

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

REGULAR

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held \_\_\_\_\_

February 26, 2008

**OPENING OF MEETING**

Mr. Ritter called the meeting to order at 5:03 PM Mr. Fiedeldey, with Mr. Wolterman, and Mrs. Harlow in attendance.

**EXECUTIVE SESSION**

Mr. Reuter requested the Board enter Executive Session for the purpose of discussing the appointment of a public official, the compensation of public employees, and pending and imminent litigation.

At 5:04 PM, Mr. Wolterman made a motion to enter executive session and Mr. Fiedeldey offered the second. No discussion and the roll was called:

Mr. Fiedeldey. "Aye"  
Mr. Ritter. "Aye"  
Mr. Wolterman. "Aye"

Mr. Ritter reconvened the meeting at 7:01 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**

Mr. Ritter asked for corrections to the January 8, 2008, regular meeting minutes. Mr. Fiedeldey discussed the section of Mr. Wolterman's trustee report about the Summer Events Committee. He said that this was not a Board action and he was not a part of the action. Mr. Ritter suggested the word "Board" be removed. Mr. Fiedeldey agreed.

Mr. Fiedeldey motioned to approve the minutes as amended. Mr. Wolterman offered the second. The roll was called:

Mr. Fiedeldey. "Aye"  
Mr. Ritter. "Aye"  
Mr. Wolterman. "Aye"

Mr. Ritter asked for corrections to the January 22, 2008, regular meeting minutes. Mr. Fiedeldey said that under the section about Proposed Rules for Meeting, he said more than what is indicated. Mr. Ritter suggested the following sentence be inserted, "In light of the issue raised by Mr. Ritter that he would like a time limit during the public address this year, it is imperative that the board institute rules consistent with the AG's opinion in 2007."

Mr. Fiedeldey motioned to approve the minutes as amended. Mr. Wolterman offered the second. The roll was called:

Mr. Fiedeldey. "Aye"  
Mr. Ritter. "Aye"  
Mr. Wolterman. "Aye"

**PRESENTATION**

Swearing-in Ceremony for Ed Cordie, III

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Chief Meloy introduced Mr. Edwin Cordie III, our newest police officer. He is a graduate of LaSalle High School and has a Bachelor's Degree in Business Administration from Mount Saint Joseph. He is a life-long resident of Colerain Township and is married and expecting a child. Chief Meloy and the Board welcomed Mr. Cordie to the Colerain Township "family."

#### **Bike Team Certificate**

Greg Thielmeyer, owner of Team Cycling and Fitness, was recognized by members of the Colerain Police Department Bike Team for his 10+ years of support to the program. Since the initiation of the team in 1996, Greg and the members of Team Cycling have always gone "above and beyond" for the team. The team demonstrated their appreciation with the presentation of a plaque recognizing his assistance.

#### **PUBLIC HEARING**

None.

#### **POLICE REPORTS**

Lt. Schoonover of the Hamilton County Sheriff's Office said the following statistics were generated in January 2008:

- 123 cases were assigned to the Sheriff's Criminal Investigation Section and 62 were closed, with \$94 050.00 in stolen property recovered.
- 9 D.U.I. arrests by County contract and non contract Deputies.
- 166 citations were issued by Hamilton County Sheriff's Office Colerain Cars.

Police Chief Meloy said the Township's department issued 297 citations with 12 arrests for DUI.

#### **TRUSTEE REPORTS**

##### **MR. FIEDELDEY**

No report.

##### **MR. WOLTERMAN**

No report.

##### **MR. RITTER**

Mr. Ritter said the Board conducted interviews for vacancies on the Zoning Commission and the Board of Zoning Appeals

For the Board of Zoning Appeals, Mr. Ritter motioned to reappoint Paul Mattingly. Mr. Wolterman offered the second.

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

For the Zoning Commission, Mr. Ritter motioned to appoint Scott Taylor. Mr. Wolterman offered the second.

Mr. Fiedeldey said he would rather see the person come off the Zoning Commission instead of the BZA, but he will vote with his fellow Trustees.

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Mr. Fiedeldey. "Aye"  
 Mr Ritter "Aye"  
 Mr Wolterman. "Aye"

Because Mr. Taylor was the Board of Zoning Appeals alternate, Mr. Ritter motioned to appoint Cliff Mecklenburg as the board of Zoning Appeals alternate Mr. Wolterman offered the second.

Mr. Fiedeldey. "Aye"  
 Mr. Ritter. "Aye"  
 Mr. Wolterman. "Aye"

Mr. Ritter thanked Mrs. Klosterman for her help with the Townhall Meeting he held at the Senior Center.

#### CITIZEN ADDRESS

No one wished to address the Board

#### UNFINISHED BUSINESS

##### FIRE DEPARTMENT

##### Exhaust Extraction Systems

Chief Smith requested the Board's approval of the three exhaust extraction system project for stations 25, 26, and 102, along with the authorization to enter into contracts with Clear Air Concepts of Blue Ash for the installation of the Magnegrip exhaust extraction systems

In preparation of selecting a vendor, the Department visited five different departments to view their systems, to see the two primary systems, how they function and talk to their people about an issues. He is confident now that they can make the recommendation.

Chief Smith said the Galbraith Road system is not effective and needs to be replaced

Station 102: \$13,886

Station 25: \$37,094

Station 26: \$19,400

Total cost: \$70,380

Federal grants: \$40,784 – two original stations, not 26, but possibility for this, up to \$5,000

Net costs: \$29,596

Chief Smith asked Mr. Reuter to prepare the contracts.

Mr. Fiedeldey said that he was concerned that the system previously installed at station 26 was not effective, but the Fire Department has done due diligence to ensure this system is effective

Mr Fiedeldey asked that Chief Smith report back about the grant.

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

Mr. Fiedeldey. "Aye"  
 Mr. Ritter. "Aye"  
 Mr. Wolterman. "Aye"

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**POLICE DEPARTMENT****Hiring Update**

Chief Meloy said as of February 23, 2008 an ad was placed in the Cincinnati Enquirer and Cincinnati Herald newspapers. Additional announcements were sent to approximately 22 other law enforcement and community organizations for posting. The Colerain Township website was also updated to provide candidate information. 97 applicants were signed up for the written examination this past Saturday. Of the 97 applicants, 73 participated in the examination. Of the 73, 47 passed the examination. Those 47 plus two lateral candidates have been scheduled for the fitness evaluation Saturday March 1, 2008 at the Colerain High School running track. He said they are seeking three candidates.

**PARKS & SERVICES****Heritage Park Lighting/Electric**

Mr. Schwartzhoff said the bids were opened for this project on Friday, January 25, 2008. He recommended the Board award the contract to Atkins and Stang in the amount of \$66,700, which is the base and alternate bid total amount. The alternate is to run the electric to the shelters.

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

- Mr. Fiedeldey. "Aye"
- Mr. Ritter "Aye"
- Mr. Wolterman. "Aye"

**Skyline Playground/Park Improvement**

Mr. Schwartzhoff said they have applied for the Kaboom grant and feel confident they will get the grant. Other improvements include a shelter house and the walk way being done by Home Depot. The Township's only financial commitment is \$10,000 to match Kaboom grant. Home Depot will bring in teams of volunteers, but we will recruit volunteers from the Skyline Center. He said the project is moving along and should begin in late July.

Mr. Fiedeldey commended Mr. Schwartzhoff for his diligence.

**ZONING****Ainsworth Area Update**

Dr. Roschke offered an update. She said that on Stadia, the vehicles have been removed and others were cleaned up and no longer junk. The yard was cleaned up as well.

**LEGAL****Meeting Rules**

Mr. Ritter said that he thought everything looked good in the draft Mr. Reuter provided. He said the time limit is the major outstanding item and we should reach a consensus.

Mr. Fiedeldey said, "what's the purpose" of the time limits on the public address?

Mr. Ritter said that purpose is to move the agenda efficiently, but still allow citizens to address the Board. Mr. Ritter complimented Mr. Reuter on his preparation of the explanation of the reason.

Mr. Fiedeldey said that when a resident comes before the Board, they are at their wits' end. It's not that a Department Head is not doing his job, but it is something that has festered for many years. The Board needs to listen. He has been on the other side of the podium and felt the time limit was suppressing his First Amendment rights. He does not feel the meeting is held up by citizen

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address. As president, Mr. Ritter can control redundancies, etc. It's not about the public address, it's the agenda itself is too packed. He does not support time limits. He thinks they are wrong. We're here to address the issues of the public.

Mr. Wolterman said that Mr. Ritter is the president and he is in charge to run the meetings. We need not adopt rules, but use common sense. He applauds Mr. Reuter for doing the research, but he is not a proponent of this.

Mr. Wolterman asked that the Board table this. We must conduct the meetings the way we wish.

Mr. Reuter said that the rules he drafted address more than the time limit and cover issues such as approval of minutes, agendas, and other items.

Mr. Reuter read from the Ohio Attorney General Opinion:

"1. The president of a board of township trustees may enforce a limit on the amount of time allotted for public participation at a regular meeting of the board, including time limits for individual speakers, provided the president exercises such authority in accordance with the board's rules for meeting procedure.

2. The president of a board of township trustees may waive the limit on the amount of time allotted for public participation at a regular meeting of the board or for a member of the public to speak during the public participation portion of the meeting, provided the president exercises such authority in accordance with the board's rules for meeting procedure."

Mr. Wolterman said that we have the rule of common sense. Mr. Reuter said you can't enforce a time limit without rules.

Mr. Ritter said he will ask citizens to state their positions briefly and to the point.

Mr. Fiedeldey asked about the procedure for approval of minutes. Mr. Reuter said that he simply wanted to memorialize the procedure.

Mr. Fiedeldey said that he disagrees with procedure. He said that we did this for 22 years one way and now we must change it. It's not very efficient. He made a motion to keep the minutes procedure the way it was and everything was fine. Mr. Ritter offered a second the motion.

Mr. Wolterman said we did not do it the way we have been doing it. He said that there was a chance to review the minutes prior to the meetings. He just wants to ensure the minutes reflect what happened at the meeting.

At the suggestion of Mr. Ritter, the Board decided to verbalize their changes to the minutes at the meeting and then Mrs. Harlow will prepare a final draft for the Board to approve.

Mrs. Harlow said that we must remember that the minutes are a reflection of what was actually said, even if it is not factually correct.

**ADMINISTRATION**

**CincyScape**

Mr. Foglesong said the Board has discussed public access in some form.

Mr. Foglesong is waiting for a meeting to be scheduled with CincyScape.

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Mr. Ritter said ICRC and Waycross are cost prohibitive. Mr. Fiedeldey agreed.

Mr. Wolterman said that if we used either of those, there would be a cost increase to the residents.

Mr. Foglesong said that it is an increase in franchise fee, an additional 2% passed along to subscribers.

Mr. Ritter asked for this information by March 15.

#### US 27 Intersection

Mr. Foglesong said that he has spoken with the Deputy County Engineer, Mr. Hubbard, about the concerns with the intersection of US27 and Kemper Road. Mr. Hubbard indicated that the interchange was under the control of ODOT and therefore didn't believe it would be feasible to close off the entrance ramps to US 27 for county roads. He offered to assist with having ODOT install warning lights at the traffic signal ahead signs currently on the highway.

Mr. Fiedeldey asked about who would pay for this. Mr. Foglesong said that this would be brought to the Board.

#### Update on Health Department Hot Line

Mr. Foglesong said that in November 2007, there were 19 complaints, with 3 confirmed and 5 requiring remedial action. In April, a meeting is scheduled.

#### NEW BUSINESS

##### FIRE DEPARTMENT

##### Part-time Pay Rate Changes

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

Employee	Rate	Rank	Effective Date
Matthew Sempier	\$13.83	Paramedic with 1A	11-30-07
Greg Arnold	\$12.59	FF/EMT	1-9-08
Chris Gregg	\$12.59	FF/EMT	1-9-08
Steve May	\$12.59	FF/EMT	1-9-08
Tim Muchmore	\$12.59	FF/EMT	1-9-08
Cliff Sellars	\$12.59	FF/EMT	1-9-08
Jeremy Shroyer	\$12.59	FF/EMT	1-9-08
Rick Williams	\$12.59	FF/EMT	1-9-08
Mike Witt	\$12.59	FF/EMT	1-9-08
Mike Witterstaetter	\$12.59	FF/EMT	1-9-08

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

Mr. Fiedeldey. "Aye"  
Mr. Ritter. "Aye"  
Mr. Wolterman. "Aye"

#### Donation Acceptance

Chief Smith requested the Board accept a \$3,000 donation from Wal-Mart.

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

Mr. Fiedeldey "Aye"

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Mr. Ritter. "Aye"  
Mr. Wolterman. "Aye"

**POLICE DPARTMENT****Donation Acceptance**

Wal-Mart at 8451 Colerain Avenue donated \$3,000.00 to the Police Department. With the acceptance of the donation, Chief Meloy would requested an increase of \$3,000 to the appropriated budget. This would allow for the purchase of additional communication equipment needed by the department.

Additionally, the Police Department received reimbursement from the State of Ohio for the completion of "Continuing Professional Training" in 2007. The reimbursement was in the amount of \$5,280.

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

Mr. Fiedeldey. "Aye"  
Mr. Ritter. "Aye"  
Mr. Wolterman. "Aye"

**Pay Journalization**

Effective February 13, 2008, per collective bargaining agreement, Officer Rick Bernecker will receive an "annual" step increase. He will move from "Step 3" to "Step 4" at an annual wage of \$59,927.41

**PUBLIC WORKS****Part-Time Seasonal Employee**

Mr. McClain requested the Board hire Mark Tabar as a Part-Time Seasonal Maintenance Worker effective February 27, 2008 at \$9.23 / hour. Mark will supplement and aid our fulltime employees in road maintenance duties as his school schedule permits.

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

Mr. Fiedeldey. "Aye"  
Mr. Ritter. "Aye"  
Mr. Wolterman "Aye"

**PARKS & SERVICES****Guidelines for Baseball Fields**

Mr. Schwartzhoff requested the Board approve the guidelines for his department to assign the ball fields to teams requesting use of them. He said the percentage of team members living in Colerain Township will be used as a means to rank teams for priority in field assignments. He said that rosters must be provided and must include the players' addresses, ZIP code, and phone number. He said the other factors that will be considered are whether or not the organization has fields of their own and history of field usage with Colerain Township.

Mr. Fiedeldey said the fields should go to residents.

Mr. Fiedeldey made a motion to accept the guidelines and Mr. Wolterman offered the second. The roll was called:

Mr. Fiedeldey. "Aye"  
Mr. Ritter. "Aye"  
Mr. Wolterman. "Aye"

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**3514 Bevis Lane Appraisal**

Mr. Schwartzhoff said he would like to have an appraisal done on a property at 3504 Bevis lane. These 5.41 acres abut Clippard Park and would be an excellent access to the park from the south. He would like to apply for a Clean Ohio Grant to purchase 4.73 acres and the Township would purchase the remaining .68 acres. He said that he Clean Ohio Grant would not allow any type of development on the property, so by the Township purchasing the small section directly, we would be able to install a paved lane and pedestrian walkway. He said the estimated cost of the appraisal is \$650.

Mr. Fiedeldey made a motion for Mr. Schwartzhoff to have the appraisal completed and to apply for the grant and Mr. Wolterman offered the second.

The roll was called:

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

**Clippard Park Neighborhood Meeting**

Mr. Schwartzhoff said the February 20<sup>th</sup>, meeting had about 30 people there. Brandstetter Carroll had three concepts for public comment.

He said that in mid-March, Brandstetter Carroll will present the plans at another meeting and a final master plan will be created. He said the cost estimates will be prepared, too.

Mr. Wolterman asked if we employ a landscaping firm around the buildings and the parks. Mr. Schwartzhoff said he did put out an RFQ for this year and they are reviewing them. They did purchase equipment to be able to do some the work in-house.

**Greenspace Committee**

Mr. Schwartzhoff said five conservationists are up for renewal and he will ask them to continue. He would like to recognize them at the March meeting. He said their names would be provided to Mrs. Key for inclusion in *Northwest Press*, if the citizens would release this.

**ZONING****Nuisance Resolution**

Dr. Roschke read Resolution 10-08 which authorized the abatement, control or removal of any vegetation, garbage, refuse or other debris.

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

Mr. Fiedeldey "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

**ADMINISTRATION****Cell Tower Lease**

Mr. Foglesong said that he has been in negotiations with American Tower, the property managers for the cellular tower on our property. Our agreement with them only stipulates that they are required to let us know when they sublease space on the tower and we can not unreasonably deny. He has been able to

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negotiate a one time payment of \$5,000 for allowing them to locate additional cell providers on the tower. He asked the for the Board's approval to execute the agreement

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

- Mr Fiedeldey. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

**Gas Aggregation**

Mr Foglesong said he has attended joint meetings with other communities about frustrations with some months being higher or lower than Duke. The intent of the three communities is to allow Independent Energy Consultants and IGS to use their professional experience in acquiring the best natural gas prices for the communities.

Mr. Fiedeldey said that they are supposed to be getting the best prices for the citizens. Mr. Wolterman said this is a way for a middleman to make money and it's a red herring.

Mr. Wolterman asked if this is open-ended. Mr. Foglesong said that it can be reversed by the Board after the two year commitment period.

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

- Mr. Fiedeldey. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

**FISCAL OFFICER REPORT**

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

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

- Mr. Fiedeldey. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

The Fiscal Officer has recorded the following receipts:

REC	VENDOR	FOR	AMOUNT
29-2008	Council on Aging	COA December	10,381.19
30-2008	Fifth Third	Investment Interest	25,000.00
31-2008	Star Ohio	Investment Interest	9,222.55
32-2008	Fifth Third Bank	Investment Primary	32,683.32
33-2008	Fire & EMS Department	Plan Reviews	150.00
34-2008	Public Works	Contract 07-5, Permits	397.00

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35-2008	Police Department	Court Reimbursement	12.00
36-2008	Zoning Department	Certificates	650.00
37-2008	Fire & EMS Department	EMS Billing	15,611.01
38-2008	Fire & EMS Department	Report, Sign	24.00
39-2008	Police Department	Court Reimbursement	72.00
40-2008	Parks & Services	Postage	0.99
41-2008	Police Department	Forfeited Monies	724.76
42-2008	Parks & Services	Ampitheater Rental	200.00
43-2008	ABITIBI Consolidated	Paper Recycling Bins	65.52
44-2008	Dusty Rhodes, Auditor	Joshua's Run Subdivision	244.00
45-2008	Sr. & Community Center	Fees, Rent, Don, Lunch	1,000.50
46-2008	Sr. & Community Center	Refund from Staples	138.89
47-2008	Rumpke Waste	Solid Waste Disposal	74,241.51
48-2008	Parks and Services	Cell Calls	30.00
49-2008	Fire & EMS Department	Plan Reviews	150.00
50-2008	Dusty Rhodes, Auditor	Property Maintenance	500.00
51-2008	Dusty Rhodes, Auditor	Gas Excise Tax	26,036.42
52-2008	Dusty Rhodes, Auditor	Motor Veh Reg, Perm Motor, LGF Jan	118,583.22
53-2008	Dusty Rhodes, Auditor	Highway Dist. Jan.	2,651.17
54-2008	Sr. & Community Center	Fees, Don, Rent, Lunch	653.50
55-2008	Fire & EMS Department	CTTC, Refund, Cell, Checks, Comm, etc.	8,176.28
56-2008	Fire & EMS Department	EMS Billing	49,448.31
57-2008	Public Works Department	Misc. Snow Removal	1,072.50
58-2008	Fire & EMS Department	Plan Review s	400.00
59-2008	Colerain Ford	Refund for Double Pmt. of Invoice	11.14

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60-2008	Dusty Rhodes, Auditor	Adv. 1 <sup>st</sup> half Real Estate	3,395,000.00
61-2008	Police Department	DUI Salary Reimb.	1,205.50
62-2008	Zoning Department	Certificates, other	898.63
63-2008	Police Department	Court Reimbursement	72.00
64-2008	Public Works Department	Snow Removal	1,740.90
65-2008	Police Department	Juv. Traffic Fines	29.00
66-2008	Public Works	Revenue Adjustment	0.82
67-2008	Police Department	DUI Salary Reimb. Court Reimb.	241.66
68-2008	Police Department	Forfeited Property	425.00
69-2008	Ohio Public Works Commission	Memo Receipt	
70-2008	Fire & EMS Department	Memo Receipt	
71-2008	Fire & EMS Department	Memo Receipt	
72-2008	Administration	Memo Receipt	
73-2008	Zoning Department	Certificates, BZA, Amendments, Codes	2,348.89
74-2008	Police Department	Drug, DUI, State Parking Fines	1,494.16
75-2008	Police Department	Drug ID Restitution	20.00
76-2008	Josh Campbell	Repayment from Reimb. for Prescription	662.04
77-2008	Stone Creek Development	Repayment for Street Lighting	5,767.22
78-2008	Fire & EMS Department	Plan Review	100.00
79-2008	Time Warner Cable	Franchise Fee Dec.	79,969.65
80-2008	Sr. & Community Center	Fees, Rent, Don, Lunch	1,059.11
81-2008	Police Department	Court Reimbursement	72.00
82-2008	Sr. & Community Center	Refund from Duke Energy for Security Dep	3,700.77
83-2008	Fire & EMS Department	Plan Review & Inspect.	175.00
84-2008	United Health Group	Premium Credit from Renewal	32,963.95
85-2008	Police Department	Forfeited Property	1,966.00
86-2008	Fire & EMS Department	Memo Receipt	

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87-2008	Police Department	Memo Receipt	
88-2008	Council on Aging	COA Jan	9,564.30
89-2008	State of Ohio	Liquor Permit Fees	2,5550.10
90-2008	State of Ohio	2 <sup>nd</sup> Half Manufactured Homes Rollbacks	295.01
91-2008	Fifth Third	Investment Green 1	12,500.00
92-2008	53 Bank	Investment Interest	25,750.00
93-2008	53 Bank	Investment Interest	25,625.00
94-2008	53 Bank	Investment Interest	25,000.00
95-2008	Star Ohio	Investment Interest	8,646.24
96-2008	Fifth Third Bank	Investment Interest	35,826.30
97-2008	5/3 Investments	Void Standard Receipt	
98-2008	Zoning Department	Certificates, Codes, other	471.67
99-2008	Police Department	Court Reimbursement	12.00
100-2008	Fire & EMS Department	Med. Refresh, Don, Cell, Sign, CPR, etc.	8,265.69
101-2008	Fire & EMS Department	EMS Billing	13,535.95
102-2008	Fire & EMS Department	Plan Review & Foster Care Fees	125.00
103-2008	Fire & EMS Department	Memo Receipt	
104-2008	Dusty Rhodes, Auditor	4 <sup>th</sup> Qtr Lodging Tax	1,611.47
105-2008	Dusty Rhodes, Auditor	Municipal Court Fines	5,962.46
106-2008	Dusty Rhodes, Auditor	Estate Tax, 1 <sup>st</sup> Half Real Estate	1,529,200.00
107-2008	Dusty Rhodes, Auditor	Exempt Personal Prop Reimbursement	18,847.80
108-2008	Dusty Rhodes, Auditor	Mobile Home Homestead 2007	1,255.32
109-2008	Police Department	Test Fees	1,920.00
110-2008	Sr. & Community Center	Fees, Don, Rent,	797.50
111-2008	Police Department	Juv. Traffic Fines	71.00
112-2008	Police Department	Epson Rebate	80.00
113-2008	Public Works	Snow Removal	1,183.50

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114-2008	Frank Birkenhauer	Cell Calls	18.00
115-2008	Independent Energy Consultants	Rebate Dec 07 Commission	2,121.52

Mrs. Harlow said that we have received word from the Ohio Division of Liquor Control about two new liquor permit requests:

- Bora Bora Cincinnati Inc., DBA Bora Bora Saloon, 7810 Colerain Ave.
- Wal Mart Stores East LP, DBA Wal Mart Supercenter 4609, 10244 Colerain Ave.

Mrs. Harlow said in addition to checking with Chief Meloy, she also checked with Dr. Roschke, who reviewed the requests for property maintenance code violations. Neither indicated the need for a public hearing and the Board agreed.

Mrs. Harlow requested the Board advance \$150,000 to the Police District. She said this was done previously to cover payroll and the tax receipts came from the County Auditor a day later. Mr. Fiedeldey made such motion and Mr. Ritter offered the second. The roll was called:

- Mr. Fiedeldey. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Abstain"

Mrs. Harlow requested the Board adjust \$19,000 from 2181-130-599-0000 (other) to 2181-760-740-0000 (capital). This is to pay for the new Zoning vehicle. Mr. Fiedeldey made such motion and Mr. Wolterman offered the second. The roll was called:

- Mr. Fiedeldey. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

Mr. Ritter asked about the interest transfer to the Fire and Police Departments. He suggested that Mrs. Harlow and Mr. Foglesong perform a simple, "back of the napkin" calculation for this. He suggested that the transfer is done twice a year. He suggested that it be done for 2007 now and in July 2008 for first half of this year. The other Board members agreed.

At 8:45PM, Mr. Fiedeldey motioned to take a five-minute recess. Mr. Wolterman offered the second. The roll was called:

- Mr. Fiedeldey. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

The Board reconvened at 8:53PM.

**PUBLIC HEARING**

**ZA2007-08 Highway House**

Dr. Roschke presented the staff report. The request is for a planned business district for the expansion of the parking lot. This is a non-conforming use.

Mr. Wolterman said that it was denied by the Board of Zoning Appeals because they lacked the authority to approve this.

Mr. Fiedeldey asked which planned district this is. Dr. Roschke said they do not separate this out.

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Tom Zeug of 5714 Dunlap Road is representing the applicant. He said he owner wants to pave the parking lot and this requires water detention. This change will not affect the fact that this is a bar or tavern. With the change, he will be able to control the parking area. He said it seems to be counterproductive to not pave this lot. It will look nicer. This has always been operated as a bar.

Mr. Ritter opened the citizen address.

Tom Breidenstein, with Barrett and Weber, is representing Joe and Sheryl Kampf, who are owners of the property most affected by this zone change. This application does not meet the criteria set out in our own zoning code. The land use map/plan calls for this area to be rural residence. It does not conform to the Comprehensive Plan, including property development slope constraints and it is not a quality development. Grading was done prior to receiving approval. This is not a unique way to preserve the rural character. New commercial or industrial uses are not suitable. He feels this is illegal and unconstitutional spot zoning.

Mr. Ritter asked Mr. Breidenstein to locate his client's property on the map.

Joe Kampf of 11502 Colerain Ave. bought the property in 2000. In 2001, they were issued a demolition permit after a fire. In 2002, the owner rebuilt the bar and the citizens were against it then. There was a problem with the septic system on NE side, but this has been taken care of by Mr. Wurzelbacher. Mr. Wurzelbacher said only the roof needed to be replaced, but ended up replacing two of the four walls. There is a history of saying one thing and doing another. Fill dirt has slide and he has not cleaned this up. Mr. Wurzelbacher has said that he will work with the neighbors, but never calls. When Mr. Kampf moved in, there was a nice buffer zone and now he can see the bar and hear the music with the windows closed. He presented the Board with a petition from people in the immediate area who are against the rezoning.

Mrs. Kampf said they knew the bar was there. They have a family and don't want to see continued encroachment. She didn't expect property lines to change. She is against these continued encroachments. They are standing up for their rights as residents.

Lewis Hughes of 11558 Colerain Ave. owns 10 acres. He said the natural swail causes slippage. Property line has moved 20-30' because of this. He understands that the work was started without the proper permits. Water and Soil was not aware of slippage problems because they only observed from the top and is now coming out to inspect, so the approval may be revoked. While they are not trying to hurt Mr. Wurzelbacher's livelihood, trespassing issues need to be addressed.

Mr. Zeug said work was done with permits and consultation with the County Engineers. The slippage occurred under previous management. The hillside is now covered in grass, not slipping. Landscaping will be added if the parking lot is added, which will obscure the view of area. Very small expansion and will not change the use. It will alleviate mix-mash of parking.

Mr. Fiedeldej asked how much parking is there now? Mr. Zeug said it's random now and people park where they will. When it gets crowded, they park where they can. 47 spots now, but not marked or defined. Mr. Fiedeldej asked Mr. Zeug for clarification on where they are existing now and what they want to do.

Mr. Wolterman said the expansion is due to needing the detention pond. We have citizens who have invested time, energy and money invested in their

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

REGULAR \_\_\_\_\_

Meeting \_\_\_\_\_

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

Held \_\_\_\_\_

February 26, 2008

business and in homes. The Board has a safety issue to address with backing out on to Colerain Ave. He asked if it would be possible for the two parties to meet and see what would be acceptable solution for landscaping and safety measures and noise. He said the business is still going to operate, so nuisances will still be there even if this is not approved. Is there a possibility to agree? Mr. Zeug said landscaping is not an issue as they are planting the evergreen trees. Mr. Zeug said there will be no more expansion possible because of the topography.

Mr. Breidenstein said that he spoke with his clients and he said those negotiations would be fruitless. Mr. Wolterman said we are listening to the hardships on both ends. Mr. Breidenstein said he's not sure the Kampf family is ready to begin negotiations. Mr. Wolterman said that he's trying to make this work for both parties. There has to be a solution. Mr. Zeug said that the owner has been willing to work the residents. He would like to work to solve this for everyone and feels this will be an improvement for the neighbors.

Mr. Breidenstein said that the owners have been able to pave the property.

Mr. Wolterman would like the parties to work together and sees two losing situations. He would like to find middle ground for the neighbors.

Mr. Zeug said they can meet and try to work something out. Mr. Wolterman said that he would like to mitigate the parking spaces backing out on to Colerain Ave. as this is an unsafe situation. He said there is a failure of communication between the owner and the neighbors.

Mrs. Kampf said she would be interested in hearing the perspectives of the other two Board members as she expected to have a decision tonight.

Mr. Ritter said that this Board would have to act unanimously in order to overrule the Zoning Commission. He agrees it would be valuable to get a sense of the Board's position, first, before perusing any negotiations.

Mr. Fiedeldey said he visited the site at 11:30PM on a Saturday. He said that part of the parking lot that Mr. Zeug said was not utilized was indeed being used. He said this is a real issue with him. He said that in the 60s when the zoning was initiated, it was non-confirming use. Mr. Wurzelbacher knew two years ago there would be limitations on the property. It's a tremendous business. There are cars parked along Colerain Ave., and it's a night club and it's well beyond a neighborhood bar. Very nice homes are in this area, built based on our zoning and land use. If they can't have faith in what we did for the vision of the Township, we might as well throw it in the trash. He can't support this change.

Mr. Ritter said that he agrees with Mr. Fiedeldey's points. He has problems with the permanence of the zone change. He can't support the zone change either.

Mr. Wolterman said the problems still exist and the two parties should get together. We have a safety issue to address.

Mr. Fiedeldey said it's not a zoning issue, but at 11:30PM, the motor cycles left there and were loud. He suggested they not become a nuisance.

Mr. Fiedeldey motioned to close the public hearing. Mr. Wolterman offered the second. The roll was called:

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

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Mr. Wolterman. "Aye"

Mr. Wolterman said that it would be best for the two parties to work it out

Mr. Fiedeldey motioned to affirm the decision of the zoning Commission. Mr Ritter offered the second. The roll was called:

Mr. Ritter. "Aye"

Mr. Wolterman. "Present"

Mr Fiedeldey. "Aye"

**EXECUTIVE SESSION**

Mr Reuter requested the Board enter executive session for the purpose of discussing pending litigation and the appointment of public officer.

At 10:06PM, Mr. Fiedeldey made a motion to enter executive session and Mr. Wolterman offered the second. The roll was called:

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

The Board reconvened at 10:12PM.

Mr. Reuter read Resolution 11-08, "Resolution Authorizing Hiring Additional Counsel "

Mr. Fiedeldey made a motion to approve the resolution and Mr Wolterman offered the second. The roll was called:

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

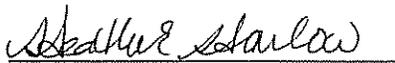
**ADJOURNMENT**

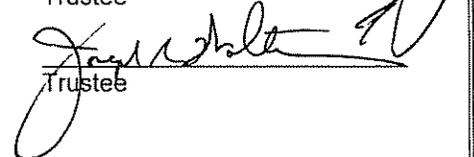
With no further business to come before the Board, at 10:14 PM, Mr. Fiedeldey motioned for adjournment. Mr Wolterman offered a second.

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

  
Fiscal Officer

  
Trustee  
  
Trustee  
  
Trustee