

**Regular Meeting of the Board of Trustees
March 14, 2017**

1. **Opening of Meeting – Fiscal Officer**
2. **Executive Session 5:30 PM**
3. **Pledge of Allegiance 6:00 PM**
4. **Meditation (Moment of Silence)**
5. **Presentations**
 - a. “Hamilton County and State of Ohio EPA” – Update on Rumpke
 - b. Simple Recycling
6. **Citizens Address**
7. **Administrative Reports**
8. **Trustees’ Report**
9. **Public Hearings (Action Required)**
 - a. Public Hearing for a Text Amendment re: Breweries, Distilleries, Micro Breweries and Micro Distilleries
10. **New Business**

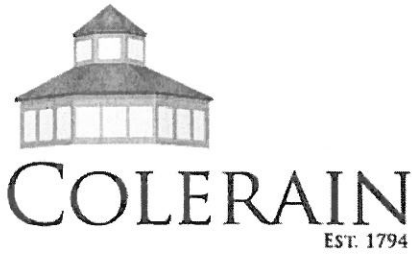
Public Safety

- a. Approval for Battalion Chief Promotion..... Action
- b. Approval for Fire Lieutenant Promotion..... Action
- c. Approval for Career Firefighter Paramedic Hire Action
- d. Part-Time Employee Recommendation Action
- e. Hiring of Seasonal Employees Action

Public Services

- a. Request Approval to Hire Custodian Action
- b. Request Approval to Hire Seasonal Worker for Community Center..... Action
- c. Request Approval to Hire Seasonal Workers for Parks Action
- d. Request Authorization to Proceed with 2017 Road Project..... Action
- e. Request Board to Approve Resolution for Auction Action
- f. Request the Boards Approval to Enter into Agreement with Commencement Church..... Action

COLERAIN



Planning and Zoning

- a. Request to accept Seasongood Grant Action

Economic Development

- a. Authorization for Assistant Administrator to sign a Clean Energy Partnership Agreement with Donovan Energy Action
- b. Authorization to expend \$6,750.00 for the purchase of LED lightbulbs Action
- c. Appointment of Mr. Dan Meloy and Mr. Frank Birkenhauer to serve as members of the Hamilton County Tax Incentive Review Council..... Action

Administration

- a. Approval 2017 Permanent Appropriations Action

11. Fiscal Officer's Report

- a. Approval of Minutes

12. Executive Session - if needed

13. Adjournment

14. Resolution # 10-17

PRESENTATIONS

Department: Colerain Township

Department Head(s): Administrator Daniel Meloy

Administration

a. “Hamilton County and State of Ohio EPA – Update on Rumpke

Rationale:

Board of Trustees requested after the August 2016 presentation that a follow-up be provided in March of 2017.

b. Simple Recycling

Rationale:

Free Curbside clothing and home goods recycling program.

PUBLIC HEARING

Department: Planning & Zoning

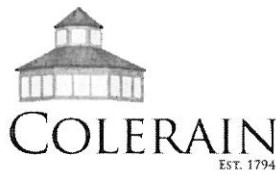
Department Head: Jenna M. LeCount, AICP

Zoning

- a. Public Hearing for a Text Amendment re: Breweries, Distilleries, Micro Breweries and Micro Distilleries.

Rationale:

The Colerain Township Zoning Commission, during their February 21, 2017 regular meeting, recommended 5-0 to approve the proposed Text Amendment to Article 8.2 Permitted Uses and Article 16.2 Definitions of the Colerain Township Zoning Resolution. Please see attached Staff Report for further information.



Department of Planning & Zoning
4200 Springdale Road Colerain Township, Ohio 45251

Staff Report: **TEXT AMENDMENT**
Case #: ZA 2017-01
Breweries & Distilleries
March 14, 2017

Prepared By: Jenna M. LeCount, AICP
Director of Building,
Planning & Zoning

Project Summary:

This amendment to Article 8.2 Permitted Uses and Article 16.2 Definitions is to add the use categories of Micro Brewery and Micro Distillery as permitted uses to the B-3 Zoning District and to add the use categories of Breweries and Distilleries as permitted uses in the I-1 district. This amendment was initiated by Rusty Wayne, a property owner within a B-3 Zoning District.

Zoning Summary:

Breweries, Distilleries, Micro Breweries and Micro Distilleries are not defined uses within the Colerain Township Zoning Resolution. As the Resolution currently exists, it would be difficult to properly place these uses within one of the defined zone districts. Breweries and Distilleries can cause confusion about how the uses should be identified in zoning due to their nature to have a mixture of activity types, which are more clearly defined within the Resolution. These activities might include light industrial type activities, retail components, or even a restaurant type character; all of which are handled differently within the current Resolution.

The proposed language is as follows:

Article 16.2 Definitions

Brewery shall mean a large-scale facility for the brewing of beer and ale for sale on the premises, as well as for off-site sales and distribution, that produces more than 10,000 barrels annually and may include restaurant/bar space, tasking or retail space. The brewing operation processes the ingredients to make beer and ale by mashing, cooking and fermenting. The brewing operation does not include the production of any other alcoholic beverage.

Distillery shall mean a large-scale facility for the distilling of spirits and liquor, including wine, for sale on the premises, as well as for off-site sales and distribution, that produces more than 50,000 proof gallons annually and may include restaurant/bar space, tasking or retail space.

Micro Brewery shall mean an establishment that is primarily used for the production of beer and ale and must include restaurant/bar space, tasking or retail space. The brewing operation processes the ingredients to make beer and ale by mashing, cooking and fermenting. The brewing operation does not include the production of any alcoholic beverage other than beer or ale. The brewery shall not produce more than 10,000 barrels of beer or ale per year.

Micro Distillery shall mean an establishment that is primarily used for the production of spirits and liquor, including wine, in small quantities of a maximum of 52,000 cases or a maximum of 50,000 proof gallons annually and must include restaurant/bar space, tasking or retail space.

See Attachment A for proposed updates to Table 8-1: Business Use Table

Other Agency Review:

Hamilton County Regional Planning Commission (HCRCP)

The Regional Planning Commission moved to recommend approval of the proposed text amendment at the February 2, 2017 meeting. Please see the attached staff report for additional detail on staff findings. HCRPC staff commented that parking requirements should be explored in the future since parking demands are generally lower for microbreweries due to the fact that large areas of floor space are devoted to brewing equipment and there are generally fewer employees for this use than for a typical restaurant use.

Conclusion:

Colerain Township is recognizing some potential economic development opportunities within the region, which may be attractive uses within the Township; however, the current Zoning Resolution makes it difficult for some emerging uses/markets to fit comfortably into any one of the current zone district permitted use definitions.

Recommendation:

The Colerain Township Zoning Commission recommended APPROVAL of the text amendment as requested during their February 21, 2017 regular meeting.

The Board of Trustees of Colerain Township, County of Hamilton, Ohio, State of Ohio, met in regular session at ____ p.m., on the 14th day of March, 2017, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Michael Inderhees, Greg Insko, Jeffrey F. Ritter

Mr. _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. ____-17

RESOLUTION ADOPTING TEXT AMENDMENTS TO THE COLERAIN TOWNSHIP ZONING RESOLUTION REGARDING BREWERIES, DISTILLERIES, MICRO BREWERIES AND MICRO DISTILLERIES

WHEREAS, a proposed text amendment to Article 8.2 Permitted Uses and Article 16.2 Definitions to add the use categories of Micro Brewery and Micro Distillery as permitted uses to the B-3 Zoning District and to add the use categories of Breweries and Distilleries as permitted uses in the I-1 district was initiated by Motion and transmitted to the Regional Planning Commission; and

WHEREAS, the Regional Planning Commission unanimously recommended approval on February 2, 2017; and

WHEREAS, the Colerain Township Zoning Commission unanimously recommended approval on February 21, 2017; and

WHEREAS, the Board of Trustees held a public hearing on March 14, 2017, and, at the conclusion of the public hearing, voted unanimously to accept the recommendation of the Zoning Commission set out in **Exhibit A**;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Colerain Township, Hamilton County, Ohio, that the Board does hereby adopt the Amendment to the Colerain Township Zoning Resolution attached hereto as **Exhibit A**; and

BE IT FURTHER RESOLVED by the Board of Trustees of Colerain Township, Hamilton County, Ohio, as follows:

1. The text amendment hereby adopted is in furtherance of the health, safety, morals and welfare of the public and the Township; and
2. 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 of 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 Section 121.22 of the Ohio Revised Code; and
3. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading; and
4. That this Resolution shall be effective at the earliest date allowed by law.

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

Vote Record: Michael Inderhees _____, Greg Insko _____, Jeff Ritter _____

ADOPTED this _____ day of March 2017.

BOARD OF TRUSTEES:

Michael Inderhees, Trustee

Greg Insko, Trustee

Jeff Ritter, Trustee

Attest:

Heather E. Harlow
Colerain Township Fiscal Officer

Resolution 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 Fiscal Officer, this 14th day of March, 2017.

Heather E. Harlow
Colerain Township Fiscal Officer

EXHIBIT A

PROPOSED TEXT AMENDMENTS TO ZONING RESOLUTION

Proposed Amendments – underlined and bolded.

Article 8.2 Permitted Uses

Proposed updates to Table-8-1: Business Use Table

Table 8-1: Business Use Table						
Use	Zoning Districts					Additional Regulations
P=Permitted Use						
P* = Permitted with Conditions						
C= Conditional Use						
	B-1	B-2	B-3	O-1	I-1	Refer to Section:
<u>Brewery</u>					<u>P</u>	
<u>Broadcasting Studios</u>			P	P		
<u>Clubs</u>	C	P	P	P		
Commercial Kennels		P*	P*		P*	Section 8.4.4
<u>Contractor or Construction Sales</u>		P*	P		P	Section 8.4.5
Day Care Centers	P	P	P	P		
<u>Distillery</u>					<u>P</u>	
Distribution Facilities					P	
Drive-Through Facilities	P*	P*	P*	P*		Section 8.4.6
Funeral Services		P*	P*	P*	P	Section 8.4.7
Heavy Industrial Uses					C	Section 8.4.8
Hotels and Motels		P	P	P		
Laboratories			P	P	P	
Light Industrial Uses			P		P	
<u>Micro Brewery</u>			<u>P</u>			
<u>Micro Distillery</u>			<u>P</u>			
Nurseries		P			P	
Personal Services	P	P				
Professional or Business Offices	P	P	P	P		
Restaurants	P	P		P*		Section 8.4.9
Retail Commercial Uses	P	P	P*	P*		Section 8.4.10
Service Commercial Uses	P	P	P*	P*		Section 8.4.11
Storage Facilities					P	
Telecommunications Towers	P	P	P	P	P	
Theaters		P				

Type A Family Day Care	P	P		P		
Vendor Markets	P*	P*				Section 8.4.13
Veterinary Facilities	P*	P*		P*	P	Section 8.4.12
Warehouses			P		P	
Wholesale Commercial Uses			P		P	

Institutional/Public Uses						
<u>Active Parks and Recreational Facilities</u>	P*	P*	P*	P*	P*	Section 7.4.1
Cemeteries	P*	P*	P*	P*	P*	Section 7.4.4
Educational Facilities	C	P*	P*	P*		Section 7.4.5
Essential Services and Utilities	P	P	P	P	P	

Table 8-1: Business Use Table						
Use P=Permitted Use P* = Permitted with Conditions C= Conditional Use	Zoning Districts					Additional Regulations
	B-1	B-2	B-3	O-1	I-1	Refer to
						Section:
Government and Public Uses	P	P	P	P	P	
Higher Education Facilities		P	P	P		
Hospitals		P	P	P		
Indoor <u>Recreational Facilities</u>	C	P	P	C	P	
Passive Parks, <u>Recreational Facilities</u> , and Conservation Areas	P	P	P	P	P	
Religious Places of Worship	C	P	P	P		Section 7.4.10
Miscellaneous Uses						
Accessory Uses	P*	P*	P*	P*	P*	Section 10.2
Signs	P*	P*	P*	P*	P*	Article 15
Temporary Uses	P*	P*	P*	P*	P*	Section 10.4

Article 16.2 Definitions

(29) Brewery shall mean a large-scale facility for the brewing of beer and ale for sale on the premises, as well as for off-site sales and distribution, that produces more than 10,000 barrels annually and may include restaurant/bar space, tasting or retail space. The brewing operation processes the ingredients to make beer and ale by mashing, cooking and fermenting. The brewing operation does not include the production of any other alcoholic beverage.

(53) Distillery shall mean a large-scale facility for the distilling of spirits and liquor, including wine, for sale on the premises, as well as for off-site sales and distribution, that produces more than 50,000 proof gallons annually and may include restaurant/bar space, tasking or retail space.

(137) Micro Brewery shall mean an establishment that is primarily used for the production of beer and ale and must include restaurant/bar space, tasking or retail space. The brewing operation processes the ingredients to make beer and ale by mashing, cooking and fermenting. The brewing operation does not include the production of any alcoholic beverage other than beer or ale. The brewery shall not produce more than 10,000 barrels of beer or ale per year.

(138) Micro Distillery shall mean an establishment that is primarily used for the production of spirits and liquor, including wine, in small quantities of a maximum of 52,000 cases or a maximum of 50,000 proof gallons annually and must include restaurant/bar space, tasking or retail space.

NEW BUSINESS

Department: Colerain Township Department of Fire & Emergency Medical Services

Department Head: Frank Cook, Chief of Department

Colerain Township Department of Fire & Emergency Medical Services

a. Approval for Battalion Chief Promotion

Action:

Provide a recommendation to promote Captain Tim Beach to the position of Battalion Chief.

Rationale:

The recommendation to promote Captain Beach to Battalion Chief is to fill the vacancy created by the pending retirement of Battalion Chief Chuck Palm.

The annual salary for Captain Beach's promotion according to the Collective Bargaining Agreement (CBA) is \$84,562.50 effective Sunday, March 26, 2017 with a one-year probationary period. Captain Beach is the next candidate following the competitive promotional process conducted during the spring of 2015.

b. Approval for Fire Lieutenant Promotion

Action:

Provide a recommendation to promote Firefighter Paramedic Ryan Frank to the position of Fire Lieutenant.

Rationale:

The recommendation to promote Firefighter Paramedic Frank to Fire Lieutenant is to fill the vacancy created by the pending retirement of Battalion Chief Chuck Palm and the promotion of Captain Beach to Battalion Chief.

The annual salary for Firefighter Frank's promotion according to the CBA is \$77,049.31 effective Sunday, March 26, 2017 with a one-year probationary period. Firefighter Paramedic Frank is the next candidate following the competitive promotional process conducted during the spring of 2016.

c. Approval for Career Firefighter Paramedic Hire

Action:

Provide a recommendation to promote and hire part-time employees Firefighter Paramedic Jordan Shepherd and Firefighter Paramedic Michael Davis as career employees.

Rationale:

The recommendation to promote and hire Firefighter Paramedics Shepherd and Davis is to fill two current vacancies in the career ranks.

NEW BUSINESS

The annual salary for each recommended hire according to the CBA is \$43,907.76, and will be contingent upon successful completion of all applicable pre-employment testing and procedures. The start date will be effective as soon as possible following compliance of the aforementioned conditions with a one-year probationary period.

d. Part-Time Employees Recommendation

Action:

Authorize the hiring of the following *part-time* firefighter (Ffr.) - emergency medical technician (EMT) basics at the specified hourly rates of pay effective Sunday, March 26, 2017 with a one-year probationary period:

- | | |
|---------------------------|---------|
| • Brendon Blair, Ffr. EMT | \$14.22 |
| • Austin Eckler, Ffr. EMT | \$14.22 |
| • Trent Estes, Ffr. EMT | \$14.22 |
| • Sean Vanover, Ffr. EMT | \$14.22 |

Rationale:

The abovementioned recommended part-time employee candidates are requested to fill vacant positions.

e. Hiring of Seasonal Employees

Action:

Provide a recommendation to hire the following four seasonal fire hydrant maintenance employees:

- Aaron Adams,
- Nick Gerhardt,
- Ben Kemper, and
- Joshua Walls.

Rationale:

The recommendation to hire the aforementioned individuals for the position of seasonal fire hydrant maintenance employees is to perform the annual servicing of the Township's approximately 3,000 public and private fire hydrants to ensure their proper operating condition.

The hourly rate for each fire hydrant maintenance employee will be \$11.00 per hour effective Sunday, March 26, 2017. Each employee will be restricted to no-more than 30-hours per week.

NEW BUSINESS

Department: Public Services Department

Department Head: Tom Bosarge, Director of Public Services

Public Services

a. Request Approval to Hire Custodian

Rationale:

The Board of Trustees approved the hiring of a custodial position in the Public Services Department during the February 14, 2017 Board meeting. I request the Boards approval to hire Mr. Dwight Logan as a Laborer with a salary of \$17.73 per hour with a one-year probationary period and is contingent upon the successful completion of the pre-employment evaluations (medical and background check) with an effective hire date of March 16, 2017.

b. Request Approval to Hire Seasonal Worker for Community Center

Request the Board to approve the hire of Mr. Scott Rader as seasonal employee at the salary of \$15.00 per hour not to exceed 1500 hours with an effective hire date of March 15, 2017.

c. Request Approval to Hire Seasonal Workers for Parks

Request the Board to approve the hire of Mr. Ben Engel and Mr. Jason Huff as seasonal employees at the salary of \$11 per hour not to exceed 1500 hours with an effective hire date of March 15, 2017.

d. Request Authorization to Proceed with 2017 Road Project

Request the Boards approval to establish bid specifications and proceed to bid for road resurfacing at a cost not to exceed \$1,250,000.00.

e. Request Board to approve the Resolution for Auction

Request the Board's approval of the resolution for disposal of obsolete equipment.

f. Request the Boards Approval to Enter into Agreement with Commencement Church

Request the Boards approval of a one-year contract with Commencement Church to rent Hall B of the Community Center on Sunday morning for \$500 per month effective April 1, 2017.

The Board of Trustees of Colerain Township, County of Hamilton, Ohio, met in regular session at _____ p.m., on March 14, 2017, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Mr. Greg Insco, Mr. Michael Inderhees, and Mr. Jeffrey Ritter

Mr. _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____-17

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. 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.

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

Vote Record: Michael Inderhees _____, Greg Insko _____, Jeff Ritter _____

ADOPTED this _____ day of March 2017.

BOARD OF TRUSTEES:

Michael Inderhees, Trustee

Greg Insko, Trustee

Jeff Ritter, Trustee

Attest:

Heather E. Harlow
Colerain Township Fiscal Officer

Resolution 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 Fiscal Officer, this 14th day of March, 2017.

Heather E. Harlow
Colerain Township Fiscal Officer

Resolution Addendum - List of Property

Hydraulic Drop Spreaders (9)

Equipment Number	Brand	Model Number	Serial Number
50	Gledhill	707	67159
51	Good Roads	TG-500	N/A
53	Gledhill	707	63978
54	Gledhill	707	66293
55	Gledhill	707	66293
56	Good Roads	TG-500	10460
57	Good Roads	N/A	N/A
58	N/A	N/A	GC42110
59	Good Roads	N/A	N/A

Hydraulic Snow Plows (5)

50	Gledhill	11LSRH	71078
S-3	Gledhill	10LRSH	67543
54	Gledhill	10LRSH	66201
S-1	Gledhill	N/A	32906
55	Gledhill	10LRSH	64003

Hydraulic Tailgate Spreader (1)

N/A	Western Tailgate Spreader
Serial #:	04100230003276280

RENTAL AGREEMENT

FOR THE LIMITED USAGE OF THE COLERAIN TOWNSHIP SENIOR & COMMUNITY CENTER BY COMMENCEMENT CHURCH

This agreement is entered into this _____ day of January, 2017 by the Colerain Township Board of Trustees, Hamilton County, Ohio, hereinafter "Township", and the Commencement Church, PO Box 18336, Fairfield, Ohio 45018, hereinafter, "RENTEE".

WITNESSETH:

1. DESCRIPTION OF PREMISES:

The Township, in consideration of the payment to them by the RENTEE of the rents herein provided for and of the other obligations imposed upon the RENTEE hereunder, does hereby lease unto the Lessee the real estate, located at 4300 Springdale Rd, Colerain Township, OH 45251 known specifically as "Hall B" of the Colerain Township Senior & Community Center, and referred to hereinafter as the "Premises."

2. TERM:

The RENTEE has agreed to rent the said Premises each and every Sunday morning from 9:00 a.m. until 12:00 p.m., from February 1, 2017 through January 31, 2018. Either party to this lease may cancel this rental lease by giving written notice 30 days in advance of cancellation. Written notice shall be given in accordance with Section 11 of the Rental Agreement. The Township reserves the right in emergency circumstances to utilize the Premises during a Sunday morning from 9:00 a.m. until 12:00 p.m. If such an emergency circumstance arises, the RENTEE will be refunded a pro-rated amount based upon the monthly fee for any missed Sunday.

3. CONDITIONS:

The RENTEE agrees that it will be responsible for set-up, take-down, and clean-up with respect to any event that occurs pursuant to this rental lease. The RENTEE agrees that the Township will not provide any employee, agent, person, etc., with to the RENTEE's use of the Premises in accordance with this rental agreement and instead, will be provided a key to the Premises that will be used to access the Premises in accordance with all the terms in this rental lease. RENTEE agrees that use of the key and/or accessing the Premises outside terms of this rental agreement may be deemed a breach of this rental lease. RENTEE may utilize a concrete pad as designated by the Township on which to park a small trailer for the purpose of storing RENTEE's supplies and materials.

4. RENTAL CHARGE:

As rental for the use and occupancy of the aforementioned Premises, RENTEE covenants and agrees to pay Township the total sum of Five Hundred Dollars (\$500.00) each month, for a total of Six Thousand Dollars (6,000.00) over the course of on the Rental Agreement. The Rental Charge must be paid in advance by the first day of each month, as Ohio Revised Code § 511.03 requires all rent to be paid in advance.

5. WARRANTY OF QUIET ENJOYMENT:

The RENTEE covenants and agrees that it has power and authority to make this Rental Agreement and that if the RENTEE shall observe and perform the covenants and agreements devolving upon it, then it shall have peaceable possession and enjoyment of the Premises without let, hindrance or disturbance by any person whosoever, unless otherwise stated in this Rental Agreement.

6. ASSIGNMENT OR SUBLETTING

The RENTEE may not assign this Rental Agreement and/or sublet the aforementioned Premises without the Township's express written consent. RENTEE agrees that they are the only entity using the rental facility. If assignment/subletting occurs without consent, final payment of the entire Rental Agreement shall become due by RENTEE.

7. WAIVER:

No waiver of any of the covenants and agreements herein contained or of any breach thereof shall be taken to constitute a waiver of any subsequent breach of covenants and agreements or to justify or authorize the non-observance at any other time of the same or of any other covenants and agreements hereof.

8. COMPLIANCE WITH LAWS:

RENTREE agrees that in the use of the Premises it will comply with all local and state laws, and all rules, regulations and requirements of the Board of Health, Fire Department and other similar bodies or agencies having supervision or control of the use and maintenance thereof; the Premises shall not be used for any unlawful purpose.

9. DAMAGES:

RENTREE, in consideration of this Rental Agreement, and other good and valuable considerations, the receipt and sufficiency of which are hereby stipulated, does hereby agree to indemnify and hold the Township, its Trustees, officers, employees and agents, free and harmless of any and all demands, causes of action or any other claims whatsoever for damage to property, or injury or death to persons, arising out of, or connected with, the rental and use of the Premises and its parking lot by the RENTEE and all persons attending the event.

10. LIABILITY:

The person executing this Agreement, for and on behalf of the RENTEE, hereby warrants that he is authorized to act in such capacity and has been duly authorized by such organization, and hereby assumes personal liability for the costs of excessive cleanup of the premises,

breakage or removal of Township property by the RENTEE or any members or guests thereof. RENTEE agrees that at least two persons 21 years of age or older will be present at all times if a group of persons under 21 years of age is present for an event. RENTEE agrees that Colerain Township will not be responsible for any loss of, or damage to, personal property arising out of, or connected with, the rental and use of the Premises and its parking lot by the RENTEE and all persons attending the event.

11. NOTICES:

All notices which may be proper or necessary under the terms of this Lease shall be given to the parties at the following addresses:

To Lessor/Township: **Dan Meloy, Administrator**
 Colerain Township
 4200 Springdale Rd.
 Colerain Township, OH 45251

To Lessee: **Commencement Church**
 PO Box 18336,
 Fairfield, Ohio 45018

12. INSURANCE AND INDEMNITY

RENTTEE agrees to defend indemnify and hold harmless Colerain Township and its employees from any claim, demand, suit, loss, cost of experience or any damage which may be asserted, claimed or recovered against or from the RENTEE by reason of any damage to property, personal injury or bodily injury, including death, sustained by any person whomsoever and which damage, injury or death arises out of or is incident to or in any way connected with the performance of this contract and regardless of which claim, demand, damage, loss, cost of expense if caused in whole or in part by the negligence of the RENTEE, or by third parties, or by the agents, servants, employees or factors of any of them on the Premises known as Colerain Township Senior Center and its parking lot. RENTEE takes full responsibility for all property damage, accidents, and personal injury during the rental period. RENTEE will indemnify and hold harmless the Township, its board, officials and employees, from any and all loss that may be sustained for any such damage or injury and will promptly pay all liabilities.

Accordingly, RENTEE agrees to retain and secure throughout the entirety of this rental agreement liability insurance up to at least \$2 million in coverage on which it will list Colerain Township as additional insured.

RENTTEE has read, understands, and agrees the above policies and regulations and agrees to comply with the same. For and in consideration of the permission to use the above described Premise, I, the undersigned, acquit, discharge and covenant to hold harmless Colerain Township, its Officers, Employees, Servants and Agents of and from any and all actions, causes of action, claims, demands, damages, costs, loss of services, expenses and compensation on or account of, or in any way growing out of, any and all personal injury or property damage which may result

IN WITNESS WHEREOF, the parties have caused their names to be affixed as an original on this _____ day of March 2017.

**Jess Enzor, Trustees Chairperson
Commencement Church**

**Dan Meloy, Township Administrator
Colerain Township**

NEW BUSINESS

Department: Planning & Zoning

Department Head: Jenna M. LeCount, AICP

Zoning

- a. Request to accept Seasongood Grant from the Seasongood Grant Foundation.

Rational:

It is requested to allow the Planning & Zoning Department to accept a grant in the amount of \$5,500.00 for use towards a summer co-op student.

NEW BUSINESS

Department: Administration – Economic Development

Department Head: Geoff Milz

Administration

- a. Authorization for Assistant Administrator to sign a Clean Energy Partnership Agreement with Donovan Energy

Rationale:

In January, Four Seasons Environmental completed a retro-commissioning report for the three buildings on the Township's Administrative Campus at 4300, 4200 and 4160 Springdale Road. In it, they recommended replacement of our existing florescent lighting with LED lighting.

Following receipt of this report, the Township contacted Donovan Energy who conducted a lighting inventory of the three buildings on the campus. In these three buildings, they identified 532 fixtures, which currently house approximately 1350 4' florescent T8 or T12 lightbulbs.

Donovan energy submitted a proposal to the Township to replace these 1350 lightbulbs with 4' LED T8 lightbulbs for the price of \$27,000.00. To offset this cost, Donovan Energy has secured for the Township a rebate from Duke Energy in the amount of \$20,250.00. In addition, Donovan Energy is offering the Township a 1-time payment of \$6,750 which reduces the net cost to the Township for the lightbulb upgrade to \$0.00. Further, Donovan Energy provided financial modeling that demonstrates an 58.4% immediate reduction in our lighting related energy use which translates to an annual savings of \$13,326 in energy costs.

The Township will be required to pay \$6,750.00 to the lightbulb vendor and, by entering into the Clean Energy Partnership Agreement with Donovan Energy, we will be reimbursed \$6,750.00.

I recommend approval.

- b. Authorization to expend \$6,750.00 for the purchase of LED lightbulbs

Rationale:

See above. I recommend approval.

- c. Appointment of Mr. Dan Meloy and Mr. Frank Birkenhauer to serve as members of the Hamilton County Tax Incentive Review Council

Rationale:

HCDC, Inc. is charged with convening the Hamilton County Tax Incentive Review Council (TIRC) to monitor the compliance of active enterprise zone agreements and community reinvestment area agreements within townships.

NEW BUSINESS

Formation of the Hamilton County Council is a legislative requirement of the program as outlined in the Ohio Revised Code Section 5709.85. They will hold their annual TIRC meeting on June 29th.

Every municipality/township participating in the enterprise zone program or community reinvestment area within townships must formally designate two (2) representatives to serve on the Hamilton County Council. TIRC members must be approved by the local legislative authority and be residents of Colerain.

I recommend approval.



DONOVAN ENERGY

Clean Energy Partnership Agreement

Donovan Energy is a clean energy project development company focused on energy procurement, energy efficiency, on-site renewable energy production, and energy financing.

Donovan Energy wants to help reduce your energy consumption by working with your business to find additional measures to reduce your total energy spend. Our goal is to help you take control of all your energy costs through reducing the amount of energy consumed in your buildings. To advance this opportunity, we are providing you a **1-time payment of \$6,750**. In return, we ask for your commitment to one or more of the following:

- A walk-through of your buildings to assess for energy efficiency and renewable energy upgrade opportunities;
- Your current electric/gas bill for analysis;
- Authorization to Donovan Energy to access your utility bills, two years in arrears and two years in the future;
- A customer testimonial;
- Use of your logo on digital and print media;

Please initial one:

_____ I am an authorized representative of a for-profit business

 X I am an authorized representative of a not-for-profit business and my organization's tax-exempt letter is attached.

Signed:

COLERAIN TOWNSHIP

Geoff Milz

Print Name

Sign Name

Title

Date

DONOVAN ENERGY, LLC

Timothy Donovan

Print Name

Sign Name

Partner

Title

Date

Information, data, and drawings embodied in this proposal are strictly confidential and are supplied on the understanding that they will be held confidentially and not disclosed to third parties without the prior written consent of Donovan Energy.

NEW BUSINESS

Department: Colerain Township Administration

Department Head: Daniel P. Meloy

Administration

a. Approval of 2017 Permanent Appropriations

Recommend the Board of Trustees approve the 2017 Permanent Appropriations in the amount of

Rationale:

We are requesting the Board approve the appropriations presented. The appropriations include \$1,250,000 for road improvements and capital expenditures for each of our departments.

The Board of Trustees of Colerain Township, County of Hamilton, Ohio, met in regular session at _____ p.m., on March ___, 2017, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Mr. Michael Inderhees, Mr. Jeffrey Ritter and Mr. Gregory Insco

Mr. _____ introduced the following resolution and moved its adoption:

**RESOLUTION NO. _____-17
COLERAIN TOWNSHIP BOARD OF TRUSTEES**

**RESOLUTION AUTHORIZING THE ADOPTION OF THE PERMANENT
APPROPRIATIONS FOR THE YEAR 2017**

NOW THEREFORE BE IT RESOLVED, that Colerain Township Board of Trustees does hereby agree to:

Section 1: Authorize the Fiscal Officer to prepare and submit a schedule of Permanent Appropriations for the year ending December 31, 2017 to the Hamilton County Budget Commission, as follows:

General (1000)	\$ 4,328,489.30
MVLT (2011)	\$ 45,169.00
Gasoline (2021)	\$ 160,000.00
Road & Bridge (2031)	\$ 1,159,960.00
Police District (2081)	\$ 7,626,523.10
Fire District (2111)	\$11,028,562.97
Zoning (2181)	\$ 472,765.67
PMVLT (2231)	\$ 527,048.00
PD Drug Enforcement (2261)	\$ 120,000.00
PD DUI (2271)	\$ 1,500.00
EMSS (2281)	\$ 1,690,656.50
Lighting Assessments (2401)	\$ 158,295.00
Recycling Incentive (2902)	\$ 52,241.36
TIF Kroger (2901)	\$ 169,425.00
TIF-Stone Creek (2907)	\$ 1,864,882.63
TIF-Best Buy (2910)	\$ 97,950.00
Parks & Services	\$ 398,096.12
Community Center	\$ 161,000.25
Bond Retirement-Parks (3102)	\$ 303,492.00
Bond Retirement-PW (3103)	\$ 212,273.00
Bond-Streetscape (3104)	\$ 177,550.00
Bond Retirement-Fire (3301)	\$ 242,192.00
Total	<u>\$30,998,061.91</u>

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

Vote Record: Michael Inderhees _____, Greg Insko _____, Jeff Ritter _____

ADOPTED this _____ day of March 2017.

BOARD OF TRUSTEES:

Michael Inderhees, Trustee

Greg Insko, Trustee

Jeff Ritter, Trustee

Attest:

Heather E. Harlow
Colerain Township Fiscal Officer

Resolution 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 Fiscal Officer, this 14th day of March, 2017.

Heather E. Harlow
Colerain Township Fiscal Officer