

January 27, 2004

Held \_\_\_\_\_

Trustee Keith Corman called the meeting to order at 7:10 p.m. The Board was in full attendance with the exception of Clerk Mohr. Ms. Burns was acting recorder.

**Pastor Wally Miller of Friendship Baptist Church** gave the invocation.

**Scout Troop #2925 of Colerain High School** posted the colors.

The meeting was turned over to Mr. Foglesong for the purpose of calling for nominations for Board President and Vice-President. Mrs. Rielage nominated Mr. Fiedeldey for President, who declined the nomination Mr. Fiedeldey then nominated Mr. Corman for President. Mr. Corman seconded the motion. The roll was called.

Mr. Fiedeldey.	"Aye"
Mr. Corman.	"Aye"
Mrs. Rielage.	"Aye"

Mr. Foglesong asked for nominations for the position of Vice-President. Mr. Corman nominated Mr. Fiedeldey for position of Vice President. Mrs. Rielage seconded the nomination. The roll was called.

Mr. Corman	"Aye"
Mrs. Rielage.	"Aye"
Mr. Fiedeldey	"Aye"

The meeting was then turned over to President Corman who requested approval of the minutes of the previous meeting. In order to allow the Board ample time to review the minutes, they will be considered at the next meeting.

**SHERIFF'S REPORT**

Sgt. Scudder with Hamilton County Sheriff's Patrol, presented crime statistics, terminal information and citizen survey letters as compiled by the County.

**TRUSTEES' REPORT**

Trustee **Diana Lynn Rielage** mentioned that the Police Chief received a letter from Northwest Local School District Superintendent Kathryn Hellweg thanking Chief Sarver and his staff for the excellent cooperation they received during the investigation of an incident at Northwest High School. She further commended Sergeant Dan Meloy and Officer Eric Renner for their efforts.

Mrs. Rielage added that the Fire Department and Police Department received a letter from the Oaks Family of Colerain Township commending Seth Schumacher, Jenny Miller, Dave Derbyshire, Mike Kaake, Craig Niehaus and Patrick Quinn for their actions in assisting their mother during a difficult situation.

Mrs. Rielage also reported that the Smith family sent a donation to the Fire Department and a letter of thanks for the assistance Grant Burns, Kellie Murphy, Dave Schneberger and Mike Wimmel provided their grandfather in helping him into the home of a family member to enjoy a holiday gathering.

Trustee **Bernard Fiedeldey, Jr.** received correspondence from Hamilton County Regional Planning, which stated that the Township's land use plan is not up to

RECORD OF PROCEEDINGS  
REGULAR

10

Minutes of \_\_\_\_\_

Meeting \_\_\_\_\_

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

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Held \_\_\_\_\_

OPENING OF THE MEETING

Trustee Keith Corman called the meeting to order at 7:10 p.m. The Board was in full attendance with the exception of Clerk Mohr. Ms. Burns was acting recorder.

PLEDGE - INVOCATION

Pastor Wally Miller of Friendship Baptist Church gave the invocation and Scout Troop 2925 of Colerain High School posted the colors.

NOMINATION OF BOARD PRESIDENT

The meeting was turned over to Mr. Foglesong for the purpose of calling for nominations for Board President and Vice-President. Mrs. Rielage nominated Mr. Fiedeldey for President. Mr. Fiedeldey declined the nomination with the explanation that Mr. Corman's predecessor as President was Mrs. Rielage, who served for two consecutive years as President. Mr. Fiedeldey thought that Mr. Corman should have the opportunity to serve for two years. He then nominated Mr. Corman for President. Mr. Corman seconded the motion. The roll was called.

Mr. Fiedeldey. "Aye"  
Mr. Corman. "Aye"  
Mrs. Rielage. "Aye"

NOMINATION OF BOARD VICE PRESIDENT

Mr. Foglesong asked for nominations for the position of Vice-President. Mr. Corman nominated Mr. Fiedeldey for position of Vice President. Mrs. Rielage seconded the nomination. The roll was called.

Mr. Corman. "Aye"  
Mrs. Rielage. "Aye"  
Mr. Fiedeldey. "Aye"

APPROVAL OF THE MINUTES

The meeting was then turned over to President Corman who requested approval of the minutes of the previous meeting. In order to allow the Board ample time to review the minutes, they will be considered at the next meeting.

SHERIFF'S REPORT

Sergeant Scutter, Hamilton County Sheriff presented crime statistics, terminal information and citizen survey letters as compiled by the County.

TRUSTEES' REPORT

Trustee Diana Lynn Rielage mentioned that the Police Chief received a letter from Northwest Local School District Superintendent Kathryn Hellweg thanking Chief Sarver and his staff for the excellent cooperation they received during the investigation of an incident at Northwest High School. She further commended Sergeant Dan Meloy and Officer Eric Renner for their efforts.

Mrs. Rielage added that the Fire Department and Police Department received a letter from the Oaks Family of Colerain Township commending Seth Schumacher, Jenny Miller, Dave Derbyshire, Mike Kaake, Craig Niehaus and Patrick Quinn for their actions in assisting their mother during a difficult situation.

Mrs. Rielage also reported that the Smith family sent a donation to the Fire Department and a letter of thanks for the assistance Grant Burns, Kellie Murphy, Dave Schneberger and Mike Wimmel provided their grandfather in helping him into the home of a family member to enjoy a holiday gathering.

Trustee Bernard Fiedeldey, Jr. received correspondence from Hamilton County Regional Planning, which stated that the Township's land use plan is not up to

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date even though the Attorney General's Office has informed the County that the Township plan takes precedence over the County Plan. The Board had previously discussed membership renewal into the Hamilton County Planning Partnership and felt that unless the Township plan is recognized as the correct plan, the membership would not be renewed. The Board realizes that Hamilton County has submitted improvements and changes but the County must recognize Colerain's land use plan. It was suggested that Ms. Creeger, Land Use Planner, follow-up on the information from the Attorney General's Office, and that a letter be drafted for Ron Miller, Hamilton County Regional Planning, stating the Township's willingness to participate based on the County's willingness to recognize and accept the plan.

Mr. Fiedeldey reported on correspondence he received from a resident, regarding conditions along I-275. The Ohio Department of Transportation has responded to the inquiry and has notified the resident, as well as the Public Works Department, that a contract has been signed and conditions should be corrected by June 2004. Mr. Fiedeldey will be copied on this response.

**Trustee Keith N. Corman** motioned for the Board to accept a certificate of recognition honoring Mr. and Mrs. Carl Wieke for 50 years of marriage. Mrs. Rielage seconded the motion. It was suggested by Mr. Fiedeldey that all residents that the Township is aware of, celebrating their golden anniversary, be recognized by the Board. The Township currently provides free hall rental to couples celebrating their golden anniversary and Mrs. Klosterman, Senior Center Director, will supply names of the couples to the Board from the hall rental list. The roll was called.

Mr. Corman            "Aye"  
Mrs. Rielage        "Aye"  
Mr. Fiedeldey      "Aye"

Mr. Corman reported that the Colerain Township Park Development Team held their first meeting. This committee, consisting of Mr. Rahtz, Hamilton County Park District; Mr. Koehler, OKI; Human Nature; Mr. Abercrombie, Abercrombie & Associates; Mr. Foglesong; Mr. Snyder and Mr. Corman reviewed results of the borings regarding soil use, flooding issues, options for structures, placement of river lab, parking and revisions to the concept plan. Mr. Corman reminded all to submit park name suggestions.

Mr. Corman congratulated Colerain High School's Marching Band on their upcoming performance at World Fest in Epcot Center. This performance is another example of the fine education system in Colerain Township.

Mr. Corman reported that the retail/business occupancy rate for Colerain Township is rated number 3 in the tri-state. This is the lowest vacancy rate in decades with occupancy reaching 97.56%. Mr. Corman recognized Mr. Birkenhauer, Assistant Administrator and Economic Developer, for a great job.

**CITIZEN'S ADDRESS**

**Pastor Donald E. Jones – 10029 Manistee Way**, questioned Chief Sarver on the hiring process and consideration of African Americans for employment on the Police Department. He questioned the contents of information packets given to candidates and why someone would commit to the hiring process if not interested in a position with Colerain. Also, Pastor Jones questioned the status

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of three additional African American candidates who were exempt from the testing process and whether the Township has considered Cleveland police officers for possible employment.

In response to Pastor Jones inquiry, Chief Sarver explained that a candidate declined the position offered to him for financial reasons, the publication in the paper listed salary range of \$37,000 for candidates with no police experience to over \$50,000 for lateral candidates. And on the three additional candidates, one did not show for physical, second failed, third and fourth moved to final ten and one eliminated. Chief Sarver explained that Colerain Township's information had already been sent to the City of Cleveland and he further added that the Township wants people with experience, diversity and will only take the cream of the crop.

### UNFINISHED BUSINESS

**Police Department, Chief Steven Sarver** presented the Board with an extensive revised memo on manpower request and the status to date. He had three requests of the Board: 1) prior approval had been given by the Board to increase staff with 10 officers and 1 sheriff deputy. Five officers have been hired and Chief Sarver would like to hire three officers this year and the remaining two officers in 2005; 2) in addition to these officers, he would like to create a Lieutenants position and for night supervision Sergeant positions for each shift; and 3) permission to proceed with testing process for these positions. Further explanation of his request was that Chief Sarver was ready to proceed with the hiring of 3 officers at this meeting, he will create two Lieutenant positions instead of one through the current Sergeants, fill the two Sergeant positions with police officers and begin the promotion process estimated between \$2,000 to \$6,800.

A motion was made by Mrs. Rielage and seconded by Mr. Fiedeldey to approve the request to proceed with the police hiring, testing and promotion process as explained above. Discussion was had on the Board reviewing information on the pay package for Lieutenant position, being considered at 15% above Sergeant's position and consideration of this position being excluded from the bargaining unit because of supervisory status. At this time the Board is approving the concept of the process with final details being worked out at a later time. The Board currently supports the process but the potential is there that the Board could possibly agree in the future to not fill the Lieutenant position. The roll was called.

Mrs. Rielage	"Aye"
Mr. Fiedeldey	"Aye"
Mr. Corman	"Aye"

**Fire Department, Chief Bruce Smith** requested approval from the Board to approve change orders for the new fire station for grading. This change will add no additional cost to the Township but will be paid for by Schweitzer Construction, the company that was to perform grading at a different level than done. Queen City Blacktop, the company making the \$1,440 repairs, will be paid out of the Schweitzer retainer fund. All parties involved had discussed the situation and are in agreement.

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A motion was made by Mrs. Rielage and seconded by Mr. Fiedeldey to approve the change order for grading at the new fire station. The roll was called.

Mrs. Rielage "Aye"  
Mr. Fiedeldey "Aye"  
Mr. Corman "Aye"

Chief Smith requested approval from the Board for an additional change order to the fire station to credit DAG construction \$614.75 for the cost of a window that is being changed to a door. OKI Windows will be making installation at a cost of \$946.13. This door, previously denied by the Building Department in the original plans, was found to be allowed and was ultimately permitted by their Department.

A motion was made by Mrs. Rielage and seconded by Mr. Fiedeldey to approve the change order from window to door as requested. The roll was called.

Mrs. Rielage "Aye"  
Mr. Fiedeldey "Aye"  
Mr. Corman "Aye"

**Services Department, Mr. Greg Snyder** mentioned that planning has begun for the 4<sup>th</sup> of July celebration and he will present funding requests to the Board in the near future.

**Legal Department, Mr. James Reuter** reported that he would request approval from the Board at a future meeting for a surveyor for the proposed pocket park.

**Administration Department, Mr. David Foglesong** informed the Board that two members must be appointed to serve on the Fire Relief and Pension Fund Board and past practice is that the President and Vice-President are elected.

A motion was made by Mrs. Rielage and seconded by Mr. Fiedeldey to appoint the President and Vice-President to serve on the Fire Relief and Pension Fund Board.

Mrs. Rielage "Aye"  
Mr. Fiedeldey "Aye"  
Mr. Corman "Aye"

**NEW BUSINESS**

**Fire Department, Chief Smith** presented the Board with year-end totals for the Department. He mentioned that fire runs increased by 6%, EMS calls by 8% and general emergency calls by 7.4%. A more detailed report will follow.

Chief Smith spoke of the serious fire at Waldon Glen apartment and commended Colerain Township Fire personnel for an excellent job performed with zero visibility and people needing to be rescued. He also commented on the excellent service provided by Colerain Township Police Officers Hendricks, Redmond, Owen, Ashcraft, Hamilton County Sheriff Lt. Luke and Forest Park and Springfield Township officers who assisted with crowd control. There was a lot of cooperation and Chief Smith could not be more proud of the Colerain Township employees.

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Chief Smith requested approval from the Board to accept a donation in the amount of \$75.00 from the Judith and William Smith family for assisting their father during the holidays.

A motion was made by Mrs. Rielage and seconded by Mr. Fiedeldey to accept the donation as requested. The roll was called.

Mrs. Rielage. "Aye"  
Mr. Fiedeldey. "Aye"  
Mr. Corman. "Aye"

Chief Smith said that Division Chief Jim Gilmer will be retiring after 25 years with the Colerain Township Fire Department and will be greatly missed. Chief Gilmer will be recognized for his efforts at a later date and the Board's appreciation will be passed on.

**Police Department, Chief Sarver** requested approval from the Board to hire Mark Denny and William Smith, certified police officers, at Step 3 for \$21.57/hour.

A motion was made by Mr. Fiedeldey and seconded by Mrs. Rielage to approve the hiring of Mark Denny and William Smith as Colerain Township police officers. The roll was called.

Mr. Fiedeldey. "Aye"  
Mrs. Rielage. "Aye"  
Mr. Corman. "Aye"

Chief Sarver read pay journalization for Officer Sax, to Step 4, \$48,487.66 a year.

Chief Sarver reported on the fleet status of his department and requested approval from the Board to purchase two police cruisers from Anderson Township, which will serve the needs of the Township for 2004 and meet the vehicle availability requirements as stated in the current contract with the Hamilton County Sheriff. The vehicles, with full police packages, are 2001 Crown Victoria at a cost of \$3,700.00 each.

A motion was made by Mrs. Rielage to approve the purchase of two vehicles from Anderson Township. Mr. Fiedeldey seconded the motion. The roll was called.

Mrs. Rielage. "Aye"  
Mr. Fiedeldey. "Aye"  
Mr. Corman. "Aye"

**Public Works Department, Mr. Chapman** requested approval from the Board to hire Cinergy to raise the electric transmission line due to safety issue and safety code not being met. Estimated cost \$20,000.00.

A motion was made by Mrs. Rielage and seconded by Mr. Fiedeldey to hire Cinergy to raise the electric transmission line. Discussion was had on the 25' height of the transmission line in relation to the 22' height as established in the safety code. Mr. Fiedeldey commented on the 3' buffer and requested a copy of the OSHA regulation to compare to the National Safety Code, which is being met. Additional discussion was had on the height of vehicles that would potentially be a hazard. There was not vote on this motion.

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A motion was made by Mrs. Rielage and seconded by Mr. Fiedeldey to table discussion and the motion until the February 10, 2004 meeting when additional information would be available. The roll was called.

Mrs. Rielage. "Aye"  
Mr. Fiedeldey. "Aye"  
Mr. Corman. "Aye"

**Zoning Department, Mr. Otis Spriggs** requested approval from the Board to set two public hearings. One for February 10, 2004, 8:30 p.m. for Decker Builders to consider a change from AA H Riverfront to OO Office and the second for February 24, 2004, 8:30 p.m. for Monte Vista consideration of A-CUP.

A motion was made by Mrs. Rielage and seconded by Mr. Fiedeldey to schedule Decker public hearing for February 10, 2004, at 8:30 p.m. The roll was called.

Mrs. Rielage. "Aye"  
Mr. Fiedeldey. "Aye"  
Mr. Corman. "Aye"

A motion was made by Mrs. Rielage and seconded by Mr. Fiedeldey to schedule Monte-vista public hearing for February 24, 2004 at 8:30 p.m. The roll was called.

Mr. Spriggs reported on upcoming cases before the Board of Zoning Appeals for variance on Harry Lee Lane to allow for a carport addition and on Duet Lane for front setback for home addition.

**Administration Department, Mr. David Foglesong** presented Resolutions to the Board for approval in accepting modifications to apportionment of the Revenue Assistance Fund and the Local Government Fund. The Budget Commission is to disperse these funds and initiate a new mechanism for payment based on these approved Resolutions in order to avoid problems with the Ohio Revised Code and past lawsuits.

After Mr. Foglesong read Resolution 06-04, authorization of the adoption of an alternative method of apportioning the local government fund, a motion was made Mrs. Rielage and seconded by Mr. Fiedeldey to approve Resolution 06-04 as read. The roll was called.

Mrs. Rielage. "Aye"  
Mr. Fiedeldey. "Aye"  
Mr. Corman. "Aye"

Mr. Foglesong then read Resolution 07-04, authorization of the adoption of an alternative method of apportioning the local government revenue assistance fund, a motion was made by Mrs. Rielage and seconded by Mr. Fiedeldey to approve Resolution 07-04 as read. The roll was called.

Mrs. Rielage. "Aye"  
Mr. Fiedeldey. "Aye"  
Mr. Corman. "Aye"

Mr. Foglesong requested approval from the Board to begin Executive Session for the scheduled February 10, 2004 Board meeting for 5:30 p.m. to discuss personnel matters.

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A motion was made by Mr. Fiedeldey and seconded by Mrs. Rielage to begin the Board meeting on February 10, 2004 at 5:30 p m

Mr. Fiedeldey. "Aye"  
Mrs. Rielage. "Aye"  
Mr. Corman. "Aye"

### CLERK'S REPORT

On behalf of Clerk Mohr, Mr. Foglesong requested that the Board approve the December bank reconciliation by motion and signature

A motion was made by Mrs. Rielage and seconded by Mr. Fiedeldey to approve the bank reconciliation as submitted. Mr. Foglesong explained, in response to Mr. Fiedeldey's inquiry, that the \$13 million dollars is in investments with 5/3 Bank and Star of Ohio earning interest but is very liquid. The statement used on the bank reconciliation is from the Unified State Accounting Network program that is used by the Township. As a request of the Board, Mr. Foglesong will ask that the Clerk provide information on the monthly statements that reflects the actual amount in the checking account as well as the investments.

Mrs. Rielage. "Aye"  
Mr. Fiedeldey. "Aye"  
Mr. Corman. "Aye"

Mr. Foglesong requested approval from the Board for a transfer of funds from General account 1919100 to Fire Dist 2111 931 0000 in the amount of \$13,500.00.

A motion was made by Mr. Fiedeldey and seconded by Mrs. Rielage to approve the fund transfer as read. The roll was called.

Mr. Fiedeldey. "Aye"  
Mrs. Rielage. "Aye"  
Mr. Corman. "Aye"

The Clerk recorded the following receipts.

<u>REC</u>	<u>VENDOR</u>	<u>FOR</u>	<u>AMOUNT</u>
24-04	Police	Fines	8,064.55
25-04	Fire & EMS	Permit Fee	25.00
26-04	Frank Birkenhauer	Cell calls	7.12
27-04	Sr. and Com Ctr.	Rentals & Misc.	945.00
28-04	Zoning Dept.	Certificates, Other	1,091.00
29-04	Police Dept.	Cell calls, Court	240.34
30-04	Sr. and Comm. Ctr.	Crafts, Prog., Etc.	342.62
31-04	Fire and EMS	Inspection fees	25.00
32-04	Sr. and Comm. Ctr.	Rent, other	518.90
33-04	Parks and Services	Baseball rentals	875.00
34-04	Sr. and Comm Ctr.	Prog. Fees, Other	526.00
35-04	Sr. and Comm. Ctr.	Prog. Fees, Other	295.00
36-04	Parks and Services	Reimb/Park Equip.	3,303.00
37-04	Public Works	Cell calls and Permit Fees	28.68



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38-04	Fire and EMS	Permit and Inspec Fees	60 00
39-04	Ham. Cty Auditor	2nd Half Pers. Prop. Settl.	52,037 00
40-04	Ham. Cty. Auditor	2003 Mobile Hme	36,125 45

**PUBLIC HEARING 8:30 p.m.**

**LUPA 2003-03 Land Use Southwest and Northwest Sectors**

A motion was made by Mrs. Rielage to recess for 15 minutes prior to the start of the public hearing. Mr. Fiedeldey seconded the motion. The roll was called.

Mrs. Rielage            "Aye"  
Mr. Fiedeldey        "Aye"  
Mr. Corman            "Aye"

The meeting reconvened at 8:45 p.m. and a motion was made by Mrs. Rielage to appoint Mr. Spriggs to act as clerk for the purpose of taking the meeting minutes. Mr. Fiedeldey seconded the motion. Roll was called.

Mrs. Rielage            "Aye"  
Mr. Fiedeldey        "Aye"  
Mr. Corman            "Aye"

Miss Creeger introduced the case and explained the format for the presentation.

Miss Creeger gave the details of the request for the approval of the Southwest and Northwest Sector Land Use updates recommended by the Zoning Commission and the Land Use Advisory Board.

A brief history was given for the Northwest and Southwest amendments initiated in June 2003. The Zoning Commission held public hearing on November 18, 2003 and is recommending a partial approval and denial. Existing Zoning classifications were presented. Current Land Use classifications were given for the subject area.

Miss Creeger explained the areas considered by the Zoning Commission. She explained that the proposed Land Use Map is divided into two sections. The largest area is the Rural Residential proposed area. The dividing dark dotted line shows that the Zoning Commission denied the west, and the Zoning Commission including the areas along Harrison Avenue approved the areas to the east. The areas along Harrison Avenue, have been proposed as PMUEA (Planned Mixed Use Employment Area) which will allow for the existing uses to remain, at the same time allowing a more open land use that will allow more detail on the character of redevelopment.

This area has a 500 ft. deep strip following Harrison Avenue with Rural Residential running along the rear to preserve the steep hillside. Taylor Creek condominiums and the church properties on Harrison Avenue remain as-is. Transitional Residence has been expanded south of Harrison at Wesselman Road to allow for some attached townhouses and condominiums.

The existing Light Industrial uses have remained in that area and the LUAB Board felt that the river would be preserved with a 150 ft - riparian corridor with public access to the river.

Miss Creeger moved north along the river stating that the LUAB utilized the flood plain as one tool, as the boundary for determining Green space. As a

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separation of the Greenspace and Rural residential a 100-Year Flood plain limit was used. Rural Residence was used a category because of existing homes on decent sized lots, if any new were built.

Miss Creeger pointed out the existing Heavy Industrial areas along E. Miami River Road further north. The LUAB proposed that the 100 year flood boundary map area be changed to Greenspace, anything outside that boundary as Heavy Industrial was attempted to be kept as industrial use, with the exception of Site 59 which would be the area next to the County shooting range.

Residential properties in the area considered as the "hook" where changed to Rural Residential. Such properties would have been left industrial, but there were residential homes in that area; therefore, it is recommended for Rural Residential.

On site 59, Staff considered Dravo Park that was left out of the study but should have been classified as PSI (Public Semi-Public Institutional). The Rumpke Composting Site was an area with a steep hillside. Therefore the Rural Residence designation attempted to preserve that. Staff felt that consideration should be given to 1300 ft. of frontage along E. Miami River at 600 ft. back from the right of way of area currently zoned Light Industrial at the composting site. This was to be consistent with the recommendations across E. Miami River Road. Such area would not be part of the flood plain area.

Miss Creeger also pointed out that Staff has recommended in the staff report a number of grammatical errors to be corrected. She summarized the request that is to:

1. Consider an amendment to Colerain Township Land Use Plan, amending multiple sites on the Colerain Township Land Use Plan, approving the Southwest and Northwest Sector Update, as stated in Attachment 1. Consideration of Staff's Analysis and the LUAB's comments as illustrated and described in Attachment 3 and 2. Consider an amendment to Colerain Township Land Use Plan as approved by the Zoning Commission on November 18, 2003 approving motion's 1 thru 8, with Staff's recommendations for text revisions as listed in Attachment 1 of this report and denial of motions 9 thru 11 as listed in the staff report -Attachment 1.

Mr. Garber, Chairman of the Land Use Advisory Board stated that the Board spent several months working on the proposal. The LUAB had concerns for preserving the river in which scenic river status is being considered. He reiterated the comments of the Zoning Commission for the upper portion of the proposal in which they felt it was not consistent with what is proposed for the lower Harrison Avenue vicinity. That area along Harrison was left as-is, because there is water and sewer available and relatively flat land with a buffering along the river.

Mr. Garber stated that he had maps prepared on what he felt the area should be to remain consistent with the other recommendations. He commented on the flooding along Harrison Avenue and stated that should be kept in mind.

Mrs. Rielage asked were the results of his visits presented to the LUAB. Mr. Garber stated that open discussion was had on the matter but no action was taken.

Mr. Fiedeldey asked were there buildings in that area to get flooded more easterly. Mr. Garber could not ascertain, as his visit was 2 days later. Miss Creeger gave additional input of the site visit. Mr. Fiedeldey further stated that

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he thought the buildings were raised out of the flood plain. He added that the question being raised whether the buildings were in the floodway or floodway fringe. Mr. Spriggs commented that a portion is in the floodway but not the areas on the eastern end.

Mr. Corman commented on the flooding issue and added that he was concern about all of the long deliberation over the plan and that a complete change be made because of a recent flooding incident. Mr. Garber stated that he was not speaking for the LUAB committee.

Mr. Corman commented on the implications of the Land Use Study area over plans that Metropolitan Sewer District (MSD) has to improve the sewer to the area.

Miss Creeger state that the map presented by Mr. Garber was not a map adopted by the LUAB and is not a further recommendation; it is a concept or idea.

**PUBLIC INPUT:**

**Mr. Frank Sizemore**, 8285 E. Miami River Road. Expressed concern over the future Land Use along E. Miami River Road. Has concern about Heavy Industrial next to residential. Stated erosion concerns. Agrees with the proposed plan.

**Mr. James H. St. John**, 7845 E. Miami River Road. Agreed with the previous speaker. Stated he was not clear about the proposal behind the soccer fields where he owns property. Stated concerns about the river becoming more muddy, and have seen more flooding over the last few years.

**Attorney Tim Mara**, agent for Welch Sand & Gravel. Presented the Board with exhibits.

Mr. Mara stated that Welch's property has been actively used for gravel mining for most of the last century. Exhibit 3 shows projects that have been done using gravel taken from these pits: Union Terminal, the interstate highway system, and construction of homes and businesses in Colerain Township.

Mr. Mara stated that If you designate Welch's property as open green space, it is violation of the US and Ohio constitution. Stated that it makes since to have a riparian corridor. Stated that he thinks to be consistent, you must do the same thing that you have done on Harrison Avenue with the Welch's property.

Mr. Mara stated that the area was zoned Heavy Industrial by Hamilton County when they had control. He stated that the land continue to be used for mining for years to come. Commented on the consistency issue. And agreed with preserving a riparian corridor along the river, but does not agree with one that takes all of Welch's property. Mr. Mara added that while the area at Harrison was under water, Welch's property remained high and dry. Commented on Mr. Garber's presentation.

Mr. Mara further commented on the Greenspace definition, and stated that it made no sense when applied to the Welch property.

Stated that the greenspace and agriculture does not fit Welch's property. Mr. Mara showed Exhibit 8 that the "hook" area is current, and is extensively mined currently, as well as exhibits 9 & 10- showing the top half has been mined with the boundary sloped down to the river. This area has pipelines, to the east is the

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shooting range and to the west compost site. There is no reason to designate residential, but it should be an industrial use.

Mr. Fiedeldey asked about Exhibit 9, and was it indicated that it was the Welch plant. Mr. Mara explained the photo was taken in 1967. Mr. Mara added that the Welch plant was on the photo and a part of it is Fiedeldey property. Mr. Fiedeldey stated that where all the mining activity is described is his property. He stated that it is not the Welch plant but it's the old Dravo plant purchased in 1975.

Mr. Corman commented on 1967, and asked whether there is any indication of the current mining? Mr. Tim Mara explained the submitted 2003 report done by him through affidavits showing the main areas and tracts 1 & 2. He stated that Welch utilized all the areas. All the tracts on exhibit 1, including the main plant area tracts 1 2 & 3.

Mr. Fiedeldey commented on exhibit 8, questioned it, and asked for clarification. Mr. Mara stated that since 1967, the Department of Natural Resources has issued permits to mine.

**Mr. Joe Trauth, Attorney** representing Rumpke Waste. Agreed with the staff recommendations and agreed with the Zoning Commission and their denial of strategies 9, 10, and 11.

The proposed Land Use Plan by the LUAB for Site 141, 56 and Site 59, ignores current uses and they want to designate the land for most of Site 141 for Greenspace, Site 56 for Light Industrial, and Site 59 for Greenspace and Rural Residential. Currently all the Sites 141, 56 and part of 59 are used for Heavy Industrial. There is inconsistency in the plan, when you compare these sites with Sites 183, 260, 262, 263, 268, and 269 the areas were treated differently allowing Heavy Industrial along the river to have 150 ft. of Greenspace. Where others had hundreds of feet of Greenspace. The area was treated differently on site 151 and 56.

Mr. Trauth disagreed and stated that to change the composting site to Green space is not consistent. Mr. Fiedeldey's property will remain Light Industrial leaving his the most significant increase in value, even though his is closer to the river.

Mr. Trauth added that there is inconsistency, all greenspace to be changed on Harrison he does not agree. It is inappropriate to use the FEMA flood maps only in certain areas; he agrees that the 150 ft. green area along the riparian corridor is adequate. Stated that Rumpke has a slight disagreement with staff that Site 59 be designated as Rural Residence on top the hill should be Single Family Residence

Mr. Trauth commented that Rumpke entered into consent decree for the Landfill in agreement to move the composting facility from E Miami River Road. (Part 141, Greenspace; Site 59 Greenspace) Property values going to Green Space and Rural Residence will suffer a decrease in value. He added that Rumpke can raise the elevation on the composting site and has a permit to fill and do so.

Additional Greenspace development in Colerain is well underway, Rumpke is in the process of contributing 176 acres of Green space in Colerain through monetary and land contribution

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Mr. Trauth referred to the Page 4 recommendations by Staff in the report, Staff analysis north of parcel 35, should be reconsidered for Light Industrial to be consistent with the Zoning on the site. He commented on Attachment 3 of the Staff analysis, which states that the remainder of Site 59- 1300 ft. along E. Miami River Road, 600 ft. from centerline be amended from Heavy Industrial to Light Industrial with typical campus style planned development with buffer and streetscape landscape themes to the existing residential. He agreed and asked for approval of that amendment with the exclusion of Rural Residence on the top of the hill.

Mr. Fiedeldey asked what is the Zoning on the top of the hill. Mr. Trauth stated "AA" Residence. Mr. Fiedeldey asked where the fill permit is located and what would the fill materials be. Mr. Larry Riddle of Rumpke responded that it is the area referred to as the open wound of the aquifer. Stated that Rumpke has obtained a permit to fill that area to be raised with a Hamilton County Cut/Fill permit to an elevation fit for development. It will be filled with a hard fill.

Mr. Corman asked if it had to meet EPA standards. Mr. Riddle stated that work around the water had to meet those standards. The permit is a Special Flood Hazards Development Permit issued May 30, 2002 which details what materials can go in, by Hamilton County Public Works Department.

**Jay Roberts**, Director of Engineering – Rumpke. Explained the type of permit, the types of fill, the location, and grades. Mr. Roberts stated that the type of fill is defined by the OEPA as clean hard fill not construction demolition waste nor municipal solid waste but roadway brick, inert type material with no asphalt. The C & D regulations do require permit and notification to the Health Department under the Sec 3745-400-05 Ohio Adm. Code. No permit is required from the OHIOEPA but HC Public Works. This is not a C&D permit it is a hard-fill permit.

**Darla Barge**, 8022 E. Miami River Road. Heavy Industrial concerns her from a safety standpoint. Affect on property values concerns her. She has been living there seven years and it has not been used like Mara/Welch claims it has. Fifty years ago of mining was ok then but now that the houses are there it is not ok. She has noticed within the last year, a lot of tourists come there to take pictures of the Bicentennial Barn across the street. She does not favor Heavy Industrial next to the barn area.

**Bob Krummen**, 8174 E. Miami River Road, He favors the green space change. He lives 600 ft. from Thompson Rd. across from the area they referred to Lot 1. He has about 100 acres. Approximately 18 years ago, Welch gave him permission to ride his horse there. From that date with the exception of one week to place a road there, no gravel has ever come out of Lot 1 (since 16 or 18 years). Welch put the driveway in about 4 years ago, installed a chained gate, and no one has been in there since. Within the last 6 months they put a barn there, and it has been said that a scale would be placed in the barn to haul gravel.

**Mark Murray**, 8822 E. Miami River Road. Takes exception to situation at the composting site. He is the neighbor to the southwest of the site. He has lived there a long time and since 1988 to 1997 nothing was there on that property. Until he and his wife put \$90,000.00 of improvements to the garage and property in general, he expressed problems with the facility. He stated that he has one of the nicest properties down there. Would like to make sure that his family's thoughts and concerns are considered.

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**Craig Williams**, 6109 Thompson Road. Stated he favors the Greenspace designation. We spoke on the 100 year flood; we've had had about 12 floods, and recently the summer flood. Spoke on the flooding on Harrison. Commented on the Green space efforts and the Township park to include canoeing; the soccer fields just north of Miamitown are supportive reasons for residence to stay, and to attract others to the area. Stated he is confused to what is happening to Dravo Park. Ms. Creeger explained that it would be changed to a Public Space (PSI) on the Land Use map. The location or use is not changing.

Water has recreational value to it, more inviting than Light Industrial down the road. Support Welch's mining activity, however when Attorney Mara stated that trees don't grow in sand and gravel: Trees will grow in sand and gravel. Quoted examples near Miamitown

**Bob Otto**, 8474 E. Miami River Road. Lives right next door to the Welch property. Stated he has been there all his life. The mining place shut down in 1970's. The "hook" wasn't mined until Welch put in the new drive. Mr. Otto asked, "If Welch mined that property how he did he get the materials out?" There was no access out. Stated that he has major issue with false information being presented and Welch's plan to expand that area for mining activity.

Mr. Mara introduced a document of affidavits from employees from the 1970's forward, in the record. He stated that until 1994, Welch owned land where a road ran the length of that strip of property around Mr. Fiedeldey's property. They hauled the gravel on that road from the 133-acres tract called the "hook" to the remaining plant for processing. That road became eroded in the river. For safety reasons Welch applied to the County to install the drive in 1994 to remove the materials.

Mr. Fiedeldey asked Mr. Mara to explain how the gravel was taken from the site. Mr. Mara explained there was a road above the river on which they took gravel behind Mr. Fiedeldey's property by truck.

Motion to close citizens address portion of the hearing was made by Ms Rielage; Mr. Fiedeldey seconded the motion. The roll was called.

Mrs. Rielage.	"Aye"
Mr. Fiedeldey	"Aye"
Mr. Corman	"Aye"

Motion was made to take a 5-minute recess by Mrs. Rielage the motion was seconded by Mr. Fiedeldey. The roll was called.

Mrs. Rielage.	"Aye"
Mr. Fiedeldey	"Aye"
Mr. Corman.	"Aye"

Mrs. Rielage requested that the changes be done at the LUAB level in spite of the different things brought up

Mr. Fiedeldey agreed, and suggested that each area be considered. He added that the area on Harrison Avenue is an example of what not to do build in the flood plain. Stated that he wants to know the status of the area in the flood plain on Harrison near the driving range extending east to buildings near E. Miami River Road. What are possibilities of raising the elevations? Commented on the area near the solid waste facility. Mr. Fiedeldey commented that with the new Land Use revision, the Zoning Map was followed. Some of that area is

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labeled Greenspace, but the underlying Zoning is F- Light Industrial. That Zoning is not going to change. It is not Heavy Industrial. Going north we have Greenspace which is a big hole, if it's filled it could become Light Industrial land, if the underlying Zoning is "F-Light Industrial".

Mr. Fiedeldey added that the area along the river where Mr. Welch's plant is zoned "H- Riverfront" and is currently mined, it appears that when its finished it will be a big lake; to have it designated anything other than Greenspace on the Land Use Map, there wont be any future use for it except recreational, because it's a great big lake in which they are extracting into the water table. Mr. Fiedeldey further stated that the Greenspace destination on the Land Use Map is compatible with that and valid. It wouldn't be Heavy Industrial on the Map when you have a giant lake. Every place you have the Greenspace designation, the underlying Zoning is always protected no matter what the land use plan says. Mr. Fiedeldey stated that he is ok with sending the plan back to the Land Use Advisory Board? Does it go to Zoning Commission, and back to the Trustees? Ms Creeger stated that it would go back to the Zoning Commission, and back to the Trustees.

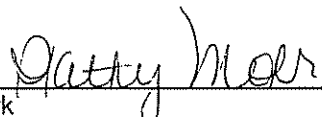
Motion was made by Mrs. Rielage to send Land Use Plan for the Southwest and Northwest sectors back to the LUAB. Mr. Fiedeldey seconded the motion with question of whether the process starts over with public hearing. Mr. Tim Gary, Jr. stated that new recommendations would be generated and people would have opportunity to address the recommendations by first the LUAB and then the Zoning Commission and the Trustees. The roll was called.

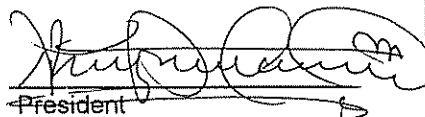
Mrs Rielage. "Aye"  
Mr Fiedeldey. "Aye"  
Mr. Corman "Aye"

Adjournment

A motion to adjourn was made by Mrs. Rielage and seconded by Mr. Fiedeldey at 10:50 PM. The roll was called.

Mrs. Rielage. "Aye"  
Mr. Fiedeldey "Aye"  
Mr. Corman. "Aye"

  
Clerk

  
President

~~Please see February 24, 2004 minutes for changes in the Approval of Minutes section.~~

Please see amended page 10 immediately following <sup>original page 10</sup> ~~this signature page~~ for changes made after initial printing.