
MINUTES OF SYMMES TOWNSHIP REGULAR MEETING

APRIL 2, 2019

The meeting was called to order at 7:00 p.m. Elected officials present were: Mr. Phil Beck, Mr. Ken Bryant 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.

Jodie Leis was absent.

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Mr. Beck made a motion to approve the Minutes of the Work Session Minutes from February 28, 2019 and Regular Meeting Minutes from March 25, 2019. Mr. Bryant seconded the motion.

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

FISCAL OFFICERS REPORT

Ms. Sims stated that we have an ending total balance of \$19,416,884.47 for the month of March. She stated that we have \$4,168,619.61 in the money market account, \$519,030.90 in the checking account, \$22,404.13 in the HRA account, \$635.44 in the credit card account and \$7,883,653.50 in our Huntington Bank investment account as of the end of February.

Mr. Beck made a motion to approve the Financial Report as presented. Mr. Bryant seconded the motion. The roll call vote was as follows: Mr. Bryant - 'aye', and Mr. Beck - 'aye'. Motion passes.

PUBLIC HEARINGS

Case #ZC2019-01 to review a zone change application received to change the zoning from "H" Riverfront to "EE" Planned Residence for a new Mike's Car Wash facility located at 9675 E. Kemper Road.

Mr. Beck opened the public hearing at 7:05 p.m. He asked for the staff report.

BRYAN SNYDER, HAMILTON COUNTY DEVELOPMENT SERVICES ADMINISTRATOR stated that everyone should have his report. He stated that they received an application for a zone change for "H" Riverfront to "EE" Planned Residence for 4.8 acres at the corner of Loveland Madeira Road and Kemper Road. He stated that this will be a for a new Mikes Car Wash location. He stated that there will be one access drive on Kemper Road. He stated that it is currently zoned "H" Riverfront because it is located in the floodplain. He stated that there will be filling on the site and they will install a 13'-0" tall retaining wall (tallest point along Loveland Madeira Road) along three sides of the site. Mr. Snyder stated that the building will be 6,300 sf in size and will be mostly the automated wash facility. He stated that it has been through the process. He stated that the Regional Planning Commission approved the change and stated that it was consistent with the most recently adopted Land Use Plan (2009). He stated that the Zoning Commission identified several issues with zoning but approved them with conditions. He stated that there are directional

signs for the facility that they recommended be set back further from the streets. He stated that they original application came in with four (4) wall signs and they agreed to remove one (1). He stated that there will be a freestanding/internally illuminated, electronic signboard on the property which needed a variance and one (1) additional electronic sign near the canopy that faces the development. He stated that the board recommended the variance for those. He stated that the Board recommended that the bushes and trees that are normally planted at the top of the wall be planted at the bottom to help screen the wall. He stated that the Zoning Commission recommended approval of the request with six (6) conditions to this Board and one (1) variance.

Mr. Bryant wanted to know if the applicant agreed to all of the conditions set forth by the Zoning Commission? Mr. Snyder stated yes.

Mr. Beck asked if the freestanding sign has Symmes Township on the sign and if it is located below the variable message sign? Mr. Snyder stated yes. Mr. Beck asked if the Symmes Township part will be visible from the road and that it will not be covered by landscaping. Mr. Snyder stated that he believes it will be visible and there should not be any landscaping right there to cover the township's name. Mr. Beck asked if there are sidewalks around the perimeter? Mr. Snyder stated no; it is not a requirement in the zoning code. He stated that it would be difficult to put in sidewalks on Loveland Madeira Road at this corner because of the culvert pipe.

Mr. Bryant asked about the elevation change from Kemper Road up to the pad where the building will be. Mr. Snyder stated that the building pad will be 9'-0" higher than the road. Mr. Bryant stated that we know that this area has flooded in the past.

Mr. Beck asked if the applicant was here to speak in favor of the zone change.

Mr. Todd Debay, Chief Operating Officer Mikes Car Wash, stated that they started their company in 1948 in Fort Wayne, Indiana. He stated that we have grown and came to the Cincinnati area around 1999. He stated that we have the Beechmont store, and Fields Ertel store. He stated that he is excited to grow another store in this community that will serve a different area.

Mr. Mike Dam, owner of Mikes Car Wash, stated that they are a 70-year old firm. He stated that they are excited and have been named best employer in the state. He stated that they had some good discussion at the last Zoning Commission meeting and he believes the new location will be an asset to the community. He stated that he did not plan to do sidewalks because it would not go anywhere at this time.

Mr. Jeff Chamot, Director of Development for Neyer Properties, stated that they are the owners of the property and they have been working with Mikes Car Wash to develop the property. He stated that they are a good operator and will be a good, clean tenant.

Mr. Beck stated that he was looking forward to this development as it will be close to his house. He asked if there were anyone who wanted to speak in opposition to this zone change? There was no one.

Mr. Beck made a motion to close the public hearing at 7:17 p.m.

Mr. Beck asked if we wanted to move that up the agenda. Mr. Beck made a motion to move Resolution Z2019-01 up on the agenda. Mr. Bryant seconded the motion. The roll call vote was as follows: Mr. Bryant - 'aye', and Mr. Beck - 'aye'. Motion passes.

Mr. Beck made a motion to Approve Resolution Z2019-01 - Resolution Approving a Zone Change from "H" Riverfront to "EE" Planned Residence located at 9675 E. Kemper Road. Mr. Bryant seconded the motion. The roll call vote was as follows: Mr. Bryant - 'aye', and Mr. Beck - 'aye'. Motion passes.

PRESENTATIONS

Mr. Calvin Spenser stated that he had replaced the logs behind the log cabin that were terraced to hold the cabin in place. He stated that when they moved the cabin, it was placed on a slope, but

was terraced to hold it in place so it would not erode around the cabin. He stated that the logs they used were from around the site and were old hand huned logs. Mr. Spencer stated that the logs were about 10 years old and the rebar was sticking up through the logs. He stated that it was a safety hazard. He stated that they removed the logs and rebar, dug out the area, reinstalled the railroad ties and put back in the rebar. He stated that he also installed garden fabric to prevent weeds from growing around the terraced area and put down 4 yards of mulch around the entire cabin. Mr. Beck asked Mr. Spencer was his takeaway of this whole project. Mr. Spencer stated that he learned he could do more with what he had available on site then what he originally thought. Mr. Beck read a Proclamation for Calvin C. Spencer Eagle Scout Project – Ross Log Home.

Captain Riley demonstrated the new EMS mannequin that was recently purchased jointly by Symmes Township, the City of Loveland and the City of Mason. He went through all of the functions of the mannequin and explained how it will help train their paramedics for future calls from the public. He stated that they can change the symptoms of the patient at any time during the simulation.

APPROVAL OF DISBURSEMENTS

Mr. Beck made a motion to approve the warrants 74718 to 74920 in the amount of \$567,287.00 for March. Mr. Bryant seconded the motion.

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

REPORTS

KEVIN MCDONOUGH, LAW DIRECTOR – None.

LIEUTENANT TORY SMITH, HAMILTON COUNTY SHERIFF’S DEPT stated that he had no report but they will be participating in the drill with Loveland Symmes Fire Department and Loveland PD this weekend. He stated that he will also have a deputy attend the Tornado remembrance and the Egg Hunt. He stated that he will forward his reports to Mrs. Lapensee when he receives them.

CHIEF OTT HUBER stated that the board has his written report and they have handed out a new report for maintenance to the fleet that has occurred in the first quarter. He stated that we have been receiving 911 calls from land lines for three months now which has reduced our call out times because Hamilton County no longer has to transfer the call. He stated that cell phones still have to be transferred because the calls come from multiple towers/locations. He explained how the calls work and that if we see that there are lots of calls from northern Symmes being routed to Warren County, then we can ask the provider to reroute those calls to our call center.

BILL PITMAN, DIRECTOR OF PUBLIC WORKS – None.

COMMITTEE – None.

OTHER – None.

HEARING OF RESIDENTS

None.

CORRESPONDENCE

See Attached.

EVENTS/MEETINGS

- 20th Anniversary Tornado Remembrance – Tuesday, April 9, 2019 at 9:00 a.m. at Sycamore High School (tornado memorial east side of the property).
- The Great Symmes Easter Egg Hunt – Saturday, April 13, 2019 at 11:30 a.m. at HOB.

- Board of Zoning Appeals Meeting – Monday, May 6, 2019 at 7:00 p.m.
- Regular Trustees Meeting – Tuesday, May 7, 2019 at 7:00 p.m.
- Clean Up Day – Saturday, May 18, 2019 from 9:00 a.m. until 3:00 p.m. at Hopewell Meadows Park.
- Moon Walk/Yoga/Meditation – Saturday, May 18, 2019 at 8:30 p.m. at Meade Park.
- Symmes Honors Veterans – Friday, May 24, 2019 at 7:00 p.m. at Home of the Brave Park.

OLD BUSINESS

None

NEW BUSINESS

Mr. Beck made a motion to approve Resolution G2019-33 - Resolution Authorizing Acceptance of Street Paving Bids and Awarding the Contract to Barrett Paving in the Amount of \$887,937.90. Mr. Bryant seconded the motion. Discussion follows.

Mr. Bryant stated that the street bids went out in two phases with an addendum. He asked if this was the time to talk about that. Ms. Sims asked what he was talking about. Mr. Bryant stated that part of the bid covers the township roadways and the other part of the bid covers two county roadways. Mr. Beck stated that we do not have our agreements back yet from Hamilton County. Ms. Sims stated no. She stated that we talked about that at our special meeting on March 26, 2019. She stated that she encouraged the board to have those agreements in place before we approve any paving agreements. She stated that she can't certify the funds for those two roadways without those agreements in place. Mr. Beck asked if we have talked to the County Engineer about getting the agreements. Mrs. Lapensee stated that we approved the agreement at our February meeting and we are just waiting for the county to approve, sign, and send them back. Ms. Sims stated that she was concerned about those agreements because the Lebanon Road agreement was not approved by the county until 2019 when we did the paving in 2018. Mr. Bryant stated that he was concerned about not approving this agreement tonight because it will hold up our road paving for the spring. He stated that the whole premise behind bidding early is to get out of the gate early and get a good price and get first on the list. Mr. Bryant asked if we could configure this so it excludes the county paving so we could move forward with our paving. Mr. Beck stated that if we take out the county paving at \$275,000.00, that leaves us with \$612,937.90. Ms. Sims suggested that Mrs. Lapensee include a separate Whereas clause in the resolution to address the additional \$275,000.00.

Mr. Beck made a motion to amend his original motion to approve the paving bid for the new amount of \$612,937.90 with a new Whereas clause in the resolution to approve an additional \$275,000.00 for the county roadways. Mr. Bryant seconded the motion.

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

Mr. Beck made a motion to approve Resolution G2019-34 - Resolution Authorizing the Township Administrator to Sign a Community Event License Agreement with NEST Community Learning Center for use of Symmes Park and Home of the Brave Park for the NEST Kids Ninja Charity Challenge on October 12, 2019. Mr. Bryant seconded the motion. Discussion follows.

Mr. Beck stated that this will be the third challenge and we support their efforts.

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

Mr. Beck made a motion to approve Resolution G2019-35 - Resolution Authorizing the Township Administrator to Enter into a Contract with the Hamilton County Regional Planning Commission to Provide Planning and Zoning Services for Symmes Township to Update the Land Use Map. Mr. Bryant seconded the motion. Discussion follows.

Mr. Bryant asked if the county was just going to guide us to do the updates. Mrs. Lapensee stated that they need us to form a committee that they can have discussions with. She stated so far; we have only gotten one volunteer. Mr. Bryant asked if we could reach out to the CRA committee to see if any of the members would step up and volunteer for the committee. He stated that they have experience with land use. Mr. Beck asked if we typically update the map every 10 years. Mrs. Lapensee stated that we have not updated ours since 2009. Mr. Bryant stated that we would typically update it every 5 years.

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

Mr. Beck made a motion to approve Resolution G2019-36 - Resolution Revising Resolution G2019-17 Authorizing the Township Administrator to Enter into an Agreement with Lawn Systems to Receive Yard Waste from the Residents of Symmes Township in the amount of \$10,150.00. Mr. Bryant seconded the motion. Discussion follows.

Mr. Bryant asked who requested the change. Mrs. Lapensee stated they requested to change the monthly amount because the vendor where they take the materials raised their rates, so they are requesting to raise their monthly rate to \$1,450.00 per month. She stated that they also noticed on their new quote, that they shortened the dates that they will take the materials by two months. She stated that the overall price is lower because they will only collect for 7 months instead of 9.

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

Mr. Beck made a motion to approve Resolution G2019-37 - Resolution Authorizing the Township Administrator to Enter into an Agreement with JK Meurer Corporation to Pave the Meade Trail in the amount of \$44,880.00. Mr. Bryant seconded the motion. Discussion follows.

Mrs. Lapensee stated that she provided the board with two (2) quotes for paving the Meade Trail – one for \$44,880.00 for an 8'-0" path and one for \$39,390.00 for a 6'-0" path. She asked that the board pick the width of the path they want her to pursue. She stated that there is roughly a \$4,500.00 difference. She asked them if they needed more time to think about it. Mr. Bryant asked if this was grant money being used for the path and if there are any restrictions on the money. Mrs. Lapensee stated that we are using grant money to pay for the path and that we told them in the application that we are just going to pave an existing trail. She stated that we did not tell them how wide it would be, we only told them how long it is. Mr. Beck asked if Mr. Bryant had any thoughts about how wide the trail should be. Mr. Bryant asked what staff recommends. Mrs. Lapensee stated that we would prefer to have the 8'-0" path because it would be much easier for the public works department to maintain into the future. She stated that it would cost us less to maintain because we would not have to worry about replacing the cinders/mulch, etc. every year and we would not have to worry about someone stepping off the side of the trail. Mr. Bryant asked if it was 8'-0" all the way around the trail. Mrs. Lapensee stated that there are some areas where it is wider and some where it is not. She stated that it is not 10'-0" wide all the way around because we had originally talked about paving an 8'-0" trail and leaving a 2'-0" wide cinder path around the outside. She stated that they also talked internally about which way people would walk to access the storybook walk which would affect which side the paved trail would be (the inside or outside part of the loop), so they decided it would be best to just pave an 8'-0" trail all the way around. Mr. Beck stated that he hears what she is saying, but we have received comments from our residents and they are advocating for something other than paving. He wanted to know if we could do both. She stated that we can do both, but it will be more to maintain for the public works department. Mr. Beck stated that he was concerned about where the pavement meets the cinder or mulch it could be an ankle turner situation. He stated that he would like to get Ms. Leis's opinion on what we should do first. Mr. Bryant stated that he is trying to think of a good compromise in this case. He stated that we would still spend the money for the trail on the trail and other items as listed in the grant. Mrs. Lapensee stated that we told ODNR we would pave the trail, buy and install the storybook walk and pay for signage for the park. Mr. Bryant asked if there was matching money for this project. Mrs. Lapensee stated yes. Mr. Beck felt that 6'-0" of pavement and 2'-0" of mulch feels too narrow to him, he would do a 4'-0" paving and 4'-0" cinder/mulch trail next to it, but it may difficult to pass. He stated that if we are going to do a trail that is 6'-0" wide, we may as well pave an 8'-0" trail unless we have can have a 6'-0" trail and a 3'-0" trail next to it. Mr. Bryant stated that it would require widening of the trail. Mr. Bryant stated that we also have to clear out dead trees next to the path. Mrs.

Lapensee stated that we have already done that. She stated that we spent many weeks clearing out the dead trees and cutting away the honeysuckle. Mr. Bryant stated that he would like to table this decision until Ms. Leis gets back. Mr. Beck stated that he would like to look to see if we can do a 6'-0" paved trail with a 4'-0" cinder/mulch trail next to it.

Mr. Beck made a motion to table Resolution G2019-37. Mr. Bryant seconded the motion.

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

Mr. Beck made a motion to approve Resolution G2019-38 - Resolution Authorizing the Township Administrator to Enter into an Agreement with Brian Christian to Fertilize Trees in the Waldschmidt Cemetery and Parks in the amount of \$14,208.00. Mr. Bryant seconded the motion. Discussion follows.

Ms. Sims stated that we will need to amend our line items for those expenditures – Cemetery and Parks.

Mr. Beck made a motion to amend fund 5-A-11 from \$38,000.00 to \$42,243.00 and amend fund 12-A-9 from \$44,000.00 to \$53,965.00. Mr. Bryant seconded the motion. The roll call vote was as follows: Mr. Bryant - 'aye', and Mr. Beck - 'aye'. Motion passes.

Ms. Sims asked if we do these trees every year. Mrs. Lapensee stated that she was not sure. There was a discussion over the spraying and fertilizing the trees in the park and cemeteries.

The roll call vote was as follows: Mr. Bryant - 'aye', and 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. Expenditure: \$8,345.00 Summit Digital Network to purchase a new server and equipment and \$480.00 per year for email office 365.
- b. Expenditure: \$3,750.00 Televac Environmental for a pipe repair on Liberty Hill.
- c. Expenditure: \$9,568.00 Osterwisch to upgrade the temp control system at Remington Fire Station.
- d. Expenditure/then and now \$73.99 Adrian's for the purchase of flowers for a death.
- e. Expenditure/then and now \$1,344 and \$1,811.15 Hufford for repairs to a waste oil furnace for service from 2018 (bill received in 2019).
- f. Expenditure/then and now \$3,855.00 for 2018 mowing (bill received in 2019).
- g. Expenditure: \$20,715.33 ICRC.
- h. Expenditure: \$4,250.00 CAAS accreditation renewal for LSFDF (1/2 of the cost).

Mr. Bryant seconded the motion. Discussion follows.

Ms. Sims stated that we would have to amend the appropriations for this expenditure. Mr. Beck made a motion to amend Fund 14-A-3 EMS Fund from \$43,000 to \$52,568.00. Mr. Bryant seconded the motion. Motion passes.

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

HEARING FROM RESIDENTS

Todd Spencer, 11932 Stonemark Lane, stated that he wanted to thank the board for the presentation tonight for his son's Eagle Scout project. He stated that he wants to thank everyone for the continued support for veterans in the township. He stated that he wants to thank the board for tabling the request for the paving. He stated that with all the questions on the table instead of good reasons to support this paving, we should not do it at all. He feels that the project can go forward without the paving part of the project. Mr. Beck asked that since he is a runner, would 4'-0" of mulch be enough area to run on. Mr. Spencer stated that he thought that might be okay last month, but now he feels that we should not pave it at all. He feels that it will be a safety issue for the runners and walkers. Mr. Bryant stated that we are trying to serve all the residents of the township and we try and make everyone happy.

Minutes of REGULAR

Held Township Admin. Bldg.

April 2, 2019

EXECUTIVE SESSION

None.

ADJOURNMENT

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

Meeting adjourned at 8:43 p.m.

Approved:

Philip J. Beck, President

Jodie L. Leis, Vice-President

Kenneth N. Bryant, Trustee