

**RECORD OF PROCEEDINGS
Work Session**

Minutes of _____

Meeting _____

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

October 28, 2003

Held _____

Mr. Corman called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. All Board members were in attendance.

Ms. Mohr stated that she had not reviewed the final copy of the June 24, 2003 minutes, prepared by the attorney. Having reviewed them, she read several corrections to the already approved June 24, 2003 minutes, as follows:

Public Works contracts:

Undersealing	T. Luckey Sons	\$ 23,762.26
Surface treating	Pavement Technology	\$ 54,700.00
Concrete work	Brock & Sons	\$359,863.50
Resurfacing	The Shelly Company	\$260,046.80

Correction to rehire Scott Faust- incorrect spelling, should be Foust
New hire, Nora Connelly

Addressed Mr. Corman and Mr. Fiedeldey regarding the curfew. He stated that according to one trustee, taken from an interview in the paper, that the curfew will affect 14,000 youths in the community. Yet only .5% are causing problems. He did the math...it comes to approximately 70+ youths at which the curfew is directed. Rest of paragraph remains same.

There was much discussion about the distinction between the vision statements, and the methods proposed by Mr. Dale for the 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.

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.

Mr. Tom Westfall- a member of the Township Long Range Planning Committee asked exactly what the Board was adopting. He spoke for 4 members of the long range planning committee who are against #2. Rest of paragraph remains the same.

Vote of all in favor

Mr. Fiedeldey asked Mr. Corman and Mrs. Rielage if they believed that what the Board just passed was "the road map" for all township zoning boards. All agreed that it was. Mr. Foglesong stated that the document needs to be a matter of record and will be entered into the record just like a resolution passed by the Board.

There being no further business to come before the Board, Mr. Fiedeldey motioned to adjourn the meeting at 9:28 p.m. Mr. Corman seconded the motion.

Mr. Fiedeldey questioned if there was 5 or 6 items on the vision statement. Mr. Reuter commented.

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Mrs. Rielage motioned to approve the corrections of the June 24 minutes. Mr. Fiedeldey seconded the motion.

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

Mrs. Rielage was prepared to approve all the previous minutes from July 15- Oct. 14. Mr. Fiedeldey stated he did not receive the Oct. 14th draft until yesterday, and would like to postpone approval until review. Ms. Mohr stated that she had emailed a draft to the Board the week before. Mr. Fiedeldey said he does not receive township email.

July 15, 2003

Mrs. Rielage motioned to approve. Mr. Fiedeldey asked that requests for corrections be made first. He commented on the grading study discussion paragraph. He said the whole thing is taken out of context, and wants it corrected. Ms. Mohr requested he put his changes in writing to be verified. He said he wouldn't, and that Ms. Mohr should listen to the tape. She informed Mr. Fiedeldey that she did listen to the CD, and what is written in the minutes is her interpretation.

Mrs. Rielage stated that what she said, in the record, is correct.

Mr. Corman requested a motion to approve with the correction made by Mr. Fiedeldey. Ms. Mohr stated that she feels it is necessary to verify prior to approval. The Board agreed.

July 22, 2003

Mr. Fiedeldey requested that it be added under Citizen Address, Bob Saurber, that it was decided that no payment would be made until after the meeting with the contractors.
(This is already stated in the minutes under Bill Gebhart's address to the Board).

Mrs. Rielage motioned to approve the minutes as amended, regarding Zoellner problem. Mr. Fiedeldey seconded the motion.

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

July 29, 2003

Mr. Fiedeldey would like to waive the reading. He believes this was the zoning case for the Trails of Thompson. He would personally like to listen to the tape. He put a lot of effort into that. Because it is going to litigation, he would like to listen to the tape. He said he had a copy of the tape, and understood Mr. Garry was going to review it.

Following Mr. Corman's request for Mr. Reuter's opinion, Mr. Corman said it was best to hold the minutes until we hear from Mr. Garry.

Ms. Mohr stated that she had emailed the draft of the 7/29 public hearing minutes to Mr. Garry, who made a few changes. The document before them is the final draft, which was sent to Mr. Garry.

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Mr. Fiedeldey spent 2 weeks gathering information on this, and would like to make sure all of his information is inclusive.

Ms. Mohr said that Mr. Garry approved them. Mr. Fiedeldey corrected Ms. Mohr that the Trustees approve the minutes.

Mr. Fiedeldey asked that they waive the 7/29 minutes.

He said that Mr. Garry is not the one who did the research and put that case together like he did.

Again, Mr. Reuter's opinion was requested. Any action taken by the Board must be reflected, and the reason for the action taken. He explained the necessity of information for litigation.

Mrs. Rielage motioned to approve the 7/29 minutes. Mr. Corman seconded the motion.

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

Mr. Corman introduced NWHS Boy's Varsity Soccer Team. A certificate of recognition was presented for their outstanding season. A picture was taken.

August 12, 2003

Mrs. Rielage motioned to approve the August 12 minutes with addition. Mr. Fiedeldey seconded.

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

August 25, 2003

Mr. Fiedeldey motioned to approve the August 25 minutes. Mrs. Rielage seconded the motion.

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

August 26, 2003

Mr. Fiedeldey motioned to approve the amended minutes from August 26. Mrs. Rielage seconded the motion.

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

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September 9, 2003

Mr. Fiedelvey motioned to approve, as amended. Mr. Corman seconded. Mrs. Rielage was not in attendance for that meeting.

Mr. Fiedelvey	"Aye"
Mr. Corman	"Aye"

September 23, 2003

Mr. Fiedelvey motioned to approve. Mrs. Rielage seconded the motion. Mr. Fiedelvey stated there was nowhere in this document where he requested the clerk put the statement of certification on the bank rec., and would like that reflected. Also, it is not in the minutes where Ms. Mohr refuses. (Ms. Mohr later provided the Board with documentation of the information in question that reflected Mr. Fiedelvey's request, several times).

Mr. Fiedelvey refuses to sign because the statement of certification is not on the form. Ms. Mohr informed Mr. Fiedelvey that Mr. Reuter has checked with the state auditor and the statement is not required.

Mrs. Rielage motioned to approve the September 23 minutes.

Mrs. Rielage motioned to approve the amended minutes of September 23. Mr. Fiedelvey seconded the motion.

Mrs. Rielage	"Aye"
Mr. Fiedelvey	"Aye"
Mr. Corman	"Aye"

October 14, 2003

Mr. Fiedelvey previously requested delay in approval.

SHERIFF'S REPORT

Cpl. Ray Rabanas presented statistics to be given to Chief Sarver.

CITIZEN'S ADDRESS

Wendell Prophet, 1902 Windmill Way, Willie Wheeler, 1902 Windmill Way, Karen Wheeler, 1902 Windmill Way, Rev. Larry Holley, 5868 Pameleen Ct., and Pastor Don Jones, 10456 Pippin Rd., spokesperson for this group – questions if it is against the law to walk down the street at 3 a.m.? He was demanding to see the videotape of the arrest of Willie Wheeler. He questioned procedures for use of force and under what circumstances deadly force is allowed. This young man was punched and choked. He is very disturbed by the treatment of young black men. There is no diversity on the police department. This 20-year-old was not doing anything wrong. He was stopped illegally. Rev. Jones was asking the charges be dropped so Mr. Wheeler does not have a record.

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Mr. Corman stated there is an investigation by the Police Department. The matter will be handled by Hamilton County Common Pleas Court. He appreciates the Reverend bringing this to the Trustees' attention.

Mel Blust, 5172 Sheets Rd., Colerain Corridor Task Force member – discussed the issue of the pre-empt system for Colerain Ave. The task force needs the Board's support on this. This will benefit everyone in Colerain Township.

Mr. Blust stated that for 14 years, Patty Clancy provided support for this project.

Mr. Fiedeldey says the support is there, but we should not pay for a test, costing \$80-90,000 that may not work. If it's \$90,000 for a small section, then it will cost millions for other sections. His concern is where the money is going to come from. The township is being asked to fund this, with no firm cost established.

Mr. Blust is asking the Board to accept the State's scope of the project. They will have to be persistent for the state to fund the project.

Mr. Blust referred to several successful pre-empt systems throughout the state. The next step is the lighting. The state has committed to pay for the lights and the electricity.

Mr. Fiedeldey questioned Mr. Foglesong if he talked to any state people.

Mr. Foglesong stated that there is no written financial commitment from the state. He provided information on additional charges that could be incurred throughout the project.

Mr. Corman and Mrs. Rielage feel it is very important to proceed at this time.

Mr. Fiedeldey wants to contact Ms. Clancy to hold the state responsible for their verbal commitment of financial support. If the township may end up paying for this, we need to know the cost. Stating that he is a good negotiator, Mr. Fiedeldey wants to ask Ms. Clancy, since no one has asked her.

Mr. Corman has asked her. Ms. Clancy has stated any financial commitment from O.D.O.T was not given.

Mrs. Rielage motioned to appropriate \$90,000 for the pre-empt system test.

Mr. Fiedeldey wants a commitment from Mel Blust to secure funds, if not approved by the state, and asked Mrs. Rielage to change the motion. Mrs. Rielage declined to change the original motion.

Mr. Corman seconded the motion.

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

Mr. Fiedeldey requested Mr. Blust get the amount of the actual cost.

Tom Hart, CCTF member – Stated that the test system is to be installed in January, and requests the Board proceed. Mr. Hart stated the frustration in dealing with the state for funding of the various stages of the project.

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Mr. Foglesong - discussed the OKI grant offered by Bruce Koehler in the amount of \$30,000. He asked the Township to provide an in-kind match.

Mrs. Rielage motioned to proceed with the in-kind match. Mr. Fiedeldey seconded the motion.

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

Mrs. Rielage motioned to approve Zoning Resolution #52-03 Nuisance abatement. Mr. Fiedeldey seconded the motion.

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

On behalf of Mr. Spriggs, Mr. Foglesong requested a public hearing be established for November 18, 2003 at 8:30p.m., for Case ZA 2003, Junk Vehicle Ordinance.

Mrs. Rielage motioned to approve the hearing. Mr. Fiedeldey seconded the motion.

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

On behalf of Mr. Chapman, Mr. Foglesong requested approval for a change order, completion in the number of days, for R.E. Schweitzer.

Mrs. Rielage motioned to approve the Public Works change order. Mr. Fiedeldey seconded the motion.

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

On behalf of Chief Sarver, Mr. Foglesong read pay journalization for Elizabeth Doll, \$22.61, effective 10/30/03.

Mr. Foglesong read Resolution #53-03. Mr. Fiedeldey motioned to approve. Mrs. Rielage seconded the motion.

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

Mr. Foglesong requested the Board's approval to accept a donation of playground equipment in the amount of \$3,302. This equipment was donated on behalf of a child accidentally killed this summer.

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Mr. Fiedeldey motioned to accept the donation. Mrs. Rielage seconded the motion.

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

Mr. Reuter, Legal – Presented Resolution #54-03 Authorizing Fire Department Dual Dispatch Agreement with Crosby Township. He read changes made from the previous agreement.

Mr. Fiedeldey stated that Fernald has terminated the use of their fire department, therefore hiring Crosby Township. Mr. Fiedeldey wants, in the contract, that we will be compensated if equipment is contaminated. He wants the radioactivity issue addressed, that is not in the contract. He repeated the same argument against approval of the contract that he stated at the last meeting. He is against the agreement. If it's dual response, we should get dual money. Colerain will only receive \$300 per run, whereas Crosby will receive \$12,000, and we're obligated. He thinks this is a bad deal.

Mrs. Rielage stated Chief's Smith's concern that having Colerain firefighters at Fernald is a safety issue for all of Colerain Township. She trusts Chief's Smith's judgement on this.

Mr. Fiedeldey argued that looking at the map, Fernald is at our far northern border, the way the wind blows, we would never get the effect of a disaster.

Because Mr. Fiedeldey voted no on the previous agreement, Mr. Reuter commented on approving this resolution. He advised the Board consider the authorization of the agreement, not inconsistent with the resolution.

Mrs. Rielage motioned to approve Resolution #54-03. Mr. Corman seconded the motion.

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

Mr. Reuter presented Resolution #55-03, Emergency snow removal.

Mrs. Rielage motioned to approve Resolution #55-03. Mr. Fiedeldey seconded the motion.

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

Mr. Fiedeldey motioned to Recess for 5 minutes at 9:22. Mrs. Rielage seconded the motion.

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

The meeting reconvened at 9:33 p.m.

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Mr. Foglesong discussed follow up on Scenic River meeting. It was a public meeting, and no action was taken. Friends of the Great Miami offered to send letters to the community for support.

Mr. Corman reported that ODNR recommended working with other public entities to overcome any questions concerning the Scenic River status. The program sounds like a good one. We are able to move forward.

Mr. Fiedeldey wants to bring money back to the Township. The Board needs to move forward. He's tried to feed information to the Board about the grant money, \$8 million, received by communities on the other side of Hamilton County because of the Scenic River status. He's been requesting a decision since February.

Mrs. Rielage stated a decision was made – not to do it. It just wasn't the way Mr. Fiedeldey wanted it.

Mr. Fiedeldey motioned to endorse Scenic River study at no cost to the Township.

Mr. Corman stated the issue is still being discussed. He wants more time and to get some assurances.

Mr. Fiedeldey suggested, at the last meeting, that the Board talk to elected officials on the other side of town. He questioned if this has been done.

Mr. Corman stated that he doesn't need to be convinced. The logistics need to be studied.

Mr. Fiedeldey withdrew the motion. He will bring it up at the next meeting.

Mrs. Rielage requested Mr. Fiedeldey provide information on grant applications regarding a point system.

Mr. Fiedeldey said it doesn't work that way. Once the Board shows an interest in the study, the process will begin.

Mr. Foglesong presented the final quote for geotechnical design for the Riverfront Park. He was not asking for a decision tonight. There was discussion.

Mrs. Rielage motioned to approve \$8,575 to Thelen and Associates. Mr. Fiedeldey seconded the motion.

Mr. Fiedeldey requested Mr. Foglesong to obtain the costs of extra work.

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

David Foglesong, Greg Snyder, Jim Ratz, and Bruce Koehler offered to participate in the committee to improve the park on the river.

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Mrs. Rielage motioned to appoint the committee. Mr. Fiedeldey seconded the motion.

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

CLERK'S REPORT

Ms. Mohr requested the following appropriation adjustments:

\$2000.00	From	2111-220-599-0000	Other expenses
	To	2111-220-213-0000	Medicare

\$15,000	From	2111-220-240-0000	Unemployment
	To	2111-220-213-0000	Medicare

Mrs. Rielage motioned to approve appropriation adjustments. Mr. Fiedeldey seconded the motion.

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

Ms. Mohr requested approval of the September bank reconciliation.

Mrs. Rielage motioned to approve the bank reconciliation. Mr. Corman seconded the motion.

Mr. Fiedeldey was shown the report at this time.

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

EXECUTIVE SESSION

At 9:57 p.m., Mr. Reuter requested an Executive Session to discuss matters of negotiation of collective bargaining agreements, negotiation of contracts, and pending and imminent litigation.

Mrs. Rielage motioned to adjourn to executive session. Mr. Fiedeldey seconded the motion.

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

The meeting reconvened at 11:30 p.m.

Mrs. Rielage appointed Mr. Foglesong acting clerk for the purpose of recording the minutes. Mr. Fiedeldey seconded the motion.

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

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Mr. Reuter requested the Board authorize the hiring of the consultant firm, McBride, Dole and Charion, for an amount not to exceed \$123,000 for the referee of amending the Zoning text and development of a comprehensive plan.

Mrs. Rielage motioned to approve. Mr. Fiedeldey seconded the motion.

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

Mr. Fiedeldey motioned to appoint Mr. John Kerr to the Zoning Commission for the unexpired term. Mrs. Rielage seconded the motion.

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

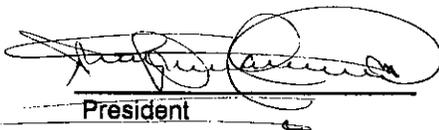
Mr. Fiedeldey motioned to appoint Mr. Tom Renlinger to the Board of Zoning Appeals for the unexpired term. Mrs. Rielage seconded the motion.

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

There being no further business to come before the Board, Mrs. Rielage motioned to adjourn the meeting at 11:37 p.m. Mr. Corman seconded the motion.

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


Clerk


President