

Held

February 22, 2011

OPENING OF MEETING

Mr. Deters called the meeting to order at 6:03 PM. Mr. Ritter, Mr. Wolterman and Mrs. Harlow were in attendance.

EXECUTIVE SESSION

Mr. Reuter requested the Board enter Executive Session for the purpose of discussing pending litigation, employment and compensation of public employees and officials.

At 6:04 PM, Mr. Ritter made a motion to enter Executive Session and Mr. Wolterman offered the second. No discussion and the roll was called:

- Mr. Deters. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

Mr. Deters reconvened the meeting at 7:10 PM. Mr. Reuter said no decisions or actions were made in Executive Session.

INVOCATION

Mr. Deters read an invocation, prepared by Fire Chaplain Tyrone Patrick.

PLEDGE OF ALLEGIANCE

All recited the pledge of allegiance.

APPROVAL OF MINUTES

Mr. Wolterman made a motion to accept the amended February 8, 2011 minutes. Mr. Ritter offered a second and the roll was called:

- Mr. Deters. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

POLICE REPORTS

Lt. Schoonover of the Hamilton County Sheriff's Office said the following statistics were generated in January 2011:

- 54 cases were assigned to the Sheriff's Criminal Investigation Section and 38 were closed, with \$20,125 in stolen property recovered.
- 4 D.U.I. arrest by County contract and non contract Deputies
- 95 citations were issued by Hamilton County Sheriff's Office Colerain contract cars. 85 cites by non-contract Deputies with a total of 180.

Police Chief Meloy said the Township's department issued 330 citations with 10 arrests for DUI.

TRUSTEE REPORTS

MR. WOLTERMAN

Mr. Wolterman said that a Chesswood resident called him. Forest Green is on the street at 3:30 or 4 AM doing residential trash pick-up. Mr. Ritter said that he had a resident with the same problem three years ago, and Mr. Birkenhauer was able to resolve this.

Congratulations to Fireman Bill Kief who officially retired on January 31. He has 37 years of service with the Township.

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Mr. Wolterman attended the Ohio Township Association conference in Columbus on February 9 and 10 with Mr. Foglesong. One of the sessions was regarding the relationship between Trustees, Administrators and the Fiscal Officer. It's a real balancing act with personalities who sit at this dais. In the past we have had problems with bills not being paid and the Township was being charged late fees. His question to session panelist was due to inactions by whomever and late fees are accrued, who is responsible for paying those? Basically he said, the trustees. Mr. Wolterman said that everyone works hard in the Township to get things done. We are responsible for payment on a timely manner of all bills. Mr. Wolterman offered a resolution that recognizes that the Board of Trustees is responsible on a timely manner of all bills. Therefore, it states that all undisputed invoices shall be paid within 30 days of receipt.

Mr. Wolterman made motion. No second.

MR. RITTER

He said that he supports bills being paid on time. We should engage the Fiscal Officer in this conversation before we pass something like that. If we want to codify paying bills on time with a certain number, I'm not opposed to that.

Mr. Ritter told Chief Meloy that he's looking forward to working on the police substation this weekend. Tons of collaboration on that, and it will be a huge success.

He's working with Tom Weidman, Trustee for Sycamore Township, and head of the Hamilton County Township Association on their summer meeting scheduled June 2 at Clippard Park. Mr. Ritter wanted to showcase the new park. They are trying to re-energize the Township Association and share ideas more and best practices.

MR. DETERS

Nothing to report.

Mr. Deters recognized Boy Scout Derick Laake, from Troop 238. He was in attendance as part of earning his communication merit badge, which is a requirement for Eagle Scout.

CITIZEN ADDRESS

Katie Streicher, outreach coordinator with Congressman Chabot's office, explained that someone is assigned to every community in the district. This provides contact between the congressman and the township. There are also roundtable groups. A small business roundtable is scheduled on Friday at 8AM at Price Hill Chili.

Dorothy Lewis approached the Board and read a letter. This letter is to express appreciation for the efforts by Bruce McClain on behalf of West Galbraith Road residents, in particular, as well as all motorists who travel West Galbraith Road between Cheviot and Blue Rock Roads.

An ongoing water problem, started as many as six years ago, is finally being resolved due to Mr. McClain's help. Hamilton County and Cincinnati Bell were the involved parties but showed no interest in correcting the problem.

Last week when the cold spell returned, drainage water spread over the entire right lane of Galbraith and froze there. Even two bags of salt spread by the County did little to dissolve the ice. The County finally got the message and now

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the correction is being addressed. I'm told Cincinnati Bell, the original cause of the problem, is paying part of the bill.

Many thanks to Mr. McClain for this service to Township residents even though technically it was not a Township responsibility. Gratefully, Dorothy Lewis

Mr. Wolterman said that our department heads and employees do go the extra mile.

UNFINISHED BUSINESS

PUBLIC WORKS

Full-Time Personnel Hiring

Mr. McClain recommended and requested the Board hire Mrs. Terri L. Kuhn at \$14.66 an hour effective March 6, 2011. Mr. Ritter asked about the salary scale and her predecessor's pay rate. Mr. McClain said that Mrs. Kuhn would start at the entry level.

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

Mr. Deters. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

Storm Sewer Service Contract

Mr. McClain requested the Board approve a contract extension of one year and not to exceed an additional \$10,000.

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

Mr. Deters. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

SENIOR CENTER

Program and Event Update

Ms. Sprenger reported the Daddy and Daughter Date Night was a memorable evening. There were 118 in attendance. We took in \$1400. Expenses were \$1300. She expects this program and others to expand.

ZONING

Resolution Journalizing ZA2010-01 O'Reilly PD-B

Dr. Roschke read, by title, Resolution #20-11, O'Reilly Auto Parts Planned District-Business.

Mr. Wolterman asked Mr. Reuter about the sidewalks with ODOT. Mr. Reuter said that is the subject of a separate resolution to be considered later. The Board required sidewalks to be put in front of this new development. ODOT forwarded a resolution to Dr. Roschke which requires the Township to be responsible for maintenance of the sidewalk. ODOT does not favor sidewalks on state routes and requested the townships to take care of them. His recommendation is to approve the resolution and shift the responsibility to the property owner and his successors. Must be done this way and is a pragmatic way to get the sidewalk in. This resolution is not surprising to the developer and this is the way to get past ODOT's requirements.

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

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

Resolution Journalizing ZA2010-06 Liberty Health Care PD-R

Dr. Roschke read, by title, Resolution #21-11, Liberty Health Care Planned District-Residential.

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

Mr. Deters. "Nay"
Mr. Ritter. "Aye"
Mr. Wolterman. "Aye"

Resolution Journalizing ZA2001-04 Forevergreen Preliminary Plan

Dr. Roschke read, by title, Resolution #22-11, Forevergreen Landscaping Preliminary Plan.

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

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

Resolution: Sidewalk Agreement with ODOT

Dr. Roschke read, by title, Resolution #23-11, Resolution Agreeing to Cooperate with the Ohio Department of Transportation.

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

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

8725 Planet Drive Update

Dr. Roschke reported that we have evaluated 8725 Planet, which was purchased with NSP funds at the end of December. We have determined that it should be demolished. We are currently seeking bids.

ADMINISTRATION

Part-Time Personnel Hiring

Mr. Foglesong reported that after completing the review process for a part-time receptionist, we request the Board hires Christine Henson at the rate of \$11 an hour. She will start March 28, 2011. We received 40 applications for this position.

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

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

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Financial Advisory Committee Meeting Set for March 2

Mr. Foglesong said the five member committee will meet on March 2, at 7PM. If any of the Board members plan to attend and address the group, please let Mr. Foglesong know.

Update on HB 3 – Repeal of the Estate Tax Update

Amendment, effective January 1, 2013, which gives local governments two years to prepare. Springfield Township leading charge in Ohio with a new regional council of governments, with purpose of amending the bill and letting the legislature know the impact on governmental operations. The board did not wish to participate in the financial commitment of the proposed regional council of governments.

Township Above Ground Refueling Station

Mr. Foglesong reported that bids were received on February 17, and they are now under review. He will come with more information at next meeting.

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

Chief Smith requested the following part-time pay rate change: Raymond Fitzjarrell to \$14.40/hour as a Firefighter/EMT/FAO, effective February 18, 2011.

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

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

POLICE DEPARTMENT**Vehicle Proposal**

Chief Meloy requested the approval from the Board to replace two Colerain Police Department cruisers and one Hamilton County Sheriff's Office contract cruiser. The request is for the purchase of the three new cruisers and all associated equipment costs. The amount of the request is not to exceed \$80,000.

Chief Meloy said the vehicles are evaluated each year based on mileage, maintenance records and maintenance costs. We have a fleet sergeant who is responsible for the every day wear and care of these vehicles. At the end of 2010 we looked at our budget to see what we could do to put a safe vehicle out there yet reduce that line in our budget. Last year we significantly reduced the line. We re-assigned some cars to areas with less mileage demands and less wear and tear demands. We looked at the vehicles that are costing us the most, and we looked at just replacing two vehicles. The sheriff's vehicle has been in service since 2006 with an excess of 80,000 miles. Normally in a police vehicle the miles are usually 20,000 to 24,000 per year. We look at a lot of different factors to make sure we're providing a safe vehicle which is available to respond to all circumstances faced by our police officers.

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

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

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ZONING**Nuisance Resolution**

Dr. Roschke read, by caption, Resolution #24-11, Nuisance Abatement.

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

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

ADMINISTRATION**Set Meeting to Consider 2011 Permanent Appropriations**

Mr. Foglesong said that in March, the Board will consider the permanent appropriations. He said he would provide these to the Board the first week of March, for consideration at the March 22, 2011, regular meeting. These must be submitted to the county auditor by April 1, 2011.

FISCAL OFFICER REPORT

All financial reports are available for viewing at the Administration Office weekdays during regular business hours.

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

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

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

The Fiscal Officer has recorded the following receipts:

<u>REC</u>	<u>VENDOR</u>	<u>FOR</u>	<u>AMOUNT</u>
64-2011	Hamilton County Auditor	Nov. Tipping Fees	\$481.98
65-2011	Hamilton County Auditor	Oct. Tipping Fees	472.34
66-2011	Hamilton County Auditor	Overpayment of Dispatch Fees	13,366.80
67-2011	Hamilton County Auditor	Jan. Gas Excise	25,411.70
68-2011	Hamilton County Auditor	Motor Veh Reg: Dec. Local Govt Hwy: Jan. LGF: Jan. Fin Inst: Jan.	78,590.66
69-2011	Hamilton County Auditor	Municipal Court Fines: Dec. Permissive Motor Veh: Dec.	41,341.95
70-2011	Hamilton County Auditor	Adv 1 st Half Real Estate	6,326,000.00
71-2011	Police Dept.	Court Reimb.	6.00
72-2011	Fire & EMS Dept.	Plan Review & Inspection Fee	115.00
73-2011	Senior Center	Membership \$190 Classes \$685.23 Rent Event Dep. \$100	1,154.73

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		Rent Event Fee \$150 Lunch \$29.50	
74-2011	Parks & Services Dept.	Damage Restitution	500.00
75-2011	Police Dept.	Court Reimb.	6.00
76-2011	Senior Center	Membership \$170 Classes \$91 Rent Event Dep. \$100 Lunch \$29.50	404.50
77-2011	Police Dept.	DUI, State Park & Drug Fines	1,107.35
78-2011	Police Dept.	Unclaimed Funds	411.76
79-2011	Rick McVey	Lapel Pins	10.00
80-2011	Police Dept.	Court Reimb.	12.00
81-2011	Frank Birkenhauer	Cell Phone Calls Reimb.	22.00
82-2011	OTARMA	Ins. for Damage Vehicle	610.00
83-2011	OTARMA	Fire Dept. Old Colerain Accident	250.00
84-2011	Medicare	EMS Billing	78,753.10
85-2011	Council On Aging	Jan. COA	2,349.35
86-2011	State Of Ohio	Liquor Permit Fees	1,089.90
87-2011	Fire & EMS Dept.	Assistance to FF Grant	91,000.00
88-2011	Fifth Third Bank	Investment Primary Jan. Gen. Int.	155.14
89-2011	Fifth Third Bank	Investment Primary Jan Now Int.	406.39
90-2011	Star Ohio	Investment Star Star Ohio	246.81

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

- A request for new permit from Golden Dragon Buffet and Grill VIII, Inc., 9654 Colerain Ave., Cincinnati, OH 45251
- A request for a transfer permit from Sree Retail, Inc., DBA Airy Pony Keg, 7549 Colerain Ave., Cincinnati, OH 45239 to Colerain Spirits DBA Airy Pony Keg, at the same address. She said we received two notices for this location, a liquor agency and a carry out liquor license.

Mrs. Harlow said she spoke to Chief Meloy and Dr. Roschke about these and neither sees the need for a public hearing. The Board agreed.

Mrs. Harlow requested the Board hire Clark Shaffer Hackett to perform a performance audit, at a cost not to exceed \$2,000. This would review the accounts payable function and be an expansion of the firm's work during the regular bi-annual audit.

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

Mr. Wolterman said this is an unwanted expense. We sat last March in our meeting by going back and forth with what department managers needed. It was brought up at that point and time that you could use another assistant or part-time clerk. This board asked you to compose a job description and upon the presentation of that description we would be willing to allow that individual to work under your direction. We've had problems in accounts payable with bills not paid on time, lights and phones turned off. This is a logistic problem. Bottom line is that invoices go to the departments, the manager signs off, it goes to your department to go into a system that kicks it out when it's due. At that point and time that invoice should be paid. It was 11 plus months ago that we had this

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discussion. You were going to look at the job description based on what you needed. I'm a little disturbed, and anxious and questioning how we can look our department managers in the eyes and tell them to do their jobs efficiently and cut where they can and not have us look at ourselves ask what are we doing to be efficient to make sure we're doing what's best in the interest of the Township. I'm talking about the inaction that should have been taken to alleviate this situation.

Mr. Deters said what an audit might do for the benefit of the Township with the incremental cost is identify the problem. We may need to outsource some of the functions of that office. He believes the audit would be in the best interest of the Township long term. The cost isn't tremendous compared to the long-term benefit the Township would receive.

Mr. Wolterman said we should be able to send a piece of paper through the Township in a reasonable amount of time. He feels this is a problem for an in-house review, and not one for an outside agency.

Mr. Deters responded it could be we need someone else or we need to do things better. He would like to find out through this performance audit.

Mr. Ritter said in his day job whenever there's a problem like this they say it's caused by either people, the process or technology. He thinks Clark Shaffer Hackett being familiar with our operations will be able to access which one of those three or combination is the source of the problem.

The roll was called:

Mr. Deters. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Nay"

At 7:55 PM Mr. Ritter made a motion to recess and Mr. Wolterman offered the second. The roll was called:

Mr. Deters. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

Mr. Deters reconvened the meeting at 8:06 PM.

PUBLIC HEARING 8 P.M.

ZA2010-03 Cell Tower Text Amendment

Dr. Roschke presented the staff report.

Mr. Wolterman asked about the expert to review the application. Dr. Roschke said it would be someone who could review this when the staff couldn't evaluate, a cell phone/telecommunications expert. Mr. Reuter said it would be an electronics engineer, an expert review of technical data. He said this expert could say if a cell tower needs to be here to have coverage for this area.

Mr. Ritter made a motion to open the floor for discussion. Mr. Wolterman offered a second. The roll was called:

Mr. Deters. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

Rich McVey, of 8198 Daleview, worked with Dr. Roschke and Mr. Reuter on the cell tower on Gaines Road. Support the amendment as written. "Iffy" if this is

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best for the Township as a whole for the future. Not enough responsibility based on the application and too much placed on the citizens with the tower in their neighborhood. Many neighborhoods are not as fortunate as them to have experts in the area to work with them on this. Then, it would go right though, unless the Zoning Department is sure we have teeth in the technical aspects. Need to place more responsibility on the application, meet a higher burden of proof – what is here doesn't go far enough.

Mr. Deters said that we can't suppose that every cell tower location is bad. And we can't pre-suppose a ban on this. We have "beefed" this up.

Mr. McVey said clear and convincing evidence is important and pivotal to their case on Gaines.

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

- Mr. Deters. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

Mr. Ritter made a motion to approve. Mr. Wolterman offered a second. The roll was called:

- Mr. Deters. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

ZA2010-05 Urban Agriculture Text Amendment

Dr. Roske said this is a new section of the code and presented the staff report. The purpose is to improve development regulations in Colerain Township by amending Section 7.4.2, Agricultural and Residential Use-Specific Regulations/Agricultural Uses, to provide for urban agricultural uses on lots smaller than five acres.

Mr. Wolterman suggested the Board add that a pig structure must have a concrete floor, to control odors.

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

- Mr. Deters. "Aye"
- Mr. Ritter. "Aye"
- Mr. Wolterman. "Aye"

Don Minges, of 6439 Thompson Road, feels there are too many rules – who's going to control this? He has a large farm with corn, cows, etc. Dr. Roschke said that if you have more than five acres, this doesn't affect you – we don't have the authority. He feels that hogs shouldn't be on three or four acres – should be a larger lot.

Dennis Mason, of 10210 Scull Road, has less than five acres and he will be affected by this. He has a small 40x25 foot plot in his front yard. Would he need a variance for this? A lot of people where he lives hunt deer and wild turkey and how does that fall in this? Dr. Roschke responded this is not affected as you're not raising them. How many complaints? He doesn't understand going to this extreme! He said only 15 people took the survey out of 60,000 plus people. It was not well advertized. Mr. Ritter said the surveys are interesting, but they don't influence his decision. Mr. Mason said this goes way too far!

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Cliff Dish, of 10639 Pottinger, has 4.6 acres. His house sits 75' from back of property. He sells produce at four farmers' markets. What does it take to get a variance? Dr. Roschke said that for an established plot, the resident should bring a photo and there should be no issue. New plots would need to have a public hearing. Amendment is losing some requirements.

Dave Suder, of 7089 Thompson Road, said this issue is against everything this nation was founded on.

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

Mr. Deters. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

Mr. Wolterman said that most are 3.5 to 5 acre lots and the home is not in the front of property. We are constraining their ability to use their property. Pigs/hogs should not be in areas less than five acres. He does not want to approve this tonight.

Mr. Ritter stated that he came to this tonight with an open mind. He is not ready to approve this either.

Mr. Deters said that he agrees with Mr. Ritter. He is not ready to approve.

Dr. Roschke said she gets weekly calls for people wanting to have chickens or goats. She talked about the on-line survey and said this is another opportunity for citizens to speak, as she is making efforts to get more public input. From her perspective, 15 surveys plus another dozen here tonight is an awesome level of public input. She is open to suggestion on promoting surveys.

Mr. Deters appreciates what we're trying to do here, but our enforcement people are running on fumes, adding another list of things to enforce. Revisit this and open dialogue.

Mr. Wolterman suggested we look at the density map of the Township. Is there a way to segment the code? He would rather have a liassiz-fiare situation. We must have common sense. We can't make it a mechanism of permits.

Mr. Deters said we'll table this and ask the Zoning staff to revisit this.

EXECUTIVE SESSION

At 9:12 PM, Mr. Ritter made a motion to enter Executive Session for the purpose of discussing compensation and employment of public employees. Mr. Deters offered the second. No discussion and the roll was called:

Mr. Deters. "Aye"

Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"

Mr. Deters reconvened the meeting at 9:24 PM. He said no decisions or actions were made in Executive Session.

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ADJOURNMENT

With no further business to come before the Board, at 9:24 PM, Mr. Ritter motioned for adjournment. Mr. Wolterman offered a second.

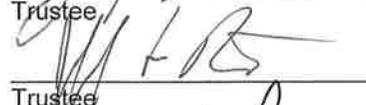
Mr. Deters. "Aye"

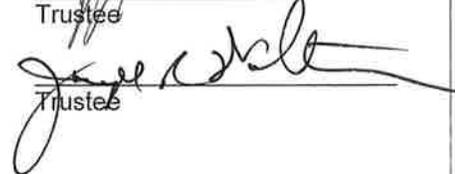
Mr. Ritter. "Aye"

Mr. Wolterman. "Aye"


Fiscal Officer


Trustee


Trustee


Trustee

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