

TRUSTEES

Cathy Ulrich
Daniel Unger
Matt Wahlert

FISCAL OFFICER

Jeffrey D. Baker

ADMINISTRATOR

Jeff Weckbach

Regular Meeting of the Board of Trustees - May 22, 2025

1. **Opening of Meeting**
2. **Executive Session 6PM**
3. **Pledge of Allegiance 7PM**
4. **Meditation (Moment of Silence)**
5. **Approval of Minutes**
6. **Presentations**
 - a. Presentation by REDI of New Strategic Plan
7. **Citizens Address**
8. **Administrative Reports**
9. **Trustees' Report**
10. **New Business**
 - Public Safety**
 - a. Resolution Declaring Nuisance and Ordering Abatement

Public Services**Development**

- a. Motion to set a Public Hearing for June 10, 2025 at 6:00pm to consider Zoning Commission Case CZC-25-2, Zone Text Amendment to conditionally permit Cannabis Dispensaries in certain zoning districts.
- b. Motion to set a Public Hearing for June 10, 2025 at 6:00pm to consider Zoning Commission Case CZC-25-3, Zone Text Amendment to correct technical errors in the Zoning Resolution.
- c. Motion to set a Public Hearing for June 10, 2025 at 6:00pm to consider Board of Zoning Appeals Case BZA-25-3, Declaration of Abandoned Sign and Ordering Abatement.
- d. Motion to set a Public Hearing for June 10, 2025 at 6:00pm to consider Board of Zoning Appeals Case BZA-25-5, Declaration of Abandoned Sign and Ordering Abatement.

Administration

- a. Motion to Affirm 2026 Strategic Priorities
- b. Resolution Authorizing the Adoption of Amended Appropriations



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- c. Motion Authorizing Township Administrator to Execute a Consent Decree in Substantially the Same Form for 9872 Greenriver Drive

11. Old Business

12. Consent Items

- a. Promotion - Full-Time Firefighter/EMT - Department of Fire and EMS - James Dietrich - \$22.56 per hour
- b. Reclassification of Employee - Part-time Firefighter/Paramedic/FAO - Department of Fire and EMS - David Wegman - \$24.08
- c. Donation Acceptance - Department of Fire and EMS - Eschenbach Family - \$100.00 (Kroger Gift Card)

13. Fiscal Office Report

14. Executive Session – if needed

15. Adjournment

PRESENTATIONS

Department: Administration

Department Director: Jeff Weckbach, Township Administrator

Strategic Plan Goal: Strategic Goal #3: Revitalization of the Community through Economic Development, Beautification, and Code Enforcement

Presentation by REDI of New Strategic Plan

No action is requested of the Board.

Rationale:

Staff from REDI, the regional economic agency for Southwest Ohio, will be in attendance to provide an update on their newly adopted strategic plan.

PUBLIC SAFETY

Department: Police
Department Director: Ed Cordie, Police Chief

Strategic Plan Goal: Strategic Goal #3: Revitalization of the Community through Economic Development, Beautification, and Code Enforcement

Resolution Declaring Nuisance and Ordering Abatement

Recommend ADOPTION of the Resolution.

Rationale:

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

6850 Acre Dr.	510-0074-0278-00
2850 Breezy Way	510-0074-0107-00
2766 Byrneside Dr.	510-0074-0026-00
2601 Chesterhill Dr.	510-0022-0032-00
6916 Hillary Dr.	510-0074-0395-00
7218 Jamerine Ct.	510-0071-0462-00
2832 Jonrose Ave.	510-0071-0367-00
9887 Kittywood Dr.	510-0184-0130-00
9658 Loralinda Dr.	510-0052-0434-00
9670 Loralinda Dr.	510-0052-0433-00
3354 Niagara St.	510-0102-0036-00
3402 Niagara St	510-0102-0042-00
8910 Pippin Rd.	510-0062-0223-00
2458 Roosevelt Ave.	510-0031-0441-00
2480 Roosevelt Ave.	510-0031-0436-00
2486 Roosevelt Ave.	510-0031-0435-00
10170 Season Dr.	510-0113-0081-00
7155 Swirlwood Ln.	510-0073-0065-00

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.

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at 7:00 p.m., on the ____ day of _____, 202_, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Ms. Cathy Ulrich, Mr. Dan Unger, and Mr. Matthew Wahlert

Trustee _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. _____

RESOLUTION DECLARING NUISANCE AND ORDERING ABATEMENT

WHEREAS Uncontrolled vegetation and/or refuse and debris were reported at the properties listed below:

<u>Address</u>	<u>Book-Page-Parcel No.</u>
6850 Acre Dr.	510-0074-0278-00
2850 Breezy Way	510-0074-0107-00
2766 Byrneside Dr.	510-0074-0026-00
2601 Chesterhill Dr.	510-0022-0032-00
6916 Hillary Dr.	510-0074-0395-00
7218 Jamerine Ct.	510-0071-0462-00
2832 Jonrose Ave.	510-0071-0367-00
9887 Kittywood Dr.	510-0184-0130-00
9658 Loralinda Dr.	510-0052-0434-00
9670 Loralinda Dr.	510-0052-0433-00
3354 Niagara St.	510-0102-0036-00
3402 Niagara St	510-0102-0042-00
8910 Pippin Rd.	510-0062-0223-00
2458 Roosevelt Ave.	510-0031-0441-00
2480 Roosevelt Ave.	510-0031-0436-00
2486 Roosevelt Ave.	510-0031-0435-00
10170 Season Dr.	510-0113-0081-00
7155 Swirlwood Ln.	510-0073-0065-00

WHEREAS Ohio Revised Code Section 505.87 provides that, at least seven days prior to providing for the abatement, control, or removal of any vegetation, garbage, refuse, or debris, the Board of Trustees shall notify the owner of the land and any holders of liens of record upon the land; and

WHEREAS Ohio Revised Code Section 505.87 provides that, if the Board of Trustees determines within twelve consecutive months after a prior nuisance determination that the same owner's maintenance of vegetation, garbage refuse, or other debris on the same land in the township constitutes a nuisance, at least four days prior to providing for the abatement, control or removal of the nuisance, the Board must send notice of the subsequent nuisance determination to the landowner and to any lienholders of record by first class mail; and

WHEREAS

In accordance with Ohio Revised Code Section 505.87, the Township Trustees have the authority to contract to abate the nuisances and have the costs incurred assessed to the property tax bills.

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

1. That this Board specifically finds and hereby determines that the uncontrolled growth of vegetation and/or the refuse and debris on each of the said properties listed above constitute a nuisance within the meaning of Ohio Revised Code Section 505.87, and the Board directs that notice of this action be given to owners of the said property and lienholders in the manner required by Ohio Revised Code Section 505.87;
2. That this Board hereby orders the owners of said property to remove and abate the nuisances within seven days after notice of this order is given to the owners and lienholders of record, and within four days after notice of this order is given to the owners and lienholders of record for properties previously determined to be a nuisance. If said nuisances are not removed and abated by the said owners, or if no agreement for removal and abatement is reached between the Township and the owners and lienholders of record within four or seven days after notice is given, the Zoning Inspector shall cause the nuisances to be removed, and the Township shall notify the County Auditor to assess such cost plus administrative expense to the property tax bills for the said parcel, as provided in Ohio Revised Code Section 505.87;
3. 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
4. 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.
5. That this Resolution shall be effective at the earliest date allowed by law.

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

Vote Record: Mrs. Ulrich_____, Mr. Unger_____, Mr. Wahlert_____

ADOPTED this ____ day of _____, 202__.

BOARD OF TRUSTEES:

Cathy Ulrich, Trustee

Dan Unger, Trustee

Matthew Wahlert, Trustee

ATTEST:

Jeff Baker,
Colerain Township Fiscal Officer

Resolution prepared by and approved as to form:

Brodi Conover
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 _____, 202_.

Jeff Baker
Colerain Township Fiscal Officer

DEVELOPMENT

Department: Development
Department Director: David Miller, Director of Development

Strategic Plan Goal: Strategic Goal #3: Revitalization of the Community through Economic Development, Beautification, and Code Enforcement

Motion to set a Public Hearing for June 10, 2025 at 6:00pm to consider Zoning Commission Case CZC-25-2, Zone Text Amendment to conditionally permit Cannabis Dispensaries in certain zoning districts.

Recommend ADOPTION of the Motion.

Rationale:

As part of the Zoning Resolution amendment process, the Board of Trustees must hold a Public Hearing in their consideration of the recommendations from the Zoning Commission meeting held on May 18, 2025.

DEVELOPMENT

Department: Development
Department Director: David Miller, Director of Development

Strategic Plan Goal: Strategic Goal #3: Revitalization of the Community through Economic Development, Beautification, and Code Enforcement

Motion to set a Public Hearing for June 10, 2025 at 6:00pm to consider Zoning Commission Case CZC-25-3, Zone Text Amendment to correct technical errors in the Zoning Resolution.

Recommend ADOPTION of the Motion.

Rationale:

As part of the Zoning Resolution amendment process, the Board of Trustees must hold a Public Hearing in their consideration of the recommendations from the Zoning Commission meeting held on May 18, 2025.

DEVELOPMENT

Department: Development
Department Director: David Miller, Director of Development

Strategic Plan Goal: Strategic Goal #3: Revitalization of the Community through Economic Development, Beautification, and Code Enforcement

Motion to set a Public Hearing for June 10, 2025 at 6:00pm to consider Board of Zoning Appeals Case BZA-25-3, Declaration of Abandoned Sign and Ordering Abatement.

Recommend ADOPTION of the Motion.

Rationale:

As part of the abatement process for abandoned signs, the Board of Trustees must hold a Public Hearing in their consideration of the recommendations from the Board of Zoning Appeals meeting held on February 26, 2025.

DEVELOPMENT

Department: Development

Department Director: David Miller, Director of Development

Strategic Plan Goal: Strategic Goal #3: Revitalization of the Community through Economic Development, Beautification, and Code Enforcement

Motion to set a Public Hearing for June 10, 2025 at 6:00pm to consider Board of Zoning Appeals Case BZA-25-5, Declaration of Abandoned Sign and Ordering Abatement.

Recommend ADOPTION of the Motion.

Rationale:

As part of the abatement process for abandoned signs, the Board of Trustees must hold a Public Hearing in their consideration of the recommendations from the Board of Zoning Appeals meeting held on February 26, 2025.

ADMINISTRATION

Department: Administration

Department Director: Jeff Weckbach, Township Administrator

Strategic Plan Goal: Strategic Goal #1: Chart a Pathway to Long-Term Financial Stability
Strategic Goal #2: Continue to Provide High Quality Safety Services
Strategic Goal #3: Revitalization of the Community through Economic Development, Beautification, and Code Enforcement
Strategic Goal #4: Expand Recreational Opportunities for all Ages
Strategic Goal #5: Continuously Improve the Operations of the Township
Strategic Goal #6: Make Progress on Deferred Maintenance and Reposition Existing Assets

Motion to Affirm 2026 Strategic Priorities

Recommend ADOPTION of the Motion.

Rationale:

In 2023, the Board of Trustees adopted a three-year set of priorities to govern strategic initiatives and items for the 2024-2026 fiscal years. This motion would re-adopt the strategic priorities for 2026, the final year of the three-year strategic plan.

Strategic Goal #1: Chart a Pathway to Long-Term Financial Stability
Strategic Goal #2: Continue to Provide High Quality Safety Services
Strategic Goal #3: Revitalization of the Community through Economic Development, Beautification, and Code Enforcement
Strategic Goal #4: Expand Recreational Opportunities for all Ages
Strategic Goal #5: Continuously Improve the Operations of the Township
Strategic Goal #6: Make Progress on Deferred Maintenance and Reposition Existing Assets

Starting in 2026, the Township will embark on a new multi-year strategic planning process that will incorporate new or refined goals.

ADMINISTRATION

Department: Administration
Department Director: Jeff McElravy, Assistant Administrator

Strategic Plan Goal: Strategic Goal #1: Chart a Pathway to Long-Term Financial Stability

Resolution Authorizing the Adoption of Amended Appropriations
Recommend ADOPTION of the Resolution.

Rationale:

The Township recently received its first half property tax settlement, which gives staff the opportunity to compare actual collections to forecasts. Forecasting TIF collections is a challenge, particularly for residential TIFs, because the tax value of the development changes as the project is completed. This Resolution would increase appropriations in six Funds. For four of those funds, the increases are due to the TIFs outperforming forecasts. The increase in the two other Funds are for the sidewalk projects on Springdale and Poole Roads. Specifically:

- 1000 (General Fund) - increase appropriations by \$188,741, to \$9,392,455, for the sidewalk projects.
- 2903 (TIF- Colerain Towne Center/Rumpke) - increase appropriations by \$316,905, to \$528,405, to allow the Township to deposit funds with the trustee for the bonds issued for the construction of Generation Drive.
- 2906 (Sidewalk Waiver) - increase appropriations from zero to \$34,949.99, for the sidewalk projects.
- 2907 (TIF- Dunlap Grove) - increase appropriations by \$7,000, to \$133,000, to make TIF Compensation payments to Northwest Local Schools and pay tax collection fees.
- 2913 (TIF- Abbeytown) - increase appropriations by \$111,200, to \$290,000, to make TIF Compensation payments to Northwest Local Schools and pay tax collection fees.
- 2916 (TIF- Crosley Meadows) - increase appropriations by \$89,141, to \$274,141, to make TIF Compensation payments to Northwest Local Schools and pay tax collection fees.

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at ____ p.m., on the __ day of May 2025, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Mrs. Cathy Ulrich, Mr. Daniel Unger, Mr. Wahlert

Trustee _____ introduced the following resolution and moved its adoption:

RESOLUTION NO. ____ - 25

**RESOLUTION AUTHORIZING THE ADOPTION OF PERMANENT APPROPRIATIONS
FOR THE YEAR 2025**

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

Section 1: Authorize the Colerain Township Fiscal Officer to prepare and submit a schedule of permanent appropriations for the year ending December 31, 2025, to the Hamilton County Budget Commission, as follows:

FUND	FUND NAME	APPROPRIATIONS
1000	General	9,392,455
2011	Motor Vehicle License Tax	758,922
2021	Gasoline Tax	792,958
2031	Road and Bridge	2,304,815
2081	Police District	11,943,370
2111	Fire District	17,787,010
2181	Zoning	516,021
2231	Permissive Motor Vehicle License Tax	871,944
2261	Law Enforcement Trust	211,100
2271	Enforcement and Education	2,000
2281	Ambulance And Emergency Medical Services	1,469,938
2401	Special Assessment - Lighting Districts	165,360
2402	CDBG Sidewalk Maintenance Fund	30,000
2901	TIF - Kroger	326,500
2902	Recycling Incentive	112,475
2903	TIF - Colerain Towne Center	528,405.52
2904	TIF - Duke	205,000
2905	TIF - Northridge	135,001
2906	Sidewalk Waiver	34,949.99

2907	TIF – Dunlap Grove	133,000
2908	CDBG Com Dev Block Grant	100,000
2909	One Ohio Opioid Settlement	50,000
2910	TIF - Zillig	29,000
2911	Parks & Services	1,356,505
2912	Community Center	326,999
2913	TIF - Abbeytown	290,000
2914	TIF - Hunters Ridge	67,000
2915	TIF - Lake Gloria	182,500
2916	TIF - Crosley Meadows	274,141
2917	TIF - Copper Creek	35,289
2918	TIF - Pottinger	-
2919	TIF- Staverman Farms	-
3101	Bond Retirement	732,175
4101	Capital Project- Fire Fund	1,607,830
6001	Self-Insurance Fund	2,668,066

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

Vote Record: Mrs. Ulrich _____, Mr. Unger _____, Mr. Wahlert _____,

ADOPTED this _____ day of May 2025.

BOARD OF TRUSTEES:

Cathy Ulrich, Trustee

Daniel Unger, Trustee

Matthew Wahlert, Trustee

ATTEST:

Jeff Baker,
Fiscal Officer

Resolution prepared by and approved as to form:

Brodi Conover
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 May 2025. I hereby certify that funds are available and have been lawfully appropriated, authorized or directed for the purposes identified in the attached resolution, and are in the treasury or in the process of collection to the credit of the appropriate fund, free from any previous encumbrance.

Jeff Baker,
Colerain Township Fiscal Officer

ADMINISTRATION

Department: Administration
Department Director: Jeff Weckbach, Township Administrator

Strategic Plan Goal:

Motion Authorizing Township Administrator to Execute a Consent Decree in Substantially the Same Form for 9872 Greenriver Drive

Recommend ADOPTION of the Motion.

Rationale:

This consent decree is related to a BZA case from last year.

**COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO**

AMBER R. BUTLER	)	
	)	
Plaintiff-Appellant	)	Case No. A 2405705
	)	
	)	CONSENT DECREE
-v-	)	
	)	
COLERAIN TOWNSHIP, OHIO, <i>et al.</i>	)	
	)	
Defendants-Appellees	)	

WHEREAS, Plaintiff-Appellant, Amber R. Butler (“Butler”), is the owner of approximately .185 acres of land located at 9872 Greenriver Drive, Colerain Township, Hamilton County, Ohio 45231, and identified by the Hamilton County Auditor’s office as Parcel No. 510-0044-0324-00 (the “Property”); and

WHEREAS, the Property that is the subject of the Complaint is zoned “SUR: Single Unit Residential” pursuant to the terms of the Colerain Township Zoning Resolution and Map; and

WHEREAS, Colerain Township adopted Resolution No. 103-24 on September 10, 2024, which approved text amendments to the Colerain Township Zoning Resolution that only permitted Group Homes for Children within the “MUR: Multi-Unit Residential” Districts of Colerain Township and required Group Homes for Children to be approved as conditional uses within the “SUR: Single Unit Residential” Districts of Colerain Township; and

WHEREAS, Butler had previously been approved by Colerain Township for a Zoning Certificate for a Group Home for Children at the Property on July 12, 2023, and Butler took steps including, but not limited to, pursuing a state group home license from Ohio Jobs & Family Services and preparing the residence on the Property for use as a Group Home for Children; and

WHEREAS, Butler was advised by Colerain Township that her Zoning Certificate for a Group Home for Children at the Property had expired on July 12, 2024, and that she needed to apply for a conditional use with the Colerain Board of Zoning Appeals (“BZA”); and

WHEREAS, Butler applied for conditional use and a hearing occurred before the Colerain Township BZA on November 20, 2024 wherein such conditional use application was denied; and

WHEREAS, Butler filed a Notice of Administrative Appeal in the Hamilton County Court of Commons Pleas, styled *Amber R. Butler v. Colerain Township, Ohio, et al.*, identified as Case. No. A 2405705 (hereinafter referred to as the “Action”); and

WHEREAS, Butler recently applied for Legal Nonconformity Certificate on April 11, 2025, asserting that her previous Zoning Certificate for a Group Home for Children at the Property had never expired and that such Group Home use was now a legal non-conforming use following the adoption of Resolution No. 103-24 on September 10, 2024, regarding text amendments to the Colerain Township Zoning Resolution; and

WHEREAS, Colerain Township denied Butler’s application for Legal Nonconformity Certificate on April 25, 2025, advising Butler of her ability to appeal the denial to the Colerain BZA; and

WHEREAS, Counsel for Butler and Colerain Township engaged in significant discussions relating to the potential settlement of this Action, which discussions have included an assessment of Butler’s assertion that the Group Home for Children use on the Property would constitute a prior legal non-conforming use; and

WHEREAS, the Parties desire to conclude this litigation in a manner which will permit Butler to utilize the Property as a Group Home for Children with input by Colerain Township; and

WHEREAS, the Parties are agreeable to resolving their disputes, allowing the use of the Property as a Group Home for Children as proposed herein, dismissing and/or withdrawing all pending claims, appeals, public records requests, and applications and thus, fully settling the above-captioned case and Action; and

WHEREAS, the use of the Property as a Group Home for Children does not involve any zoning change or anything subject to a referendum under R.C. § 519.12 and does not require any published notice of the board of trustees intent to meet and consider and take action and/or require a public hearing on the decree or court-approved settlement agreement; and

WHEREAS, on May 22, 2025, the Trustees of Colerain Township voted to approve this Consent Decree; and

WHEREAS, Butler, at least 10 days prior to the submission of this Consent Decree to this Court, published notice in the Cincinnati Court Index which included a caption of this case, the case number, and Court where this Consent Decree will be filed, the intention of the Parties to file this Consent Decree, a description of the Property, and the proposed use of the Property; and

WHEREAS, on _____, 2025, a hearing was held before this Court on the Consent Decree where the Parties presented evidence satisfactory to the Court, and the Court so finds, that the hearing was properly noticed pursuant to the terms of R.C. §505.07 and that this Consent Decree is a fair and reasonable settlement; and

WHEREAS, Butler and Colerain Township without trial or adjudication of any issue of fact or law, and without admission by Defendants-Appellees of the facts or allegations contained in the Action, and by consent of the Parties, and upon consideration of the mutual promises set forth herein, the sufficiency of which is hereby acknowledged by the parties,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

A. DEFINITIONS

1. “Township” shall refer collectively to Colerain Township, a duly organized and existing political subdivision located in Hamilton County, Ohio, and to the Colerain Township Board of Zoning Appeals.

2. “Butler” shall refer to Amber R. Butler, the current owner of the Property and Plaintiff-Appellant in this civil action.

3. “Lawsuit” or “Action” shall refer to the civil action filed by Butler against Colerain Township and the Colerain Township BZA, styled *Amber R. Butler v. Colerain Township, Ohio, et al.*, Case. No. A 2405705, in the Hamilton County Court of Common Pleas.

4. “Property” shall refer to approximately .185 acres of land, Parcel No. 510-0044-0324-00, located at 9872 Greenriver Drive, Colerain Township, Hamilton County, Ohio 45231, in the SUR: Single Unit Residential district that is the subject of the Complaint.

5. “Zoning Amendment” shall refer to the comprehensive text amendments that were adopted by the Colerain Township Board of Trustees on September 10, 2024, via Resolution No. 103-24 to which included Text and Zoning Map Amendments to the Colerain Township Zoning Resolution for Group Homes for Children among numerous other changes.

6. “Zoning Resolution” shall refer to the Colerain Township Zoning Resolution, adopted by the Colerain Township Board of Trustees under R.C. §519.02, and inclusive of all amendments through the date of this Consent Decree.

B. TERMS

Come now Plaintiff-Appellant, Colerain Township, Ohio (“Township”), and the Colerain Township Board of Zoning Appeals (“BZA”), and for the terms of their agreed Consent Decree, state as follows:

1. Within seven (7) calendar days following completion of the Consent Decree process, the Colerain Township Department of Development - Planning and Zoning Division will issue a formal writing (“certificate” or “permit”), recognizing the ongoing validity of Zoning Certificate No. Z2023-324 (“Zoning Certificate”) to allow Butler the ability to operate a Group Home for Children (“Group Home”) in her home at 9872 Greenriver Drive, Colerain Township, OH 45231;
2. This certificate or permit will recognize the ongoing validity of the Zoning Certificate and as long as Butler is actively pursuing all required licenses with the State of Ohio, and the Township will grant Butler an extension of the Zoning Certificate, upon request (if such extension is required) as long as Butler maintains all required licenses with the State of Ohio;
3. Butler agrees, as a condition of issuance of this certificate or permit, to limit the occupancy of the Group Home to no more than five (5) children at any time;
4. Butler agrees, as a condition of issuance of this certificate or permit, to notify the Colerain Police Department of any new child brought into the community with basic demographic information and background (such as any criminal history);
5. Butler agrees, as a condition of issuance of this certificate or permit, to notify the Colerain Police Department of the departure of any child living in the Group Home;
6. Butler agrees, as a condition of issuance of this certificate or permit, to limit the occupancy of the Group Home to children under eighteen (18) years of age;
7. Butler agrees, as a condition of issuance of this certificate or permit, to ensure that the Group Home is properly staffed, 24 hours a day, 365 days per year, per the requirements of all state statutes and administrative regulations, including (but not limited to) provisions for relief staff and for a backup plan for emergency relief staff;
8. Butler agrees, as a condition of issuance of this certificate or permit, to conform the operations of the Group Home to all other applicable state statutes and administrative regulations, and to all applicable Resolutions of Colerain Township, including, but not limited to, all legitimate notices issued under Resolution 21-24 (Resolution Updating Colerain Township Nuisance Property Resolution) and any subsequent modified version of Resolution 21-24;

9. The following term shall become valid and enforceable three (3) years after issuance of the certificate or permit and after issuance of all required licenses with the State of Ohio:
 - a. Butler agrees, as a condition of issuance of this certificate or permit, that if 9872 Greenriver is deemed a nuisance by a court of competent jurisdiction after proper notice, order and citation under Resolution 21-24, and after exhaustion of all appropriate appeals, by having five or more incidents in any 365 day timeframe, that operation of the Group Home will be terminated. For the avoidance of doubt, all affirmative defenses under Resolution 21-24 shall be available to Butler in response to any allegation of nuisance activity. Any failure to terminate the Group Home operations within thirty-five (35) days will result in a fine of \$500 per day to be paid by Butler to the Township. If Butler does not pay these fines in a timely fashion, the Township shall have the right to lien the property for \$500 per day and annually convert all liens against the property into a property tax assessment;
10. Butler agrees to provide the Township with all reports that she files with the Ohio Department of Children & Youth (“DCY”) (other than reports that are deemed confidential by the DCY or are otherwise protected from disclosure, such as reports that fall under HIPAA rules);
11. Butler agrees to provide additional regular reports, i.e., in addition to those required by DCY, to the Township, upon reasonable request;
12. Butler agrees to establish a protocol of constant communication with the Township police department and with neighbors of the Group Home;
13. Butler will include in her Community Engagement Plan (required under ORC § 5103.051 and OAC 5101:2-9) a provision that will establish regular contacts from Butler to the Township police department and to her immediate neighbors, at intervals to be agreed upon;
14. Butler will provide her mobile telephone number to the Township police department and to her immediate neighbors, with instructions to call her immediately for any problems or concern;
15. Butler agrees to maintain an open line of communication to discuss issues with the Group Home, should they occur, with the owners of the adjacent properties listed below:
 - a. 9880 Greenriver Dr
 - b. 9866 Greenriver Dr
 - c. 9869 Greenriver Dr
 - d. 9873 Greenriver Dr
 - e. 9879 Pinedale Dr
 - f. 9885 Pinedale Dr;

16. Butler agrees, as a condition of this certificate or permit, that she and any successor to this agreement, will make an annual impact fee payment to the Colerain Township Police Department of \$2,500 which shall be paid before November 1st of every year that the Group Home is in operation for at least one day. Payment under this section shall commence one (1) year after the initial occupancy of the subject property as a Group Home;
17. Butler agrees, as a condition of this certificate or permit, that within fourteen days of the execution of this agreement that 9872 Greenriver Drive, Colerain Township, OH 45231 will be updated with the Hamilton County Auditor to have the Owner Occupancy Tax Credit removed;
18. Butler will not bring a separate action for constitutional violations and other claims associated with the Township's current position that Zoning Certificate No. Z2023-324 has expired. However, if the new certificate or permit is appealed, this term shall be null and void, and Butler will have all rights to bring such suits as she deems appropriate to enforce Zoning Certificate No. Z2023-324 and the new certificate or permit;
19. The effective date of this Consent Decree shall be the date of entry by this Court.

C. MISCELLANEOUS TERMS

1. Hierarchy of Governing Regulations: This Consent Decree shall prevail over any conflicting provisions in the Zoning Resolution, and shall be liberally construed to effectuate the uses contemplated herein. A conflict between the Zoning Resolution and this Consent Decree shall be deemed to exist whenever any provision of the Zoning Resolution not incorporated into this Consent Decree would, if applied to the use of the Property, operate to prohibit, impair, diminish, condition, limit, or otherwise reduce the effect of any right or benefit conferred by this Consent Decree.

2. Binding Effect: This Consent Decree shall be binding upon, and inure to the benefit of, the Parties hereto and all of their respective officers, agents, and employees or upon any other persons authorized to act on any of their behalf.

3. Continuing Jurisdiction: The Court of Common Pleas for Hamilton County, Ohio, shall retain jurisdiction concerning all matters relating to or arising out of the validity, interpretation, application, breach, or enforcement of this Consent Decree. In this regard, the Parties agree that the Court shall have the authority to grant specific performance and injunctive relief to enforce this Consent Decree, and may exercise all contempt powers granted by applicable law to enforce the terms of this Consent Decree.

4. Interpretation, Application, and Modification: This Consent Decree shall not be amended or modified except via a written stipulation filed by both parties with the Court. Such amendment shall become effective upon approval by the Court. All amendments or modifications approved by the Court shall be binding upon the Parties and their successors.

5. Waiver of Appeal: The Parties hereto expressly waive all rights of appeal from this Consent Decree.

6. Effective Date: This Consent Decree shall become effective immediately upon its approval by the Court.

7. Execution and Authorization: By signing in the spaces below, the representatives for each party hereby represent and warrant that they are duly authorized to bind each of the Parties to the terms and conditions set forth in the Consent Decree.

ACCEPTED AND AGREED TO:

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***Attorney for Plaintiff-Appellant,
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***Attorney for Defendants-Appellees,
Colerain Township, Ohio and Colerain
Township Board of Zoning Appeals***

Amber R. Butler

Colerain Township, Ohio
By: Jeff Weckbach, Township Administrator

SO ORDERED this ____ day of _____, 2025:

Judge Jennifer L. Branch

CONSENT ITEMS

Department: Fire
Department Director: Allen Walls, Fire Chief

Strategic Plan Goal: Strategic Goal #2: Continue to Provide High Quality Safety Services

Promotion - Full-Time Firefighter/EMT - Department of Fire and EMS - James Dietrich - \$22.56 per hour
Recommend approval of all consent items.

Rationale:
The position of Firefighter/Paramedic was posted, applications were received, and interviews were conducted. A conditional offer of employment was extended to the following individual:

- James Dietrich

The wage for this job is \$22.56 per hour. Contingent upon Board approval, James Dietrich would be eligible to begin work on May 27, 2025.

CONSENT ITEMS

Department: Fire
Department Director: Allen Walls, Fire Chief

Strategic Plan Goal: Strategic Goal #2: Continue to Provide High Quality Safety Services

Reclassification of Employee - Part-time Firefighter/Paramedic/FAO - Department of Fire and EMS - David Wegman - \$24.08

Recommend approval of all consent items.

Rationale:

Reclassification of Employee - Part-time Firefighter/Paramedic/FAO - Department of Fire and EMS - David Wegman - \$24.08. Contingent upon Board approval, he would be eligible to begin work on May 25, 2025.

CONSENT ITEMS

Department: Fire
Department Director: Allen Walls, Fire Chief

Strategic Plan Goal: Strategic Goal #2: Continue to Provide High Quality Safety Services

Donation Acceptance - Department of Fire and EMS - Eschenbach Family - \$100.00 (Kroger Gift Card)
Recommend approval of all consent items.

Rationale:
Colerain Township Department of Fire and EMS is grateful for a \$100.00 donation from Eschenbach Family.

