

## Regular Meeting of the Board of Trustees

February 13, 2018

1. **Opening of Meeting**
2. **Executive Session** 5:30 PM
3. **Pledge of Allegiance** 7:00 PM
4. **Meditation (Moment of Silence)**
5. **Fiscal Office** – Approval of Minutes
6. **Presentations**
  - a. Resolution In Support of the Colerain Police Department as the Primary Law Enforcement Agency for Colerain Township (Police)
  - b. Retirement Proclamation – Captain Joseph E. Hempel (Fire)
  - c. Years of Service Recognition (Fire)
  - d. Introduction and Swearing-In of Promoted Personnel (Fire)
  - e. Introduction of New Police Canine – Tao (Police)
  - f. Police Staffing Presentation – Dr. Nicolas Corsaro, University of Cincinnati
7. **Citizens Address**
8. **Administrative Reports**
9. **New Business**

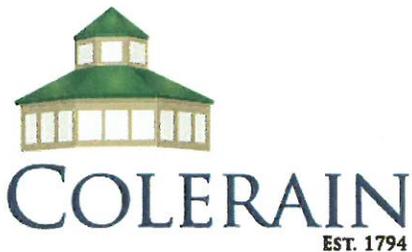
### Public Safety

- a. Motion to Authorize Change of Pay Status for Part-Time Employee (Fire)
- b. Motion to Accept Two Monetary Donations (Fire)
- c. Resolution to Execute Mobilcomm Radio Maintenance Contract (Fire)
- d. Motion to Accept Two Monetary Donations (Police)
- e. Motion Authorizing Purchase of Speed Display Devices (Police)
- f. Motion Authorizing Increase in Towing Fee (Police)

### Planning and Zoning

- a. Motion initiating a Text Amendment Regarding the Prohibition of Land Uses Associated with Medical Marijuana within the Township.
- b. Resolution Removing Assessment from 10217 Season Drive
- c. Resolution Amending Colerain Township Sidewalk Plan

COLERAIN



### Public Services

- a. Motion Accepting Monetary Donation
- b. Motion Accepting the Lowest and Best Bid on the Colerain Township 2018 Paving Program
- c. Motion Accepting the Lowest and Best Bid on Royal Heights Improvement Contract 18-1
- d. Motion Accepting the Lowest and Best Bid on the Byrneside, Acre & Gardenia Drive Improvement Contract 18-2

### Administration

- a. Motion Accepting the Resignation of Frank Birkenhauer from the Tax Incentive Review Committee
- b. Motion Appointing Rachel McKinney to Serve as Member of the Tax Incentive Review Committee
- c. Motion Authorizing Execution of Memorandum of Understanding with AFSCME Collective Bargaining Unit
- d. Resolution Removing Lighting District Assessment from Parcel #510-0343-0132-00
- e. Resolution Authorizing Execution of Development Agreement for Veterans' Memorial
- f. Resolution Authorizing Execution of Contract with Community Programming Board Regional Council of Governments (Waycross Community Media)

### **10. Fiscal Office Report**

### **11. Trustees' Report**

### **12. Citizens Address: Questions Concerning Today's Agenda**

### **13. Executive Session - if needed**

### **14. Adjournment**

### **Resolution**

COLERAIN

The Board of Trustees of Colerain Township, County of Hamilton, Ohio, met in regular session at 7:00 p.m., on the 13<sup>th</sup> day of February, 2018, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Mr. Dan Unger, Mr. Raj Rajagopal and Mr. Gregory Insko

Mr. \_\_\_\_\_ introduced the following resolution and moved its adoption:

RESOLUTION NO. \_\_\_\_\_-18

RESOLUTION IN SUPPORT OF THE COLERAIN POLICE DEPARTMENT AS THE  
PRIMARY LAW ENFORCEMENT AGENCY FOR COLERAIN TOWNSHIP

WHEREAS, The Board of Trustees has determined that there is a need and desire to have fulltime police protection provided by the Colerain Police Department; and

WHEREAS, The Board of Trustees has entered into collective bargaining contracts with the Fraternal Order of Police, Colerain Township Police Officer and Sergeant Bargaining Units that prohibits the subcontracting of any and all police services; and

WHEREAS, The Colerain Township community has shown support for the Colerain Police Department in every tax levy since 1987; and

WHEREAS, The Colerain Police Department is an internationally accredited law enforcement agency and operates under the best practices in law enforcement

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

1. That the Colerain Police Department has the unwavering and complete support of the Colerain Township Board of Trustees. Further, the Board of Trustees has full confidence in the professionalism and ability of the Colerain Police Department to provide superior police service to Colerain Township and fully supports the existing Collective Bargaining Agreement to which we are contractually bound.
2. 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.
3. 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.
4. That this Resolution shall be effective at the earliest date allowed by law.

Mr. \_\_\_\_\_ seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mr. Unger \_\_\_\_\_, Mr. Rajagopal \_\_\_\_\_, Mr. Insko \_\_\_\_\_.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

BOARD OF TRUSTEES:

\_\_\_\_\_  
Dan Unger, Trustee

\_\_\_\_\_  
Raj Rajagopal, Trustee

\_\_\_\_\_  
Greg Insko, Trustee

ATTEST:

\_\_\_\_\_  
Heather E. Harlow,  
Fiscal Officer

Resolution prepared by and approved as to form:

\_\_\_\_\_  
Lawrence E. Barbieri (0027106)  
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 February, 2018.

\_\_\_\_\_  
Heather E. Harlow,  
Colerain Township Fiscal Officer

## NEW BUSINESS

---

Department: Colerain Township Department of Fire & Emergency Medical Services

Department Head: Frank Cook, Chief of Department

---

### Colerain Township Department of Fire and Emergency Medical Services

a. Authorization for Part-Time Employee Change of Pay Status

Request authorization for a *change of pay status* for Amber Francis from Paramedic to the *Firefighter Paramedic* classification at a new pay rate of \$15.93 per hour effective Sunday, February 25<sup>th</sup>, 2018.

Rationale:

Paramedic Francis has successfully completed all State of Ohio and Department of Fire and EMS requirements to function as a firefighter.

b. Mobilcomm Contract Resolution

Request the approval of the Board of Trustees to enter into a maintenance agreement with Mobilcomm, Inc. of Cincinnati, OH for maintenance and repair of portable and mobile radio communications equipment, for a total agreement price not to exceed \$3,540.00 quarterly for one-year.

Rationale:

The maintenance agreement covers annual preventative maintenance that ensures frequency alignment accuracy and function, parts and labor for the Department's 142 pieces of radio communications equipment.

c. Monetary Donation Acceptance

Recommend acceptance of a \$50.00 donation.

Rationale:

Request authorization to accept a monetary donation (personal check) from Ms. Kwang Jo Park, 10380 Menominee Drive, Cincinnati, OH 45251 in appreciation for fire and emergency medical services provided to the community.

d. Monetary Donation Acceptance

Recommend acceptance of a \$20.00 donation.

Rationale:

Request authorization to accept a monetary donation (cash) from Mrs. Linda Davis, unknown Township address in appreciation for emergency medical services provided to her deceased husband who passed away approximately three-years ago.

Kwang Ja Park  
10380 Menominee Dr  
Cincinnati, OH 45251

Luck  
2U!

3284  
88-1/813  
210

12/28/17 DATE

PAY TO THE  
ORDER OF

Five  
fifty

\$ 50<sup>00</sup>

DOLLARS

Photo  
Safe  
Deposit  
Boxes on back

 PNC BANK  
PNC Bank, N.A. 030

FOR

Thanks (Happy New Year) Kwang Ja Park

Member Since

©TFC

CARE BEARS™

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at 7:00 p.m., on the 13<sup>th</sup> day of February, 2018, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Dan Unger, Raj Rajagopal, Greg Insko,

Mr. \_\_\_\_\_ introduced the following resolution and moved its adoption:

RESOLUTION NO.: \_\_\_\_\_-18

**RESOLUTION AUTHORIZING ADMINISTRATOR TO EXECUTE MAINTENANCE AGREEMENT WITH MOBILCOMM**

WHEREAS, the Board of Trustees ("Board") has determined there exists a need to perform maintenance on its mobile and portable equipment; and

WHEREAS, the Board has received a proposal from Mobilcomm to perform such maintenance services on its equipment as more fully set forth on the Maintenance Agreement which is attached hereto as Exhibit A; and

WHEREAS, the Board is desirous of executing the Maintenance Agreement with Mobilcomm to perform such services for a term of one (1) year beginning February 1, 2018;

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

1. The Board hereby authorizes the Administrator to execute the Maintenance Agreement with Mobilcomm to perform maintenance services which is attached hereto as Exhibit A.
2. 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.
3. 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.
4. That this Resolution shall be effective at the earliest date allowed by law.

Mr. \_\_\_\_\_ seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mr. Unger \_\_\_\_\_, Mr. Rajagopal \_\_\_\_\_, Mr. Insko \_\_\_\_\_.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

BOARD OF TRUSTEES:

\_\_\_\_\_  
Dan Unger, Trustee

\_\_\_\_\_  
Raj Rajagopal, Trustee

\_\_\_\_\_  
Greg Insco, Trustee

ATTEST:

\_\_\_\_\_  
Heather E. Harlow,  
Fiscal Officer

Resolution prepared by and approved as to form:

\_\_\_\_\_  
Lawrence E. Barbieri (0027106)  
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 February, 2018.

\_\_\_\_\_  
Heather E. Harlow,  
Colerain Township Fiscal Officer



Maintenance Agreement

Colerain Township Fire & EMS
4160 Springdale Road
Cincinnati, Ohio 45251

Effective Date: February 1, 2018
Term: 1 Year
Attention: John McNally
Phone: 513-825-6143
E-mail jmcnally@colerain.org

Reference: 2622.MAA.HC

Table with 5 columns: Qty., Equipment Description, Service Location, Monthly Per Unit Cost, and Extended. Rows include APX6000 Portable, XTL5000 Mobile, APX6500 Mobile, and XTL1500 Mobile.

Portable batteries, antennas, chargers & microphones excluded in this agreement.

First echelon service performed at Mobilcomm to include testing of batteries & microphones, shipping to the factory, post factory checkout, reprogramming & engraving.

Motorola depot service included.

Motorola recommends annual PM check

Initial Rate: \$3540.00 Quarterly

Customer PO#

Mobilcomm Representative

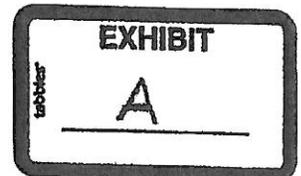
Carol Jackson

Date

January 14, 2018

Customer Acceptance

Date



## Maintenance Agreement Terms and Conditions

- (1) **Definitions:** For the purpose of brevity and uniformity all references to Mobilcomm will mean Mobilcomm Inc., division of Combined Technologies Inc. All references to Customer will mean the person or Company signing this agreement.
- (2) **Service And Performance Standards:** Mobilcomm agrees to provide parts and labor to maintain the equipment herein described, which has become defective due to normal usage. This agreement does not cover abuse of equipment, vandalism, lost or stolen items, damage caused by acts of God, fire or accidents. Also not included are repairs to any Telco or customer owned control circuits, base station antennas, transmission lines, transmit combiners, receiver multi-couplers, ac power line conditioners, un-interruptible power supplies, towers, or tower lighting, base station power amplifier tubes, vidicon tubes, high voltage power supply modules used in cstv equipment, replacement of portable batteries, chargers, antennas, audio accessories or portable carrying cases, unless such items are separately listed on the face of this agreement. Special work other than routine maintenance, such as the relocation of equipment, repair of damaged equipment, removals and installations of mobile equipment will be subject to extra charges to be estimated in advance and approved by the Customer before Mobilcomm will begin the work. Mobilcomm agrees to add additional units, purchased by customer, identical with any units now covered, to this agreement at the same rates and on the same terms and conditions set forth herein.
- (3) **Performance/Standards:** The equipment will be maintained by Mobilcomm in accordance with these standards (i) parts of equal quality as originals will be used; (ii) the equipment will be maintained at levels comparable to factory specifications. Mobilcomm agrees to furnish all labor, tools, test equipment and parts to repair Customer's equipment which has become defective through normal wear and usage. Such repair work will commence as soon as possible after being notified or as otherwise noted. Technicians who have adequate training in their specialty will perform maintenance.
- (4) **Time And Place of Maintenance Work:** Maintenance will be performed on Fixed Station equipment at the Customer location, unless otherwise stated, and mobile and portable equipment service will be performed at a Mobilcomm facility, unless otherwise stated. Hours of service are from 7:30 A.M. to 5:00 P.M. Monday through Friday except Holidays. Requests for 24-hour emergency service must be contracted through a special agreement not included on the standard maintenance policy. At fixed station equipment sites it is the customer's responsibility to provide AC power, light and in special situations heat and dust control.
- (5) **Payment:** On or about the 30th day of the month Mobilcomm will send the Customer an invoice covering the maintenance fees for the month (or billing period) plus any extra charges for the payment period, and the Customer shall pay the amount of said invoice within ten (10) days of its date to Mobilcomm at its principle place of business. Mobilcomm may place a 2% late payment penalty fee on any invoice not paid within these terms. If Customer defaults in payment Mobilcomm may terminate this agreement by giving Customer thirty (30) days notice by certified mail.
- (6) **FCC Records:** Mobilcomm will assist the customer in applying for necessary frequency coordination, and preparation of required FCC documents, but any fees imposed by the FCC or coordination groups are the customer's responsibilities.
- (7) **Interruption of Service:** The customer shall notify Mobilcomm in the event of the failure of any unit. Mobilcomm does not assume and shall have no liability under this agreement for failure to provide or for delay in providing maintenance for the equipment due directly or indirectly to causes beyond the control and without the fault or negligence of Mobilcomm, including but not restricted to acts of God, acts of the public enemy, act of the United States, and State, or any political subdivision of the foregoing, acts of the Customer, its agents, employees, or subcontractors, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes and unusually severe weather conditions, or defaults due to any such causes.
- (8) **Laws And Regulations:** This agreement and the rights and obligations of the parties under it, are subject to present and future valid orders and valid laws, rules, and regulations of duly constituted authorities having jurisdiction.
- (9) **Waiver:** Failure or delay on the part of Mobilcomm or the Customer to exercise any right, power or privilege hereunder shall not operate as a waiver thereof.
- (10) **Prior Negotiations:** This contract constitutes the entire agreement of the parties hereto and shall supersede all prior offers, negotiations and agreements.
- (11) **Amendment:** No revision of this agreement, other than inventory adjustments, shall be valid unless made in writing and signed by Mobilcomm and an authorized agent of the customer.

## NEW BUSINESS

---

Department: Colerain Police Department

Department Head: Mark Denney, Chief of Police

---

### Police

a. Donation Acceptance

Request the Board's approval to accept a donation in the amount of \$100.00 from Dave Suder.

Rationale:

Mr. Suder has made numerous donations to the Police Department over the past few years in appreciation of our supplying requested records.

b. Donation Acceptance

Request the Board's approval to accept a donation in the amount of \$100.00 from Kwang Ja Park.

Rationale:

Ms. Park has made numerous donations to the Police Department over the past few years in appreciation of vacation checks performed on her residence

c. Request Purchase

Request the Board's approval to purchase (4) All Traffic Solutions Speed Display devices at a unit price of \$4,110 each (\$16,440.00 total).

Rationale:

The previous Board approved a capital purchase of (1) speed trailer for \$15,000. Through research and while obtaining bids from several vendors, Traffic Safety Officer Patrick Quinn identified a more cost-effective way to obtain the needed equipment while providing better coverage and service to our community. Officer Quinn was able to negotiate an \$8,000 price reduction, which drastically beats any competitor's bid. We will now have the ability to place speed signs in four locations throughout the Township as opposed to just one. This is a very popular piece of equipment and our residents make many requests for this annually.

d. Request Authorization to Increase Tow Fee

Request the Board's approval to authorize an increase in the standard towing fee from \$150.00 to \$160.00.

Rationale:

In an effort to reduce the financial impact on victims of crime, especially auto theft victims, the Colerain Police Department has changed the towing policy and waived any

## NEW BUSINESS

---

impound fees associated with the return of the victim's car. In order to do this, an increase in fees for all other impounds needs to be increased to counter the loss of revenue. As a reminder, only vehicles of arrested persons and vehicles needing forensic processing are impounded by the Police Department.

# NEW BUSINESS

---

Department: Planning & Zoning

Department Head: Jenna M. LeCount, AICP

---

## **Planning & Zoning**

- a. Approval of Resolution to remove assessment from 10217 Season Drive  
Recommend approval of Resolution to remove assessment from County tax bill.

Rationale:

This resolution is being recommended to remove the assessment which was mistakenly placed on 10217 Season Drive by way of an inaccurate parcel identification number for another property with the same numerical address.

- b. Approval of Resolution Amending Colerain Township Sidewalk Plan  
Recommend approval of resolution to update the Colerain Township Sidewalk Plan to include language describing the applicability of the policy.

Rationale:

This resolution is being recommended to update the current sidewalk waiver policy to include details regarding the applicability of the policy. With several recent zoning applications, a lack of clarity in this policy has been highlighted and it is Staff's intention to ensure consistent and appropriate application of this policy to all zoning certificate applications. Specifically, individual single family residential developments on large lots which have not been included in a platted subdivision have come into question with the very significant cost to an individual home owner for the construction (or waiver fee) for sidewalks in areas of the Township where this policy does not make the most sense.

- c. Requested motion for the initiation of a Text Amendment regarding the prohibition of Medical Marijuana land uses within the Township.

Rationale:

Recent policy announcements at the Federal level have indicated that Trump administration intends to more aggressively enforce federal laws against marijuana in states that have decriminalized its production and sale. Attorney General Jeff Sessions, has rescinded the policy that discouraged federal prosecutors in most cases from bringing charges wherever the drug is legal under state laws.

Due to this policy update, it appears appropriate for Colerain Township to initiate a Text Amendment to the Zoning Resolution to prohibit the uses related to cultivation, processing, or retail dispensing of medical marijuana within the Township.

## NEW BUSINESS

---

Once initiated by this Board, this Text Amendment would be sent to the Hamilton County Regional Planning Commission for review and recommendation to the Colerain Township Zoning Commission. The Zoning Commission will hold a Public Hearing on the case and then make a recommendation back to this Board of Trustees for a second Public Hearing and final decision.

The proposed Text Amendment language is attached within this Board of Trustees packet.

### 7.2.3 Conditional Uses

A “C” in a cell indicates that a use category is allowed only if reviewed and approved as a Conditional Use by the Board of Zoning Appeals in accordance with Section 4.4 (Appeals, Variances, and Conditional Uses). Conditional uses are subject to all other applicable regulations of this Resolution, including, but not limited to provisions in Articles 10 through 15.

### 7.2.4 Prohibited Uses

A shaded cell indicates that a use is prohibited in the respective zoning district.

### 7.2.5 Numerical References

The numbers contained in the “Additional Regulations” column are references to additional standards and requirements that apply to the use type listed. Standards referenced in the Additional Regulations column apply in all zoning districts unless otherwise expressly stated.

Table 7-1: Residential Use Table								
Use P=Permitted Use P* = Permitted with Conditions C= Conditional Use	Zoning Districts							Additional Regulations
	R-1	R-2	R-3	R-4	R-5	R-6	R-7	Refer to Section:
<b>Agricultural Uses</b>								
<u>Agricultural Uses</u>	P*	P*	P*	P*	P*	P*	P*	Section 7.4.2
Riding Stables	P*	C						Section 7.4.11
<b>Residential Uses</b>								
<u>Adult Family Homes</u> or Small Residential Facilities	P	P	P	P	P	P	P	
<u>Adult Group Homes</u> or Large Residential Facilities							P	
Group Homes for Children	P*	P*	P*	P*	P*	P*	P*	Section 7.4.13
Adult or Child Day Care Centers							P	
Institutional Housing						P*	P*	Section 7.4.6
Multi-Family Dwellings						P*	P	Section 7.4.7
<u>Medical Marijuana</u>								
Open Space Residential Developments	P*	P*	P*					Section 7.4.8
Permanently Sited Manufactured Homes	P*	P*	P*	P*	P*	P*		Section 7.4.9
Single-Family Dwellings	P	P	P	P	P	P		
Two-Family Dwellings						P	P	
<b>Commercial and Office Uses</b>								
<u>Bed and Breakfast Establishments</u>	C	C	C	C	C	C		Section 7.4.3
Telecommunications Towers	P*	P*	P*	P*	P*	P*	P*	Section 7.4.12

Table 8-1: Business Use Table

Use P=Permitted Use	Zoning Districts					Additional Refer to
	B-1	B-2	B-3	O-1	I-1	
<u>Brewery</u>					P	
<u>Broadcasting Studios</u>			P	P		
<u>Clubs</u>	C	P	P	P		
Commercial Kennels		P*	P*		P*	Section 8.4.4
<u>Contractor or Construction Sales</u>		P*	P		P	Section 8.4.5
Day Care Centers	P	P	P	P		
Distillery					P	
Distribution Facilities					P	
Drive-Through Facilities	P*	P*	P*	P*		Section 8.4.6
Funeral Services		P*	P*	P*	P	Section 8.4.7
Heavy Industrial Uses					C	Section 8.4.8
Hotels and Motels		P	P	P		
Laboratories			P	P	P	
Light Industrial Uses			P		P	
<u>Medical Marijuana</u>						
Micro Brewery			P			
Micro Distillery			P			
Nurseries		P			P	
Personal Services	P	P				
Professional or Business Offices	P	P	P	P		
Restaurants	P	P		P*		Section 8.4.9
Retail Commercial Uses	P	P	P*	P*		Section 8.4.10
Service Commercial Uses	P	P	P*	P*		Section 8.4.11
Storage Facilities					P	
Telecommunications Towers	P	P	P	P	P	
Theaters		P				
Type A Family Day Care Home	P	P		P		
Vendor Markets	P*	P*				Section 8.4.13
Veterinary Facilities	P*	P*		P*	P	Section 8.4.12
Warehouses			P		P	
Wholesale Commercial Uses			P		P	
<b>Institutional/Public Uses</b>						
<u>Active Parks and Recreational Facilities</u>	P*	P*	P*	P*	P*	Section 7.4.1
Cemeteries	P*	P*	P*	P*	P*	Section 7.4.4
Educational Facilities	C	P*	P*	P*		Section 7.4.5
Essential Services and Utilities	P	P	P	P	P	

-The structure was manufactured after January 1, 1995; and

-The structure is not located in a manufactured home park as defined in Section 3733.01 of the Ohio Revised Code.

**Maximum Extent Feasible** shall mean that no feasible and prudent alternative exists, and all possible efforts to comply with the regulation or minimize the potential harm or adverse impacts have been undertaken. Economic considerations may be taken into consideration.

Medical Marijuana shall mean the uses related to cultivation, processing, or retail dispensing of medical marijuana and any business, building, structure, or land used for the cultivation, processing, or retail dispensing of Medical Marijuana as defined by Ohio Revised Code Section 3796.01(A)(2).

**Meteorological Tower** shall mean a facility consisting of a tower and related wind-measuring devices, which is used solely to measure winds preliminary to construction of a small wind energy conversion system. Meteorological Towers shall not be allowed for time periods in excess of six months, and shall be removed prior to the installation of the wind energy conversion system for which they are measuring. A request to install a meteorological tower shall be included in the application to install a small wind energy conversion system.

**Micro Antenna.** Micro antennas are defined as antennas and transmission facilities only, with no supporting structures other than brackets. Micro antennas shall be equal to or less than 5 feet in height and with an area of not more than 580 square inches.

**Micro Brewery** shall mean an establishment that is primarily used for the production of beer and ale and must include restaurant/bar space, tasking or retail space. The brewing operation processes the ingredients to make beer and ale by mashing, cooking and fermenting. The brewing operation does not include the production of any alcoholic beverage other than beer or ale. The brewery shall not produce more than 10,000 barrels of beer or ale per year.

**Micro Distillery** shall mean an establish that is primarily used for the production of spirits and liquor, including wine, in small quantities of a maximum of 52,000 cases or a maximum of 50,000 proof gallons annually and must include restaurant/bar space, tasking or retail space.

**Mineral Extraction** shall mean any artificial or mechanical act by which earth, sand, rock or any other similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or moved and shall include the conditions resulting therefrom, including but not limited to gravel pits and not including the impacts of such operation.

**Mixed-Use Development** shall mean the development of a lot or structure with 2 or more different uses such as, but not limited to, residential, office,

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at \_\_\_\_\_ p.m., on the \_\_\_\_\_ day of February, 2018, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Dan Unger, Greg Insko, Raj Rajagopal

Mr. \_\_\_\_\_ introduced the following resolution and moved its adoption:

**RESOLUTION NO.: \_\_\_\_\_-18**

**RESOLUTION REMOVING ALL TOWNSHIP LIENS, ASSESSMENTS, PENALTIES  
AND INTEREST AGAINST 10217 SEASON DRIVE IDENTIFIED AS HAMILTON  
COUNTY PARCEL #510-0113-0071-00**

**WHEREAS**, on September 12, 2017 in Resolution No. 41-17, the Board of Township Trustees of Colerain Township declared the property at 10217 October Drive, Colerain Township, Ohio (Auditor's Parcel Number 510-0140-0143-00) (the "Real Property") a nuisance and ordered the removal of weeds, vegetation, and other debris and further provided for an assessment for the cost of removal to be placed on the real estate tax duplicate of the Real Property if the weeds, vegetation, and other debris were not removed in seven days. The incorrect Auditor's Parcel Number for the property at 10217 October Drive was used in Resolution No. 41-17. The incorrect Auditor's Parcel Number of 510-0113-0071-00 associated with the Property known as 10217 Season Drive was mistakenly declared a nuisance instead; and

**WHEREAS**, the Township placed an assessment on the tax duplicate of Real Property in the amount of \$556.00, such amount to be collected with the real property taxes on the Real Property; and

**WHEREAS** in addition to the current lien/assessment totaling \$556.00, there are also penalties, fees, and interest which have been assessed by the Hamilton County Auditor's office against the real property located at 10217 Season Drive, Colerain Township, Ohio 45251, identified as Hamilton County Parcel #510-0113-0071-00 with respect to the aforementioned lien/assessment which brings the total amount of the current assessment against the real property to \$572.68; and

**WHEREAS**, this Board desires to remove the assessment from the tax duplicate of the Real Property; and

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

1. That Colerain Township agrees to release any current lien or assessment including, but not limited to, the above-referenced liens and assessments that are currently attached to the real property located 10217 Season Drive, Colerain Township, Ohio 45251, identified as Hamilton

County Parcel #510-0113-0071-00 for the 2017 tax year. The assessment of \$556.00 placed upon the Real Property located at 10217 Season Drive, Colerain Township, Ohio, being Auditor's Parcel Number #510-0113-0071-00 is hereby declared to be paid in full, and the Board agrees to release such assessment and authorizes and directs the Hamilton County Auditor and Hamilton County Treasurer to remove such assessment from the real estate tax duplicate for the Real Property and to release any and all penalties, fees, and interest which have accrued and have brought the current total amount of \$572.68 attached to the Real Property with respect to above-referenced lien/assessment.

2. 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.

3. 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.

4. That this Resolution shall be effective at the earliest date allowed by law.

Mr. \_\_\_\_\_ seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mr. Unger \_\_\_\_\_, Mr. Insco \_\_\_\_\_, Mr. Rajagopal \_\_\_\_\_

ADOPTED this \_\_\_\_\_ day of February, 2018.

BOARD OF TRUSTEES:

\_\_\_\_\_  
Dan Unger, Trustee

\_\_\_\_\_  
Greg Insco, Trustee

---

Raj Rajagopal, Trustee

ATTEST:

---

Heather E. Harlow,  
Fiscal Officer

Resolution prepared by and approved as to form:

---

Lawrence E. Barbieri (0027106)  
5300 Socialville Foster Rd., Suite 200  
Mason, OH 45040  
(513) 583-4200  
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 February 2018.

---

Heather E. Harlow,  
Colerain Township Fiscal Officer

**The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio**, met in regular session at \_\_\_\_\_, on the \_\_\_\_\_ day of February, 2018, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Dan Unger, Greg Insco, Raj Rajagopal

Mr. \_\_\_\_\_ introduced the following resolution and moved its adoption:

**RESOLUTION NO. \_\_\_\_\_ -18**

**RESOLUTION MAKING FURTHER AMENDMENTS TO  
COLERAIN TOWNSHIP SIDEWALK PLAN**

**WHEREAS**, on May 11, 1993, the Board of Trustees, by unanimous vote, approved a motion to require sidewalks in all new subdivisions; and

**WHEREAS**, on September 14, 1993, the Board of Trustees adopted, by Resolution, a “Plan for Sidewalks in Colerain Township” (the “Original 1993 Sidewalk Plan”) which stated the specific Township policy that “Sidewalks should be installed on both sides of all public streets in Colerain Township prior to approval of any subdivision Record Plat. This requirement should be on all township, county, and state roads”; and

**WHEREAS**, the Board of Trustees supplemented and amended the Original 1993 Sidewalk Plan on March 14, 2006, via Resolution 13-06 in a number of ways including, but not limited to, allowing a developer to make a request to the Board of Trustees with respect to a waiver or relief from the requirements of the Township’s Sidewalk Plan that would be determined on a case by case basis; and

**WHEREAS**, The Board of Trustees supplemented and amended the Original 1993 Sidewalk Plan on August 9, 2016, via Resolution 40-16 to modify the cost equation from the Original 1993 Sidewalk Plan to consider updated sidewalk size standards and to consider inflation since the original adoption; and

**WHEREAS**, there has been question regarding the applicability of the sidewalk requirement and waiver process for large lot single-family residential developments on existing parcels or lots of record not found within a platted subdivision; and

**WHEREAS**, the Board of Trustees wishes to more clearly state the applicability of the 1993 requirement for sidewalks in all new subdivisions.

**NOW, THEREFORE, BE IT RESOLVED BY THE COLERAIN TOWNSHIP BOARD OF TRUSTEES**, \_\_ members elected thereto concurring:

1. The Board of Trustees reaffirms the specific objectives and policy statements contained in the Original 1993 Sidewalk Plan and subsequent resolutions including, but not limited to, Resolution 13-06 and Resolution 40-16, and hereby supplements and amends the said plan as set forth below.
2. Applicability:

The requirement for the construction of public sidewalks within the fronting street right-of-way when no sidewalks currently exist shall apply to the following:

- A. The development of all new non-residential and multi-family residential structures.
- B. The expansion of any non-residential or multi-family residential structures by over 50% of the existing floor area.
- C. The construction of a single family structure within a current or future subdivision with a Preliminary Plat date of approval after May 11, 1993.
- D. The construction of a single family structure on any existing parcel or lot of record that is one acre in size or smaller.

The requirement for public sidewalks within the public right-of-way shall *NOT* apply to the construction of a new single family house that is constructed on a lot or parcel of record greater than one acre in size and is not within a platted subdivision.

The requirement for public sidewalks within the public right-of-way shall *NOT* apply to the development of a property with a Current Agricultural Use Valuation (“CAUV”) agricultural exemption unless the property is being split or subdivided for a non-agricultural use.

Timing for Request for Waiver:

- A. It is the policy of the Colerain Township Trustees that applicable sidewalks be constructed and completed prior to the issuance of a Certificate of Occupancy of a development unless the construction of the sidewalk is impractical and a waiver for the construction of the sidewalk is granted by the Colerain Township Trustees.
- B. The Request for Waiver must be submitted prior to the earliest of the following:
  - (1) Approval of a Preliminary Plat for a new subdivision.
  - (2) The request for a minor lot split for any non-residential parcel regardless of size, multifamily parcel regardless of size, or single family parcel one acre in size or smaller.
  - (3) Approval of a Zoning Certificate for new applicable development on an existing lot or parcel of record.
- C. If a Request for Waiver is approved by the Colerain Township Trustees, the payment in lieu of construction of the sidewalk must be received by Colerain Township prior to the issuance of a Zoning Certificate for development of the applicable property.

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, pursuant to Section 504.10 of the Ohio Revised Code, and hereby authorizes the adoption of the Resolution upon its first reading.

5. This Resolution shall take effect on the earliest date permitted by law.

Mr. \_\_\_\_\_ seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mr. Unger \_\_\_\_\_, Mr. Insko \_\_\_\_\_, Mr. Rajagopal \_\_\_\_\_

ADOPTED this \_\_\_\_\_ day of February, 2018.

**BOARD OF TRUSTEES:**

\_\_\_\_\_  
Dan Unger, Trustee

\_\_\_\_\_  
Greg Insko, Trustee

\_\_\_\_\_  
Raj Rajagopal, Trustee

ATTEST:

\_\_\_\_\_  
Heather E. Harlow,  
Fiscal Officer

Resolution prepared by and approved as to form:

\_\_\_\_\_  
Lawrence E. Barbieri (0027106)  
5300 Socialville Foster Rd., Suite 200  
Mason, OH 45040  
(513) 583-4200  
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 February, 2018.

\_\_\_\_\_  
Heather E. Harlow,  
Colerain Township Fiscal Officer

## NEW BUSINESS

---

Department: Public Services

Department Head: Kevin Schwartzhoff, Director of Public Services

---

### **Public Services**

a. Donation Acceptance

Request the Board's approval to accept a donation in the amount of \$100.00 from Edward and Bernice Waltz

Rationale:

The Waltz's have made numerous donations to the Public Services over the past few years to purchase Mutt Mitt bags.

b. Request Authorization to Awards Paving Project Bids

Rationale:

Recommend the lowest bidder that meet the criteria set out in the Plans and Specifications. We are requesting authority to sign contracts for Byrneside/Acre/Gardenia SCIP Project; Royal Heights Subdivision SCIP Project; 2018 Road Paving Project. The SCIP Projects are receiving 50% funding from our grant.

**Colerain Township Road Contracts**

<b>18-1 Road Improvements</b>			
<b>Engineers Estimate</b>		<b>\$</b>	<b>1,269,188.15</b>
<b>Lowest Bidder</b>	<b>Adleta Construction</b>	<b>\$</b>	<b>1,250,000.00</b>
	<b>R. A Miller</b>	<b>\$</b>	<b>1,287,931.40</b>
	<b>Barrett</b>	<b>\$</b>	<b>1,371,022.20</b>
<b>Highest Bidder</b>	<b>Rack &amp; Ballauer</b>	<b>\$</b>	<b>1,431,193.50</b>

<b>SCIP18-2 Brynside Acre Drive</b>			
<b>Engineers Estimate</b>		<b>\$</b>	<b>3,071,907.00</b>
<b>Lowest Bidder</b>	<b>Fred A Nemann</b>	<b>\$</b>	<b>2,685,326.72</b>
	<b>Ford Development</b>	<b>\$</b>	<b>2,895,659.69</b>
	<b>Adleta Construction</b>	<b>\$</b>	<b>2,963,297.09</b>
<b>Highest Bidder</b>	<b>Rack &amp; Ballauer</b>	<b>\$</b>	<b>3,109,063.25</b>

<b>SCIP 18-3 Royal Heights</b>			
<b>Engineers Estimate</b>		<b>\$</b>	<b>6,956,426.00</b>
<b>Lowest Bidder</b>	<b>Rack &amp; Ballauer</b>	<b>\$</b>	<b>5,311,790.88</b>
	<b>Ford Development</b>	<b>\$</b>	<b>5,801,101.61</b>
<b>Highest Bidder</b>		<b>\$</b>	<b>6,922,039.00</b>

**Recommended Contractor**  
**SCIP 50% Grant Funded**

## 2018 Road Improvements

Limits			
Street	From	To	Length Ft
Cliffside Dr	Condor	Culdesac	414
Condor Dr	Deshler	End	441
Cranbrook Dr	Pippin	2777 Cranbrook	509
Deblin Dr	Pippin	Twp Line	757
Kellway Ct	Deblin	Culdesac	220
Mildmay Ct	Orilla	Culdesac	327
Orilla Dr	Vegas	Culdesac	458
Paprika Ct	W. Culdesac	E. Culdesac	1,117
Spiritoak Ln	Dry Ridge	Culdesac	934
Woodsong Dr * #	Silva	3769 Woodsong	1,600
Zoellner Rd	Compton	End	2,695
<b>Total Liner Feet</b>			<b>9,472</b>

\*Partial Street

#= Asphalt Over Concrete Street

## NEW BUSINESS

---

Department: Administration

Department Head: Geoff Milz

---

a. Motion Accepting the Resignation of Frank Birkenhauer from the Tax Incentive Review Committee

Rationale:

Mr. Birkenhauer has offered his resignation due to other commitments.

b. Motion Appointing Rachel McKinney to Serve as Member of the Tax Incentive Review Committee

Rationale:

Ms. McKinney has an interest and educational background in public administration. She currently serves on the Township's Steering Committee for Energy Planning.

c. Motion Authorizing Execution of Memorandum of Understanding with AFSCME Collective Bargaining Unit

Rationale:

A typographical error was found in Appendix 1 of the AFSCME contract related to the dollar-per-hour value of the negotiated increased wage. The attached MOU honors the percentage increase that was negotiated and alters the dollar-per-hour value to accurately reflect that percentage increase.

d. Resolution Removing Lighting District Assessment from Parcel #510-0343-0132-00

Rationale:

A parcel of land owned by the Board of County Commissioners as right-of-way was erroneously included in the lighting district established for Magnolia Woods. This resolution will remove the parcel from the district.

e. Resolution Authorizing Execution of Development Agreement for Veteran's Memorial

Rationale:

At the December 12, 2017 Board of Trustee meeting the Board approved a motion setting aside space in Colerain Park for a veterans' memorial to be constructed at no cost to the Township by a non-profit organization led by Chris Green. Mr. Green requested approval by the township for the project be provided to him in writing. Further, Mr. Green has requested that the location of the project be changed from Colerain Park to the Senior Center due to concerns of vandalism.

## NEW BUSINESS

---

The Development Agreement outlines the responsibilities of the developer and of the township in the execution of the project.

- g. Resolution Authorizing Execution of Contract with Community Programming Board Regional Council of Governments (Waycross Community Media)

Rationale:

The Board desires to use the services of Waycross Community Media to produce and cablecast/webcast township public meetings. Waycross has submitted a proposal to provide those services at a cost of \$55,000 per year with a \$1,500 installation fee. The term of the contract is one year and Waycross would be able to begin producing and cablecasting/webcasting at the regular March Board meeting.

**MEMORANDUM OF UNDERSTANDING  
 BETWEEN THE  
 TOWNSHIP COLERAIN, OHIO  
 AND THE  
 AMERICAN FEDERATION OF STATE,  
 COUNTY AND MUNICIPAL EMPLOYEES  
 OHIO COUNCIL 8, LOCAL NO. 3553**

This Memorandum of Understanding is made this \_\_\_\_ day of \_\_\_\_\_, 2018 by and between the Township of Colerain, Ohio (Township) and AFSCME Local 3553 ("AFSCME") in order to amend the current Collective Bargaining Agreement in effect between the parties.

**WHEREAS**, the Township and the AFSCME are parties to a Collective Bargaining Agreement which sets forth the terms and conditions of employment of the bargaining unit members and is in effect from January 1, 2017 through December 31, 2019.

**WHEREAS**, the Township and AFSCME recently agreed to renegotiate the terms of said Collective Bargaining Agreement; and

**WHEREAS**, the parties have reached agreement on renegotiation of the terms of said Agreement as set forth herein which will become effective upon signature of this Agreement.

**NOW, THEREFORE, BE IT AGREED** by and between the Township of Colerain, Ohio and the American Federation of State, County and Municipal Employees, Ohio Council 8, Local No. 3553 as follows:

1. The parties agree to the following corrected salary schedule for the job title Maintenance Worker:

<u>Hired prior 1/1/17 or after</u>	<u>1/1/2018 – 2.00%</u>	<u>1/1/2019 – 2.00%</u>
Maintenance Worker	\$22.16	\$22.60

**IN WITNESS WHEREOF**, the duly authorized representatives of the **TOWNSHIP OF COLERAIN, OHIO** and the **AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES OHIO COUNCIL 8, LOCAL 3553** have executed this Memorandum of Understanding hereby intended to amend the current Collective Bargaining Agreement in effect

between the parties and incorporate such terms and conditions of this Memorandum on the dates opposite their signatures.

FOR THE

FOR THE

AMERICAN FEDERATION OF  
STATE, COUNTY AND MUNICIPAL  
EMPLOYEES, LOCAL #3553

TOWNSHIP OF COLERAIN, OHIO

---

Todd Bandy  
President - Local #3553

---

Geoff Milz  
Interim Township Administrator

---

Kyle Beatty  
Chief Spokesperson – AFSCME  
Ohio Council #8

**The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio**, met in regular session at **7:00** p.m., on the **13<sup>th</sup>** day of February, 2018, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Dan Unger, Raj Rajagopal, Greg Insko

Mr. \_\_\_\_\_ introduced the following resolution and moved its adoption:

**RESOLUTION NO.:** \_\_\_\_\_ **-18**

**RESOLUTION REMOVING THE ASSESSMENT FROM PARCEL # 510-0343-0132-00 OWNED BY THE HAMILTON COUNTY BOARD OF COUNTY COMMISSIONERS**

**WHEREAS**, on July 8, 2014, in Resolution No. 43-14, the Board of Township Trustees of Colerain Township approved a proposed improvement to light artificially the street and public way in the Magnolia Woods 1A Lighting District; and

**WHEREAS**, the Hamilton County Board of County Commissioners is the owner of parcel 510-0343-0132-00 (the "Real Property"), which is located on Thompson Road in Colerain Township and is within the Magnolia Woods 1A Lighting District; and

**WHEREAS**, the Township has placed an assessment on the tax duplicate of Real Property in the amount of \$59.64, such amount to be collected with the real property taxes on the Real Property; and

**WHEREAS**, in addition to the current assessment totaling \$59.64, there are also penalties, fees and interest which may have been assessed by the Hamilton County Auditor's office against the Real Property; and

**WHEREAS**, the Board of Township Trustees of Colerain Township desires to remove any assessment, penalties, fees, and interest from the tax duplicate of the Real Property and all future tax duplicates so long as this property remains owned by the Hamilton County Board of County Commissioners; and

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

1. The assessment of \$59.64 placed upon the Real Property located in Colerain Township, Ohio, being Hamilton County Auditor's Parcel Number 510-0343-0132-00, is hereby declared to be paid in full, and the Board further releases such assessment and authorizes and directs the Hamilton County Auditor and Hamilton County Treasurer to remove such assessment from the real estate tax duplicate for the Real Property.

2. Colerain Township agrees to release any and all penalties and interest which have accrued and will accrue with respect to the assessment which is currently attached to the real property located on Hamilton County Auditor's Parcel Number 510-0343-0132-00.

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.

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.

Mr. \_\_\_\_\_ seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mr. Unger \_\_\_\_\_, Mr. Rajagopal \_\_\_\_\_, Mr. Insko \_\_\_\_\_.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

BOARD OF TRUSTEES:

\_\_\_\_\_  
Dan Unger, Trustee

\_\_\_\_\_  
Raj Rajagopal, Trustee

\_\_\_\_\_  
Greg Insko, Trustee

ATTEST:

\_\_\_\_\_  
Heather E. Harlow,  
Fiscal Officer

Resolution prepared by and approved as to form:

\_\_\_\_\_  
Lawrence E. Barbieri (0027106)  
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 February, 2018.

\_\_\_\_\_  
Heather E. Harlow,  
Colerain Township Fiscal Officer

**The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio**, met in regular session at **7:00** p.m., on the **13<sup>th</sup>** day of February, 2018, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Dan Unger, Raj Rajagopal, Greg Insko,

Mr. \_\_\_\_\_ introduced the following resolution and moved its adoption:

**RESOLUTION NO.:** \_\_\_\_\_ **-18**

**RESOLUTION AUTHORIZING ADMINISTRATOR TO EXECUTE DEVELOPMENT AGREEMENT**

**WHEREAS**, the Board of Trustees (“Board”) has determined there exists a need to develop a veterans’ memorial on land owned by Colerain Township; and

**WHEREAS**, the Board has received a proposal from Chris Green dba Colerain Veterans Memorial Inc. to perform the services of organizing, planning, designing and developing the veterans’ memorial; and

**WHEREAS**, the Board is desirous of executing the Development Agreement with Chris Green dba Colerain Veterans Memorial to perform such services;

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

1. The Board hereby authorizes the Administrator to execute the Development Agreement with Colerain Veterans Memorial which is attached hereto as Exhibit A.
2. 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.
3. 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.
4. That this Resolution shall be effective at the earliest date allowed by law.

Mr. \_\_\_\_\_ seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mr. Unger \_\_\_\_\_, Mr. Rajagopal \_\_\_\_\_, Mr. Insko \_\_\_\_\_.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

BOARD OF TRUSTEES:

\_\_\_\_\_  
Dan Unger, Trustee

\_\_\_\_\_  
Raj Rajagopal, Trustee

\_\_\_\_\_  
Greg Insko, Trustee

ATTEST:

\_\_\_\_\_  
Heather E. Harlow,  
Fiscal Officer

Resolution prepared by and approved as to form:

\_\_\_\_\_  
Lawrence E. Barbieri (0027106)  
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 February, 2018.

\_\_\_\_\_  
Heather E. Harlow,  
Colerain Township Fiscal Officer

## DEVELOPMENT AGREEMENT

This **Development Agreement** (the “Agreement”) is made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 2018 (the “Effective Date”), by and between the Colerain Township Board of Trustees, elected officials of Colerain Township, a political subdivision of the State of Ohio, located in Hamilton County (the “Township”), and \_\_\_\_\_, an Ohio non-profit corporation (the “Developer”) (either party individually, a “Party” and collectively, the “Parties”).

**WHEREAS**, the Township desires to retain Developer to organize, plan, design, and develop a veterans’ memorial on land owned by Colerain Township (the “Project”), and Developer is willing to perform such services.

**WHEREAS**, Colerain Township is the record owner of the real property located at [ADDRESS] (the “Project Site”) and situated in the Township of Colerain, County of Hamilton, and State of Ohio. Known as being:

[LEGAL DESCRIPTION]

**NOW, THEREFORE**, the Parties agree as follows:

1. **Developer Deliveries.** The Township hereby appoints Developer, and Developer accepts the appointment, to provide services and make certain deliveries. Such deliveries shall include production of a preliminary financing plan, pre-development studies, engineering and architectural plans, community outreach, final Project designs, a final Project Schedule, a final Project budget (with demonstrated financing commitment in the form of a bank-issued loan term sheet), and any other items deemed necessary by the Township to complete the Project. This Agreement shall constitute the “Services” for purposes of this Agreement.
  - 1.1. **Future Maintenance.** Developer has a duty under this Agreement to set aside funds and develop a plan for the future maintenance of the memorial. Such maintenance shall be included as a line item in the final Project budget.
  - 1.2. **Subcontracts.** Developer shall, at its sole expense, utilize and contract for all contractors necessary to complete the Project in strict accordance with this Agreement.
  - 1.3. **Township Objectives.** The Township’s objectives are to have the Project developed, designed, constructed, and completed in an efficient, economic, and timely manner, in conformity with all governmental requirements, plans and specifications, the Project Schedule, and the final development budget, as approved by the Township.
  - 1.4. **Project Schedule.** Developer shall prepare, and submit to the Township for approval, the timeline for the fundraising, design, and construction of the Project, identifying the projected dates for the achievement of major milestones in the development process and the commencement and completion of various stages of the Project (the “Project Schedule”).
  - 1.5. **Commencement of Construction.** No construction work shall be performed until the Project Schedule and pre-development plans are approved by the Township.
    - 1.5.1. The pre-development plans shall contemplate and demonstrate such features including, but not limited to, signage, security, lighting, electrical wiring, a flag pole, utilities, Americans with Disabilities Act (ADA) accessibility, and any other features as requested by the Township or required by law.

- 1.6. Right to Inspect.** The Township, its authorized representative(s), and/or agents shall at all times have access to the Project Site and be permitted to observe and review, all work, materials, equipment, documentation, financial information, and any relevant information pertaining to the Project. Developer shall have seven (7) days to cure any nonconformities.
- 2. Township Deliveries.** The Township shall provide Developer with technical assistance related to Colerain Township laws and regulations, project input and feedback, assistance with community outreach, and access to the Project Site.
- 3. Cost Monitoring.** Developer shall monitor all costs and expenses to confirm that there are sufficient funds to complete the Project. Developer must submit to the Township, on a bi-weekly basis, a report on the status of the Project, including confirmation that the Project Schedule and budget are being complied with, or an explanation of any deviations therefrom.
- 4. Performance Bond.** Developer shall furnish a performance bond in an amount equal to or exceeding \$ [REDACTED]. Upon completion of the Project to the satisfaction of the Township and compliance with all provisions of this Agreement, the financial institution which issued the bond may release the remainder of the bond. In the event of Developer's default, the Township shall have the right to draw from the performance bond to complete the Project. The lending institution, bonding company or other such surety, as may be applicable, is authorized to release the funds upon certification by the Fiscal Officer of the Township that the funds will be used for completion of the Project and any applicable fees.
- 5. Timing and Term.** The Services shall commence on [REDACTED], 2018 and shall be completed fully, in accordance with the terms of this Agreement and approved Project Schedule.
- 6. Compliance.** Developer shall give all notices required by and comply with all applicable laws, ordinances and resolutions of the Township, Hamilton County, and Ohio or the United States.
- 6.1. Permits.** Developer shall, at its own expense, secure and pay for all necessary permits to execute the work from each involved governmental unit.
- 6.2. Wages and Bidding.** Developer shall comply with all prevailing wage and competitive bidding requirements.
- 7. Termination.** This Agreement may be terminated at any time by either party, effective on receipt of written notice to the other party. On the expiration or early termination of this Agreement, Developer shall immediately cease all activities with respect to the Project. Upon such an event, the Township may take over the work and arrange for completion, by contract or otherwise.
- 8. Subcontractors.** Developer shall not execute an agreement with any subcontractor, or permit any subcontractor to perform any work included in this Agreement until it has requested and received written approval from the Township.
- 8.1.** Developer shall be fully responsible to the Township for the acts and omissions of such subcontractor(s), and of persons either directly or indirectly employed by them. Developer shall cause appropriate provisions to be inserted in all subcontracts relative to compliance by each subcontractor with the provisions of this Agreement.

9. **Insurance.** Developer shall not commence work under this Agreement until it has obtained all the following insurance required under this Section and name “Colerain Township, Ohio and its officers, officials, directors, employees, agents, representatives, etcetera” as additional insured.
- 9.1. **Workers’ Compensation Insurance.** Developer shall procure and maintain Workers’ Compensation Insurance as required by the State of Ohio. Developer shall require any subcontractor(s) to similarly provide Workers’ Compensation Insurance for all employees to be engaged in such work unless such employees are covered by the protection afforded by the Developer’s Workers’ Compensation Insurance.
- 9.2. **General Liability.** Developer shall procure and maintain during the life of this Agreement comprehensive general liability insurance in an amount not less than \$ \_\_\_\_\_.
- 9.3. **Subcontractor Insurance.** Developer shall either (i) require each subcontractor(s) to procure and maintain during the life of his/her subcontract the types and amounts of insurance specified in the preceding paragraphs, or (ii) insure the activities of Subcontractors in Developer’s own policies.
- 9.4. **Proof of Coverage.** Developer shall provide the Township with certificates showing the type, amount, class or operations covered, effective dates and expiration dates of policies.
10. **Developer’s Representations and Warranties.** Developer represents and warrants that (a) Developer is registered as an Ohio non-profit corporation and is in good standing with the State of Ohio; (b) Developer has obtained all necessary approvals and consents and is authorized to act pursuant to the terms of this Agreement; (c) Developer is in good standing with Colerain Township; (d) Developer is not involved in any existing or pending litigation or claims which could impact its ability to fulfill its obligations under this Agreement; and (e) all documents provided to the Township by Developer are true and accurate in all aspects.
11. **Indemnification.** Developer shall release, indemnify, and hold the Township harmless from liability related to its own acts and omissions, negligence, and misconduct, or breach of any obligation or representation under this Agreement. The Developer shall be liable for all conditions of the Project Site and any and all liability for any actions taken at the Project Site throughout the term of this Agreement.
12. **Miscellaneous.**
- 12.1. **Notices.** All notices, requests, consents, claims, demands, waivers and other communications under this Agreement must be in writing.
- 12.2. **Assignment or Novation.** Developer shall not assign or transfer, whether by an assignment or novation, any of its rights, duties, benefits, obligations, liabilities or responsibilities under this Agreement without the written consent of the Township.
- 12.3. **Relationship of the Parties.** Developer acknowledges and agrees that it is acting under this Agreement solely as an independent contractor and shall have no authority to act for, bind, or obligate the Township in any manner whatsoever, except only to the extent specifically set out herein, or as may hereafter be specifically authorized in writing by the Township.

**12.4. Amendments.** All changes and amendments to this Agreement must be in writing and signed by both Parties.

**12.5. Choice of Law and Forum.** This Agreement shall be governed by the laws of the State of Ohio. Each Party submits to the exclusive jurisdiction of the Ohio state courts in Hamilton County, Ohio or federal courts in the Southern District of Ohio for any and all legal proceedings arising out of or relating to this Agreement.

**12.6. Entire Agreement.** This Agreement constitutes the sole and entire agreement of the Parties with respect to the subject matter contained herein, and supersedes all prior and contemporaneous understandings, agreements, representations and warranties, both written and oral, regarding such subject matter.

**IN WITNESS WHEREOF**, the Parties hereto have executed this Agreement as of the date first above written.

**COLERAIN TOWNSHIP BOARD OF TRUSTEES**

**[DEVELOPER]**

By (sign): \_\_\_\_\_

By (sign): \_\_\_\_\_

Name (print): \_\_\_\_\_

Name (print): \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Date: \_\_\_\_\_

By (sign): \_\_\_\_\_

Name (print): \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

By (sign): \_\_\_\_\_

Name (print): \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio**, met in regular session at \_\_\_\_ p.m., on the **13<sup>th</sup>** day of February, 2018, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Dan Unger, Raj Rajagopal, Greg Insko,

Mr. \_\_\_\_\_ introduced the following resolution and moved its adoption:

**RESOLUTION NO.:** \_\_\_\_\_ **-18**

**RESOLUTION AUTHORIZING ADMINISTRATOR TO EXECUTE AGREEMENT  
WITH COMMUNITY PROGRAMMING BOARD REGIONAL COUNCIL OF  
GOVERNMENTS**

**WHEREAS**, the Board of Trustees (“Board”) has determined there exists a need to cablecast/webcast certain Colerain Township meetings including but not limited to Trustee meetings, Zoning meetings, Public Hearings, and Special Meetings, etc.; and

**WHEREAS**, the Board has received a proposal from the Community Programming Board Regional Council of Governments (“CPB”) in which Waycross Community Media (“Waycross”) will perform such cablecast/webcasting services as more fully set forth on the Memorandum of Understanding which is attached hereto as Exhibit A; and

**WHEREAS**, the Board is desirous of executing the Memorandum of Understanding with Waycross to perform such services for the period from March 1, 2018 to February 28, 2019;

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

1. The Board hereby authorizes the Administrator to execute the Memorandum of Understanding with Waycross to perform cablecast/webcast services which is attached hereto as Exhibit A.
2. 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.
3. 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.
4. That this Resolution shall be effective at the earliest date allowed by law.

Mr. \_\_\_\_\_ seconded the Resolution, and the roll being called upon the question of its adoption, the vote resulted as follows:

Vote Record: Mr. Unger \_\_\_\_\_, Mr. Rajagopal \_\_\_\_\_, Mr. Insco \_\_\_\_\_.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

BOARD OF TRUSTEES:

\_\_\_\_\_  
Dan Unger, Trustee

\_\_\_\_\_  
Raj Rajagopal, Trustee

\_\_\_\_\_  
Greg Insco, Trustee

ATTEST:

\_\_\_\_\_  
Heather E. Harlow,  
Fiscal Officer

Resolution prepared by and approved as to form:

\_\_\_\_\_  
Lawrence E. Barbieri (0027106)  
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 February, 2018.

\_\_\_\_\_  
Heather E. Harlow,  
Colerain Township Fiscal Officer

# Memorandum of Understanding

This memorandum of understanding between the Community Programming Board Regional Council of Governments (CPB) and Colerain Township describes the services to be provided by Waycross Community Media (Waycross) to Colerain Township for the period March 1, 2018 to February 28, 2019.

During the term of this agreement, Waycross will:

## **-Produce and cablecast/webcast each Trustee meeting –**

- Waycross staff/volunteers will cablecast/webcast each regular Trustee meeting LIVE on Spectrum Channel 8 or 4\* and Cincinnati Bell Fioptics Channel 853 or 854\* using a multiple camera setup, then re-play them on Spectrum Channel 8\* and Cincinnati Bell Fioptics Cable channel 853\* three times per week during different dayparts until the next meeting.
- Coverage is gavel to gavel, no editing. An identification graphic with the date of the meeting and township web address will appear on the program at all times.
- Meetings will be posted online at [www.waycross.tv/ctvod.html](http://www.waycross.tv/ctvod.html) within 24 hours. This is the direct link to our Colerain Township Video on Demand page for posting on the Townships website.

## **Produce and cablecast/webcast Zoning meetings and Public Hearings**

- Waycross staff/volunteers will record each Zoning Commission and Board of Zoning Appeals meetings, as well as Public Hearings, then re-play them on Spectrum Channel 8\* and Cincinnati Bell Fioptics Cable channel 853\* three times per week during different dayparts until the next meeting.
- Coverage is gavel to gavel, no editing. An identification graphic with the date of the meeting and township web address will appear on the program at all times.
- Meetings will be posted online at [www.waycross.tv/ctvod.html](http://www.waycross.tv/ctvod.html) within 24 hours.

## **Produce and cablecast/webcast special events as requested by the township.**

We will also pro-actively schedule coverage of important Township events.

## **Produce and cablecast/webcast a quarterly program – “Talking With Colerain Township”.**

This program can take the form best suited for your needs – call-in talk show in the studio, a program produced in the field highlighting different Township department activities, or a combination.

## **Produce and cablecast/webcast programming featuring the State Representatives and Senators serving the Township, as well as the federal congressional representative.**

The opportunity for these programs are offered to the elected officials. Production is dependent on their schedules/availability.

### **Produce and cablecast/webcast Election Forums**

Waycross will produce election forums for the local races and issues in Colerain Township. These are question and answer style forums, with all candidates invited. Each candidate is given the opportunity to answer every question. These are shown LIVE, with some questions taken by callers. For issues, proponents and registered opponents are invited to discuss the levy or issue at hand. (While the opportunity for these programs are offered to the elected officials and issue representatives, production is dependent on their availability/desire to participate.)

### **Distribute Colerain Township Government Programming**

- Waycross will provide an online Video on Demand page dedicated to Colerain Township government programming, and provide the link/code so township videos can be viewed directly on the townships website.
- Waycross will program Colerain Township Government programming on Spectrum Cable Channel 8\* and Cincinnati Bell Fioptics Cable channel 853\*, a shared cable channel dedicated to government programming in our communities.

### **Display Community Messages**

Between programming on each cable channel, we will provide a community message board for text based notices and information.

### **Provide DVD Copies of Programs**

Waycross will provide a DVD or digital copy of each trustee, Zoning, and BZA meeting, as well as each township event as requested by the township administration.

### **Cable Channels\***

In addition to the Government Channels listed above, Waycross will manage and program the following shared channels in the township:

>Education Channel – Time Warner Channel 4\*, Cincinnati Bell Fioptics Channel 854\*

>Community Channel - Time Warner Channel 979\*, Cincinnati Bell Fioptics Channel 850\*

*NOTE: The cost of services provided to Township educational institutions is not included. Public Access users will be subject to current user fees.*

### **Programming**

For the purposes of ORC 1332.30(A)(1)(a) and (B)(2), "non-repeat and locally produced" shall mean the first run (twelve playbacks) of programming produced or provided by any local resident, the CPB or its affiliates, local governments, schools, or any local public or private agency that provides services to residents of the greater Cincinnati metro area, or any transmission of a meeting or proceeding of any local, state, or federal governmental entity.

*\*Channel numbers are determined by the cable companies and are subject to change.*

**Services Cost:**

The fee is \$55,000, payable quarterly due on March 30, June 30, September 30, December 31.

Additionally, the Township will provide a one time installation fee of \$1500, payable March 30, 2018, to be used for costs associated with installation of the video production system in the Trustees' Chamber.

\_\_\_\_\_  
Chip Bergquist, Executive Director  
Waycross Community Media  
[chip@waycross.org](mailto:chip@waycross.org), 513-825-2429

\_\_\_\_\_  
Geoff Milz, Township Administrator  
Colerain Township

Date: \_\_\_\_\_

\_\_\_\_\_