

March 9, 2004

Held \_\_\_\_\_

**OPENING OF THE MEETING**

Trustee Keith Corman called the meeting to order at 6:00 p.m. Mr. David Foglesong, Township Administrator, was appointed interim Clerk.

**EXECUTIVE SESSION**

Mr. Foglesong requested Executive Session to discuss personnel issues. Mr. Fiedeldey motioned to adjourn into Executive Session and Mrs. Rielage seconded the motion. The roll was called.

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

Trustee Keith Corman called the meeting to order at 7:00 p.m. after returning from Executive Session. The Board was in full attendance with the exception of Clerk Mohr. Ms. Burns was appointed acting recorder.

Pastor Larry Bussard, of Lincoln Park Baptist Church, gave the invocation.

Boy Scout Troop #644 of Friendship Baptist Church posted the colors.

**APPROVAL OF THE MINUTES**

The minutes of the previous meeting were not presented for approval.

**PRESENTATION: Earth Day Celebration**

Members of Junior Girl Scout Troop 5206 were in attendance to inform the Board of the activities they have planned for Earth Day. This event, being held on April 24, 2004 at Colerain Park, will earn the Troop their Bronze Award while educating the community on the environment such as how to reduce, reuse and recycle waste. Mrs. Rielage added that the Great American Clean-up Day falls on the same day and invited all to assist the Colerain Community Association with clean-up at various interchanges in the Township then spend the afternoon at Colerain Park for the Earth Day celebration.

**SHERIFF'S REPORT**

Sgt Scudder presented the Board with the February statistics as reported by the County. He highlighted criminal investigation cases, stolen property recovery, traffic citations and dui and curfew reporting.

**TRUSTEES' REPORT**

**Trustee Diana Lynn Rielage**

**Employee Recognition** – Mrs. Rielage mentioned that the Police Chief received a letter from Township resident Mr. Bastin thanking Police Officer Joe Redmond for his compassion and concern when his wife passed away. It was a difficult time and nice to know there are people out there when needed.

Mrs. Rielage added that Ms. Vicki Kelley sent a letter commending Police Officer Denny Deaton for the strength he provided her family during the trial of the accused person who murdered her uncle. Because of people like Officer Deaton, Ms. Kelley is proud to live in our community.

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**Flag at 275 and Colerain.** Mrs. Rielage updated the Board on the status of the flag installation. The Colerain Community Association will be applying for the installation permits once all information has been obtained on restrictions of height, setbacks, etc. Mrs. Rielage would like to see this become a Township project with the Board financially supporting installation at a cost of approximately \$15,000.00. Rumpke Corporation has offered some financial assistance to the Colerain Community Association if needed.

A motion was made by Mrs. Rielage to request approval from the Board for authorization to purchase and install flag pole at the intersection of I-275 and Colerain Avenue.

In response to Mr. Fiedeldey's inquiries as to location of the flag pole, maintenance of the area and flag, and location of this flag in relation to the flag at the storage facility on I-275, Mrs. Rielage explained that the Colerain Community Association has officially adopted this area and would maintain the property, the plans for installation are still being completed and will be submitted to the Ohio Department of Transportation for their approval, and there is no redundancy in displaying the American flag in multiple locations. Mr. Fiedeldey would like to review all the plans prior to voting on the motion. Mrs. Rielage reminded the Board that ODOT has given permission and is waiting on the installation plans.

Mr. Corman seconded the motion adding that he does not see a problem with approving funding for this project and would agree to approval with conditions that the plan be approved by the Ohio Department of Transportation. The roll was called.

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

**Obergiesing Soccer Complex** – Mrs. Rielage has been in contact with members of the Obergiesing, Germany government to solicit their opinion regarding the naming of soccer fields after our sister city. They think this is a wonderful idea and approves of the name *Obergiesing Soccer Complex at Dravo Park*. Obergiesing welcomes the opportunity to challenge Colerain in a game of soccer. A proclamation, establishing the name of the *Obergiesing Soccer Complex at Dravo Park* will be presented to the Board for approval at a future meeting.

**Trustee Bernard Fiedeldey, Jr.**

**Comprehensive Planning Committee** – Mr. Fiedeldey said that he is involved with the Comprehensive Planning Committee meetings and reported that the Township has available property without much development constraints such as flood plain areas and major hillsides. Such land provides twice the amount of property the market would demand for the next 20 years.

**Preemption System** – In response to Mr. Fiedeldey's inquiry on the preemption system and when installation will occur because of the emergency responses, Mr. Foglesong and Chief Smith explained that the system went through the process of approval by the Hamilton County Engineer's Office and that surveillance cameras are to be installed at the Cross County - Colerain Avenue interchange for a period of not more than 120 days, after that testing period. It is estimated that the System should be ready within thirty days from today's date.

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Mr. Fiedeldey said that the Task Force stated that the system would be operational by January and he would now like to hold them to an April 15, 2004 target date. Although the County holds the contract on this project, the Township financially supports it and Mr. Fiedeldey would like the Township to relay the April 15<sup>th</sup> deadline to the County.

**Land Use Advisory Board** – Mr. Fiedeldey reported that the Land Use Advisory Board is not operating with a full Board and stated that he had received a letter of interest from Township resident Mrs. Carol Ambach, who he feels would do a great job on the Board.

A motion was made by Mr. Fiedeldey to appoint Mrs. Ambach to the Land Use Advisory Board. Mrs. Rielage mentioned that the advertisement for vacancy on the Board was recently posted and would like to confirm the deadline date for applications prior to appointment of new members. Any letter of intent or resume received will be forward to the Board for consideration. Unless the deadline date is different than the next Board meeting, appointments will be considered during the March 23, 2004 meeting. Mr. Spriggs will confirm the date.

**Trustee Keith N. Corman**

**Severe Weather Safety Awareness Week** - Mr. Corman reported that the State of Ohio and the Hamilton County Board of Commissioners have designated March 21-27, 2004 as Severe Weather Safety Awareness Week. Information will be forwarded to the media as well as schools. Emergency communications and warning systems will be tested in Hamilton County during this time period.

**Local Government Funding** – Mr. Corman stated that State Legislature has passed a new distribution formula for the Gasoline Tax Fund program, which provides funding for street maintenance in Townships. The new formula, effective 2005, will increase the amount of funding the Township receives by approximately \$300,000.00. Because of this change, the next three years will show an increase in gas tax of \$ .02 a gallon.

**CITIZEN'S ADDRESS**

**Dolores Kuhn, 9878 Loralinda Drive** presented the Board with photos of property nuisance adjacent her home and requested that the Board provide assistance for this situation. A pool in the yard of a vacant home, has been removed, drained to her yard and now allows run-off water to deposit on her property. There now is a 1' - 2' hole where the pool was which holds standing water. Ms. Kuhn never had this problem until the pool was removed. The Township Zoning Department and the Hamilton County Board of Health has been contacted and has provided some assistance for Mrs. Kuhn. Ms. Kuhn would like to add a drain system and build-up her yard to divert the water flow but was told she could not change the natural drain or flow. Mr. Spriggs will contact the County Health Department, Public Works Department and the Zoning Inspector to see what actions can be taken to correct the problem. He will report his findings to the Board once available.

**Deborah Dettone, 2822 Niagra Street**, added that children play in that area and it has become a safety issue as well as health issue for the children. Mr. Fiedeldey questioned if the Township is able to abate the nuisance and if so, can the Township fill the hole? Mr. Reuter said the statue talks about removing weeds and debris constituting a nuisance but does not address issues such as this. He will research to see if something could be done under the nuisance

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abatement law As mentioned above, Mr. Spriggs will look into matter and report back to the Board.

**Connie Kientz, 6412 Mullen Road**, presented photographs of junk cars located at 6410 Mullen Road and requested the Board's assistance in abatement of these vehicles. Mrs. Kientz has spoken with her neighbors with no resolution. Mr. Spriggs commented on the Junk Car Law in effect April 1, 2004 and will send a warning letter to the property owners, as directed by the Board, explaining the junk car policy and potential fines that would be enforced if the vehicles were not removed.

### UNFINISHED BUSINESS

#### Fire Department, Chief Bruce Smith

**Change Order**— Chief Smith requested that the Board approve the change order for Cinfab Plumbing Contractors in the amount of \$1,428.00 for spoil removal.

A motion was made by Mr. Fiedeldey and seconded by Mrs. Rielage to approve the change order as requested. Discussion was had on the approximate \$5,000 spent on spoil removal and the payments being made out of the contingency funds. Mr. Fiedeldey explained that this removal would have occurred anyway with the project because the site was not balanced and should have been included with the original civil engineer's plan. The roll was called.

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

**Polyheme Study** — Chief Smith discussed the Polyheme study at a previous meeting with the Board and provided update that the Department is currently working on items with University Hospital as well as waiting to hear from OTARMA, the Township's insurance company. Chief Smith will report back to the Board once all information has been received.

**Captain Promotional Process** — Chief Smith recommend the hiring of Dom and Associates at a cost not to exceed \$4,900 for the testing and assessment for the captain promotional process. The range for this service is \$4,900.00 to \$8,400.00 and Dom and Associates, highly recommended with a good reputation, submitted the lowest proposal.

A motion was made by Mrs. Rielage to approve the hiring of Dom and Associates for the captain promotional process at a cost not to exceed \$4,900.00. Mr. Fiedeldey seconded the motion. In response to Mr. Fiedeldey's inquiry on the Captain staffing for the stations, Chief Smith explained that the promotions, six at this time, would be for Stations 102 and 103 and the new fire station would be addressed at a future date. The rank of Lieutenant will be eliminated for the full-time personnel; however part-time lieutenant positions will remain but eliminated through attrition. Chief Smith provided Mr. Fiedeldey with the total number of supervisors/officers including Chiefs, Assistant Chiefs, Deputy Chiefs, Division Chiefs, and Battalion Chiefs, in relation to the number of part-time and full-time firefighters. Chief Smith added that a company is four people and there is an officer for each company. The roll was called.

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

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**Parks and Services Department, Mr. Greg Snyder**

**New Baltimore Bridge** – Mr. Snyder presented the names of Mr. Larry Shad, Mr. Dennis Mason and Ms. Marianne Coates for Board approval to serve on the Committee to restore the New Baltimore Bridge. Future meetings will be held with members of the Crosby Township Committee.

A motion was made by Mr. Fiedeldey and seconded by Mrs. Rielage to approve the appointment of the above listed members to serve on the committee to restore the New Baltimore Bridge. It was explained by Mr. Snyder in response to Mrs. Rielage's inquiry, that the fourth person previously listed to serve on the Committee had been eliminated by the two Board members to help keep committees from growing too large and that the fourth person was not available for future meetings. The roll was called.

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

In response to Mr. Fiedeldey's inquiry on the Hamilton County Engineer's opinion, Crosby Township has contacted them and the County is receptive and agrees that repair work is needed. Crosby Township has qualified workers to assess the site and state needed repairs. The Committee's challenge, in addition to preservation of the bridge, is to pursue safe, alternate uses. It is unsafe for vehicle traffic and there is the possibility that the Committee recommend no use. If so, would the County still fund the repairs?

**Zoning Department, Mr. Otis Spriggs**

**Junk Car Policy** – Mr. Spriggs covered the deadline issue to actually initiate policy of junk car removal and abatement. He asked the Board to review the handbook previously submitted to them and report back with suggestions. The Legal Department and Police Department have been copied for comment.

**Administration Department, Mr. David Foglesong**

**Soil Deposit at Rumpke** - Mr. Foglesong reported that the Board has previously directed him to follow-up with the USEPA and the Hamilton County Health Department on contaminated soil being deposited into Rumpke, and both organizations assured him the soil is not hazardous waste. The soil is being tested and if found to be contaminated procedures would be followed to properly dispose of the soil. Hamilton County Solid Waste Management has been contacted and Mr. Foglesong has requested host fees would apply if the soil were classified as solid waste.

**Permanent Appropriations** – Mr. Foglesong presented the Board with the Township's Permanent Appropriation Budget and said that he would be asking for the Board's approval at the March 23, 2004 Board meeting.

**NEW BUSINESS**

**Fire Department, Chief Bruce Smith**

**EMS Billing** – Chief Smith stated that they are currently reviewing the EMS billing program and will be submitting a proposal to the Board at a future meeting

**Donation** – Chief Smith requested Board acceptance for a donation from Rumpke consolidated in the amount of \$300.00 for discretionary fund

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A motion was made by Mrs Rielage to accept the donation from Rumpke consolidated Mr Fiedeldey seconded the motion. The roll was called

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

**Police Department, Chief Steven Sarver**

**Pay Journalization** – Chief Sarver reported the pay journalization for Officer Neal Millikin who will increase from Step 3 to Step 4 for an amount of \$48,448 65.

**Public Works Department, Mr. Chapman**

**Part-time personnel** – Mr. Chapman recommended that the Board approve the rehiring of Josh Webb, maintenance worker 11D, at a rate of \$7.39 per hour. Effective date of hire is March 15, 2004.

A motion was made by Mrs Rielage to approve the rehiring of Josh Webb. Mr Fiedeldey seconded the motion. The roll was called.

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

**Hunterston Subdivision** – Mr. Chapman received a second request from the Hamilton County Engineer to ascent to the acceptance of Hunterston 3A and 3B. Mr Chapman recommends that the Board send a letter to the County requesting that the punch list established be completed per specifications. This includes aprons higher than curbs, water standing in sidewalks causing cracking, low spots in street, water caps, chips in sidewalk, gutter plate, driveway cracked and manhole locations, and grading. Additional items required for acceptance are erection of street signs and outstanding snow removal invoices. Most of the concerns fall on private property and there are issues with sanitary sewers.

It was reported that Hamilton County relayed to the president of Hunterston Homeowner Association that subsequent subdivision expansion would allow for the repairs of this area. This is not normal Hamilton County procedure and if so stated, the Township would like confirmation from the County in writing stating they would absorb the costs for repair. Colerain Township will forward a letter as well as photos of punch list items to Hamilton County Engineers expressing the Township's concerns on subdivision acceptance.

**Senior and Community Center Department, Mrs. Kay Klosterman**

**Volunteer Recognition Banquet**. Ms Klosterman requested that the Board approve the expenditure of \$1,200.00 for the annual Senior Volunteer Recognition Banquet honoring the many members who have volunteered over 8,000 hours. This event will be held on April 22, 2004 at 6:30 p.m.

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A motion was made by Mr. Fiedeldey to approve the expenditure for the Senior Volunteer Recognition Banquet. Mrs. Rielage seconded the motion. The roll was called.

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

**Salary Increase** - Mrs. Klosterman requested approval from the Board for a salary increase for part-time maintenance worker CC Linn to \$10.97 per hour retroactive to his anniversary date.

A motion was made by Mr. Fiedeldey to approve the pay increase for Mr. Linn. Mrs. Rielage seconded the motion. The roll was called.

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

**Parks and Services Department, Mr. Greg Snyder**

**Carry and Conceal Signage** – Mr. Snyder mentioned that the carry and conceal weapons law goes into effect April 8, 2004 and that he is researching possible requirements on signage for the Township facilities. If necessary, approximately 30-35 signs would be needed. It was mentioned by Mr. Fiedeldey that he does not believe the law will be operable until September and would hate to see everything posted. Chief Sarver stated that posting on our facilities is not mandatory; however, it is unlawful to carry in certain establishments.

**Zoning Department, Mr. Otis Spriggs**

**Updates** – Mr. Spriggs reported that the Zoning Commission has scheduled case ABC Daycare located on Dry Ridge Road for review on March 16, 2004 and two preliminary hearings for 4341 Blue Rock and 3726 Blue Rock will be heard.

**CLERK'S REPORT**

**Appropriation Adjustment and Transfer** –Mr. Foglesong, for Ms. Mohr, requested that the Board approve the following appropriation transfers:

Adjustment \$416.34 from general fund contingency - 1000-930-930-0000  
to general fund other financing - 1000-990-990-0000

Transfer \$100,000 from general fund – 1000-910-910-0400  
to Zoning – 2181-931-0000

A motion was made by Rielage and seconded by Mr. Fiedeldey to approve the appropriation transfers as read. The roll was called.

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

# RECORD OF PROCEEDINGS REGULAR

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

Meeting \_\_\_\_\_

BARRETT BROTHERS, PUBLISHERS, SPRINGFIELD, OHIO

Form 6101

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The following receipts were recorded by the Clerk:

<u>REC</u>	<u>VENDOR</u>	<u>FOR</u>	<u>AMOUNT</u>
102-04	Dusty Rhodes	Sif & Rev. Assist	155,176.67
103-04	Zoning Department	Certificates	675.00
104-04	Police Department	Court reimbursements	102.00
105-04	Parks & Serv Department	Amphitheater rental	100.00
106-04	Fire & EMS Department	Plan review	100.00
107-04	Sr. & Community Center	Fees, rent, don, lunch	431.75
108-04	Rumpke	Fee - Jan	36,532.14
109-04	Fire & EMS Department	Copies	5.00
110-04	Parks & Serv. Department	Shelter reservation	2,140.00
111-04	Hamilton County Auditor	Advance request	100,000.00
112-04	Admin & Mark Walsh	Postage	1.12
113-04	Sr. & Community Center	Fees, rent, don, lunch, etc.	630.24
114-04	Crawford & Company	Pay for Skyline Vand.-AC unit	3,900.64
115-04	Administration	Jacket purchase	15.00
116-04	Public Works Department	Cell reimb , permits, snow rem.	103.00
117-04	Parks & Serv Department	Cell phone reimbursement	4.00
118-04	Public Works Department	Snow removal	907.40
119-04	Fire & EMS Department	Inspection fee	25.00
120-04	Sr. & Community Center	Crafts, fees, don, lunch	854.06
121-04	Fire & EMS Department	EMS billing	1,094.16
122-04	Fire & EMS Department	Name plates, don, signs, etc.	4,737.96
123-04	Fire & EMS Department	Donation	300.00
124-04	Parks & Serv Department	Shelter rentals	490.00
125-04	Fire & EMS Department	Inspection & Plan review fees	100.00
126-04	Sr. & Community Center	Fees, don, lunch,	57.50
127-04	Zoning Department	Certificates, codes, other	2,541.00
128-04	Parks & Serv. Department	Shelter rentals	35.00
129-04	David Foglesong	Cell call reimbursement	1.00
130-04	Fire & EMS Department	Plan review	125.00
131-04	Police Department	Fees - Feb	1,450.90

Public Hearing Minutes to follow.

A motion was made at 8:45 by Mrs. Rielage and seconded by Mr. Fiedeldey to recess for 10 minutes prior to the Public Hearing. The roll was called.

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

### 8:43 PM Public Hearing Continuance

Motion was made by Mrs. Rielage to appoint Mr. Spriggs as active clerk for the purpose of taking the meeting minutes. Seconded by Mr. Fiedeldey. Motion carried.

Mr. Scott Bruno, 6689 Mullen Rd. stated that he owns the property adjacent to the first lot with a swimming pool. In the case of accumulated water and natural flow on adjoining property owners this is causing a nuisance. The situation needs to be rectified. This new phase will cause similar problems as the original phase did. Mr. Bruno stated that Jeff Leedy from the Hamilton County Department of Public Works spoke with him and told him that even though there will be a change in the velocity of the water, the flow is legally required to be



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what currently comes down the channels. He was told that he would certainly see an increase of the volume and some erosion on his property. The County Engineer has agreed to visit his property to figure out how to alleviate the problem.

Mr. Bruno asked why is this his problem just because he happens to live downhill from the development. This is costing time and money to preserve his property and prevent deterioration caused by someone else. Why shouldn't it be directed on the property owner and the developer and to decrease disintegration of his property? Mr. Bruno presented photos of the creek taken just feet away from his driveway. The increase of water volume hasn't been calculated nor has the channel been sized. Mr. Bruno added that he hopes that someone looks at this and can assure him that he will not face flooding because of diversion of water onto his property without his permission.

He further referred to the Township's Visioning Statement which mentions preservation of rural areas and natural features. He spoke on changes that occur, and doesn't think development is progress if it's not done sensitive to the neighbors.

**Jeff Erdman, 6767 Mullen Rd.**, spoke on the erosion and runoff. Commented on the on the Monte Vista Development which has the downspouts from the houses now adjacent to his draining over the hill. Presented pictures of the drainage damage, and downspouts in the area. Commented on Article 25, Hillside Overlay District in the Zoning Code which is to protect from damage to hillsides caused by improper development, and protect from soil erosion and silt by preserving the existing hillsides of 20% slopes or greater. Stated that this might be on the Kope formation. Commented on vibrations and landslides, weight on slopes, large amounts of fill, removal of vegetation. The developer raised the elevation of Vail Ct 13-14 ft higher and has caused increased water on his property.

**Walt Overman, 6667 Mullen Rd.** asked where is it written that the developer can impede upon the natural flow of water in the natural draw. There is a process in the County regulations controlling these developments. The Trustees and the Zoning Commission depend on the regulations. Asked the Board if they could refer him to the regulations that allow the neighbor to dump water on his property. Stated that his neighbors downloaded the July, 1996 Regulations for him and no one can help him find what regulations allows or gives permission to dump water into his draw. Mr. Overman stated that Mr. Spriggs gave him a document that that cited the section. Mr. Spriggs commented that does not recall such a document. Mr. Overman was shown the case file upon visiting the Zoning office.

Mrs. Rielage made a motion to close the public hearing. Mr. Fiedeldey seconded the motion.

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

**Mike Collins, Ameritek Custom Homes** stated that the development falls within the guidelines of the CUP definition in Hamilton County guidelines. He added Ameritek is ready to address the run-off concerns by residents.

What they are proposing is to be the least disruptive to this piece of ground as possible; which is the reasoning for submitting under the CUP process. The

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property is zoned Residential, and will be developed, the question is how. It would cost more money to tear down all the trees. Arguments support what we are putting before the Trustees. The comments about lot size and the opinion that folks would go from Monte Vista I to cheaper homes is not accurate.

When Monte Vista was originally approved in Green Township, it totaled 284 homes: 75 % are condos, 15% Single family- 40 in total at 50 ft. wide lots by 140 ft. depth, \$240K – \$320K, less than 10% is the estate homes at 100ft. wide sites

The value of the proposed homes will not be less; projecting from \$250K to \$325k; that perception was in accurate. From a development stand point the 75 ft. widths leaves less disturbed. We are not here about lot count, but to develop the site with good engineering sense

The interpretation of Article 33, Section 33.15 was validated unanimously by Hamilton County on January 5<sup>th</sup>, and by the Zoning Commission on January 20<sup>th</sup> with an approved 4-1 vote as stated in the staff report. Mr. Spriggs' summary of the site indicates compliance with Article 33 C.U.P. Mr. Collins read the purpose of the CUP. Hamilton County understands that and we are asking for an open dialogue with the Board

Mr. Collins stated that Mr. Tom Abercrombie has come up with ways to get rid of the water and we are compelled by Hamilton County Public Works regulations. Detention requirements are to retain storm water between the 10 and 50 yr storm, and we are willing to increase to a 100-year storm. We will follow the regulations to the letter

#### Board Questions:

Mr. Fiedeldey commented that concerning the storm water, last meeting you indicated that the normal practice was to dump the water over the hill. Mr. Abercrombie disagreed and pointed out the lots to the north that would flow down to Mullen Rd. All the water from the lots on the south side would go to the streets. The only water that goes over the hillside would be the walkout basements with downspouts.

Mr. Fiedeldey stated that as the street goes back, you have created a ridge that is not there now, and there are 30%+ slopes. Thus creating a ridge and dumping the water below. Half of the water goes over the hill with no detention. This is the concern of the residents below. This practice has been going on with other developments as well. They are also dumping the fronts of these homes to the rear. Mr. Fiedeldey added that he is not convinced as to how the water will be prevented and not be dumped off; it needs to be contained or detained and if the hills can be flattened we can detain it.

Mr. Fiedeldey added that currently the whole site is green and the runoff would be minimal. Now we would have run off of concrete and rooftops and you have come back with the same plan with no ways to contain the run off.

Mr. Fiedeldey stated that he called Jeff Leedy and Gary Vandhardt with Hamilton County Public Works and they confirmed that it is common practice to dump the storm water from the downspouts over the hill. And now we are wondering why we are getting so much storm water in Hamilton County.

Mr. Fiedeldey made reference to comments by Mr. Overman who stated that he felt we were not trying to protect them; it's not true. Mr. Abercrombie

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commented that the water collection is being compensated with the water dispersed from what is detained from the south parcels. Mr. Fiedeldey asked why couldn't you put in drain tile to collect all the downs spouts behind the homes.

Mr. Fiedeldey asked what will you do about the Zoning code requirement concerning the lots sizes. Mr. Meierjohan stated that he is trying to consider the neighbors by buffering the neighborhood with the addition of 28 acres that we are collecting water from.

Mr. Fiedeldey asked would he be willing to give up some depth on the lots. He added that there is no reason why they can't be 100 ft. wide. Mr. Meierjohan stated that he would lose the amount of lots being requested.

Mr. Fiedeldey commented further on the 30% slopes and the more desirable 100 ft lots. He stated that he was willing to give up the depth of the lots and keep the greenspace. You would still have the same depth with less people to deal and less storm water run-off; and it complies with Zoning.

Mr. Meierjohan responded that the total number of lots would be less. The benefit is asking that they not be 100 ft. wide with the trade off of 10 acres of greenspace. Mr. Meierjohan stated that the side entry garages would yield more surface.

Mr. Corman asked would you have more fill, if you went with the existing Zoning. Mr. Meierjohan stated it would be more grading. The development would have to be designed with underground detention. The backs of the lots will still discharge by the same parameters by Public Works. About 3 or 4 lots will discharge.

Mr. Fiedeldey stated that every time it rains they would get a 10-year rain event.

Mrs. Rielage stated that she wished that there were a better solution for the water issue. Mr. Meierjohan stated that he is trying to have a diverse mix of housing.

Mrs. Rielage commented to the developer that he could have changed the plan where it goes beyond the curve in the street; he has concerns about the different setbacks proposed.

Mr. Fiedeldey clarified that the proposed greenspace is unbuildable area. Mr. Meierjohan commented that it is undisturbed area.

Mr. Corman stated that the storm water run-off is a continued concern of Colerain Township. As we grow, it is important to assure a good plan and program for expansion, to assure that current adjacent property owners are not put off by storm water run-off, causing a distress to them. The County is forming the storm water runoff programs and we are a premier member of that important endeavor.

Mr. Fiedeldey added that the situation with the fill and increase of slopes concerns him, and it appears that the guarantee of stability concerns him. The western part of Hamilton County is experiencing increasing slippage problems. Mr. Meierjohan stated that he is trying to eliminate that.

Mr. Corman stated the main issue is the stormwater runoff. Looking at pictures presented, with the walkout basements homes, from the front it's a 2 story and

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from the rear and the back it is a 3 story. Most of the eaves would be at the same height. Why is it not possible to send the water to the front of the houses? Mr. Meierjohan explained that if you run it across the side of the house, the downspouts and gutters would not look right. If he pipes the water from the 4 lots of concern, everything goes to the detention basin.

Mr. Fiedeldey commented on the fact that the people are suppose to get a 10 year event, the velocity coming down is a lot water. Every time it rains it could be slowed down with a smaller orifices. It doesn't have to be a 10-year event to the people down there every time it rains.

Mr. Abercrombie responded that they would get a 10-year rain event every time it rains. It can be slowed down. The orifices is sized (release rate) at a 2-year rain. The discharge pipe is a 10-year rain. Mr. Fiedeldey asked how do we slow it down and reduce it to a 5-year/100 year rain? Mr. Abercrombie stated that actually we offered to go from a 50 year to a 100 year rain. Mr. Fiedeldey stated that Mr. Abercrombie was referring to the volume; speaking of the constant of getting a 10 year rain every time it rains in their back yards. Would you buy into a 5-year discharge rain? Every time it rains they get a 5-year rain.

Mr. Abercrombie offered to hold to the Public Works standard in the FDP process. Mr. Fiedeldey stated that he preferred to settle it in this forum. Mr. Abercrombie asked if the Board would be satisfied if they agreed to the 5-year discharge. Mr. Fiedeldey asked about lot sizes? Mr. Meierjohan stated that he could not enlarge the lot widths.

Mr. Rielage asked about the 5-year discharge change in relationship to all other concerns raised. Mr. Fiedeldey responded that this helps the cause, and commented on the run off issue regarding rain events.

Mr. Fiedeldey reiterated his concerns about 100 ft. lot widths. Mr. Meierjohan stated that he wants 80 ft. lots, and he is giving up the greenspace. Mr. Fiedeldey inquired about why the lots in Green Township were 100 ft. wide lots. Mr. Meierjohan stated that he was given lots that ranged down to 50 ft. wide (40 @ 50ft. & 30 at 100ft., with 75% condominiums) and he negotiated lot sizes. The Board deliberated with Mr. Meierjohan over the plans submitted.

Mr. Fiedeldey commented on the retaining of mud and silt on the site, and commented on his conversation with Dan Taphorn concerning the existing development and how the erosion control failed. Mr. Meierjohan confirmed that the controls had failed and were corrected the same day. He stated that Hamilton County Soil & Water Conservation District gave him *Developer of the Year Award*, because he controlled the run off on that property.

Mr. Abercrombie added that they would agree to pipe the four lots, splitting in two (2) directions diverting the water to the detention ponds, after reviewing the grading plan. They would also run all of the downspouts to this piping. He is willing to design the detention pond for a 5-year discharge on both ponds with good riprap behind it. A 10-year discharge pipe might be a 12" pipe. The water would most likely discharge out of a pipe around 8" for a 5-year. The velocity of the water coming out the pipe has to match the velocity of the water in the stream today. Mr. Abercrombie stated that it would make the pond bigger. And an adequate size and amount of riprap will be installed.

Mrs. Rielage commented on the fact that the storm water detention issue was worked out at the last moment and the citizens haven't had an opportunity to comment. She asked that both the C U P. plan and the plan drawn that shows

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the development designed under the existing Zoning be displayed for comparison. Mr Reuter explained that the public comment period could be re-opened

Mr. Fiedeldey suggested to Mr. Reuter to get with the applicant's attorney to work out the language so that the storm water design won't go to Public Works and be forgotten. Mr. Fiedeldey requested that Mr. Abercrombie explain a scenario about pipe sizing. Mr. Abercrombie gave an approximate size of about 18" for the pipe. The smaller pipe goes into a 6'x6' chamber and then out the 18" discharge pipe.

Mr. Fiedeldey made a motion to re-open the Public Input. Mrs. Rielage seconded the motion.

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

**Mr. Scott Bruno, 6689 Mullen Rd.** asked that with the revised plan who will oversee that it be constructed per the plan. Mr. Fiedeldey suggested that the attorneys decide on the language. Mr. Reuter stated that it could be included on the Preliminary Plan as a condition of approval and carried through to the Final Development Plan, if the developer is willing to do that. If there were a core of an agreement, it would be incorporated into a resolution to be presented later. If Board closes the public hearing, it has 20 days to act on the matter. We would need revised drawings with the inclusion of the aspects from the subject of discussion. Mr. Reuter stated that the Board speaks through resolution. Mr. Tepe suggested adding it as a condition of approval to be placed on the FDP. Mr. Reuter stated that he will be drafting the resolution and it would be presented at the next meeting.

**Jim Feat, 6154 Snyder Rd.,** stated that the current C.U.P. plan with the dedicated greenspace at the rear would benefit Green Township more so.

**Jeff Erdman, 6767 Mullen,** stated that he does not like either plan because half of his lot has greenspace on the CUP and the other half does not. He was granted a 20-ft greenspace easement in Green Township. He has seen how water from detention ponds can move trees. Mr. Abercrombie stated volume would be less and over time would be extended over a longer period of release.

**Terry Burns, 6252 Daleview,** stated that his house sits in the southeast corner and he would benefit from the greenspace on the C.U.P.

Mr. Corman summarized the stipulations with input from Mrs. Rielage and Mr. Fiedeldey:

- a. Post development Increase of the detention pond from a 50 to 100 year, decrease detention discharge from a 10 to 5 year (pre development) to be installed with initial grading.
- b. Riprap increase in the width and length to dissipate the velocity of the water flow and prevent any erosion beyond the discharge outlet, to protect the adjacent neighboring properties to the north and west
- c. Areas are to be seeded where the slopes are increased, and hardwood trees shall be planted in those areas to replace root systems

RECORD OF PROCEEDINGS  
REGULAR

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

Meeting \_\_\_\_\_

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- d. That the storm water run-off of lots 83 thru 86, be directed through piping to a detention facility along with the other lots to prevent run off to existing drainage swales
- e. Development will include sidewalks, streetlights with underground utilities.
- f. That the developer provides a buffer of a 20 ft greenspace easement to protect the adjacent property owner from Lot 74.

Motion to close public hearing was made by Mrs. Rielage. Mr. Fiedeldey seconded the motion.

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

The Board directed Mr. Reuter to prepare the resolution.

There being no further business to come before the Board, Mrs. Rielage motioned to adjourn the meeting at 10:37 p.m. Mr. Fiedeldey seconded the motion.

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

The meeting adjourned at 10:37 p.m.

*Matthew E. Hallow*  
 Clerk

*[Signature]*  
 President