
MINUTES OF SYMMES TOWNSHIP REGULAR MEETING

November 3, 2020

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.

Also, present: Kimberly Lapensee - Administrator; Jeff Forbes - Law Director; Lieutenant Mike Tarr – HCSO, and Deputy Chief Mike Books – LSFD.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

Ms. Leis made a motion to approve the Agenda. Mr. Bryant 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 regular minutes for October 6, 2020. Mr. Beck seconded the motion. The roll call vote was as follows: Ms. Leis - ‘aye’, Mr. Beck - ‘aye’, and Mr. Bryant - ‘aye’. Motion passes.

FISCAL OFFICERS REPORT

Mr. Grossi stated that the financial reports for October were included in the packet. He stated that we have \$3,379,338.87 in our checking account, \$1,193,683.90 in our money market account, \$2,719.92 in our credit card account and \$33,994.52 in our HRA account. He stated that we have not yet gotten our statement of investments with Meeder for the month of October, but we have \$8,229,048.78 for September with Meeder. Mr. Grossi stated that we have \$2,297,581.60 in the General Fund, \$391,621.02 in the Police Fund, \$250,323.15 in the Fire Fund, \$338,944.98 in the EMS Fund, \$1,986,728.35 in the Safety Services Fund, \$467,853.82 in the Park fund and that we received our rollback funds from the State of Ohio in the amount of \$308,180.65 and cable franchise fees from Cincinnati Bell in the amount of \$12,497.72.

PRESENTATIONS

None.

PUBLIC HEARINGS

Text Amendments – Ms. Leis opened the public hearing for the proposed text amendments.

Mrs. Lapensee went through each of the zoning text amendments with the Board. She stated that the Board has proposed changes to the text of the Zoning Resolution. She explained that the trustees are not pursuing a Symmes Township Property Maintenance Code, but that prior maintenance limited topics that residents were in support of are covered with these proposed text changes. She stated that through the administration of the zoning code, responses to multiple nuisance complaints over the years, a pattern of common nuisance complaints, collective resident input and input from the fire department, the township is proposing to change the text for the following items:

- Sidewalks;
- Consistent setbacks for accessory use and structures;
- Residential parking standards;

- Storage/parking of boats, campers, trailers and RV's;
- Signage for governments, churches and non-profit organizations;
- Fence and wall requirements; and
- Zoning permit expiration dates.

Mrs. Lapensee stated that the process included two work sessions by the trustees in December of 2019 and again in February of 2020; the Board of Trustees initiated the zoning text amendment on June 2, 2020 by adopting Resolution G2020-43; the Zoning Commission held one public hearing over three meeting nights at their July 15th, August 19th and September 16th meetings to discuss the proposed changes; the Board of Trustees scheduled a public hearing to discuss these changes for tonight.

Mrs. Lapensee went through the revisions individually.

- Sidewalk requirement – sidewalks shall be required on all parcels in any residential or commercially zoned areas along any major State or County roadway or thoroughfare that has been identified for sidewalks according to the adopted sidewalks plan for Symmes Township.
- General Fence/Wall Maintenance Standards – all fences/walls shall be maintained and kept in good repair including repairing or replacing damaged or deteriorated sections and maintaining the orientation of the fence/wall in an upright position so that the fence/wall does not sag or lean. Fences and walls must be setback 5'-0" from all fire hydrants.
- Setbacks for all accessory uses, play devices, buildings, and other structures – will all be moved from 3'-0" to 5'-0" and will now all be consistent.
- Residential Parking – all driveways, aprons, etc. will be paved and no commercial vehicles or trailers shall be permitted to park on any public street.
- Parking of Recreational Items – all recreational items such as boats, trailers, campers, RV's, or mobile homes shall be prohibited except for one item in the rear yard. None of the items listed above can be parked on the street at any time.
- Zoning Certificates – all zoning certificates will expire after one year.
- Signs – variable message centers will be permitted in residential districts for government buildings, churches, etc. All the requirements will be the same as it is for all other signage in the township.

Mr. Beck stated that he would like to propose a further revision to the Proposed Revision #4. He would like to strike the sentence starting with and ends with private street and replace it with all new driveways well include a paved (non-gravel, non-dirt) apron with-in the right-of-way.

CJ Carr, 10403 Willow Drive, stated that he just wanted to clarify that in the Proposed Revision #2, General Fence Maintenance Standards, the general maintenance code was taken out and walls are being added within the fence section. Later in the meeting where is a Resolution 2020-92 will the wording be changed in that Resolution. Mrs. Lapensee stated that she will change the wording to what the Trustees approve. Mr. Beck stated that when the Trustees vote they incorporate the edits that have been made during the meeting.

Mark Leguillon, 9355 McKinney Road, stated that he appreciated the clarity on Section 51.5 in the proposed language, but does not like that the zoning resolution will be changed and can be changed at any time. He stated that the trustees promised that they were not going to enact a property maintenance code.

Mr. Beck stated that it is a living document. All they are talking about is sidewalks, setbacks, residential parking, storage and parking of boats, campers, trailers, RV's, signage, fences, walls,

and zoning permit expiration. This whole thing is a process, there are public hearings, then a draft version, goes to the zoning commission and it comes back to this Board to be tweaked. Ms. Leis stated that when they were at their property maintenance meeting it was suggested by the residents to put those things in their zoning text amendments. So, they listened to the residents and put them in the text amendments instead of a property maintenance code.

Eric Diehl, 10072 Lincoln Road, Camp Dennison asked if existing accessory structures and fences will they have to meet the setback rules. Mr. Snyder stated that any of them that are there already are grandfathered in unless they are modified or built new.

Mike Howell, 7810 Clement Street, Camp Dennison stated that the process is dwindling away our property rights. He stated that it is already expensive to build and live and these changes will make things tighter. He asked if the gravel areas along township roads that are already in Camp Dennison will be paved? He stated that many of the roadways here are not down the center line of the ROW. He stated that there is nothing critical in these text changes and should not be addressed during COVID. He asked about the horse facility in Camp Dennison and stated that they are holding weddings on their property and we should investigate it. He stated that there should be restrictions on their property because it is right in the middle of a residential area.

Carol Sims, 9972 Washington Street, stated that the Zoning Commission continued their meetings 2 times. She questioned the time line as stipulated in the ORC concerning meeting dates (no earlier than 20, no later than 40), that sidewalks were confusing, why did they initiate the process and that fences should be moved to section 346. She wondered about existing gravel driveways and how they will be policed, and how ROW's are being regulated when there is nothing in writing that says we can.

Ms. Leis stated that regulating parking in the streets will help remove RV's and campers that are now being parking in the ROW to protect children and will help drivers see the whole street.

Ms. Sims also questioned the signage in Section 319. She stated that she is against signs being allowed in a residential district, but this section should be moved to the conditional use section. She stated that she believes it will create a conflict and she feels that it is just wrong and believes we should just follow the existing code.

Mr. Snyder stated that for any new sign proposed, the sign itself would need approval from BZA for the sign, but this new text will allow for 25% of it to be a variable message sign.

Ms. Leis closed the public hearing at 8:23 p.m.

APPROVAL OF DISBURSEMENTS

Ms. Leis made a motion to approve the warrants from 78477 – 78651 in the amount of \$1,232,264.17 from October. Mr. Beck seconded the motion.

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

REPORTS

JEFF FORBES, LAW DIRECTOR – Mr. Forbes stated that he had no report.

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

DEPUTY CHIEF MIKE BOOKS, LSFd – Deputy Chief Books had no report and that the board received their written report prior to the meeting.

BILL PITMAN, DIRECTOR OF PUBLIC WORKS - None.

COMMITTEE - None.

OTHER – None.

CORRESPONDENCE

Attached to the packet.

HEARING OF RESIDENTS

Richard Goldberg, 8354 Jeanette Lane, stated that he was there to let the trustees know that he does not agree with the Zoning Commission’s decision to allow the Silver Spring House to expand. He stated that it is already a nightmare to try and park in that lot and everyone parks in the lot next door. He stated that he complained to the township and zoning about everyone parking in the Lucke property next door. He stated that the lot meets the requirements, but he is concerned that it has gotten out of hand with everyone parking in the ROW and all over the neighborhoods. He stated that the township needs to get with the county to enforce no parking in the ROW. He stated that there are noisy and impaired drivers at all hours.

Mr. Snyder stated that he is aware of the issue and sent an inspector there on a weekend, and there was no one in violation at that time. He stated that the project still meets the parking requirements even though they are adding 3,100 sf to the building. He stated that code does allow for shared parking, but not for retail to office to uses.

CJ Carr, 10403 Willow Drive, asked about upgrading the website and if it had been done yet. He stated that keeping the land use maps posted on the county’s website was confusing. The parcel spreadsheet is now missing from the website and if you go to the County website it comes up with 183 parcels instead of 263 parcels.

EVENTS/MEETINGS

- Finance Committee – Thursday, November 5, 2020 at 6:00 p.m. via zoom.
- Thanksgiving Holiday – Buildings will be closed Thursday, November 26 and Friday, November 27.
- Operation Santa – Saturday, December 5, 2020 beginning at 5:00 p.m.
- Board of Zoning Appeals Meeting – Monday, December 7, 2020 at 7:00 p.m. in the Safety Services Center.
- Regular Trustees Meeting – Tuesday, December 8, 2020 at 7:00 p.m. in the Safety Services Center.

OLD BUSINESS

None.

NEW BUSINESS

Mrs. Leis made a motion to authorize the administrator to advertise for the Union Cemetery Sidewalks Project. Mr. Beck seconded the motion.

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

Ms. Leis made a motion to approve Resolution G2020-90, a Resolution Authorizing and Directing the Township Administrator to sign an Acceptance/execution of the Permanent Sidewalk

Easements, Storm Sewer Easements and Temporary Rights of Entry and Construction Easement Agreements for the Union Cemetery Road Sidewalk Project. Mr. Beck seconded the motion.

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

Ms. Leis made a motion to approve Resolution G2020-91, a Resolution Authorizing the Township Administrator to Enter into an Agreement with Skeets Humphries Construction LLC. in the amount of \$39,518.72 to replace the bathroom doors and locks at Stonebridge, Meade, and Home of the Brave Parks with new electronic strike doors. Mr. Beck seconded the motion.

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

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

Ms. Leis requested that we obtain an opinion from our Law Director concerning the right of the township to legislate zoning/parking in the ROW's, a clarification on driveway aprons in Section 143.3 and the section 144 where paving is required for all parking areas and variable message signs and whether or not they can be placed in the sign section of the code or if they must be listed in the BZA section.

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 G2020-93, a Resolution Declaring Salaries for First Responders and Park Employees as a Valid and Encumbered Expense for the CARES ACT Coronavirus Relief Funds Pursuant to HB 481/614. 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 G2020-94, a Resolution Approving Expenditures in the amount not to exceed \$15,026.70 for a mobile hot steam disinfecting and cleaning pressure washer through Enzo's Cleaning Solutions and dispensing with a second reading. Mr. Beck seconded the motion.

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

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

- a. Amend: Increase 7-A-1 from \$127,000.00 to \$166,100.00 (Lighting District).
- b. Amend: Increase 14-A-10D from \$309,874.00 to \$309,875.00.
- c. Amend: Increase 14-A-04B from \$14,874.00 to \$14,875.00.
- d. Transfer: \$1.00 from 14-A-10D to 14-A-04B Interest
- e. Expenditure/then and now: \$4,478.52 Duke Energy for lighting district bills.
- f. Expenditure/then and now: \$1.00 Huntington Bank.
- g. Expenditure: \$6,471.90 ProDyers for touchless faucets in the park bathrooms (CARES ACT).

Mr. Bryant seconded the motion.

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

Minutes of REGULAR

Held Township Safety Center

November 3, 2020

HEARING OF RESIDENTS

Carol Sims, 9972 Washington Street, stated that she would like to see a clean version of the text amendments posted on the website before the next meeting so everyone can see the changes.

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 8:57 p.m.

Approved:

Jodie L. Leis, President

Kenneth N. Bryant, Vice-President

Philip J. Beck, Trustee