

Held

October 23, 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 the employment and compensation of public employees and officials.

At 6:01 PM, Mr. Corman made a motion to enter executive session and Mr. Ritter offered the second. No discussion and the roll was called:

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

Mr. Fiedeldey reconvened the meeting at 7:01 PM. Mr. Reuter said no decisions or actions were made in executive session.

INVOCATION

Mrs. Harlow offered the invocation.

PLEDGE OF ALLEGIANCE

All recited the pledge of allegiance.

APPROVAL OF MINUTES

Mr. Fiedeldey requested changes to the minutes of the August 9, 2007, special meeting. Mr. Corman said that he would like his full comments about his discussion with the county engineer included in the discussion about the "bump-out" on Colerain Ave. Mrs. Harlow said that she would have to review the recording for this and requested changes such as this ahead of the meetings. Mr. Fiedeldey requested that the minutes be changed to say that he said the fountain should be moved to the front, not the back. The minutes were not approved as there were changes to be made.

PRESENTATION/PUBLIC HEARING**Good Times Donation**

John Shearer with the Good Timers Foundation approached the Board to thank them and Traffic Officer Mark Meyer for his assistance with the 2007 Freedom Ride, held in August. He said they had 300 riders on the ride and raised over \$11,000 for charity. Officer Meyer ensured a safe ride as he coordinated several local police agencies with motorcycle officers to assist the riders through traffic. The Good Timers presented the Township with a donation of \$2,000.

Mr. Corman made a motion to accept the donation and Mr. Ritter offered the second. The roll was called:

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

Northgate Mall Tax Increment Financing (TIF)

Richard LaJeunesse with Graydon, Head and Ritchey, attorney for the Northgate Mall, said that Mr. Reuter and he have been working on agreement in principle.

Held

October 23, 2007

The Mall owner is in agreement with the changes from the Township. He is very optimistic about the project and happy to be a part of Colerain Township

Major highlights of the agreement are:

- **\$4.8 Million** will be available for public improvements with the proceeds associated with this TIF.
- The TIF proceeds are predicated on an incremental valuation of NG Mall of **\$35 Million**. **Feldman Mall Properties (FMP) will cover all shortfalls if the increased value of the Mall does not generate \$4.8 Million in TIF proceeds.**
- The agreement is contingent on FMP successfully acquiring the former BP Pro Care site, and subsequently deeding the property or granting a long-term lease or easement to Colerain Township for the purpose of constructing the town square. FMP's cost of acquiring the BP site will not be reimbursed.
- Colerain Township will maintain the Towne Square site.
- **\$800,000.00** will be set aside for sidewalks on Poole & Springdale Roads.

Mr. Ritter said that this agreement must be in place before BP will sell the site. Mr. LaJeunesse and Mr. Reuter confirmed this.

Mr. Reuter said the agreement also says that the Board of Trustees will initiate the statutory RFQ process to develop a list of qualified third party professional construction managers for the project. The Board and the Mall will confer and reasonably agree on the selection of the construction manager from the list of qualified candidates. Mr. Reuter outlined the allocation of the TIF proceeds:

❖ Northgate Mall – related Improvements:	
➢ Springdale Road in front of Mall	\$0.0
➢ Gateway (Towne Square)	\$1.3
➢ Colerain Avenue Center Median	\$0.6
➢ Colerain Avenue (from Gateway to South Mall Entry)	\$1.2
➢ Springdale Road Center Median	\$0.3
➢ Other:	
• Site Work Infrastructure Detention / Storm Water	\$0.2
• Interest / Debt Service	<u>\$0.4</u>
Sub-Total, Northgate Mall portion of proceeds	\$4.0
❖ Sidewalks – Poole & Springdale Roads	<u>\$0.8</u>
GRAND TOTAL (projected TIF proceeds)	<u>\$4.8</u>

Mr. Reuter said the overall KKG design as presented to the Board in September will remain substantially intact. The concept will contain a water-feature and clocktower-type monument of at least 30 feet in height, the design of which is subject to later agreement by the Township and FMP in concert with the rest of the Service Agreement negotiation.

Mr. Fiedeldej said that the Township did not seek RFQs; it is a stretch to say that it will be that design implemented. We did not hire KKG and it may not be their design that we end up using. Mr. Reuter referred to Paragraph E of the document, which said that the final design is subject to later mutual agreement by the mall and the Township, and will include a water feature, if environmental considerations allow, and a clock tower/monument of at least 30'.

Mr. Reuter presented the matter to the Board for discussion and decision.

Held

October 23, 2007

Mr. Ritter said that we have been going around for four weeks and he thinks both sides have displayed a lot of movement. He is in a position to support the agreement as drawn.

Mr. Corman agrees and said we have exhausted all avenues for the agreement. The Township is going into the next steps of creating a center for Colerain Township that takes it from a negative impact to something that states that Colerain Township is more than a "landfill." This is a very, very good agreement. It starts the ball rolling in the right direction and he supports the agreement. He agreed with Mr. Ritter that this should be adopted this evening.

Mr. Fiedeldey said he is glad the mall has increased their increment to \$35million. He said the bottom line is that the Board will have the final say. It is taxpayer money, so the Township will have the final say. The mall will have a seat at the table. He said that there might be some things that are in there that might not be legal. He said there are still some things to work out. He is very pleased and we're trying to get this done. He is very appreciative of the sidewalks.

Mr. Ritter made a motion to approve and authorize Mr. Foglesong to sign the agreement on the Board's behalf. Mr. Corman offered the second with great pride. The roll was called:

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

Mr. Reuter said the next steps are to ask Peck, Shaffer and Williams to revise the resolution passed in December as a technical matter.

Mr. LaJeunesse said the environmental due diligence is in process. Mr. Fiedeldey asked about closure and Mr. LaJeunesse said that it's an on-going basis. He said they are on the same page that this is a transaction they want to complete as quickly as possible. Mr. Corman said that we'd like it quickly as possible, but not at the compromise of safety of our community.

POLICE REPORTS

Lt. Schoonover of the Hamilton County Sheriff's Office said the following statistics were generated in September 2007:

- 104 cases were assigned to the Sheriff's Criminal Investigation Section and 77 were closed, with \$82,700.00 in stolen property recovered.
- 13 D.U.I. arrests by County contract and non contract Deputies. 113 citations were issued by Hamilton County Sheriff's Office Colerain Contract cars and 139 by County Deputies. Total 252

Chief Sarver said the Township's department issued 246 citations with 12 arrests for DUI.

TRUSTEES' REPORT

MR. RITTER

As the Trustee liaison to the Summer Events Committee, he announced that the band Rusty Griswalds have been secured for Saturday night at Taste of Colerain.

Held

October 23, 2007

Mr. Ritter said in the past, a citizen commented about the Groesbeck Athletic Association and that matter has been resolved. Mr. Ritter said he would like to have Mr. Reuter confirm that we have a clean bill of health and the matter has gone away. Mr. Reuter said that we have met with ODNR about their concerns from the resident. We have not yet received a letter, but he understands we have a clean bill of health. The only outstanding issue is with having to pay admission to a football game. Mr. Reuter will report back when this is resolved.

Mr. Fiedeldey asked if they are allowed to charge admission since they control the property. Mr. Reuter said even if they have a right under the lease, we will work to resolve it.

MR. CORMAN

Mr. Corman said that on Saturday evening there was a DUI checkpoint on Colerain Avenue. He said that our Police Department worked in conjunction with Joseph Chevrolet, who allowed us to use their property. He said this was a cooperative effort between the Citizen Police Academy, City of Sharonville, and the Sheriff's office. He is impressed and pleased with the way it was handled. He said the result is that it took a few off the street who were actually a problem.

At the request of the Board and Chief Sarver, Sgt. Angela Meyer, liaison for the DUI task force, provided a report to the Board: A total of 563 cars passed through the checkpoint with 25 being diverted/stopped for various violations. As a result two people were charged with DUI, six were charged with driving under suspension, 23 were charged with a seatbelt violation, and another 19 were charged with some kind of equipment violation such as one headlight, etc. In addition, four juveniles were found to be in violation of the curfew resolution and three people were charged with possession of marijuana.

MR. FIEDELDEY

Mr. Fiedeldey said that at a previous meeting, the Board appointed Mrs. Harlow as their designee for the Public Records Officer. He asked if we need a resolution to designate Mrs. Harlow as the representative for the Board. Mr. Reuter said the Board took the action by motion and will prepare a resolution if it needs to be.

Mr. Fiedeldey said that he attended a meeting about the odors at the landfill with the Health Department, Environmental Services, the landfill operator, and Mr. Foglesong. He said they expect to have a plan by the end of month. There will be a 24-hour hotline for odor complaints, which will go to Environmental Services. He said they will promote this so that everyone will have the phone number. They will have someone available to take the call and report it to Health Department. The landfill has agreed to have someone on call with a 15-30 minute response time to take care of the problem. The Health Department will do the follow-up. The details are still being worked out. Each complaint will be documented and go through the Health Department.

At the last meeting, Mrs. Ross discussed the problems with blasting. He said that he got very upset and asked Mr. Reuter to research filing suit about the nuisance. Mr. Reuter has not completed this. The 2000 consent decree says that some things should be abated. Mr. Corman said that if someone makes an agreement; they should stick to it and said it is up to the court to see if they are in violation of the legal agreement. Mr. Fiedeldey said there are two questions: 1) Are they in violation of the consent decree; and 2) Are they a public nuisance.

Held

October 23, 2007

CITIZEN ADDRESS

Mr. Fiedeldey recognized former Senator Clancy who was in attendance. He thanked her for all of her hard work for the Township, especially the preemption system and Heritage Park. Ms. Clancy said that it's nice to be here on a Tuesday night. Ms. Clancy said she enjoyed her tenure and it was an honor to be able to serve the residents of Colerain Township.

Nancy Lindenmood of Squirrelsnest Lane approached the Board about the landfill complaints. She asked if citizens can help provide input with the Health Department as she wants to make sure the message is right and the response is correct. She said that some old procedures are not practical. Mr. Fiedeldey said there will be public input on the process and will be very transparent. Mrs. Lindenmood said they will be happy to provide input.

UNFINISHED BUSINESS**POLICE DEPARTMENT****Grant Approval**

Chief Sarver said that earlier this year, the Board approved the department's request to be considered for a grant from the Ohio Governor's Task Force on Traffic Safety to secure overtime funding for our officers to be used in targeted traffic patrol. He announced that we have been approved for funding totaling slightly over \$21,000 to be used from November 1, 2007, to November 1, 2008.

PARKS AND SERVICES**Heritage Park Electric Engineering Service**

Mr. Schwartzhoff requested the Board hire CDC Associates to offer professional engineering services at Heritage Park for lighting and electric service, at a price not to exceed \$5,900.

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

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

LEGAL**Resolution Journalization ZA2007-04 and ZA2007-07**

Mr. Reuter said he has not yet prepared these documents and requested the matter be deferred to the next meeting.

ADMINISTRATION**Cheviot Road Sidewalks**

Mr. Foglesong said he is following up with the request from the last meeting from the County Engineer's request for financial assistance for sidewalk installation on Cheviot Road. He said that he spoke with the Engineer's office and learned that if sidewalks are present for future work, replacement or relocation would be paid for by the county. He asked the Board if they wish to commit the \$39,000 for the construction of the sidewalks, consisting of 1,912 feet.

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

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

Held

October 23, 2007

Relay for Life

Mr. Foglesong requested the Board give final approval for hosting the Colerain Relay for Life at our facilities.

Mr. Corman said that the Board told Ms. Stone that the Board supports it. Mr. Ritter said he gives his enthusiastic support. Mr. Fiedeldey supports it as well.

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

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

Journalization for AFSCME PERS Changes

Mr. Foglesong reminded the Board that as of October 1, the AFSCME contract states an additional PERS pick-up in exchange for a salary increase.

NEW BUSINESS**FIRE DEPARTMENT****Pay Rate Changes**

Chief Smith requested the Board approve the following pay rate changes:

Name	Rank	Pay rate per hour	Effective Date
Jason Davis	Firefighter/EMT/FAO	\$13.04	10-21-07
Shannon Hayden	Part-time Lieutenant	\$14.87	10-21-07
Greg LaRoy	Firefighter/EMT/FAO	\$13.04	10-21-07
Brian Heid	Basic Firefighter/EMT	\$12.59	10-21-07
Tom Ehrman	Firefighter/EMT/FAO	\$13.04	10-21-07
Jason Edwards	Firefighter/EMT/FAO	\$13.04	10-21-07
Brian Timmers	Firefighter/EMT/FAO	\$13.04	10-21-07
Robert King	Firefighter/Paramedic	\$13.83	10-21-07
Robert Kallendorf	Firefighter/Paramedic	\$13.83	10-21-07

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

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

Pay Journalization

Chief Smith said that he has provided these to the Fiscal Officer.

PUBLIC WORKS**Emergency Snow Removal Resolution**

Mr. McClain read Resolution #51-07, which provides emergency powers to clean unaccepted streets.

Mr. Ritter asked if he should abstain as he lives on an unaccepted street. Mr. Reuter said this was not necessary.

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

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

Held

October 23, 2007

Mr. Ritter. "Aye"

Snow Removal for Unaccepted Streets

Mr. McClain recommended the Board approve the procedure we used in the past years for snow removal on unaccepted streets. This procedure is to contact the developers and give them the opportunity for them to enter into an agreement with the Township to be reimbursed at six cents per lineal foot per occurrence.

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 AND COMMUNITY CENTER

Flu Shot Clinics

Mrs. Klosterman said that the Center will be hosting a flu shot clinic tomorrow. It is \$30/shot and is for those 9 years of age or older. No appointment is needed.

PARKS AND SERVICES

Tractor Purchase

Mr. Schwartzhoff requested the Board's approve to replace their 1974 International tractor and 1981 mowers. He said they would make the purchase in 2008, but if the Board approves the purchase, they would like to some items now at the County auction.

Mr. Ritter said that if you run out the average maintenance costs, it will be only 6 or 7 years for the payback on the new equipment.

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

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

Mr. Ritter complimented Mr. Schwartzhoff on the thoroughness of his memo and explanation to the Board. Mr. Fiedeldey agreed.

ZONING

Nuisance Resolution

Dr. Roschke read Resolution 52-07, 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"

Request for Public Hearing ZA2007-05 RV Parking Amendments

Dr. Roschke requested the Board set this hearing for November 13, 2007, at 8:30PM.

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

Mr. Corman "Aye"

Held

October 23, 2007

Mr Fiedeldey "Aye"

Mr Ritter. "Aye"

Mr. Fiedeldey said there is a property on Springdale Road down from the mall that has been nuisance in the past. He asked how we all drive past this and can't see it. Dr. Roschke said they are working with him on maintaining a proper front yard. She said they will check it out tomorrow. Mr. Fiedeldey said that we all have to be on board and each employee can report nuisances to the Zoning Department.

ADMINISTRATION**IGS Master Service Agreement**

Mr. Foglesong requested the Board authorize him to enter into an agreement with IGS for the 2008-2010 cycle. This will be contingent on our being recertified as a government aggregator by the PUCO.

Mr. Ritter asked if he has done any comparables with other Townships. Mr. Foglesong said that we do our comparables with Duke Energy and was better than Duke for 10 of 15 months. Our rates were the best in the state. Our current contract ends in April '08.

Mr. Fiedeldey asked when this must be signed. Mr. Foglesong said that it is technically, when it expires, but then we could not lock-in the rate. Mr. Fiedeldey asked if we could wait for the next meeting and do a bit of checking between now and then.

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 recorded the following receipts:

<u>REC</u>	<u>VENDOR</u>	<u>FOR</u>	<u>AMOUNT</u>
484-2007	Police Department	Fines- State Park, Drug, DUI	1,423.46
485-2007	Fire & EMS Dept	Plan Review	35.00
486-2007	Sr & Community Center	Fees: Prog, Rent, HDM Don, Tran Don, Lunch	827.13
487-2007	Police Department	Court Reimb, Sale of 2003 Crown Vic, Immobilization Fees	2,464.50
488-2007	Zoning Department	Certificates	305.00
489-2007	Parks & Services	Shelter Rentals	195.00
490-2007	Zoning Department	Certificates, BZA	2,802.35
491-2007	Fire & EMS Dept	Plan Reviews	700.00
492-2007	Parks & Services	Freon Recover & tires from Recycle Day	2,016.00
493-2007	David Foglesong	Cell Phone	12.00
494-2007	Independent Energy Consultants, Inc	Aug Nat Gas Commissions	423.66

Held

October 23, 2007

495-2007	Dusty Rhodes	Sept: Gas Tax, SIF, Rev Assist, Fin Inst	96,067.96
496-2007	Dusty Rhodes	Municipal Court Fines Sept	3,005.35
497-2007	Dusty Rhodes	Tipping Fees	560.22
498-2007	Dusty Rhodes	Local Gov Hgwy Dist Sept	2,603.36
499-2007	Dusty Rhodes	Estate Tax 2 nd Half	251,874.38
500-2007	Fire & EMS Dept	Commissary, Cell Calls, CTTC Elect Reimb, CPR, Refund, Reports, Signs	2,876.27
501-2007	Fire & EMS Dept	EMS Billings	63,402.94
502-2007	Sr & Community Center	Crafts, PC Don, Rent Even Dep, HDM Don, Lunch	616.62
503-2007	Police Department	Copies	2.45
504-2007	Frank Birkenhauer	Cell Calls	18.45
505-2007	US Treasury	Refunded Amount	191.60
506-2007	Fire & EMS Dept	Plan Review Fees	475.00
507-2007	Police Department	Court Reimb	102.00
508-2007	Police Department	DUI Grant for Salaries	1,382.09
509-2007	Zoning Department	Certificates & Amendmt	1,055.00
510-2007	United Health Group	Refund for Hubbard	886.40
511-2007	Ohio Bureau of Workers Comp	Early Premium Payment Refund	6,932.07
512-2007	Garden Street Iron & Metals	Recycle Alum	108.10
513-2007	Parks & Services	Cell Phones	28.00
514-2007	Police Department	Traffic Fines	65.50
515-2007	Angela Meyer	Fee for Copies	1.00
516-2007	Tina Burns	Reimbursement	10.00
517-2007	Fire & EMS Dept	Plan Review & New Business Fees	165.00
518-2007	Parks & Services	Refund from Cintas	108.75
519-2007	Parks & Services	Paper Recycling	19.16
520-2007	Police Department	Court Reimb	6.00

Ms. Harlow requested several appropriation adjustments:

For the Police Department:

- From 2081-760-750 Vehicle Replacement \$32,695.40; from 2081-210-370 Political Subdivisions \$20,000.00; from 2081-760-750 Machinery, Equipment \$11,713.57; Total: \$64,408.97 to 2081-210-221 Medical/Hospitalization

For the Fire Department:

- \$200 from 2111-220-319-0000 (other expenses) to 2111-910-910-0000 (transfers out)

For Administration:

- \$1,500.00 from 1000-760-730-0000 (improvements to sites) and add to 1000-120-352-0000 (water and sewer)
- \$2,011.38 from 1000-110-599-0000 and add to 1000-110-345-0000 (advertising delinquent lands)
- \$4.80 from 2401-310-599-0000 and add to 2401-760-314-0000 (county auditor/treasurer fees – lighting district)

Held

October 23, 2007

- \$200 from 2111-220-319-0000 to put in 2111-910-910-0000
- \$4,280.00 from 3301-830-830-0000 to 3301-810-810-0000
- Transfer \$300.00 from 2111-910-910-0000 (Transfers Out) to 3301-931-0000 (Transfers in)
- Increase the appropriations for Fund 3301 by \$720.00 to \$250,820.00

For Parks & Service:

- \$3,000.00 from 1000-610-323-0300 Vehicle Repairs to 1000-610-323-0000 Equipment Repair/Maintenance
- \$6,000.00 from 1000-610-359-0000 Utilities to 1000-610-360-0000 Contracted Services
- \$15,000.00 from 1000-760-740-0306 Equipment Replacement to 1000-610-329-0000 Building Maintenance

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. Klosterman said that the Senior and Community Center's Hall Rental Policy allows for a free rental of the Bevis Hall for Township residents celebrating a 50th and 60th wedding anniversary. It also states that the Colerain Township Board of Trustees shall have authority to waive any fees. Mrs. Klosterman said that she has received a request from a family who wishes to rent the larger Ft. Coleraine Hall at a reduced rate for an anniversary party. The family is very large and even the immediate family would exceed the capacity of the Bevis Hall. Mr. Corman and Mr. Ritter agreed. Mr. Fiedeldey motioned to change the rental costs on July 20, 2008 for Tony and Peggy Peter to rent the Ft. Coleraine Hall for \$500, instead of \$850. The hall will be rented on a Saturday night (instead of the Bevis Hall on Sunday as written in the policies) for \$500 instead of \$850. The renters will still be responsible for the \$350 deposit, same as all rentals of any kind. Mr. Ritter offered the second. The roll was called:

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

ADJOURNMENT

With no further business to come before the Board, at 8:43 PM, Mr. Corman motioned for adjournment. Mr. Ritter offered a second.

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

Shelley E. Stouffer
Fiscal Officer

Bernard A. Fiedeldey
Trustee

[Signature]
Trustee

[Signature]
Trustee