

Held

September 5, 2006

**Special Meeting of the Board of Trustees
September 5, 2006**

Rumpke Zone Change Request Public Hearing

CALL TO ORDER

Mr. Corman called the meeting to order at 6:32 PM with all Board of Trustees members and Fiscal Officer Heather Harlow present. He said the Board was here tonight to discuss Case ZA2006-004, Rumpke Landfill and Light Industrial.

Mr. Corman read guidelines for the proceedings.

STAFF REPORT

Dr. Roschke presented the staff report. The request is a zone change from AA Residence and OO Planned Office to EF Excavation/Landfill and FF light industrial. The applicant is Rumpke Sanitary Landfill, Inc. as well as other property owners. There are a total of 350 acres, 59 FF and 291 EF. She explained the history of the request, zoning in the area, the Township's Comprehensive Plan, the Township's Land Use Plan and the requested Zoning. She said the vote of Hamilton County Regional Planning Commission, with a 5-0 vote, was to recommended approval. The Colerain Township Zoning Commission recommended by a 3-0 vote against approval and offered several conditions should the Board choose to consider the matter further.

APPLICANT'S PRESENTATION

Larry Riddle, landfill manager for the Rumpke Hughes Road facility addressed the Board. He distributed binders containing information relating to their presentation.

Joseph L. Trauth, Jr. from Keating Muething & Klekamp is representing the Rumpke Sanitary Landfill. He said there are two separate zone changes in one application, EF and EF. He said the legal issues pretty basic: is the current zoning constitutional or unconstitutional? Is existing zoning promoting the health, safety and morals of the township or is the area economically feasible to develop. He said that the Hamilton County Regional Planning Commission is the only commission who has looked at this land use, which is authorized by the Ohio Revised Code to do regional planning. This group has offered a recommendation which is consistent with the land use. All evidence points toward an expansion to the east of Hughes Road. He said the only appropriate use from the Zoning standpoint is landfill. This is long term regional planning.

Tom Abercrombie of 3377 Compton Road is the consulting Engineer for Rumpke Light Industrial. He described the plans and showed maps. It would be 495,000 square feet of space in 7 industrial buildings, with landscaping and grading, similar to what was proposed in a similar zone case. Public sanitary sewer and Cincinnati Water Works will serve the area. He said they are talking to the County Engineer about closure of Hughes Road.

Mr. Ritter asked for clarification on the map. Mr. Fiedeldey asked about the retention ponds and sediment control ponds. He asked about the vacation of Pottinger Road. Mr. Abercrombie said this is an old paper street. He asked about the water line going down Hughes, which will be vacated. Mr. Fiedeldey asked about fire protection and future development. Mr. Abercrombie said this is too preliminary to ascertain the fire protection and said it would go down about half way, but from Bank Road. There is not connection between the two sections.

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Mr. Riddle discussed the EF district, which is 291 acres. He showed the map of the area. He showed a rendering of what they might be able to use the area for, once the landfill is closed.

Mr. Riddle responded to the staff report. He said that Rumpke's proposed plan follows the land use plan and the comprehensive plan.

Mr. Ritter asked where the gas recovery plant would be located. Mr. Riddle said it would be within the EF area, east of Hughes Road.

Mr. Fiedeldey said that west of Hughes Road there is a 300' buffer. Mr. Riddle said the 206 acres would be east of Hughes Road. Mr. Fiedeldey said that will be an additional 50 acres for landfill. The land west will be vacated eventually.

Eric Gardner of Collier, Turley, Martin and Tucker referred the Board to the tax assessment tab in binder. He said there are 70 parcels and his analysis is based on 2005 records of the taxes paid to the Township and to School District. He said that, if the request is approved, the annual revenue to the Township, including property tax and host fees would be \$971,295 or \$29,138,850 over the 30 years.

Mr. Ritter asked if they considered other scenarios, like light industrial in most of the parcel or office. Mr. Gardner said these were considered, but those are not the highest and best use of the area.

Mr. Fiedeldey asked about valuations. Mr. Gardner said the School District would have a reduction. Mr. Fiedeldey asked about the 45 cent host fee. Mr. Riddle said this is carried over to the eastern expansion from the consent decree for the southern expansion.

Mr. Riddle said that \$29 million in revenue, the Township might be able to give some to the school district.

Mr. Riddle said he has been involved in the whole process, with the comprehensive and land use plans. He has looked at comprehensive plan analysis and attended the character areas meetings. He said there is a claim that the landfill has degraded property values. During 1960 census, Colerain Township's population grew 200+% and during that time, Rumpke was operating.

Eric J. Gardner of Colliers International referred the Board to the "market study" tab of binder. He referred to the dates of the area's development on map. He asked, "Why hasn't Colerain Township grown and prospered in the same ways as other areas of Greater Cincinnati?" He discussed retail space. He said that the typical home in Colerain Township is a three bedroom brick ranch, built in the 1950s. In the 2000 census, they typical resident was age 35, white, with a \$50,000 median household income. He said the area is considered mature and is not growing, with development already taking place. Colerain Township was developed before Mason and West Chester.

He discussed some marketing driving forces. The positive forces include: good interstate access with Ronald Reagan Highway and I-275, park system, the senior and community center, no earnings tax, and a \$21 million Colerain Ave. improvement. There is also easy access to two near-by hospitals. Some risk factors include: the Northwest Local School District is not ranked among the top in the area, housing values are below average, residents work blue collar jobs, upscale shopping limited, aging community, availability of land to be developed

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is limited, and the location is along a secondary route, I-275. Also, the Township has older housing stock, there is a lack of developable land, and the newer housing inventory has slowed. He said that the crime rate high for a suburban locale, which is a function of higher rental rates. Other markets are more liquid as they are located in more pro-business and pro-development areas. West Chester, Mason, and Deerfield are younger populations with more children.

Mr. Gardner said that Rumpke not to blame for lack of growth in the Township as there are many other reasons.

In response to Mr. Corman's question, Mr. Gardner said that he lives in Deerfield Township and his decision to live there was based on many issues.

Mr. Ritter said that he needed to wipe the tire tracks from his back and that he thanks God everyday that he lives in Colerain Township.

Mr. Fiedeldey said that older housing does not make it bad. This means we have stable residents, where in many cases the homes are paid for. These are not transient people. He said the topography of the Township is the same as Indian Hill.

Mr. Riddle said their Hughes Road facility is highly regulated. The expansion will not increase public's perception of the facility and they will maintain the 2 million tonnage. In a poll by Dan Pinger Public Relations, they have learned that a majority of residents support Rumpke.

Dr. Riley Kinman, is a consultant for Rumpke and has been associated with them since 1968. He said that the Rumpke Sanitary Landfill in Colerain Township is in compliance with all federal, state and local laws. These laws provide standards of performance for landfills. He said the sanitary landfill is the backbone of modern life. He said that life expectancy has increased because of sanitary waste disposal guidelines. He said the expansion will not pose any more exposure than any other industrial site. There is no increase of cancers or other disease in close proximity to sanitary landfills. He said there is little threat to public health as there is a slow decomposition rate of the solid waste under anaerobic conditions. He discussed the decomposition process for municipal solid waste. He said this poses no significant public health risk.

At 8:21PM, Mr. Ritter motioned for a recess until 8:35PM. Mr. Fiedeldey offered the second

Mr. Corman. "Aye"

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

The Board returned at 8:37PM

Mr. Riddle said they current pay \$400,000 annually in host fees to the Township. If they are allowed to expand it would be \$1Million. Without Rumpke moving on, taxpayers would take up the burden.

Mr. Jeff Rumpke addressed the Board to clarify some comments made by Mr. Gardener. He said there are a myriad of factors that go into the market forces in an area. Please take those comments for what they were supposed to be and know that they were not meant to degrade the Township. He asked the Board to vote in favor of the Zone Change application. He said the application is based on sound land use principles. Rumpke's plan answers the need for long-term waste disposal for Colerain Township and the area. He said that their polling data says

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that the majority of residents support the expansion. He said they have been an active part of Township for 60 years, sponsoring Township events and schools. He said they are proud to be part of the Colerain Township community and plan to be here in the future.

Mr. Fiedeldey said there are 1000 jobs at the landfill and asked if that has changed since 2000. Mr. Rumpke said that it has gone up 5-10%. Mr. Fiedeldey asked about the expansion. Mr. Rumpke said it will grow at the same 5% market growth rate.

Mr. Ritter asked about the current disposal and confirmed that is 50/50 Hamilton County residents vs. non-residents. Mr. Rumpke said that should not change and there will be no long-haul waste as they are a regional facility.

PUBLIC ADDRESS

Mr. Corman opened the Public Address portion of the Hearing.

Susan P. Bross of 11112 Old Colerain said that she lives within earshot of Rumpke. We should have the landfill expanded. One reason is because of their business practices, which are ethical and energetic. She said the employees really want to work for that company, which gives a good wage and is caring company. She said that light industry is needed in Colerain Township and it is important that we have this business. Townships that survive have economic growth. She wants to live in Colerain Township because we're a mixture of it all. Rumpke is open to residents and offers information readily. She said the methane gas recovery helps with odor. Typograpy is right for a landfill, not for building houses.

Carol Ambach is a resident of the Township and asked the Board to deny the request. First, because of safety issues: there no such thing as a safe landfill. It is a hole in the ground with garbage in it. Second, people in this township elected the Board to make decisions. She feels no other company could come in and buy residential property and ask to put in a landfill. She asked the Board not to make an exception for this company.

Greg Rumpke spoke on the behalf of his father, Harry Rumpke who resides at 10163 Spirit Oak. Harry is 77 years old and is retired from Rumpke. He moved to Colerain Township in 1977 on 23 acres on Dry Ridge Road. This property was developed by Mike West into the Spirit Oak street. He said they are members of St. John's parish and have volunteered there for many years. Corporate Rumpke has volunteered and built soccer fields at Corpus Christi Church. He said there are 33 subcontractors at Rumpke Corporation, all of which are independent businesses that rely on corporate Rumpke. He asked the Board to vote for the expansion.

Walt Stepaniak of Liberty Township grew up in Colerain Township. For decades, Rumpke has been serving the needs of the community at large. There are other community needs, like slaughter houses, airports, etc., that serve the whole community. He asked if the Colerain Township Board of Trustees will vote for the needs of the many or the needs of the few.

Tim Mastropaolo of 2472 Owlcrest is a 30-year resident of the Township. He said that his employment with the Rumpke Corporation allows him to be active and volunteer in the community. He said this is an essential survives, and provides funds for the Township and School District. He supports the expansion and feels it is a realistic need and benefit to the Township.

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Nancy Lindemood of Squirrelsnest Lane provided the Board with a petition to deny the rezoning, with 395 signatures. Many people believe that a new landfill is the wrong for the area. Many people expressed concerns about health: cancer and birth defects. The Comprehensive Plan is clear in that the landfill should not expand. Why would a business want to build over capacity? Are they planning to bring in out of state waste? Could they be bought out by a larger landfill company? Alternatives have not been explored. Could we do more with an aggressive recycling program? She expressed concern over health and environmental issues with the landfill gas. Once closed, hiking and biking trails are not practical in our lifetimes. Increase in allowable pollution. This highly regulated industry is only required to test their air once a calendar quarter. She said that we need to understand the health of the community with a health study. All waste is hazardous. North Carolina established a 12 month moratorium on landfills.

Jack Nickert of Lick Road spoke against granting the zone change request. He referred to the Township's Comprehensive Plan, which was approved by the Zoning and Board of Trustees. He said the zone change would increase their property value as would the gas revenue. The landfill in Winton Place closed because of health concerns. Colerain Township could be the Indian Hill of the North West side of town, but it won't happen if our claim to fame is 50 more years of the landfill. It's embarrassing to be the brunt of jokes about the landfill. None of the locations the expert witness spoke about had a landfill. How would they be different if they had a landfill? Rumpke has 20 years to develop alternate plans, which would cost only a few dollars a month per customer. What kind of legacy do you want to leave for your children and grandchildren? This is not about how much Colerain Township gets from the operations. Colerain Township would be getting the businesses which not flock to the eastern side of town. What if Rumpke wants to sell the land at some point and not have to deal with all of this?

Ruth Ravenna of 3938 Bleu Herron Lane said that she supports Rumpke for everything that the company has done for the community. She said they have provided a service to the community in southwest Ohio. What will happen in 17 years when Rumpke closes? Will we go back to burning our garbage as she did before Rumpke? That will be a total disaster. What will it cost to ship our garbage someplace else? What will it cost the schools or the Township if Rumpke is not here? She said we should keep an employer that has been nationally recognized for their landfill and partners in education activities.

Cathie Thiemann of 12184 Stone Mill Road said that Rumpke is dumping our future away. She said that Procter & Gamble pays \$5 million in property taxes. The bigger the dump, the more polluted air we breathe. For 25 cents/ton Colerain Township and its residents bear the entire burden. She said that the Hamilton County Solid Waste District estimated that the average homeowner's waste disposal cost would increase by \$2.13/month. Is this worth being able to have wholesome air to breathe? The further you live from the dump, the better your quality of life. If Rumpke is such a good business, why do no others want it?

Phil Wehrman has been the chief fiscal officer for Rumpke for 11 years. He said that if the expansion is denied, the Township would have 1000 employees and a strong tax base to be replaced. What will we do with that? Businesses will suffer. He said that the 213 Township residents who are Rumpke employees – where will they go? Northern Kentucky communities view Rumpke positively

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BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

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Bill Strachan is a civil engineer with RNK Environmental of Erlanger, KY. He said that his testimony was referenced earlier. He said that he lived on Stone Mill Road while he worked for Rumpke, but moved to Sharonville while working for RNK. He said he has seen the fruits of economic development in Blue Ash and Sharonville. In the July 17, 2006, edition of "Waste News," Rumpke is listed at the 14th largest hauling and disposals company in the country, with 2005 revenue at \$297 million. He said that after closure, things like a supper club or ski slope can happen in a short manner. He asked the Board to look at Rumpke as an asset and the Township should try to work with them.

Karen Stevenson is a resident of Colerain Township. She said this is the current legacy of Colerain Township, with our resident landfill operator. Landfills compete with reduce, reuse and recycle. She said that 291 acres is a lot of land, but rather the air space. She said that it is time to find a new way, especially with recycling. Many other counties have a zero waste policy. Recycling should be free and mandatory for each individual. She challenged the Township to start a zero waste initiative. Enough! No more landfill. Need is now, for the future of Colerain Township, we must find a better way together.

Bruce Slattery of 5763 Dunlap has been a resident for more than 20 years. He said that much has already been said. He would like to stress the fact that the landfill was started 60 years ago and it was a good idea then, but it has grown and it's a monster. It's time we end that. He urged the board to vote no and not let the landfill expand. He said the traffic in the area is gridlock with 1000s of trips per day of trucks going to and from the landfill. He said the expansion will only increase that and make it worse. He said he is tired of dealing with rocks being thrown out of truck tires and having a white slurry on his vehicles. He said the impact is negative and will continue.

Bruce Andrew of 330 Orchard Drive in Springboro, Ohio is an employee of the company. He said that we are a disposable society. He said that it doesn't matter where you live – we all enjoy the privilege and taking our trash to the curb, which is taken away forever. He said that responsibility comes with those privileges. Our region must continue to provide disposal for the amount of trash we are throwing away on a weekly basis. He is in favor of the expansion.

Mr. Corman said they would continue the public input and not close it at this time.

Mr. Ritter motioned to continue the hearing until October 2, 2006, at 7PM. Mr. Fiedeldej offered the second.

Mr. Corman. "Aye"

Mr. Fiedeldej. "Aye"

Mr. Ritter. "Aye"

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DARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

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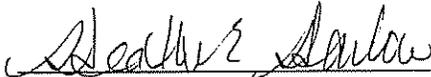
ADJOURNMENT

There being no further business to be brought before the Board Mr. Ritter motioned to adjourn the meeting at 10:02 PM, seconded by Mr. Fiedeldey.

Mr. Corman. "Aye"

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"


Fiscal Officer


President