
MINUTES OF SYMMES TOWNSHIP REGULAR MEETING

JUNE 4, 2019

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

Also present: Kim Lapensee - Administrator; Kevin McDonough - Law Director; Chief Ott Huber - LSFD; and Lieutenant Tory Smith - Hamilton County Sheriff's Department.

Mr. Bryant was absent.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mr. Beck made a motion to approve the Minutes of the special meeting from May 7, 2019 and the regular meeting from May 7, 2019. Ms. Leis seconded the motion.

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

FISCAL OFFICERS REPORT

Ms. Sims stated that the Trustees have the May month ending report before them and she did not close May out until this afternoon. Ms. Sims stated that there is three hundred and fifty-six thousand four hundred in the regular checking account and four million one hundred and seventy-six in the money market. In Huntington as of April 30 reflects an investment balance of seven million eight hundred ninety-six.

She stated that there will not be enough money in the Cemetery Fund and we will need to pay the rest of the salaries from the General Fund for 2019. She stated that the Fire/EMS/and Police Funds do not bring in enough money in each fund and therefore have to be supplemented through the Safety Services Levy Fund. She stated that each year the amount of money needed to supplement continues to increase. She stated that there will only be a balance of \$370,000.00 in the main road levy fund at the end of 2020. She stated that having that additional levy for salaries in the new Fund 11B has helped with salaries. She stated that we will only have \$106,500 dollars leftover in the park fund in 2020. She recommended that the Administrators capital list not be included in the budget for 2020.

Ms. Sims stated that last year the Trustees made a change in the policy regards to investments making it the Trustees decision to be involved with the investments. Back in October of last year she asked them how they wanted to handle a CD at Huntington that matured and she has not received a response. Ms. Sims stated that as she has been reporting over the last several months there is currently four million in the money market which should be better invested instead of this account.

Mr. Beck asked Ms. Sims what her recommendations? Ms. Sims stated that in the past what she did when they matured, she just had Huntington reinvest any of the mature investments. Her recommendation is to reinvest it for two or three years because of their cash flow they are ok. Mr. Beck stated that should they do a two to three-year CD. Ms. Sims advised she would have to ask Ted from Huntington Bank to see what he would recommend because the township is limited in what they can invest in.

Mr. Beck made a motion to approve the moving of one million from the matured CD into a two to three-year investment with Huntington. Ms. Leis seconded the motion.

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

Mr. Beck made a motion to approve the moving of two million from the current Money Market to Huntington for a short-term investment. Leis seconded the motion.

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

Mr. Beck stated that he wants to schedule a work session on Finance pertaining to credit cards, the OTAS System and payroll and warrants.

Ms. Sims stated she would have to check her schedule to see when she is available and she does not have her schedule with her. Mr. Beck asked her to pick some dates and let him know so they can set up a date.

Mr. Beck stated that they have had some recent correspondence about the Speedway Credit Card and he understands that there are some difficulties utilizing the card at Speedway to fill up not only Sheriff vehicles but also the public works and administration vehicles. Mr. Beck was wondering what was the cause of that and how do they get that fixed. Ms. Sims stated that in February she sent everyone a memo with her recommendation that the discontinue service with Speedway because their accounting errors. Ms. Sims stated that she would let Mr. Beck know tomorrow who he needs to talk to at Speedway to correct this situation.

PUBLIC HEARINGS

None.

PRESENTATIONS

Lauren Taylor - Census Bureau. Ms. Taylor stated she is a Partnership Specialist with the US Census Bureau specifically works within Hamilton and Clermont Counties. Her role is to be a liaison between Census and the local areas as they prepare for 2020. The US Constitution requires a census of the population every ten years and that is a count of all persons in the United States.

APPROVAL OF DISBURSEMENTS

Mr. Beck made a motion to approve the warrants 75137 to 75361 in the amount of \$663,996.41 for May. Ms. Leis seconded the motion.

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

REPORTS

KEVIN MCDONOUGH, LAW DIRECTOR stated that he looked into the Meade house pertaining to waivers. He stated he was asked to look into the Historical Society moving their items out of the Meade House. The insurance carrier advised the Township to get a release of liability signed before anyone goes into the house. Mr. McDonough stated that he can put together the release of liability when the time comes. Mr. Beck told Mr. McDonough to go ahead and prepare the release of liability.

Mr. Beck stated that he had Mrs. Lapensee send him the report for the Meade House and he recommends that we hire a structural engineer to recommend next steps to us for the work that needs to be done to the floor, etc. and how much money that will cost us. He stated that in his mind, we would have to fix the support structure of the house and we should design it to handle loads for the assembly use and then we can use the structure for anything. The design load for the floor would have to be 100lbs per sf. He stated that then we could work our way up vertically. He stated that we would need to balance the costs of repairs to the Meade House with the all the other projects we have going on at HOB. He asked Mrs. Lapensee to do an RFP for an engineering

estimate, a draft waiver for entering the building if the furniture needs to be moved out which it probably will need to for construction anyway. Mrs. Lapensee asked Mr. Beck to send her an RFP that he has used for his projects downtown.

LIEUTENANT TORY SMITH, HAMILTON COUNTY SHERIFF'S DEPT stated that he had no report and he will send the May stats to Mrs. Lapensee.

CHIEF OTT HUBER stated that everyone should have his written report and that he handed out the reports for May. He asked that everyone be safe during summer events and reported that they had a near drowning in the township over the holiday weekend.

BILL PITMAN, DIRECTOR OF PUBLIC WORKS – Mrs. Lapensee reported that we have started the paving program for 2019 and that it should be wrapped up in the next few weeks.

COMMITTEE - None.

OTHER – Mr. Beck made a motion to reschedule the July Trustee meeting from July 2 to July 16 at 7 p.m. at the Administration Building. Ms. Leis seconded the motion.

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

Mrs. Lapensee stated that Ms. Sims needs to turn in the Tax Budget by June 15 and she had it on the agenda to do it at the July 2 meeting. When can they do it? Mr. Beck asked if they could do it when they have their training session. Ms. Sims stated that they could have a special meeting. She would have to walk it back to see when would be the last day they could schedule the meeting because of the notification.

Ms. Sims stated that she would like to talk to them about the budget. Ms. Sims stated that she is giving them this hand out to look over and see if they have any questions or concerns. These numbers do not include anything new that staff might have ear marked for 2020 because she wanted the Trustees to see where the anticipated ending balance where going to be before they started adding any additional items. The Trustees have before work sheets with the historical data that give them the 2019 appropriation and the 2020 budget with the ending balance for the major funds. The long sheets are lines items that corresponds with those sheets. Ms. Sims stated that she has a couple of notes, currently projected in 2020 there is not going to be enough money in the cemetery fund for the proposed expenditures, therefore she had to move eight thousand dollars in salaries from PERS back into the general fund. Depending on the amount of work done in the cemeteries, they might not even have to touch the eight thousand.

Ms. Sims stated that the Police, Fire and EMS funds continue to need assistance from the Safety Service Levy, especially the Fire and EMS funds. Ms. Sims had to move more of the contract to Safety Levy than in the past years and there are some proposed improvements for the Remington Fire Station that she also had to move the Safety Levy in order to make a black ending balance for the Fire and EMS Levies.

The Road Levy is currently only going to reflect three hundred seven thousand for resurfacing for next year because of the ending of the levy. But that amount could change depending on the expenditures in 2019.

HEARING OF RESIDENTS

Mr. Joe Grossi, 11982 Paulmeadows Drive asked if we were required to follow the Ohio Revised Code because Section 505.032 specifically states that the Township Administrator is responsible for doing the budget and providing a finance update to the board on the financial condition of the township. Ms. Sims stated that she is happy to turn it over, because it takes up a huge amount to time, but then she would have to turn over all the reports to Mrs. Lapensee to complete the task. She stated that her contract states that we work together on it. Mr. Grossi asked if that was contrary to the Ohio Revised Code? Ms. Sims stated that he would have to talk to the Board about that.

Mr. Grossi stated he only has document request Super America bills that are from this year and nothing earlier than that. He stated that from looking at those bills that the Fiscal Officer has made

monthly payments on time subtracting out the late fees, but he does not know where the late fees originate can Ms. Sims tell him? Ms. Sims stated that if he would stop by her office, she could provide him with the documentation for that. Ms. Sims stated that Super American had a glitch in their accounting system when they switched over to a new accounting system. Mr. Grossi asked what reason is Super America giving for declining the gas cards? Ms. Sims stated that it is tied in with the late fees and they are supposed to credit it. Ms. Sims stated there was one time on account for the Administrator, the check was not signed on time. Ms. Sims stated that Mr. Grossi needs to stop by her office so they can review this matter and she is not going to speak to him any further about this matter because she does not have the paper work with her. Mr. Grossi stated that she does not want to answer anything at the meetings.

Ms. Leis stated to Ms. Sims, that then she says the checks were not signed on time there is an issue. The Board back in the fall she agreed to a three-day sign period. If you have a bill due on a Thursday, she cannot expect the Trustees to come in two days before the bill is due and expect to get the bill paid on time. Ms. Sims stated that it is a shame that the Trustees need three-days to come in and sign checks. Ms. Leis stated that they all deserve to have three day because they work. Ms. Sims stated that Ms. Leis needs to relinquish that and let Mr. Bryant and Mr. Beck to sign the checks to have the checks released on time. Ms. Leis stated that she does do that and Ms. Sims need to be better at proposing the checks on time. Ms. Sims stated that what she asked for was to have some kind of recourse that if the three days are not met then what can she do. Ms. Sims stated that that was completely dropped from her policy and that is not her policy. Ms. Sims stated that she agreed to the three days and it is a shame that they have to have three days to sign checks. Ms. Sims stated that this conversation needs to end and the Board does not want to step up to the plate.

Mr. Beck stated that when she says that they don't want to step up to the plate, that is a personal attack on the Trustees. He stated that he takes that personally and that is absolutely inaccurate and false. Mr. Beck stated that they set up three-days as a reasonable time frame to get two out three Trustees signatures and if the third was not available, that Trustee would respond. Mr. Beck stated that he thinks over the past several months that they have had this policy, official or unofficial, there was one time that he is aware of that they did not get the three signatures in three days for whatever circumstance that was. That is all of the bigger schedule, you receive the invoice, white copy then the yellow copy, everything gets double check and approved, the warrant is processed, then it comes for signages and then it goes to the mail before it is late.

Ms. Sims stated that the time she is talking about is the time when Ms. Leis was out of town and she was not informed she was out of town. Ms. Leis stated that she still signed it within the three days. Ms. Sims disagreed with Ms. Leis.

Mr. Grossi stated that he has been spending hours and hours reading e-mail chains that he received through document request and in one of them he came across was an inquiry from the Administrator to the Fiscal Officer for records relatedly to the cemetery. In Resolution G2018-05 that the Board passed, in section three it states that the Board of Township Trustees hereby authorized and directs the Township Fiscal Officer to expend such funds and provide all records pertaining to the Cemetery Sexton to the Township Administrator. Mr. Grossi asked Ms. Sims if she had done that? Ms. Sims stated yes, the stuff that is consider not to be in the master file has been given to the Administrator. Mr. Gross stated that all stuff relating to the Cemetery has been moved out. Ms. Sims stated no, the cemetery stuff in the master file has not been forwarded over to them, it remains as part of the master file. Mr. Grossi asked Ms. Sims why has it not been forwarded. Ms. Sims stated that it is because it is part of the master file. Mr. Grossi stated that that is not what the Resolution says. Ms. Sims stated that she is sorry if he does not understand what the master filing system is. Mr. Grossi asked if she could explain it to him. Ms. Sims stated that it is part of the master filing system. Mr. Grossi stated that part of his problem is that he does not believe anything that Ms. Sims says. Ms. Sims stated that was fine. Ms. Sims stated that he is receiving incorrect or incomplete information. Ms. Sims stated that she is tired of Mr. Grossi making accusations based on incomplete and incorrect accusations. Mr. Grossi stated that he wants proof and she will never give proof. He stated that Ms. Sims always want him to come to his office to explain it to him but he wants her to explain it to him at the meetings. Mr. Grossi want to know what the Resolution means, was it just to make it assessible or their records supposed to be transferred?

Mr. Grossi stated that it is the contumacious atmosphere between the two buildings is evident in the e-mail chains that he has and Ms. Sims talk about no cooperation coming from this end when he read those e-mail chain, he sees a lot of no cooperation coming from her end. Ms. Sims stated that she hopes he is getting the whole e-mail chain because there has been situation where sections have been deleted out of e-mail chains. Mr. Grossi asked who. Ms. Sims stated that she can show him examples of a lot of where they have been deleted.

Mr. Grossi stated that when he read the e-mail that went out stating that the Administrator's gas card was declined, he called the Administrator and asked her what did Super America tell you when she called them. The Administrator told him that they will not talk to her because she is not on the account. Mr. Grossi stated that in the document that he has that the Trustees passed states the compliance officer can call and ask questions. Mr. Beck stated yes, Carol will be forwarding him the contact information for Speed Way and he will be calling them.

Mr. Grossi stated that he made a public document request on March 28 and April 9, can Ms. Sims tell him where they stand. He just received more of the documents that he requested in February yesterday. Ms. Sims stand that is the public request they were working in and when that is complete, she will start working on the other ones. Mr. Grossi asked her to give him a time frame when he would be receiving the copies of the public requests. Ms. Sims stated that she could not give him a time frame. Mr. Grossi asked Mr. McDonough what is his legal right? Mr. McDonough stated that it is a reasonable amount of time she has to respond. Ms. Sims stated that with the amount Mr. Grossi requested that is a reasonable amount of time.

Mr. Jim Meyer, 9347 McKinney Road, stated that after review ICR's video he cannot see where there was a discussion to end the property maintenance code and wondered if these discussions should be discussed in the public arena.

Mr. Beck stated that we have received more negative feedback than positive comments about adopting a property maintenance code. He stated that most HOA's police their own subdivisions. He stated that we started with the International Property Maintenance Code and whittled down the topics included. He stated that some of the areas covered in the IPMC are covered under other codes.

Mr. Meyer stated that he and other people would not be opposed to some items that are covered in the IPMC, but his biggest rub is not allowing parking in the grass. Mr. Meyer stated to is to board reaching in some areas and to vague in other areas in his opinion.

Mr. Beck stated that we have tried multiple forms of communication with the community and we try to communicate events and other items through the website, Facebook, newsletter, etc.

Mr. Mark Leguillon, 9355 McKinney Road, stated that he tallied up the number of folks who are for the Property Maintenance Code and those against. He stated that to date of the people he has talked to there have been 57 for it and 150 opposed to it. He stated that there still are people that he has talked to that know nothing about it or are uninformed. Mr. Leguillon asked Mr. Beck if the board planned on moving forward with adoption of the code.

Mr. Beck stated no, he does not plan on moving forward with the property maintenance code.

Mr. Leguillon stated that he has spent many hours reviewing the minutes from these meetings concerning the IPMC, and he says that the minutes do not accurately reflect the opposition.

Mr. Beck stated that is why they have it all televised so it is available to the public. Minutes cannot capture everything.

Mr. Leguillon asked if the board read the version 9 revised critically.

Mr. Beck stated that most of the areas already HOA's and the rest of the township will fall under stated codes and/or the zoning resolution.

CORRESPONDENCE

See Attached.

EVENTS/MEETINGS

- Yappy Hour – June 6, 2019 at 6:30 p.m. Symmes Park.
- Hazardous Household Waste Drop-off – Saturday, June 8, 2019 from 8 a.m. to 11:00 a.m. at Loveland High School.
- Trustees Work Session – June 11, 2019 at 6:00 p.m. to discuss sidewalks.
- Artworks Mural Project – June 18 – 27, 2019 from 9:30 to 11:30 a.m. at Home of the Brave (volunteers).
- Zoning Commission – Wednesday, June 19, 2019 at 7:00 p.m. at the Administration building.
- Firecracker Festival – Friday June 28 from 4:00 p.m. to 10:00 p.m. and Saturday, June 29, 2019 from 12:00 p.m. to 10:00 p.m. at Symmes Park.
- Board of Zoning Appeals – Monday, July 1, 2019 at 7:00 p.m. at the Administration building.
- Regular Trustees Meeting – Tuesday, July 2, 2019 at 7:00 p.m. at the Administration building.
- Offices closed for July 4th Holiday – Thursday, July 4, 2019.

OLD BUSINESS

None.

NEW BUSINESS

Mr. Beck made a motion to appoint Joe Grossi to the Finance and Audit Committee for the term June 4, 2019 to December 31, 2024 and appoint Pete Sayles as an alternate member to the Finance and Audit Committee. Ms. Leis seconded the motion. Discussion continued.

Ms. Sims asked why would they not flip those when Pete has twenty plus years in finance and audit, BSBA in accounting and has worked with internal audit.

Mr. Beck stated that they had three excellent candidates. As they always do during the interview process, they explain to the candidates that they keep their information on file and it is highly likely in the near future as people come off of different terms that they will be getting a call.

Ms. Sims asked if they were going to amend the resolution that establish the Finance Committee to create the alternate position? Mr. Beck stated yes.

Mr. Beck made a motion to amend the original resolution for the Finance & Audit Committee, which has seven regular members to add one alternate member. Ms. Leis seconded the motion.

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

The roll call vote (for the original motion to appoint members) was as follows: Ms. Leis - 'aye', Mr. Beck - 'aye'. Motion passes.

Mr. Beck made a motion to appoint Ralph Wolf, Jack Horvath, Byron Fowler, Jeff Reichman, Dima Almeniawi, Kim Lapensee and Phil Beck to the temporary Land Use Map Review Committee. Ms. Leis seconded the motion.

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

Mr. Beck made a motion to accept the donation of \$250.00 from Millenium Business Systems and \$100.00 from Keystone Hotel Group for the artworks mural project in Home of the Brave Park. Ms. Leis seconded the motion. The roll call vote was as follows: Ms. Leis - 'aye', Mr. Beck - 'aye'. Motion passes.

Mr. Beck made a motion to accept the donation of \$500.00 from Rumpke for the Sipping at Symmes Wine Tasting Event. Ms. Leis seconded the motion. The roll call vote was as follows: Mr. Beck - 'aye', and Ms. Leis - 'aye'. Motion carries.

Mr. Beck made a motion to appoint Bill Pitman Acting Township Administrator for the period of July 5th through July 13th. Ms. Leis seconded the motion. The roll call vote was as follows: Mr. Beck - 'aye', and Ms. Leis - 'aye'. Motion carries.

Mr. Beck made a motion to appoint/give to the County John Dowlin and Jodie Leis to the Community Reinvestment Housing Board. Mr. Bryant seconded the motion. The roll call vote was as follows: Ms. Leis - 'aye', Mr. Beck - 'aye'. Motion passes.

Mr. Beck asked for discussion on the credit card policy. Mrs. Lapensee stated that we already talked about it earlier and she will write up the necessary letters to send to the credit card companies so that we are in compliance with our policy and state law.

Mr. Beck made a motion to approve Resolution G2019-40, a resolution authorizing the creation of a facilities reservation form and adopting a policy and use agreement for the use of the rooms/buildings with Symmes Township. Ms. Leis seconded the motion. Discussion continued.

Mr. Beck asked that we remove the following:

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

Mr. Beck made a motion to approve Resolution G2019-41, a resolution providing for the declaration of nuisance for the property located at 12024 Snider Road and Authorizing all Necessary Steps for the abatement of the nuisance. Ms. Leis seconded the motion. The roll call vote was as follows: Ms. Leis - 'aye', Mr. Beck - 'aye'. Motion passes.

Mr. Beck made a motion to approve Resolution G2019-42, a resolution authoring the purchase of a LUCAS Device with a Warranty from Stryker in an amount not to exceed \$13,944.90. Ms. Leis seconded the motion. The roll call vote was as follows: Ms. Leis - 'aye', Mr. Beck - 'aye'. Motion passes.

Mr. Beck made a motion to approve the following expenditures and authorization for the Township Administrator to sign any necessary contracts/agreement or paperwork:

- a. Amend: 1-E-2 from \$1,000.00 to \$4,000.00.
- b. Expenditure: \$7,425.00 Diamond Quality Cleaning to clean the administration and public works buildings until the end of the year.
- c. Expenditure: \$3,773.00 Rich Vettel, LLC to crack seal tennis courts at Hopewell Meadows and basketball courts at Symmes Park.
- d. Expenditure/then and now \$350.00 Jones Fish for winter maintenance of fountain at HOB.
- e. Expenditure/then and now \$724.00 Osterwisch replacement parts for PM maintenance.
- f. Expenditure/then and now \$1,153.00 Duke Energy replacement light on Humphrey.
- g. Expenditure/then and now: \$1,763.53 Duke Energy replacement light on Montgomery Road.
- h. Amend: 1-A-19 from \$15,000 to \$15,580.00.
- i. Amend: 14-A-3D from \$105,500 to \$119,500.00.
- j. Amend: 1-B-8 from \$19,000 to \$28,600.00.

Ms. Leis seconded the motion. Discussion follows.

Ms. Sims questioned the Duke lighting expenses and stated that she felt that it needed to be approved by resolution only. Mrs. Lapensee stated that they were not adding any new lighting. All poles were moved by Duke and we are simply moving them back and upgrading the lights to LED to more efficient.

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

Minutes of REGULAR

Held Township Admin. Bldg.

June 4, 2019

HEARING FROM RESIDENTS

None.

EXECUTIVE SESSION

None.

ADJOURNMENT

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

Meeting adjourned at 9:28 p.m.

Approved:

Philip J. Beck, President

Jodie L. Leis, Vice-President

Kenneth N. Bryant, Trustee