

HAMILTON TOWNSHIP TRUSTEES

May 7, 2014

Mr. Weber made a motion and Mr. Duvelius seconded the motion to call the meeting to order at 6:00 p.m.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

The Pledge of Allegiance to the Flag was recited by all in attendance.

Mr. Duvelius made a motion and Mr. Wallace seconded the motion to adopt the proposed agenda for the May 7, 2014 meeting.

Roll call as follows:	Gene Duvelius	Yes
	David Wallace	Yes
	Kurt Weber	Yes

Mr. Duvelius made a motion and Mr. Weber seconded the motion to dispense with the public reading of the minutes and approve as written for the April 16, 2014 meeting.

Roll call as follows:	Gene Duvelius	Yes
	Kurt Weber	Yes
	David Wallace	Yes

Mr. Weber made a motion and Mr. Duvelius seconded the motion to approve the payroll and withholding checks before the Board with check numbers 72312 through 72431.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Weber made a motion and Mr. Duvelius seconded the motion to pay the bills before the Board with check numbers 72432 through 72496.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Ms. Michelle Tegtmeier, Community Development Coordinator, read the public notice for the Rivercrest Development by request of Bayer Becker Inc. on behalf of M/I Homes of Cincinnati. Ms. Tegtmeier presented a PowerPoint presentation of the Site Plan Review for the property located at 7573 Old 3rd C Highway. The project is a residential subdivision with 217 single family homes under a cluster development. The PowerPoint reviewed the location, density, lots, signage, and open space. Staff does recommend approval of the request.

Mr. Warren Ritchie, Law Director, stated he had compared the current Zoning Code with the new proposed Zoning Code and the plans comply with both codes. The only difference is in the process for approval.

Mr. Matthew Walker, M/I Homes of Cincinnati LLC, stated he is excited about this opportunity! He agreed with all the staff comments and agreed with the residents to provide a buffer against the property to the north. This will be owned and maintained by the Home Owners Association of Rivercrest. Mr. Walker stated to alleviate concerns of neighbors they have also come up with an alterior design of a cul-de-sac to the east. It was also a request to include the covenants and restrictions from Autumn Run in the

Rivercrest development. They will incorporate anything that is reasonable into their documents for Rivercrest. Mr. Walker stated he has spoken with the Warren County Engineers Office and stated they agree with their approach to handle the traffic concerns on the site.

Mr. Weber stated this is a Site Plan Review and the Board does not make any decisions regarding traffic. This is being reviewed as far as being compliant with the Zoning Code. Any traffic concerns can be addressed at the Regional Planning Commission meeting on May 22nd at 1:00 p.m. at the Warren County Administration Building. A representative from the Engineer's Office was present as requested by the Board.

Mr. Greg Williams, M/I Homes of Cincinnati LLC, stated this beautiful piece of property was an opportunity given to them from the Juterbock Family. The homes are proposed to be from \$400,000.00 to \$800,000.00. There will be a clubhouse at the entry and they are trying very hard to preserve the beauty of the property and trees that are over 100 years old.

Ms. Krista Juterbock-Hall, Property Owner, stated selling this family property was a hard decision. The land has been in the family for 125+ years. They chose M/I Homes because they are preserving the land more than other developers would.

President Weber opened the floor to the public and asked that each person state their name and address and keep the discussion under five (5) minutes.

Mr. Ken Waugh, 7221 Ramon Court, stated he is the president of the Autumn Run HOA. Mr. Waugh was concerned about the impact of the view for the residents, opposes the opening of Autumn Run Drive because of the additional traffic, has not seen the buffer plan to agree with it, opposes the zoning change on lot 49, has not seen the plan for the cul-de-sac issue and requested a delay of acceptance.

Ms. Chris Rudolf, representing Claudia Rudolf of Ballet Tech, expressed concern on draining from the proposed new development down to Ballet Tech, the flooding of her basement and the noise during construction.

Mr. Dan Corey, Warren County Engineer's Office, addressed some of the traffic concerns he had heard about before the meeting. The Engineer's Office does try to have two (2) entrances/exits to each subdivision. That is why Autumn Run Drive was stubbed to the Juterbock property line when the Autumn Run Development was built. A traffic study has been done and is still being reviewed. The issue regarding the school buses can be addressed by staggering times, but Mr. Corey was told that this was not a current issue by the Assistant General Manager of Transportation from Kings School District.

Mr. Waugh asked about the second entrance as other subdivisions do not have two (2) entrances/exits. Mr. Corey stated there are some that do not, but that is not good planning.

Mr. Weber asked about the traffic signal at Old 3rd Highway and US Route 22/3. Mr. Corey stated a signal will be installed once warrants are met. There will be no signal at the subdivision entrance point.

Mr. Paul Sagel, 1170 Craig Court, was concerned with Autumn Run being the fastest entrance and exit.

Mr. Mike Wiery, 1204 Autumn Run Drive, asked if a second entrance/exit was a requirement. Mr. Corey stated the Warren County Regional Planning Commission is the one who can require it. The Engineer's Office is recommending it.

Ms. Pamela Carney, 7230 Ramon Court, was concerned about the traffic flow.

Mr. William Ferrigno, 6985 Tradewind Court, was concerned with Sunrise Landing having two (2) entrances already and the additional traffic from Rivercrest and the possible construction traffic using Lakeshore Drive.

Mr. Andy Finke, 1095 Beaconway Court, was concerned with the traffic and asked about directing the traffic to Old 3'C instead of US Route 22/3.

Mr. Bob Garlock, Bayer Becker Inc., stated his company did the traffic study and discussed what was looked at traffic wise during the study.

Mr. Kyle Livingston, 1156 Autumn Run Drive, was concerned with traffic by connecting the subdivisions.

Ms. Dawn Gould, 1168 Autumn Run Drive, stated it would be irresponsible for the trustees to approve this with all the concerns stated and was concerned with traffic.

Mr. Weber stated the traffic concerns are being heard, but this is not up to the trustees. This will go before the Warren County Regional Planning Commission. The trustees only approve for zoning compliance and cannot make any traffic decisions.

Mr. Corey stated he was asked to be present this evening by Mr. Wallace to hear any concerns.

Ms. Susan Waugh, 7221 Ramon Court, was concerned with the bus issue and the new entrance being made would be a secondary entrance more than primary.

Mr. Weber stated only a few more people could speak.

An audience member stated she had done a safety study within the neighborhood about the amount of drivers in the subdivision.

Mr. Tim O'Dowd, 1200 Autumn Run Drive, wanted a digital copy of the traffic impact study and if the board had reviewed it.

Mr. Mike Barrett, 1189 Autumn Run Drive, provided letters and a petition to delay the process and the objections of residents. Mr. Barrett was concerned with the traffic. Mr. Duvelius addressed some of the facts.

Mr. Robert Craig, Representing the Ellison Family, was asked to review the plans and is concerned with the trees and buffering.

President Weber closed the floor to the public.

Mr. Wallace asked when the traffic study would be done. Mr. Corey stated it is still under review and the Regional Planning Commission can approve the plan or approve with conditions before the traffic study approval. Mr. Wallace thanked Mr. Corey for attending. Mr. Corey stated anyone could call him with questions.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to approve Resolution #14-0507 approving the Zoning Site Plan Review Request for Bayer Becker Inc. on behalf of M/I Homes for a Cluster Development Plan located at 7573 Old 3'C Highway known as the Juterbock Property.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Weber made a motion and Mr. Duvelius seconded the motion for a five (5) minute recess.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Weber made a motion and Mr. Duvelius seconded the motion to call the meeting back to order at 8:04 p.m.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Weber noted the trustees are not required to allow the public to speak at a public meeting, but the Board usually allows the residents to speak in order to voice their concern. One of the next agenda items was set for public meeting and they are not required to open the floor for comments when it is a public meeting.

Ms. Tegtmeier stated Mr. Joe Geraci with Geraci & Company was in attendance to represent the owners of Elite Automotive for their proposed site plan. Ms. Tegtmeier presented a PowerPoint presentation showing the proposed location, existing site, landscaping, parking, signage and lighting. The staff does recommend approval of the zoning site plan. After Ms. Tegtmeier, Mr. Ritchie was asked if he had any comments and Mr. Ritchie stated the site plan appeared to be in order.

Mr. Joe Geraci, Developer with Geraci & Company, only added that the gravel area in the rear of the building will be for a later addition if needed because there is already enough parking.

President Weber opened the floor to the public.

President Weber closed the floor to the public.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to accept Resolution #14-0507A approving a zoning site plan review request by Geraci & Company Inc. on behalf of Elite Automotive located at 372 Grandin Road.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Wallace thanked Elite Automotive for keeping their business within Hamilton Township.

Mr. Weber noted to Mr. Geraci he would need an access permit from Warren County Engineer's Office.

Mr. Weber formally opened the public hearing for Kiddie Academy as proposed by Neyer Properties for a Zone change. Ms. Tegtmeier read the legal notice as posted.

Ms. Tegtmeier presented a PowerPoint for showing the location with Lot 1 being Kiddie Academy, Lot 2 Offices and Lot 3 currently unknown use. They are requesting a zone change from an R-1 Rural Residence Zone to a B-1 Neighborhood Business Zone with a Planned Unit Development. Ms. Tegtmeier stated the plans do comply with all the zoning codes. Staff does recommend approval.

Mr. Weber asked the law director if he had any comments. Mr. Ritchie stated half the property is owned by Mr. Bruce McGary, a partner at his firm, and he and the firm have no financial interest in this property.

Mr. John Kennedy, Neyer Properties, stated the buffer concerns to the west are being addressed and the traffic concerns from being on State Route 48 are being addressed with ODOT.

President Weber opened the floor to the public.

Mr. John Roesch, 5406 Grand Legacy Drive, stated he was unclear about being on State Route 48 and no turn lanes. Mr. Kennedy stated they are working on a comprehensive traffic study with ODOT to get this worked out. The plans are still only in Stage 1.

President Weber closed the floor to the public.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to accept Resolution #14-0507B approving the proposed zoning amendment request by Neyer Properties on behalf of Bruce McGary, Trustee and Linda Holliday, to rezone 5.019 acres located at 5463 State Route 48, known as the Glass Property.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Ms. Melissa Brock, Human Resources, asked for a motion to approve the purchase of cemetery lots within the Maineville Cemetery – New Addition, lot 569, grave 2 for Ms. Georgia Wilder.

Mr. Duvelius made a motion and Mr. Wallace seconded the motion as stated above.

Roll call as follows:	Gene Duvelius	Yes
	David Wallace	Yes
	Kurt Weber	Yes

Ms. Brock asked for a motion to approve the purchase of cemetery lots within the Maineville Cemetery – New Addition, lot 22, grave 5 & 6 for Tom and Traci McReynolds.

Mr. Duvelius made a motion and Mr. Weber seconded the motion as stated above.

Roll call as follows:	Gene Duvelius	Yes
	Kurt Weber	Yes
	David Wallace	Yes

Ms. Brock asked the Board to approve the change of status for Firefighter/EMT, Mr. Dan Wilson, from Volunteer back to part-time Member within the Fire Organization at the applicable part-time rate of \$14.50 per hour effective this date of Wednesday, May 7, 2014.

Mr. Duvelius made a motion and Mr. Wallace seconded the motion as stated above.

Roll call as follows:	Gene Duvelius	Yes
	David Wallace	Yes
	Kurt Weber	Yes

Ms. Brock asked the Board to approve the resignation of Firefighter/Paramedic Jeff Walton from the active Hamilton Township roster effective this date of Wednesday, May 7, 2014. Ms. Brock thanked Mr. Walton for his service.

Mr. Duvelius made a motion and Mr. Wallace seconded the motion as stated above.

Roll call as follows:	Gene Duvelius	Yes
	David Wallace	Yes
	Kurt Weber	Yes

Ms. Brock asked the Board to make a contingent approval for an unpaid medical leave of absence to part-time Firefighter/EMT Brad Crowthers for a serious health condition, non-work related, to begin this date of Wednesday, May 7, 2014 until all supplemental paperwork from his physician is received in a timely manner. The unpaid medical leave has been requested for three (3) months or approximately through July 31, 2014. It is noted before he would be reconsidered to come back he would need to have a clean bill of health, a return to work without restriction by his attending physician.

Mr. Duvelius made a motion and Mr. Wallace seconded the motion as stated above.

Roll call as follows:	Gene Duvelius	Yes
	David Wallace	Yes
	Kurt Weber	Yes

Ms. Brock stated she has spoken with the State Auditors in regard to records on fraud reporting to the State. Ms. Brock presented a policy for the board to approve and be posted on the township website.

Ms. Brock stated the public announcement of the Auditor of State fraud reporting notifications that the Ohio Auditor of State’s Office maintains a system for the reporting of fraud, including the misuse of public money by any official or office. The system allows all Ohio citizens, including public employees the opportunity to make anonymous complaints through a toll free number, the Auditor of State’s website or through the United States Mail. The Fraud contact information is 1-866-FRAUDOH with a mailing address of Ohio Auditor’s State Office, Special Investigations Unit, 88 East Broad Street, P.O. Box 1140, Columbus, Ohio 43215. The web address is www.ohioauditor.gov.

Mr. Duvelius made a motion and Mr. Wallace seconded the motion to approve the policy as read above.

Roll call as follows:	Gene Duvelius	Yes
	David Wallace	Yes
	Kurt Weber	Yes

Ms. Brock stated there is an acknowledgement form that will be sent out to all employees.

Mr. Boeres prompted discussion about the fishing at Mounts and Marr Parks. Mr. Boeres stated he met with the Park Board about the cost of allowing this being around \$10,000.00. He would like some direction from the board about moving forward or not due to the cost amount. The board agreed to halt the project at this time.

Mr. Boeres stated there were no large purchase order requests at this time.

Mr. Boeres stated Ms. Brock is working on fixing the issues with the 941 tax forms and W-2’s. Ms. Brock met with Sean Boland Accounting Services Inc. in regards to this. Mr. Boland believes he can fix the problems in eight (8) to 10 hours at \$100.00 per hour. Ms. Brock will work with him during this process. The issue was the 941 form was not filed for the last two (2) quarters of 2013. There are also about 30 W-2 issues from last year. The board did not need to approve any payments as the money will come out of the contracted services fund. There was further discussion regarding the next steps and the solution. Ms. Brock spoke with the IRS today along with a State Auditor in attendance about getting rid of the penalty fees. The interest fees would potentially still have to be paid. Mr. Weber asked for an estimated figure of the fees the township will owe to the IRS. Ms. Brock stated it is yet to be fully determined, but will include finalizing a payment status of monies submitted to IRS for approximately \$171,000.00 which does not include penalty fees and interest.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to use Sean Boland Accounting Services to work on the 941 and W-2 issues with a cost of \$100.00 per hour for approximately 8-10 hours with the cost not to exceed \$1,500.00 and allow Mr. Boland to speak with the IRS on behalf of Hamilton Township.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Boeres asked for more time or at least until the next meeting to work on the cell tower lease and where that stands as of now. Mr. Ritchie asked about a self-renewing provision, Mr. Boeres stated it renewed every year for five (5) years and is now over.

Mr. Weber prompted discussion about the Regional Planning Commission vacant seat. There is an executive committee that meets on a monthly basis and there is a quarterly committee.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to have Mr. Boeres as the representative for the Executive Committee for the Regional Planning Commission and having Ms. Tegtmeier as his alternate.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Weber made a motion and Mr. Duvelius seconded the motion to have Ms. Tegtmeier as the representative for the Quarterly Meeting for the Regional Planning Commission and having Police Chief Jon Wheeler as her alternate.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Boeres will call the RPC and let them know of the changes.

Mr. Ray Warrick, Fiscal Officer, stated all the bills have been paid and are up to date as of today. All blanket certificates have been executed. Mr. Warrick asked the trustees to consider a Resolution to change the approval of appropriations. At this time Mr. Warrick presented a PowerPoint presentation of the affected accounts. This is not a reflection on the department heads and is not their fault. Mr. Warrick stated this probably will not be the last time he has to come to the board to make appropriation adjustments. When this Resolution is approved, bank reconciliations can be done. By the next meeting the January, February and March reconciliations will be done and April will follow soon after. The trustees will then get copies of four (4) or five (5) reports and a signature page of the information. These reports will go on the website monthly. There were some questions from the audience that were asked and answered by Mr. Warrick.

Police Chief Jon Wheeler noted the issues he had with the changeover is the description of the line items are different and it was challenging on how to know how much money should go into which line item.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to accept Resolution #14-0507F authorizing the amendment of the 2014 Permanent Appropriations with Exhibit A as presented.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Warrick noted there were two (2) other Resolutions he wanted to present in regards to fixing the fiscal emergency. The plan was to address the situation with journal entries. Mr. Warrick spoke with someone from the Tax Equalization General Counsel about what needed to be done about addressing the negative funds with positive funds. In order to move the funds a Resolution from the board is needed, then a petition must be prepared to the Common Pleas Court. The amount needed from the Legacy Fund #2111 is \$625,984.01. The amount needed from the Ambulance Charge for Services Fund #2281 is \$2,054,758.01. The Legacy Fund would not remain open, but the Medical Billing Fund will continue to stay open and the fund will grow again.

Mr. Weber made a motion and Mr. Wallace seconded the motion to accept Resolution #14-0507D declaring the necessity for the transfer of funds authorized by Section 5705.14 and 5705.15 of the Ohio Revised Code (ORC) from the Legacy Fund to the General Fund and authorizing the preparation and filing a petition addressed to the Warren County Court of Common Pleas and the forwarding of a copy of such petition to the Tax Commissioner as described in 5705.16 of the ORC.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes
	Gene Duvelius	Yes

Mr. Weber made a motion and Mr. Wallace seconded the motion to accept Resolution #14-0507E declaring the necessity for the transfer of funds authorized by Section 5705.14 and 5705.15 of the Ohio Revised Code (ORC) from the Ambulance Charge for Services Fund to the General Fund and authorizing the preparation and filing a petition addressed to the Warren County Court of Common Pleas and the forwarding of a copy of such petition to the Tax Commissioner as described in 5705.16 of the ORC.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes
	Gene Duvelius	Yes

Mr. Warrick requested an Executive Session regarding litigation. Included in the Session will be him, Mr. Ritchie, Mr. Boeres and the trustees.

Mr. Warren Ritchie, Law Director, stated he received an audit letter request from the State Auditor about the pending audit. He gave a copy to Mr. Boeres and asked for a copy to be given to the head Auditor tomorrow. This letter was asked of him to certify or report of any pending litigation and certify that he does advise the board during lawsuits/claims.

Mr. Ritchie noted he received a call about buying property adjacent to the Fire Station 77 on US Route 22/3 that would back up to Mounts Park Lake. The owner now wants to sell the property at the amount the township had originally offered last year of \$105,000.00. Mr. Weber stated now is not a good time. Mr. Duvelius stated he appreciated the offer, but it can't be done right now.

Mr. Ritchie presented a money making idea for the township. The Warren County Prosecutor is offering properties for sale that can be forfeited to the political subdivision where it is located if the board is willing to pay the back taxes and court costs. The township would then get the property title free and clear. Mr. Ritchie named a few locations available. The board has no interest in these properties.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to enter into Executive Session at 9:25 p.m. to discuss litigation with no decisions after.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes

Mr. Duvelius made a motion and Mr. Weber seconded the motion to reconvene from Executive Session at 9:58p.m. and open to the regular meeting.

Roll call as follows:	Gene Duvelius	Yes
	Kurt Weber	Yes
	David Wallace	Yes

Mr. Weber stated in Executive Session they discussed possible litigation. No decisions were going to be made.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to adjourn the meeting at 9:59 p.m.

Roll call as follows:	Kurt Weber	Yes
	Gene Duvelius	Yes
	David Wallace	Yes