

# REGULAR MEETING OF THE BOARD OF PARK COMMISSIONERS ANDERSON TOWNSHIP PARK DISTRICT

**August 11, 2015**

Nadine Gelter, President, called the regular meeting of the Board of Park Commissioners of the Anderson Township Park District (“ATPD”) to order at 6:30 pm at Park District Headquarters, 8249 Clough Pike, Cincinnati, OH 45244. Present were Board Members: Angie Stocker, Dale Bartholomew, Rob Herking, and Tom Turchiano.

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

**GUESTS:** Sheila Vilvens, Forest Hills Journal; Residents: Dee Stone, Elsa Basler, Cheri Snyder, Joyce Gundling, Cathy DiBiagio, Kathleen Wagoner, Lois Key, Jean Wakefield, Wayne Rod, Brian Parrish, Elizabeth Barber, Bonnie Dunkelman, Tom Simons, and Rachael Campbell.

## **PLEDGE OF ALLEGIANCE**

**AGENDA:** Mrs. Stocker moved the Board approve the Agenda as presented. Mr. Herking seconded the motion. Voting: Yes: Mrs. Stocker, Mr. Bartholomew, Mrs. Gelter, Mr. Herking, and Mr. Turchiano. (5); No: None. The motion carried unanimously.

## **OLD BUSINESS:**

Clear Creek Park ~ Little Miami Scenic Trail Construction: Mr. Kushner said construction has begun on the Little Miami Scenic Trail which will connect the ATPD’s existing link of the trail to the Beechmont Levy and the Little Miami Golf Center. The ATPD has been working in cooperation with all the parties to bring this signature recreational feature to fruition. The partners include but are not limited to: Great Parks of Hamilton County, Anderson Township, and Ohio Department of Transportation. The ATPD will contribute excess fill dirt from the Clear Creek Park driving range mound to be used to fill various areas on this 3.1 mile link of the trail. In March the Board authorized the mound serve as a borrow sight, at no cost to the contractor(s) selected to build this portion of the trail for an approximate amount of 50,000 yards of excess fill dirt. The ATPD has approximately 90,000 yards of excess fill dirt at the site. ATPD staff has worked with Great Parks of Hamilton County to see the project through and to establish the parameters for the contractor(s) to protect the ATPD’s interest. The contractors will remove the large remaining pieces of concrete from the site. This is one of the last remaining linkages in this important regional trail system and soon, the trail will extend completely from the Ohio River to Lake Erie. He further stated the ATPD is proud to have contributed to this recreational feature that will greatly enhance the township for our residents.

Mr. Kushner confirmed for Mr. Bartholomew that less than half of the mound will remain after the project is complete.

Clear Creek Park ~ Pickleball Courts Update: Mr. Kushner reported the pickleball courts project is well underway at Clear Creek Park. The blacktop and fencing poles have been installed. The remaining project components include the surfacing of the asphalt and the installation of fencing and nets. The finishing touches will include re-grading the site and landscaping. The six courts should be open for play in September. This facility will be the first dedicated for pickleball in the county. From

start to finish including fundraising, the project will have taken three years. Mr. Kushner anticipates a ribbon cutting ceremony in September.

Playground Update ~ Kellogg and Riverside Parks: Mr. Kushner said it has been a goal of the ATPD to feature playgrounds in all of the Anderson Parks. Kellogg Park, established in 1988, will get its first playground this year as a result of a grant. It will be similar in size to the Laverty Park playground. He stated the park has come a long way in the last few years with the addition of a shelter, improvements at the Dog Field, and now a new playground.

Mr. Kushner said the Riverside Park playground is getting a new play unit and swings to replace the equipment that originally came from the Nagel Park playground. Nagel Park was established in 1977 with an agreement between the Forest Hills School District and the ATPD which allowed the community to enjoy the property as a park until it was needed for school purposes. The playground equipment being replaced was originally installed at Nagel Park in 1988 and re-located to Riverside Park in 1996-1997. The Nagel Park play equipment has served the community well over its 26 years of use.

Mr. Kushner said the playground equipment for both projects has been delivered and will be installed this fall.

Beech Acres Property Purchase and Levy: Mr. Kushner stated while the ATPD had multiple meetings and discussions with the Township and the school board regarding a joint partnership for the Beech Acres property, efforts were unsuccessful by the landowner's June 24<sup>th</sup> deadline. Therefore, the ATPD filed with the Board of Elections to place a 0.7 mill levy for 15 years on the November ballot, which would generate approximately \$12,860,055 to: buy the Beech Acres property, including the RecPlex; renovate the RecPlex; and prepare the property as a public park. The ATPD and the landowner have entered into a contract for the ATPD to purchase the property as parkland, pending the outcome of the November election.

Mr. Kushner said the ATPD learned the plan to put Anderson High School on the Beech Acres property was still alive the week of Greater Anderson Days when the "Anderson 2020 Plan" was released. He thanked Ms. Vilvens for bringing the developer's "Anderson 2020 Plan" to the ATPD's attention and for providing the ATPD with the document. He said the ATPD received materials from the developer for the first time on August 1<sup>st</sup>. He stated at this point it appears the developer is pushing the plan, while the ATPD has yet to determine if the other Township Trustees and Fiscal Officer, and/or the School District Board of Education and the Treasurer will or will not give the plan their seals of approval. The Board and staff thought the idea to put Anderson High School at Beech Acres was dead at the landowner's June 24, 2015 deadline. However, news articles, feedback from the community, and recently received information from the developer indicate otherwise.

Mr. Kushner said the site plan included in the developer's materials received on August 1<sup>st</sup> is the same site plan that was featured in the Forest Hills Journal. The map indicates 4.4 acres are reserved for the ATPD's RecPlex, but that the ATPD already owns at least half of the reserved property. The developer's materials also list the Beech Acres property as a 50 acre site while the landowner is only selling 36 acres.

Mr. Bartholomew stated the ATPD told the developer earlier in the process that the property lines were wrong but that they did not fix them. He asked if there is any indication the developer intends to

deed over any of the reserved property which the ATPD does not currently own. He confirmed with Mr. Kushner the existing Beech Acres Park is 26 acres.

Mrs. Gelter suggested if the developer is reserving property for the ATPD which the ATPD already owns, that maybe the developer has other plans for the property the ATPD owns but is not marked as reserved.

Mrs. Stocker asked where the remaining 14 acres would come from if the developer is listing the school project site as 50 acres as opposed to the 36 acres being sold.

Mr. Kushner said he was unable to answer for the developer, and that he is still not sure at this point who is actually pushing the plan besides the developer. He said the ATPD is learning through the media about the plan and that various residents appear to have a lot of information that neither the school district nor the Township have discussed with the ATPD. Community members are being told the ATPD is standing in the way of a free new Anderson High School. The first social media thread he saw was started by a person who does not live in the township, who works for one of the developer's companies, in which he was inciting the community to help the developer move forward with the project by de-railing the park district.

Mrs. Stocker read a statement on behalf of the Board in attempt to clarify the matter for the guests:  
*I want to take a moment to address the misconceptions that are swirling around. You all are aware that we have been in conversations both publicly and in executive sessions with the Township and the school board regarding a joint partnership related to the Beech Acres property. The information that has been disseminated would have you believe that we, the park district, have walked away to pursue our own interests. That could not be farther from the truth. We entered into the discussions under the premise that it would be a win-win-win solution that would not require any additional tax levies. Over the course of the last few months, we have not been able to come up with a scenario that fits that.*

*I want to offer some detail on why we have chosen to move forward with our plan and not pursue the new school concept at this time:*

- 1. First and foremost, the concept that has been presented has a \$13 - \$17 million shortfall. We, the park district, would require a levy regardless of what we do, however, even with our levy, there remains a \$3 - \$5 million gap. This is a huge concern for us. We do not want to enter into a partnership that is not financially feasible. We have seen what happens when projects do not have adequate funding. The Anderson Center garage contractors ran out of money and declared bankruptcy; there seems to be no recourse and we are left with an unfinished project.*
- 2. During July's school board meeting, Randy Smith voiced concerns that this venture may not even be legal. This was a concern 4 months ago and the fact that it remains a concern is a huge red flag for us.*
- 3. We have also heard that the Anderson High School property would, in its new form, generate TIF revenues. This also presents a concern for us. We have seen projects done based on TIF projections and in reality, those come in significantly less than anticipated. The Rookwood property and Belterra are two examples. This project already has shortfalls so to rely on TIF projections as a means of support seems risky.*

4. *A general concept is really all that has been discussed publicly. If you look at details, the plan actually shows that the features of Beech Acres today would change. One example is that the new RecPlex would in fact intrude on, if not completely dismantle, the amphitheater. We have worked long and hard to get Beech Acres Park where it is today. We do not consider it a win for anyone to lose any part of what we have invested in and use today.*
5. *The school board cannot guarantee us that our parking would not be impacted by school functions and have indicated that in fact, it would be. This means that our patrons, of the park and its facilities, may not be able to park thus making it difficult to access park facilities.*
6. *We cannot rush into a decision of this magnitude without ensuring that all details are covered and the budgets secured. This will require time to do due diligence. As I have previously described, there is a financial shortfall, among other concerns. These are not issues that can be resolved in a matter of weeks but will take several months to work through. I have been told anywhere from 4 - 6 months. That being the case, we cannot afford to wait. It is my understanding from the school board that they need to decide now whether or not to continue with renovation plans of AHS as they are under deadlines. We also have deadlines and need to act now to secure the funds for the property and secure the property as Beech Acres Parenting Center is moving forward with their own plans. At this point, our plan is the most financially secure and thus what we are pursuing.*
7. *Beech Acres Parenting Center presented an RFP to the Park District to purchase the property in September 2014. We chose to involve the Township in our plans and we were the ones to initiate partnership conversations. In November 2014, Beech Acres was "inclined to move forward" with the Park District. They were open to the joint collaboration with the Township and the School District and we met with the Beech Acres Parenting Center team. However, the joint collaboration could not provide a financially sound venture so we moved on with the agreement between Beech Acres and park district. Recently, the Township and school board chose to contact them independently to try to push the school concept. In recent public statements, Beech Acres Parenting Center made it clear that they do not want to pursue that path. Their preference is to preserve the property for the use of all residents. Again, they believe that our plans best fit the community and how they, the landowner, want the land used. It is in fact our hope that Beech Acres Parenting Center even considers staying on a small portion of the property so that they remain a part of Anderson as they have been a long-standing member and vital part of our community.*
8. *We are always interested in pursuing partnerships where it makes sense. We function as a board, to provide the best parks, facilities and amenities that we can in the most financially sound way we can. We continue to be open to future conversations. In addition, what has not been mentioned is that we are exploring other options with private entities that we believe would offer a better opportunity as it would allow us to serve all of Anderson - young children, students, parents, professionals and seniors - not just a subset of the population. This is something that we are continuing to explore at the moment.*

*My fellow commissioners and I take our roles seriously. We hold volunteer positions with no form of compensation and have no further agenda than we are here solely because we love Anderson and want to see it grow and prosper. We have been painted, I believe, unfairly in this. We did not walk*

*away for selfish reasons but rather simple economics. The plans presented to us were not financially feasible and did not create the win-win-win scenario that has been proposed, and honestly, are quite the opposite as we lose part of what we have today.*

*Our plan is to seek a levy on the November ballot and we hope that you will support us in that. The funds from this levy will be used to purchase the Beech Acres Parenting Center property, extend walking trails and do renovations to the existing RecPlex as we will then own the building and not just lease it. Once we have secured the property, we will determine our options and be working to ensure that its use meets our community's needs.*

*We have received many phone calls, emails and had face to face conversations. We have heard opinions both for and against the various options. We always appreciate your passion and welcome your opinions. I do, however, ask that you trust that we are looking at this from a bigger picture. We agree that a new school would be fantastic but it has to make sense, be well thought out and not create a burden. We also are trying to balance the needs for today as well as make sure that there will be something for our future needs. Again, we do not take these decisions lightly, especially when we are asking for your help.*

Mr. Herking said he has significant reservations about the financial liabilities of the deal. He does not want another 2006 Anderson Center parking garage and theater debacle that promises TIF money. TIF projections make him nervous as they have a tendency not to materialize. If the TIF revenue does not come in as projected the community may likely be stuck with a shell of a building for the new high school. He wants to see the joint venture discussions continue and he is currently engaged in talks with the developer. He and Mr. Turchiano met with a developer and a Trustee over the past weekend. He is unsettled by the developer's guarantee of the deal because the company can file bankruptcy if it does not all work out. He would hate to see the iconic Beech Acres property be lost as community property if the school plan was not able to materialize. There is still a question about the legality of the arrangement and it is still uncertain if the Township can pledge 100% of the community's TIF revenue to Anderson High School. He is concerned where the money is going to come from to maintain the new roads and infrastructure if all the TIF is committed to Anderson High School. He said the deal came about quickly and deserved consideration. It has been hurried with continuously changing numbers and plans. The same legal and financial concerns the Board had in March continue to be unresolved today, now months past the landowner's deadline. The developer is in this to make money, and while a new high school is a great idea, residents should require it to be thoroughly explored and validated. He is willing to continue to talk about it, but the ATPD had a deadline. The Board had to make a move to purchase the property by June 24<sup>th</sup>. The residents of Anderson will get to vote if they want the property to be a park, or if they want Beech Acres Parenting Center to sell it to someone else. He further stated he has concerns as a resident about the financial problems with the concept, and he continues to have unanswered questions as of three days ago which makes it difficult to make a different decision than the Board already has.

Mr. Turchiano confirmed Mr. Herking and he met with the developer and a Trustee last week to discuss the school concept at the Beech Acres property. He wants a new Anderson High School as much as anyone. He has a freshman at Anderson this year but the plan has to make sense. He said if the numbers do not work, then the plan simply does not work.

Mrs. Gelter read a statement to the guests about public participation in Park Board meetings. She instructed guests who wish to address the Board to step to the podium, state their name, and address

the Board as a group within a three minute time limit. She further asked the guests be prepared to respond to questions from board members seeking to clarify the issue.

**Public to Address the Board:** Joyce Gundling thanked the Board for all they do. She said she has spent days thinking about the opportunities for Beech Acres and she is excited about the possibilities. She wants our community's facilities to be top notch. She gained knowledge from tonight's meeting. She asked the Board to keep brainstorming and exploring ideas and opportunities that increase property values, preserve a strong community, and keep the Forest Hills School District strong, while focusing on what serves all of Anderson.

### **NEW BUSINESS:**

**Calendar of Events:** Mr. Kushner presented a calendar of upcoming activities for the Board's review.

Mrs. Gelter highlighted a few of the upcoming events. Farmer in the Dell will be at Beech Acres Park on Wednesday August 12<sup>th</sup>. She described it as a popular event tradition for families with little children, including a petting zoo, hayride, pony ride, and fun equipment to explore and climb on safely. The Fair of the Arts is on September 19<sup>th</sup> at Beech Acres Park which makes for good holiday shopping. The annual Trunk 'r Treat Fall Festival on October 10<sup>th</sup> at Beech Acres Park features a car show and trick or treating by hundreds of children in costume.

Mrs. Stocker gave Mrs. Fall and the Recreation Department kudos for all they are doing for the community through their programs, events, and leagues.

Mr. Kushner stated Make a Difference Day will be on October 24<sup>th</sup> this year. The volunteer groups lead by staff will be planting trees at Riverside Park.

### **FUNDRAISING AND GRANT ACTIVITY:**

**Jim Grabowski Memorial Volleyball Tournament:** Mr. Kushner reported the third annual Jim Grabowski Memorial Volleyball Tournament took place on August 1<sup>st</sup> at Cherry Grove Setters. Proceeds from the tournament benefit the Jim Grabowski Memorial Fund for Fun. Established by the friends and family of the late Jim Grabowski, the fund offers financial assistance for youth to play sports in an ATPD league or program. He stated that Jim would often pay out of his own pocket so kids could play if they otherwise could not afford the fees. Since 2013, the fund has provided 82 youth scholarships amounting to over \$5,800.00 of participant registrations. Jim Grabowski was a fun-loving and loyal husband, father, and friend who passed away suddenly at age 44 in June of 2011. He enjoyed playing sports and coaching kids — including his three children — and gladly volunteered many hours of his time over the years. He stated the tournament was once again a success, featuring a great turnout and a well-run and fun event.

Mrs. Gelter stated while the perception is that Anderson Township is wealthy, not everyone actually is and sometimes our neighbors need help. She praised Jim Grabowski's friends and family for their dedication to such a meaningful effort that benefits the community.

**Current Grant Projects:** Mr. Kushner stated the following grant projects are in progress in the Anderson Parks:

Pickleball Courts ~ NatureWorks Grant: This grant is administered by the Ohio Department of Natural Resources for the construction of the courts at Clear Creek Park. The grant amount is \$66,816; the ATPD is providing a match of land, labor, and construction equipment.

Kellogg Park Playground ~ Land and Water Conservation Fund Grant: This grant is administered by the Ohio Department of Natural Resources for the construction of a playground at Kellogg Park. This will be the first playground for Kellogg Park. The matching grant amounts to \$25,742.00; the ATPD's match is in labor, construction equipment, and additional play equipment. The playground will be similar in size to the Laverty Park playground.

### **REQUESTS FOR APPROVAL:**

**Staff Changes:** Mrs. Armstrong reported there are no staff changes this month.

**Resolution 2015-18 ~ Sheriff's Contract:** Mr. Kushner presented an agreement for police protection services for the Board's review and approval. He said the document mirrors the Township's agreement with the Hamilton County Sheriff's Office for police services. The ATPD's Resource Officer, Deputy Brian Hayes, has been with the ATPD for seven years and is an important part of the ATPD team. He further stated while the agreement has been in a long review process, the version presented has been edited by ATPD counsel.

Mrs. Stocker moved the Board approve **Resolution 2015-18, an Agreement for Police Protection Services by and between the Sheriff of Hamilton County, the Board of County Commissioners of Hamilton County, and the Board of Park Commissioners of Anderson Township Park District** and authorize Mr. Kushner to sign the agreement as presented. Mr. Herking seconded the motion. Voting: Yes: Mrs. Stocker, Mr. Bartholomew, Mrs. Gelter, Mr. Herking, and Mr. Turchiano. (5); No: None. The motion carried unanimously.

### **Monthly Purchase Order Approval:**

Mrs. Stocker moved the Board approve the following between-meeting Purchase Orders, as presented by Mr. Jordan:

Paul Cunningham	1915 Fireside Dr, Irrevocable Trust Dated 12/18/14	\$140,424.05
Dean Roofing, Inc	Juilfs Park Office & Garage Roofing	\$ 17,450.00
ABCO Pavement Services, Inc.	Crack sealing all of the parks	\$ 6,000.00
Mills Fence Company	Veterans Park Backstop	\$ 8,250.00

Mr. Herking seconded the motion. Voting: Yes: Mrs. Stocker, Mr. Bartholomew, Mrs. Gelter, Mr. Herking, and Mr. Turchiano. (5); No: None. The motion carried unanimously.

### **FINANCIAL REPORTS AND AUTHORIZATION OF EXPENDITURES:**

Mr. Kushner stated the ATPD is working through the process to participate in Treasurer of Ohio, Josh Mandel's state online checkbook program, OhioCheckBook.org, which promotes transparency in government. The representative Mr. Jordan is working with said the ATPD is likely to be the first special district to participate in the program. The community will be able to go online and see where the money is going for participating entities. He further stated the ATPD will send a news release once the effort is live.

Mr. Herking moved the Board approve the **June and July, 2015 Financial Reports and Authorize the Expenditures** as presented by Mr. Jordan. Mrs. Stocker seconded the motion. Voting: Yes: Mrs.

Stocker, Mr. Bartholomew, Mrs. Gelter, Mr. Herking, and Mr. Turchiano. (5); No: None. The motion carried unanimously.

**APPROVAL OF MINUTES:**

Mrs. Gelter moved the Board approve the minutes from the **June 23, 2015 Regular Meeting** as written. Mr. Herking seconded the motion. Mrs. Stocker noticed a mistake on the minutes. Mr. Bartholomew said he was listed as being at the meeting, but that his name was left off the signature line. Mr. Herking withdrew his motion. Mrs. Gelter withdrew her motion.

Mrs. Gelter moved the Board approved the minutes from the **June 23, 2015 Regular Meeting** as corrected. Mr. Herking seconded the motion. Voting: Yes: Mrs. Stocker, Mr. Bartholomew, Mrs. Gelter, Mr. Herking, and Mr. Turchiano. (5); No: None. The motion carried unanimously.

Mrs. Gelter moved the Board approve the minutes from the **July 16, 2015 Special Meeting** as written. Mrs. Stocker seconded the motion. Voting: Yes: Mrs. Stocker, Mr. Bartholomew, Mrs. Gelter, Mr. Herking, and Mr. Turchiano. (5); No: None. The motion carried unanimously.

**Public to Address the Board:**

Mrs. Gelter invited the guests to approach the podium to speak to the Board.

No one wished to address the Board at this time.

Mrs. Gelter stated the Board would be going into Executive Session to discuss land acquisition. She said while she does not anticipate any Board decision coming as a result of the Executive Session, she welcomed the guests to stay.

At 7:02 pm Mrs. Stocker moved the Board adjourn into Executive Session to discuss land acquisition. Mrs. Gelter seconded the motion. Voting: Yes: Mrs. Stocker, Mr. Bartholomew, Mrs. Gelter, Mr. Herking, and Mr. Turchiano. (5); No: None. The motion carried unanimously.

The Board took a break while the guests exited the room. The meeting resumed at 7:15p.

At 7:52 pm Mrs. Stocker moved the Board adjourn the Executive Session and re-open the regular meeting. Mr. Herking seconded the motion. Voting: Yes: Mrs. Stocker, Mr. Bartholomew, Mrs. Gelter, Mr. Herking, and Mr. Turchiano. (5); No: None. The motion carried unanimously.

At 7:52 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. Stocker, Mr. Bartholomew, Mrs. Gelter, Mr. Herking, and Mr. Turchiano. (5); No: None. The motion carried unanimously.

*I hereby certify that the foregoing are the minutes of the August 11, 2015 regular meeting of the Board of Park Commissioners, which minutes reflect the essence of the meeting and are not verbatim.*

*Emily Armstrong  
Board Clerk*

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Dale Bartholomew

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Nadine Gelter

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Rob Herking

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Angie Stocker

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Tom Turchiano