

Held

June 24, 2003

Mr. Corman called the meeting to order at 7:03 p.m., with the Pledge of Allegiance. All trustees were present.

Mrs. Rielage made a motion to waive the reading and approve the minutes of the May 19, 2003 Special Meeting. Mr. Fiedeldey seconded the motion.

Mrs. Rielage	"Aye"
Mr. Fiedeldey	"Aye"
Mr. Corman	"Aye"

Mrs. Rielage made a motion to waive the reading and approve the minutes of the June 10, 2003 Regular Meeting. Mr. Fiedeldey seconded the motion.

Mr. Corman requested an addition to the minutes.

Mrs. Rielage amended her motion to include the addition Mr. Corman requested. Mr. Fiedeldey seconded the motion.

Mrs. Rielage	"Aye"
Mr. Fiedeldey	"Aye"
Mr. Corman	"Aye"

Mr. Foglesong requested approval of contract for grading and utility installation for Fire Station #109 and the Public Works facility to R.A. Schweitzer Co. for the total sum of \$306,842.

Mr. Fiedeldey asked if the contract amount included water fountains in the park area. In discussion, the trustees thought that drinking fountains in the park area were a good idea. Mrs. Rielage made a motion to approve the contract as requested with the addition of water fountains. Mr. Fiedeldey seconded the motion.

Mrs. Rielage	"Aye"
Mr. Fiedeldey	"Aye"
Mr. Corman	"Aye"

Mr. Foglesong requested the Board's approval of a sewage treatment system contract with Winelco, Inc. for \$27,300.00 the purpose of which was to replace the existing sewage treatment system at the Dunlap Fire Station which was failing.

Mrs. Rielage made a motion to approve the contact. Mr. Fiedeldey seconded the motion.

Mrs. Rielage	"Aye"
Mr. Fiedeldey	"Aye"
Mr. Corman	"Aye"

Mr. Foglesong requested that the Board approve a contract with Miami Valley for installation of ON SITE fuel systems at Fire Stations 103 and 26 at an amount not to exceed \$15,000.00.

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Mrs. Rielage made a motion to approve the bid and award the contract. Mr. Fiedeldey seconded the motion. In discussion on the motion, Mr. Fiedeldey asked if the \$15,000 figure included barrier posts and fencing. Mr. Foglesong stated that it was his understanding that those items were included in the price.

Mrs. Rielage	"Aye"
Mr. Fiedeldey	"Aye"
Mr. Corman	"Aye"

Mr. Bruce McClain indicated that the bids for the 2003 Road Contracts were opened June 20, 2003, and recommended that the contracts be awarded to the lowest bidders, as is more fully described in the packets supplied to the board. The contracts were summarized by Mr. McClain as follows:

Undersealing	\$ 23,000	T. Luckey & Sons
Surface Treating	\$ 54,000	Pavement Technology
Concrete Work	\$359,000	Brock & Sons, Inc.
Resurfacing	\$260,000	The Shelly Company

Mrs. Rielage made a motion to approve the contracts. Mr. Fiedeldey seconded the motion.

Mrs. Rielage	"Aye"
Mr. Fiedeldey	"Aye"
Mr. Corman	"Aye"

Mr. Foglesong stated that the State of Ohio is requiring local governments to come into compliance with the Federal Phase II Storm water Management regulations. Hamilton County has set up a Storm water Management District under the Hamilton County Engineer's Office. Through a series of meetings involving the participating communities, it was decided that the cost of the program for the first two years would be paid entirely by the participating communities. In the third and subsequent years, it is possible that the costs will be assessed directly on the real estate tax bills, but this has not yet been determined. Accordingly, Mr. Foglesong asked the Board for approval for payment of the \$35,500 invoice which the township has received for fees connected with the first year of the program.

Mrs. Rielage made a motion to approve the payment of the \$35,500 for the township's fees to the District. Mr. Fiedeldey seconded the motion.

Mrs. Rielage	"Aye"
Mr. Fiedeldey	"Aye"
Mr. Corman	"Aye"

Mr. Foglesong made a request to hire Joshua Lee Sunderhaus as a part time seasonal mechanic for the Fire Department at the rate of \$9.00 per hour effective June 25, 2003.

Mrs. Rielage made a motion to approve the hire as recommended. Mr. Fiedeldey seconded the motion.

Mrs. Rielage	"Aye"
Mr. Fiedeldey	"Aye"
Mr. Corman	"Aye"

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Mr. Foglesong made a request to rehire Scott Faust as a part time seasonal parks employee at the rate of \$8.38 per hour, and Nora Conley as a part time seasonal second shift parks employee at the rate of \$8.23 per hour effective June 25, 2003.

Mrs. Rielage made a motion to approve the hires as recommended. Mr. Fiedeldey seconded the motion.

Mrs. Rielage	"Aye"
Mr. Fiedeldey	"Aye"
Mr. Corman	"Aye"

CITIZENS' ADDRESS

Joe Wolterman, 9467 Brehm Road - addressed Mr. Corman and Mr. Fiedeldey regarding the curfew. He stated that according to published statistics, the curfew will affect 14,000 youths in the community, but only 70+ youths are causing the problems at which the curfew is directed. Curtailing the right of association and freedom of movement is a serious matter which should be undertaken only after a thorough review of all the facts. There are many less drastic alternatives that the Board could take to address the problem of youth vandalism. Government action cannot supplant parental responsibility. Consideration of the curfew is premature.

Terri Pollard, 3381 Blue Road - Agrees that parents should be responsible for their children. The curfew will deny responsible and law abiding youths the maturing opportunity to make their own decisions about where they go and how they spend their time, before they are out on their own as adults. She stated that the curfew will unfairly punish her daughter who is an honor student at Colerain High School, and likes to attend the youth bowling parties at Colerain Bowl.

Eckey Marshall, 2532 Mercury - described problems in the Skyline neighborhood with unruly and disrespectful teenagers loitering on the street corners at night. His truck and his daughter's car have been scratched. The parents in fact are not taking control of their children, and he thinks the curfew is a good idea.

Mr. Corman stated that the Board has reviewed and carefully considered all the concerns brought before it tonight in prior deliberations on the issue. He stated that the curfew was recommended by the Chief of Police. Mr. Corman believes that the curfew will make the Township a better place to live.

Mr. Reuter read Resolution #37-03 establishing a curfew for juveniles between 12:01 a.m. and 5:00 a.m. to take effect July 11, 2003.

Mr. Fiedeldey made a motion to adopt the resolution. Mr. Corman seconded the motion.

Mr. Fiedeldey	"Aye"
Mr. Corman	"Aye"
Mrs. Rielage	"Nay"

Mr. Corman indicated that the curfew would be in effect as of 12:01 a.m. on July 11, 2003.

Held _____

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WORK SESSION TOPICS

Mr. Foglesong stated that it is particularly appropriate in the work session meeting format, for the trustees to discuss several pending issues, and consider them for adoption or other disposition as the board deems appropriate.

Vision Statement Adoption

Mr. Foglesong stated that in the work session meeting with the various township zoning boards and Mr. Greg Dale on May 3, 2003, there were several vision statements presented. He handed out five vision statements and copies of the power point presentations presented by Mr. Dale in the May 3rd meeting, and the May 20, 2003 memo from Mr. Dale.

Mr. Fiedeldey suggested the adoption of the whole document prepared by Mr. Dale so that the record explains how the Board reached its decision. This could then be our road map. Mr. Spriggs wanted the board to adopt the six steps as to how the vision will be implemented, to provide direction to the various zoning boards.

There was much discussion about the distinction between the vision statements, and the methods proposed by Mr. Dale for implementation of the vision statements. The Board decided that they should limit the issue to the adoption of the vision statements and the principles pertaining thereto as drafted by Mr. Dale.

Mr. Tom Westfall, 3186 Palmyra Drive - a member of the Township Long Range planning committee asked to be recognized and heard prior to the vote. He stated he is against the consolidation of the Long Range Planning Committee with the Land Use Advisory Board. His board has been meeting for 18 months, and desires to finish its work on its own. The Board indicated that the subject of the pending motion was the adoption of the vision statements, not the consolidation of those committees.

Mrs. Rielage made a motion to adopt the five vision statements for Colerain Township Zoning and the list of underlying principles thereto, as presented by Mr. Greg Dale in his memo of May 20, 2003. Mr. Fiedeldey seconded the motion.

Mrs. Rielage	"Aye"
Mr. Fiedeldey	"Aye"
Mr. Corman	"Aye"

Mrs. Rielage asked if a contract proposal for consultant services had yet been received from Mr. Dale. Mr. Foglesong responded that he had just received such a proposal from Mr. Dale late this afternoon, and would circulate copies to the Trustees. He stated it was a fairly lengthy and complicated proposal, and the Trustees would probably want some time to consider it.

Mr. Fiedeldey asked Mr. Corman and Mrs. Rielage if they believed that what the Board just passed was "the road map" for all of the township zoning boards. All agreed that it was. The Board and Clerk agreed that the document just approved will be attached to the minutes.

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Housing Maintenance Code

Mr. Foglesong stated that the Board has been considering the Housing Maintenance Code for a long time, and it needs to talk about the matter again.

Mr. Fiedeldey stated that he remained silent on it for a long time because he was not clear what the township was trying to accomplish with it. He has identified three areas of concern: weeds, debris, and junk cars. In the recent past, the township has revised its weed abatement procedures, taking advantage of recent changes to the Ohio Revised Code, and is now aggressively and expeditiously handling weed abatement complaints. He believes that junk car and debris problems can likewise be addressed expeditiously under the existing authority contained in the Ohio Revised Code, and by making amendments to our zoning resolution. He feels that the adoption of a Housing Maintenance Code to handle these three problem areas would be a step backward, and would result in complaints being handled more slowly than we are doing now. He doubts that we will ever be able to tell people to paint their house, but since most modern building materials are vinyl or aluminum siding, or brick, painting is not that much of an issue.

Mr. Fiedeldey suggested other provisions of the O.R.C. which could provide relief to some of the problems with which the township is faced. For example, Mr. Fiedeldey read O.R.C. Sec. 4513.65, and stated that the requirement that a junk motor vehicle "shall be covered" is not satisfied by the covering the vehicle with a tarp.

Mr. Spriggs commented that the focus of the Housing Maintenance Code is broader than junk cars and debris. The zoning department receives a lot of complaints about dilapidated structures, etc. Mr. Corman asked Mr. Reuter how dilapidated and uninhabitable structures can be addressed. Mr. Reuter responded that the County Building Department is charged with the duty of building inspections, and enforcement of building and structural codes.

Mr. Fiedeldey observed that trash brings trash, and conversely, when one property gets cleaned up, others notice and clean up their property.

Mr. Corman asked Mr. Spriggs to contact the Hamilton Co. Building Department to provide information for the regular meeting in July, 2003 regarding enforcement of building codes against dilapidated and uninhabitable structures. He asked Mr. Reuter to prepare a junk car resolution using existing authority presently available under the O.R.C. for the next board meeting. Amendment of the zoning resolution to include provisions for control of junk cars will follow later.

Mr. Foglesong indicated that the zoning department receives a lot of complaints relating to the middle ground between uncut weeds and uninhabitable structures, that is, about adjoining properties that are habitable, but are run down and eyesores because they have been poorly maintained. These types of problems will have to continue to be studied.

Mrs. Rielage announced that a thank you was received by the Colerain Community Association for the recognition it received at the Colerain Park Dedication. Mrs. Rielage thanked the members of that group for their help in the clean up after the heavy rain during the park dedication.

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Park on the Great Miami River - Phase 1

Mr. Foglesong has distributed information to the Board about Phase 1 of the park development project. Phase 1 includes grading and other work which would lend itself toward Phases 2 and 3 in the future. In addition, there is a proposal contained in these Phase 1 documents for protection of archeologically sensitive areas of the property.

Mr. Corman commented that the plan all along has been to establish a plan such as this Phase 1, for which there is enough bond money available to cover the expense of implementing it. He stated that it was always his understanding that we would not immediately have enough money to pay for all of the park now. We need to get moving on this and establish a comprehensive plan for the park, and construct the rest of it as funds become available.

Mr. Foglesong stated that he is not sure what the impact of protecting the archeologically sensitive areas would be on the project, and the cost thereof. In addition, the Board needs to commit to the future plan for the whole park, because otherwise there will be items in phase 1 which will not be built, and avoidable costs will have been incurred.

Mr. Corman and Mrs. Rielage thought it is important to establish a preliminary plan, even with the possibility that it might not all be built.

Mr. Fiedeldey asked Mr. Foglesong what are the consequences of not spending the bond money this year. Mr. Foglesong responded that there is definitely a compliance paperwork burden and we will have to hire bond counsel to do the filing. Arbitrage is an issue, but interest rates are so low, that it is unlikely that there will be a financial penalty, just a paperwork "penalty". Mr. Fiedeldey agreed that the financial penalty would be minimal or nonexistent, and further stated that we have already spent 40% of the bond money on the park already. We still have one and one half (1 ½) years to complete the project.

Mr. Fiedeldey stated that we still do not have all the answers we need before we can intelligently approve a plan. For example, he asked if we can have septic system in a flood plain? Do we really want an eco-center and can we put it in the flood plain? Do we want to encourage tying up a canoe on our ramp during a ten year flood event? He wants to find out with certainty if the Corp of Engineers and the EPA will let us build the park as proposed.

Mr. Corman and Mrs. Rielage feel that these issues should not hold up the approval of the Phase 1 plan so that we can move forward. They feel we can resolve the open issues after the preliminary plan is in place. Mr. Fiedeldey believes that there are issues which must be resolved before we approve Phase 1. For example if the Corp of Engineers requires that the Comfort Station be lifted out of the flood plain, the grading plan depicted in Phase 1 will change significantly.

Mr. Foglesong thought that answers as to whether the septic system and the eco lab could be put in the flood plain could be obtained in perhaps two weeks, and he doubts that delay would really hurt this program.

Mr. Corman indicated to Mr. Foglesong that he should press the design team for answers to these questions by the time of the next meeting.

Mrs. Rielage left the meeting at approximately 9 p.m.

RECORD OF PROCEEDINGS

Minutes of

Work Session

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form B101

Held

June 24, 2003

Mr. Fiedeldey asked if this project would be run with a construction manager. If not, this will probably be delayed unnecessarily.

Mr. Fiedeldey questioned how the plan could show a storm water detention basin in a flood plain. In addition, domestic water supply for drinking fountains, which requires infrastructure, is not included in phase 1.

Mr. Corman again emphasized that the Board needs the answers to these questions by the next meeting.

Mr. Foglesong asked the Board to review Gray & Pape's proposal for the management plan.

Mr. Fiedeldey commented that Gray & Pape spent \$7,000 or 8,000 of our money already. They should now be able to locate for us where the archaeologically sensitive areas are, and, going forward, they should be involved on a consulting basis only. Mr. Corman disagrees, because the site is a truly a significant site for archaeology, and needs to be handled carefully. Gray & Pape's involvement needs to be more than on a consulting basis.

Mr. Fiedeldey commented that Abercrombie & Associates failed to complete another contract for professional services with the township, and asked what assurances do we have that Abercrombie & Associates will fulfill this contract. He noted that the proposed contract with Abercrombie limits the township's recovery for damages for breach of contract against Abercrombie to the amount of the total fee paid under the contract.

Mr. Corman responded that he has seen other attorneys and witnesses step out a case, and Abercrombie's withdrawal as an expert witness should be considered in that context. Abercrombie's withdrawal from that prior engagement was an isolated incident, not a pattern of conduct, and he has no concerns that Abercrombie will complete this project.

Mr. Fiedeldey commented that Human Nature, Inc. is a landscape architectural firm, and questioned if that firm was a good choice to do the nuts and bolts of a project like this, and commented that the proposed \$55,000 fee seemed excessive for their anticipated contribution to the project. He suggested that Human Nature, Inc. be used on an as needed basis.

Mr. Foglesong commented that Human Nature, Inc. is a well known firm, and is involved in planning the Cincinnati Riverfront, and sites in West Chester and elsewhere. Mr. Fiedeldey responded that he was not questioning their ability, but only where we need them for a project such as this, and whether or not the proposed fee is excessive.

Mr. Corman announced that the Fourth of July Celebration was coming up, and that fireworks would start at 10 p.m.

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Minutes of _____

Work Session

Meeting _____

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held _____

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There being no further business to come before the Board, Mr. Fiedeldey made a motion to adjourn. Mr. Corman seconded the motion.

Mr. Fiedeldey "Aye"
Mr. Corman "Aye"

The meeting was adjourned at 9:28 pm.

Clerk



President

Corrections made on 10/28/03