

RECORD OF PROCEEDINGS  
REGULAR

Minutes of

Meeting

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

June 11, 2002

Held

Mrs. Rielage called the meeting to order at 7:05 p.m. The Board was in full attendance.

**Colerain Township Police Honor Guard** provided the color guard and led the pledge to the flag.

**Pastor Bill Bias** provided an invocation.

Chief Sarver thanked the Board for making the Honor Guard possible.

Mr. Fiedeldey motioned to waive the reading and approve the minutes of the May 28, 2002 Regular Meeting. Mr. Corman seconded the motion.

Mr. Fiedeldey	"Aye"
Mr. Corman	"Aye"
Mrs. Rielage	"Aye"

**SHERIFF'S REPORT**

Dave Luke gave the reports to Chief Sarver.

**TRUSTEES' REPORT**

**Mr. Corman** - read correspondence from the Civil Defense Health District providing information on the West Nile Virus.

Mr. Corman announced that the Mill Creek Watershed signs were erected. FEMA information was provided by Mr. Birkenhauer.

**Mr. Fiedeldey** – read correspondence from Hamilton County regarding low interest loan rates for home improvements stating that loans are now available to township residents.

**CITIZEN'S ADDRESS**

**Jeff Lierer, 8500 East Miami River Road** – stated the problems with NPK. He wants the Township to take action. The Health Department will be contacted.

**Jeanne Bernard, 3763 West Galbraith Road** – agitated that the Township has not followed the procedure for the Ameritek development and with the lack of enforcement.

Mr. Fiedeldey recommended Mr. Spriggs contact the condo association to request them to change the light bulbs to a lower wattage in order to soften the impact of the lights on Mrs. Bernard's property.

**Debbie Schmidt, 3704 Blue Rock Road** – spoke regarding the Oakwood Office building and run off water to her property. She provided pictures of dead and live bats in the area.

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**UNFINISHED BUSINESS**

**Police Department, Chief Steve Sarver** – requested an amendment to his recommendation to increase staffing. He would like to hire 10 employees and add a third contract car.

Mr. Corman motioned to accept this recommendation to increase staffing for the Colerain Township Police Department and the Hamilton County Sheriff's Department dependant on funding for this by enacting a 1 mil continuing levy on the November ballot. Mr. Fiedeldey seconded the motion.

Mr. Corman	"Aye"
Mr. Fiedeldey	"Aye"
Mrs. Rielage	"Aye"

A resolution will be prepared for the July meeting.

**Public Works, Dennis Chapman** – updated the Board on Dolphin Drive reconstruction.

**Legal, James Reuter** – provided information regarding Metro Access request for funds from the Township in the amount of \$2,350 to continue present level of service.

The Board requested additional information.

**Administration, David Foglesong** – provided a computer purchase update request to seek networking options.

Mr. Corman moved to proceed under the State Purchasing price. Mr. Fiedeldey seconded the motion. He would like to have competitive bids and not rely on a single vendor's opinion. Mr. Fiedeldey requested several bids on hardware and software.

Mr. Corman	"Aye"
Mr. Fiedeldey	"Aye"
Mrs. Rielage	"Aye"

Mr. Foglesong requested approval of change orders for the Senior & Community Center in the amount of \$4,643 with \$2,303.20 for a change in roof shingles and \$2,340.80 to install 9 ½" insulation.

Mr. Corman motioned to approve the change orders. Mr. Fiedeldey seconded the motion.

Mr. Corman	"Aye"
Mr. Fiedeldey	"Aye"
Mrs. Rielage	"Aye"

Mr. Foglesong reported that a letter was sent to the State Representatives regarding the LGF. The program will stay as it currently is.

Mr. Foglesong provided information on the allocation formula of the CHMA/CD.

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Mr. Foglesong announced that a public hearing on the 2003 budget will be held at the July meeting.

**NEW BUSINESS**

**Fire Department, Chief Bruce Smith – grants.**

Chief Smith announced that Chief Brunacini from Phoenix is using Northgate Station as a model for them.

Chief Smith announced that the Citizens' Fire Academy graduation will be held tomorrow evening. The Board is invited.

**Public Works, Dennis Chapman – requested the Board approve the hiring of Daniel Schutte for part-time seasonal employment at the rate of \$6.96 per hour effective June 12, 2002.**

Mr. Corman motioned to approve the hiring of Daniel Schutte. Mr. Fiedeldey seconded the motion.

Mr. Corman	"Aye"
Mr. Fiedeldey	"Aye"
Mrs. Rielage	"Aye"

Requested restricted parking on Cobblechase during certain hours, on behalf of the residents.

Mr. Corman motioned to approve the restricted parking hours. Mr. Fiedeldey seconded the motion.

Further information was requested by Mr. Fiedeldey, such as parking at the school, costs, and where the students would park if they are not allowed to park in this location.

Mr. Corman motioned to table the motion. Mr. Fiedeldey seconded the motion.

Mr. Corman	"Aye"
Mr. Fiedeldey	"Aye"
Mrs. Rielage	"Aye"

Mr. Chapman provided information on snow removal products.

**Zoning Department, Otis Spriggs – read Resolution #23-02 for weed abatement.**

Mr. Corman motioned to approve Resolution #23-02. Mr. Fiedeldey seconded the motion.

Mr. Corman	"Aye"
Mr. Fiedeldey	"Aye"
Mrs. Rielage	"Aye"

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Mr. Spriggs provided Zoning updates. He also announced that Manning Baxter's last day will be tomorrow. He is going to the County.

**Parks & Services Department, Greg Snyder** – provided a 4<sup>th</sup> of July agenda. He thanked all who are involved.

Mr. Corman reported on the flag pole dedication for the 4<sup>th</sup> of July.

**Senior & Community Center, Kay Klosterman** – the Senior & Community Center will be open from 2-6 p.m. on the 4<sup>th</sup> of July. She reported on planned activities.

Mrs. Klosterman stated that she is currently in the process of reviewing fees and policies.

**Legal, Jim Reuter** – provided information regarding State law on hiring of design professional.

At 9:10 p.m., Mr. Fiedeldey motioned to recess for five minutes. Mr. Corman seconded the motion.

Mr. Fiedeldey	"Aye"
Mr. Corman	"Aye"
Mrs. Rielage	"Aye"

The meeting reconvened at 9:25 p.m. for the public hearing.

**PUBLIC HEARING**

**NE Sector Land Use Plan**

Manning Baxter gave the presentation.

Bruce Garber spoke on behalf of the Land Use Advisory Board to explain recommendations.

**The following addressed the Board regarding the proposed plans:**

**Joe Trauth, 1400 Provident Tower, 4<sup>th</sup> Street, 45202** – representing Rumpke.

**Kathy Thieman, 12184 Stonemill Road**

**Gayla Epure, 11607 Pippin Road**

**Larry Gill, 3305 Hughes**

**Alice Kennedy, 3025 West Kemper Road**

Mr. Corman motioned to close the citizen address. Mr. Fiedeldey seconded the motion.

Mr. Corman	"Aye"
Mr. Fiedeldey	"Aye"
Mrs. Rielage	"Aye"

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Mr. Joseph Trauth, the attorney for Rumpke, responded that the land use plan is supposed to establish a plan for 15 years into the future, and should be reviewed every five years. Since, under the Consent Decree filed November 2000 in the zone change litigation case, the light industrial area on Struble Road will take awhile to develop, that development should be closer in time before the land use plan for Hughes Road is significantly changed. It is therefore too early to review this again, and he commented that it was unfair that the Township is making Rumpke come back again and again to fight the proposed changes in the land use plan. He characterized the proposed Planned Mixed Use Employment Area as a "spite strip" or "devil strip".

Mr. Corman commented that, in his opinion, Rumpke's proposal is not constitutionally correct. The purpose of Zoning is not to guarantee a profit for the landowner. Rather, a major consideration is to create a plan for a better community. He felt that the Board should approve the recommendation of the Township's Land Use Advisory Board.

Mrs. Rielage stated that she agreed with Mr. Corman.

Mr. Fiedeldey commented that the update of the land use plan for this area had been pending for a long time, and had difficulty understanding the basis for all of the controversy.

Mr. Fiedeldey stated that he attended the Land Use Advisory Board on June 4, 2002 meeting at which the proposal was discussed. At that meeting, Mr. Riddle, the landfill manager, made comments concerning Rumpke. Mr. Riddle stated that gas recovery will last 10 to 30 years after the landfill closes and that Rumpke purchased the land on the east side of Hughes Road to serve as a buffer to stop complaints. He also stated that Bill Rumpke did not know what he wanted to do with the land to the east of Hughes Road. Mr. Fiedeldey stated the proposed PMUEA area would be a buffer between the landfill and the surrounding uses, and would be an appropriate designation.

Mr. Fiedeldey affirmed that since the land was purchased for a buffer, the LUAB recommendation of the development of the property on the east side of Hughes Road would benefit Rumpke. Rumpke could recover the money they invested for this property as it is only being used as a buffer at this time.

Mr. Fiedeldey also commented that in the consent decree signed by Rumpke and the Township in the zone change litigation, all parties agreed that residential zoning adjacent to a landfill was unconstitutional, and questioned why Rumpke now seems to be asking the Township to approve a land use plan which proposes that same unconstitutional condition.

Finally, Mr. Fiedeldey commented that for the 2020 Western Hamilton County Collaborative Plan, the Hamilton County Regional Planning Commission hired an expert consultant, and their plan is basically the same as Colerain Township LUAB plan. The LUAB, Colerain Township staff and Trustees, Hamilton County staff and Hamilton County Regional Planning's outside experts have all agreed that the land use map should show commercial/industrial use along the east side of Hughes Road extending from Struble Road to Bank Road. Hamilton County Regional Commissioners later changed the land use map in the Western Hamilton County Collaborative Plan to reflect residential use on the east side of Hughes Road in contradiction to their outside consultant's recommendation and which has been previously declared unconstitutional. Mr. Fiedeldey questioned why, in the instant matter, the Regional Planning Commissioners would take a position at odds with its own 2020 plan. For Regional Planning to put unusual

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and unreasonable restrictions on how the land is developed is not acceptable. If the landfill is going to close, Mr. Fiedeldey questioned why there is controversy. The Township needs to look into the future development of this property.

Mr. Fiedeldey made a motion to adopt the Colerain Township Land Use Advisory Board recommendations for (1) that the Single-Family Residential classification for site 334 be changed to Rural Residential; and (2) that for Site 51, the proposed use be changed from single family residential to PMUEA, and that the depth of this nonresidential development for this site along Hughes Road be varied in order to preserve the hillsides for buffering the residential areas to the east, and the efficient extension of roads serving the nonresidential uses along the ridges. The following four recommendations of Hamilton County Regional Planning staff are either modified or not accepted by the Township:

1. Development in the rural residential area (Site 334) should be clustered to achieve maximum preservation of hillsides and open space adjacent to public roads.
2. Non residential development along Hughes Road (Site 51) should progress in an orderly sequence beginning at the Struble Road area in areas with expressway exposure and progressing north without causing leapfrog conversion of, and fragmented encroachment into residential areas.
3. The depth of nonresidential development along Hughes Road (Site 51) should be varied to achieve natural use of hillsides for buffering residential areas to the east and efficient extension of roads serving nonresidential uses along ridge tops.
4. Nonresidential development approvals for Site 51 should be subject to submittal and review of the following studies:
  - a) Access, circulation, and road capacity
  - b) Market demand
  - c) Utility capacity and timing
  - d) Carrying capacity of the land (topography, soils, geology)

In Discussion on the motion, the Trustees emphasized, however, that they were not in favor of the RPC's proposed "non-leapfrogging" policy, nor the proposed policy requiring market demand and carrying capacity studies, because such studies are not customary for land use plan amendments and are not acceptable. The Trustees voted to replace the word "should" with "may" in policy 1 to achieve flexibility. Mr. Corman seconded the motion.

Mr. Corman	"Aye"
Mr. Fiedeldey	"Aye"
Mrs. Rielage	"Aye"

Mr. Corman and Mrs. Rielage agree with the plan recommended by the LUAB.

Mr. Fiedeldey motioned to adopt the LUAB recommendations and exclude the RPC recommendations on the second item and fourth item. Mr. Corman seconded the motion.

Mr. Fiedeldey	"Aye"
Mr. Corman	"Aye"
Mrs. Rielage	"Aye"

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Mr. Corman motioned to close the hearing. Mr. Fiedeldey seconded the motion.

Mr. Corman	"Aye"
Mr. Fiedeldey	"Aye"
Mrs. Rielage	"Aye"

Mrs. Rielage thanked Manning Baxter and wished him good luck.

**CLERK'S REPORT**

Clerk Kathy Mohr- read new liquor permit requests from Soccer City LCC and Mon Amour, Inc.

Ms. Mohr requested the following appropriation increases:

Police

\$5,292	to	2081-210-599-0502	honor guard
\$1,875	to	2081-210-360-0000	contract services

and the following appropriation adjustments:

Parks

\$5,300	from	610-329-0000	building maintenance
\$5,000	to	610-323-0300	vehicle repairs
\$300	to	610-599-0304	rental refunds

Project Impact

\$5,130.57	from	2904-190-360-0000	contracted services
	to	2904-190-330-0000	travel expenses

Reestablish HMGP (2905)

\$21,000	expected revenue
\$21,000	expected expenses

Mr. Corman motioned to approve the appropriation increase and adjustments. Mr. Fiedeldey seconded the motion.

Mr. Corman	"Aye"
Mr. Fiedeldey	"Aye"
Mrs. Rielage	"Aye"

**EXECUTIVE SESSION**

At 10:20 p.m., Mr. Reuter requested an Executive Session to discuss matters of pending and imminent litigation and acquisition of property.

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Mr. Corman motioned to adjourn into executive session. Mr. Fiedeldey seconded the motion.

Mr. Corman	"Aye"
Mr. Fiedeldey	"Aye"
Mrs. Rielage	"Aye"

The meeting reconvened at 11:50 p.m.

Mr. Corman motioned to appoint Mr. Foglesong as acting clerk for the purpose of recording the minutes. Mr. Fiedeldey seconded the motion.

Mr. Corman	"Aye"
Mr. Fiedeldey	"Aye"
Mrs. Rielage	"Aye"

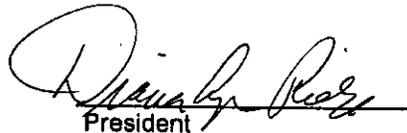
Mr. Corman motioned to authorize Mr. Foglesong to sign a construction change directive following approval by Mr. Reuter. Mr. Fiedeldey seconded the motion.

Mr. Corman	"Aye"
Mr. Fiedeldey	"Aye"
Mrs. Rielage	"Aye"

There being no further business to come before the Board, Mrs. Rielage motioned to adjourn the meeting at 11:52 p.m. Mr. Corman seconded the motion.

Mrs. Rielage	"Aye"
Mr. Corman	"Aye"
Mr. Fiedeldey	"Aye"

\_\_\_\_\_  
Clerk

  
President

*I refuse to sign these because they are not accurate. Jody Mohr*