

# HAMILTON TOWNSHIP TRUSTEES

April 2, 2014

Mr. Weber made a motion and Mr. Duvelius seconded the motion to call the meeting to order at 5:36 p.m.

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

Mr. Weber stated the meeting was opened early to interview a full time Police Officer Candidate.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to enter into Executive Session at 5:37 p.m. for the full time Police Officer interview.

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 reconvene from Executive Session at 6:00 p.m. and open to the regular meeting.

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

Mr. Weber stated the Executive Session was for the interview of a full time Police candidate.

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

Police Chief Jon Wheeler stated on March 25<sup>th</sup> there was an interview process where a panel met with the two (2) applicants. Both officers were outstanding. Officer Chris Kaufholz finished first in the process. He is an outstanding Police Officer and has served Hamilton Township with professionalism. Chief Wheeler would like the board to make a motion to approve Officer Chris Kaufholz for the open career position as Police Officer at the hourly rate of \$20.21 per hour with a probationary period to be effective for six (6) months. This is not a new position it is filling a vacant position. Chief Wheeler requested the eligibility list be kept for 18 months that would include Officer Bobby Haussermann to be appointed to the next available position.

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

President Weber gave the oath of office to Officer Kaufholz. A round of applause was given by all.

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

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 reconvene from the recess at 6:13 p.m.

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

Mr. Weber prompted discussion regarding the Fiscal Officer vacancy. The board met last night and interviewed the candidates. There were five (5) candidates that applied and only four (4) were eligible. Those eligible were Leonard Adkins, Russell Holman, Ralph Ward, and Raymond Warrick Jr. The trustees each had a citizen representative of Dr. Frank Colon, Mark Hurst, and Bill Dowden. Mr. Gary Boeres, Administrator was also present. Mr. Weber stated the top rated candidate was Mr. Warrick. Mr. Duvelius stated this was a difficult decision because they were all great candidates.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to accept Resolution #14-0402 to fill the vacancy of the Fiscal Officer position with Mr. Raymond E. Warrick Jr. effective April 2, 2014.

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

President Weber gave the oath of office to Mr. Warrick. A round of applause was given by all in attendance.

Mr. Weber made a motion and Mr. Wallace seconded the motion to dispense with the public reading of the minutes and approve as written for the March 26, 2014 meeting.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes
	Gene Duvelius	Abstain – Absent from Meeting

Mr. Weber made a motion and Mr. Duvelius seconded the motion to dispense with the public reading of the minutes and approve as written for the April 1, 2014 meeting.

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 adopt the proposed agenda for the April 2, 2014 meeting.

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 71990 through 72074.

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

Mr. Gary Boeres, Administrator, stated there were a few items to discuss that were postponed from the last meeting.

Mr. Boeres prompted discussion on the Building Bond Fund and what the board wanted to do with the payment from the Police Department Fund to that Building Bond Fund. Mr. Boeres sent the board a spreadsheet with the information. Mr. Warren Ritchie, Law Director, stated he had not received any more feedback from the auditors. Mr. Ritchie stated he gave the auditors his research and opinion of the 2003 continuing Police Levy language. The question is if the board can allocate retroactively some or the entire police

share of the Administration Building debt service. There was more discussion about the determination of the auditors regarding the levy language. Mr. Weber stated the information Mr. Boeres provided shows the police budget now and how it would be affected if the monies were taken out and how many years. Mr. Weber stated his opinion was to go back as far as they can and still allow the police department to have money to operate moving forward. After thinking about it further he thought of just taking the payments from years 2011 and 2012. The monies were taken out for 2013. The payment is approximately \$116,000.00 per year. Mr. Weber asked if at a later date the board could go back further. Mr. Ritchie stated it can be done in the future if the board decided to. Mr. Duvelius agreed with Mr. Weber not to go back all the way to 2003 because the police budget could not handle it right now. Mr. Wallace stated he would like to hear from Chief Wheeler. Chief Wheeler stated he would like to ask the board not to go back any further than the 2011 fiscal year. When he started here he was informed the monies for the building would be taken out and he budgeted for that. Based on the current numbers he has received from the Warren County Auditor, they anticipate dipping into the carry over this year and next year. The department will have to run the levy again to sustain its services. Mr. Wallace asked why there was a need to act on this now instead of waiting until June when the final audits are done and numbers are for sure. Mr. Ritchie stated by acting on this now it would show the auditors we are taking the negative balances seriously and are trying to fix them. Mr. Wallace stated he would feel more comfortable getting with the new Fiscal Officer and wait until a later date to do this. Mr. Duvelius stated the auditors had told them at their last meeting it would look favorable to the township if they showed intent of trying to reduce the debt. Mr. Wallace would like the Fiscal Officer to do a meet and greet with the auditor and talk to him then about it. Mr. Warrick stated he could call them tomorrow.

Mr. Boeres prompted discussion regarding the Testerman Park Concession Contract. He noted Deerfield Township does not allow mobile vendors, but he has pulled applications from other surrounding areas to go by.

Ms. Elidee Mason, Concession Contract Holder, stated she would have to give up her service because the board is making her raise her prices by bringing in mobile vendors who will take away from her concession money. Ms. Mason takes pride in what she does at the park and does not price gouge families. Ms. Mason stated the board told her at the last meeting she could set her own hours and that is not true because that clause is still in the contract. The contract stated she had to be there in the evening and on weekends. Ms. Mason stated she did not want to do the concession stand anymore. Ms. Mason does not feel the board is being fair or taking the community into consideration. Mr. Weber apologized about the hours not being taken out, but it was discussed at the meeting. There was more discussion about pricing for mobile vendors and fees. It was never bid out before because the trustees have never asked for it to be bid out. Ms. Mason stated again it was not fair for everyone and at this time she cannot provide services and she will have her equipment out of the concession.

Ms. Elaine Baston, 8073 Faller Road, stated she had a bad feeling about the township and Testerman park. The residents need the park and deserve the thoughts of the trustees in regard to this issue. The trustees have not thought this out and are being bad about this.

Mr. Wallace stated he would like to see \$40.00 per month charged to the outside vendors. He would like to have the concession vacancy posted on the website and on Facebook and look for those interested. There was discussion about accepting quotes and an acceptable time frame to do this. Mr. Duvelius wanted something for the families who show up on a consecutive basis and depend on the concession being open at all times during all games. Mr. Weber asked the Park Board members in the audience if they believed the price of \$200.00 per month was reasonable. Mr. Bill Shearer, Park Board, stated it was reasonable and not too expensive for the facilities that are there.

Ms. Baston stated the rental money was not the main reason that Ms. Mason did not want to do the concession anymore. It is because of the board not making clear decisions about this. They park does not need someone that will come and go, they need someone there. Mr. Weber asked if the dollar amount was set for the mobile vendors would that help Ms. Mason's decision. Ms. Baston stated she did not want to answer for Ms. Mason. Mr. Weber stated he was sorry the hours part of the contract was not struck from the contract

and asked if that would help. It was stated openly at the previous meeting that everyone could come and go as they pleased. Mr. Wallace stated \$200.00 per month for the concession and \$40.00 per month for mobile vendors and they have to go before the board for approval. Mr. Boeres stated he will discuss a location for the mobile vendors with the Park Board members at their meeting next week. There was more discussion about a time frame of accepting application for the concession stand contract quotes. Mr. Wallace asked about the hours. Mr. Duvelius stated he felt the vendor should be there a half an hour before the games start to set up and start food. Mr. Wallace believes supply and demand should dictate the hours. Mr. Wallace suggested the weekend hours be from 10-3 and they can adjust that. Mr. Weber suggested the hours be included in the bid.

Mr. Weber made a motion and Mr. Wallace seconded the motion to accept informal bid/quotes on the Concession Stand and have it be posted on the township Facebook page and website and bids/quotes are due by Friday, April 11<sup>th</sup> and a decision will be made on Wednesday, April 16<sup>th</sup>.

Mr. Duvelius asked the motion include the vendors will provided for the athletic events there and commit to a schedule.

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

Mr. Boeres stated this Saturday, April 5<sup>th</sup> at 8:00 a.m. the board has set a work session with the residents. The goals of the meeting are that Mr. Mark Hurst, CPA Consultant, will give a general overview of the finances breaking it down to revenues, expenses, levy operations and fund balances. After this everyone can divide into groups making their own suggestions and then present that to the group. The board can then decide what to bring back to the next meeting to discuss. Mr. Wallace wanted to make sure there are good numbers presented and levy information. Mr. Duvelius stated he would like a general explanation of what a levy does and how it depreciates. Mr. Weber stated the session is from 8-12 and will go as long as it is needed, but no later than 12. It was stated this will be a formal meeting because two (2) of the three (3) trustees will be present.

Mr. Boeres stated several employees and department heads have asked about the posting of payroll checks on the township website. It was asked to remove the names from matching the amounts or something to that effect. Mr. Wallace stated he had spoken with Mr. Boeres about this and the intent was full disclosure and maybe only gross amount is needed not what someone is bringing home.

Mr. Wallace made a motion and Mr. Weber seconded the motion to use an excel spreadsheet with employee gross amounts be posted on the website with the minutes, all other bills will continue to be posted on the website.

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

Mr. Boeres prompted discussion on the reappointment of members for the Park Board, Board of Zoning Appeals and Zoning Commission.

Mr. Duvelius made a motion and Mr. Weber seconded the motion to reappoint Pat Cremeans, Bill Shearer and DeLanna Oeder to the Hamilton Township Park Board.

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

Mr. Duvelius made a motion and Mr. Weber seconded the motion to reappoint Bob Garlock to the Hamilton Township Zoning Commission.

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

Mr. Duvelius made a motion and Mr. Weber seconded the motion to accept the resignation of Dan Phipps from the Hamilton Township Zoning Commission.

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

Mr. Duvelius made a motion and Mr. Weber seconded the motion to appoint Rhonda Ward-Southwick to the Hamilton Township Board of Zoning Appeals.

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

Mr. Duvelius made a motion and Mr. Weber seconded the motion to appoint Dan Reigner to the Hamilton Township Zoning Commission.

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

Mr. Duvelius made a motion and Mr. Weber seconded the motion to remove Joe Rozzi from the Hamilton Township Board of Zoning Appeals and appointment of Joe Rozzi to the Hamilton Township Zoning Commission as an alternate.

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

President Weber opened the floor to the public.

Mr. Clyde Baston, 8073 Faller Road, stated he remembers when the Administration Building was built; the funds were to be split between the Police Department and Administration. He doesn't remember the percentage the Police were to pay. Also the cell tower rental monies were to go into the building fund to help reduce the cost to the citizens.

Mr. Baston also asked about the Helping Hands fund and wanted to know why it was dissolved. The group had a separate board to handle the monies. Mr. Baston stated he believed in the park and has seen it grow over the years. Mr. Baston discussed the cost of running the concession stand. Mr. Baston stated when he left office as a trustee, there was enough money for the next ten (10) years without having to raise taxes. The monies spent should be looked at as a want and need. Mr. Duvelius noted the building was supposed to be split 50/50 between the Police Department and Administration. The language of the levy is what has confused where the money can come from and where it can be spent. Mr. Duvelius stated the Helping Hands fund was dissolved because the State Auditor stated the organization could not use the townships Tax ID. The State Auditor's office recommended the township no longer have that fund. Mr. Weber stated there were no problems with what the organization did; just could not use the township Tax ID number any more. Mr. Baston stated when the fund was started the township lawyer and Warren County Prosecutor's office stated the organization could use the ID.

Ms. Baston asked about the Easter Egg Hunt and if the tax ID was the same issue preventing it from happening. Mr. Weber stated no the Easter Egg Hunt was a money issue and is being put on this year because of private donations. Mr. Weber felt it was not a good practice to spend public funds on this event.

Mr. Jonathan Wocher, McBride, Dale & Clarion, was present to give a PowerPoint presentation about the rewrite of the Hamilton Township Zoning Code. This rewrite included simplifying things to make them easier for everyone to understand. This update was much needed since the last rewrite was over 20 years ago. Mr. Wocher thanked the board for allowing him to work on this project.

Mr. Wallace stated he would like some time to review the code and asked if the draft was on the township website. Mr. Boeres stated it is and has been updated throughout the entire process. This was not up for adoption tonight. Mr. Wallace asked how someone could obtain a hard copy. Mr. Boeres stated they are available at the administration building for a hard copy or we can send them a digital copy.

Mr. Bastin asked about the cost of the rewrite. Mr. Wocher stated it was between \$35,000.00 and \$40,000.00 since 2011. Mr. Boeres stated the actual contract is online with the exact amount.

President Weber closed the floor to the public.

Mr. Warren Ritchie, Law Director, noted the Ohio Revised Code states the Fiscal Officer is to prepare the minutes for the meetings. They board can designate someone to keep the minutes depending on their work load and availability. This was just to inform the board, they did not need to make a decision that evening.

Mr. Ritchie stated there was a court case that involved tax monies from districts that were annexed from a type 2 annexation. This case has been in the courts for about 2 ½ years and is finally coming to a close. A decision should be known in the next three (3) to four (4) months.

Mr. Duvelius thanked the Police Department, Fire Department and everyone who was involved in Lou Duvelius' funeral. He also thanked those who made donations in memory of his father and stated the monies would be put in the park fund.

Mr. Wallace welcomed Mr. Warrick and stated he looked forward to the time ahead and moving forward. He appreciated the Chiefs and their ambassadors who do a great job at working with the community and showing the township's good side.

Mr. Weber thanked everyone for attending that evening and also welcomed Mr. Warrick. Mr. Weber stated he is optimistic about the township and where we will be in the future.

Mr. Weber made a motion and Mr. Duvelius seconded the motion to adjourn the meeting at 8:03 p.m.

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