

The regular meeting of the Green Township Board of Trustees held on May 11, 2009 was called to order at 4:45 p.m.

Roll Call: Chairman Winkler, present; Trustee Linnenberg, present; Trustee Upton, present; Fiscal Officer Straus, excused (with arrival at 5:10 in Executive Session).

Chairman Winkler made a motion to recess to Executive Session for the purpose of discussing personnel matters and acquisition and/or sale of property. Action is not anticipated. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye, Chairman Winkler: Aye. The meeting was recessed at 5:25 p.m.

The Trustees Meeting was reconvened at 5:30 p.m. with the Pledge of Allegiance.

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

Chairman Winkler moved to approve the minutes for the regular meeting of April 27, 2009. Trustee Linnenberg seconded the motion. All voted Aye.

Chairman Winkler announced that the Township is celebrating its Bicentennial and that there are commemorative flyers and information with the dates of all the Bicentennial events available. Also, the first concert of the season will be held on Saturday, June 13, 2009, with the Menus' at Kuliga Park.

Mike Scherer, Green Township Fire Department, presented background information on the Community Emergency Response Team (CERT) Training Program which started on March 3, 2009 and finished on April 16, 2009. The 2009 graduating class includes 13 members: Daryl Beiter, Steven Carder, Cathy Heitz, Randy Heitz, Bob Johnson, Bill Leinweber, Lee McElwain, Margo McElwain, Laura Maxwell, Mike O'Donnell, Colleen Rowland, Carol Tierney, Christl Wigner. The graduates were each presented with Certificates of Graduation.

RESOLUTION #09-0511-A

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

RESOLUTION #09-0511-B

Trustee Linnenberg moved to pass a resolution to grant an easement to Duke Energy Ohio, Inc. concerning Township property located in Section 11, Township 2, Fractional Range 2 of the Miami Purchase, Green Township, Hamilton County, Ohio and authorizing the Township Administrator to execute the easement after review and approval by the Township Attorney. Chairman Winkler seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-0511-C

Chairman Winkler moved to pass a resolution to approve a no parking fire lane restriction on the south side of Willowdale Drive, beginning at the southeast corner of Willowdale Drive and Fiddlers Green Road and extending to a point 1,045' east of the centerline of Fiddlers Green Road. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

Director of Public Services, Fred Schlimm, stated that the above resolution resulted from fire hydrants being moved from the north side of the street to the south side. Therefore, necessitating that the fire lane also be moved to the south side of the street.

Mr. Schlimm also reported that the following resolution stems from a rise in the street that has caused motorist site distance problems and been the cause of several "near miss" motor vehicle incidents.

Mr. Schlimm and the Hamilton County Engineer reviewed the situation extensively and concluded that the "No Parking Anytime" zone on the north side of Willowdale is absolutely necessary.

Ms. Donna Watson, 3380 Fiddlers Green Road, stated that she would like to be able to continue to park on the north side of the street on the side of her house.

Elve Latchrupp, 3368 Fiddlers Green Road, stated that the problem is not on Willowdale going towards Fiddlers Green.

Chairman Winkler suggested that the resolution for the no parking zone on Willowdale be tabled until the Tuesday, May 26, 2009 Trustees Meeting.

RESOLUTION #09-0511-D

Chairman Winkler moved to table a resolution to approve the installation of a no parking anytime zone on the north side of Willowdale Drive, beginning at the northeast corner of Willowdale Drive and Fiddlers Green Road and extending to a point 296' east of the centerline of Fiddlers Green Road. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-0511-E

Chairman Winkler moved to pass a resolution to approve the bid of John R. Jurgensen Company, 11641 Mosteller Road Cincinnati, Ohio 45241 for the 2009 Township Street Rehabilitation Program at \$918,823.80. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-0511-F

Chairman Winkler moved to pass a resolution to approve the Township credit card policy and procedures. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-0511-G

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. 5607 Childs Avenue (550-0171-0525), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
2. 5983 Colerain Avenue (550-0011-0209), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
3. 4267 Marcrest Drive (550-0110-0093), Motion made by Trustee Upton and seconded by Trustee Linnenberg. All voted Aye.
4. Parkwalk Drive (550-0022-0106 & 0107), No motion was made, however, the Board asked Fred Schlimm to contact the developer and ask to have the property cleaned up.
5. 2311 Townhill Drive (550-0140-0185), Motion made by Trustee Upton and seconded by Trustee Linnenberg. All voted Aye.

The Ohio Department of Liquor Control has sent notice of application from: Phillips Shaffer Group, Inc., DBA Country Fresh Market, 3660 Werk Road, Cincinnati, Ohio 45248.

Administrator Celarek made the following announcements:

1. The Hamilton County Board of Zoning Appeals has scheduled a public hearing for Wednesday, May 13, 2009 at 1:00 p.m. in Room 805, Hamilton County Administration Building, 138 E. Court Street, Cincinnati, Ohio 45202 to hear the following cases:
 - a. Case # Green 2009-02, applicant is Dale Rack for Monfort Supply Company, for the purpose of the construction of a new building for on site sales of retail construction supplies, storage and repair with new parking area for employee vehicles.

Development Director, Adam Goetzman, gave an overview of the proposed project. Dale Rack, Monfort Supply Company, was present to answer questions from the Board.

RESOLUTION #09-0511-H

Chairman Winkler moved to pass a resolution recommending approval to the Hamilton County Board of Zoning Appeals of Case # Green 2009-02 subject to the following conditions: 1. That any sales activity on the site be incidental with the underlying construction equipment storage, repair and associated office operations on the site; 2. Sales activity shall specifically preclude any type of new or used franchise type setting that requires an indoor showroom/display or warehouse setting for the sale of heavy construction equipment, construction material or bulk supplies; 3. That the site shall not be used as a transfer station or salvage yard for any debris, waste products, household or commercial trash, scrap metal, salvaged building materials, material or as a commodity recycling operation except as an incidental use associated with the repair and storage of heavy equipment and associated office operations; 4. The permanent (*more than 6 months*) storage of all building material, piping, concrete forms and sewer manhole covers and other items used in connection with the applicant's construction business shall be stored in a designated screened fence and/or landscaped area in an orderly fashion; 5. Any bulk materials such as soil or gravel stored on site shall be stored in

contained areas or bins. All storage areas shall comply with the agreed equipment and building setback limits; 6. A list of all plant material installed as buffers or interior landscaping shall be provided in compliance with the plan submitted and in accordance with the applicable standards of the Zoning Resolution prior to the issuance of a zoning compliance certificate for the shop/office building; 7. That the landscape buffer include a 3' high (as measured from the centerline elevation of North Bend Road or existing walk) earthen berm on the portion of the North Bend Road frontage within the power transmission line easement, except for the area dedicated for paved ingress and egress; 8. All fencing on the property should comply with the agreed upon equipment setback limits; 9. That the building exterior elevations conform to the plans submitted, with a masonry brick exterior, including the office portion of the rear elevation, with a metal standing seam roof. The applicant shall install a red brick exterior with beige or tan trim and siding with a dark green standing seam metal roof; 10. That any dumpsters or trash handling areas be enclosed in a masonry enclosure that matches the building and landscaped with an evergreen shrub buffer in accordance with the Zoning Resolution; 11. That the passenger vehicle parking area adjacent to the office/shop be separated from the equipment storage area by a landscape buffer per the plans submitted, and in conformance with the internal parking lot landscape requirements of the Zoning Resolution; and 12. Site signage should be limited to one ground mounted monument style sign a maximum of 28 square feet in size and 6 feet in height as measured from the centerline of North Bend Road. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

- b. Case # Green 2009-03, applicant is Wayne Buildings Inc., for Dean Whitehead, 6319 Springmyer Drive, Cincinnati, Ohio 45248, for permission to construct a 36x55x14 post accessory building as a primary structure on vacant land at 5041 Staas Road.

Development Director, Adam Goetzman, gave an overview of the proposed project. The applicant was not present.

RESOLUTION #09-0511-I

Chairman Winkler moved to pass a resolution recommending approval to the Hamilton County Board of Zoning Appeals of Case # Green 2009-03 subject to the following conditions: 1. That the principal structure be constructed on the lot within 24 months of the completion of the proposed garage building; 2. That the garage building be used for residential purposes only; 3. That all lighting attached to the building be of a residential character not to exceed illumination levels at the property lines in excess of 0.5 foot-candles at the property line; and 4. That the building be constructed in accordance with the plans submitted with the variance request. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

2. On May 21, 2009, The Hamilton County Rural Zoning Commission will consider a Major Revision for property located at 5441, 5451 & 5457 Rybolt Road. Applicant, Mark Rosenberger, Bayer Becker, is seeking approval for an "EE" Planned Retail District development plan and conditions of approval to construct a 5 story, 57,308 square foot hotel building on the site, with a total of 89 guest rooms, a 103 space parking lot, and two one-way access points onto Rybolt Road.

Development Director, Adam Goetzman, gave an overview of the proposed project. Mark Rosenberger, Bayer Becker, and Tim Heinz, High Five Development Corporation, were present to answer questions from the Board.

RESOLUTION #09-0511-J

Chairman Winkler moved to pass a resolution recommending approval of Case Green 2009-03 Rybolt Hotel to the Hamilton County Rural Zoning Commission subject to the following conditions: 1. That a detailed landscape plan in compliance with Sections 12-6, 17-7, and 14-8 of the Zoning Resolution and with landscaping along the southern property line as shown on the Preliminary Site Plan, shall be submitted as part of the Zoning Compliance Plan; 2. That all building and freestanding signs shall comply with the requirements of the Zoning Resolution and that a detailed signage plan shall be submitted as part of the Zoning Compliance Plan; 3. That a detailed lighting plan indicating compliance with the requirements of the Zoning Resolution shall be submitted as part of the Zoning Compliance Plan; and 4. 3-Variances a. Section 5.1.7 - That the building shall be permitted to have a maximum average height of 51 feet; b. Table 12-4 - That the parking stalls shall be permitted to have a depth of 18 feet; and c. That the minimum parking threshold be reduced to one space per room and 10 additional spaces for a total of 99 spaces. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

3. There will a Land Use Hearing on Monday, May 11, 2009 at 6:15 p.m. at the Green Township Administration Building, 6303 Harrison Avenue, concerning a Land Use Amendment Request for Cloverleaf Lane/North Bend Road, Parcels 550-0071-093, 095, 102 & 167. The request has been made by SJL Engineers on behalf of Customcrafters Homes to review a Land Use Plan Amendment request for an assemblage of four parcels containing approximately 12.7 acres located in the southeast quadrant of the Cloverleaf Lane/North Bend Road intersection. The site is currently designated Single-Family use. The applicant is seeking a change to the site to Attached Single-Family.
4. There will be a Public Land Use Hearing on Tuesday, May 26, 2009 at 6:00 p.m. at the Green Township Administration Building, 6303 Harrison Avenue, 45247 concerning the proposed future Mercy Hospital off North Bend Road.

Fiscal Officer, Tom Straus, stated that the Township has purchased a \$1.5 million dollar Freddie Mac Step Bond that starts out at 1.5% then goes to 2%, then 2.5%, then 3%. It is a callable bond.

Attorney, Frank Hyle, stated that he had nothing to report.

Administrator, Kevin Celarek, reported that on May 21, 2009 the traffic pattern on Rybolt Road will be changed. From the exit ramp turning onto Harrison Avenue will change to a one way road. Residents who wish to turn onto Old Rybolt Road will have to use new Rybolt Road.

Director of Public Services, Fred Schlimm, reported that construction work on parks and street rehabilitation projects have been keeping the Public Services Department very busy.

Director of Development, Adam Goetzman, recommended that the other Department Heads, as well as the Township Attorney, be released before the Land Use Hearing at the end of the meeting begins.

Fire Chief, Doug Witsken, stated that Mack Fire, Inc., which is the retired firefighters association, is in the middle of their annual fundraising raffle. Chances for the raffle have been mailed out and they are hoping for a good return as Mack Fire, Inc. uses the proceeds from this raffle to purchase items for the Green Township Fire Department.

Police Chief, Bart West, reported that over the past few months there has been a rash of hold-ups on the west side. Thanks to the City of Cincinnati Police Department two robberies that occurred in Green Township have been solved. He also reported that the Police Department has received a grant to purchase a second Automatic License Plate Reader.

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

LAND USE PLAN HEARING

The Land Use Plan Hearing is for the purpose of considering a Land Use Amendment Request for Cloverleaf Lane/North Bend Road, Parcels 550-0071-093, 095, 102 & 167. The request is being made by SJL Engineers on behalf of Customcrafters Homes to review a Land Use Plan Amendment request for an assemblage of four parcels containing approximately 12.7 acres located in the southeast quadrant of the Cloverleaf Lane/North Bend Road intersection. The site is currently designated Single-Family use. The applicant is seeking to change the site to Attached Single-Family.

Development Director Goetzman provided an overview of the project and recommendations of the Green Township Land Use Planning Committee which reviewed the proposal on Monday, April 20, 2009, making a recommendation to amend the Land Use Plan from Single-Family to Attached Single-Family with a provision that the minimum unit size be 1,450 sq.ft. with a minimum building size of 3,000 sq.ft.

Steve Leesman, 2720 Topichills Drive and Gene Wilson, Customcrafters Homes, were present to answer questions from the Board.

Linda Hiltenbeitel, 5435 Brigade Ct., expressed concerns about density and green space preservation.

Emily Lao, 5451 Brigade Ct., expressed concerns about safety in the neighborhood.

Mike Henschen, 5455 Sprucewood Place, expressed concerns about the quality of the development. He also was concerned that the "stub" of the new

development not be connected to Sprucewood.

George Hoffman, 5461 Brigade Ct. expressed concerns about the density of the proposal and its effect on his property value.

Mike Jones, 5442 Cloverleaf Lane, expressed concerns about the density of the project and for the stream that runs through his property and onto the property where this development will take place.

Wilma King, 5456 Sprucewood Drive, wanted to know if there was any benefit to the Trustees or to the Township if this development moved forward. Trustee Upton stated that property taxes would be the only thing received by the Township if this development proceeds.

David Lopez, 2967 Timberview Drive, stated that duplexes do not attract and maintain young working families and that the type of project being proposed is not the best project for the site.

Mike Hiltenbeitel, 5435 Brigade Ct., expressed his concerns that the developer may not complete the project and leave barron land.

Dottie Hilvers, 5365 Cloverleaf Lane, expressed her concerns about having to look at the rooftops of the development, lack of buffering, and she was also concerned about the service road.

Trustee Linnenberg stated his desire to attract and keep young families in Green Township. He stated that the Trustees have kept the Hamilton County Sheriff's Patrols in Green Township for safety purposes. The Township has hired four new officers, again, for safety purposes. He stated that Green Township is a safe place to live and expressed his interest in developing the parks to keep young families here in Green Township. He also stated that the property in question is going to be developed at some point in time and that his job is to make sure that the proposed development is a good one and is the best use for the property.

Linda Hiltenbeitel, 5435 Brigade Ct., addressed the Board again to state that a different kind of project that included walking trails, a swimming pool, and recreational center would be the kind of project that would attract and keep young families.

Gene Wilson, Customcrafters Homes, addressed some concerns of the residents by further describing the type of project he is proposing to build.

Claire Hoffman, 5461 Brigade Ct., expressed her concerns about the increased traffic that the proposed project would bring.

Kirk Johnson, 3237 North Bend Road, expressed his concern about the project being too close to existing homes.

Wilma King, 5456 Sprucewood Drive, stated she thought that landminiums with walking trails and a recreational center would be more conducive to attracting young families.

RESOLUTION #09-0511-K

Trustee Upton moved to pass a resolution to forward a recommendation to Hamilton County Regional Planning Commission to amend the Green Township Land Use Plan, for a 12.7 acre site located at southeast quadrant of the North Bend/Cloverleaf intersection subject to the following conditions: 1. That the site conforms to the Hamilton County Thoroughfare Plan ROW dedication requirements; 2. The site shall be limited to an overall density of less than 5 dwelling units per acre with a maximum of 58 units permitted on the site; 3. That an enhanced boundary buffer, including; additional width, landscaping, earthen berms, privacy fencing and or a combination thereof be established on all sides of the property adjacent to existing single family residential development; 4. That the minimum rear yard setback adjacent to existing residential rear yards (Brigade & Cloverleaf) shall be 50 feet; 5. That the minimum rear yard setback adjacent to Cloverleaf Drive shall be consistent with surrounding front yard setbacks, or a minimum of 30 feet if buildings are screened from neighboring residential properties through the use of berms, and evergreen screening; 6. That the minimum rear yard setback adjacent to existing residential side yards of residences on North Bend shall be 30 feet; 7. That the minimum front or side yard setback from North Bend Road shall be 50 feet; 8. That the ground floors of all buildings have a full masonry brick or stone exterior wrap, where vinyl siding, stucco, and/or wood or similar material shall be used for architectural features and trim only; 9. All buildings shall be constructed with a pitched shingled roof; 10. The site shall be developed with an overall ISR not to exceed 50%; 11.

That no more than 20% of the total number of residential buildings on the site contains a maximum of 3-units; 12. The site shall be used for attached single-family residential purposes only with a minimum unit size of 1,400 square feet excluding garages; and 13. That no common dumpsters or common trash handling equipment be permitted on the site. Chairman Winkler seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

Development Director Goetzman stated that these recommendations will be sent to the Hamilton County Regional Planning Commission. The Regional Planning Commission meets regularly on the first Thursday of the month. They will hear this case at their July meeting. He also stated that because of the rules of the Hamilton County Zoning Resolution any use other than single-family would require a zone change which would require a series of public hearings. If the case proceeds the next notice residents would receive is from Hamilton County Regional Planning for a Public Staff Conference for an actual zone change.

The next regular meeting of the Board of Trustees will be held on Tuesday, May 26, 2009 at 5:30 p.m.

Chairman Winkler moved to adjourn the meeting. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye. Meeting was adjourned at 7:52 p.m.

ATTEST: