

September 28, 2004

Held _____

OPENING OF MEETING

Mr. Corman called the meeting to order at 6:30 PM with Mr. Corman, Mr. Fiedeldey, Mrs. Rielage, and Mrs. Harlow in attendance.

EXECUTIVE SESSION

Mr. Reuter requested the Board go into executive session for the purpose of discussing the negotiation of public contracts. At 6:30 PM, Mrs. Rielage made such motion to meet in executive session, and Mr. Fiedeldey provided the second.

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

Mr. Corman reconvened the meeting for the purpose of the regular meeting at 7:09 PM.

PLEDGE – INVOCATION

Mr. Corman offered the Invocation. The Pledge of Allegiance was led by Girl Scout Troop 803 from Colerain Elementary.

APPROVAL OF PREVIOUS MEETING MINUTES

Mr. Corman asked for a motion to approve the minutes of the September 14, 2004, regular meeting of the Board of Trustees.

Mrs. Rielage suggested two changes: add "SCBA" to Mr. Fiedeldey's trustee report section about the Fire Department equipment and the correct date of the public hearing for ZA2004-06 is October 12, not September 28.

Mr. Corman requested additions to the minutes in the following areas: Under Mr. Corman's Trustee Report, "He feels the Board should establish a policy for all of those involved and the trustees, as the hierarchy of the township government, should set the example on the way down the ladder. He put this in the form of a recommendation and said it should be initiated immediately."

In the Citizen Address portion, under Mr. Barber's comments, Mr. Corman asked the following phrase be added to his comments: "Mr. Corman said there should be a policy for more stringent follow-up and we need to follow-up with Mr. Brayshaw or Mr. Hubbard on this issue."

In the Citizen Address portion, under Mr. Heummer's comment, Mr. Corman added the following information: "Mr. Corman said we have no revenue for road repairs, except for these grant funds. We have no tax levy for roads as that was voted down four years ago, twice. A levy is something we try to use as a last resort, but to get the funding it is something we may have to do."

Also in the Citizen Address portion, under Mr. Cottogin's comments, Mr. Corman added the following: "Mr. Corman said this whole issue is about kids vandalizing and creating a problem and we are trying to find a solution to keep them from running through a piece of property. We should back-up and decide if we are going to vacate the property and turn it over to them. If so, we should bring in both parties and see what they have to offer. He knows that we would

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like to have the neighbors get along. The main issue is to be able to have the area closed off and turned over to someone who is responsible for maintaining it as private property."

Mrs. Harlow asked the Board to add verbiage to the Citizen Address portion of the minutes under Mr. Barber's comments: "Mr. Fiedeldey asked if it would be more prudent to call Mr. Brayshaw about this and see if we can get his thoughts and cooperation before we send the letter. The Board seemed to be in agreement." Also, the Board asked Mr. Foglesong to have information about the aggregate electric purchase program to them by January 2005, not October.

Mrs. Rielage motioned to approve the minutes as amended and Mr. Fiedeldey provided the second.

Without further discussion, the roll was called:

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

SHERIFF REPORT

Sgt. Scudder with the Hamilton County Sheriff's Department gave the reports to Chief Sarver.

TRUSTEES' REPORT

MRS. RIELAGE

Mrs. Rielage had nothing to report.

MR. FIEDELDEY

Mr. Fiedeldey said that when we have a potential zone change, quite often we go out to look at the property. Sometimes, it is difficult to see the property lines. So, he requested the applicants mark the corners to identify the area. He also said a sign should be posted to note the change. This gives better notification to the neighbors. The sign cost could be passed along to the applicant.

Mr. Spriggs said he has looked at this matter and reviewed an example from Anderson Township. He has considered at two vendors for the signage. This will be implemented.

Mr. Fiedeldey said that, a couple of meetings ago, the Fire Department came before the Board for the purchase of SCBA. They were to apply for grants for this. He feels there might be a misunderstanding about if we are applying where we should be applying. He said Hamilton County has the money and they have been quiet about this. His concern is that Colerain Township should get our share of the several millions they have. He asked if we have actually applied to Hamilton County. From the newspaper, he read about a different grant, from FEMA, which purchased fire coats for Silverton. It covered 90% of the cost. Silverton also received a grant to help upgrade their breathing apparatus. Mr. Fiedeldey wants to be sure we are being aggressive.

Mrs. Rielage said we have applied each year without fail. It is part of the process that every department applies. The process and selection is difficult to

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understand She said other fire departments might need the funds more than we do

Mr Corman asked who controls this money. Chief Silvati said the Fire Act is a federal program. While we have not received any money yet, we hope to receive a grant this period. The funds are granted in rounds, so we may still get it this year.

Mr Fiedeldey said the homeland security money is distributed directly to the counties.

Mr Foglesong said he contacted the Director of Public Safety for Ohio and was sent to the Hamilton County Emergency Management Agency. The funds go to counties, and then are disbursed from there. We can not apply individually, must go through the county

Mr Fiedeldey said we must make application to the county. Chief Silvati will check into this and follow-up

MR. CORMAN

Upon the occasion of the Donauschwaben Oktoberfest, Mr. Corman read a Certificate of Recognition for the society, proclaiming Donauschwaben Day in Colerain Township

Mrs Rielage motioned to approve the certificate and Mr Fiedeldey provided the second. Without discussion, the roll was called:

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

Mr Corman read an article in the Millcreek Watershed Council's Summer 2004 newsletter contributed by Frank Birkenhauer. It features the Township's flood plain project. It also provides a detailed account of the flood problems and resolutions, and our partnership with FEMA for Project IMPACT. This has been a success and set a precedent the in tri-state area

Due to low water conditions of the Great Miami River, the Parks & Services Department has been able to conduct a clean-up of the riverbed at Heritage Park. They were able to get access to about ¼ mile of river frontage and removed over 150 tires and two truck loads of junk that has been in the dry riverbed for years

Mr. Corman also gave an update on the work progress at the Heritage Park. The work completed to date includes mass earthwork grading (80% complete), pavement subgrade for main road and parking lot (100% complete), erosion control devices (100% in place), and excavation of the loop trail (50% complete). They expect work on the following projects to begin in the next 30 days: aggregate and base asphalt of main road and parking lot, aggregate and base asphalt of main loop trail, seeds of sportsfield mixture and low grow lawn (disc golf course), drainage structures, electric conduit sleeves to be installed under new pavement, permanent fencing along East Miami River Road, and construction of primitive trails. Mr Corman said this is a job well done!

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CITIZEN ADDRESS

Floyd Ott, 3207 McGill Road, said his neighbors are with him and he represents all of those in Colerain Township near his home on McGill. He said there is an abandoned construction site at 3206 McGill. He asked about what could be done to expedite the demolition and cleaning of this property. What has Colerain Township done to address this problem, a dangerous situation? What channels are required and what is a reasonable time frame?

Mr. Spriggs said the Board has seen photos of this property. Mr. Ott provided Board with copies.

Margo Conaway of 3194 McGill Lane, said this is an extreme eyesore and a danger to children. The property should be condemned and "no trespassing" signs installed. She would like to put her own home on the market, but her realtor says this neighboring home will hurt the value of hers. Her concern is what can be done and how long it will take. What can we do?

Mr. Spriggs said permits occurred in the last part of last year. He said it is possible the couple is going through a divorce. The Fire Department has secured the house with boards. Some of the boards have been removed and the Fire Department will repair this. The Hamilton County Building Department has been out, per the Township's request. The County has determined the site is unsafe, but it has not been condemned.

Mr. Ott and Ms. Conaway said the owners are building this home themselves.

Mr. Corman said this is a safety hazard. Ms. Conaway said the last construction occurred in February or March. Mrs. Rielage asked about the next steps. Mr. Spriggs said we should secure as the Fire Department did, but may need a legal process, too. Mr. Corman asked if, because of the open permit, we could declare the area as an abandoned construction site.

Mr. Reuter said we would need to proceed carefully. We could require the property is made safe. We will look to see if it is in foreclosure. He will contact the building department and report back next month with a course of action.

Mr. Spriggs said this property is intended to be on next month's weed abatement resolution.

Mr. Fiedeldey said the Fire Department is to secure this area and assumes they did it once before with sheets of plywood.

Ms. Conaway said the Fire Department used what boards were on-site to secure the building. Now, it is all falling down. The owner does not care what happens to the property as they have no money. She understands the property is under foreclosure.

Mr. Fiedeldey asked if we have notified the owner. Mr. Spriggs said a notice was sent about two months about the debris and weeds. We will need to do another title search to determine if it is in foreclosure.

Mr. Fiedeldey said we should find out what the owner wants to do.

Mr. Ott said the wood is rotten and can not be reconstructed.

Mr. Fiedeldey said we should notify the owner that we will secure it and put them on notice. We should get some dialogue if possible. He said Mr. Reuter should

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have a recommendation to the Board by the next meeting. The Fire Department should secure the building well.

Tim Mara, of 312 Walnut Street, said he represents 35-40 residents concerned about the proposed Wal-Mart Supercenter at the current Kmart site. His clients include residents of the mobile home park directly to the west of the site and residents on Sheldon Ave. and Blanchetta Drive, which are southeast of the site.

Residents of the mobile home park are concerned about the loss of the greenbelt, which served as a buffer from the Kmart store. The current greenbelt is between 150 and 400 feet. Wal-Mart plans to have the building 60' from the property line and pave within 30' of the line, with only a privacy fence between the homes and the noisy activities of the Supercenter. They would like the Trustees to intercede to protect the greenbelt, which has buffered them in the past.

Mr. Mara showed a map of the area to show the proximity of the Wal-Mart site to Sheldon Ave. and Blanchetta Drive. This area is subject to flooding and the residents worry it will be worse with Wal-Mart's plans. The plans include directing the stormwater north to a swail, which parallels Ronald Reagan Highway, then to a pipe under Colerain Ave. to a creek on St. Ann's property and to another pipe which carries the water to the Sheldon/Blanchetta area. This is only the minimum county standard. Wal-Mart's plans do contain storm water detention, but the amount of water runoff will increase because of the removal of the green belt. These residents have enough problems as it is. This is an over intense use of the site. Wal-Mart is taking advantage of the fact this area is already zoned retail. He said that the Township does not have authority to do more, but does have power of persuasion. He feels the world's largest corporation should do more for Colerain Township. He asked the Township to please help and intercede.

Kelly Sexton, of 8283 Stanley Drive, came before the Board with a complaint about the Police Department. She is having problems with juveniles, who harassed her son and are now harassing her. Police reports have been made. She said the Police Department is not investigating these problems. She has "stay-away" orders on these juveniles. She wants the Police Department to start handling these juveniles. She said the Department said it was not a priority. She feels this is a carry over from her son.

Ms. Sexton said her son is with his father. He will not file complaints because he is afraid.

Chief Sarver said that a public meeting is not the proper forum to discuss this matter. He will provide a synopsis to the Board within a few days.

UNFINISHED BUSINESS

FIRE DEPARTMENT

Hiring Full-time Personnel

Chief Silvati requested the Board's approval for the full-time hiring of four firefighters. Four individuals remained on the hiring eligibility list from last fall and these individuals have completed the voice test analysis, the psychological examination, and the required medical exam. They are Stephen Hammons at Firefighter P1, \$36,138.97/year; Kristopher Prosser at Firefighter P1,

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\$36,138 97/year; David Schenberger at Firefighter P1, \$36,138 97/year; and Donald Angst at Firefighter P3, \$45,063 46/year This hiring has an effective date of October 10, 2004.

Mrs Rielage made such motion and Mr. Fiedeldey offered the second

Mr Fiedeldey asked why one was paid so much more. Chief Silvati said this was due to experience with other departments and other certifications

No further discussion and the roll was called:

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

PUBLIC WORKS

Request to Purchase Fork Lift

Mr. McClain requested this item be postponed until next meeting

Mr McClain asked about the landscape committee review of the buildings. Mr Spriggs said this is in the Board's packets. Mr Fiedeldey said we need a new quote from the landscaper. Mrs Rielage said it looks like different plants were substituted. Mr Fiedeldey said the report said the area was over-planted and we should obviously have new, lower quote

ZONING

Journalization Gambro Dialysis 2004-06

For journalization, Mr Spriggs read resolution 31-04, Gambro Healthcare Dialysis Clinic

Mrs. Rielage motioned to approve the resolution and Mr Fiedeldey offered the second

Under discussion, Mr. Fiedeldey said that we stated the hours of operation would not extend beyond 9:00 PM, but we did not specify a starting time. They will have the exterior lights off until 6:00 AM. He asked if we can do anything about this.

Mrs Harlow reviewed minutes, in which Mr. Donahue indicated the hours of operation would be 6:30 AM to 4:30-5.00 PM and employees might be there until 7:00 PM

Mr. Reuter said this is not done by agreement with the applicant. The Board can pass the resolution and the applicant can accept it or not. The posture of this is that the Board could add the starting hour and the enforcement would be the same as the finish time. He said, yes, the Board can insert this into resolution

Mr Fiedeldey suggested we make it a 6:30AM starting time

Mr Corman agreed that if we can do it, we should. He also said there should be a policy of the board to get these items while the applicants are here. It is not a good arrangement to amend these.

Mr. Fiedeldey motioned to add to item 12 the hours of operation of 6:00 AM to 9:00 PM. Mrs. Rielage offered the second.

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Without further discussion, the roll was called:

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

ADMINISTRATION

Hamilton County Storm Water Fees & Payment Method

Mr Foglesong said the Storm Water Act, Phase II needs to be funded. The County Engineer would like a decision by Friday on the method of funding and the amount of services we desire.

Mrs. Rielage said they discussed criteria to put in the letter. Mr. Foglesong said the Hamilton County Stormwater District asked the prosecutor for an opinion. One option is to contract with the county for the required services, but any funds not used would be returned to our residents. There are opportunities for a reduction in cost, such as the work we have already completed and the Cincinnati Bar Association's local government section may volunteer to draft the legislation.

Mr Fiedeldey asked how much the average homeowner would pay. Mr. Foglesong said the total cost for the required basic service is approximately \$90,000, which would be \$2.10-\$2.40 per home for basic services. Other services are \$0.25 to \$1.20 per home, for a total estimate of \$4.25-\$5.10 per year/home.

Mr Fiedeldey said this is an unfunded mandate. Mr. Foglesong said the Board could take no action and the County would assess the property owners.

Mrs. Rielage moved to write a letter for the year 2005 and Mr. Fiedeldey offered the second.

Without further discussion, the roll was called:

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

Kittywood

Mr. Foglesong said he contacted the County Engineer's office about this for additional research and a timetable for the dedication and acceptance issues. He has not received the information yet.

NEW BUSINESS

FIRE DEPARTMENT

Fire Expo

Chief Silvati reminded the Board about the 23rd annual Fire Safety Expo on Sunday, October 3, 2004, from noon to 3:00 PM. There will be fire apparatus, displays, and public education activities.

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POLICE DEPARTMENT**Pay Journalization**

Chief Sarver reported a pay journalization for Mike Owens, effective October 2, to step 5 at a rate of \$25.02/hour and Pat Quinn, effective October 7, 2004, to step 3, at \$21.57/hour. This is per contract.

PUBLIC WORKS**Contractual Pay Journalization**

Mr. McClain reported that on October 1, 2004, Public Works Department Road Division employees will receive pay increases per the union contract.

SENIOR CENTER**Contractual Pay Journalization**

Mr. Foglesong reported the Senior Center employees would receive the increase per the contract, effective October 1, 2004.

PARKS**Contractual Pay Journalization**

Mr. Snyder reported that full-time Parks & Services employees will receive a pay increase on October 1, 2004, per the union contract.

ZONING**Weed Abatement Resolution**

Mr. Spriggs read Resolution 32-04, to remove and abate the nuisances at the noted properties.

Mrs. Rielage moved to approve the Resolution and Mr. Fiedeldey provided the second. Without discussion, the roll was called:

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

Request to Set Public Hearing Land Use Southeast Sector

Mr. Spriggs said on September 21, 2004, the Colerain Township Zoning Commission held a public hearing for LUPA Case #32003-04, Southeast Sector Update. At the hearing, the Zoning Commission voted to approve most of the study and recommended changes to four sites. He requested the Board set a public hearing for the case on October 26, 2004, at 8:30 PM.

Mrs. Rielage made such motion and Mr. Fiedeldey offered the second.

Without discussion, the roll was called:

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

Mrs. Rielage said the Board also has a work session of the Board on October 12 at 5:30 PM to discuss the comprehensive plan and the zoning code update. Mr. Fiedeldey feels this would be rushing though on this. Mr. Spriggs said this session is to just have some preliminary discussions. The deadline for the Board's comments is October 15.

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Mr Spriggs requested the hearing for JD Bryider (Case 2004-07) on October 12, 2004 The hearing for Benhill Drive is already on October 12 at 8:30 PM. Mr Spriggs said they would advertise both hearings at 8:30 PM.

Mr Corman motioned to set the hearings and Mrs Rielage provided the second. Without discussion, the roll was called:

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

Updates

The Hamilton County Regional Planning Commission will be acting on case # 2004-08, the Youthland Day Care on West Galbraith on first Thursday of October They will also hear case 2004-09 for the Rumpke modification to the FF light industrial park on Struble Road. This completes the five parcels not previously included. These cases will then go to the Colerain Township zoning commission on the third Tuesday in October.

ADMINISTRATION

Employee Morale

Mr Foglesong came to the Board for his annual request to organize and expend funds for the employee appreciation gathering

Mrs Rielage made such motion and Mr Fiedeldey offered the second No discussion and the roll was called:

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

Flood Structure Royal Glen Drive

Mr Foglesong referred to a memo from Frank Birkenhauer on the opportunity to purchase another building on Royal Glen Drive. He asked for the Board's permission to acquire the property He said the funds for acquisition and possibly for demolition would come from the Hamilton County Development Department

Mrs Rielage made such motion and Mr. Fiedeldey offered the second No discussion and the roll was called:

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

Mr. Foglesong requested the Board set a special meeting, a work session, to discuss the comprehensive plan and the zoning code update on October 12 at 5:30 PM.

Mrs. Rielage made such motion and Mr Fiedeldey offered the second. No discussion and the roll was called:

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

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Hamilton County Solid Waste District Public Meeting

Mr. Foglesong said the Solid Waste District is holding two sessions for public input of their management plan for the next 15 years. The sessions are September 29 from 2:00 to 4:00 PM and September 30 from 6:00 PM to 8:00 PM

Mr. Fiedeldey said he distributed information to the Board members about this at the last meeting

CLERK'S REPORT

Mrs. Harlow asked for approval of payroll, purchase orders, and receipts. Mrs. Rielage made such motion and Mr. Fiedeldey offered the second. No discussion and the roll was called:

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

The Clerk has received the following receipts:

<u>REC</u>	<u>VENDOR</u>	<u>FOR</u>	<u>AMOUNT</u>
487-04	Fire & EMS Department	Signs, cell, CPR, report, car seat program, CTTC	2,961.09
488-04	Fire & EMS Department	EMS billing	6,790.84
489-04	Police Department	Donation	25.00
490-04	Police Department	Court reimbursement	66.00
491-04	Police Department	DUI, drug & state parking fines	846.00
492-04	Parks & Services Department	Shelter rental	35.00
493-04	Dusty Rhodes	2 nd Half estate tax	547,409.73
494-04	STAR Ohio	Interest for August	2,743.40
495-04	Fifth Third Bank	Interest from sec for Aug	30,000.00
496-04	Fifth Third Bank	Investment Primary	9,697.86
497-04	Fifth Third Bank	Interest from bond acc.	1,941.59
498-04	OJP	OJP grant for August	11,830.00
499-04	Council on Aging	COA grant for August	6,347.01
500-04	Bill Harrington	Postage	0.37
501-04	Police Department	Court reimbursement	18.00
502-04	Sr. & Community Center	Fees, don, lunch	122.50
503-04	Sr. & Community Center	Crafts, don, lunch	57.80
504-04	Dusty Rhodes	Municipal court fines	46,045.51
505-04	Dusty Rhodes	Public utility reimb	114,241.94
506-04	Betty Montgomery	Manufac Home Rollback	322.01
507-04	Public Works Department	Misc. recycling	1,381.00
508-04	Police Department	Postage	1.00
509-04	Police Department	Juv. Traffic fines - Aug	200.50
510-04	Frank Birkenhauer	Cell calls	8.95
511-04	Police Department	Reimb for light bar	

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		damage unit #103	938.00
512-04	Zoning Department	Certificates, BZA	3,128.86
513-04	Fire & EMS Department	Plan review	75.00
514-04	Police Department	Court reimb, cell reimb	281.92
515-04	Sr. & Community Center	Rent, don, lunch	429.55
516-04	Parks & Services Department	Replacement phone rebate	50.00
517-04	Dusty Rhodes	20% funding	42,522.00
518-04	Public Works Department	Misc recycling	767.90
519-04	Fire & EMS Department	Plan review	75.00
520-04	Memo Receipt		0.00
521-04	Zoning Department	Certificates, Amend	4,075.70
522-04	Dusty Rhodes	SIF, Rev assist, Fin inst	67,424.52
523-04	Public Works Department	Misc recycling	376.60
524-04	Sr. & Community Center	Fees, don, lunch	82.50

Mrs Harlow requested several appropriation adjustments:

For the Police Department, \$1,595.20, from 2081-210-190-0000 (salaries) to 2081-210-240-0000 (unemployment compensation). Also for the Police Department, \$3,000.00, from 2081-760-750-0000 (motor vehicles) to 2081-210-323-0000 (repairs and maintenance).

For the Public Works Department, take \$3,000.00 from 2031-330-323 (Buildings and Vehicle Maintenance) and adjust \$1,975.00 to 2031-330-360 (service contracts/office) and adjust \$1,025.00 to 2031-330-381 (property insurance).

For the Zoning Department, take \$1,500.00 from 2181-130-599-0000 and adjust to 2181-130-490-0000

Mrs Rielage made such motion and Mr Fiedeldey offered the second. No discussion and the roll was called:

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

Mrs. Harlow has received two items of correspondence from the Ohio Division of Liquor Control regarding transfers of liquor permits. The first is a transfer from Blue Ice Corporation DBA Groesbeck Tavern to Groesbeck Tavern, 7569 Colerain Ave. The second is a transfer from Club Hypnotic Inc. to Wasted Time Inc., 3100 Springdale Road. The Board requested no hearings on these

Minutes of _____

Meeting _____

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

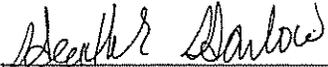
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ADJOURNMENT

With no further business to come before the Board, at 8:58 PM Mrs Rielage motioned for adjournment Mr Fiedeldey offered a second.

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



Clerk



President