

The regular meeting of the Green Township Board of Trustees held on March 9, 2009 was called to order at 5:30 p.m. with the Pledge of Allegiance.

Roll Call: Chairman Winkler, present; Trustee Linnenberg, present; Trustee Upton, excused; Fiscal Officer Straus, present.

Chairman Winkler moved to approve the minutes for the regular meeting of February 23, 2009. Trustee Linnenberg seconded the motion. All voted Aye.

Jack Snyder, Chairman of the Green Township Bicentennial Committee, presented an update regarding upcoming Bicentennial activities. Mr. Snyder stated that the Bicentennial Committee is searching for the centenarians living in Green Township so that they may be honored during this year. If anyone knows of a person who has reached 100+ years, please call Green Township at #574-4848. Mr. Snyder also reported on the Oak Hills Kiwanis Easter Egg Hunt, which will be held on Saturday, April 4, 2009, at 1:00 p.m. at Veterans' Park. The Kite Fly and Pet Parade will be held April 19, 2009 at Veterans' Park. At the Trustee's Meeting on Monday, March 23, 2009, there will be special guests in costume.

The Trustee's recognized John Michael Memory on earning the Boy Scouts Highest Rank of Eagle Scout on September 4, 2008 and presented him with a Certificate of Achievement. John introduced his family and gave a brief history of his scouting career.

**RESOLUTION #09-0309-A**

Chairman Winkler moved to pass a resolution accepting and approving the financial reports as submitted. Trustee Linnenberg seconded the motion. Trustee Upton: Excused; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

**RESOLUTION #09-0309-B**

Trustee Linnenberg moved to pass a resolution to approve the 2009 Annual Appropriations Budget for Green Township. Chairman Winkler seconded the motion. Trustee Upton: Excused; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

Chairman Winkler reported that since 1989 the Township has been engaged in litigation with Vince Rack, his family, and his company. Twenty years has passed since that litigation was initiated. Recently, Mr. Rack welcomed the offer of face to face negotiations with Township Attorney, Frank Hyle. Over the past few weeks, both sides have come together to address all of the outstanding issues involved in this litigation. The Township and the Rack family have reached an agreement and settled all of the outstanding lawsuits and addressed three principle areas: 1. Agreement to the conveyance by Monfort Supply Company of a portion of the property at 5033 North Bend Road to the Township in order to enable a park to be developed; 2. The Rack family has agreed to buffering and landscaping at 5033 North Bend Road, which will improve the overall appearance of North Bend Road. The Township has agreed not to oppose a request by the Rack family that may be submitted to the Hamilton County Board of Zoning Appeals for the construction of a building to support the family business located at 5033 North Bend Road. Both sides have agreed to a number of conditions that would be voluntarily accepted by the Rack family if such a building is approved (i.e. size, design, placement of building, parking landscaping, and buffering); and 3. The long running dispute over the use of what has been called the Doran property, located at 4910 North Bend Road, has also been resolved. The property remains zoned "Residential" with no further non-conforming use arguments that may be raised in the courts. The Rack family, may, if they chose, seek a zone change on the property like any other property owner in the Township. Any decision by the Rack family on whether to seek a zone change, and any decision by the County Zoning Commission and County Commissioners will lie in the future. For now, all of the litigation over this property has been resolved.

Trustee Linnenberg recognized that the Rack family has been life-long residents of Green Township and that the Board looks forward to working with them in a positive manner for many years to come. Trustee Linnenberg thanked Vince Rack's son, Dale Rack, President of Monfort Supply Company for his role in these settlement negotiations and invited Mr. Rack to the podium for comment.

Dale Rack, President, Monfort Supply Company, thanked the current Green Township Administration, especially Frank Hyle and Adam Goetzman. He thanked their friends, neighbors, customers and their family who have supported Monfort Supply over the last 20 years. Mr. Rack stated that with this settlement agreement the Rack family business will continue to operate as it has since 1932. Mr. Rack stated that he looks forward to working with the Township on future projects.

**RESOLUTION #09-0309-C**

Trustee Linnenberg moved to pass a resolution to ratify the agreement with Monfort Supply Company to settle the legal case. Chairman Winkler seconded the motion. Trustee Upton: Excused; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

**RESOLUTION #09-0309-D**

Trustee Linnenberg moved to pass a resolution to advertise for bids for the 2009 Street Rehabilitation Program. The engineering estimate to rehabilitate 25 streets is approximately \$1,509,212. Chairman Winkler seconded the motion. Trustee Upton: Excused; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

Director of Public Services, Fred Schlimm, stated that several streets that are in need of repair are being put off because of projects scheduled by Cincinnati Water Works for those streets. It is likely that those streets would be put onto the Street Rehabilitation Program list for next year.

**RESOLUTION #09-0309-E**

Trustee Linnenberg moved to pass a resolution to amend the agreement with Dominion Retail for Electric Aggregation for a better rate in 2009 and authorize that the Township Administrator approve the amended agreement after review and approval by the Township Attorney. Chairman Winkler seconded the motion. Trustee Upton: Excused; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

**RESOLUTION #09-0309-F**

Chairman Winkler moved to pass a resolution to appoint William Myles, 2886 Springwood Ct., to the Green Township Land Use Planning Committee for a two year term ending December 31, 2010. Trustee Linnenberg seconded the motion. Trustee Upton: Excused; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

**RESOLUTION #09-0309-G**

Chairman Winkler moved to pass a resolution to appoint Township Attorney, Frank Hyle, to serve on the Hamilton County Tax Incentive Review Council (TIRC) for 2009. Trustee Linnenberg seconded the motion. Trustee Upton: Excused; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

**RESOLUTION #09-0309-H**

Trustee Linnenberg moved to pass a resolution to hire Theresa Strong as part-time clerical assistance at Pay Grade 2 Step 3, effective Tuesday, March 17, 2009. Chairman Winkler seconded the motion. Trustee Upton: Excused; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

**RESOLUTION #09-0309-I**

Trustee Linneberg moved to proclaim Friday, March 13, 2009 as "Karrie Gallo Day" in Green Township in recognition of her alert response to implement the Heimlich Maneuver that saved the life of a Bridgetown Junior High student. Chairman Winkler seconded the motion. Trustee Upton: Excused; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

**RESOLUTION #09-0309-J**

The following properties were declared as nuisances. The Township Attorney was directed to notify the owners of the properties listed below of this resolution:

1. 4480 Hutchinson Road (550-0182-0037), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
2. 5831 Lawrence Road (550-0172-0321), Motion made by Trustee Linnenberg and seconded by Chairman Winkler. All voted Aye.

Administrator Celarek made the following announcements:

1. There will be a Land Use Planning Committee Meeting at 7:00 p.m. on Monday, March 16, 2009, at the Green Township Senior Center, 3620 Epley Road, concerning a Land Use Amendment Request for portions of the Green Township Land Use Plan concerning site #'s 1, 102, 104 and 185. The Green Township Land Use Planning Committee has been requested by Anchor Properties on behalf of Mercy Health Partners to review a Land Use Plan Amendment Request for an assemblage of 30 parcels containing approximately 60 acres, located in the southeast quadrant of the Boomer Road / North Bend Road intersection.
2. The Green Township Board of Trustees will hold a public hearing on March 23, 2009 at 5:30 p.m. at the Green Township Administration Building, 6303 Harrison Avenue, for the purpose of considering the

adoption of a resolution establishing Township Limited Home Rule Government under Section 504.01 of the Ohio Revised Code.

3. The Hamilton County Board of Zoning Appeals will hold a public hearing on Wednesday, March 11, 2009, at 1:00 p.m. at the Hamilton County Administration Building, 138 East Court Street, Cincinnati, Ohio 45202.
  - a. Case # Green 2009-01, applicant is Suzanne L. Lekson, 3124 Kleeman Road, for the approval of an accessory structure partially located in the side yard of the property in District "B" Single-Family Residence.

Development Director Goetzman reported that the applicant is seeking permission to construct a detached garage. The subject property is a single-family residence on a .75 acre lot. Mr. Goetzman recommended approval as submitted.

**RESOLUTION #09-0309-K**

Chairman Winkler moved to pass a resolution recommending approval of Case #Green 2009-01 to the Hamilton County Board of Zoning Appeals as submitted. Trustee Linnenberg seconded the motion. Trustee Upton: Excused; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

Fiscal Officer, Tom Straus, stated that he met with the Budget Committee (Kevin Celarek, Sheryl Ross, and Linda Griswold) and reported that the Township is in good financial shape at the moment, however, it is projected that interest income will decrease substantially. Ohio Estate Tax income is estimated to decrease. The Local Government Fund is being cut by the State. There is also some concern about the amount of tax revenue being reduced due to foreclosures on properties. Projections into 2013 indicate a deficit of approximately \$3 million dollars is possible.

Attorney, Frank Hyle, acknowledged the presence of the Rack family at the meeting, and thanked them for the opportunity to work with their family on behalf of the Township to bring a long standing issue to a fair resolution for both parties. Attorney Hyle stated the need for executive session for the purpose of discussing sale and acquisition of property.

Administrator, Kevin Celarek, stated that the Bicentennial newsletter will be coming out in the next couple of weeks. This newsletter will list all of the upcoming Bicentennial events.

Director of Public Services, Fred Schlimm, reported on salt prices. He stated that there is a law in place in Ohio that requires if either of the two salt producers located in Ohio offer bids to ODOT or to the State, those bids must be accepted, regardless of the fact that an out of state bid may be lower. Mr. Schlimm sent a letter to Senator Seitz and Representative Mecklenborg to see if they could get this law rescinded or repealed. Senator Seitz has seen that the transportation bill contains a provision that does repeal that provision of the law. This change will hopefully open up the process to receive better salt bids.

Mr. Schlimm also reported that there are some different types of recycling dumpsters at the recycling drop off locations. They are green and yellow and are for paper only. Those recycling dumpsters are being supplied at no cost to the Township by Abitibi. Abitibi will be paying the Township up to \$20 per ton of paper from those recycling bins.

Director of Development, Adam Goetzman, reported that over the last several months he has been working with local businesses on an access management issue at the Holscher & Hackman Landscaping driveway. Parties have been working on a joint access agreement and there has been progress on this front. They seem to be coming together to work out some access management issues. He stated that this is a positive development, and he indicated that he would be reporting more details to the Trustees.

Fire Chief, Doug Witsken, stated that for four days at the end of February the Fire Department was host to two paramedics from Nuremberg, Germany. These paramedics came to spend time with Green Township, Colerain Township, and the City of Cincinnati Fire Departments in order to get a glimpse of how EMS works in the United States. It was very interesting to share information about how EMS services are handled differently in Germany. The paramedics from Germany were very impressed with how our paramedics are able to operate independently without a physician on the scene and operate through standing orders and protocols.

Police Chief, Bart West, reported that training of the two Police Officers hired at the last meeting is progressing nicely. The experience that they

already have from being a Hamilton County Sheriff's Deputy is very helpful. They should be released from training and out patrolling on their own very soon.

Chief West thanked the Public Services Department for the work they did in constructing a room and storage cabinets for the Police Department.

Lt. Mike Horton, Hamilton County Sheriff's Department, reported on personnel changes.

Chairman Winkler and Trustee Linnenberg read several thank you letters.

Township Attorney, Frank Hyle, stated need for Executive Session for the purpose of discussing sale and acquisition of property. Action may be anticipated.

The next regular meeting of the Board of Trustees will be held on Monday, March 23, 2009 at 5:30 p.m.

Chairman Winkler moved to recess into executive session for the purpose of purpose of discussing sale and acquisition of property. Action may be anticipated. Action may be anticipated. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Chairman Upton: Excused; Trustee Winkler: Excused. The meeting was recessed at 6:01 p.m.; reconvened at 6:31 p.m.

Chairman Winkler moved to adjourn the meeting. Trustee Linnenberg seconded the motion. Trustee Upton: Excused; Trustee Linnenberg: Aye; Chairman Winkler: Aye. Meeting was adjourned at 6:31 p.m.