

## Hamilton Township Trustee's Meeting

July 20, 2016

Trustee Board President Wallace called the meeting to order at 6:03p.m. Mr. Wallace, Mr. Weber and Mr. Walker were present.

The *Pledge of Allegiance* was recited by all in attendance.

Motion was made by Mr. Wallace with a second by Mr. Weber to adopt the proposed agenda for the July 20, 2016 meeting.

Roll call as follows:	David Wallace	Yes
	Kurt Weber	Yes
	Joe Walker	Yes

Motion made by Mr. Wallace with a second by Mr. Weber to approve the withholding payments for payment cycle June 19, 2016 – July 2, 2016, checks numbered 22838365-22838378, 22839725-22839727, and 22839430-22839431.

Roll call as follows:	David Wallace	Yes
	Kurt Weber	Yes
	Joe Walker	Yes

Motion made by Mr. Wallace with a second by Mr. Weber to approve the withholding payments for payment cycle July 3, 2016 – July 16, 2016, checks numbered 22935925-22935938.

Roll call as follows:	David Wallace	Yes
	Kurt Weber	Yes
	Joe Walker	Yes

Motion made by Mr. Wallace with a second by Mr. Weber to approve the billing invoices for payment cycle July 11, 2016 – July 15, 2016 checks numbered 76425-76429.

Roll call as follows:	David Wallace	Yes
	Kurt Weber	Yes
	Joe Walker	Yes

Motion made by Mr. Wallace with a second by Mr. Weber to approve the billing invoices for payment cycle July 18, 2016 – July 22, 2016, checks numbered 76430-76470.

Roll call as follows:	David Wallace	Yes
	Kurt Weber	Yes
	Joe Walker	Yes

Motion made by Mr. Wallace with a second by Mr. Weber to approve Payroll for pay cycle June 19, 2016 – July 2, 2016, Electronic Fund Transfer Direct Deposit Vouchers 22838364, 1100922881, 1100924394-1100924397, and 1100916041-1100916114.

Roll call as follows:	David Wallace	Yes
	Kurt Weber	Yes
	Joe Walker	Yes

Motion made by Mr. Wallace with a second by Mr. Weber to approve Payroll for pay cycle July 3, 2016 – July 16, 2016, Electronic Fund Transfer Direct Deposit Vouchers 1101614126-1101614196.

Roll call as follows:	David Wallace	Yes
	Kurt Weber	Yes
	Joe Walker	Yes

Motion made by Mr. Wallace with a second by Mr. Weber to approve the meeting minutes from the meeting on July 6, 2016.

Roll call as follows:	David Wallace	Yes
	Kurt Weber	Yes
	Joe Walker	Yes

There was a presentation by Warren County court Judges, Gary Loxley and Rob Fischer giving updates on the number of cases and jail overcrowding.

Administrator, Ray Warrick requested the Board make a motion to approve Resolution #16-0720, authorizing the abatement, control or removal of vegetation, garbage, refuse or debris pursuant to section 505.87 of the Ohio Revised Code, dispensing with the second reading and declaring an emergency. This is for vacant lots on Acorn Trail owned by Pinnacle Communities and Indian Burial grounds on Weeping Willow.

Trustee Kurt Weber made the motion as stated above, and seconded by Trustee David Wallace.

Roll call as follows:	Kurt Weber	Yes
	David Wallace	Yes
	Joe Walker	Yes

Administrator, Ray Warrick informed the board that an agreement with Dupont is in the process of being written to get a refund for the Munitions Park project. The refund will be in the amount of \$48,000.00 to be put into the park fund.

Administrator, Ray Warrick presented the monthly numbers. We are ahead on revenue is at 57.4% and expenditures are at 42.96% which is below the 50% run rate. The staff goes over these numbers in detail every month. Some numbers are running tight but nothing needs to be approved by the board at this time. There is a revenue short fall of \$1.374 million compared to last year. A large of amount of that is due to \$526,000.00 not being collected from a TIF.

Fiscal Officer, Jim Hunter requested the board approve a large purchase order of \$5,948.57 to Carpet Depot Family Flooring for carpeting for the Police Department.

Trustee David Wallace made the motion as stated above, and seconded by Trustee Kurt Weber.

Roll call as follows:	David Wallace	Yes
	Kurt Weber	Yes
	Joe Walker	Yes

### **Public Comments**

Mr. Wallace opened the floor to the public at 6:35pm.

Lee Monti, 1567 Eagle Court, stated that he received a letter from Brian Johnson with Fischer Homes, that raises even more of a concern. Brian Johnson says that there has always been a plan for smaller lot sizes in the Eagles Pointe Subdivision. Mr. Monti stated that he has listened to the meeting from 12-8-2010 and the first resident to speak stated that the Eagles Pointe community would be hit harder because they are going from 90' lots to 50' and 60' lots. Mr. Monti says that based on the letter from Brian Fischer, there has always been a plan for 60' homesites. Mr. Monti wants to know why that information was not shared. Who is responsible for not being able to share that information? Mr. Monti stated that it was in agreement with Fischer Homes and the Township that there would be a distinction between the 90' lots and the smaller lots, and to his knowledge, nobody has seen that. What can the trustees do to help the residents.

Kurt Weber explained why he voted for the smaller lots 6 years ago. Both of the developments (Eages Pointe and Providence) were in dire straights. Mr. Weber stated that he can not speak for Fischer as to why it wasn't communicated by Fischer about smaller lots. Mr. Weber stated that signing was to be placed to distinguish between the different home products/lot sizes within the communities.

Mr. Monti states that he was shown the original plan when he asked for the plan. He also stated that he feels that the plan that he just received from Fischer doesn't coincide with the plan of 12-8-2010. He wants to know if he is in the right place? Everybody wants the community to be nice. Mr. Monti stated that the trustees would have the same concerns if they were him. He also asked if the trustees had to provide the regional planning commission with the final plan?

Mr. Weber stated that it is not something that would have to be given back to the planning commission.

Joseph Kelly 1572 Soaring Way, stated that there are many more people concerned that aren't able to be at the meeting and that this is no small matter. He would like to see a sense of urgency about the matter because the development is going up. He stated that the residents should have the primary relationship. Mr. Kelly asked the board how they would like to be treated? Mr. Kelly stated that the residents are looking to the board to support them. He also stated that Fischer is still selling as 90' lots and the signs still state 90' lots. Mr. Kelly presented the definition he found of Duties of the Prosecutor. He stated that he wasn't sure if the residents should be talking to the trustees or the prosecutor. He stated that there seems to be some confusion as to what is to be in their subdivision. Mr. Kelly states that he still sees a sign saying 90' lots and it starts to smell fishy. Mr. Kelly asked what was the exact wording for the signage agreement?

Administrator, Ray Warrick stated that the final conclusion hasn't been reached because we have a argument with Fischer Homes that hasn't been settled yet. Mr. Warrick apologized for the lack of sense of urgency, it was not intentional. Mr. Warrick stated that at some point the board will be able to come back and tell the residents who they need to talk to next.

Mr. Kelly asked the board if they have any direct knowledge or evidence that indeed that they are not representing the homes as one would think? Do you have reason to believe that they are telling people that there are going to be smaller homes in the neighborhood?

Trustee Kurt Weber stated that he had no knowledge until Lee Monti contacted him. He stated that the trustees don't get involved in the way a developer markets.

Mr. Kelly feels that there was a breach of contract because there was no signage. He stated that if Fischer did not hold up to their side of the agreement that the agreement should not hold and should have to go back through the process. Mr. Kelly stated that the residents will keep cluttering up the room until they can get answers. Mr. Kelly asked what the timeline would be as to the agreement in regards to the development?

Mr. Warrick stated that we should have an answer by next meeting in regards to whether or not this can be reviewed by the trustees again. Mr. Warrick stated that if it can not be reviewed again, that's when the trustees will direct the residents to the next place.

Mr. Kelly asked why does the agreement hold if Fischer didn't hold up their end?

Mr. Warrick stated that the condition was a recommendation moving forward. The township is legally not able to do anything just because Fischer did not put up a sign, but we are still researching that.

Mr. Kelly asked if Fischer did not have to follow since it was recommended?

Trustee Kurt Weber stated the intent of the signage was to show a sense of place between products. So generally, those signs are put up as those phases are started.

Mr. Wallace closed the floor to the public at 7:03pm.

### **Trustee's Business**

Mr. Wallace made a motion, and seconded by Mr. Weber to enter into Executive Session to discuss pending court action, consider the sale of a property, and collective bargaining matters at

7:04pm. In Executive Session were all Trustees, Administrator, and Fiscal Officer. The Human Resource Manager was in attendance for the collective bargaining subject only.

Roll call as follows:	David Wallace	Yes
	Kurt Weber	Yes
	Joe Walker	Yes

Motion made by Mr. Wallace with a second by Mr. Weber to return from Executive Session at 8:05pm.

Roll call as follows:	David Wallace	Yes
	Kurt Weber	Yes
	Joe Walker	Yes

With no other business at hand a motion made by Mr. Wallace with a second by Mr. Weber to adjourn at 8:05pm.

Roll call as follows:	David Wallace	Yes
	Kurt Weber	Yes
	Joe Walker	Yes