



**COALITION of LARGE OHIO URBAN TOWNSHIPS**  
**Winter Conference Annual Meeting**  
**Wednesday, February 9, 2011**

**10:30 am**  
**C 220**

**MINUTES**

- I. Welcome (10:30 am) Earhart called the meeting to order at 10:30 am and welcomed members. She introduced members of the CLOUT Executive Committee in attendance and State Association staff members.
- II. Old Business
  - A. Review of legislation pending 129th General Assembly - Fought distributed the State Association's Legislative Status Sheet and highlighted HB 3 (Estate Tax Repeal), HB 50 (Type 2 Annexation Procedure), HB 69 (Pension Reform) and SB 5 (Collective Bargaining). Relative to HB 3, Springfield Township Trustee Joe Honerlaw requested CLOUT support a group formed to prevent HB 3 from passing. The group consists of numerous townships, villages and cities that will be severely impacted by the loss of estate tax revenue. Springfield Township Administrator, Mike Hinnenkamp, further explained the group's efforts and requested CLOUT consider supporting the effort with a financial contribution of \$5,000. Chair Earhart asked that CLOUT members in attendance consider the request by Springfield Township and share thoughts, concerns or approval with CLOUT Executive Committee members or State Association staff by Wednesday, February 16.
  - B. Review of CLOUT priorities for 129th General Assembly - A handout was provided listing the CLOUT priorities for this General Assembly. Chair Earhart asked CLOUT members to review the list and provide any comments or feedback on the list.
  - C. Explanation of Approval Process for CLOUT support / Funding - Chair Earhart explained that a portion of CLOUT membership dues were dedicated toward the creation and support of a litigation fund. CLOUT members as well as non-member townships, cities, counties, and other political jurisdictions faced with issues that impact CLOUT townships were eligible to request funding assistance. Chair Earhart then distributed the CLOUT Litigation Fund Request Form.
  - D. Review of amicus briefs filed on behalf of CLOUT
    1. The Drees Co. v. Hamilton Township. The issue in this case is whether a home rule township has authority to impose impact fees on development in the township. The lower courts ruled the township does. On December 15, 2010, the Ohio Supreme Court granted the petition of the developers and decided to hear the case. The court has not yet scheduled oral argument of this case.
    2. Sanderbeck v. Medina County, et al. Case involves question as to the county's liability because the road had design and maintenance flaws.. The lower courts

accepted this theory and ruled in favor of the Sanderbecks. The county appealed to the Supreme Court of Ohio and on January 19, 2011, the high court agreed to hear the case. Oral argument has not yet been scheduled.

3. Rumpke Sanitary Landfill, Inc. v. Colerain Township, et al. Rumpke operates one of the largest landfills in the state, located in Colerain Township. Over the years, it has sought to expand the landfill and Colerain Township has denied those requests. Litigation has resulted. In this case, Rumpke sought another expansion which was denied by the township. Rumpke sued, and ultimately argued that it is a common law “public utility” and thereby not subject to township zoning. The lower courts ruled in favor of Rumpke on the utility theory. Colerain Township and its trustees are requesting the Supreme Court of Ohio to review the case and reverse the lower courts’ determination that Rumpke is a utility. CLOUT filed an amicus brief, urging the Supreme Court to take the case. We are awaiting the court’s decision on whether it will accept jurisdiction.

4. Sugarcreek Township v. City of Centerville This case concerns an expedited Type II annexation under R.C. section 709.023. In 2009, the Court of Appeals for Greene County ruled that the city cannot TIF the land and thereby prevent the township from collecting property taxes it levies on the area. On remand, the city claimed the appellate decision only applied to inside millage levied by the township. The common pleas court rejected that interpretation and agreed with Sugarcreek that the TIF prohibition applies to all real property taxes levied by the township, both voted and inside millage. The city has appealed to the Court of Appeals. Over objection from the city, CLOUT filed an amicus brief in support of Sugarcreek’s position in the Court of Appeals. The court accepted the brief filed by CLOUT. The court heard oral argument in this case on February 15, 2011. We are awaiting the court’s decision.

- E. Review of CLOUT Legislative Breakfast Reception - Chair Earhart reported that over 50 CLOUT members and 50 legislators attended the Breakfast Reception earlier in the morning. Based on legislative attendance and member feedback she declared the reception a success. She did note that there were several CLOUT members that were unable to attend the event due to it being on Wednesday and the majority of OTA Conference activities are held on Thursday and Friday.

### III. New Business

- A. Discussion on ways CLOUT can assist members - Chair Earhart explained that the CLOUT Executive Committee was committed to reaching out to its members through distribution of legislative updates via email and annual regional meetings. She asked those in attendance if there were other ways in which CLOUT could provide assistance. Mary Walker, Miami Township Trustee, Clermont County, thanked Ms. Fought for her efforts to keep members of the Ohio Township Association and, specifically CLOUT, informed. No further input was received.

IV. Next General Meeting Date - The next general meeting date will be at the 2012 Winter Conference. The next Executive Committee meeting will be in late March or early April.

VII. Adjournment (11:22 am)