

Held \_\_\_\_\_

February 24, 2009

**OPENING OF MEETING**

Mr. Ritter called the meeting to order at 5:05 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 employment and compensation of employees and pending and imminent litigation.

At 5:05 PM, Mr. Fiedeldey made a motion to enter executive session and Mr. Wolterman 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 7:04 PM. Mr. Reuter said no decisions or actions were made in executive session.

**INVOCATION**

Fire Department Chaplain Tyrone Patrick offered the invocation.

**PLEDGE OF ALLEGIANCE**

All recited the pledge of allegiance.

**APPROVAL OF MINUTES**

Mr. Ritter asked for corrections to the February 10, 2009, regular meeting minutes.

Mr. Fiedeldey requested the words, "the Board agreed" be removed from the last paragraph of the electric aggregation discussion. Mr. Ritter asked that Mr. Foglesong's comments read as, "Mr. Foglesong said the most recent interest rate with a five-year term is 2.96%."

Also under the electric aggregation discussion, Mr. Ritter said this is one "less" risk and requested the word "contract" be added at the end of the paragraph.

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

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

**PRESENTATIONS****Voice Over IP Phone System**

Mr. Birkenhauer made a presentation to the Board about a new phone system. He discussed the current system, which is out-dated, confusing, and frustrating, for both residents and employees. Mr. Campbell discussed a Voice Over Internet Protocol system to replace this system. This is the system recommended by the Technology Committee. Mr. Birkenhauer discussed the financial analysis of two systems.

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In response to Mr. Fiedeldey, Mr. Birkenhauer said Mitel Communications would supply the phone system and Time Warner Telecom would supply the Internet access. Mr. Fiedeldey asked how they did during the storm. Mr. Birkenhauer said that they checked references with other cities.

Mr. Wolterman asked how it would interface on the computer screen. Mr. Campbell said that it would have options for both phone and computer. Mr. Wolterman said this provides several options for communicating. He asked about implementation. Mr. Campbell said it would be 30-60 days.

Mr. Ritter said the phone system has been one of his frustrations. It is important to be able to provide service to our residents. He supports the lease option over buying the system.

Mr. Fiedeldey confirmed that the price includes bringing the fiber optic in from the street. Mr. Campbell agreed and said it is all-inclusive.

Mr. Fiedeldey asked if the lease has a maintenance agreement. It does.

Mr. Fiedeldey moved to approve the lease contract, to allow Mr. Birkenhauer to sign, with final approval of the contract by Mr. Reuter. Mr. Wolterman offered the second. The roll was called:

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

#### Limited Home Rule

Mr. Foglesong presented information about Limited Home Rule to the Board. He said this is governed by Ohio Revised Code Chapter 504. His presentation discussed what limited home rule townships are allowed to do and what limited home rule townships must do. Mr. Reuter discussed the community court legislation in the last General Assembly. This would allow certain types of cases to be heard here.

Mr. Fiedeldey asked Mr. Reuter "why not?" Mr. Reuter said the downside is minimal. Some resolutions would be read twice, some resolution publication requirements and we would lose use of the prosecutor. Mr. Fiedeldey said that we also have the potential to get deeper in debt.

Mr. Wolterman said it seems that we are doing or have done many of these things. It seems to create more restrictions and rules and regulations. Mr. Reuter said the issue is that there is expressed authority or the authority can be inferred from expressed authority. When we do things or push the envelope, it requires a backward analysis to find that we can do things. Adopting home rule would increase his comfort level with "can we do this?" We would be in a safer harbor doing these things under home rule. He said this is a fundamental shift in how we approach things we do.

Mr. Wolterman asked about the contract cars with the Sheriff's office and how the civil fine citations would be handled. Would they issue the civil fine citations?

The Board agreed to hold a public hearing on this matter. Mr. Wolterman said that we need 60 days to promote this. The Board agreed to hold the hearing during the second meeting in April.

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**POLICE REPORTS**

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

- 110 cases were assigned to the Sheriff's Criminal Investigation Section and 43 were closed, with \$64,475.00 in stolen property recovered
- 5 D.U.I. arrests. by County contract and non contract Deputies
- 115 citations were issued by Hamilton County Sheriff's Office Colerain contract cars. 90 cites by non contract Deputies with a total of 205

The following statistics were generated in January, 2009:

- 78 cases were assigned to the Sheriff's Criminal Investigation Section and 57 were closed, with \$19,925 in stolen property recovered.
- 4 D.U.I. arrests by County contract and non contract Deputies
- 108 citations were issued by Hamilton County Sheriff's Office Colerain Contract cars. 108 cites by non contract Deputies in Colerain Twp., with a total of 216

Lt. Schoonover said that due to in-house movements, they are able to retain enough officers to cover the non-contract beats in Colerain Township.

Mr. Ritter said the beat coverage is actually better now. Mr. Ritter extended his thanks to Col. Hofbauer and Sheriff Leis.

Mr. Fiedeldey said this is a relief because he was worried our folks would get stretched. He said it is hart-warming to have the deputies back.

Mr. Wolterman said he heard Sheriff Leis at the Western Economic Council meeting expressing his frustration based on budgets. Mr. Wolterman expressed his thanks.

Police Chief Meloy said the Township's department issued 351 citations with nine arrests for DUI in January.

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

Mr. Fiedeldey said he saw an article in *The Cincinnati Enquirer* about Springfield Township, "Leaders chart way to oppose Section 8." He said they are doing the same thing we have already done. But, they are trying to make CMHA more accountable with their inspections of the housing. He suggested we try to join with Springfield to put more pressure on CMHA. Mr. Foglesong said he spoke to their administrator today, who is supportive, and he will talk to their board. Mr. Fiedeldey said Colerain or Springfield Township should have a seat on the CMHA Board.

Mr. Fiedeldey said there has been no noticeable improvement in the Raisch property. Mr. Reuter said he spoke recently to their attorney and the stumbling block is the absolute final date of two years to have the clean-up completed. He said he is close to having completed language to the Board and expects to have it for the next meeting.

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Mr. Fiedeldey also said the Truman property is still operating and still digging. Mr. Reuter said they are represented by Fran Barrett. Mr. Barrett presented him with a settlement proposal, which is unacceptable. He feels this will have to go forward. This is an administrative appeal of a Board of Zoning Appeals decision. The violation of the zoning resolution will have to be separate. This is unresolved as of now.

Mr. Fiedeldey said we have given both of them all the time in the world. It's been too long.

Mr. Ritter asked about the housing court. Mr. Reuter said that in the last year, two cases have been through the process: One case was a payout and the other one is in capius because the defendant did not attend the court date. Six more are pending.

Mr. Fiedeldey asked if there are other potential cases. Dr. Roschke said there are several waiting to be processed for court. She said they do their best to work with people. Mr. Fiedeldey said this is taking a long time. He suggested we just cite them and have the zoning and police work together. Mr. Reuter said the problem is with compliance. Re-citing is the only way to get compliance.

Mr. Ritter asked Mr. Reuter how this can be expedited and requested he report back at next meeting.

#### MR. WOLTERMAN

Mr. Wolterman said that with Section 8, the problems are with the owners of the buildings. We need to work with Congress and we need to address the education and criminal problems. He said there are hangers on to take up residence in these homes illegally. He said we need changes in federal law and an educational system that can bring the individuals out of that cycle. He favors getting together with all of Hamilton County as we can't move it from one part of the county to another.

Mr. Wolterman asked for the Board's appointments to the Economic Development Committee. He appointed Mark Schupp, and Keith Corman. He also will be appointing an alternate in case one can't serve the duration of the committee. Mr. Fiedeldey appointed Jason Tonne and Ed Evers. Mr. Ritter appointed Tom Westfall and Dan Deters.

#### MR. RITTER

Mr. Ritter asked the Board to appoint several new members to the zoning boards and commissions:

- Zoning Commission - new member Chris Lawson, new alternates Colleen Smith and Ron Roberto
- Board of Zoning Appeals - new member Kyle Grubbs, alternate reappointed David Radabaugh
- Land Use Advisory Board - new member appointed Terrell Stephens, Linda Krekeler established as member though no longer a ZC alternate

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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**CITIZEN ADDRESS**

Dennis of 3259 Wymess Drive, in the Hunterston Subdivision, approached the Board about the electric aggregation issue. He said we need to look hard at economic repercussions. Duke has served this area for 100 years and is a stable company. Old Dominion does not have this presence. Duke has spent billions building plants and has 3500 employees in the area. He said there is the possibility of job loss, with a great impact to the community. Duke pays millions to state and local government in tax dollars. Duke has donated \$3.5 million to local charities and non-profits. We must look long-term, not short term. Old Dominion has no local plants.

Daniel Deters is a political consultant for Integris Energy, a gas aggregator. He said his company competes with Duke in some areas, but does not compete in this area. He said they are not interested in shaking the environment here as there is no doubt of Duke's vested interest in the community. It's not worth it. Duke has been around for decades and is loyal to our region. We should be loyal to them. The price of energy is dropping as a result of the economic environment we're in. It's time to stick together and be loyal to them.

James Emmerson said the Board covered the Section 8 issue. He added that we need to keep this on the front burner. We need to stop the city from doing this to us. He thanked Lt. Schoonover for his hard work on getting a Section 8 property out. He also said we need to advertise the state of the township address more.

**UNFINISHED BUSINESS****PUBLIC WORKS****Allet Avenue Reconstruction**

Mr. McClain said bids were opened Tuesday, February 3, 2009 for the Allet Ave Reconstruction Project # 09-3.

He recommended the contract be awarded to REI, Inc for an amount not to exceed \$394,613.96 as the lowest bidder that met specifications. He said this would be paid by an OPWC grant at 70%, with a Township match of 30%.

Mr. McClain said this will be REI, Inc.'s first reconstruction project. On January 1, 2009 REI, Inc expanded forces by hiring employees & purchasing equipment from Cisle Construction that closed last year. Cisle Construction was a long time standing (over 60 years) reputable company in this region and industry. In addition to checking previous project references on the prior Cisle Construction employees, REI, Inc listed two large reputable sub-contractors of Oglesby Construction (which will be doing the concrete work) and Rack Seven Paving (which will be doing the asphalt work). Both of which we have checked project references.

REI, Inc. has submitted the proper insurance and contract bond paper work.

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

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

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**ZONING****ZA2008-04 Journalization**

Mr. Reuter said he does not feel the noise resolution standard is appropriate for this application.

Mr. Ritter said he would be amiable to changing this to 55dbA. Mr. Wolterman agreed and said the technology would evolve and lower this. Mr. Fiedeldey said we could reduce the kilowatts and the decibels might not come into play at all. Mr. Wolterman said we have spent a lot of time on this and we are not accomplishing anything. Dr. Roschke said the technology is improving and they will get quieter. We will need to revisit this at some point.

Mr. Wolterman made a motion to approve Resolution 15-09, "Adopting Text Amendments to the Zoning Resolution Relating to Wind Turbines" and Mr. Fiedeldey offered the second. The roll was called:

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

**ADMINISTRATION****Electric Aggregation**

Mr. Foglesong said Mr. Burns and he presented information at the last meeting and requested the Board consider this further. Mr. Foglesong said West Chester is not doing it.

Mr. Fiedeldey said Mr. Deters is correct about energy prices going down. Duke may create jobs, but they have raised rates. He said he is inclined to go with the aggregation program, but could go either way. He said there have been reductions from Duke and it appears that we have created a competitive situation.

Mr. Wolterman said he is not in favor of the Township getting involved in aggregation. They are middle-men and passing the cost on.

Mr. Wolterman wants to work with Duke in the area of public improvements, like reducing pole moving costs. He is inclined not to go with the aggregation and work with Duke to be a good public servant.

Mr. Ritter said he would like to wait and maybe it can be re-visited in the future. The Board agreed that Mr. Burns should continue to monitor the market and keep in communication with Mr. Foglesong.

**NEW BUSINESS****FIRE DEPARTMENT****Pay Rate Change**

Chief Smith requested the Board approve a pay rate change for Paul M. Littlefield to FF/EMT/FAO at a rate of \$14.08/hour, effective February 18, 2009.

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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**Stimulus Plan**

Chief Smith said the federal stimulus plan reportedly has \$210 million for fire station construction. The department's long-range capital plan identified the need to replace both Stations 26 and 102 due to their age, condition, and lack of space. Both of the stations were built in the days of volunteer operations and had no living quarters in the original designs.

He said the new stations would have the same basic layout as the station at Kemper and Pippin. He estimates replacement costs at \$3 million for 102 and \$4.5 million for 26. He said the Board has encouraged the departments to seek grants and at some point, there will be an application process with a condensed timeline.

Mr. Ritter is supportive of the application, but he cautions them of the strings attached and the downstream maintenance costs. Mr. Ritter asked about the costs to pursue the grants. Chief Smith is not sure as they do as much as they can internally, but he has not yet seen the grant requirements.

Mr. Fiedeldey said it's great to re-build, but it might be more prudent to get one where there isn't one already – in the Blue Rock Road "valley." Chief Smith said they have looked at the need there, but there is a large expense to staff the station.

Mr. Wolterman said we should go with the original plan to replace the two existing stations.

**POLICE DEPARTMENT****Promotion/Hiring Process**

Chief Meloy asked for the Board's approval to begin a hiring and promotion process to prepare for the replacement of Lt. Mark Unger, who is awaiting word from the United States Secret Service on an offer of a position with the agency. He is also requested to add a 36<sup>th</sup> police officer and noted that his former lieutenant position was not filled.

Mr. Ritter asked why we need this. Chief Meloy said that we need the second lieutenant position and to have one sergeant with five officers on each squad. He said it is in their budget.

Mr. Wolterman made such motion and Mr. Ritter offered the second.

Mr. Fiedeldey said Green Township has a contract to pay \$37,000 for each sheriff deputy. He said he called the Sheriff who agreed to contract with us for one for \$50,000/year including a car. He said this is a pretty good value, if you look at the dollars and cents, with a \$25,000 per year minimum savings.

The Board asked Chief Meloy to wait until the next meeting about the hiring process.

Mr. Wolterman motioned to allow Chief Meloy to move forward on the promotional process. Mr. Fiedeldey offered the second.

The roll was called:

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

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**Weapon Purchase Request**

Chief Meloy requested permission to begin the process of purchasing tactical rifles for law enforcement use. He said times have changed and these tools are needed.

In response to Mr. Ritter, Chief Meloy estimates about \$1,000 for each weapon and related equipment.

Mr. Fiedeldey asked about the potential to sell the old rifles in armory. He said Chief Meloy should sell and get best price so he knows how much he has. Chief Meloy said he has received one estimate for \$13,200. Mr. Fiedeldey suggested the Board authorize Meloy to sell those weapons. He wants to know the total cost for the purchase of the weapons and accessories, like sling, magazines, and bullets as well as the additional training requirements.

Mr. Wolterman made such motion to allow Chief Meloy to begin the process of purchasing the rifles and Mr. Ritter offered the second. The roll was called:

Mr. Fiedeldey. "I feel I am entitled to an answer before I vote."

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

**PARKS AND SERVICES****Tony Hawk Foundation Grant**

Mr. Schwartzhoff read Resolution 16-09, for the Tony Hawk Foundation grant application package.

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

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

**ZONING****Set Public Hearing ZA2008-06 Group Home Text Amendment**

Dr. Roschke requested the Board set this hearing for March 10, 2009, at 8:30PM.

Mr. Wolterman made such motion and Mr. Fiedeldey 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:

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REC	VENDOR	FOR	AMOUNT
75-2009	Police Dept.	Court Reimb.	30.00
76-2009	Police Dept.	Donation from Wal-Mart	2,000.00
77-2009	Police Dept.	Court Reimb	12.00
78-2009	Public Works Dept.	Snow Removal	403.56
79-2009	Public Works Dept.	Snow Removal	251.55
80-2009	Public Works Dept.	Snow Removal	81.00
81-2009	Police Dept.	State Parking, Drug & DUI Fines	1,292.67
82-2009	Public Works Dept.	Allet Contract	660.00
83-2009	Zoning Dept.	Certificates, Bard of Zoning Appeals	1,100.00
84-2009	Sr. Center	Prog Fees, Rent Even Dep, Rm Rent, HDM Don, Tran Don, Lunch	3,520.65
85-2009	Staples	Refund of Credit on Acct.	400.78
86-2009	Fire & EMS Dept.	Plan Reviews	300.00
87-2009	Time Warner Cable	4 <sup>th</sup> Qtr 2008 Franchise Fees	84,734.83
88-2009	Sr. Center	Prog Fees, PC Don, HDM Don, Lunch	510.50
89-2009	Public Entity Risk Srv of Ohio	Ins. Reimb from Storm Damages	64,430.69
90-2009	Police Dept.	Court Reimb	18.00
91-2009	Police Dept.	Drug Court Order	57.60
92-1009	FEMA	FEMA Funds	121,697.00
93-2009	Dusty Rhodes, Auditor	Gas Tax Dec	25,453.31
94-2009	Dusty Rhodes, Auditor	Municipal Court Fines Jan	5,052.43
95-2009	Dusty Rhodes, Auditor	4 <sup>th</sup> Qtr. Lodging Tax	1,596.09
96-2009	Dusty Rhodes, Auditor	Adv 1 <sup>st</sup> Hal Real Estate	4,126,000.00
97-2009	Police Dept.	Vendor Permit Fees	450.00
98-2009	Fire & EMS Dept.	EMS Billing	14,887.75
99-2009	Fire & EMS Dept.	Cell Calls, CTTC Elect Reim, Trng Reimb, Task Force I Reimb, Report, Commissary, Donation	24,415.59
100-2009	Police Dept.	Salaries – Northwest Schools	8,210.07
101-2009	Police Dept.	Nonvoluntary Compliance and Immobilization Fees	840.00
102-2009	Police Dept.	Juvenile Traffic Fines Jan	67.00
103-2009	Public Works Dept.	Snow Removal	349.20
104-2009	Robert Koester	Memorial Fund Donation	25.00
105-2009	Sr. Center	Prog Fees, Lunch	277.00

Mrs. Harlow requested the Board make a cash advance of \$50,000 from the general fund (1000-920-920-0098) to the lighting districts fund (2401-941-0000).

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

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

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Mrs. Harlow said she received two requests from the Ohio Division of Liquor Control:

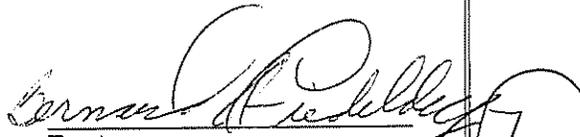
- A new request for LB2 Sports Park, Inc, DBA Mid America Ballyard, 6960 Blue Rock Road.
  - She said spoke with Chief Meloy and Dr. Roschke on this and neither sees the need for a hearing. The Board agreed.
- A transfer request from John Keal DBA Snows at 4344 Dry Ridge & Patio to John Keal DBA Snows at 2702 Hyannis Drive
  - She said she spoke with Chief Meloy and Dr. Roschke on this and both agree that a hearing in our county seat was appropriate. The Board agreed.

**ADJOURNMENT**

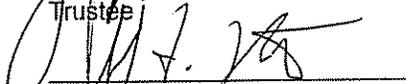
With no further business to come before the Board, at 9:42 PM, Mr. Wolterman motioned for adjournment. Mr. Fiedeldey offered a second.

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

  
 Fiscal Officer

  
 Trustee

  
 Trustee

  
 Trustee