

Held

October 28, 2008

**OPENING OF MEETING**

Mr. Ritter called the meeting to order at 6:00 PM. Mr. Fiedeldey, Mr. Wolterman, and Mrs. Harlow were in attendance.

**EXECUTIVE SESSION**

Mr. Reuter requested the Board enter Executive Session for the purpose of discussing the acquisition of property and pending and imminent litigation.

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

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

At 7:00PM, Mr. Ritter reconvened the meeting. Mr. Reuter said no final actions were taken in Executive Session.

**INVOCATION**

Tyrone Patrick, chaplain for the Colerain Fire Department, offered the invocation.

**PLEDGE OF ALLEGIANCE**

All recited the pledge of allegiance.

**APPROVAL OF MINUTES**

Mr. Ritter asked for corrections to the October 14, 2008, regular meeting minutes. Mr. Fiedeldey said that under the discussion about Clippard Park, it should be "architect," not "contractor." Mr. Ritter asked Chief Smith for the correct spelling of the fireman leaving our employ for Cincinnati's Fire Department. It is Joe Stallo.

**PRESENTATIONS****Volunteers Policing Awards**

Chief Meloy said the Colerain Township Citizen Police Academy Alumni Association participates in the President's Council on Service program. He said that the group volunteered over 4,000 hours in 2007. He recognized volunteers for reach service-hour milestones:

- Bev Knox
- Debbie Fales
- Don Cordray
- Gail Hallgath
- Jerry Michael
- Lois Young
- Louise Pitcher
- Patrick Powell
- Robert Stahl
- Tom McGill
- Wendy Taylor
- William Courter

Held

October 28, 2008

**Bicycle Presentation**

Chief Meloy said that over the summer, a security officer on a bike at Northgate Mall was run over by a robbery suspect. The Colerain Township Citizen Police Academy Alumni Association has bought a new bike for the security officer to use at Northgate Mall. The bike was presented to Valor Security officer Michael Chappell.

Chief Meloy also commended Officers Joe Redmond and Justin Hussell for running the Marine Corps Marathon in Washington, D.C. this weekend. The officers noted that Chief Meloy also ran the marathon.

**PUBLIC HEARING****Community Development Block Grant - Action**

Mr. Fiedeldey made a motion to open the public hearing and Mr. Wolterman offered the second. The roll was called:

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

No one wished to speak.

Mr. Ritter said that the Board was asked to rank their priorities. First were the operating expenses for the Skyline Community Center. Second was the funding for the Public Works. Third was the housing rehab program. Fourth was renovation of the Skyline Center.

Mr. Fiedeldey made a motion to close the public hearing and Mr. Wolterman offered the second. The roll was called:

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

Mr. Fiedeldey agrees, but questions the ranking of the housing rehab program. He said we need to consider that we're mandating this and need to have money to help them comply. He fears we may get knocked out of this by putting the roads as number two.

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

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

Mr. Foglesong will prepare the documents to send to the county for the grant

**POLICE REPORTS**

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

- 103 cases were assigned to the Sheriff's Criminal Investigation Section and 73 were closed, with \$58,125.00 in stolen property recovered.
- 4 D.U.I. arrests by County contract and non-contract Deputies.
- 160 citations were issued by Hamilton County Sheriff's Office Colerain Contract Cars. 145 citations by non-contract Deputies with a total of 305.

Held \_\_\_\_\_

October 28, 2008

Police Chief Meloy said the Township's department issued 164 citations with 6 arrests for DUI.

**TRUSTEE REPORTS****MR. FIEDELDEY**

Mr. Fiedeldey said that in August, the Board met with the folks at CMHA to find out why Section 8 housing had increase so dramatically in Colerain Township. Last week, Mr. Foglesong, Mr. Birkenhauer, Chief Meloy, Lt. Schoonover, and he met with their inspectors and three others, including their director. He said the conversation was what they could not do and they put the ball in our court a lot. CMHA said it is up to us to take care of things like grass height. Chief Meloy said he had 30 people removed who were not in compliance. Mr. Fiedeldey said he asked them, "Are you making a concerted effort to put section 8 in Colerain Township?" CMHA said they were not. Mr. Fiedeldey said that over the last six weeks, he researched and investigated and the fact is that CMHA is paying a 10% bonus to move people to Colerain Township. He was looking at ads in the newspaper and determined that they are paying more for the rent than market rate. He said that not all Section 8 is bad, because people need help sometimes. He feels CMHA was not being forthright since they are giving the bonus. He suggested the Board send a strong letter to CMHA that they remove the 10% bonus.

Mr. Fiedeldey said the CMHA representatives said Section 8 may bring a little blight. He asked Mr. Reuter, if they are knowingly paying them a bonus and causing blight, what are our legal rights. Mr. Reuter will think about it for next meeting.

Mr. Fiedeldey asked if we want to write a letter to CMHA requesting that they not give the 10% bonus. Mr. Ritter says yes. Mr. Wolterman has no objection, but would like to review the material and learn why they give the bonus.

Mr. Fiedeldey thinks we should ask that Colerain Township have a seat on CMHA's Board.

Mr. Wolterman said that the information in the letter to CMHA should be verified. We don't want to go off the handle. We have concerns, not a problem.

**MR. WOLTERMAN**

Mr. Wolterman offered his congratulations to Chief Meloy for his leadership of the Citizen Police Academy.

**MR. RITTER**

Mr. Ritter discussed the Northgate Mall TIF and said we are in an opportune and unique time. With the destruction of JC Penney, the mall is about to be revalued at a lower amount, which we can take advantage of. Mr. Ritter asked Mr. Reuter and Mr. Foglesong to prepare documents for a TIF. The December 2006 TIF was flawed in many ways. Mr. Wolterman has no objection; whatever is legal and in the best interest of the Township.

Mr. Ritter said we would need to rescind the old resolution and pass a new one at the next meeting. He said we would do a "trickle" amount instead of the service agreement. Mr. Fiedeldey asked what if the income doesn't come. Mr. Ritter said we do run a risk with this.

Held

October 28, 2008

**CITIZEN ADDRESS**

Michael Beckman of 3216 Springdale Road said his home is next to a bar. He would like to put up a privacy fence in his front yard to keep beer bottles and drunken people off their property. He said the bar owners offered to help pay for the fence.

Dr. Roschke said this would require a BZA hearing due to the proposed fence location extending into the front yard. She said the owners of the property are asking the Board for a waiver of the BZA residential variance application fee of \$100. (Legal notice fees, a pass-through cost of about \$150, will still be applicable.)

Mr. Wolterman does not have a problem with the fence, but does have a problem with the bar over-serving patrons.

Amber, the owner of the Tavern, said that she is trying to run a good business and working with neighbors. She said the drunken man they are talking about came into bar intoxicated and they refused to serve him. She agrees the fence is the best option.

Chief Meloy said since these ladies have taken ownership, they have worked well with the police.

Mr. Fiedeldey made a motion for a one-time waiver of the BZA fees and Mr Ritter offered the second. The roll was called:

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

**UNFINISHED BUSINESS****FIRE DEPARTMENT****Part-time Pay Rate Adjustment**

Chief Smith requested the Board approve an increase in the pay rates of the part-paid employees, to make the rates more competitive.

Mr. Ritter asked about the cost of on-boarding a new part-time employee. Chief Smith said it is \$3,000 each for equipment and they are trying to quantify the training. Chief Smith said that we lose 25-30 part-time employees each year. Therefore, we have people with low experience levels. We have a high percentage of people going to career positions. People are looking for the full-time, career positions.

Mr. Ritter said he is inclined to support the 8% increase.

Mr. Fiedeldey said that he concurs for one year. This will add \$157,000 to their budget. He said Chief Smith did a great job on this analysis.

Mr. Wolterman said this has been an on-going discussion. Our safety services are the best in the area.

Chief Smith said he would provide the hourly rates to Mrs. Harlow:

First Year Recruit Graduate	12.58
Firefighter/EMT	13.60
Firefighter/EMT/FAO	14.08

Held \_\_\_\_\_

October 28, 2008

Paramedic	14.54
Firefighter/Medic	14.94
FF/Medic/FAO	15.38
Lieutenant	16.06
Captain	17.35
Division Chief	20.23

Effective date: November 2, 2008

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

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

**PUBLIC WORKS**

**Generator**

Mr. McClain said that he has obtained a price quote for a back-up generator for the Public Works Building: \$24,966 from Buckeye Power for the generator and \$12,926 for the installation of electric work.

Mr. McClain said they would need assistance for this purchase from Administration and the Board.

Mr. Wolterman said this facility was the one most called upon yet it did not have power after the September storm. This is a public safety issue.

Mr. Wolterman made such motion to purchase the generator and Mr. Ritter offered the second.

Mr. Fiedeldey said this generator is sized almost twice the demand. Also, we might be able to buy it cheaper later with the price of copper going down. Mr. McClain said this was the smallest generator that would handle the job.

The roll was called:

- Mr. Fiedeldey. "No"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

**PARKS & SERVICES**

**Boundless Playground Grant Acceptance**

Mr. Schwartzhoff said they have received confirmation that we received \$225,000 grant for the boundless playground from CVS Caremark "All Kids Can" program.

Mr. Fiedeldey made a motion to accept the donation and Mr. Wolterman offered the second.

Held

October 28, 2008

Mr. Wolterman commended Mr. Schwartzhoff and his staff for securing this grant. Mr. Ritter extended his gratitude as well. Mr. Fiedeldey said this is tremendous.

The roll was called:

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

#### Clippard Park Design Agreement

Mr. Schwartzhoff said he presented the Board with a new contract from Brandstetter Carroll, Inc.

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

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

#### LEGAL

##### Transient Vendor Resolution Re-draft

Mr. Reuter presented the Board with a third draft of the transient vendor resolution. He said this draft is a radical departure from the second draft, in that transient vendors engaged in "for profit" activities are banned completely from door to door residential sales. Door to door sales by nonprofit and charitable organizations are permitted. Sales of food products from motor vehicles (for example, from an ice cream truck) are permitted in residential areas.

Door to door sales are also permitted in nonresidential areas (businesses, offices, etc.) Retail sales of fresh farm produce and live and cut flowers by both for profit and nonprofit organizations, with the permission of the owner of the site.

He believes this is consistent with the direction of the trustees, as he understood it from the discussion on the issue during the last meeting.

"Canvassers" (for example, proselytizing religious groups, candidates for political office or their supporters, proponents or opponents of a particular political viewpoint or issue) are not covered by this Resolution. The attempted control of such groups by requiring registration by the local government was declared a violation of the First Amendment.

Mr. Reuter said he did not expect action on this tonight. The purpose in sending this third draft out in its present condition is to provide the Board with the opportunity for discussion and clarification of what is and is not permissible, so that a well-considered resolution will be ready to go in the spring.

#### Nuisance Abatement

Mr. Reuter said he did create another agreement of the forbearance agreement with the Raisch family. The draft is being circulated for signature.

#### ADMINISTRATION

##### CMHA

Mr. Foglesong requested a point of clarification: in the letter to CMHA we are asking for removal of the 10% bonus and Mr. Wolterman will get back to Mr. Foglesong after he has reviewed the information.

Held

October 28, 2008

**Landscape Architects**

Mr. Foglesong suggested the Board set the working session to interview the candidates for Thursday, November 13, 2008, at 5:30 PM.

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

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

**NEW BUSINESS****POLICE DEPARTMENT****Pay Rate Increases**

Chief Meloy requested the Board approve a wage increase for Police Department Lieutenant, Mark Unger and a salary of \$76,396.43 per year, effective November 1, 2008.

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**

Chief Meloy said all contracted police officers and sergeants will receive a contracted pay increase of 3.25% per the Collective Bargaining Agreement, effective November 1, 2008.

**PUBLIC WORKS****Snow Removal Contracts**

Mr. McClain read Resolution 74-08, which provides for snow removal on unaccepted, dedicated streets.

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

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

**SENIOR CENTER****Clavanova Fundraiser**

Mrs. Klosterman reminded the Board that there is a fundraiser for the Clavanova Connection program on November 7 at CCM's Corbett Auditorium.

**ZONING****Nuisance Resolution**

Dr. Roschke read Resolution 75-08, which authorized the abatement, control or removal of any vegetation, garbage, refuse or other debris.

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

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

Held

October 28, 2008

**FISCAL OFFICER REPORT**

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

Mr. Fiedeldey made such motion and Mr. Ritter 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
573-2008	Parks & Serv.	Shelter Rental, Recycling, Cell Phone	325.23
574-2008	Parks & Serv.	Lowe's Rebate	10.00
575-2008	Parks & Serv.	Paper Recycling at Parks	15.23
576-2008	Parks & Serv.	Paper Recycling at Parks	76.30
577-2008	Fire & EMS Dept.	EMS Billings	28,765.52
578-2008	Sr. & Comm Center	Prog Fees, Rm Rent, Lunch	1,439.25
579-2008	Zoning Dept.	Certificates	280.00
580-2008	Fire & EMS	Training, Plan Review, Reports, Donations, Signs, CTTC Rent & Electric, Fingerprints	10,255.91
581-2008	Zoning Dept.	Certificates, BZA, Amendments	1,513.18
582-2008	Police Dept.	Sale at Adesa	612.50
583-2008	Police Dept.	Sale at Adesa	1,027.50
584-2008	Public Works Dept.	Scrap Iron From Contractor, Permits	1,515.00
585-2008	Fire & EMS Dept.	Plan Reviews & Inspection Fees	240.00
586-2008	Council on Aging	July COA	11,887.01
587-2008	State of Ohio	Liquor Permit Fees	49,550.90
588-2008	Hamilton County Auditor	Gas Tax Sept.	26,517.60
589-2008	Hamilton County Auditor	20% Monies 2008	40,035.00
590-2008	Hamilton County Auditor	Municipal Court Fines Sept., Adv 2 <sup>nd</sup> Half PP	261,680.52
591-2008	Star Ohio	Investment Star Ohio June	4,238.68
592-2008	Fifth Third Bank	Gen & Now Interest July	17,154.94
593-2008	Police Dept.	Forfeited Funds	324.00
594-2008	Police Dept.	Forfeited Funds	765.00
595-2008	Police Dept.	Court Reimb.	12.00
596-2008	Public Works	Permit	3.00
597-2008	Police Dept.	Court Reimb.	12.00
598-2008	Police Dept.	Court Reimb.	36.00
599-2008	Police Dept.	Juvenile Traffic Fines	68.00
600-2008	Police Dept.	Court Reimb	12.00

Held

October 28, 2008

601-2008	Sr. & Comm. Center	Prog, Rent, Tran, Lunch	489.00
602-2008	Carol Ambach	Donation to Memorial Fund	1,000.00
603-2008	Rumpke	Solid Waste Disp - Sept	89,339.62

Mrs. Harlow requested an appropriation adjustment for the Parks: \$10,000 00 from 1000-760-740-0306 (Equipment Replacement) to 1000-610-420-0000 (Operating Supplies).

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

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

Mrs. Harlow said that she received word from the Ohio Division of Liquor Control of a request for a transfer from Toor Properties 2455 Compton Road, to Sahib Petroleum LLC DBA Colerain Marathon, 2455 Compton Road. Mrs. Harlow said she checked with Dr. Roschke and Chief Meloy and neither sees the need for a hearing. The Board agreed.

**PUBLIC HEARING**

**ZA 2008-01 SOB/Overlay**

Mr. Ritter welcome the Board's expert witness, Mr. Lawrence Barbieri, to the meeting. Mr. Barbieri, because of his representation of Union Township, Clermont County, among other professional activities, has extensive experience in matters relating to the harmful secondary effects of sexually oriented businesses ("SOBs") on their host communities, as well as with regulation of those businesses.

He spoke at length about secondary effects of sexually oriented businesses on the host communities generally, and specifically, about Union Township's experience. He indicated that he reviewed the caselaw and textual materials previously forwarded to the Trustees for their review, and stated that those materials fairly lay out the secondary effects, including increased crime and decreased property values, and the legal issues relating to the control of these businesses.

He said SOBs are entitled to certain constitutional protections, and that any regulation of them by local governments must be narrowly drawn and reasonably tailored to address the negative secondary effects. He further stated that he reviewed the regulations under consideration by the Board, and was of the opinion that they are constitutional.

Mr. Wolterman questioned Mr. Barbieri about his point that close proximity of SOBs to one another increases the negative secondary effects. Mr. Barbieri responded that regulations requiring separation of these businesses by, for example, 800 or 1000 feet help mitigate this problem.

The Board thanked Mr. Barbieri.

Mr. Wolterman made a motion to open the public hearing and Mr. Fiedeldey offered the second. The roll was called:

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

Held

October 28, 2008

Dr. Roschke presented the Staff Report. This would modify Articles 9 and 16 regarding sexually-oriented business location and regulation.

Dennis Mason of Scull Road asked for clarification on the boundaries of the district. Dr. Roschke explained.

Mr. Fiedeldey made a motion to close the public hearing and Mr. Wolterman offered the second. The roll was called:

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

Mr. Fiedeldey asked about the buffer around the residential districts. Dr. Roschke said we have to let them be somewhere. The 800' buffer would provide somewhere for viable locations.

Mr. Fiedeldey said that we should not have any on Colerain Avenue.

Mr. Wolterman asked if one person or company owns the parcels around Hughes Road. Dr. Roschke said yes, the majority. Is this a problem? If they say, no, who gets sued, us or them?

Mr. Wolterman made a motion to continue the hearing to the next meeting, November 18, and Mr. Fiedeldey offered the second. The roll was called:

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

#### ZA 2008-03 HB 562

Dr. Roschke said this is a minor change to be in accordance to the Ohio Revised Code.

Mr. Wolterman made a motion to open the public hearing and Mr. Fiedeldey offered the second. The roll was called:

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

No one wished to speak.

Mr. Fiedeldey made a motion to close the public hearing and Mr. Wolterman offered the second. The roll was called:

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

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

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

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

REGULAR

Meeting

HARVEY BROTHERS, BOOKSELLERS, SPRINGFIELD, OHIO

Form 6101

Held \_\_\_\_\_

October 28, 2008

**ADJOURNMENT**

With no further business to come before the Board, at 9:27 PM, Mr. Fiedeldey motioned for adjournment. Mr. Wolterman offered a second.

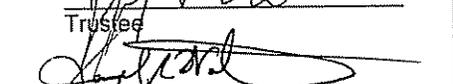
Mr. Fiedeldey "Aye"

Mr. Ritter "Aye"

Mr. Wolterman "Aye"

\_\_\_\_\_  
Fiscal Officer

  
Trustee

  
Trustee

  
Trustee