

Held

May 8, 2007

**OPENING OF MEETING**

Mr. Fiedeldey called the meeting to order at 6:06 PM with Mr. Corman, Mr. Fiedeldey, and Mr Ritter in attendance. Mrs. Harlow was absent.

Mr. Fiedeldey motioned to appoint Mr Foglesong acting fiscal officer for the purpose of recording minutes at the meeting. Mr. Corman offered the second. No discussion and the roll was called:

- Mr. Corman "Aye"
- Mr. Fiedeldey "Aye"
- Mr. Ritter "Aye"

**EXECUTIVE SESSION**

Mr. Reuter requested the Board enter Executive Session for the purpose of discussing matters related to personnel and pending litigation.

At 6:07 PM, Mr. Corman made a motion to enter executive session and Mr. Fiedeldey offered the second. No discussion and the roll was called:

- Mr. Corman "Aye"
- Mr. Fiedeldey "Aye"
- Mr. Ritter "Aye"

Mr. Fiedeldey reconvened the meeting at 7:03 PM. Mr. Retuer said no decisions were made in executive session.

**INVOCATION**

Mr. Corman offered the invocation.

**PLEDGE OF ALLEGIANCE**

All recited the pledge of allegiance, led by Mr. Corman.

**APPROVAL OF MINUTES**

Mr. Fiedeldey said they would postpone the approval of minutes due to Mrs. Harlow's absence.

**SHERIFF'S REPORT**

No report.

**TRUSTEE REPORTS**

**MR. RITTER**

Mr. Ritter said that he received an inquiry from a resident, Mr. Leo Sampson, regarding sexually oriented offenders and whether they will be tracked as with the Section 8 housing issue. Mr. Ritter stated that we can determine where sex offenders reside, but not where they come from. Lt. Meloy tracks where sex offenders reside and will be giving the Board a monthly update.

Mr. Ritter addressed the letter the Board received from Feldman Mall Properties. Mr. Ritter read the letter into the record.

Mr. Ritter said he supports the idea of sidewalks but questions the \$3 million of TIF money going into sidewalks when the Township needs competitive retail. He suggested the Board commit \$3,000,000 of TIF funds into the purchase of the BP property and the improvements including the corner improvements and street scraping.

Mr. Ritter asked what the other Board members thought. Mr. Corman agreed with Mr. Ritter. The Township needs to compete as an industry with the business of retail being that industry. If \$3 million of TIF funds were used for the

Held \_\_\_\_\_

May 8, 2007

project, what does Feldman think? He felt the project should be pursued. With the BP politics changing we need to go forward with the project.

Mr. Fiedeldey questioned the number. He stated he remembered the TIF numbers being approved \$2.5 million not \$1.5 or \$3.5 million. He felt the actual numbers and project need to be available.

Mr. Ritter said his numbers were based on the expected tax increment from mall improvements.

#### MR. CORMAN

Mr. Corman stated that he had 3 matters to be brought up during his report:

- 1) Mr. Jason Harper's letter requests recognition of his grandmother's 80<sup>th</sup> birthday. Though she recently moved to Florida her heart remains in Colerain Township. Mr. Corman suggests a certificate be prepared for the Board's signatures.
- 2) Mr. Corman read an article from the August 1, 1945 Cincinnati Star recognizing PFC Roy C Walls for his heroic efforts in combating the enemy force, in which PFC Walls received serious injuries. Mr. Corman brought this up as Mr. Walls recently passed away. Mr. Corman suggested a certificate of recognition from the Board be sent to Mr. Wall's survivors.
- 3) Mr. Corman stated that as a Board member for the OKI council of governments he received a letter for the OKI current vice-president requesting names to serve on the Intermodal Committee ICC. Mr. Corman motioned to appoint Bruce McClain-PW Director to serve on the committee. Mr. Ritter offered the second. The roll was called:
  - Mr. Corman. "Aye"
  - Mr. Fiedeldey. "Aye"
  - Mr. Ritter. "Aye"

Mr. Corman motioned to appoint asst. Public Works Director Tim Lange as Alternate to the Intermodal Committee, Mr. Ritter second the motion. The roll was called:

- Mr. Corman, "Aye"
- Mr. Fiedeldey. "Aye"
- Mr. Ritter. "Aye"

#### MR. FIEDELDEY

Mr. Fiedeldey stated that the OEPA will be holding a public hearing with Rumpke request for a notification to its air permit. The hearing is scheduled on May 16<sup>th</sup> at 7pm held in the CT Senior and Community Center. Mr. Fiedeldey request Mr. Foglesong contact the OEPA requesting they make a presentation to the Board at their next meeting.

#### CITIZEN ADDRESS

Jerry Weller of Feldman Mall Properties, the owners of Northgate Mall, stated negotiation to purchase the BP project are continuing. They are working though environmental issues but making progress with a possible closing date set in June.

Mr. Weller stated that Feldman and NGM are working for the NGM to be "a sense of place" and the TIF money will help with that in improvements including the retaining wall.

Minutes of \_\_\_\_\_

REGULAR

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held \_\_\_\_\_

May 8, 2007

Mr. Weller stated that representatives from Feldman will agree to meet with the Board or Township representatives to show the planned improvements for the future of the mall

Mr. Weller stated other communities are making investments in their retail. Mr. Fiedeldey asked for copies of the design as he finds it hard to see where \$3 million will go. Mr. Corman stated the TIF money is a cap not a requirement that all of the money is spent

Mr. Fiedeldey asked when the outside mall improvement will be made. Mr. Weller responded the Mall is negotiating with interested cinema groups and once that is finalized the outside improvements will begin.

Mr. Reuter asked what the mall will do if they purchase the BP property. Mr. Weller stated they would continue to work with the Township but need the TIF to make the "right" improvements.

Mr. Fiedeldey stated when the original TIF discussion began the number was \$2.5 million—how did we get the additional amount?

Mr. Ritter stated he believes the TIF will generate \$4 million. Mr. Weller stated the original cost was \$2.5 million plus the cost of land.

Mr. Corman questioned Mr. Weller on whether the BP property had been cleaned up. Mr. Weller's response was somewhat, but more needs to happen.

Mr. Thomas Hart of the Colerain Township Business Association (CTBA) stated the CTBA wants the Board to know the importance of NGM and the community is in despair and needs momentum to change in the positive direction.

Mr. Hart stated that the Board should let Feldman Properties do what the Feldman Properties do best -- that is reviving older malls. Mr. Hart suggested the Board visit the Feldman website of Feldmanmalls.com to see what they have done in the past.

Darren Coleman of 2841 Wheatfield commented on the RV storage issue and would like to see storage allowed year round

Karen Fields of 2838 Homesdale Court said she stores a boat under a carport on the side of her house. She stated that she passed on the idea of charging a fee to allow for storage on these properties. Mr. Fiedeldey said that he was under the impression that parking under a carport was okay. Ms. Roschke said she misunderstood the question from Mr. Fiedeldey. Car ports are an accessory structure but do not classify as enclosed structures.

John Grigsby of 2624 Ambassador stated he has a history of trailers on his property and has a \$100,000 RV that he uses on a regular basis. He is a Vietnam Veteran who has had 17 surgeries since 1991. The RV fits in his driveway. He checked on storage, but costs are high. He would be willing to pay the Township if allowed to store it in his driveway. Mr. Fiedeldey asked the length of the RV. His response was 34 feet.

John Blythe of 2474 Blue Lark Drive said that he has had a boat for several years. He received letter asking him to move his boat. He would support the summer storage on-site, with moving it in the winter.

Minutes of \_\_\_\_\_

REGULAR

Meeting \_\_\_\_\_

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held \_\_\_\_\_

May 8, 2007

Ted Brown of 3900 Blue Heron has a RV and a boat, which is why he moved here from Wyoming. The boat is stored in the garage. He stated he was told the boat and RV were permitted to be stored. He wants to be able to store them on his property. He would be a hardship to have to store them off-site

James Emerson of 8575 Sunlight is a boat owner, a veteran and disabled, but he has no problem with storing his boat off-site. He said that storing RVs in driveways causes additional car parking on already congested streets. He said it is a quality of life issue.

Kip and Dana Dunagan of 3413 Dolomar approached the Board. Dana stated Kip is also a veteran, and said this is a quality of life issue. They read a letter and gave a copy to the Board, which was in support of the current zoning. She asked why Colerain Township would have less zoning than the county. The current zoning was passed costing a great deal of money and that there was ample time for public comment during the adoption. Mrs. Dunagan asked the Board to give 3 reasons in support of the proposed changes. She also asked the Board to name two communities that allow RVs to be parked in front yards.

Mr. Ritter responded to questions by asking Mrs. Dunagan if she was related to any Board member to which she answered, Mr. Fiedeldey was her father. Mr. Ritter stated he was elected to represent the voters and will answer at the time of election.

Mrs. Dunagan stated that she was also a voter and requested the Board produce hard data on the RV storage issue. She stated that RV's parked in driveways are extending beyond the sidewalks now and that should be enforced. She provided the Board with a picture. She also stated that additional driveway pavement will add to the storm water issues. She said that this is a quality of life issue.

Mr. Fiedeldey commented on Mr. Ritter's questioning of Mrs. Dunagan. He said his daughter and all of his children were raised to be free thinkers and she was merely exercising her constitutional right.

Donna Carey of 10000 Sturgeon is in favor of the parking pass to generate money for the Township. They should be allowed to buy their toys and store them where they live.

Charles Matthews of 2316 Roosevelt also owns a 25' boat. He wanted to build a garage, but was not aware of the restrictions. He is worried about theft if the boat is in storage of his property.

Lisa Schuler of 2550 Berthbrook said she would like to keep her boat year-round. She has had her boat since 2004.

David Manning of 2486 Blue Lark has listened to both sides and learned about the restrictions in the *Northwest Press*. He is for the seasonal storage from May 1 to October 1. The boats should be licensed, registered and operable. His boat is stored off-site for \$600/year and would like to keep it in the driveway during the season.

Ken Lohr of 9919 Pebbleknoll is president of the Colerain Community Association (CCA). In 1998, CCA volunteers began taking care of highway interchanges. He hopes the Township would meet with the Feldman Group and work out some mutually agreeable proposal. We have a neat corner we could

Minutes of \_\_\_\_\_

REGULAR

Meeting

DARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held \_\_\_\_\_

May 8, 2007

do something very special with and not be stuck with some piece of junk out there. Mr. Fiedeldey said the CCA does a great job and it's recognized.

Vi Daniels of 4470 Blue Rock Road thanked the Board for their support with the traffic light at Blue Rock and Livingston. She is concerned about the letter she and her neighbors received from Beck Consulting. Beck Consulting's letter said that 53 tracts of land are being appraised. She is not quite sure what for. She said Ms. Riggs of Beck Consulting said something about eminent domain. This concerned her because she thought this project was tabled. Ms. Riggs said they would be looking at the edges of the roadway and trees. What is going on? Is there a new plan? She wanted the Board to be aware and be able to look into what is going on. It seems odd that the project was tabled, but they are receiving this letter now. She asked for the Board's commitment to stick with them on this

Mr. McClain stated the County Engineer will be available at the next meeting, if requested. The appraiser is meant to obtain information to share with the Commissioners and residents.

Mr. Fiedeldey said that the Board doesn't really know what is going on. Mrs. Daniels said that Commissioners were not aware of it either. Mr. Fiedeldey said that we will look into it.

A gentleman from Harrison Drive said he has had a camper and boat in his yard since 1959.

Dorothy Lewis of 4450 Blue Rock Road commented on Mrs. Daniels remarks. Mrs. Lewis asked Mr. Ritter about his comments. He said he would support it contingent on the property owners being satisfied in their right of way concerns.

Mr. Ritter addressed Commissioner Portune's comments at the Commissioners' Meeting.

Mrs. Lewis asked if they are changing the plan. Where did the money come from? The grant money is only used for actual construction. Why are we doing this and spending all of this money if no one knows what exactly is going on?

Ruth Weike of Daleview Road said she has complained previously about a neighbor's junk and 15 passenger van. He let a boat sit for seven years and he didn't cut his grass. They now have a new camper and hope they will not need to move that when this man wasn't following the law.

#### UNFINISHED BUSINESS

##### FIRE DEPARTMENT

##### Purchase of Turnout Gear

Chief Smith requested the Board's permission to purchase turn-out gear, 85 coats and 65 pants from the state bid, in the amount of \$128,500. Mr. Fiedeldey confirmed this is part of the Department's budget.

Mr. Corman made such motion to approve the permanent appropriations and Mr. Ritter offered the second. The roll was called:

Mr. Corman "Aye"

Mr. Fiedeldey "Aye"

Mr. Ritter "Aye"

Held

May 8, 2007

**PUBLIC WORKS****Road Contracts for 2007**

Mr. McClain said they opened bids for the 2007 road contracts. The Department recommends the Board award the contracts to the lowest bidders meeting specifications.

For contract 07-01, award the contract to Mt. Pleasant Blacktopping, in the amount of \$1,117,988.95,

Mr. Corman made such motion and Mr. Fiedeldey offered the second. The roll was called:

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

For contract 07-02, award the contract to Pavement Technology, Inc., in the amount of \$53,786.88.

In response to Mr. Fiedeldey's question, Mr. McClain said this was the only bid. We advertised in *The Cincinnati Enquirer*. This company traditionally has the market in this region.

Mr. Corman made such motion and Mr. Ritter offered the second. The roll was called:

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

**SENIOR CENTER****Clavinova Music Program**

Mrs. Klosterman said that she has provided the Board with a copy of the *New Directions Quarterly*, with an article about the Clavinova Connections music program. She said this is grant by the Council on Aging, University of Cincinnati's College Conservatory of Music and Henderson Music. She invited the Board to visit the program. Mr. Corman said it is a good operation.

Mr. Fiedeldey requested the Board recess for five minutes. Mr. Ritter made such motion and Mr. Corman offered the second.

**LEGAL****Draft Resolution on Recreational Vehicles**

Mr. Fiedeldey said that Mr. Reuter has drafted a resolution dealing with the recreational vehicles sections of the Zoning Code. Mr. Reuter said he has prepared a text amendment as well as three drafts of the text. He said the drafts go from more restrictive to least restrictive. He said the drafts are based on the Board's previous discussions.

Mr. Ritter suggested the Board go into an exchange of ideas. He said that he is OK with the side-yard storage, year-round as long as it is covered with a carport or the like. The front yard is where it gets complicated. He said it has to be paved and an existing driveway. He said that we need to place some footage limit and suggests 30 feet. He said that there can be on obstructed sidewalks. He is receptive to the storage fee per foot and suggested \$10/foot. He said that we need to talk about the setbacks and consider what is invasive for the neighbors. He said that we can't have cars obstruct sidewalk either. He said the

Held

May 8, 2007

front yard storage should have a time restriction of 4-15 to 10-15. He said he had many e-mails this week on this issue and the concern about obstruction of vision was important to residents

Mr. Corman said that when the Board adopted the original zoning resolutions, he made the statement that the document was changeable and that laws are flexible. In terms of quality of life issues, he agrees with this and understands how part of this is being able to invest in your free time after you work hard to earn you money. Special interest groups are important, and the most important is the one that works with civil liberties. Some of you may be veterans, but that should not provide you with special privileges. But, it shows that you fought to defend our rights. He said that some are grandfather'ed in this. He agrees that the vehicle must be on a paved surface and not obstructing the sidewalks. He suggested a set-back of three feet from the sidewalk for line of site reasons. He discussed the parking permit fee idea and said the fee should be a minimum of \$10/foot. He said that the boat and trailer is one item and only one item should be allowed. He said that it must be stored on the driveway during certain parts of the season as far as a boat goes. This falls within proper maintenance and upkeep of the vehicles. He talked about the youth curfew with its exemptions, for working and school/church events. The spirit of this is the same.

Mr. Fiedeldej said that he had heard tonight about a lot of people having their boats. Colerain Township has had zoning since 1961, our own since 1994. Colerain Township's new zoning code allows for up to five days per month for loading and maintenance. Since 1961, boats were not allowed to park in the driveway. So this is not anything new – it's been in effect for 12 years under our own zoning. We are changing the law because of violations. People who violate the law should not expect the law to be changed. Mr. Fiedeldej said that the County zoning says the same thing we do, without the five-day provision. He can't answer why people were not cited in the past, but it was against the rules. Mr. Fiedeldej discussed the Circle Storage zoning request for outside storage of RVs and boats. He said the Board agreed to this exception to try to alleviate the problem of boats in the neighborhoods. According to our Zoning, boats are to be stored in light industrial areas. This proposal would allow industrial use in our residential neighborhoods. Mr. Fiedeldej talked about property values between communities. He said with average home sale prices in 2006, Colerain Township is third from the bottom. Does that have anything to do with the boats? A little. He has received e-mails from residents, one requesting a change and several to keep the ban as is. He read an e-mail from a resident, which said that many upscale communities have these bans in place. He said that when decisions are made for special interest groups rather than the common good, property values will continue to decline.

Mr. Ritter said that we have two trustees in favor of the change and one against. Mr. Ritter recommended using his suggestions as a framework. Mr. Reuter said that this needs further study. He said that he could not find authority for the fee/permit system in a quick search. Second, he said the limit on existing driveways could impact new construction.

Mr. Fiedeldej said our new open space regulations require 35 feet from the curb to home. Mr. Ritter said that whatever we craft must incorporate that. Mr. Reuter said that Mr. Corman wanted three feet from the sidewalk to the RV. Mr. Ritter agreed with this and Mr. Corman said this should be a vehicle.

Mr. Reuter requested additional time to work up a draft.

Held

May 8, 2007

Mr. Ritter discussed the junk boat issue and said that most people keep nice boats. Mr. Fiedeldey said that there are many people who have complied with the zoning in the past. He expects a large influx of added vehicles.

#### ADMINISTRATION

##### Groesbeck Fields Engineer-GeoTech

Mr. Foglesong requested the Board's approve to approve entering into a contract with Thelen Associates for geotechnical engineering services for the Groesbeck Ballfields project. This is required by the Hamilton County Soil and Water District. Mr. Foglesong requested the authority to sign the contract, not to exceed \$10,000.00

Mr. Fiedeldey said that Mr. Reuter brought up the geotechnical engineering for this a year or two ago. Mr. Reuter said that was for the hydrologist.

Mr. Ritter made such motion and Mr. Corman offered the second. The roll was called:

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

#### NEW BUSINESS

##### FIRE DEPARTMENT

##### Part-time Pay Increase

Chief Smith requested a pay increase for Scott Becker to firefighter/EMT, at a rate of \$14.24/hour, effective 5-3-07.

Mr. Ritter made such motion and Mr. Corman offered the second. The roll was called:

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

##### Recommendation for Promotion

Chief Smith recommended the Board promote Captain Mike Reenan to Division Chief, covering the Training Division. The rate is \$18.73/hour.

Mr. Corman made such motion and Mr. Ritter offered the second. The roll was called:

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

#### POLICE DEPARTMENT

##### Additional Sheriff Service Contract

Chief Sarver said the contract with the Sheriff's Office is to expire at the end of May.

Mr. Ritter asked about the gasoline prices. Chief Sarver said the cost is variable and rough estimates.

Mr. Corman said that it is a good contract.

Held \_\_\_\_\_

May 8, 2007

Mr. Corman made such motion and Mr. Ritter offered the second. The roll was called:

- Mr. Corman "Aye"
- Mr. Fiedeldey "Aye"
- Mr. Ritter "Aye"

**PUBLIC WORKS**

**BMV Audit**

Mr. McClain requested the Board's authorization to enter into a contract with WEC Engineers to audit Ohio Bureau of Motor Vehicle registrations for 2005, 2006, and 2007 at a cost of \$2.00 per error registration found. This is an audit of BMV licensee place registrations to ensure the permissive local tax (\$5.00) is sent to the Township and not another jurisdiction, like the City of Cincinnati

Mr. Corman made such motion and Mr. Ritter offered the second. The roll was called:

- Mr. Corman "Aye"
- Mr. Fiedeldey "Aye"
- Mr. Ritter "Aye"

**Part-time Seasonal Pay Rate Increase**

Mr. McClain requested the Board approve a pay increase for Benjamin L. DeVoe as a part-time seasonal maintenance worker at \$9 23/hour, effective May 9, 2007.

Mr. Corman made such motion and Mr. Ritter offered the second. The roll was called:

- Mr. Corman "Aye"
- Mr. Fiedeldey "Aye"
- Mr. Ritter "Aye"

**ZONING**

**Nuisance Resolution**

Dr. Roschke read Resolution 21-07, which authorized the abatement, control or removal of any vegetation, garbage, refuse or other debris.

Mr. Ritter made such motion and Mr. Corman offered the second. The roll was called:

- Mr. Corman "Aye"
- Mr. Fiedeldey "Aye"
- Mr. Ritter "Aye"

**ADMINISTRATION**

Mr. Foglesong requested the Board approve a salary increase for the Zoning Administrator to \$62,340, effective May 1, 2007.

Mr. Fiedeldey made such motion and Mr Ritter offered the second. The roll was called:

- Mr. Corman "Aye"
- Mr. Fiedeldey "Aye"
- Mr. Ritter "Aye"

**FISCAL OFFICER REPORT**

No report due to Mrs. Harlow's absence.

Held

May 8, 2007

**ADJOURNMENT**

With no further business to come before the Board, at 9:52 PM, Mr. Corman motioned for adjournment. Mr. Ritter offered a second.

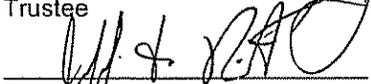
Mr. Corman. "Aye"

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

  
Fiscal Officer

  
Trustee

  
Trustee

  
Trustee