

December 18, 2007

Held

## Special Meeting -- December 18, 2007

**OPENING OF MEETING**

Mr. Fiedeldey called the meeting to order at 6:00 PM with Mr. Corman, Mr. Fiedeldey, Mr. Ritter, and Mrs. Harlow in attendance. Also in attendance were Trustee-elect Wolterman, Mr. Reuter, Mr. Birkenhauer, Mr. Foglesong and Lt. Meloy.

**BEST BUY TIF SERVICE AGREEMENT**

Mr. Reuter said that we are now at the phase to adopt the service agreement to get the TIF to move forward. This is the agreement prepared by bond counsel and was on the agenda at the last regular meeting. He said it is a standard agreement and the issue rests with section B, the public improvements, specifically the stone wall and the walking trail extension to Springdale Road. Mr. Reuter said that he hopes to resolve those issues and move forward if the Board desires.

Mr. Fiedeldey said that he raised the question about how we got here. Mr. Fiedeldey said that the improvements have been completed, but there is not enough money to pay the developer. He said that it obviously went over budget. Mr. Birkenhauer said on March 29, 2007, when the developer was looking to go forward with this TIF, the developer said in a letter the budget overages from the Stone Creek TIF. The Board was sent a memo when each of the three of the four bids was over budget. Mr. Fiedeldey said that his concern is that when the Board approved the TIF, it was for the improvements along Colerain. Mr. Birkenhauer said in August he requested the Board use the overage from the Stone Creek TIF to pay for the trail.

Mr. Fiedeldey said that he feels the Board was not kept well informed. The Best Buy TIF was for Colerain Ave. The original budget was \$800,000 to \$1.2 million, but the TIF would not generate those funds. Mr. Birkenhauer said this was the original budget, but it came in at less than \$400,000.

Mr. Fiedeldey said that the TIF is not a problem if the money is there. He wants Colerain Ave. to be taken care of first.

Mr. Corman read the final paragraph of the letter from Marc Smith, chief manager for Stone Creek Development Company of Ohio, LLC: "With most of the money in this new TIF going for improvements along Colerain Avenue and new signals at Haverkos Lane, I am afraid that with ODOT's involvement there will not be any left over funds. All we are asking is if there are left over funds they be applied to public work that was contemplated in the original Stone Creek plans but because of the above stated reasons there was not any funds for certain work."

Mr. Birkenhauer said that bond counsel cautioned us not to start putting priorities on the service agreements. He said that the Colerain Ave. improvements will be done first. Mr. Birkenhauer said the developer will not be paid for the bike trail until all of the Colerain Ave. work is done and the punch list is finished. Mr. Reuter said that the Board is adequately covered as they can tell the developer which part of the project is done first. Further, any reimbursement requests will be scrutinized to be sure they are legally reimbursable.

Mr. Corman motioned to adopt the service agreement and Mr. Ritter offered the second.

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Mr. Corman motioned to adopt the service agreement, stipulating that the monies are to be used primarily for the improvements on Colerain Ave., and should there be any monies remaining, they would be used for the trail. Mr. Reuter said that bond counsel does not want us to attach stipulations to the motions.

Mr. Ritter motioned to approve the service agreement as submitted by bond counsel. Mr. Corman offered the second.

The roll was called:  
Mr. Corman. "Aye."

Mr. Fiedeldey asked if this will guarantee that the Colerain Ave. improvements will be completed. Mr. Reuter said the Board can control the spending, but there are extreme situations where there is a remote possibility the improvements could not be completed.

Mr. Fiedeldey said that some of the work is already completed on the bike trails on the Stone Creek TIF, which has not been paid for.

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

Mr. Corman stated that it was clear to us from legal counsel as to what comes as a priority and what comes as a service agreement. He said we have all of the faith in the legal counsel. There is a safekeeping of the investments in our community.

#### VIDEO SERVICE PROVIDER FEES

Mr. Reuter said SB 117 encourages competition in the cable TV service. This legislation affected local government to enter into service agreements with cable providers, such as Time Warner Cable.

Mr. Reuter said the resolution establishes a video provider agreement of 3%.

Mr. Reuter read resolution 66-07, "Resolution Determining the Video Service Provider Fee to be Paid by a Video Service Provider Offering Video Service in the Township Pursuant to a State Authorization, and Authorizing the Township Administrator to Give Notice to the Video Service Provider of the Provider Fee."

#### EXECUTIVE SESSION

Mr. Foglesong requested the Board enter Executive Session for the purpose of discussing the hiring, employment and compensation of a public employee.

At 6:00 PM, Mr. Corman made a motion to enter executive session and Mr. Ritter offered the second. No discussion and the roll was called:

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

Mr. Ritter made a motion to invite Trustee-elect Joe Wolterman to executive session and Mr. Corman offered the second. No discussion and the roll was called:

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

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Mr. Fiedeldey reconvened the meeting at 6:45 PM. He said the Board discussed hiring a new police chief.

Mr. Corman motioned to hire Lt. Daniel P. Meloy as police chief for Colerain Township, effective January 8, at a rate of \$80,000, plus fringe benefits. Mr. Fiedeldey gladly offered the second. No discussion and the roll was called:

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

Mr. Reuter read Resolution 67-07, "Resolution Hiring Daniel Meloy as Police Chief."

Mr. Corman motioned to accept the resolution and Mr. Ritter offered the second. No discussion and the roll was called:

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

**APPROVAL OF MINUTES**

Mr. Fiedeldey said that he has not had the chance to review the draft minutes.

Mr. Ritter motioned to have the certain portions of each meeting transcribed verbatim:

- November 13, 2007, regular meeting, pages 2-7
- December 11, 2007, regular meeting, pages 5-9

Mr. Fiedeldey said that he has no problem with this, and there may need to be more sections in the future.

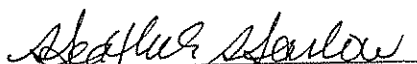
Mr. Corman offered the second. The roll was called:

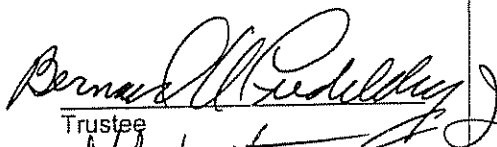
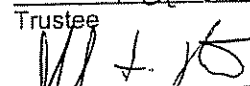
- Mr. Corman. "Aye"
- Mr. Fiedeldey. "Aye"
- Mr. Ritter. "Aye"

**ADJOURNMENT**

With no further business to come before the Board, at 6:52 PM, Mr. Corman motioned for adjournment. Mr. Ritter offered a second.

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

  
Fiscal Officer

  
Trustee  
  
Trustee  
Trustee