

Held

October 10, 2006

OPENING OF MEETING

Mr. Corman called the meeting to order at 6:03 PM with Mr. Corman, Mr. Fiedeldey, Mr. Ritter, and Mrs. Harlow in attendance.

EXECUTIVE SESSION

Mr. Reuter requested the Board would adjourn to executive session for the purpose of discussing imminent litigation and the collective bargaining agreements with Township employee unions.

At 6:04 PM, Mr. Fiedeldey made such motion and Mr. Ritter offered the second. No discussion and the roll was called:

Mr. Corman "Aye"
Mr. Fiedeldey "Aye"
Mr. Ritter "Aye"

At 7:07 PM the Board reconvened. Mr. Reuter said no actions were made in Executive Session.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mrs. Harlow said St. Ann's Webelos Scout Pack 660 would lead the Pledge of Allegiance and present the colors. Father Norman Langenbrunner of St. Bernard's Catholic Church in Taylor Creek offered an invocation.

APPROVAL OF MINUTES

Mr. Fiedeldey requested that during the discussion about writing letters to the County commissioners about the jail, he be identified as the speaker, not Mr. Corman about getting a commitment from the Commissioners that they will not site the jail in the Township. Also, Mr. Fiedeldey said he requested separate letters to each commissioner.

Mr. Ritter motioned to approve the minutes of the September 26, 2006, regular meeting of the Board, as amended. Mr. Fiedeldey offered the second.

Mr. Corman "Aye"
Mr. Fiedeldey "Aye"
Mr. Ritter "Aye"

PRESENTATION**RECOGNITION FOR OFFICERS BECK AND HUSSEL**

Mr. Fiedeldey said this presentation is in follow-up to the last meeting. He said that Officers Beck and Hussel did so well as the annual Police and Fire Games. The Board presented them with plaques and photos were taken.

EPA RUMPKE AIR PERMIT

Peter Sturdevant (946-7777) with the Hamilton County Environmental Services approached the Board. He was before the Board to present information to the Trustees that was given at last week's public meeting. He said that the public comment period has been extended to October 16. This permit would cover a new gas recovery plant, composting activities, portable engines and storage tanks. There would be an increase in particulate matter emissions.

Mr. Corman asked why the emissions standards are tighter for the methane than the others. Mr. Sturdevant said the standards are a combination of national and state standards.

Mr. Fiedeldey said there is a tremendous increase on the composting. Is the composting licensed and at what level? Mr. Sturdevant said that it is Class 2, which Mr. Fiedeldey said is restrictive. Mr. Sturdevant said the air permit does

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not address what is and is not allowed, but garbage is not allowed and animal waste is permitted. There are other items besides yard waste. Mr. Fiedeldey asked about the leachate collection. Mr. Sturdevant said that is in the solid waste permit, not the air permit. This is for the southern expansion, per Mr. Sturdevant. Mr. Fiedeldey said in the presentation in 2004, it was said that the air quality in the Township would continue to get worse, based on the southern expansion. This proposal would be 4% worse than what is proposed in 2004. Mr. Sturdevant said that is not correct. Additional pollutants would be produced, but not in violation of standards. Mr. Fiedeldey said that he hopes this would not be approved.

Mr. Ritter had no questions.

Mr. Fiedeldey said that we need to send a strong letter to the director. They are knowingly making the air worse. In 2004 and proposed in 2006. When does it end? Quality of life matters about the air we breathe. It may be under the threshold, but it continues to get worse. Mr. Ritter said he generally agrees, but would like more time for discussion.

Mr. Corman said we have a moral obligation to be sure we have a good quality of life. The issue is why the standards are lax. We should take a stand that we don't want it to get any worse, as a worst case scenario. We want it to get better and it needs to start now. We should issue a letter to the Ohio EPA to any standards being eased to where air quality in our area would be compromised.

Mr. Reuter said the proposal is to modify the existing permit. Even with the standards being observed quality of air would be decreased.

Mr. Fiedeldey read from the consent decree, which said that emissions cannot have an unreasonable effect on surrounding property. He feels this is violation of the decree. Mr. Reuter said he would like to review this. Mr. Corman requested that he follow-up with each Trustee individually.

Mr. Fiedeldey suggested they decide now on how to deal with this. Mr. Reuter said they should very strong letter to OEPA opposing any additional pollution in our Township. Mr. Fiedeldey made such motion and Mr. Ritter seconded.

Mr. Corman. "Aye"
Mr. Fiedeldey. "Aye"
Mr. Ritter. "Aye"

HOUSING COMMITTEE -- TRUSTEE RITTER

Mr. Ritter presented an update on the Housing Management section of the Quality of Life initiative. He said that CMHA Public Housing comprises 2% of the total 23,046 housing units in Colerain Township. The west side is burdened with a disproportionate share of CMHA public housing. In Hamilton County overall, only 4% of CMHA's units are located east of I-71. The balance is distributed almost equally between the west and central regions.

Mr. Birkenhauer said that the committee looked at Colerain Township housing and how it compares to the rest of the county. He said we are fortunate that 1/3 of the Township has beautiful vistas and developers are building \$250,000+ homes in the area. He said there is a disparity in mortgages/housing values and incomes.

The Committee made some recommendations and noted some existing items for housing revitalization: a housing maintenance code, excellent school rating,

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Hamilton County Home Improvement Program, Community Reinvestment Act, Dense Multi-Family Discouraged, "Zero Tolerance Policy," demand full disclosure of HUD units, economic development, make the area attractive to young professionals and families.

Lt. Dan Meloy discussed community action items: know your neighbors, get involved, report suspicious activity to the police, set-up a block-watch program, be informed, contact CMHA with questions. He presented a law enforcement response: identify a problem, analyze the program, respond, and assess the response. He presented a case study success story in Walden Glen Apartments.

Mr. Ritter thanked the committee for their hard work. Our Township is at a crossroads. We are developing good retail, but that success is negated with problems in neighborhoods. We have a moral imperative to take care of this. He read e-mail from resident who does not see change happening fast enough. He stressed the importance of the property maintenance code. He promised a relentless pursuit until this Township is all that it can be!

The other Board members complimented the presentation.

Mr. Corman said the Zero Tolerance Policy with CMHA should be implemented immediately. Reconstruction and relocation programs in the city are giving reasons to push to the suburbs. This is also pushing drugs and gangs. The three-prong approach is very important. We work hard for what's best for our families. He would like to know how many landlords live in the Township. He said we need to approach them and have them work with us.

Mr. Fiedeldey said the overall property values in Colerain Township only increased .6% from 1998 to 2002, well below the County's average of 15.6%. There is a lot of housing under \$100,000 and a large number is bought and sold by mortgage companies. He said property is also being bought by absentee owners, slum lords. We need to work to increase property values.

PUBLIC HEARING

ARIES COURT LIGHTING DISTRICT

Mr. Foglesong said that the Colerain Township Board of Trustees was presented with a petition on September 21, 2006, for a lighting district located on Aries Court within Colerain Township. The required 51% front footage signatures have been received with 63.5% favor.

Mr. Foglesong said there is one potential individual in opposition who did not feel the light is bright enough "to read a license plate."

The cost of the lighting to each property owner is approximately \$1.07 per month. There are 51 property owners within this district. Seven new lights are to be installed on Aries Court after January 1, 2007, as scheduled by Duke Energy.

Mr. Fiedeldey said one owner wants brighter lights, but what does the majority say? Mr. Foglesong said the next level is too bright, per Duke Energy. He did not hear back from the resident or petitioner on this matter.

Mr. Fiedeldey said this was initiated through block watch program.

Mr. Corman asked the Police Department if the luminescence will be sufficient for their needs. Chief Sarver said it would.

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Mr. Corman opened the hearing for public comment

Claire Wagner of 3335 Aires Ct. is the organizer of the petition. She said that when they started the block watch, lights were the first step suggested to them

Mr. Ritter motioned to close the public hearing and Mr. Fiedeldey seconded.

Mr. Corman. "Aye"

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

Mr. Foglesong read Resolution 42-06, "Aries Court Lighting District."

Mr. Ritter made such motion and Mr. Fiedeldey offered the second. No discussion and the roll was called:

Mr. Corman. "Aye"

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

SHERIFF'S REPORT

Lt. Mark Schoonover read and gave the reports to Chief Sarver

He commended Lt. Meloy with the presentation and job well done.

TRUSTEE REPORTS

MR. RITTER

No further report.

MR. FIEDELDEY

Mr. Fiedeldey said that Senator Clancy had arranged a meeting ODOT District 8

At that meeting, ODOT said they couldn't do anything about the preemption system on Colerain Avenue. Senator Clancy has set-up meeting in Columbus with the governor's office. ODOT admits that they do not put in preemption systems. Also, at the meeting, loop system was discussed. This can be done out of District 8. They have identified the section of Colerain Ave. from Springdale to Struble as the section to test the loop system.

Mr. Fiedeldey said he hopes to pass property maintenance code at the next meeting. He said the next steps are to start marketing to let people know that it is coming and offer 6 months to work things out. He said we also must look at staffing.

At a recent zoning case public hearing, a member of the Northwest Local School District Board gave the Board of Trustees a letter in which the School Board would like to negotiate an agreement to mitigate the loss in revenue to the School board if the Board of Trustees allows the Rumpke expansion. He said he is mad about this. This zoning decision has not been made. The tipping fee is implemented by legislature, as a compensation to the jurisdiction for lower property values for having a landfill. The school board is out of line to ask this. They need to petition the state legislature and not us!

MR. CORMAN

Mr. Corman said that at the retreat in March, the Board established goal-setting for the Departments with an update at end of September. He has completed a review of the report and it pleased with the results. He said that we have surrounded ourselves with an excellent group and we should permit and encourage them to work without interference. He thanked the Department Heads.

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CITIZEN ADDRESS

Alice Kennedy of West Kemper Road said that Ohio Bill 265 deals with air pollution control laws and has been in effect since August. She would like the Trustees to find out what the bill will change. She said this is another reason why the permit should not be issued. Mr. Fiedeldey asked Mr. Foglesong to follow-up on this.

Karen Stephenson, a Township resident, said that Ohio Bill 265 was passed in August and they waited until less than 24 hours before hearing to discuss it. This is a mobile composting unit, which can be moved to anywhere on the property that EPA and Hamilton County agree. She has questions about composting facility's daily inspections. This is reviewed once/year by state or once/quarter by county. She said this should be reviewed more frequently.

Gayla Epure of 11607 Pippin Road said that carbon monoxide discharged from the trucks using the landfill is not part of the permit.

Mr. Ritter motioned to close the public hearing and Mr. Fiedeldey seconded
 Mr. Corman. "Aye"
 Mr. Fiedeldey. "Aye"
 Mr. Ritter. "Aye"

UNFINISHED BUSINESS**PUBLIC WORKS****Charles Fath Reconstruction Project Change Order**

Mr. McClain requested the Board's approval of change order #3 in the amount of \$3,225.00. This change order is due to our decision to install ADA curb ramps on Jonrose Avenue at Noralma and Fannattee lanes, where they weren't any previously and the additional curb us to balance quantities. This will increase the amount of our contract, but we are within the amounts of funds allocated to this project by us and the Ohio Public Works Commission.

Mr. Ritter made such motion and Mr. Fiedeldey seconded
 Mr. Corman. "Aye"
 Mr. Fiedeldey. "Aye"
 Mr. Ritter. "Aye"

LEGAL**Housing Maintenance Code Adoption Update**

Mr. Reuter said that he has received comments from Dr. Roschke and Mr. Quinn, some of which he incorporated into the draft he supplied to the Board.

Mr. Reuter said there are some things to discuss: what court would hear these cases? Housing docket? This court, however, appears to exclude minor misdemeanors, which our citations would be considered. The Assistant Court Administrator has indicated that the Housing Docket is a pilot program, which expired in December 2006. It will be renewed through 2007. Most of cases are from the city of Cincinnati. Therefore, our cases will not go under housing docket.

Mr. Reuter said that we also need to consider, in the resolution adopting the code, if we should set out the training and qualification of the inspections officers.

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Mr. Corman asked about the notice requirement. Do we have to provide a time line in the code or is this done case-by-case? Mr. Reuter said that there can be separate deadlines.

Mr. Corman asked how the code would affect exterior property areas, specifically rural areas. Dr. Roschke said this does not include cultivated flowers and gardens. Mr. Corman asked about a pasture. Mr. Fiedeldey said this should apply to developed property and there should be some discretion of the inspector. Mr. Retuer will re-draft this.

Mr. Corman asked about motor vehicles. What if a vehicle is on a property without updated license? Mr. Retuer said this is in the zoning regulations.

Mr. Corman said that he agrees with Mr. Fiedeldey and we need to get this adopted, preferably at the next meeting.

ADMINISTRATION

Bauerwoods Update

Mr. Foglesong provided the Board an update on the traffic condition at Colerain and Bauerwoods, which was brought to the Board's attention in citizen address. He has sent a letter to ODOT to about the "Do not Block Intersection" signs and other immediate concerns. He has also looked into past history. He will provide more information as it arrives.

Mr. Fiedeldey requested this be on the agenda for the ODOT meeting. Mr. Ritter asked that he send a copy of the letter to the resident.

PARKS AND SERVICES

Dravo Park Improvements

On behalf of Mr. Snyder, Mr. Foglesong said that one of the Board's goals for 2006 was for improvements to Dravo Park including the transition from baseball/soccer to strictly soccer, which has been completed, as well as resurfacing of the parking lot. Initial responses to the request for proposal for resurfacing have exceeded the minimum bidding requirements and therefore would not have allowed the project to be completed this year. It was decided to get quotes on simply seal coating the parking lot, due to cost and timing. The quotes ranged from approximately \$7,900 to over \$10,500. Since it does not make sense to spend up to 30% of repaving costs on sealcoating, we solicited an additional bid for the resurfacing from Schumacher Dugan. They offered to do the repaving for \$24,895.00.

Mr. Ritter made such motion and Mr. Fiedeldey seconded.

Mr. Corman. "Aye"

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

NEW BUSINESS

ZONING

Nuisance Resolution

Dr. Roschke read Resolution #43-06, which authorized the abatement, control or removal of any vegetation, garbage, refuse or other debris.

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

Mr. Corman. "Aye"

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

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FISCAL OFFICER REPORT

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

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

Mr. Corman. "Aye"

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

The Fiscal Officer has recorded the following receipts:

REC	VENDOR	FOR	AMOUNT
495-06	Dusty Rhodes	Motor Veh, Perm Motor	42,359.06
496-06	Dusty Rhodes	Local Highway -- Sept	2,579.65
497-06	Dusty Rhodes	SIF, Rev Assist, Fin Inst	68,811.66
498-06	Dusty Rhodes	Tipping Fee	685.35
499-06	Dusty Rhodes	Revenue Reallocation	
500-06	Dusty Rhodes	20% Monies	40,390.00
501-06	Fire & EMS Department	EMS Billing	48,902.34
502-06	Fire & EMS Department	Cell, Reports, Don, Acct, Tags, CTTC	8,839.45
503-06	Police Department	Juvenile Traffic Fines	60.00
504-06	Police Department	Court Reimbursement	108.00
505-06	Zoning Department	Certificates, Amend	1,010.00
506-06	Sr. & Community Center	Fees, Rent, Don, Lunch	866.18
507-06	Police Department	Court Reimbursement	6.00
508-06	Zoning Department	Certificates	1,133.00
509-06	Fire & EMS Department	Foster Care Inspection	15.00
510-06	Administration	Cemetery Book	20.00
511-06	Fire & EMS Department	Plan Reviews	210.00
512-06	OTARMA	September Board Mtg	397.90
513-06	Rumpke	Solid Waste Disposal	43,446.22
514-06	Fire & EMS Department	Memo Receipt	
515-06	Ohio Public Works	Memo Receipt	
516-06	Council on Aging	COA -- Sept.	8,710.96
517-06	Fifth Third Bank	Investment Interest	20,050.00
518-06	Fifth Third Bank	Investment Interest	48,582.61
519-06	Fifth Third Bank	Investment Interest	148.93

Mrs. Harlow said that she has received notification from the Ohio Division of Liquor Control that Meijer Stores Limited Partnership, DBA Meijer Store 240, 3711 Stone Creek Blvd. has requested a new liquor permit. Chief Sarver has indicated there is no reason to request a public hearing on the permit. The Board agreed.

Mrs. Harlow read resolution 44-06, "Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor.

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

Mr. Corman. "Aye"

Mr. Fiedeldey. "Aye"

Mr. Ritter. "Aye"

Mrs. Harlow said that she is working on scheduling the invocation and Pledge of Allegiance for 2007 and asked the Board if they intend to set the same regular

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meeting schedule for 2007, the 2nd and 4th Tuesday of each month, with the exception of June, July, and August. This is their intention.

At 9:37PM, the Board took a five minute recess. Mr. Ritter made such motion and Mr. Fiedeldey offered the second. The roll was called:

Mr. Corman. "Aye"
Mr. Fiedeldey. "Aye"
Mr. Ritter. "Aye"

The Board reconvened at 9:46PM.

PUBLIC HEARING

CASE ZA2006-07 COLERAIN HEALTH CARE CAMPUS AND VILLAS

Dr. Roschke presented the staff report. This is a zone change request from R-6 urban residential district to PD-B business planned development district. The site is 15.5 acres. The purpose is to construct a multi-purpose 52,059 square foot facility that will provide nursing care, assisted living, and 15 independent living villas with the potential development of a medical/professional building.

Tim Huber with Ramsey Development is the applicant. He said they like the area and demographics. He feels this area is a good fit for them. They have done over 20 identical buildings in different cities.

In response to Mr. Corman's question, Mr. Huber said their closest location is in Batesville, IN, with a location under construction in Springfield Ohio.

Mr. Huber said they are a good buffer between residential and business.

Dr. Roschke read the conditions set-forth by the Zoning Commission.

Mr. Ritter asked Mr. Huber to compare the buffers with other developments he has worked on. Mr. Huber said that they always seem to be buffering for one reason or another. In this case, buffering is for the neighbor's benefit, so they need not look at their building. He said they will also buffer between villas and the highway. They plan an evergreen hedge near Chesterhill Drive.

Mr. Corman asked about the north border. Mr. Huber said they would prefer not to do a fence, but if that is required, they will do it. They prefer to do vegetation.

Mr. Fiedeldey asked why the Board was not provided with elevation drawings. Mr. Huber said he has given photos to Dr. Roschke, which she provided to the Board. He said they do an all-brick, residential-type construction.

Mr. Fiedeldey asked about the cottages and asked why they do not back up to the residential area. Mr. Huber said they tried to do that and it seemed to waste more of the ground. They like to have the villas as their own neighborhood.

Mr. Ritter asked about the boring under 275 for the sewer. Mr. Huber said MSD is all for tapping the sewer, but they are waiting on ODOT for approval to bore.

Carol Patterson of 2535 Chesterhill Drive said that as a neighborhood, they like this proposal. What if they get the zone change, but not the ODOT approval to bore? What will go in there? She would like the Board to wait on the rezoning until approval from ODOT. Mr. Huber said they have conditions on purchasing the site that they receive the approval from ODOT. At the zoning commission, they said a 30' buffer is required. She would like to see a fence as a benefit to some of the children in their neighborhood.

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Mr. Ritter motioned to close the public hearing and Mr. Fiedeldey seconded.

Mr. Corman. "Aye"
 Mr. Fiedeldey. "Aye"
 Mr. Ritter. "Aye"

Mr. Corman said this is a good development and a plus for the area. He agrees that it would be good to add the fence at the north boundary.

Ms. Patterson asked about the dry retention pond. Mr. Corman said the Engineers would work on that.

Mr. Huber said there is already a fence on 275 to keep kids off the highway. He said the residents like to have children around. He said they would work with the neighboring residents about the fences and the water retention.

Mr. Ritter thanked him for working for the residents. He is an enthusiastic supporter of the development as this type of development is needed.

Mr. Fiedeldey asked about the estimate for storm drainage and landscaping. Mr. Birkenhauer said that is for the county.

Mr. Fiedeldey said they were trying to utilize the property fully. He questions having the villas by the highway. He said the drawing doesn't show the buffering at the back of the villas. Mr. Huber said that they will put landscaping there and Mr. Fiedeldey suggested Norway Spruce.

Mr. Corman suggested a condition to required foliage buffering, to be approved by the Landscape Advisory Board, at the highway.

Mr. Fiedeldey asked about the buffering. The new zoning code said 30' buffering. This will be corrected in the final development plan. Dr. Roschke suggested that be added to the list of conditions.

Mr. Fiedeldey said this is a planned development, with 15% common space set-aside. He doesn't see this identified. He said there should be 50' from any property line to the parking lot. Dr. Roschke said this is a planned development business district and that can be adjusted. He said that it's a give-take with all give and no take. Mr. Fiedeldey recommended that the zoning code be complied with.

He read where he feels this does not comply with the zoning:

- Under 7.4.6, density should be 7 beds/acre
- Set-back should be 50' from all residential lot lines
- Parking areas set-back 5' from rear and side or 50' from residential.
- Set backs should be landscaped and well-maintained

Mr. Fiedeldey said nothing is shown about lighting on the northern part. He suggested 12' tall lights with cut offs. He said the main building might need to shift 25' to the south.

Mr. Fiedeldey feels there needs to be more buffering along the northern property line.

The Board discussed moving the villas and changing the configuration to meet the set-back requirements.

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Mr. Ritter said this seems to be a quality development and the residents are for this development. He would recommend the landscaping at 275 and buffer at Chesterhill Drive. He made such motion.

Mr. Corman said this development is an overlap from the old to the new zoning codes. He said that he feels if the Board holds him to every condition, they will lose the development. He said variances can be granted in this overlap period.

The Zoning Commission's recommendation came with conditions on the approval and it takes a unanimous vote to over-turn the zoning commission's recommendation. He feels Mr. Ritter's motion is appropriate at this point. The neighbors feel this is a good development. With Mr. Ritter's consent, he amended the motion to add the lighting on northern part of the property. He seconded the motion.

Mr. Ritter motioned to approve the plan with the conditions from the Zoning Commission, and additional conditions with landscaping at 275, northern lighting, and buffer at Chesterhill Drive. Mr. Corman second.

Mr. Corman. "Aye"
Mr. Fiedeldey "Nay"
Mr. Ritter. "Aye"

Mr. Ritter motioned to approve the plan with the conditions from the Zoning Commission. Mr. Corman second.


Mr. Corman. "Aye"
Mr. Fiedeldey. "Nay"
Mr. Ritter. "Aye"

The plan, with the conditions sent by the Zoning Commission, is approved.

ADJOURNMENT

With no further business to come before the Board, at 10:58 PM, Mr. Ritter motioned for adjournment. Mr. Fiedeldey offered a second.

Mr. Corman. "Aye"
Mr. Fiedeldey. "Aye"
Mr. Ritter. "Aye"


Fiscal Officer


President