

SPECIAL MEETING OF THE BOARD OF PARK COMMISSIONERS ANDERSON TOWNSHIP PARK DISTRICT

April 21, 2015

Dale Bartholomew, President, called the special meeting of the Board of Park Commissioners of the Anderson Township Park District (“ATPD”) to order at 6:02 pm at Park District Headquarters, 8249 Clough Pike, Cincinnati, OH 45244. Present were Board Members: Nadine Gelter, Angie Stocker, and Tom Turchiano. Rob Herking arrived at 6:20 pm.

Also present were: Ken Kushner, Executive Director; Emily Armstrong, Assistant Director/Board Clerk; Brian Jordan, Financial Officer; Jessica Fall, Recreation Manager; Sheila Fehn, Office Manager; and Marshal Carpenter, Recreation Supervisor.

GUESTS: Sheila Vilvens, Forest Hills Journal; Residents: Beverly Robinson, Jean Wakefield, Bob Drake, Sue Hardenburgh, and Cara and Steve Misleh.

PLEDGE OF ALLEGIANCE

AGENDA: Mrs. Stocker moved the Board approve the Agenda as presented. Mrs. Gelter seconded the motion. Voting: Yes: Mrs. Gelter, Mr. Bartholomew, Mrs. Stocker, and Mr. Turchiano. (4); No: None. The motion carried unanimously.

Recent News Articles: Mr. Kushner presented recent news articles that ran in the local paper about the current proposed levy and possible components. He said the local papers have provided great coverage about the park district, helping to keep the community informed. The information is online, additionally. He further stated that if people want to know what is going on with the park district, or if they have questions, they should call him.

Ohio Attorney General and Hamilton County Prosecutor Opinions:

Mr. Kushner presented the Board with recent opinions rendered by the Ohio Attorney General and the Hamilton County Prosecutor, regarding the requirement for Anderson Township Trustees’ to review the ATPD’s levy requests. He said the Trustees are no longer required to approve the ATPD’s levy requests to be on the ballot.

Mr. Kushner said the Township is looking into when the legislation changed. He said while the Trustees have always approved ATPD levies in the past, the steps to get on the ballot are now different.

Mr. Bartholomew stated the Board should rescind the resolutions presented to the Board of Trustees for their approval of a tax levy for the November, 2015 election. He asked if there was any discussion about any of the changes.

There was no further discussion.

Rescind Resolution 2015-12 ~ Requesting Board of Township Trustees of Anderson Township to Approve Tax Levy Request:

Mr. Turchiano moved the Board rescind **Resolution 2015-12, requesting Board of Township Trustees of Anderson Township to Approve Tax Levy Request**, as the Board of Township Trustees are no longer required to vote on township park district levy requests.

Mrs. Stocker seconded the motion. Voting: Yes: Mrs. Gelter, Mr. Bartholomew, Mrs. Stocker, and Mr. Turchiano. (4); No: None. The motion carried unanimously.

Mr. Bartholomew stated Mr. John Fox will be presenting the results from the recent community survey at the next regular meeting on May 12, 2015. He asked Mrs. Gelter if there was any information that could be presented from the meeting on April 20th, when Mrs. Gelter and Mr. Kushner met with Vicky Earhart, Township Administrator and Josh Gerth, Township Trustee to discuss how Mr. Gerth's big plan announcement at the April 16th Trustees' meeting might help the ATPD move forward.

Mrs. Gelter said the ATPD met to find out about Mr. Gerth's plan because the landowner's May 8th deadline is fast approaching. She said no viable plan was presented that could be discussed. Since there was no plan on which the ATPD could hang its hat, she said she believed it was prudent for the Board to go forward tonight with what the ATPD wants to accomplish for the community. She stated only rumors exist about what others have in mind for the Beech Acres Parenting Center property, including scenarios for private and public partners, none of which included the ATPD in a significant way on the property, if at all. She said she expressed to Mrs. Earhart and Mr. Gerth that the ATPD Board is always open to partnerships, and has had many successful partnerships over the decades, including, but not limited to: the Forest Hills School District, Hamilton County Park District, Anderson Township, and Beech Acres Parenting Center.

Mr. Turchiano asked if the Township is aware of the landowner's deadline to respond with a plan to acquire the property.

Mrs. Gelter said she assumed Mrs. Earhart and Mr. Gerth would have shared the deadline with the Trustees.

Mr. Kushner said he sent the landowner's deadline notice to the Township upon immediate receipt.

Mr. Bartholomew suggested the Board instruct Mr. Kushner to send a letter of intent to Beech Acres Parenting Center stating the ATPD is going to run a levy, regardless of the level of millage the Board decides upon.

Mrs. Stocker agreed the ATPD should express its intent to the landowner that we intend to go forward regardless of the amount.

Mr. Kushner said the minimum levy the ATPD would run would include the land purchase, cleaning up the property for public use, renovating the RecPlex, extending the paved trail, adding parking, and debt service. He said the survey proves that people want more than what the ATPD could do, even at the maximum amount.

Mr. Jordan said the approximate debt service on \$10 million for 10 years would be about \$1 million. He suggested the ATPD refrain from cutting the amount too close since the numbers from the Hamilton County Auditor are estimates and are not guaranteed.

Mr. Bartholomew asked if the ATPD should try to get the landowner to give the ATPD the right of first refusal, should they decide not to sell the 8 acre parcel now, which makes up the 36 acre property total.

Mr. Kushner stated that he cannot speak for the landowner, but that he believes they may be more likely to build their new building on the 8 acres if the ATPD is able to buy the 28 acre parcel. If the landowner decides to sell the 8 acres, he believes the community has spoken through the survey that they want the ATPD to acquire the land for the community, regardless if it's 28 or 36 acres. He said Beech Acres Parenting Center has been a great neighbor for decades and he hopes they will want to stay should the ATPD get the 28 acres.

Mr. Kushner stated the ATPD is bringing this opportunity to the public because other routes to acquire the property were not successful. Going to the tax payers is the final option to keep this iconic property as a public asset for the lifetime of the Anderson community.

Mrs. Stocker asked if the Board needed to make a statement about our intent to move forward with the levy to acquire the property and when the landowner will decide if they are selling 28 or 36 acres.

Mr. Kushner said 28 acres was included on the ATPD's request for proposal response. He believes the landowner will let the ATPD know the acreage after our May 8th proposal deadline. He stated everything needs to be to the Board of Elections at least by the beginning of August in order to be on the ballot. He further stated he recommends the ATPD submit the election information with plenty of time to spare.

Mrs. Gelter stated that the Board has an additional resolution to rescind for the 0.7 mill levy option the Board approved at the last meeting.

Mr. Bartholomew stated the Board discussed additional levy options at the April 14th regular meeting in which the Board passed a resolution for a 0.7 mill levy for 15 years as an alternative to the 1.0 mill levy for 20 years. He said since the Trustees are no longer required to review ATPD tax levies, the Board should rescind resolution 2015-16 in addition to resolution 2015-12. He asked if there was any discussion about the matter.

There was no further discussion.

Rescind Resolution 2015-16 ~ Requesting Board of Township Trustees of Anderson Township to Approve Tax Levy Request:

Mrs. Stocker moved the Board rescind **Resolution 2015-16, requesting Board of Township Trustees of Anderson Township to Approve Tax Levy Request**, as the Board of Township Trustees are no longer required to vote on township park district levy requests.

Mr. Turchiano seconded the motion. Voting: Yes: Mrs. Gelter, Mr. Bartholomew, Mrs. Stocker, and Mr. Turchiano. (4); No: None. The motion carried unanimously.

Mrs. Gelter stated her opinion continues to be the same as she expressed at the last meeting. She believes the ATPD should go for a lower levy amount to ensure the ATPD acquires the Beech Acres Parenting Center property. Going for the lower amount for the property purchase and RecPlex renovation component would simplify the process. The survey is very clear that the community wants the property and she believes the components for a new rec center and general park improvements adds a lot of noise to the process. While the survey confirms both are desired by the community, she believes the property acquisition should be the Board's priority and that it is far too important to risk losing this one time opportunity. She said the property is important to the history of the community

and that the best decision for the future of our township is to capture this iconic land for our children and grandchildren. She is concerned the property purchase would get lost in the 1.0 mill levy option and that the new rec center and general park improvements can be accomplished over time. She said 70% of the residents surveyed are in agreement that the ATPD should purchase the property. She believes most people think the property is already a park. She fears that if the ATPD does not get the property that it will be sold for development.

Mr. Bartholomew asked the Board members to continue to look at all the numbers and the survey results. He said the 0.7 mill levy for 15 years would cost the homeowner of a \$100,000 home \$24.50 per year and generate approximately \$12,860,055.

Mr. Kushner stated the 0.7 mill levy would generate the amount needed to purchase the property, make the basic upgrades, and ready the property as a public park. He said with upgrades, the current RecPlex could serve the community well for another 20 years, or more. It has not been upgraded in 40 years, besides the gym floor that was replaced a few years ago. He said the \$140 to \$212 a square foot estimate in the levy summary is a basic renovation number used in the industry. Staff will continue to scrutinize the numbers in the levy summary.

Mr. Turchiano said he agrees with Mrs. Gelter. He has been giving the levy a lot of thought and believes it is most important to secure the property for the community. He stated true partnerships are possible if the ATPD owns the property. We can move forward with grants, sponsorships, and partnerships for a new rec center or addition to our existing RecPlex. He wants the Board to consider if the 0.7 mill levy amount is enough to do what we need to do for the first component. He questioned if the 0.8 mill amount would be a better amount. He believes it would give the ATPD the security to enhance the 28 acres in the next few years to meet the community's expectations.

Mrs. Stocker said she is concerned about the 0.7 mill levy for 15 years not being enough to do the first component well. The ATPD would be in a hard spot if the actual costs to renovate the RecPlex end up being more than expected for whatever reason. Once the determination is made to demolish any or all of the existing structures, we may discover additional expenses that simply cannot be known until you are in the middle of it. She asked staff to look very closely at the numbers in the first component to make sure they are as solid as possible. She believes the 0.7 mill level is cutting it too close and that the 0.8 mill level would provide a cushion to accomplish what the community expects. She wants to hear Mr. John Fox's survey presentation to make a final decision. She said once the taxpayers vote for the levy, we cannot go back for the life of the levy. We need to make sure we can do what we say we are going to do for the amount we ask for.

Mr. Herking apologized for being late. He said he made the initial motion for the 1.0 mill levy amount. He took grief from some people for it but his allegiance is to make the best decisions for the community on behalf of the ATPD. He wants to live in a community with first class parks. He wants the community to decide what it wants. He is open to alternatives and understands some people are vocal about improvements to the parks. He agrees Johnson Hills Park is unique and is great the way it is, but believes the ATPD should do more in the parks including restrooms. He could agree to reducing the levy because of the concerns, but does not want to cut it too close. He stated an increase in property taxes is unfortunate, but that based on the survey, he believes the community will be willing to pay for it. He believes whether people are here commercially or residentially, it is a privilege to be in the community. He is open to compromise on the levy amount but is still willing to

support the 1.0 mill level for 20 years. He has discussed the matter with many people and everyone believes the Beech Acres property is a great asset to the community.

Mr. Bartholomew said he is well aware of the commercial and residential consequences of the levy. He believes the ATPD could accomplish most of the park improvement items from the operating levy over time, except for the restrooms. He believes the ATPD needs to have enough money to acquire grants which often require matching funds. The ATPD is very good at getting grants but we still need to have funds to match the projects. He said he is leaning toward the 0.8 mill level. He wants to see Mr. Fox's presentation and continue to listen to the community's feedback on the subject.

Mrs. Stocker said she believes it is important to remember that the ATPD is more than just Beech Acres and Johnson Hills Parks ("JHP"). More than these two parks need restrooms and improvements. JHP needs a safe entrance, restrooms, and other basics. The park improvements component is more than just JHP. All of the ATPD parks are important.

Mrs. Gelter asked Mr. Bartholomew to explain to the audience the resolutions that were rescinded.

Mr. Bartholomew said since the Board passed options for a 1.0 mill levy for 20 years, and a 0.7 mill levy for 15 years, it also passed resolutions requesting the Township Trustees approve both options. The Board had planned to attend the April 16th Board of Trustees' meeting to present the 1.0 mill levy option and survey results to the Trustees, in order to satisfy the landowners request by May 8th. The landowner wanted to know if the Trustees were going to approve the ATPD running a levy to acquire their property. Once the ATPD and the Trustees were made aware of the Ohio Attorney General's opinion and the corresponding opinion of the Hamilton County Board of Elections, there was no longer a need to ask the Trustees to review the levy request. Therefore, the resolutions requesting the Trustees review the ATPD levy requests were rescinded. The Board is still deciding on levy levels and options.

Ms. Vilvens asked for clarification on the levy amounts and lengths.

Mrs. Wakefield asked where in Fairfax the ATPD owns property, as discussed in the Trustees' meeting on April 16th. She also asked for clarification about Trustee Gerth's comment about getting the Beech Acres Parenting Center property without running a levy.

Mr. Kushner said the ATPD's Village of Fairfax property is a tiny piece of property, which he believes was donated or acquired in the 1980's. He said he would look up the history of the piece since he is not sure of the details.

Mr. Kushner explained the Beech Acres Parenting Center property is not free. He said Trustee Gerth claims to have a "game-changing plan" for the community on the Beech Acres property, but continues to reiterate he has nothing concrete. Mr. Kushner said the landowner has extended an opportunity to the community through the ATPD to buy the property. He hopes Trustee Gerth, a commercial real estate realtor, will explain his game-changing and no cost rec center option to the public. He stated the Beech Acres property is the key to Anderson Township's recreation future. He believes Trustee Gerth's plan could have a significant cost to the taxpayer in the end and result in the loss of the 28 acres of land and/or of Beech Acres Park.

Mrs. Gelter said Mr. Gerth's comments were the reason for their meeting the day before. She said she wanted to see if there was actually a plan the ATPD could hang its hat on, yet he continues to produce nothing.

Mr. Turchiano said there has been much talk about a plan, yet when the ATPD has repeatedly asked for the plan to see if it makes sense for the community, they continue to produce nothing.

Mrs. Wakefield said there is no free lunch.

Mrs. Gelter stated the ATPD has been trying to purchase the Beech Acres Parenting Center property for decades. The community is the landowner's preferred buyer of the property through the ATPD. While her understanding is that others including developers are interested in the property, Beech Acres Parenting Center chose the ATPD. She believes the land is valuable to the future of the community as public space and does not want to leave too much to chance and not get it. She said it would make her sick if the property becomes housing or a convenience store. Preserving land is an important part of what the ATPD does for the community. We talked to our local partner to help make this happen without going to the voters, but they said no. JHP would be a housing development without the partnership of the Hamilton County Park District. The ATPD is willing to partner with others. The ATPD should acquire and prepare the property for public use and continue to explore partnership opportunities. As a lifelong resident of Anderson Township, once this property is gone, it's gone for good. This is important as a gateway to our community.

Mr. Misleh stated he lives in Ivy Hills Sanctuary and is concerned about Johnson Hills Park. He owns six Skyline restaurants and his family has a long history in Anderson. He said there is a litany of emotions with JHP and he is hearing from both ends of perspectives. He said this is a matter of wants and needs. The recent Forest Hills School District levy and the Hamilton County Auditor's property tax increases are a lot. He asked if the ATPD considered a partnership with the YMCA. He has experience in demolition, and asbestos could be an issue for us with the buildings at Beech Acres. He asked when tonight's meeting was posted and about the price of the property.

Mr. Kushner said the cost for the property is approximately \$5.5 million and the ATPD cannot pay more than the appraised value.

Mrs. Misleh said she prefers funds be spent at Beech Acres and not at Johnson Hills Park.

Mr. Bartholomew said the entrance, driveway, and restrooms are necessities for JHP as a public park.

Mrs. Stocker said the purpose of the Board's meeting is to discuss the levy and not to debate JHP.

Mr. Kushner said the meeting was posted yesterday, per the meeting notice requirements of the Open Meetings Act. It is also posted in various places and on the ATPD's website. The ATPD does not typically have this many special meetings, but this issue at hand is to meet the timeline set by Beech Acres Parenting Center for their property. He encouraged the attendees to attend the open house on Saturday, April 25th at JHP between 9 am and 11 am to discuss the plans.

Mrs. Misleh said her decision on the levy is going to be based on what the ATPD is going to spend in the parks.

Mrs. Stocker directed the attendees to the website for the details being discussed about the levy, as well as to view the JHP Phase I plans.

Mr. Kushner said the JHP Phase I plan is a boiled down version of the previous master plan. Paved trails continue to be one of the most highly used amenities in the parks, and they allow the ATPD's service vehicles to more efficiently and effectively maintain the parks. The trail at JHP would be the same 12 foot width as the trails at Juilfs Park and Beech Acres Park. The ATPD is not paving the trails through the woods. The ATPD accommodates as many populations as possible in the community, including those who are not mobile enough to hike the natural surface trails through the woods.

Mr. Misleh asked if the ATPD will have a bid process. He stated bathrooms can be problem areas. He experiences heroin problems in his restaurant restrooms.

Mr. Kushner said the ATPD serves as the general contractor on most projects and bids out for items. By doing so, the ATPD is able to extend our dollars to put more in the parks. He said the recent Juilfs Park playground project is an example of how the ATPD accomplishes projects. The playground project would have cost approximately \$1.5 million had it been contracted out, instead of the \$748,000 the ATPD actually spent. Few park systems are capable of serving as the general contractor. A few years ago a blacktop contractor accused the ATPD of operating like a business, which we took as a great compliment. He stated the numbers for the renovation and upgrades are general numbers provided by professionals in the industry. The ATPD will continue to scrutinize the numbers throughout the process.

Mr. Drake asked if the Board intended to listen to public opinion at the Saturday open house at JHP.

Mr. Bartholomew said the Board listens to public opinion.

Mrs. Stocker said the ATPD welcomes public opinion, regardless of what Mr. Drake keeps telling people. The ATPD has conducted many open houses for various projects where feedback was encouraged. She gave an example of open houses conducted for the Laverty and Juilfs Park playground renovations. She stated the open houses were announced, neighbors were invited, the plans were presented, and questions were asked. Some people give comments, some do not. The ATPD makes considerations based on many variables including money, safety, and feedback. Some people want a lot, some people want nothing and the ATPD has to balance the needs of the community.

Discussion continued briefly about JHP.

Mr. Kushner stated the biggest threat to the Anderson Parks, including JHP, is the Asian Longhorn Beetle.

Mr. Bartholomew thanked the guests for attending the meeting and said they are welcome to stay while the Board goes into Executive session.

At 7:14 pm Mrs. Stocker moved the Board adjourn into Executive Session to discuss land acquisition. Mrs. Gelter seconded the motion. Voting: Yes: Mrs. Gelter, Mr. Herking, Mr. Bartholomew, Mrs. Stocker, and Mr. Turchiano. (5); No: None. The motion carried unanimously.

The Board waited for the room to clear before resuming the meeting. Staff provided guests with various information requests.

At 7:38 pm the Executive Session began.

At 7:41 pm Mrs. Gelter moved the Board adjourn the Executive Session and re-open the regular meeting. Mr. Herking seconded the motion. Voting: Yes: Mrs. Gelter, Mr. Herking, Mr. Bartholomew, Mrs. Stocker, and Mr. Turchiano. (5); No: None. The motion carried unanimously.

No decision was made by the Board at this time.

At 7:41 pm, there being no further business to be brought before this Board, Mrs. Stocker moved to adjourn the meeting. Mr. Herking seconded the motion. Voting: Yes: Mrs. Gelter, Mr. Herking, Mr. Bartholomew, Mrs. Stocker, and Mr. Turchiano. (5); No: None. The motion carried unanimously.

I hereby certify that the foregoing are the minutes of the April 21, 2015 special meeting of the Board of Park Commissioners, which minutes reflect the essence of the meeting and are not verbatim.

Emily Armstrong
Board Clerk

Dale Bartholomew

Nadine Gelter

Rob Herking

Angie Stocker

Tom Turchiano