps did not match the zoning.

He stated that the committee met on September 10, October 15, November 19, January 13 (open house) and May 6 (reviewed changes from open house). He stated that there are three maps available for Symmes – north, south, and middle. He stated that some of the changes in the maps were also cleaning up the land use lines on the old map to match the actual property lines on the new proposed map. Mr. Johns went through the changes.

- Loveland Madeira Road area – matched property lines to all of the areas behind the retail that were classified as industrial; expanded utility classification around the wastewater treatment plant that is owned by the county; there is a small area of retail that was expanded near Hopewell.
- State Route 126 Glendale Milford Road area – matched property lines to zoning map in the Remington area.
- North portion of township – areas along Union Cemetery Road that were classified as office uses and are being used for commercial; near Governors Way there were many different land uses and most parcels are zoned and being used for offices; Snyder Road area just north of the interstate was changed from residential to general office use; Kemper Road area classified as retail and is being used for office.
- Camp Dennison area – area in ROW was classified as Retail should be public use; intersection of Lincoln and Glendale Milford Road there are 2 parcels currently being used for retail uses and we recommended that all four corner parcels be classified as retail; there is a parcel in Camp that the Daughters of the American Revolution owns and we recommend that this parcel be changed to public/semi-public.

Donald Trisdale asked if the changes that were made going to come back up every five years?

Ms. Leis stated that this a land use plan and this is supposed to be what we think the direction the township is moving in. It is recommended that we do these every 5 years and we are already 6 years behind. She stated that we will appoint another committee and they will make recommendations in another 5 years. She stated that there may be different people in the process next time.

Mr. Bryan Snyder explained the difference between the Land Use Plan and the Zoning Maps and how the zone change process works.

Ms. Leis stated that no one from the Castle approached the township or initiated any changes. She stated that the committee recommended this change on the map.

Mr. Trisdale asked about the extension of Willow Road going down into the castle. Mr. Bryant stated that no one is extending Willow Road. Mr. Snyder stated that Willow Road is a paper street that extends down to the castle but that is not part of the land use map. Mr. Snyder stated

that this is how that road exists now when it was platted. He stated that if any road were extended it would have to come back before the trustees, zoning and/or Planning Commission to get approval.

Mr. Mark Leguillon, 9355 McKinney Road stated that he could not find the maps on our website on July 4<sup>th</sup> at 9:00 am or the resolution that goes along with the maps. Mrs. Lapensee stated that the old map from 2009 and the new proposed map from 2020 are posted on Hamilton County's website and there is a link on our website to get to it. Mr. Leguillon asked about the resolution and Mrs. Lapensee stated that the resolution is not posted yet. He asked about the proposed changes and said that it is very difficult to compare the two maps side by side. He stated that he understands that we had the committee go through and update the map. He stated that he understands from Ms. Leis that the board is throwing out those areas designated for scenic river corridor and transitional on Montgomery Road before we are even hearing from residents who may be in support of it. He stated that they are saying that they are throwing out certain areas when they have only heard the negative side. He stated that this is not a rightful thing to do no matter what side you are on.

Ms. Leis stated that she talked to many people on the phone and received multiple emails and she feels that they have a good sense of what the community wants.

Mr. Leguillon asked that if the board is throwing out a good portion of what the committee is recommending, then how good is the recommendation to begin with?

Mr. Beck stated that the recommendation for the Land Use Plan is for the entire township and Steve summarized that most of the changes are how those properties are being used vs what the maps adopted from 2009 show. He stated that there are only two pockets that they are recommending be eliminated from consideration. Mr. Leguillon stated that he believes that we did a poor job and if we listen to Hamilton County's timeline, the map has only been posted for how long? Mr. Johns stated that the map has been posted many times and there have been many changes to it, but the final map was posted after the last Land Use Committee meeting in May. Mr. Leguillon stated so the public had no way of viewing the final map until late May? Mr. Johns stated that the map was posted after the open house in January and changes were made after the meeting in the last meeting in May.

Linda Bennet, Montgomery Trace Subdivision, asked the board to clarify which parcels they are not going to change. Mr. Snyder stated that there are two parcels on Montgomery Road and two parcels on Mason Montgomery Road that back up to Montgomery Trace. Ms. Leis stated that there are no changes being made to those 4 parcels and they will stay residential.

Lori Hayes, Montgomery Trace, stated that the parcel on Montgomery Road is now for sale. She stated that the marketing on that parcel is saying that the zoning could be changed, etc. She stated that the property owner has taken down a lot of the trees and now there is a view from Montgomery Road. She asked what this could mean. Ms. Leis stated that the property is now zoned residential and they would have to go through the zone change process to change it to anything else other than residential. Ms. Hayes asked how hard that would be to change it. Mr. Snyder explained the zone change process. He stated that the application process takes about 6-months to complete and you would have to go before the Hamilton County Regional Planning Commission, the Symmes Township Zoning Commission and then the Trustees. Ms. Hayes asked if there were public hearings. Mr. Snyder stated yes, there are two – one with the Zoning Commission and one with the Trustees. He stated that the beginning of the process there is an informational meeting and everyone within 200 feet is notified. Mr. Snyder stated that state law only requires the adjacent property owners to be notified and the township goes above and beyond and sends notices to everyone within 200 feet. Ms. Hayes stated that a lot of people in the neighborhood were concerned that changing it to transitional would make it easier to go to commercial. Mr. Snyder stated that the mixed-use transitional category means that it could be used either for higher density residential or a small-scale office development. He stated that the whole logic behind changing it to transitional is because of its location on Montgomery Road it would be hard to use it for residential and that is why the real estate agent for that property is marketing it for something else. He stated that real estate agents can market property for whatever they want to market it for. Mr. Snyder stated that it specifically excludes retail or commercial uses.

Keith Doff, Riveroaks community, stated that he appreciates us and the committee looking at the community and proposing different uses. He stated that he understands that things change over time and how it best can be used for development. He stated that he would be in support of the Scenic River Corridor land use because he supports walkable communities and thinks it will drive up the interest in this area which will keep property values up. He stated that if you look at communities such as Hyde Park, their property values have gone up because they have created mixed-use communities.

Teresa Babcock, Riveroaks, stated that she appreciates all the information that has been circulated and wants everyone to be notified. She stated that she believes that all residents should be notified of any changes. She stated that when it was mentioned earlier that there were scare tactics, she stated that she does not agree with that. She stated that there are people who stay informed and involved and she appreciates any notifications that she can get, and it was very helpful. Ms. Leis stated that what she was saying that some of the information was just wrong that was put out there. Ms. Babcock stated that it may have been wrong, but it got people to come to the meeting.

CJ Carr, 10403 Willow Drive, stated that he thought we were going to have a presentation of what all the changes would be, and no one seems to know what those changes are. He stated that Bryan said that the maps were posted in January; however, when he asked about the maps in May/June in an email, it was conveyed to him that the maps had not yet been posted. He stated that the maps were updated on June 25th. He asked how we are having this meeting without updated maps being out there on the website that contained an update. He held up a map that was dated June 29<sup>th</sup> that had been posted on the county's website. He stated that it contained the updated map after he questioned an area around the Castle. He asked how they were supposed to know which map was the correct map, what properties are being changed. He stated that he has requested documentation on a list of addresses and parcel numbers trying to get an updated map. He stated that no one has a list of the parcels being changed. He stated that he asked for a copy of the application that is being submitted to the county for the Land Use Map amendments. He stated that there is no application. He stated that he asked for definitions to go along with these Land Use categories and Mr. Johns did send him the definitions including the scenic river corridor one. He stated that there is no zoning classification for scenic river corridor. He stated that there are no guidelines of what it can or cannot consist of and could be anything. He stated that it is all vague and open to interpretation. He stated that he went to Hamilton County's website and printed an application for the Land Use changes and the application asked for parcel numbers and addresses. He stated that he would think that if we are going to vote on a resolution to change the map, somebody should know what you are voting on besides inaccurate and outdated maps. He stated that in the packet there is a definition sheet and it does not include a scenic river corridor definition. He stated that he was told it came from Anderson Township but knows that the township has not adopted this land use designation. He asked how we as residents supposed to digest the information if we do not know what is real or not.

He stated that he felt that all property owners should have the right to know their parcels are being changed and no one was notified. He mentioned that a prospective landowner attended a land use meeting to ask about changing the land use category for a parcel of land that he was interested in from residential to office. He stated that minutes reflected another statement that the office classification was not going to work so he would need something else. He asked if these were open meetings now to where perspective buyers could enter the meeting and ask for their parcels to be changed to what they want? He stated that he knows that the Land Use map is not zoning, but it is the first step in the process.

He stated that he is confused about what areas on the map that are being changed. He stated that he did not like how the maps were printed and referred to a map from May. He also referred to the proposed changes on the land use map for 2020 that has been inserted into the 2009 Master Plan. He said that those northern maps are wrong where the Castle property is shown (shown in

white). Mr. Johns stated that it was a printing issue with the map on the website but the map at the open house was correct.

He stated that he asked about the guidelines on how the parcels were chosen to be reviewed. He stated that he was told that there were no guidelines. Mr. Snyder stated that this was inaccurate. He stated that during their phone conversation he told Mr. Carr that professional planners look at a land use plan and look at properties that we think the committee should look at it is based on the principles of land use planning which includes the step down of intensities and the defensibility of the current land use plan for properties, etc. the Land Use committee is made up of volunteers from the community and they decide whether or not they agree with our recommendations. He stated that they ask us questions during these meetings, and we do more research. He stated that the committee comes up with recommendations. Ms. Leis asked how many times he has done this planning process before. Mr. Snyder stated at least 15 times and they all involve most of the township's in Hamilton County.

He stated that he asked for information regarding the resolution and it was not sent to him in a timely manner and was not happy with receiving black and white scans of the maps. He asked about the information needed for the application to Hamilton County. Mr. Snyder stated that the application he is referring to is not the correct application and they are doing a land use update, not a land use change. Mr. Snyder stated that every township adopts their own land use plan and can adopt as many or as few land use categories as they want. He said that the definitions on their page is just for Hamilton County. He stated that you will not find a zoning category that complies with every land use category; they all vary. He stated that land use is not zoning. He stated that right now there are 10 land use categories and none of them exactly match the zoning classifications in our resolution. He stated that even if the township adopted a land use category for the scenic river corridor, it would not affect zoning and a new classification would not need to be created.

He stated that he felt the people who were placed on the committee to review the land use should not have been picked and that it was conflict of interest for all of them because they were already members of the BZA and Zoning Commission. He stated that he thinks it is a conflict of interest for those members to be on the land use committee. He stated it may taint the zone change process.

He stated that he tried to get the information necessary prior to this meeting and he feels that he did not receive it in a timely manner. He stated that the Administrator scanned a document on the Thursday before a holiday but did not receive it until Monday because the township was having scanning issues with the copier. Mrs. Lapensee explained that she scanned over a hundred pages for the packet just before trying to scan the resolution with attachments and the system was not

done thinking. She stated that she had to leave early on Thursday and was unable to finish the request until she returned to work the following Monday.

Mr. Carr wanted to know if there was a general email response that gets send out to respond to emails from the community. Ms. Leis stated that she did send out a general email because she was getting the same question repeatedly with the same exact wording and she responded appropriately. Ms. Leis stated that she has also called people as well responding to their questions about the Land Use Plan. She stated that she and the administrator met with residents from Montgomery Trace as far back as January in response to the open house. Mr. Carr wanted to know why the same identical email was sent out by two different trustees. Ms. Leis and Mr. Beck stated that they wanted to make sure they were sending out the same message to everyone who asked, and they copied all parties (administrator and remaining trustees).

He wondered if this could all still legally proceed with all the misinformation that is here tonight because he does not think it should be done tonight. He stated that this has been a jumbled mess and thinks it should be postponed.

Mr. Trisdale asked when the map would be changed and when they could see it. Mr. Johns stated that they would make the changes to the map before Regional Planning Commission sees it. He stated that they meet the first Thursday of every month and that they need two weeks to review the information prior to the meeting.

Carol Sims, 9972 Washington Street, stated that she had some questions. She stated that we mentioned that Union Cemetery was going from office to retail, she asked if that was general retail or neighborhood retail. Mr. Johns stated general retail. Ms. Sims asked why general and not neighborhood. Mr. Johns stated that it was part of the larger retail area for Governors Way which is at the intersection of Fields Ertel and Union Cemetery Roads. Ms. Sims stated that in the past Symmes Township has always been identified as neighborhood retail instead of general because general leads to bigger shopping centers. Mr. Snyder stated that all the properties along Montgomery Road and Fields Ertel Road have always been general retail due to their location. She asked what the change is on Governors Way. Mr. Johns stated that there is an open space parcel near Governors Way and Union Cemetery. Mr. Snyder stated that the land use lines did not match the parcel lines and were moved accordingly to reflect retail vs open space. She stated that her biggest question was the changes to Camp Dennison. Mr. Johns stated that where the pink sliver area on the map (Ms. Sims referred to as the concrete plant) is ROW and was changed to public/semi-public because it is owned by the public. Ms. Sims asked about the other parcel that is owned by the DOAR. Mr. Johns stated that it was residential and has been changed to public/semi-public. She asked about the other change, that not many of the residents know about, the 4-corners at Lincoln and SR126 to retail. She asked if that was neighborhood retail

and what is the logic behind that. Mr. Johns stated yes. Mr. Snyder stated that the entire area is already zoned retail (Lincoln to Ulrich). Ms. Sims stated that at the last Land Use Meeting, the residents of Camp Dennison made it clear that they did not want retail because it is smack in the middle of a residential area. She stated that currently, the old post office is being used for retail, the house next door is being used for a home office, the house across the street is brand new, the other corner is being used by an Indian Hill resident to store their cars and the other corner is a house. She asked why they would make that retail? Mr. Johns stated because some residents want a walkable community that has mixed uses. Mr. Snyder stated that it has always been zoned retail. Ms. Sims stated that they do not want any retail in Camp Dennison. She stated that had she known that this was still included, she could have filled up the entire room with people objecting. She stated that the minutes do not mention anything about the retail area, only the concrete plant and the DOAR. Ms. Sims asked Ms. Leis if she talked to any of the Camp Dennison residents like she did Montgomery Trace. Ms. Leis stated that Montgomery Trace residents approached her. Mr. Snyder stated that this map was presented at the open house in January and they could have found that information out then when it was presented. Ms. Sims stated that the land use map should guide zoning, not the other way around and a proposed development should not influence the land use map either. She stated that by adopting this plan as proposed, they are acknowledging that this is the direction that they want this township to go to. She stated that it should be based on what the residents want and not their desires for future economic development. She stated that Symmes has always been a major residential area and we have always been proud that we do not have the major retail areas that Sycamore Township does. She stated that green space has always been important to the residents. She stated that she hopes the board sees all those wonderful characteristics that Symmes has and tries to preserve it. She stated that putting retail in the middle of a residential area is not preserving those characteristics. Ms. Sims stated that she is concerned about a comment made in the minutes about wanting the maps to be easier for redevelopment purposes than preserving the quality of life for the residents. She stated that the board have already received a request to table this information until further review by the residents can be made. She mentioned that the open meetings act addresses that now is not the time to enact regulatory legislation during this COVID period. Ms. Sims stated that if it is the boards intent to pass legislation tonight, then she wants a certified copy of the resolution for referendum purposes.

Mr. Bryant stated that he is concerned about the tainted process and time frame and would like to step back from all of this. He stated that we should not change our master plan just because we changed our land use map. He stated that he wants more time to review the map.

Mr. Trisdale asked him to clarify what he is saying.

Mr. Bryant stated that the board agrees with them on removing the Scenic River Corridor land use designation from the definitions and the Castle will remain residential. He stated that the board agrees on removing the transitional land use category from the 4-residential properties on Montgomery Road and Mason Montgomery Road – they will remain residential. He stated that there are other issues that have been brought up tonight that they want to look at.

Mr. Leguillon, 9335 McKinney, stated that he wants us to suspend any hearings and any voting on resolutions and wants everyone to speak on their issues. He stated that he understands that the BZA must continue to meet. He stated that many of the residents do not feel comfortable to come out and speak.

Ms. Leis closed the public hearing at 8:32 p.m.

Mr. Bryant made a motion to move up Resolution G2020-58 to discuss it now. Mr. Beck seconded the motion. The roll call vote was as follows: Mr. Beck - 'aye', Ms. Leis - 'aye' and Mr. Bryant - 'aye'. Motion passes.

Mr. Bryant made a motion to table Resolution G2020-58 until we can review it more thoroughly. Ms. Leis seconded the motion. Mr. Beck stated that he wanted to thank everyone for their input. The roll call vote was as follows: Mr. Beck - 'aye', Ms. Leis - 'aye' and Mr. Bryant - 'aye'. Motion passes.

Ms. Leis stated that we will schedule this later in the year and we will post it on our electronic newsletter, regular newsletter, website, Facebook, advertise and send it to the HOA's. Ms. Leis apologizes that everyone did not see it but we have been moving this process since April of last year. She stated that this committee was made up of volunteers and we always need people helping the township.

#### APPROVAL OF DISBURSEMENTS

Ms. Leis made a motion to approve the warrants from 77803 – 78003 in the amount of \$840,208.70 from June. Mr. Beck seconded the motion.

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

#### REPORTS

KEVIN MCDONOUGH, LAW DIRECTOR - None.

LIEUTENANT TORY SMITH, HAMILTON COUNTY SHERIFF'S DEPT – Mr. Smith indicated that based on the governor's update for COVID19, the Sheriff's Office may be going back to a limited response plan. He stated that there were no major issues to report concerning the fireworks. He stated that he will have the reports for June here shortly. He also introduced Lieutenant Mike Tarr who will be taking Mr. Smith's place because he has been promoted to Captain. Ms. Leis welcomed Mr. Tarr.

DEP. CHIEF MIKE BOOKS, LSF D - Chief Books reported that the board has his written reports and that the June reports will be out soon.

BILL PITMAN, DIRECTOR OF PUBLIC WORKS - None.

COMMITTEE – None.

OTHER – Ms. Leis stated that the parks usage has increased 80% since COVID19 and that she wanted to thank all the employees for a great job and keeping the parks clean.

#### CORRESPONDENCE

Attached to the packet.

#### EVENTS/MEETINGS

- Zoning Commission Meeting – July 15, 2020 at 7:00 p.m. at the Safety Services Center.
- Finance Committee Meeting – July 29, 2020 at 6:00 p.m. via zoom.
- Board of Zoning Appeals Meeting – Monday, August 3, 2020 at 7:00 p.m. at the Safety Services Center.
- Regular Trustees Meeting – Tuesday, August 4, 2020 at 7:00 p.m. at the Safety Services Center.
- Yappy Hour – Wednesday, August 5, 2020 at 6:30 p.m.
- Clean-up Day – Saturday, August 15, 2020 from 9 until 3 pm. at HOB.
- Yoga – Wednesday and Saturdays at Hopewell Meadows.

Mr. Bryant stated that he noticed that we have meetings scheduled for the Safety Services Center. He wondered why. Mrs. Lapensee stated that was so that we could spread out. She asked the board if they wanted to go back to zoom meetings? Ms. Leis asked if we could fix the internet issues.

#### OLD BUSINESS

Ms. Leis made a motion to approve Resolution G2020-44, a resolution revising Symmes Township Personnel Policy Manual Article II Conditions of Employment. Mr. Beck seconded the motion. Discussion continued.

Mrs. Lapensee stated that this was tabled from the last meeting. She stated that Mr. Bryant wanted additional time to review it. Mr. Bryant stated that he has been delinquent and did review this material like he said he would. Ms. Leis made a motion to table Resolution G2020-44. Mr. Bryant seconded the motion. The roll call vote was as follows: Mr. Beck - 'aye', Ms. Leis - 'aye' and Mr. Bryant - 'aye'. Motion passes.

### HEARING OF RESIDENTS

Carol Sims, 9972 Washington Street, stated that all public records shall be promptly prepared and made available for inspection for anyone at all reasonable times during normal regular business hours. She stated that it has been mentioned previously that any aggrieved person may make action to obtain judgement against the public agency to comply. She stated that on January 25, 2019 which was received by the board of February 1, 2019 with a follow up September 25, 2019 which was received by the board on October 1, 2019 and again on February 18, 2020 in an email the following request was made: all types of communications, emails, memos, letters, text messages, etc. that stem from the Township Administrator to and from Jodie Leis, Phil Beck and Ken Bryant for the following time period – October 18, 2018 to December 31, 2018; January 19, 2017 to May 15, 2017; March 13, 2018 to August 17, 2018. She stated that she has had no response and wants an update to her request. Mr. McDonough asked if Mrs. Sims was bringing an action against the board. Ms. Sims stated that she is just asking a question. Mr. McDonough advised the board not to answer any questions regarding this public records request at this point. She stated that there was a text message string regarding a resident's memorial tree. She stated that she requested a copy of that text message in April of 2017 which has not been provided and has been requested on several other occasions. She stated that this text message string existed because it was shown to her by Mr. Bryant. The message included a topic which should have been handled in open session and contained the message that "I have one vote for and one vote against and you are the deciding vote". She stated that this was acknowledged by Mr. Bryant in an email in which he stated that he had a discussion with her about how that was not proper. She wanted to know why this text message has not been provided to her. Mr. McDonough advised the board and the administrator not to answer the question. Ms. Sims stated that several requests were sent in February asking for time sheets that staff was unwilling to provide. She stated that she made a formal request asking for this information on February 18 and requested any correspondence between the administrator and the trustees from February 13 to February 18, 2020. She stated that the board was aware that the administrator refused to provide the information to her and did nothing to make her provide it. Mr. McDonough advised the board and the administrator not to answer the question.

Ms. Sims stated that she wants an explanation of the dismissal of Lawanda Willis from township employment. She stated that Ms. Willis spoke with Mr. Bryant on many occasions while she was still working for the township concerning issues she was having with the township. She stated that this ended when Mr. Beck became board president in 2019. She stated that Ms. Willis asked via email to have a meeting with him and the administrator over issues she had outlines in previous messages. Ms. Sims stated that she was aware that Ms. Willis was talking to Mr. Bryant but did not know what issues were brought up or the solutions. She stated that it was very evident that she was treated different and separate from the other employees. She stated that Ms. Willis reached out to Mr. Bryant in January of 2019 and he did not respond. She stated that Ms. Willis then

reached out to Mr. Beck and he responded by saying that Ms. Willis worked for the Fiscal Officer instead of the board of trustees per Section 507 of the ORC. She stated that these issues surrounded the harassment of her by staff and the administrator. She stated that on March 6, 2020 she received an email from the Law Director stating that the board had offered Ms. Willis a severance package and that Ms. Willis accepted the package and that her last day of employment was March 5, 2020. Ms. Sims asked when this was discussed in open session and when was it decided to offer her a severance package. She stated that this package was given to Ms. Willis in early February by the Administrator while she was out of the office and told she had to sign it. She stated that there is nothing in the minutes until April where a resolution was passed giving her the package. Mr. McDonough advised the board and the administrator not to answer the question. Mr. McDonough stated that the ORC does give the Fiscal Officer the authority to hire an assistant. Ms. Sims interrupted the answer and Mr. McDonough stated again that he does not advise his clients to answer any questions pertaining to an employee.

Ms. Sims asked what happened to her COBRA payment she made to the township for coverage in which she claims she paid \$707.05 for medical, dental and life insurance for the month of April. She stated that she received a letter from Medical Mutual stating that her insurance ended March 31, 2020. She asked if she was covered for April. She asked the board to provide proof that she covered, if not please refund her payment.

Mark Leguillon, 9355 McKinney Road stated that he wanted to apologize for his early statements in the public hearing for the Land Use Plan.

#### NEW BUSINESS

Ms. Leis asked for discussion concerning Clean-Up Day, the scheduled cross-country race at HOB, Fall Festival and the use of the admin and safety center buildings for meetings. Mrs. Lapensee asked the board if they wanted to keep, move or cancel clean-up day in August, continue to allow the school to have their race at HOB over Labor Day weekend, hold Fall Festival in October and allow other organizations to use our buildings for their meetings? The board agreed to move Clean-Up Day to September and change the location to Home of the Brave, only allow the race to continue if the governor was allowing sports to move forward, cancel Fall Fest and just move the fall trail and decorations to Meade to allow people to enjoy the decorations for the fall months (September, October), keep the buildings closed to outside organization until COVID dwindles and move all meetings back to zoom. Mr. Grossi stated that we will continue to provide all the information in as many forms as we can.

There was a discussion concerning the land use maps and how we can better provide that information. Mrs. Lapensee stated that there is a link on our website to both sets of maps – 2009 and 2020 and the links have been there since January and all meetings were announced in all forms of communication we have with the residents.

Ms. Leis made a motion to not request a hearing for a liquor permit renewal for Kroger Limited Partnership, 11390 Montgomery Road, Cincinnati, Ohio 45249. Mr. Bryant 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 G2020-56, a Resolution Requesting Symmes Township's Share of Fund from Hamilton County Coronavirus Relief Distribution Funds Pursuant to the Cares Act. Mr. Beck seconded the motion. Discussion continued.

Mr. Bryant asked how much we are getting? Mrs. Lapensee stated that we will receive what they give us, which is the same formula as the Local Government Fund. She stated that we will have to create a separate fund for it. She stated that is only covers items related to coronavirus.

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 table Resolution G2020-57, a Resolution Approving the Submittal of the Annual Tax Budget for the Fiscal Year 2021 to the County Budget Commission. Mr. Beck seconded the motion. Discussion continued.

Mr. Bryant asked if this was the same budget we already reviewed with the finance committee. Mrs. Lapensee stated yes.

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

Ms. Leis made a motion to approve Resolution G2020-59, a Resolution Authorizing a Change Order in the Hearthstone Estates Sidewalk Project Contract for Fillmore Construction in the amount of \$2,500.00. Mr. Bryant seconded the motion. Discussion continued.

Mr. Bryant asked if this was the second amendment. Mrs. Lapensee stated yes, Mr. Pitman added sidewalks on one side to even it up with the other side.

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

Ms. Leis made a motion to approve Resolution G2020-60, a Resolution Authorizing the Township Administrator to Enter into an Agreement with Garland/DBS Inc. to replace the roof at the safety center in the amount of \$183,392.00. Mr. Beck seconded the motion. Discussion continued.

Ms. Leis asked why we had to replace it so soon. Mrs. Lapensee stated that it has been damaged and needs to be replaced. She stated that we had a company come out and do a fly over and they are recommending replacement instead of repairs. Mr. Beck asked what the warranty will be. Mrs. Lapensee stated 25 years. Ms. Leis asked what fund it would be coming from. Mrs. Lapensee stated that we have \$173,000 left over in the safety services building fund and the remaining \$9,600.00 will be taken from the safety services levy fund.

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

Ms. Leis made a motion to approve Resolution G2020-61, a Resolution Authorizing the Purchase of a Lucas Device with Warranty from Stryker in an amount not to exceed \$14,881.40 and a 4-year maintenance agreement in an amount not to exceed \$4,773.60. Mr. Beck seconded the motion. Discussion continued.

Mr. Bryant asked what happens at the end of 4-years. Chief Books stated that it would probably go to a year to year warranty and the price will go up. Mr. Grossi asked where this device will be placed. Mr. Books stated that they will put this on the Remington ambulance. Mrs. Lapensee stated that she mentioned earlier that we can use CARES ACT money to pay for this device and she will change the resolution to reflect that.

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

Ms. Leis made a motion to approve Resolution G2020-62, a Resolution Authorizing the Purchase of a Power Load Cot System with Warranty from Stryker in an amount not to exceed \$44,019.79 and installation in an amount not to exceed \$2,174.04. Mr. Bryant seconded the motion. Discussion continued.

Mr. Bryant asked if we already had one of these. Chief Books stated yes, this will be our second one.

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 G2020-63, a Resolution Authorizing the Township Administrator to Enter into an Agreement with Skeets Humphries Construction LLC. in the amount of \$14,752.00 to replace the bathroom sliding doors at Seven Gables Park with new Electronic Strike Doors. Mr. Beck seconded the motion. Discussion continued.

Mrs. Lapensee stated that this will be the second bathroom where we will replace the doors with electronic strike doors. She stated that there are currently roll up doors on this bathroom which will be removed and replaced with actual doors. She stated that once this bathroom is finished, it will become an all weather bathroom and we can remove the port-o-let. Mr. Bryant asked if there is a swipe card to access the bathroom. Mrs. Lapensee stated that these will be on a timer that shuts off after a certain time and the doors will lock (perhaps after 9:00 p.m.).

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 G2020-64, a Resolution Authorizing the Township Administrator to Enter into an Agreement with JK Meurer Corporation in the amount of \$15,805.00 to make repairs to the trail at Hopewell Meadows Park. Mr. Beck seconded the motion. Discussion continued.

Mr. Bryant asked if we were just repaving asphalt. Mrs. Lapensee stated that this is the section of the trail that is to the left side of the park that runs between the parking lot, around the shelter and along the fence. She stated that there are many tree roots that have caused the unevenness of the trail and why we need to grind it down and repave it. Mr. Bryant asked if are going to need to replace any of the other trails in other parks. Mrs. Lapensee stated yes, that we will need to start replacing sections of Symmes Park trail by the Deer Run shelter.

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 G2020-65, a Resolution Authorizing the Township Administrator to Purchase a new dump truck for the road department from Lebanon Ford in the amount not to exceed \$40,000.00 and outfit the truck from KE Rose in the amount not to exceed \$45,000.00. Mr. Bryant seconded the motion. Discussion continued.

Mr. Bryant asked if the cost is correct. Mrs. Lapensee stated yes, \$85,000 which includes the trade-in. She stated that this is a replacement for a small one-ton dump truck that is over 12 years old. Mr. Bryant asked how we use it. Mrs. Lapensee stated that we use it for many functions hence why we are paying for it with multiple funds. Mr. Beck asked if these replacements were on a regular schedule. Mrs. Lapensee stated yes. She said that the smaller trucks are replaced every 10 to 12 years and the larger ones every 12 to 14 years. She stated that it was supposed to be on our schedule for last year, but since it took forever to receive the larger dump truck, we put off the purchase of this truck. Mr. Bryant asked if we have any other trucks that we are going to need to order. Mrs. Lapensee stated yes, we will need to replace another large dump truck in 2021/2022.

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 the following amendments, expenditures, and authorization for the Township Administrator to sign any necessary contracts/agreement or paperwork:

- a. Amend: 18-A-02A Contracts from \$0.00 to \$173,692.68.
- b. Expenditure: \$4,807.00 American Firehouse Furniture (9) replacement mattresses for the fire stations.
- c. Expenditure: \$19,253.92 ICRC Cable Franchise Fees.
- d. Expenditure: \$4,979.00 Osterwisch Company to replace condensing unit at the Safety Center.
- e. Expenditure: \$3,600.86 Hamilton County Sheriff/Walt Sweeney to replace the transmission in car 94.

Minutes of REGULAR

Held Township Admin. Bldg.

July 7, 2020

Mr. Bryant seconded the motion.

Mr. Bryant asked what the line item is for the amendment. Mrs. Lapensee stated that we will need to appropriate money for the roof replacement because we had appropriated money in the Safety Services Levy instead of this fund.

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

### EXECUTIVE SESSION

None.

### ADJOURNMENT

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

Meeting adjourned at 9:43 p.m.

Approved:

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Jodie L. Leis, President

\_\_\_\_\_  
Kenneth N. Bryant, Vice-President

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Philip J. Beck, Trustee