

Minutes

September 26, 2023

1. **Opening of Meeting**

Ms Ulrich called the meeting to order at 6:00pm.
All trustees and the fiscal officer were present.

2. **Executive Session 6PM**

Mr Weckbach recommended the board of trustees go into executive session in accordance with ORC section 121.22 (G)(2) to consider the purchase of property for public purposes and also in accordance with ORC section 121.22 (G)(3) to discuss pending or eminent litigation.

Motion Mr Unger, Seconded Mr Wahlert

Vote - Ms Ulrich - Yes, Mr Unger - Yes, Mr Wahlert - Yes

Executive session convened at 6:01pm

Ms Ulrich called the meeting back to order at 7:00pm.

All trustees and the fiscal officer were present.

Mr Weckbach had nothing to report from executive session.

3. **Pledge of Allegiance 7PM**

All recited the Pledge of Allegiance.

4. **Meditation (Moment of Silence)**

5. **Approval of Minutes**

Motion for approval of the minutes from the board of trustees meeting on September 12, 2023.

Motion Mr Unger, Seconded Ms Ulrich

All voted Yes. Minutes approved.

6. **Presentations**

- a. Presentation by Chief Walls Introducing and Swearing-in a Newly Promoted Employees

Fire Chief Walls introduced and administered the oath of office to the following newly promoted employees.



Aaron Dewald
Charles Graham

7. Public Hearings

- a. Public Hearing for Zoning Commission Case ZA2023-11, Zoning Map Amendment for 7679 East Miami River Road from R-2 to PD-M

The Board of Trustees is required to hold a public hearing for zoning text amendments received from the Zoning Commission before such amendments can be approved.

Motion to open the public hearing Mr Wahlert, Seconded Mr Unger
All voted Yes. Public hearing opened.
The law director swore in all those who wished to speak.

Rob Painter (RVP Engineering) - He spoke on behalf of HJ Hauling. He gave an overview of the building site and the type of business that will be going on there. He spoke about the final development plan that will go to Hamilton County.

Vicki Sharrett - She mentioned the business is on the border of her property which is in Butler County. She questioned the cleaning out of the trucks and what that consists of. She mentioned the proximity of the river and asked if there was an environmental engineer working on the development.

Dawn Fritz - She mentioned the area is busy already with trucks and asked if a traffic study has been done at all.

Mr Weckbach - Traffic studies are not done at this point in the process. The traffic study is actually done at the county level.

Ms Fritz - She said she doesn't understand how this is going to benefit the township.

Carrie Davis - She said we took Hamilton County's regional approval process out of the mix. She thinks that has hurt us. She said she is concerned about the due process rights. She said this is at the intersection of when people enter and leave the township. She said it's scenic and it's gorgeous. She asked them not to ruin that. She is concerned about the drinking water system there.

Brooke Nusky - She is the majority owner of HJ Hauling. She is going to be living on the property. She mentioned they will probably only have 5-7 vehicles would be parked there. She talked about how the trucks are cleaned out and that there is nothing stored or dumped on site. They do not haul hazardous materials. She said she is active in the community and that they can be an asset to the community.

Dawn Fritz - She said it was disappointing about the information that was on the screen at the zoning meeting.

COLERAIN

TOWNSHIP ~ OHIO

Rob Painter - He clarified they do not have any discharges into the river. He also said they don't have any connection to the underground aquifer. If the county wants us to look at something with that, then we definitely will.

Mr Unger - She mentioned 5-7 trucks. Is that how many will be there? Are they dump trucks?

Mr Painter - They are dump trucks. There will be no storage on site.

Mr Unger - What kind of materials do you haul?

Ms Nusky - We haul dirt, concrete, asphalt. We do ODOT jobs and schools and jobs like that.

Mr Unger - Will there be a sign there?

Ms Nusky - There will be a small one at the end of the driveway.

Mr Wahlert - How high will the berm be?

Rob Painter - The combination of berm and wall and plantings is going to be 6 to 7 feet tall.

Ms Nusky - We want to leave as many existing trees as we can.

Vicky Sherritt - She said at the last meeting they said they would have up to 15 trucks on site. She asked about the sound barrier all around the property.

Carrie Davis - She said if you approve it now, they got the ticket to move forward within that zoning regulation packet. She asked that the board get writing from them by sending it back to the zoning department.

Motion to close the public hearing Mr Unger, Seconded Ms Ulrich
All voted Yes. Public hearing closed.

8. Citizens Address

Kathy Mohr - She recommended that there be a second sign in sheet for the public when there are public hearings. She spoke about instances she brought up about minutes she felt were incorrect. She gave examples of items she felt were left out from her review of the minutes from the video (Waycross Media). She said that Mr Unger's "No" vote was not included on a motion allowing the township to draft an agreement with the port (Port Authority), She then said "I'm sorry, it is there".

Motion for 2 additional minutes Mr Unger

Rich McVay - He said it makes sense to send the HJ Hauling approval back to zoning for the changes that need to be made. He talked about the Sears purchase. He said he suspects the township wants to set it up as a



prime spot in the township that people would enjoy. He applauds the board for doing that. He spoke about the zoning codes and mixed use development being in place before meeting with developers. He mentioned those codes would've prevented us from having to give the developer a million dollar gift for the Sovereign development.

Carrie Davis - She said she is not required to give the board notice before filing a lawsuit, but she has attempted to talk to you all about the misappropriation of Groesbeck Park property. She mentioned she knows the board knows about the deed restrictions, therefore the fire station cannot be built there. She feels the Little Cards program is being evicted. She said if the faces were a little bit "whiter" instead of a bunch of "black kids", we wouldn't be throwing them out of our park.

Mr Wahlert - I've spent 25 years in education teaching white and black students, so I am offended by your characterization. To bring this is about racism is ridiculous.

Ms Davis - Why the hell are you throwing them out of that park so you can put a f'ing fire house up there?

Mr Wahlert - Please leave your jailhouse language.

9. **Administrative Reports**

Mr Weckbach - I've spoken with Ms Davis and I've shared with her that we've done a full title search on the property and there is nothing that indicates that we cannot use it for the purpose as indicated. I've requested her to provide documentation that shows we cannot do this and I have not seen any documentation. Further, Chief Walls has done a Yomens work working with Little Cards and he secured them, working with partners, a new field that will be space for them. We do care deeply for those kids and we've worked for over a year to provide them with the new space. This (new fire station) is going to result in time savings for our fire runs, it's going to result in a new area for practices for the Little Cards field and an area that's actually bigger than what they have now.

10. **Trustees' Report**

Mr Unger - This weekend is Donaueschwaben Oktoberfest. I apologize to anyone in the room for the language that you heard. That's not typical of these meetings. In addition, I believe that we're all created in the image of God and I don't see race and I don't care to hear anyone coming here and insinuating that anyone here thinks that way.

Ms Ulrich - We had the recycle day this past weekend. It was such an organized event and there so many volunteers. Thank you to anyone who helped. October 7th is the "Give Back Day". I believe the firefighters are a part of this program, so you can call them for anyone who wants to volunteer. And another wonderful thing we're doing is our Veterans Dinner Dance. It was a huge success last year. She mentioned the Chamber of Commerce event that recognized our police and firefighters. I've been overhearing some negativism about the purchase of Sears and the Police levy. I just wanted to give a fact that if we applied all of the money (Sears) to the police levy, it would've only saved 1/10 of 1 Mill.

Mr Wahlert - Just to defend myself, I've given 30 years to education. Black kids, white kids,



Asian kids. It doesn't matter to me. This job isn't worth that. To sit there and take that abuse. Yes she's a voter, but I'm a person. I've spent my life coaching and teaching and trying to mold young men and women, and when you come at me with that B.S. I'm going to fight it. It's wrong to use that pulpit to try to do that to someone and I'm going to fight it every time.

Mr Unger - I did have more follow up. We have done a title search on that (Groesbeck Park) and I have personally read a number of documents, including documents from March 30th, 1967 when the Colerain Civic Association made an amendment to the process from March of '61. The recorder's office is a marvelous place and we have searched through all of that and whatever these documents are that are claimed to exist, they don't. For something like that to exist, it has to be recorded.

11. New Business

Public Safety

a. Resolution Declaring Nuisance and Ordering Abatement

Chief Cordie recommended ADOPTION of Resolution #127-23.

Rationale: This resolution allows for the removal of uncontrolled vegetation and/or refuse at the following properties:

3030 Sheldon Ave. 510-0071-0067-00

11589 Pippin Rd. 510-0024-0295-00

11607 Greenridge Dr. 510-0014-0092-00

3838 Cartwheel Terr. 510-0092-0116-00

10297 Cheltenham Dr. 510-0043-0148-00

All properties that are abated by the Township will have their property taxes assessed in order to reimburse the Township for the abatement services. This resolution and the Township's abatement process comport with the Ohio Revised Code for nuisance violations.

Motion Mr Unger, Seconded Mr Wahlert

No discussion:

Vote - Ms Ulrich - Yes, Mr Unger - Yes, Mr Wahlert - Yes

Resolution passed.

b. Resolution Declaring a Junk Motor Vehicle - 2968 Compton Rd - 1 of 5

Chief Cordie recommended ADOPTION of Resolution #128-23.

Rationale: Recommend Adoption of the Motion to Declare and Order Abatement of the Junk Motor Vehicle at the Following Property: 2968 Compton Rd. Cincinnati, OH 45251 1. (N/A) N/A, 2003, SILVER, CHEVY, TRAILBLAZER 2. (OH) 665ZLA, 2003, WHITE, ACURA, LEGEND 3. (N/A) N/A, UNKNOWN, SILVER, ACURA,



LEGEND 4. (OH) 572YTM, 2000, BLUE, VOLKSWAGEN, JETTA 5. (OH) 573YTM, 2001, BLUE, DODGE, RAM 1500.

Motion Mr Unger, Seconded Mr Wahlert

No discussion:

Vote - Ms Ulrich - Yes, Mr Unger - Yes, Mr Wahlert - Yes

Resolution passed.

c. Resolution Declaring a Junk Motor Vehicle - 6655 Daleview Rd. - 2 of 5

Chief Cordie recommended ADOPTION of Resolution #129-23.

Rationale: Recommend Adoption of the Motion to Declare and Order Abatement of the Junk Motor Vehicle at the Following Property: 6655 Daleview Rd. Cincinnati, OH 45247 1. (OH) R3944248, 2010, GRAY, DODGE, JOURNEY 2. OH) EIH1806, 2001, WHITE/BLUE, DODGE, CARGO VAN.

Motion Mr Unger, Seconded Mr Wahlert

No discussion:

Vote - Ms Ulrich - Yes, Mr Unger - Yes, Mr Wahlert - Yes.

Resolution passed.

d. Resolution Declaring a Junk Motor Vehicle - 9797 Stadia Dr - 3 of 5

Chief Cordie recommended ADOPTION of Resolution #130-23.

Rationale: Recommend Adoption of the Motion to Declare and Order Abatement of the Junk Motor Vehicle at the Following Property: 9797 Stadia Dr. Cincinnati, OH 45251 1. (FL) JEAR78, 2010, BLACK, UNKNOWN, UNKNOWN TRAILER.

Motion Mr Wahlert, Seconded Ms Ulrich

No discussion:

Vote - Ms Ulrich - Yes, Mr Unger - Yes, Mr Wahlert - Yes

Resolution passed.

e. Resolution Declaring a Junk Motor Vehicle - 10703 Pottinger Rd. - 4 of 5

Chief Cordie recommended ADOPTION of Resolution #131-23.

Rationale: Recommend Adoption of the Motion to Declare and Order Abatement of the Junk Motor Vehicle at the Following Property: 10703 Pottinger Rd. Cincinnati, OH 45251 1. (OH) HZK4356, 2003, BLUE, PONTIAC, VIBE.

Motion Mr Unger, Seconded Mr Wahlert

No discussion:

Vote - Ms Ulrich - Yes, Mr Unger - Yes, Mr Wahlert - Yes

Resolution passed.

f. Resolution Declaring a Junk Motor Vehicle - 3265 Deshler Dr - 5 of 5

Chief Cordie recommended ADOPTION of Resolution #132-23.

Rationale: Recommend Adoption of the Motion to Declare and Order Abatement of



the Junk Motor Vehicle at the Following Property: 3265 Deshler Dr. Cincinnati, OH 45251 1. (OH) GXF5351, 2009, GOLD, HONDA, ODYSSEY 2. (OH) FFB4300, 2010, SILVER, MAZDA, TRIBUTE.

Motion Mr Wahlert, Seconded Mr Unger

No discussion:

Vote - Ms Ulrich - Yes, Mr Unger - Yes, Mr Wahlert - Yes

Resolution passed.

Public Services

- a. Motion Authorizing Township Administrator to Execute a Contract with Custom Landscape Contractors for the 2023 Street Tree Program

Ms Mays recommended ADOPTION of the Motion.

Rationale: The Township advertised the 2023 Street Tree Program and received two responses: Hendel's Tree Service: \$84,852.50 Custom Landscape Contractors: \$100,835.16 The lowest bidder was Hendel's Tree Service, however, their proposal was not completed as directed in the instructions. Therefore, the proposal is not eligible for the contract and leaves only one proposal available for award. While Custom Landscape Contractors proposal is higher, it is still well below the appropriated funds for the project, which is \$200,000. Staff recommends approval of the motion. Alternatively, the Trustees could consider rejecting all bids and issuing a new bid packet. The bid tabulation for this project is attached.

Motion Mr Unger, Seconded Ms Ulrich

Discussion:

Mr Unger - I'm curious, when is the optimal time to plant trees?

Ms Mays - Right now is the optimal time.

Mr Unger - As you get into cooler weather, the ground doesn't dry up as quickly.

Mr Wahlert - I'm told you need two seasons for it to establish itself.

Ms Mays - That's right.

Ms Ulrich - What is the service on the trees if they die?

Ms Mays - They have a one-year maintenance obligation.

All voted Yes. Motion approved.

Development

- a. Resolution Approving/Denying Zoning Commission Case ZA2023-11, Zoning Map Amendment for 7679 East Miami River Road from R-2 to PD-M

Mr Miller recommended ADOPTION of Resolution #133-23.

Rationale: The Board of Trustees is required to hold a public hearing for zoning text amendments received from the Zoning Commission before such amendments can be

COLERAIN

TOWNSHIP - OHIO

approved.

Mr Wahlert - If we want to kick it back because I have concerns about the vision, would we want to approve it or deny it?

Mr Weckbach - Visuals would be part of the final development plan.

Ms Ulrich - I agree with you. There's some other specifications that were brought up that I think need to be spelled out.

Mr Unger - If we approve or deny it, what sends it back to our zoning board?

Mr Miller - You would be approving the text amendment R2 to PDM. As they prepare a final development plan, that's where the zoning commission dives into the detail.

Mr Unger - Another one of my concerns are the number of vehicles.

Mr Weckbach - I believe that you can change the conditions.

Motion to approve with conditions Mr Wahlert, Seconded Ms Ulrich

Discussion:

Mr Unger - I Motion we also amend maximum number of trucks (class a dump trucks) to 10

Mr Wahlert - I'd also like to have a landscape plan abating the visual landscape

Motion to approve resolution with amendments mentioned above Mr Wahlert, Seconded Mr Unger

Mr Unger - My modification is that there's no more than 10 trucks weighing over 26,000lbs.

Vote - Ms Ulrich - Yes, Mr Unger - Yes, Mr Wahlert - Yes.

Resolution approving zoning commission case with amendments passed.

Motion to set a Public Hearing for October 10, 2023 at 6:00pm for Zoning

- b. Commission Case ZA2023.12, Zoning Text Amendment to Prohibit Recreational Marijuana.

Mr Miller recommended ADOPTION of the Motion.

Rationale: The Board of Trustees is required to hold a public hearing for zoning text amendments received from the Zoning Commission before such amendments can be approved.

Motion Mr Wahlert, Seconded Ms Ulrich

No discussion:

All voted Yes. Motion approved. Public hearing set for 10-10-23 at 7:00pm.

- c. Update and Discussion - Sears Purchase

Mr Miller - Through the township's CIC we closed on Monday September 25th. The Hamilton County Land Reutilization Corp is holding and managing the building on our behalf per the master holding agreement. It is currently partially occupied by Spirit Halloween until the first week of November. Lease payments will be used to cover operating expenses. We will be seeking possible grants for demolition. There are some



issues with the property. We think it is in a state of blight.

Ms Ulrich - A point of clarity for the public. When we apply for these grants, it has to be in by December, and we wouldn't hear until June or July if we gets those grants for demolition?

Mr Miller - I haven't seen the program details yet. These dollars were provided in the budget that was passed by the general assembly June 30th of this year. Our Port Authority here locally, is the recipient agent of those funds. They'll be the ones distributing those funds.

Administration

- a. Motion to Set Special Meeting of the Board of Trustees for October 10, 2023 at 6PM - Work Session on Capital Budget

Mr McElravy recommended ADOPTION of the Motion.

Rationale: The Colerain Township Board of Trustees modified their Rules of Procedure and Conduct for Board of Trustee Meetings earlier this year to require an annual work session on Capital Reserves. Staff intends on producing the 2024 Operating Budget for review and consideration in November of 2023. In order to align capital needs, it is recommended that a work session be scheduled for October 10th at 6PM to discuss the capital reserve, requests from Departments for use of the reserve, and other priority considerations or plans for use of the capital reserve. As part of this discussion, staff will produce an updated TIF plan based on performance throughout 2023 and anticipated needs in the out years of the TIF.

Motion Mr Wahlert, Seconded Mr Unger

No discussion:

All voted Yes. Motion approved.

- b. Motion to Authorize Township Administrator to Execute Agreement with Zix for Microsoft Office 365 Licenses for \$29,984.70

Mr Weckbach recommended ADOPTION of the Motion.

Rationale: This Service Agreement would allow the Township to renew its Microsoft Office 365 licenses. The term of the Service Agreement is from October 18, 2023 to October 17, 2024.

Motion Mr Unger, Seconded Ms Ulrich

Discussion:

Mr Unger - This whole computer licensing business is, what Microsoft has done, from the time you could buy a computer with a program built into it, and now you get these revolving leases.

Mr Wahlert - Each upgrade gets more complicated.



All voted Yes. Motion approved.

c. Resolution Authorizing the Adoption of Amended Appropriations

Mr McElravy recommended ADOPTION of Resolution #134-23.

Rationale: This Resolution would increase appropriations in the four new TIF funds to allow for TIF Compensation Payments to the Northwest Local School District. Since the construction and valuation of the new TIF projects is ongoing, it is difficult to forecast how much will be raised, and what expenses will be incurred, with each of the TIFs. The Township has received the second half property tax settlement, and staff can forecast the totals that will be necessary for tax collection fees and TIF Compensation Payments for 2023. The increase in appropriations will allow the Township to remit the balances that are due, as well as set the stage for the second half TIF Compensation Payments. Staff will adjust the revenue budgets for each of the Funds to reflect actual collections as well. The increases for each Fund are as follows:

- Fund 2913 (TIF- Abbeytown) \$550
- Fund 2914 (TIF- Hunters Ridge) \$26,000
- Fund 2915 (TIF- Lake Gloria) \$12,000
- Fund 2916 (TIF- Crosley Meadows) \$200

Motion Mr Unger, Seconded Mr Wahlert

Discussion:

Mr Unger - There's been people that have come during the citizens comment portion of our meetings that have complained we haven't made the school district whole on these TIF's and this is just another example of the school district being made whole.

Mr McElravy - That's correct.

Mr Unger - Previous to my time on the board it wasn't always that way. That was one of the first things we started in 2018 was making sure they were involved.

Vote - Ms Ulrich - Yes, Mr Unger - Yes, Mr Wahlert - Yes

Resolution passed.

d. Resolution Supporting An Application For The 2023 Clean Ohio Conservation Fund, NRAC 2 For The Denier Preserve Project

Ms Mays recommended ADOPTION of Resolution #135-23.

Rationale: The Cardinal Land Conservancy has reached out with a request for the Board of Trustees to support their application to the State of Ohio for the purchase of 13.97 +/- acres of land from Kristen Denier, which is located at 3684 Poole Road. The award of a grant from the Clean Ohio Greenspace Conservation Program would allow the Conservancy to create a permanent nature preserve on this parcel.

Representatives from Cardinal Land Conservancy made comments on the project.

Motion Mr Unger, Seconded Mr Wahlert

Discussion:

Mr Unger - Does this fit with our long-term land use plan? Does the zoning work for that?



Mr Weckbach - It's open space that fits into some different zoning criteria, but if they make adjustments or amendments to the property they would have to go through zoning, but I'm not sure they're going to need to.

Mr Wahlert - One of the things I worry about is adding new expenses onto our plate and that's something that Great Parks is going to take care of.

Mr Weckbach - Yes, with Cardinal Land Conservancy.

Mr Unger - Is the hole 13.97 acres, is that the whole parcel as it's always been?

Cardinal Representative - It's the whole parcel.

Mr Weckbach - In all residential zoning districts, passive parks and conservation areas are permitted uses.

Ms Mays - With the Clean Ohio grant, if it is awarded, there are restrictions on what they can do.

Vote - Ms Ulrich - Yes, Mr Unger - Yes, Mr Wahlert - Yes

Resolution passed.

- e. Motion Authorizing Township Administrator to Execute an Amendment to the Concession Agreement

On August 1, 2022, the Township entered into an agreement with Timothy Harris to operate the Concession Stand at Colerain Park. The agreement states that the operation of the concessions service, and therefore monthly payment installments, are to continue monthly. Staff has identified that the operation of the concession stand would not be possible from November 1st through April 1st due to the structure being winterized for the season. The amendment identifies this issue with language to reflect the expected operating months. Rationale: On August 1, 2022, the Township entered into an agreement with a concessionaire to operate out of the concession stand at Colerain Park. The original agreement outlines the operations as a 12-month program, however, the building is closed from November 1 through April 1 every season which makes it not feasible for the concession sales to function. The amendment identifies this issue and provides a resolution to the original contract language.

Motion Mr Wahlert, Seconded Ms Ulrich

No discussion:

All voted Yes. Motion approved.

12. Old Business

- a. Resolution Establishing a Code Enforcement Review Board (CERB)

Chief Cordie recommended ADOPTION of Resolution #136-23.

Rationale: This Board, once established, would provide due process to any entity or home owner that is found to be violator of the Township's Vacant Building Resolution, or Rental Registration Resolution. This Board will take testimony from the owners and evaluate the facts surrounding the case before making a final determination and



recommendation. If the recommendation is to enforce the existing resolution against the property, then a resolution will be prepared to be adopted by the Trustees to directly assess the property tax bill for the violation.

Motion Mr Unger, Seconded Mr Wahlert

Discussion:

Mr Unger - How would we go about appointing members to that board?

Mr Weckbach - The bylaws that are included in the packet are going to have the fiscal officer, each of the trustees and the administrator all appoint one individual to the board.

Mr Unger - When would you look to have this established? First quarter?

Mr Weckbach - The goal would be to be up and running in Q1.

Mr Wahlert - This application process, I'm Joe Public and I want to apply, does it all go into one pool?

Mr Weckbach - That was the suggestion, to go into one pool.

Mr Unger - The purpose of this will be to speed up our code enforcement.

Mr Weckbach - The purpose is to provide a pathway for enforcement for some of our limited home rule resolutions that have been a little more tricky to enforce.

Vote - Ms Ulrich - Yes, Mr Unger - Yes, Mr Wahlert - Yes

Resolution passed.

13. Consent Items

- a. Donation Acceptance - Department of Fire and EMS - Christine Czerpak - \$200.00 (Visa Gift Card)

Colerain Township Department of Fire and EMS is grateful for a \$200.00 donation from resident Christine Czerpak in appreciation for services rendered on April 24, 2023.

Motion to approve all consent items Mr Unger, Seconded Mr Wahlert

All voted Yes.

All consent items approved.

14. Fiscal Office Report

No report.

15. Executive Session – if needed

not needed.

16. Adjournment

Motion to adjourn Mr Unger, Seconded Ms Ulrich

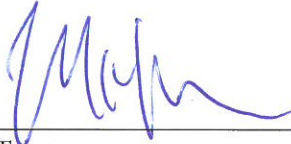
All voted Yes. Meeting adjourned at 9:11pm

COLERAIN

TOWNSHIP - OHIO



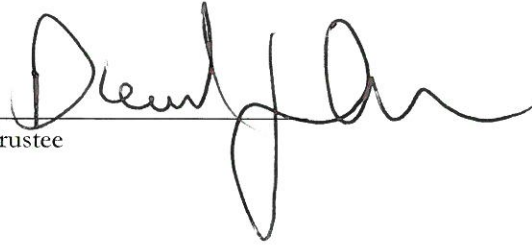
Fiscal Officer



Trustee



Trustee



Trustee