

March 22, 2005

Held

OPENING OF MEETING

Mr Fiedeldey called the meeting to order at 6:00 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 pending litigation

At 6:01 PM, Mr Corman made such motion and Mrs Rielage offered the second.

No discussion and the roll was called:

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

The Board reconvened at 7:09 PM

PLEDGE – INVOCATION

Mrs Rielage announced that Pastor Henry Marksberry of St. Paul United Church of Christ would provide the invocation and the Pledge of Allegiance would be lead by Pack 710, Den 6 from White Oak Presbyterian Church.

APPROVAL OF PREVIOUS MEETING MINUTES

The approval of the March 8, 2005 minutes of the regular meeting of the Board was postponed until next the meeting.

PRESENTATION – SEASONGOOD & MAYER

Not in attendance

LIGHTING DISTRICT PUBLIC HEARING – NEIL DRIVE

Mr Foglesong presented the information about the Neil Drive Lighting District. The Colerain Township Board of Trustees was presented with a petition on February 24, 2005, for a lighting district located on at the intersection of Neil Drive and Arroka Drive, within Colerain Township. The required 51% front footage signatures have been received with 100% in favor. Total front footage of 419 26' necessary and 419 26' received. There is no opposition. Cost of lighting to each property owner is approximately \$1 63 month. One new light to be installed at this intersection as scheduled by Cinergy depending on workload.

As there was no one in attendance to speak before the Board on this issue, Mrs Rielage moved to close the public hearing and Mr Corman provided the second.

Mr Foglesong read Resolution #11-05, "Neil Drive Lighting District." Mr Corman motioned to approve the resolution and Mrs Rielage offered the second.

Without discussion, the roll was called:

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

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SHERIFF REPORT

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

TRUSTEES' REPORT**MRS. RIELAGE**

Mrs. Rielage reminded those in attendance that Saturday is the Drew Campbell Memorial Easter Egg Hunt, where there will be 4,000 eggs.

Mrs. Rielage said that at the last meeting, Mr. Fiedeldey requested names for the soccer fields next door. Her suggestion is to name them after Drew Campbell. Mr. Corman said it was very appropriate. Mr. Fiedeldey agreed. Mrs. Rielage made such motion and Mr. Corman offered the second. Without discussion, the roll was called:

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

MR. CORMAN

No report.

MR. FIEDELDEY

No report.

CITIZEN ADDRESS

Guy Engelbert of 3781 Susanna Drive approached the Board on behalf of the neighborhood watch. He requested "no parking" signs on the south side of Yellowstone from Colerain Avenue to 30' past the Walgreen's driveway. He provided Mr. McClain with relevant information.

Kelly Sexton (address not given) also wished to approach the Board. She said she was here a couple of weeks ago and complained about officers shopping on company time.

She made a complaint about Officer Woods at shopping at Cincinnati Natural Foods right after he came on duty. She said she never received a response from Chief Sarver about previous complaint.

She alleged that Chief Sarver is going around the neighborhood asking people about her and if they have any issues with her. He was also asking at a Business Association meeting. She feels very threatened by police officers. She said that bullet holes are appearing in homes near her and a neighbor feels the bullet was meant for her. She has had the tires sliced on her car. Her complaints have not been followed-up on.

She said that John Schiff is her attorney. Mr. Reuter said that since he has an attorney he will need to speak with him to see if they can work on the complaints she has. He will bring some organization and resolution to her complaints. Mr. Reuter said bullet is hear-say and she should not repeat it. It is outrageous and offensive.

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Ms. Sexton said that she did not file a report on the sliced tires. Mr. Fiedeldey said she inferred that the officers sliced her tires. He told her to not come up here with innuendo. She said neighbors are saying these things.

Mr. Corman said she is the only one who made complaints. The attorneys should speak on this. Mr. Reuter repeated that he must deal with her attorney.

UNFINISHED BUSINESS
SERVICES

Geotech Study

Mr. Snyder said he has not received information on costs yet and will memo the Board later.

ADMINISTRATION

2005 Permanent Appropriations

Mr. Foglesong presented the permanent appropriation amounts in summary form. Mrs. Rielage motioned to approve the permanent appropriations as read and Mr. Corman offered the second.

Mr. Fiedeldey said that he has concerns about some departments, because the increases are higher than last year. He expressed that they should exercise caution as some of the increases cannot continue at the rate that they are.

Without further discussion, the roll was called:

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

NEW BUSINESS

FIRE DEPARTMENT

Pay Rate Change

Chief Smith requested the following pay rate changes:

- Brain Maginn to paramedic (with 1A certification), at a rate of \$12.69/hour, effective March 8, 2005;
- Matthew Miele to firefighter/paramedic, at a rate of \$13.04/hour, effective March 9, 2005.
- Robert W. Browning to firefighter/paramedic FAO, at a rate of \$12.29/hour, effective February 24, 2005

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"

POLICE DEPARTMENT

Request to Replace Vehicle

Chief Sarver requested permission to purchase a new police vehicle. This vehicle will serve as a replacement for the investigator's unmarked vehicle. His current vehicle is a 1997 Crown Victoria with 90,000 miles. The requested vehicle is a 2005 Chevrolet Impala 9Cs police sedan. The lowest price quote was \$16,939 from Taylor Chevrolet.

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Mr. Fiedeldey made such motion and Mrs. Rielage offered the second. Without discussion, the roll was called:

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

PUBLIC WORKS

Part-time Step Increase

Mr. McClain requested the Board approve step increases for current part-time/seasonal employees returning and/or continuing employment in 2005. He recommended the following step increases, effective March 25, 2005:

Kraig J. Rieman to Part-Time Seasonal Maintenance Worker I classification 11-d at \$7.39/hour

Jerry C. Hoepker and Daniel R. Schulte as Part-Time Seasonal Maintenance Worker III, classification 12-d at \$8.39/hour

Mr. Fiedeldey made such motion and Mr. Corman offered the second. Without discussion, the roll was called:

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

Colerain Avenue Street Sweeping

Mr. McClain said they have received quotes to sweep Colerain Avenue from Struble Road to Earl Drive. The quotes included the initial sweeping to include the cleaning off of the center islands and the sidewalks adjoining the curb ahead of the sweeper and six additional street sweepings (which would be as needed, but tentatively monthly). Mr. McClain said the project could be awarded to the contractor with the lowest quote at a price not to exceed \$4,171.00.

At Mr. Fiedeldey's suggestion, Mr. McClain spoke with Abel Fuller at ODOT about reimbursing the Township for sweepings. Mr. Fuller said he would check and call back.

Mr. McClain said the quote does not include the on- and off-ramps, but the contractor provided a high ball-park figure of the initial sweeping for \$500 and additional sweepings at \$200 each. This would be a total amount of \$5,871.

Mrs. Rielage said the ramps might not be worth it since it would only do the actual roadway and not reach the cigarette butts and debris on the side.

Mr. McClain said the state is scheduled to sweep once in spring and again in the fall.

Mr. Fiedeldey suggested that we coordinate with ODOT for timing. He suggested that we do the initial sweeping and four additional sweepings. This will be in addition to the two from the state. The cost would then be \$3,271.00.

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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"

Storm Sewer Maintenance Services

Mr. McClain requested the Board's approval to advertise for Storm Sewer Services. The current contract expires May 11, 2005. He explained that this is the contract we use to lock in prices to accomplish different types of storm sewer work, as we need the work done. The work includes televising pipe to find problems and make repairs before a failure occurs, cleaning, root removal, and emergency cleaning and opening of storm sewer obstructions during storms. After bids are received, he will come back to the Board with recommendations.

Mrs. Rielage made such motion and Mr. Corman offered the second. Without discussion, the roll was called:

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

Charles Fath Subdivision Engineering

The Hamilton County Engineer has received proposals on the scope of services for engineering of the Charles Fath Subdivision Reconstruction Project. Mr. McClain requested that the Board approve himself to sign the agreement upon receipt from the County Engineer to hire JMA Consultants, Inc. for \$194,500.00. Upon final approval by OPWC, our project agreement is scheduled to arrive to us in early July 2005.

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"

Pay Journalization

Mr. McClain reported a pay journalization for Jason Haines to go to Maintenance Worker I-2d at \$18.69/hour, effective April 8, 2005.

LEGAL

OP&FPF Resolution

Mr. Reuter said there was a resolution discussed in the Clerk's report at last meeting which the Board felt uncomfortable with the wording. He did some research and spoke to pension fund staff about this. "Pick-up" is not intuitive wording or found in Ohio Revised Code, but is found in section 414H of Internal Revenue Code. The Ohio Police & Fire Pension Fund needs to use this wording for the employee's contribution to be treated correctly by the IRS. He is satisfied that the Board is not going to have to pay an additional 10%.

Mr. Reuter read resolution 12-05, "Resolution Restating Pick-Up Plan for Ohio Police & Fire Pension Fund."

**RECORD OF PROCEEDINGS
REGULAR**

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

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

Parking Resolution

Mr. Reuter requested that the Board defer this item to the next meeting.

ZONING**Set Public Hearings**

Mrs. Dale requested the Board set a public hearing for case ZA2005-01, J D. Byrider Systems, Inc. The project is an expansion for staging and prep area for used car sales.

She also requested the Board set a public hearing for case ZA2005-02, to modify articles 5 and 13 of the Colerain Township Zoning Resolution.

There was some discussion about the scheduling of these hearings and the Board will set them prior to the end of the meeting.

CLERK'S REPORT

Mrs. Harlow asked for approval of payroll, purchase orders, and receipts. Mr. Corman 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>
129-05	Administration	Reimb. grant money for park	4,112.50
130-05	Ooten Interior Systems	Refund overpay of escrow	2,010.24
131-05	Sr. & Community Center	Crafts, fees, rent, don, lunch	1,496.45
132-05	Parks & Services	Baseball field rental, shelter	1,225.00
133-05	Police Department	Court reimb, vest cover reimbursement	96.00
134-05	Sr. & Community Center	Fees, rent, don, lunch	354.50
135-05	A. Wayne Kreidenweis	Feb cobra payment	279.37
136-05	Dusty Rhodes	Gas tax - Feb	16,415.26
137-05	Sr. & Community Center	Fees, don, lunch	79.00
138-05	Police Department	Court reimbursement	6.00
139-05	Sr. & Community Center	Fees, don, lunch, refresh	90.40
140-05	David Foglesong	Cell call reimb	3.75
141-05	Fire & EMS Department	Plan review fees, inspect	190.00
142-05	Public Works	Snow removal	756.60

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143-05	Parks & Services	Amphitheater rental	200.00
144-05	Police Department	Juvenile traffic fines	135.50
145-05		Memo receipt	
146-05	Dusty Rhodes	Permissive motor veh	34,664.79
147-05	Dusty Rhodes	Public utility	114,241.94
148-05	Dusty Rhodes	Motor veh reg – Feb	3,217.92
149-05	Sr. & Community Center	Crafts, fees, rent, lunch	337.10
150-05	Police Department	Drug, DUI & state park	983.00
151-05	Parks & Services	Shelter reservation	140.00
152-05	Frank Birkenhauer	Cell call reimbursement	11.78
153-05	Fire & EMS Department	Plan review	100.00
154-05	Sr. & Community Center	Fees, rent, lunch	831.50
155-05	Police Department	Court reimbursement	36.00
156-05	Fire & EMS Department	Comm, inspect, cell, reports, don, CTTC, sign	2,976.92
157-05	United States Treasury	Overpay federal taxes	6,650.60
158-05	Police Department	SRO, Honor Guard don, cell,	4,867.06
159-05	Sr. & Community Center	Fees, lunch	195.00
160-05	Parks & Services	Scrap metal from old PW Bldg.	169.40
161-05	Sr. & Community Center	Fees, rent,	480.00
162-05	Police Department	Court reimbursement	18.00
163-05	Fire & EMS Department	EMS billing	26,267.34
164-05	Fire & EMS Department	Comm, reimb, passports, cell, reports, signs, CPR, don	874.20
165-05	Zoning Department	Certificates & other	2,000.00
166-05	Parks & Services	Shelter rentals	245.00
167-05	Star Ohio	Investment Star interest	4,243.33
168-05	Fifth Third	Investment interest	30,000.00
169-05	Fifth Third Bank	Investment primary	9,601.37
170-05	Fifth Third Bank	Investment primary	3,235.09
171-05	Police Department	OJP grant	10,297.00
172-05	Sr. & Community Center	COA grant	11,210.52
173-05	Administration	Escrow Interest Overpay	6.00

Mrs. Harlow said she has received a notice from the Ohio Division of Liquor Control stating that all permits to sell alcoholic beverages in our political jurisdiction will expire on June 1, 2005. In order to maintain permit privileges, every permit holder must file a renewal application. Objections must be to the Ohio Division of Liquor Control by May 2, 2005.

Mrs. Rielage motioned for a 10 minutes recess and Mr. Corman seconded. No discussion and the roll was called:

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

The meeting reconvened at 8:17 PM

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PUBLIC HEARING – CONTINUATION OF COMPREHENSIVE PLAN

Mr. Fiedeldey said that we are here to consider information from entities in the township

Mrs. Rielage said clarifications from Wendy Moeller are right on. She is fine with these changes. Mrs. Dale read these

Mr. Fiedeldey said the mining and excavation in character area 7 is the same as in area 1 and wondered if this would also be changed. It would be appropriate to change this as well.

Mr. Reuter said that he spoke with Mr. Trauth and told him that he would offer him the opportunity to review any proposed changes. Mr. Trauth has not had the opportunity to review these changes.

Mr. Corman commented on the sidebar on page 69: should this say "Rumpke" or should we address this to any other enterprise, making it more general. Mrs. Rielage said this is a specific list of items. Mr. Fiedeldey suggested a caveat of "or any other successors."

Mr. Fiedeldey said that we received a letter from Mr. Trauth, representing Rumpke, dated March 4, 2005. He is concerned with some of the items in there. He gave some history on the comprehensive plan and process with which it was developed. Mr. Fiedeldey wanted to follow-through with some of the things contained in the letter

He said there is sewer planned for this area in the Hamilton County 2020 plan. The letter said that Hughes and Buell Roads have poor access, but Mr. Fiedeldey said it has been used for garbage trucks for years. The letter also cited poor visibility, but the site is near the highway. The letter also stated that surrounding property values have risen. Mr. Fiedeldey said Hamilton County Planning said values are down 15% from the county average.

Mr. Fiedeldey continued that the year 2000 consent degree said that residential zoning next to a land fill is unconstitutional. At that time, there was no plan to further expand the landfill. There have been plans and efforts to come up with a constitutional land use plan for the areas east of Hughes Road. Hamilton County's plan was residential. We have been trying to get them to work with us to get it the same. We received an opinion from Attorney General that the Township has the final say. Mr. Trauth argued that it should stay residential. Now, they're arguing the opposite.

Mr. Fiedeldey quoted from the June 11, 2002, minutes of the Regular Meeting of the Board of Trustees:

Mr. Fiedeldey commented that the update of the land use plan for this area had been pending for a long time, and had difficulty understanding the basis for all of the controversy.

Mr. Fiedeldey stated that he attended the Land Use Advisory Board on June 4, 2002 meeting at which the proposal was discussed. At that meeting, Mr. Riddle, the landfill manager, made comments concerning Rumpke. Mr. Riddle stated that gas recovery will last 10 to 30 years after the landfill closes and that Rumpke purchased the land on the east side of Hughes Road to serve as a buffer to stop complaints. He also stated that Bill Rumpke did not know what he wanted to do with the land to the east of Hughes Road. Mr. Fiedeldey stated the proposed PMUEA area

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would be a buffer between the landfill and the surrounding uses, and would be an appropriate designation.

Mr. Fiedeldey affirmed that since the land was purchased for a buffer, the LUAB recommendation of the development of the property on the east side of Hughes Road would benefit Rumpke. Rumpke could recover the money they invested for this property as it is only being used as a buffer at this time.

Mr. Fiedeldey also commented that in the consent decree signed by Rumpke and the Township in the zone change litigation, all parties agreed that residential zoning adjacent to a landfill was unconstitutional, and questioned why Rumpke now seems to be asking the Township to approve a land use plan which proposes that same unconstitutional condition.

Finally, Mr. Fiedeldey commented that for the 2020 Western Hamilton County Collaborative Plan, the Hamilton County Regional Planning Commission hired an expert consultant, and their plan is basically the same as Colerain Township LUAB plan. The LUAB, Colerain Township staff and Trustees, Hamilton County staff and Hamilton County Regional Planning's outside experts have all agreed that the land use map should show commercial/industrial use along the east side of Hughes Road extending from Struble Road to Bank Road. Hamilton County Regional Commissioners later changed the land use map in the Western Hamilton County Collaborative Plan to reflect residential use on the east side of Hughes Road in contradiction to their outside consultant's recommendation and which has been previously declared unconstitutional. Mr. Fiedeldey questioned why, in the instant matter, the Regional Planning Commissioners would take a position at odds with its own 2020 plan. For Regional Planning to put unusual and unreasonable restrictions on how the land is developed is not acceptable. If the landfill is going to close, Mr. Fiedeldey questioned why there is controversy. The Township needs to look into the future development of this property. Mr. Fiedeldey made a motion to adopt the Colerain Township Land Use Advisory Board recommendations for (1) that the Single-Family Residential classification for site 334 be changed to Rural Residential; and (2) that for Site 51, the proposed use be changed from single family residential to PMUEA, and that the depth of this nonresidential development for this site along Hughes Road be varied in order to preserve the hillsides for buffering the residential areas to the east, and the efficient extension of roads serving the nonresidential uses along the ridges. The following four recommendations of Hamilton County Regional Planning staff are either modified or not accepted by the Township:

1. Development in the rural residential area (Site 334) should be clustered to achieve maximum preservation of hillsides and open space adjacent to public roads.
2. Non residential development along Hughes Road (Site 51) should progress in an orderly sequence beginning at the Struble Road area in areas with expressway exposure and progressing north without causing leapfrog conversion of, and fragmented encroachment into residential areas.
3. The depth of nonresidential development along Hughes Road (Site 51) should be varied to achieve natural use of hillsides for buffering residential areas to the east and efficient extension of roads serving nonresidential uses along ridge tops.

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- 4 Nonresidential development approvals for Site 51 should be subject to submittal and review of the following studies:
- a Access, circulation, and road capacity
 - b. Market demand
 - c Utility capacity and timing
 - d Carrying capacity of the land (topography, soils, geology)

Mr. Fiedeldey said that from 2000 to 2002 and beyond, the whole process has been very transparent, with the area east of Hughes road They argued to leave it residential, yet it is unconstitutional. All done of this was done in the open, and now they want it to be industrial -- this is a 180 degree turn The plan is for the township, not for an individual Mr. Fiedeldey suggested he read the whole thing

Mr. Trauth said that the process has been transparent The Township wanted to put a "donut" around the landfill. There would be a cost to residents if the landfill could not further expand. MSD said sewer expansion would be paid by the developer He said the plan is very theoretical and the attorney general's opinion does not say that the township has the last word. Rumpke has been a good corporate citizen and had been here longer than many residents that now oppose the landfill.

Mr. Fiedeldey said that the Attorney General did say that both the County and Township can have land use plans, but the Township's plan trumps. Mr. Trauth said the issue is zoning authority, not land use.

Dan McElroy of 9910 East Miami River Road approached the Board with a question about the status of the land use plan. Mrs. Dale said that one area, the area in which he lives, is still under review It will be considered at the Land Use Advisory Board's meeting on the first Tuesday of April There will be opportunity for public comment.

Mr. Fiedeldey said that since the experts are not here, the Board should defer any decisions to the next meeting. Mr. Corman and Mrs. Rielage agreed.

Mrs. Rielage motioned to continue the discussion of the Comprehensive Plan to Tuesday, April 12, 2005, at the conclusion of other business Mr. Corman seconded. No discussion and the roll was called:

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

Mr. Reuter and Mrs. Dale said that the Board must set the public hearings for zoning cases within 30 days after result is reported Mrs. Rielage motioned to set the public hearings for case 2005-01 and 2005-02 on Tuesday, April 12, 2005, at 8:30 PM. Mr. Corman seconded No discussion and the roll was called:

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

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ADJOURNMENT

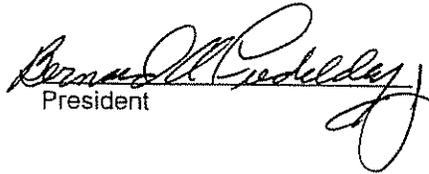
With no further business to come before the Board, at 9:10 PM, Mrs. Rielage motioned for adjournment. Mr. Corman offered a second.

Mr. Corman "Aye"

Mr. Fiedeldey "Aye"

Mrs. Rielage "Aye"


Clerk


President