



**Trustees:** Dennis P. Deters, Melinda A. Rinehart, Jeffrey F. Ritter  
**Fiscal Officer:** Heather E. Harlow • **Administrator:** James M. Rowan

**Regular Meeting of the Board of Trustees  
March 10, 2015**

- 1. **Opening of Meeting**
- 2. **Executive Session 5:30 PM**
- 3. **Pledge of Allegiance 6:00 PM**
- 4. **Approval of Minutes**
- 5. **Presentations**
- 6. **Administrative Reports**
- 7. **Trustees' Report**
- 8. **Citizen Address**
- 9. **Public Hearing**
- 10. **New Business**

Dan Temming – Recognition of Service – Zoning Commission

**Public Safety**

- Part-time Pay Rate Change (Cook) .....Action
- Resolution of Disposal of Equipment (Meloy) .....Action
- Approval of Impound Agreement and Setting 2015 Impound Fees (Denney).....Action
- Donation Acceptance (Denney).....Action

**Administration**

- Approval of Return of Advances .....Action
- Approval of Interfund Transfer .....Action
- Approval of Employment Agreement .....Action
- Approval of Resolution Regarding Issuance of Bonds.....Action
- Approval of Resolution Regarding Purchase of Land .....Action
- Approval of Resolution Regarding the Transfer of Real Property .....Action

- 11. **Fiscal Officer's Report**
- 12. **Executive Session - if needed**
- 13. **Adjournment**

Resolution # 10-15





**COLERAIN**  
EST. 1794

## Colerain Township Board of Trustees

# CERTIFICATE OF RECOGNITION

The Colerain Township Board of Trustees recognizes

## **Daniel J. Temming**

For his service and commitment to the Township as a member of the  
Colerain Township Zoning Commission.

The Board of Trustees appreciates the valuable contribution that Mr. Temming  
made to the Township during his years of service.

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**Dennis P. Deters**  
Trustee

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**Melinda A. Rinehart**  
Trustee

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**Jeffrey F. Ritter**  
Trustee

March 10, 2015

# Agenda Packet

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Department: Colerain Township Department of Fire & Emergency Medical Services

Department Head: Frank W. Cook, Fire Chief

Meeting Date: 10 March 2015

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**1. Action (Include rationale)**

**a. Personnel – *Part-Time Pay Rate Change***

- i. Jacob Westrich, Firefighter Emergency Medical Technician – See attached “Change of Status” Form.**

**COLERAIN TOWNSHIP**  
**Department of**  
**Fire and Emergency Medical Service**

4160 Springdale Road - Cincinnati, Ohio 45251-1505

NOTIFICATION - Change of Status/Change of Pay

Name : Jacob Westrich

Rank : Firefighter EMT Current Status : Active

Date : 02/27/2015

- ( X ) Change of Pay Status - Change to: \$14.72
1. ( ) 1st year Rate for Recruit Class Graduate
  2. ( X ) Basic Firefighter/EMT
  3. ( ) Firefighter/EMT/FAO
  4. ( ) Paramedic (Prior to obtaining 1A firefighter)
  5. ( ) Paramedic (With 1A certification)
  6. ( ) Firefighter/Paramedic
  7. ( ) Firefighter/Medic/FAO
  8. ( ) IIB Classification

This change must be countersigned by either the EMS Chief or Training Director for the applicable change.

- ( X ) Change of Status
1. ( X ) Promotion to Rank/Position of: Firefighter / EMT / FAO
  2. ( ) Probationary (Including Training etc.)
  3. ( ) Regular
  4. ( ) Suspension - From : \_\_\_\_\_ To : \_\_\_\_\_
  5. ( ) Leave of Absence, Type: Medical - Regular  
Leave of Absence, From: \_\_\_\_\_ To : \_\_\_\_\_
  6. ( ) Dismissal - Termination
  7. ( ) Resignation ( ) with letter ( ) without letter

Remarks : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Employee Signature : \_\_\_\_\_

Training Captain : \_\_\_\_\_

Division Chief : \_\_\_\_\_

Assistant Chief : \_\_\_\_\_

Deputy Chief: \_\_\_\_\_

Effective Date : 3/15/2015 ( For Office Use Only)

Computer entry verified: \_\_\_\_\_ Date: \_\_\_\_\_

## NEW BUSINESS

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Department: Colerain Township Department of Public Safety

Department Head: Daniel P. Meloy, Director of Public Safety

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1. Action (Include rationale)

a. Other

**Action: Resolution for Disposal of Equipment**

**The Board of Trustees of Colerain Township, County of Hamilton, Ohio**, met in regular session at 6:00 p.m., on March 10, 2015, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Ms. Melinda Rinehart, Mr. Dennis Deters and Mr. Jeffrey Ritter

Mr./Ms. \_\_\_\_\_ introduced the following resolution and moved its adoption:

RESOLUTION NO. \_\_\_\_\_-15

RESOLUTION FOR DISPOSAL OF EQUIPMENT WHICH IS OBSOLETE, UNFIT,  
OR UNNEEDED FOR PUBLIC USE (O.R.C. Sec 505.10)

WHEREAS, Ohio Revised Code Sec. 505.10 authorizes the Board of Trustees to dispose of personal property, including motor vehicles, road machinery, equipment, and tools, which the Board finds by resolution are not needed for public use, or are obsolete, or are unfit; and

WHEREAS, Ohio Revised Code Sec. 505.10 (A)(2)(a) authorizes the Board of Trustees to sell by private sale, without advertisement or public notification, if the property to be sold is, in the opinion of the Board, \$2,500.00 or less.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Colerain Township, Hamilton County, Ohio:

A. The Board of Trustees determines in accordance with R.C. 505.10(A)(7) that the property is not needed for public use, is not fit for the purpose for which it was acquired, has no value and is taking up storage space needed for other purposes. Each piece of equipment has a fair market value of less than \$2,500.00:

B. Pursuant to O.R.C. Sec. 505.10 (A) (2) (a), the Board directs that the equipment be disposed of in a method deemed appropriate by the Colerain Township Administrator.

C. It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, that all deliberations of this Board and any committees that resulted in those formal sessions were in meetings open to the public, in compliance with all legal requirements, and the Board has met all other statutory requirements for participation in a joint-self-insurance program.

D. This Resolution shall be in full force and effect from and after the earliest period allowed by law.

E. This Resolution shall be in full force and effect from and after the earliest period allowed by law.

Mr./Ms. \_\_\_\_\_ seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Ms. Rinehart \_\_\_ Mr. Deters \_\_\_, Mr. Ritter \_\_\_,

ADOPTED this 10<sup>th</sup> day of March, 2015.

**BOARD OF TRUSTEES:**

\_\_\_\_\_  
Melinda Rinehart, Trustee

\_\_\_\_\_  
Dennis Deters, Trustee

\_\_\_\_\_  
Jeffrey Ritter, Trustee

\_\_\_\_\_

**Attest:**

\_\_\_\_\_  
Heather E. Harlow,  
Fiscal Officer

Resolution prepared by and approved as to form:

\_\_\_\_\_  
Lawrence E. Barbieri (0027106)  
5300 Socialville Foster Rd., Suite 200  
Mason, OH 45040  
(513) 583-4200  
Colerain Township Law Director

**AUTHENTICATION**

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer this \_\_\_\_ day of March, 2015.

\_\_\_\_\_  
Heather E. Harlow,  
Colerain Township Fiscal Officer

RESOLUTION NO. \_\_\_\_\_-15

RESOLUTION FOR THE DISPOSAL OF EQUIPMENT WHICH IS OBSOLETE,  
UNFIT, OR UNNEEDED FOR PUBLIC USE (O.R.C. Sec. 505.10)

**Items for Auction**

1. Arm Curl "Free Weight" Machine
2. Lat Pull Down Machine – Stack weights
3. Rotary Torso Machine – Stack weights
4. Situp Machine – Stack weights
5. Dip and Pull up Machine – Stack weights
6. Dip and Pull up Station – No weights
7. "Bench Press and Squats" Machine
8. Fly Machine – No weights
9. Misc. Weight lifting bars
10. Dumbbell storage rack – no weights
11. Life Fitness Recumbent Bike – Display not working
12. Techtrix Step Machine
13. Lifestrade Treadmill
14. Star Trac Treadmill
15. Server rack



## NEW BUSINESS

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Department: Colerain Police Department

Department Head: Mark C. Denney, Chief of Police

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### 1. Action

#### a. Other

##### **Approval of Impound Agreement and Setting 2015 Impound Fees**

Respectfully request the approval of the 2015 impound fees and approval of the amended Impound Agreement (see memorandum).

##### **Donation Acceptance**

Mr. Bob and William Stenger, owner's of the Cincinnati Mine and Machinery Company, headquartered in Colerain Township has donated \$1,500 in support of the Colerain Police Department canine program. The Stenger family donated \$500.00 on behalf of the Company. Both Bob and William Stenger donated \$500.00 individually, for the total of \$1,500.00

# COLERAIN TOWNSHIP MEMORANDUM

**DATE:** March 10, 2015  
**TO:** Ms. Melinda Rinehart, Mr. Jeff Ritter and Mr. Dennis Deters  
**FROM:** Mark C. Denney, Chief of Police  
**SUBJECT:** Colerain Police Department – Impound Lot Fees

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In 2012, the Board of Trustees approved the current impound lot fee schedule. Each year, the Colerain Police Department reviews fees charged by other local agencies. The goal is to keep the fees competitive.

Per Colerain Police Department policy and procedure, a police officer may impound any motor vehicle that is stolen, vehicles parked in violation of the law and impeding traffic flow, blocking ingress or egress to a street, roadway, driveway, parking facility, or loading facility, in the possession of a physically arrested person, driven by a person under the influence of alcohol, drugs, or a combination thereof, under the control of a person who requests impound for safekeeping, held for evidence or investigation with approval of the supervisor, hit skip motor vehicles, or a vehicle determined to be abandoned or junk.

I have reviewed the fee structure of the Cincinnati Police Department and the Hamilton County Sheriff and find that there needs to be adjustments made. For any changes to take effect, it is necessary for the Board of Trustees to formally approve the fees associated with the Impound Lot.

Based on the research of area police agencies (Cincinnati Police Department and Hamilton County Sheriff's Office), I am recommending the following fees be approved for the Colerain Police Department Impound Lot.

<u>Fees</u>	<u>Colerain</u> (proposed)	<u>Cincinnati</u>	<u>HCSO</u>
Tow	\$150	\$150	\$150
Recovery Fee	\$80/\$20	\$80/\$20	\$/80/\$20
Dollies	Maximum \$55	Maximum \$55	Maximum \$55
Administrative	\$30	\$25	\$40
Daily Storage	\$25	\$25	\$25
Indoor Storage	\$40	N/A	\$40
Extended Stay (5+ business days)	\$75	\$75	\$75
Credit Card	3%	N/A	2.32%
Mileage	\$3.00	NA	\$3.00
Debris Removal	\$80/\$20	N/A	N/A

I believe that the proposed fees are consistent with the larger area communities. Colerain is the second largest community in Hamilton County and the second largest Township in the State of Ohio. Our proposed fee schedule is comparable to both area police departments.

Additionally, the Police Department reimburses the four tow companies on our rotation approximately \$100,000 of the Impound Lot revenue annually. In an effort to reduce expenses, several modifications to the existing Impound agreement are being proposed.

- Establishment of new rate schedule (see above).
- Limit of four tow companies on police rotation.
- Storage of vehicles not being held by the Police Department. One half of the storage fees are to be paid to the Police Department.
- Tow companies will pay the Police Department one half of any income generated from selling unclaimed vehicles for scrap.
- Agreement to store any vehicles that “overflow” from the Colerain Police Impound Lot on the lot of that towing company.
- No charge to tow any Colerain Police vehicles.
- Any month where the reimbursement charges due to the tow companies meets or exceeds \$750.00, the tow company will reduce the amount owed by the Police Department by 20%.
- Five-year term on the agreement

The adoption of the 20% reduction modification alone would reduce the Impound Lot operating expenses by at least \$20,000 using 2014 numbers and \$30,000 using 2013 impound numbers..

I would ask for the Boards approval of the fee schedule and the modifications to the existing agreement.

Respectfully submitted,

Mark C. Denney  
Chief of Police

cc: Mr. Daniel P. Meloy, Director of Public Safety

## NEW BUSINESS

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Department: Administration

Department Head: James Rowan

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**Action:**

I. Approval of Return of Advances

Recommend approval of return of advances per attached list.

II. Approval of Interfund Transfer

Recommend approval of an Interfund Transfer in the amount of \$50,000 from the General Fund to the Zoning Fund.

III. Approval to Employment Agreement

Recommend approval of employment agreement with Dan Meloy as Assistant Administrator/Director of Public Safety effective March 10, 2015 through December 31, 2017.

IV. Resolution Providing for the Issuance of Bonds

Recommend approval of the resolution providing for the issuance of not to exceed \$4,000,000 Tax Increment Revenue Bonds, by Colerain Township, Hamilton County, Ohio, and providing for the pledge of revenues for the payment of such bonds.

V. Resolution to Purchase Real Estate

Recommend approval of resolution for purchase of land located at 3618 Springdale Road

VI. Resolution Authorizing the Transfer of Real Property

Recommend approval of resolution authorizing the transfer of real property located in Colerain Township and owned by Colerain Township presently located at 3618 Springdale Road as part of permanent Parcel No. 510-0103-0018-00 to the Colerain Township, Hamilton County CIC, Inc.

**Post Interfund Advances**

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Advance #:	<b>1033</b>	Type:	Repayment Advance
Post Date:	02/27/2015	Status:	Open
Tran Date:	02/27/2015	Approval:	
Amount:	\$350,000.00	Approval Date:	
From Fund:	2081	Initial #:	30
From Account:	2081-920-920-0000	Initial Date:	12/08/2014
To Fund:	2907	Void Date:	N/A
To Account:	2907-941-0000		
Reason:	Return Loan		

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Advance #:	<b>1034</b>	Type:	Repayment Advance
Post Date:	02/27/2015	Status:	Open
Tran Date:	02/27/2015	Approval:	
Amount:	\$400,000.00	Approval Date:	
From Fund:	2081	Initial #:	31
From Account:	2081-920-920-0000	Initial Date:	01/12/2015
To Fund:	2907	Void Date:	N/A
To Account:	2907-941-0000		
Reason:	Return Loan		

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Advance #:	<b>1035</b>	Type:	Repayment Advance
Post Date:	02/27/2015	Status:	Open
Tran Date:	02/27/2015	Approval:	
Amount:	\$300,000.00	Approval Date:	
From Fund:	2081	Initial #:	1031
From Account:	2081-920-920-0000	Initial Date:	02/11/2015
To Fund:	1000	Void Date:	N/A
To Account:	1000-941-0000		
Reason:	Return Loan		

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**Post Interfund Transfers**

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Transfer #:	<b>1032</b>	Status:	Open
Post Date:	02/26/2015	Approval:	
Tran Date:	02/26/2015	Approval Date:	
Amount:	\$50,000.00	Void Date:	
From Fund:	1000		
From Account:	1000-910-910-0903		
To Fund:	2181		
To Account:	2181-931-0000		
Reason:	Cash Flow		

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COLERAIN TOWNSHIP, HAMILTON COUNTY, OHIO

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION PROVIDING FOR THE ISSUANCE OF NOT TO EXCEED \$4,000,000 TAX INCREMENT REVENUE BONDS, BY COLERAIN TOWNSHIP, HAMILTON COUNTY, OHIO, AND PROVIDING FOR THE PLEDGE OF REVENUES FOR THE PAYMENT OF SUCH BONDS.**

WHEREAS, Sections 5709.73-75 of the Ohio Revised Code (“5709.73”) authorizes the issuance by townships of tax increment revenue bonds to pay the cost of constructing and/or acquiring public infrastructure improvements; and

WHEREAS, this Board of Township Trustees (the “Board”) of Colerain Township, Hamilton County, Ohio (the “Township”) has determined it to be in the best interest of the Township and its constituents to provide assistance for a tax increment project pursuant to 5709.73 consisting of the acquisition of commercial property for the purpose of demolishing existing facilities and constructing a retail grocery store on Springdale Road in the Township (the “Project”); and

WHEREAS, as security of the Bonds, the Township has entered into a Service Agreement, dated March 24, 2015 by and among the Township, Kroger Limited Partnership I (“Kroger”) and Vandercar Holdings. LLC (“Vandercar”) (the “Service Agreement”) providing that Kroger and Vandercar pay service payments in lieu of taxes for certain real property exempted from taxation pursuant to 5709.73 and Resolution No. 10-15 adopted by the Board on February 24, 2015 (the “Revenues”); and

WHEREAS, this Board has determined to finance public infrastructure improvements for the Project by the sale of tax increment revenue bonds, which bonds are to be secured by this Resolution, the Revenues and the Service Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Colerain Township, County of Hamilton, Ohio:

SECTION 1. That it is hereby declared necessary to issue bonds of the Board of Trustees of Colerain Township, County of Hamilton, Ohio, in the principal amount of not to exceed \$4,000,000 for the purpose of financing public infrastructure improvements, under authority of the general laws of the State of Ohio and Sections 5709.73-75 of the Ohio Revised Code, and all necessary costs in connection therewith.

This Board hereby determines that the issuance of the bonds will be for a proper public purpose and in the best interest of the Township.

SECTION 2. Said bonds of Colerain Township shall be issued under the provisions of the Ohio Revised Code, in the principal amount of not to exceed \$4,000,000 for the purpose aforesaid under authority of the general laws of the State of Ohio, particularly 5709.73. Said bonds shall be issued in denominations of \$100,000 or any integral multiple of \$5,000 in excess

of \$100,000, shall be numbered from 1 (or R-1) upward, shall be dated the date of their issuance, or such other date as is set forth in the Certificate of Award and Bond Purchase Agreement to be entered into by the Board and Kroger, the original purchaser of the bonds, (the "Bond Purchase Agreement"), shall mature not later than twenty (20) years from their date of issue as set forth in the Bond Purchase Agreement, shall bear interest at such rates per annum and at a net interest cost as set forth in the Bond Purchase Agreement, payable semiannually on each June 1 and December 1 (each an "Interest Payment Date") of each year, commencing June 1, 2016, or such other dates as are determined by the Township Administrator, until the principal sum is paid, as set forth in the Bond Purchase Agreement, within the limitations set forth in the Ohio Revised Code, and shall be subject to redemption prior to maturity, as set forth in the Bond Purchase Agreement. The final terms of the bonds shall be set forth in the Bond Purchase Agreement in substantially the form attached hereto and made a part hereof, which is hereby authorized to be entered into by the Board and executed by the Township Administrator or the Fiscal Officer without further action of the Board.

SECTION 3. That the bonds shall be executed by the Board of Trustees and attested to by the Fiscal Officer. The bonds shall be designated "Tax Increment Revenue Bonds (Kroger Project)" (the "Bonds"), and shall be payable by the Fiscal Officer and shall express upon their face the purpose for which they are issued and that they are issued in pursuance of this Resolution.

The Fiscal Officer shall act, as paying agent, registrar and transfer agent (the "Paying Agent and Registrar") for the Bonds. The principal amount and interest thereon of each Bond shall be payable at the office of the Paying Agent and Registrar.

SECTION 4. That the Bonds shall be sold at private sale to Kroger by the Fiscal Officer, at a price of the par value of such bonds together with accrued interest thereon, if any, and the proceeds from such sale, except any premium or accrued interest hereon, shall be paid into the proper fund and used for the purpose aforesaid and for no other purpose. The Bonds shall be payable to Kroger and the Bonds shall not be transferable. The appropriate officers of the Township are hereby authorized and directed to make, on behalf of the Township, the necessary arrangements to establish the date, location, procedure and conditions for the delivery of the Bonds to Kroger, and to take all steps necessary to effect due execution and delivery to Kroger of the Bonds.

SECTION 5. That the Bonds shall be special obligations of the Township and only revenue of the Township received from service payments in lieu of taxes from the benefitted property and lawfully available for such purpose pursuant to Ohio Revised Code Sections 5709.73-75, Resolution No. 10-15, and the Service Agreement (the "Revenues") are pledged for the payment of the same. The Bonds are secured by and payable solely from the Revenues and the covenants in the Service Agreement. The proceeds received from the sale of the Bonds, shall, be used for the purposes aforesaid and for no other purpose.

In order to better secure the payment of the principal of, premium, if any, and interest on the Bonds as the same shall become due and payable, the Administrator, the Trustees and the Fiscal Officer are each authorized and directed to take any and all actions and to execute such documents, financing statements, assignments, certificates and other instruments that may be



necessary or appropriate in the opinion of Peck, Shaffer & Williams a Division of Dinsmore & Shohl LLP, as Bond Counsel, in order to perfect the pledge of and to secure the Revenues for the benefit of the Bondholders and to effect the issuance of the Bonds and the intent of this Resolution.

The Bonds are not general obligations of the Township; Bondholders shall have no right to have any taxes levied or collected for the repayment of the Bonds.

Anything in this legislation or the Bonds notwithstanding, neither this legislation nor the Bonds constitute a debt, or a pledge of the faith or credit, or taxing power of the Board or the Township, the State or any political subdivision thereof, and the holders or owners of the Bonds shall have no right to have taxes levied by the Board, the General Assembly of the State, or the taxing authority of any political subdivision of the State for the payment of the principal of and interest on the Bonds, and the Bonds shall contain on their faces a statement to that effect. Nothing herein shall be deemed to prohibit the Board from lawfully using, of its own volition, any of its general resources for the fulfillment of any of the terms and conditions of this legislation or the Bonds.

SECTION 6. The final terms of the Bonds, which shall not be inconsistent with this Resolution, shall be set forth in the Bond Purchase Agreement herein authorized in Section 2. The execution of such Bond Purchase Agreement by such authorized official shall evidence acceptance of the final terms of the Bonds and that such terms are consistent with this Resolution.

SECTION 7. The funds derived from the sale of the Bonds authorized by this Resolution become and they are hereby set aside and appropriated for the payment as described in this Resolution.

SECTION 8. The proceeds of the sale of the Bonds, plus other lawfully available funds of the Township, shall be used to pay a portion of the cost of the Project and all costs and items of expense incurred by the Township in connection with the issuance of the Bonds, including without limitation costs of bond counsel and other legal, accounting and management services and services of other consultants and professional and related charges, fees and disbursements; costs of issuance; printing and reproduction costs; filing and recording fees; and costs of preparation, execution, transportation and safekeeping of the Bonds (the "Cost of Issuance"). The Board shall transfer to the Bond Retirement Account any moneys remaining from the proceeds of the Bonds upon determination by the Fiscal Officer that the Project cost and the Costs of issuance have been paid.

Any accrued interest on the Bonds shall be transferred to the Bond Retirement Account and shall be applied only to the payment of the interest and principal of the Bonds and for no other purpose.

SECTION 9. That sums which are expended from the above appropriations and which are proper charges against and are repaid by any other department, any firm, person or corporation, shall be considered appropriated for such original purpose; provided that the total appropriation as increased by any such repayment shall not be exceeded.

SECTION 10. Interest on the Bonds hereby authorized shall be subject to federal income taxation under the Internal Revenue Code of 1986, as amended, unless the Bonds are accompanied by an opinion of nationally recognized bond counsel to the effect that such interest is exempt from federal income tax.

SECTION 11. The entire income and revenue resulting from the Revenues shall be set aside and deposited by the Township in a special and separate fund designated as the "Kroger TIF Site Public Improvement Tax Increment Equivalent Fund" created by Resolution 10-15 (hereinafter designated the "Revenue Fund"). The Revenue Fund shall be held and administered by the Board pursuant to Section 5709.75, Resolution No. 10-15 and this Resolution. From and after the date of issuance of the Bonds, the Revenues received in each property tax collection year shall first be used to pay Annual Debt Service, as defined below, on the Bonds and then shall be used for the legal purposes of the Revenues as set forth in the Service Agreement.

Annual Debt Service shall be the annual principal, including redemption payments, and interest payments on the Bonds and shall be calculated and paid as follows:

- (a) First: interest shall be paid semi-annually on the amount of Bonds outstanding on the interest payment date calculated at the applicable interest rate or rates set forth in the Bond Purchase Agreement based on a 360 day year.
- (b) Second: principal shall be paid annually and shall be paid in the amount equal to the annual Revenues received by the Township less the annual interest paid from said Revenues.

SECTION 12. The Board hereby covenants and agrees with the holders of the Bonds from time to time, so long as any Bonds are outstanding, as follows:

- (a) The Board will, at any and all times, cause to be done all such further acts and things and cause to be executed and delivered all such further instruments as may be necessary to carry out the purpose of the Bonds and this Resolution.
- (b) All of the obligations set forth and covenants made under this Resolution are hereby established as duties specifically enjoined by law and resulting from an office, trust or station upon the Board within the meaning of Section 2731.01 of the Ohio Revised Code.
- (c) The Board will observe and will satisfactorily and punctually perform all its agreements and obligations provided for by the Bonds and this Resolution.

SECTION 13. So long as any of the Bonds are outstanding, the Board shall not have the right to issue, on parity with or subordinate to the Bonds, any additional notes, bonds or other obligations payable from the sources enumerated in Section 5 above. Nothing herein shall limit the Board's unrestricted right to issue notes, bonds or other obligations payable from taxes or other revenues of the Township, other than the sources enumerated in Section 5 above.

SECTION 14. All appropriate officers of the Township are further authorized to make, execute, acknowledge and deliver such closing certificates, financing statements and other instruments or agreements as are, in the opinion of bond counsel, necessary or appropriate, in order to effect the issuance of the Bonds and to carry out the purposes of this Resolution. The Fiscal Officer, or other appropriate officer of the Township, shall certify a true transcript of all proceedings had with respect to the issuance of the Bonds, along with such information from the records of the Township as is necessary to determine the regularity and validity of the issuance of the Bonds.

SECTION 15. Should it be judicially determined by a court having jurisdiction to pass upon the validity of this Resolution or the Bonds, that any provision of this Resolution is beyond the powers of Board or the Township, or is otherwise invalid, then such decision shall in no way affect the validity of this Resolution or the Bonds, or any proceedings related thereto, except as to the particular matters found by such decision to be invalid.

SECTION 16. That the firm of Peck, Shaffer & Williams a Division of Dinsmore & Shohl LLP (“PSW”) or their successor is hereby engaged as the Board’s “bond counsel” and that the Administrator is hereby authorized and directed to execute and deliver the engagement letter of PSW in the form on file with the Board.

SECTION 17. That it is found and determined that all formal actions of this Board concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

SECTION 18. That this Resolution shall be effective immediately upon its adoption.

ADOPTED: \_\_\_\_\_, 2015.

\_\_\_\_\_  
Presiding Officer

Attest:

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

**CERTIFICATE OF MEMBERSHIP**

**COLERAIN TOWNSHIP, HAMILTON COUNTY, OHIO**

The undersigned hereby certifies that the following were the officers and members of Board during the period proceedings were taken authorizing the issuance of not to exceed \$4,000,000 Tax Increment Revenue Bonds (Kroger Project), dated their date of issuance:

Trustee	_____
Trustee	_____
Trustee	_____
Fiscal Officer	_____
Administrator	_____
Law Director	_____

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

TRANSCRIPT CERTIFICATE

The undersigned, Fiscal Officer of said Township, hereby certifies that the following is a true and complete transcript of all proceedings relating to the authorization and issuance of the above identified bonds.

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

**The Board of Trustees of Colerain Township, County of Hamilton, Ohio**, met in regular session at 7:00 p.m., on March \_\_, 2014 at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Ms. Melinda Rinehart, Mr. Dennis P. Deters and Mr. Jeffrey F. Ritter

Ms./Mr. \_\_\_\_\_ introduced the following resolution and moved its adoption:

**RESOLUTION NO. \_\_\_\_\_ -15**

**RESOLUTION FOR PURCHASE OF LAND LOCATED AT 3618 SPRINGDALE ROAD, (O.R.C. Sec 511.11)**

**WHEREAS**, Ohio Revised Code Sec. 511.11 authorizes the Board of Trustees to acquire by purchase, any private or public lands which it might deem necessary for its use; and

**WHEREAS**, the Board is aware that the land located at 3618 Springdale Road, which is presently part of parcel number 510-0103-0018-00, and which compromises the parking lot of that parcel, is available for purchase by the Township for \$3,250,000.00; and

**WHEREAS**, the purchase of said property by the Board of Trustees will further economic development, employment and the general welfare of the citizens of Colerain Township, Hamilton County and the State of Ohio;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of Colerain Township, Hamilton County, Ohio:

- A. The Board of Trustees finds that, the land located at 3618 Springdale Road, which is presently part of parcel number 510-0103-0018-00, and which compromises the parking lot of that parcel, is necessary for the use of and will further economic development, employment and the general welfare of the citizens of Colerain Township, Hamilton County and the State of Ohio; and
- B. That the Administrator, James Rowan, pursuant to O.R.C. Sec. 511.11, is hereby directed to enter into all necessary contracts required to purchase the land located at 3618 Springdale Road, for \$3,250,000.00, and any related costs and expenses, which is presently part of parcel number 510-0103-0018-00, and which compromises the parking lot of that parcel, and to conclude such a purchase, on or before March 27, 2015 on behalf of Colerain Township.
- C. It is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, that all deliberations of this Board and any committees that resulted in those formal sessions were in meetings open to the public, in compliance with all legal

requirements, and the Board has met all other statutory requirements for participation in a joint-self-insurance program.

- D. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days pursuant to Section 504.10 of the Ohio Revised Code and hereby authorizes the adoption of the Resolution upon its first reading.
- E. This Resolution shall be in full force and effect from and after the earliest period allowed by law.

Ms./Mr. \_\_\_\_\_ seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mr. Deters \_\_\_\_\_, Mr. Ritter \_\_\_\_\_, Ms. Rinehart \_\_\_\_\_

ADOPTED this \_\_\_<sup>th</sup> day of March, 2015.

**BOARD OF TRUSTEES:**

\_\_\_\_\_  
Dennis P. Deters, Trustee

\_\_\_\_\_  
Jeffrey F. Ritter, Trustee

\_\_\_\_\_  
Melinda Rinehart, Trustee

**ATTEST:**

\_\_\_\_\_  
Heather E. Harlow,  
Fiscal Officer

Resolution prepared by and approved as to form:

\_\_\_\_\_  
Lawrence E. Barbieri (0027106)  
5300 Socialville Foster Rd., Suite 200  
Mason, OH 45040  
(513) 583-4200  
Colerain Township Law Director

**AUTHENTICATION**

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer this \_\_\_\_ day of March, 2015.

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Heather E. Harlow,  
Colerain Township Fiscal Officer



**The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio,** met in regular session at 7:00 p.m., on the   <sup>h</sup> day of March, 2015, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Dennis P. Deters, Jeffrey F. Ritter, Melinda Rinehart

Mr./Ms. \_\_\_\_\_ introduced the following resolution and moved its adoption:

**RESOLUTION NO. \_\_\_\_\_-15**

**RESOLUTION AUTHORIZING THE TRANSFER OF REAL PROPERTY LOCATED IN COLERAIN TOWNSHIP AND OWNED BY COLERAIN TOWNSHIP PRESENTLY LOCATED AT 3618 SPRINGDALE ROAD AS PART OF PERMANENT PARCEL NO. 510-0103-0018-00 TO THE COLERAIN TOWNSHIP, HAMILTON COUNTY CIC, INC.**

**WHEREAS**, the Colerain Township Board of Trustees has entered into a contractual agreement with the Colerain Township, Hamilton County CIC, Inc., a community improvement corporation incorporated under the laws of the State of Ohio in Chapter 1724 of the Ohio Revised Code, which contract designates Colerain Township, Hamilton County CIC, Inc. as the agent of Colerain Township for community improvement and economic development pursuant to Section 1724.10 of the Ohio Revised Code; and

**WHEREAS**, Colerain Township is a limited home rule township; and

**WHEREAS**, Section 505.701 of the Ohio Revised Code authorizes the Board of Trustees to purchase real property for the purpose of transferring that property to the Community Improvement Corporation; and

**WHEREAS**, the transfer of said property to the Colerain Township, Hamilton County CIC, Inc. will further economic development, employment and the general welfare of the citizens of Colerain Township, Hamilton County and the State of Ohio;

**NOW, THEREFORE, BE IT RESOLVED BY THE COLERAIN TOWNSHIP BOARD OF TRUSTEES** by unanimous vote as follows:

1. The Board hereby determines that approximately that the property it owns at 3618 Springdale Road, which is part of Parcel no. 510-0103-0018-00 of the records of the Hamilton County Auditor, situated in Colerain Township, Hamilton County, Ohio, and titled in the name of the Colerain Township Board of Trustees is no longer required by Colerain Township for its purposes, and that the conveyance of such parcel to the Colerain Township, Hamilton County CIC, Inc. will promote the welfare of the people of Colerain Township, stabilize the economy, increase economic development, provide employment, and assist in the development of industrial, commercial, distribution and research activities or will promote the reclamation, rehabilitation, and reutilization of vacant, abandoned, tax-foreclosed, or other real property in the

subdivision, to the benefit of the residents of Colerain Township, Hamilton County and the State of Ohio.

2. That the conveyance of the parcels to Colerain Township, Hamilton County CIC, Inc. shall be made for consideration of the above referenced benefits to the community and shall be made without advertising and receipt of bids. Consistent with the statutory authority above cited, in the event that the land conveyed by Colerain Township to the Colerain Township, Hamilton County CIC, Inc. is sold by Colerain Township, Hamilton County CIC, Inc., then the Colerain Township, Hamilton County CIC, Inc. shall provide for the repayment to Colerain Township as required in Section 1724.10(B)(3) of the Ohio Revised Code. For purposes of this transaction, Colerain Township's basis of costs in the property to be reimbursed upon liquidation by Colerain Township, Hamilton County CIC, Inc. is \$\_\_\_\_\_ per acre which is comprised of the original purchase price, closing expenses and taxes.

3. That the deed prepared by the Colerain Township Law Director for transfer of said real estate be and the same is hereby authorized to be executed by the Administrator of Colerain Township and that the Township Administrator in consultation with the Law Director shall undertake execution of any other necessary documents to convey said property and complete recording of the transaction as required.

4. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code; and

5. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days, pursuant to Section 504.10 of the Ohio Revised Code, and hereby authorizes the adoption of the Resolution upon its first reading.

6. That this Resolution shall be effective at the earliest date allowed by law.

Mr./Ms. \_\_\_\_\_ seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mr. Deters\_\_\_\_\_, Mr. Ritter\_\_\_\_\_, Ms. Rinehart\_\_\_\_\_

ADOPTED this \_\_\_ day of March, 2015.

BOARD OF TRUSTEES:

\_\_\_\_\_  
Dennis P. Deters, Trustee

\_\_\_\_\_  
Jeffrey F. Ritter, Trustee

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Melinda Rinehart, Trustee

ATTEST:

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Heather E. Harlow,  
Fiscal Officer

Resolution prepared by and approved as to form:

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Lawrence E. Barbieri (0027106)  
5300 Socialville Foster Rd., Suite 200  
Mason, OH 45040  
(513) 583-4200  
Colerain Township Law Director

#### **AUTHENTICATION**

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer this \_\_\_\_ day of March, 2015.

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Heather E. Harlow,  
Colerain Township Fiscal Officer