

Held

October 9, 2007

OPENING OF MEETING

Mr. Fiedeldey called the meeting to order at 6:00 PM with Mr. Corman, Mr. Fiedeldey, and Mrs. Harlow in attendance.

EXECUTIVE SESSION

Mr. Reuter requested the Board enter Executive Session for the purpose of discussing matters related to the compensation and employment of a public employee, pending and imminent litigation, and the negotiation of a public contract.

At 6:01 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. Absent.

Mr. Ritter joined the Board in Executive Session at 6:45PM.

Mr. Fiedeldey reconvened the meeting at 7:04 PM. Mr. Reuter said no decisions or actions were made in executive session.

INVOCATION

Mr. Ritter offered the invocation.

PLEDGE OF ALLEGIANCE

All recited the pledge of allegiance.

APPROVAL OF MINUTES

This was postponed until the next meeting.

PRESENTATION/PUBLIC HEARING**Lighting District - Coogan**

Mr. Foglesong said that the Colerain Township Board of Trustees was presented with a petition on September 20, 2007, for a lighting district located on Coogan, Neil, and Garrison Drives, within Colerain Township. The required 51% front footage signatures have been received with 55% in favor. There was 15% in opposition on the petition. The cost of the lighting to each property owner is approximately \$1.80/month. Fourteen new lights are to be installed, as scheduled by Duke Energy.

Mr. Fiedeldey opened the public input.

Judy Hinterlong of Coogan Drive spoke in favor of the lights. She said the block watch group has wanted this as it is a deterrent to crime and as a help to keep up property values.

Wanda Green of Coogan Drive said the lights are an excellent idea. She said the lights would make the neighborhood look more inviting and safer.

Bob Platt of 9092 Neal Drive is also in favor of the lights. He said that the kids waiting for busses need some light. He said the light would give a more upscale

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look to the community and reduce the crime rate as they enable to see who is coming or going.

Jim of 9084 Neal Drive said the lights should be put in. He said that kids won't hang out on the corners if there is light.

Mr. Corman made a motion to close the public input and Mr. Ritter offered the second. The roll was called:

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

Mr. Ritter said he is an enthusiastic supporter. He is proud of the community for establishing the Block Watch.

Mr. Corman said this is a great program and does add to the quality of life. This is another tool to fight the criminal element. He is 100% behind it.

Mr. Fiedeldey said that he knows when you light up a neighborhood, you make it safer. He is glad that they are all behind it.

Mr. Foglesong read Resolution 47-07, "Coogan Lighting District."

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

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

Lighting Amendment - Sturgeon

Mr. Foglesong read Resolution 48-07, "Sturgeon Lane (Brampton) Lighting District - Corrective Resolution."

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 REPORTS

Lt. Schoonover of the Hamilton County Sheriff's Office and Chief Sarver said the Township's department said they had no report.

TRUSTEES' REPORT

MR. RITTER

Mr. Ritter said that he would provide an update on public housing issues at the next meeting or the meeting after.

Regarding the odors and blasting at the landfill, Mr. Ritter suggested that we extend an invitation to all the key players, residents, Rumpke, the Ohio EPA, the Hamilton County Department of Environmental Services, etc. and get the together to see if we can make any progress.

Mr. Fiedeldey said he brought that up at the Policy Committee meeting and there is a meeting scheduled with himself, Mr. Foglesong, the Hamilton County

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Department of Environmental Services and Rumpke on October 11 for resolution. Mr. Fiedeldey said he asked Larry Riddle if there was something that could be fixed. The odors do not have to do with the OEPA, but are a nuisance complaint through the Health Dept. The Health Dept. had tried to graph various days of violation because the working face was too large. They have no daily cover. He said they remove a plastic cover and the heat could be causing the increased odor. He said he will petition them to require the daily cover.

Mr. Ritter said he is looking forward to the results of the meeting on the 11th and it would be redundant to have a meeting before this.

Mr. Corman said that any time you can bring everyone to the table, he is a firm believer. He said they all seem to be on the same page on this. He agrees with Mr. Fiedeldey about the daily cover. He said there is no excuse for this.

Mr. Ritter offered kudos to St. James parish for winning the National Blue Ribbon Award from the US Dept. of Education. This award is based on test achievement scores. The school leads the nation in the number of times they have received the award.

MR. CORMAN

Mr. Corman presented a document from the Hamilton County Public Health Department which evaluated the merit of the Health District locating office space and laboratory facilities on-site at Rumpke Sanitary Landfill. The document is attached to these minutes as ATTACHMENT I. He said this would help to overcome many of the problems. It would make sure everyone is on the same page and getting things done. Our job is to take care of our community, not to take care of any one part of it.

MR. FIEDELDEY

Mr. Fiedeldey said the landfill is being inspected 26x/year and this is an increase from the past. There is an additional \$60,000 this year for inspections. At the JC Penny grand opening, the smell was unbearable and embarrassing. The dots do not connect as the Township is trying to put millions in the corridor; there is another entity that is creating this problem for us. At the policy committee, they will need to look at what is going on and need to finance this. The \$2.8 million from the tipping fees is because of Colerain Township, not because of Rumpke.

Mr. Fiedeldey said that he, along with Mr. Foglesong and Mr. Birkenhauer, attended a meeting with Northwest Local School District representatives. He said they are pushing for TIFs to be 30 years. The school district is closing down Houston School and was looking to see if we could use the space or present it to developers.

CITIZEN ADDRESS

Pam Gantzec of 9426 Haddington Court approached the Board to speak about the Police Levy. She said that she understands that prices go up, but why with all of the new stores, and all that tax revenue, do we need the tax levy? People don't have the money. The Township can't keep taxing people.

Les Alcorn of the same address said that, as property owners, when individuals have a deficient problem, they tighten their belt. The levy would place an extra burden on everyone, especially fixed income folks. If it means reducing services, then that is what needs to be done.

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Ms. Gantzec said she was throwing a rally for soldiers, but Sarver never got back with her with information.

Chief Sarver said this communication was about her son being illegally deployed, which is not a police chief's position. Ms. Gantzec said that it was about the rally. Mr. Alcorn said that they at least should have received a courtesy reply phone call.

Mr. Fiedeldey said that none of the Board members like taxes, but they worked through the numbers to maintain the status quo. This was necessary as the general fund has been supplementing the police department, to the tune of \$800,000 this year. This type of supporting of one department can not continue. He said that we might not like taxes, but you make the choice at the ballot box.

Mr. Alcorn said that the community did well when we had no police department. Hamilton County Sheriff's deputies did just fine. Why have a drug unit when they have RENU? Mr. Fiedeldey said that 1/3 of the arrests are drug related and he cares about this Township, but the demographics have changed.

Juanita Ross of Haverkos Lane said Rumpke is at it again. She was getting out of her chair and the blasting today shook the whole house, throwing her back into her chair. He son was in the basement and felt the blast as a ripple on the floor. She said Rumpke would buy their house, but do nothing to help you. She doesn't know what else to do.

Mr. Fiedeldey said the Board has met with Rumpke about this. It's obvious they are a nuisance, but he feels like the Board's hands are tied. He said there needs to be a closure of some sort – something has to happen. Sue them, get an injunction, something. They need not blast, they could be doing this with heavy equipment and these issues would not occur. But, it's about money as the blasting is less expensive.

Mr. Ritter thanked Mrs. Ross. He reviewed the work session the Board had with Rumpke last year. He said this is a very frustrating situation.

Mr. Corman said we hear this constantly and when we think this is settled, it comes up again. We must make decisions based on the good of the population on the whole. If this was a criminal, we would be on it, post haste. Businesses do not have the right to inhibit the quality of life for residents and neighbors. Our hands are tied by being a Township, but we need to do what we are allowed to do.

Mr. Fiedeldey said that he will keep an open mind and hope we can come to some solutions on the odor issues at the meeting on the 11th. He said that the blasting might be legally within the criteria, but people are entitled to peace and happiness. When an entity destroys that, we have a responsibility to do something. He said that Mr. Reuter should do what it necessary. They are a nuisance and there are nuisance laws in the state. He is real tired of it and we should sue the SOBs ("son of a buck").

Mr. Reuter said there has been long period of quiet. He suggested we check factually about what might have changed. He will review a legal remedy, but it is a complicated issue.

Jergen Supike of 10547 Pottinger Road thanked the Board and the Zoning Commission for their work.

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Nancy Lindenmood of 5922 Squirrelsneast approached the Board to speak about landfill odors. She presented the Board with the September 29th odor report. The County's Health Department traced the odor to the old gas plant. Thursday, October 4, there was another odor issue. She said these situations highlight the need for a coordinator. The on-site lab might solve some of the time and coordination situations. Is there a good time to receive a foul-smelling load of trash? Who do they call when they don't get adequate response?

The resident in the October 4 incident made a call to Fire Department, which resulted in being told it was just the landfill. The resident said it was the typical landfill odor, but much stronger. Chief Smith said that they do not have the equipment to do this type of monitoring. He said the on-site monitoring would be important. Mr. Fiedeldey said the gas plant odor, which has a leak, would be flammable or explosive. It bothers him that we do not have someone to call about this. Chief Smith explained some of the issues they are facing with this. He assured the Board that if they have any risk that it is an explosive hazard, they will be right there.

At 8:28PM, Mr. Ritter made a motion for a five-minute recess and Mr. Corman offered the second. The roll was called:

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

The Board reconvened at 8:38PM.

Richard LaJeunesse with Graydon, Head and Ritchey, is representing Northgate Mall owner and approached the Board on the progress of the Northgate TIF.

Mr. Reuter said that he had been working hard on drafting an agreement in principle on the path forward. He said they are making progress, but not there yet. He wishes to conclude those discussions and present the agreement at the next meeting.

Karen Schmidt of 10388 Scull Road said that we do need our police officers and anyone who does not feel there is a drug problem in Colerain Township is a fool. The pet referendum shows the problem with government making a rule, without seeing if there are other rules on the book to address the problems. The resolution on one hand is a good idea, with good provisions. Colerain Township is going a step further with having a license and the rabies shot. This is redundant and a waste of money. Subsidized housing and crime rate hurt property values more than dogs.

Judy Hinterlong spoke about the Northgate corner and said that you only get one chance to get something right. She wants Colerain Township to have something other than Rumpke, subsidized housing, or the like to refer to. This is the time to do this now. She envisions Swifton Commons on that corner if something is not done. Mr. Fiedeldey said it's not about the money. The BP station is half on mall and half on BP property. The mall must acquire the property in total, which they are working on. They are also working to ensure the site is safe.

UNFINISHED BUSINESS

FIRE DEPARTMENT

EMS Medical Director Position

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Chief Smith offered the Board an update on their efforts to locate a new EMS Medical Director. They have put out an RFP and have received two excellent proposals. They will come back later with a decision.

PARKS AND SERVICES

Donation Acceptance

Mr. Shwartzhoff said the sign at Heritage Park, dedicating the park to Greg Snyder, was donated by Performance Signage. He requested the Board accept this generous donation.

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

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

Recycle Day

Mr. Schwartzhoff said that the annual Recycle Day is Saturday, October 13, 2007, 8AM to 2PM. He said for residents to check the website or call with questions.

NEW BUSINESS

FIRE DEPARTMENT

Donation Acceptance

Chief Smith requested the Board accepted a donation in the amount of \$275 for the Citizens Fire Academy.

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

County Engineer Sidewalk Request

Mr. Foglesong presented the Board with a request from the Hamilton County Engineer's Office to pay for the replacement of asphalt sidewalks with concrete sidewalks on Cheviot Road from the Green Township line to an area 300' north of Benhill Lane, approximately 1,912 linear feet, at a cost of \$39,000.

Mr. Ritter said the sidewalk is a hodge-podge and there is a lot of merit there. He said that we would have to fund this out of 2008 funds. He said that he remembered that there is a long-range project to widen the street, which may require removal of these sidewalks.

Mr. Foglesong said project is a resurfacing of the street

Mr. Fiedeldey said that we should be expecting about \$60,000 to be deposited into the sidewalk fund.

Mr. Ritter said this project would also help with students walking to St. James School

Mr. Corman said that he is for it. He said that if the thoroughfare plan goes through, the road and sidewalks would be set back

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Mr. Foglesong said that we can ask questions about the road work of the Engineer and will return to the Board.

ZONING**Weed Abatement**

Dr. Roschke read Resolution 49-07, which authorized the abatement, control or removal of any vegetation, garbage, refuse or other debris.

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

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

RPC Billing

Dr. Roschke said that Zone amendments must be reviewed by the Regional Planning Commission. For those communities who are not dues paying members, the RPC has instituted a fee of \$61/hour. It takes about 14 hours per staff report. This did not need approval by the County Commissioners. The fee will start January 1, 2008. The RPC has suggested that we pay the dues instead. She said that we will make every effort to not incur fees as we will provide them with the staff report which she or Ms. Bancroft prepares. Mr. Fiedeldey asked that Mr. Reuter look in Ohio law to see if they are allowed to charge us.

FISCAL OFFICER REPORT

Mrs. Harlow asked for approval of payroll, purchase orders, and receipts.

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

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

The Fiscal Officer has received the following receipts:

| <u>REC</u> | <u>VENDOR</u> | <u>FOR</u> | <u>AMOUNT</u> |
|------------|-------------------------|---|---------------|
| 462-2007 | Parks & Services | Recycling Contest Winnings | 200.00 |
| 463-2007 | Rumpke | Solid Wast Disposal fee – August | 44,611.38 |
| 464-2007 | Police Dept. | Fines | 2,863.95 |
| 465-2007 | Angela Meyer | Copies | 4.62 |
| 466-2007 | Parks & Services | Shelter, Baseball Field Rentals | 95.00 |
| 467-2007 | Zoning Dept. | Certificates, BZA | 1,157.68 |
| 468-2007 | Police Dept. | Handicap Parking Fines | 250.00 |
| 469-2007 | Hamilton County Auditor | Gas, Permissive Motor, & Motor Veh August Tax | 69,599.65 |
| 470-2007 | Hamilton County Auditor | Public Utility Excess & Reimb | 104,255.58 |
| 471-2007 | Hamilton County Auditor | Tipping Fees | 649.42 |
| 472-2007 | Hamilton County Auditor | 1 st Half PERS Prop | 28,204.24 |

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| 473-2007 | Exante Bank | Credit for Deposit/Status Change | 8,750.00 |
| 474-2007 | Fire & EMS Dept | Cell Calls, Reports, Donation, CTTC Rent, Tower Usage, Fire Instructor Course | 5,759.95 |
| 475-2007 | Fire & EMS Dept. | EMS Billings | 27,088.52 |
| 476-2007 | Police Dept. | Court Reim | 24.00 |
| 477-2007 | Sr. & Comm. Center | Prog & Lunch Fees | 236.50 |
| 478-2007 | Parks & Services | Shelter Rental | 65.00 |
| 479-2007 | Steven Sarver | Copies | 25.00 |
| 480-2007 | Police Dept. | Court Reimb | 36.00 |
| 481-2007 | Hamilton County Auditor | Maintenance Code Compliance | 200.00 |
| 482-2007 | Fire & EMS Dept. | Foster Care | 15.00 |
| 483-2007 | OTARMA | 9/07 Board Meeting | 868.70 |

For the General Fund, take \$100,000.00 from 1000-930-930-0000 Contingencies and add to 1000-110-221-0000 Medical/Hospitalization

For Zoning, to cover the cost of additional nuisance abatements:
Take \$10,000.00 from 1000-120-323-0000 repairs and maintenance add to 1000-110-519-0000 other.

Take \$40,000 from 2111-220-360-1028 (Computer/Contract Services); Take \$20,000 from 2111-220-370-0000 (Communication Center Fees); \$20,000 from 2111-760-750-0000 (Vehicles); \$5,000 from 2111-760-740-1015 (Fire/Rescue Equipment) and adjust to 2111-220-221-0000 (health insurance).

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

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

Mrs. Harlow read Resolution 50-07, "Resolution Accepting the Amounts and Rate as Determined by the Budget Commission & Authorizing the Necessary Tax Levies and Certifying them to the County Auditor."

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 HEARING

Text Amendment ZA2007-04

Dr. Roschke said these are text amendments which are technical corrections to the Zoning Resolution. She read the proposed changes and said that the Zoning Commission recommends approval of the text amendments with additional changes as noted in the Board's packet.

Mr. Fiedeldey opened the public address

Norma Woolf of Lebanon, Ohio, is associated with the Valley Dog Owners group. She was asked to deal with this by several members who are Colerain Township

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residents. She is happy about the changes, except for the part about vaccinations. This is a health department issue, not zoning. She would support requiring a rabies vaccination, but not others as that should be up to the dog owner and veterinarians.

Neena VanCamp of Blue Rock Road has been working with dogs as a breeder and judge for the American Kennel Club. She also spoke about the vaccinations provisions.

Mr. Corman asked Ms. Woolf about the license and all required shots. He suggested it could be "as required by the Hamilton County Board of Health."

Karen Schmidt said there is a great deal of concern that everyone take their dogs in to the veterinarian for shots. She said there is a huge price mark-up for these vaccinations. Also, veterinarian schools are now debating whether or not to give the vaccines as they can cause seizures. Hamilton County requires a rabies shot every three years.

Nancy Lindenmood said that she agrees with what's been said. She said to either delete or modify this section as it's just not practical. She suggested community outreach to determine the need going forward.

Dennis Mason of Scull Road said that he was on the Zoning Commission when the limit was discussed. He had 36 dogs living across the street from him on Blue Rock and this was a huge nuisance. He feels the code needs a number.

Mr. Fiedeldey said that we do limit farm animals in our zoning.

Mr. Ritter made a motion to close the public input and Mr. Corman offered the second. The roll was called:

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

Mr. Ritter said #11, B2 should read, "as required by the HC Board of Health."

Mr. Fiedeldey feels eliminating the numbers is a bad idea. He discussed the set-backs on the accessory buildings. He said the side set-backs should follow those of the home, not be the same for every lot size. He questioned the three-month period about the abandoned signs. Mr. Corman suggested this might be a way to get some of the signs down and assist with the blighted area. Mr. Reuter said this is to cover the face of the sign, not to remove the sign structure.

Mr. Fiedeldey stated his position on other sections of the code:

#6 – what is the advantage to us of having these banner signs? Feels these should be prohibited, except for "grand opening" signs. Mr. Corman said these would be temporary and for marketing purposes.

Section #2, quantity – this is too much

Section #5, height – too high. Dr. Roschke said these are on the lighting poles and need to require a clearance.

#11 – Mr. Fiedeldey feels we may not have the authority to require licensure and shots of the dogs. Mr. Corman feels this is redundant as this County already requires this. Mr. Fiedeldey suggested striking the section 2, about licenses and shots. The other Board members agreed.

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#12 – Mr. Fiedeldey suggested this section read, "Mobile Homes, vehicles and recreational vehicles shall not be used...."

#15 – Mr. Fiedeldey suggested that #2 be removed and #1 be modified to not allow that the dish be placed on a pole.

#17 – add "legal" before the words "nonconforming use"

#20 – Mr. Fiedeldey agrees with the 15'

#22 – add "right of way"

Mr. Fiedeldey summarized the changes:

Item #1 – Keep the numbering

Item #2 – side set backs should be what's in the zoning

Item #3 – keep with three months

Item #12 – this section should read, "Mobile Homes, vehicles and recreational vehicles shall not be used...."

Item #17 – add "legal" before the words "nonconforming use"

Item #22 – include "right of way" and use the word "out"

Mr. Reuter will rewrite and bring before the Board at the next meeting.

Text Amendment ZA2007-07

Dr. Roschke said these are text amendments which are technical corrections to the Zoning Resolution. She read the proposed changes and said that the Zoning Commission recommends approval of the text amendments as proposed.

Mr. Fiedeldey opened the public input. No one wished to speak.

Mr. Corman made a motion to close the public input and Mr. Ritter offered the second. The roll was called:

Mr. Corman. "Aye"

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

Mr. Corman suggested that above ground pools be required to have a 4" fence surrounding the pool or property. Mr. Foglesong said that the fence would only be four feet tall and would be near the pool.

Mr. Fiedeldey suggested that section C be changed to 15', in accord with 2007-04.

Mr. Ritter made a motion to approve as amended and Mr. Fiedeldey offered the second. The roll was called:

Mr. Corman. "Nay"

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

ADJOURNMENT

With no further business to come before the Board, at 11:01 PM, Mr. Ritter motioned for adjournment. Mr. Corman offered a second.

Mr. Corman. "Aye"

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

RECORD OF PROCEEDINGS

Minutes of

REGULAR

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held

October 9, 2007

William E. Hancock
Fiscal Officer

Bernard Redding
Trustee

Walter ...
Trustee

W. H. ...
Trustee