
MINUTES OF SYMMES TOWNSHIP REGULAR MEETING

June 5, 2018

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

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

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Mr. Bryant made a motion to approve the Agenda. Mr. Beck seconded the motion. Motion passes.

APPROVAL OF MINUTES

Mr. Bryant made a motion to approve the Minutes of the work session meeting for April 25, 2018, regular meeting for May 1, 2018, and special meeting for May 22, 2018. Ms. Leis seconded the motion.

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

FISCAL OFFICERS REPORT

Ms. Sims handout out the monthly report for May and the list of current warrants.

Ms. Leis stated that she always believed in transparency for the Township banking. When the Township implemented the Ohio Check Book online, she thought it would give her the information that she wanted. It is just not enough information for her, so she does not want her signature automatically signed anymore. She wants to come in and review the checks and hand sign everything because she just wants to make sure that a lot of eyes are on the bills and she wants to make sure that they are doing what they need to do. Ms. Leis stated that she was also looking at the budget and she knows that they have a balance of nineteen million but she doesn't know how much they have in the checking or savings or how much is invested and/or in Bonds. She would like this information proved to her.

Ms. Leis advised that she did a Public Records Request on May 23rd and she knows that we have to respond to the request in three days. As of tonight she has not received any response. She would like some information on her Public Records Request.

Ms. Sims advised Ms. Leis that if she would like to, she can come in and sign the checks. There would have to be a change in the facsimile signature because she is group with Ken Bryant. She can also provide the information as to how much money is in the checking account and saving account.

Ms. Sims stated that as to her Public Records Request, she is still working on it. She stated that she has part of it ready for her. It was a large request. While they are on the topic of Public Records Request, she had put in a Public Records Request to the Township Administrator on May 7th which was a follow up to two requests that she made in April. Also, there was a Public Records Request back in 2017 that she requested from anyone who had any information regarding an issue dealing with ornaments on park trees and she is aware that there was a text message that was not provide as part of the Public Records Request.

Ms. Sims stated that she would suggest that instead of her being the one who is responsible to go into the Public Request Seminars that the other three elected officials attend that seminar so they can become more aware of what is involved.

Mr. Bryant stated that as for Ms. Leis Public Records Request, he thinks the procedure calls for an acknowledgement to that request in 72 hours, not necessarily all of the information.

Ms. Sims stated that this was an e-mail coming from the Township Administrator informing her that Ms. Leis would like that information it did not come directly from Ms. Leis.

Mr. Bryant stated is that a problem?

Ms. Leis stated that it was still a form of a Public Records Request.

Ms. Sims stated that yes; it was a Public Records Request.

Mr. Bryant stated that if his signature is on the same stamp as Ms. Leis, he is willing for that not to be used and he will review the checks also.

Ms. Sims asked Mr. Beck do you also want to come in and review the checks.

Mr. Beck asked when they would be doing that, because he has to think about the logistics.

Ms. Sims advised that she was cutting checks up to 2 p.m. today.

Mr. Beck stated that he works Downtown.

Ms. Sims stated that he could come in early or sign after the meeting.

Mr. Beck stated that he could do that but what if he had questions. He stated that those are his concerns.

Ms. Leis stated that they need to be given more time to review the checks.

Mr. Bryant stated that once the checks are cut they could be reviewed by them. The checks do not have to go out the same day as they are cut. We would have to be notified that they are available for our review and be able to turn them in three days.

PRESENTATIONS

Judge Marilyn Zayas – Hamilton County Court of Appeals. Judge Zayas thanked everyone for allowing her to come speak to the Board and visitors tonight. She spoke about her background and what lead her to Cincinnati to start her career in the 1980's. She stated that she is originally from New York City and went to school to get her undergraduate degree in Electrical Engineering which lead her to her first job at Proctor and Gamble where she stayed for 6 years before going to Law School. Judge Zayas went over the structure of the courts and how they work in Hamilton County and then gave some background on programs which she is involved with through the courts that is near to her heart. The Board thanked her for attending the meeting.

PUBLIC HEARINGS

None.

APPROVAL OF DISBURSEMENTS

Receipts 72410 - 72686 totaling \$839,857.67 were read and approved for payment by Mr. Bryant and seconded by Mr. Beck. Ms. Leis asked if there were any late fees or finance charges with any of the bills that need to be approved. Ms. Sims stated that she did not know. Ms. Leis stated that she will abstain from voting. Motion passes.

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

REPORTS

KEVIN MCDONOUGH, LAW DIRECTOR had no report at this time.

LIEUTENANT TORY SMITH had no report at this time. He did introduce his new supervisor Major Bill Rarrick who will now be in charge of the road patrol for the county. Mr. Rarrick thanked everyone and stated that he was glad to be here tonight. He also stated that he is a military veteran and started his career with the Sheriff's Office with Corrections, then moved to Patrol which lead him to the Criminal Investigations Division. He was then assigned to a task force in OTR, took a position in Anderson Township on the road, then became a sergeant of the criminal investigations which led to a promotion to Lieutenant with Internal Affairs. He stated that his last assignment was with the Organized Crime Division and now will be serving as a Major over the road patrol.

CHIEF OTT HUBER stated that the Board has his written report for their review.

BILL PITMAN, DIRECTOR OF PUBLIC WORKS was absent.

OTHER – Ms. Leis thanked everyone for attending the Memorial Day service and thanked the staff for making everything come together. Mr. Beck passed off his thanks to the staff, public works and administration for the tremendous job coordinating the May 25th Salute to Veterans. He also stated that there will be a USO event on June 14th (flag day) at 6:00 p.m. at the Hamilton County Memorial Hall.

COMMITTEE – Ms. Sims stated that there was a Finance Committee meeting on May 14th and the committee talked about adding revenue for the road department. She stated that they went through the various levy options and landed at a recommendation of a .4-mill levy for a 7-year term. She stated that the committee also recommended that this levy ballot language stated that it will be for general maintenance of the roads/sidewalks which include salaries and benefits for the employees.

HEARING FROM RESIDENTS

Larry Rich, 11953 Foxgate Way, stated that he is Vice President of the Historical Society and would like to go over his proposal for the Meade property. He read the letter aloud which stated that the Historical Society would like to use the Meade house as an office for their group, to continue to hold their monthly meetings there, as well as a place to display many items collected or donated which includes a display of a collection of original 1920's dresses and other clothing and a display of a Spanish American War winter coat. He stated that the Historical Society is also interested in starting new programs such as Lunch and Learns about local history, Mother and Daughter Teas and Back in History events which have been a success at other locations. He stated that the front room was once the late Dr. Meade's office and an effort would be made to recreate it as well as restore a bedroom with period furnishings. Mr. Rich also stated that the Meade House was listed in the State of Registry of Archaeological and Historic Landmarks by the Ohio Historical Society which is designed to increase recognition and protection for significant archaeological and historic sites. He stated that any land that is placed on the state registry cannot be demolished, improved, removed or otherwise destroyed.

Ms. Leis stated that they will take this under advisement.

CORRESPONDENCE

See Attached.

EVENTS AND MEETINGS

- Yappy Hour – Thursday, June 7, 2018 from 6:30 to 7:30 Symmes Park.

- Hazardous Household Waste Collection – Saturday, June 9, 2018 from 8:00 to 12:00 HOB.
- Symmes Township Food Truck Rally – Saturday, June 23, 2018 from 3:00 p.m. to 10:00 p.m. at Symmes Park (meadow).
- Firecracker Festival – Saturday, June 30, 2018 from 3:00 p.m. to 11:00 p.m. Symmes Park.
- Offices Closed for Independence Day – Wednesday, July 4, 2018.
- Board of Zoning Appeals – Monday, July 9, 2018 at 7:00 p.m.
- Regular Trustees Meeting – Tuesday, July 10, 2018 at 7:00 p.m.

OLD BUSINESS

Mr. Bryant asked to have a discussion concerning the Hopewell Road Street Crossing Signal.

Ms. Leis stated that this would be a new request on Hopewell at Gateway. She stated that there are large number of walkers who enter the park at this location from the adjacent subdivision who have expressed concern to her about the safety of crossing Hopewell Road. She stated that she would like us to look at this intersection to see about prioritizing a crossing there. Mr. Bryant once upon a time they were talking about three locations in Symmes Township that they rank for a flashing light. This is a new location and he is supportive in this endeavor but it needs to be done by prioritizing the whole context.

Mr. Bryant asked to have a discussion concerning the Pemman Run concrete replacement for curbs and handicapped ramps. Mr. Bryant stated that we talked about these improvements in our last work session. Mr. Bryant made a motion to allow staff to go ahead and advertise for these improvements. Ms. Leis seconded the motion. Motion passes.

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

NEW BUSINESS

Mr. Bryant made a motion to accept the resignation of Andrew Ciafardini from the Finance Committee. 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 remove Larry Harte from the Zoning Commission as an alternate and reappoint him to the Finance Committee for a term of 6/5/18 until 12/31/2023. Mr. Beck seconded the motion.

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

Mr. Bryant made a motion to reappoint Jennifer Ryan to the Finance Committee for a term of 7/19/2018 to 12/31/2023. Ms. Leis 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 amend the agenda to include appointment of an individual to the Finance Committee. Mr. Beck seconded the motion.

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

Mr. Bryant made a motion to appoint Daniel George to the Finance Committee to fill the unexpired term of Andrew Ciafardini from 6/5/18 to 7/18/2021. Ms. Leis seconded the motion.

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

Mr. Bryant made a motion to approve Resolution G2018-48 – Resolution to Amend Fees for Applications and Other Procedures under the Symmes Township Zoning Resolution. Mr. Beck seconded the motion. Discussion continued.

Mrs. Lapensee stated that we discussed this in our last meeting and it would be to eliminate the double fees for those who did not get proper permits for those items requiring permits under the Zoning Resolution. Ms. Sims stated that the Board had requested the amount of money we have taken in for these double permit fees at the last meeting. She stated that in 2016, we took in \$2,505.00 and refunded \$ 220.00 and we were short \$ 3,849.00 to pay for the zoning contract work; in 2017 we took in \$1,675.00 and refunded \$587.50 and were short \$ 15,962.00 to pay for the zoning contract work; in 2018 we have taken in \$ 964.00 and have refunded \$ 121.00. Mr. Bryant stated that it is important to point out that we were short in paying for the zoning contract. They have increased their fees beyond that which the County charges.

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

Mr. Bryant made a motion to approve Resolution G2018-49 – Resolution Removing Street Lighting Assessments for 2018. Mr. Beck seconded the motion. Discussion continued.

Mrs. Lapensee stated that we discussed this in past meetings. She stated that there were some mistakes in the last assessment we sent down and this will correct the amounts for 2018 (payable in 2019) and give credits for money already paid in 2018. She stated that we will have the replacement lighting amounts for the July meeting.

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

Mr. Bryant made a motion to approve Resolution G2018-50 – Resolution Authorizing the Township Administrator to Sign a Modified Agreement with Choice One Engineering Services for Hopewell Road Sidewalk Project in the new amount of \$30,410.00. Mr. Beck seconded the motion. Discussion continued.

Mrs. Lapensee stated that this new amount is roughly \$10,000 more than the original costs due to the increase in the scope of the project. This new scope was discussed at our last work session which will now include sidewalks across the bridge deck that spans I-275. She stated that Choice One will do the engineering and will have to present these changes to ODOT for their approval.

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

Mr. Bryant made a motion to approve Resolution G2018-51 – Resolution Authorizing the Township Administrator to Sign an Agreement with McGill Smith Punshon Design for the Home of the Brave New Concession Building and Site Improvements in the amount of \$63,900.00. Ms. Leis seconded the motion. Discussion continued.

Mrs. Lapensee stated that we had originally hired MSP to update the costs of the improvements and prioritize those items for Home of the Brave in 2017. She stated that we used those new cost estimates to apply for two grants for HOB to construct a new concession building, and to install lighting, irrigation, bleachers, fencing, dugouts, and security cameras. She stated that the total cost of improvements would be roughly \$814,000 and we hope to get \$500,000 in grants to pay for those improvements. She also stated that in order to do the project, we will have to hire a consultant to draw up the plans for the building and develop bid documents for the site improvements. She stated that cost for the engineers/architects is roughly 7.8% of the total costs of improvements which is in line for consulting costs.

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

Mr. Bryant made a motion to approve Resolution G2018-52 - Resolution Authorizing the Township Administrator to Enter into an Agreement with Paycor to Process Payroll and other HR Functions for Symmes Township in the amount not to exceed \$5,803.60. Mr. Beck seconded the motion. Discussion continued.

Ms. Sims stated that she wanted to know under Section of the Ohio Revised Code permits the Board to take this action. There is no ORC Section quoting this. She stated that she did some preliminary research and 9.35 does provide the contracts for duties by Public Officials. Within 9.35B a Public Official may contract for and engage the services of a company for the preparation of payroll, checks, reports and etc. However, in 9.35A defines that a Public Official as an Elected Officer of any political subdivision who is permitted or required in the performance of his duties to issue checks, keep books and records, prepare and preserve payroll and other employee records and make reports for the sum of those duties. Mrs. Sims stated that to her, she is the only one who has the ability to award a contract based on this section not the Board. Mrs. Lapensee stated that the Board does have the authority to enter into contracts under ORC Section 504 which is Home Rule Authority. Mr. Bryant asked if the Law Director could give the Board a legal opinion for this. Mr. Beck asked Ms. Fuchs from Paycor how long it would take to get up and running once we approve this. Ms. Fuchs stated about 4 to 5 weeks. Mr. Bryant made a motion to table this resolution. Ms. Leis seconded the motion.

Ms. Fuchs stated that the prices given for setup were discounted this month because it is the end of their fiscal year so they will only be good for the month of June.

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 approve Resolution G2018-53 – Resolution Authorizing the Township Administrator to Enter into a License Agreement with the Little Miami Chamber Alliance for the Use of Symmes Park and Home of the Brave Park for the Food Truck Rally on June 23, 2018. Ms. Leis seconded the motion. Discussion continued.

Mrs. Lapensee stated that this agreement will be for the chamber to use the two parks for their food truck rally. Mr. Beck asked exactly where it will be held. Mrs. Lapensee stated that it will be held in the overflow parking area for Symmes Park.

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

Mr. Bryant moved to approve the following expenditures and authorizes the Township Administrator to sign any necessary contracts, agreements or paperwork:

- a. Amend the following line items:
 1. 20-A-6 from \$98,000.00 to \$110,875 (Safety Center paving)
 2. 11-C-4 from \$86,314.00 to \$96,804.00 (Hopewell sidewalks scope increase)
- b. Expenditure - \$16,500.00 Rich Vettel, LLC Pavement Services to resurface the tennis court at Seven Gables and the basketball courts at Symmes Park.
- c. Expenditure - \$12,875.00 JK Meurer Corporation for black top repairs to the apron at the Safety Center on Weekly Lane.
- d. Expenditure - \$20,100.00 JK Meurer Corporation for black top repairs to the apron at Hopewell Meadows Park.
- e. Expenditure - \$4,905.37 Professional Cabling Solutions (PCS) to install a camera at Symmes Park.

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

Mr. Bryant stated that he really did not know what to do with the second list of approvals that were listed on the agenda.

Mr. Bryant moved to approval the following expenditures at the request of the Fiscal Officer due to non-certification of funds.

He asked Ms. Sims for an explanation. Ms. Sims stated that she was just trying to bringing these to the Boards attention because she feels that staff does not fill out the proper paperwork and that it is a very simple task to complete. Ms. Leis stated that if Ms. Sims and Mrs. Lapensee could meet once a week so that anything Ms. Sims does not have she can tell Mrs. Lapensee and she could get this for her, so it does not become a problem. Sometimes people make mistakes and if you would just communicate with each other and work it out. Ms. Sims said that she has tried that, just today she got something in for signage that was order on April 26 and the Purchase Order was written on May 25 evidentially when the invoice came in. The procedure is very simple when you order something you write up the Purchase Requisition. How hard is it for staff to write up a requisition to start the process.

Mr. Bryant stated that he is looking at this list and some of this is going back to March, April, May and here we are in June. Why haven't we reconciled some of these things well before now.

Ms. Sims stated that she has had several e-mails communication with staff saying that I do not have this purchase requisition, you need to do it. It is very simple; you write the purchase requisition up when you order the merchandize. The white copy comes to her office and when the merchandize is received yellow copy comes over with the delivery ticket. They are matched with the invoice when it is received. Staff for some reason cannot handle this process.

Mr. Bryant asked that all of these items going back to early March have been communicated in advance? Mrs. Sims stated yes.

Mrs. Lapensee stated she does not agree with Ms. Sims on her statement regarding emails for all those purchases listed. She stated that when we get invoiced sometimes they do not know if they are going to be invoiced for a certain part or item (if it is under warranty, etc). She stated that the sales people do not always tell us and it may not be listed on the purchase order that was submitted the first time, but it is on the invoice. Ms. Lapensee stated that a lot of times she does not see the purchase requisition that goes over but will see the invoice.

Mr. Bryant stated that were are sixteen items and he does not know that he can sit there as a Trustee yes I am going to approve this and not that one. He cannot make that decision based on what he has in front of him.

Ms. Lapensee stated that the Osterwisch and Hobart those are repairs and they had no idea of what the cost would be so that is probably why they were submitted without her signature because they did not know they would be over Mr. Pitman's \$1,500.00 purchasing authority.

Mr. Bryant stated that they need to talk about how they are going to get beyond this. They see the need and they need to close the loop here. They have been billed the amounts, people are wanting to get paid and they are not paying them because we cannot reconcile the charges and so on. The only way to do this is to brute force it. He is willing to sit down Ms. Sims and Mrs. Lapensee to work through one at a time so they know what is right and what is not so they can close this loop.

Ms. Sims stated that she thinks the meeting needs to be held with staff so they understand the process. Follow the policy and if you don't want the policy followed then change it.

Mr. Bryant asked Ms. Sims if they take no action on this until they sit down to correct this, what happens? Are we delinquent and paying late fees and so on?

Ms. Sims stated that the reason she wrote the memo and asked for it to be put on the agenda was so she could make the Board aware that there are issues and the Board can help her solve these issues.

Mr. Beck stated that these sixteen item add up to less than \$16,000.00.

Ms. Sims stated that she knows they are minimal amounts but what she is trying to say is that they have a policy and it needs to be followed.

Mr. Beck stated that he is all for making a stand, but he is not for us not paying our contractors and paying their bills off. He is really fed up with the late fees and there is no excuse for that from the tax payer's point of view. He stated that we can sit here and bicker about who did this and who did that, but for goodness sakes pull it together – we are Symmes Township, we are better than this and it's pathetic.

Mr. Bryant stated that they are going to work through this.

Approval of the following expenditures at the request of the Fiscal Officer due to non-certification of funds:

- f. Then and Now - \$1,252.00 Advanced Turf Solutions.
- g. Then and Now - \$891.00 Kay Park Recreation.
- h. Then and Now - \$500.00 Tele-Vac Environmental.
- i. Then and Now - \$60.00 Lawn Systems.
- j. Then and Now - \$118.21 Grandview Aluminum Products.
- k. Then and Now - \$92.00 Enzo.
- l. Then and Now - \$2,018.00 Osterwisch.
- m. Then and Now - \$2,360.97 Hobart.
- n. Then and Now - \$560.00 Baxter Burial Vault.
- o. Then and Now - \$58.70 Kleem
- p. Then and Now - \$55.00 Remington Clean Fill
- q. Then and Now - \$682.99 Murphy Tractor
- r. Then and Now - \$361.60 Beckman Environmental
- s. Then and Now - \$4,403.35 DJL Material.
- t. Then and Now - \$1,300.00 Northgate Greenhouse.
- u. Expenditure - \$839.65 OPRA for a conference for Dave Heider.

Ms. Sims asked that the second list be removed from the agenda and she will certify the funds and pay the bills. Ms. Leis suggested that they meet once a week to get items like this resolved if there was paperwork that would be needed to process the bills. Mr. Bryant stated that he will work with Mrs. Lapensee and Ms. Sims to get these items paid.

Mr. Bryant moved to remove from the agenda expenditures f - u. Ms. Leis seconded the motion.

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

HEARING FROM RESIDENTS

None.

EXECUTIVE SESSION

Mr. Bryant made a motion to go into executive session per ORC Section 121.22(G) (3) To have a conference with the Law Director concerning pending or imminent court action.at 8:45 p.m. Mr. Beck seconded the motion.

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

Mr. Bryant made a motion to exit Executive Session and return to the regular meeting at 9:55 p.m. Ms. Leis seconded the motion. Motion passes.

Mr. Bryant made a motion to hold a Special Meeting on June 27, 2018 for the purpose of discussing payroll options through Paycor and the Road Levy. Mr. Beck seconded the motion. Motion carries.

ADJOURNMENT

Minutes of REGULAR

Held Township Admin. Bldg.

June 5, 2018

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

Meeting adjourned at 9:56 p.m.

Approved:

Kenneth Bryant, Board President

Carol Sims, Fiscal Officer