

The regular meeting of the Green Township Board of Trustees held on June 9, 2008 was called to order at 5:30 p.m. with the Pledge of Allegiance.

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

Chairman Winkler moved to approve the minutes for the regular meeting of May 27, 2008. Trustee Upton seconded the motion and all voted aye.

Chairman Winkler moved to approve the minutes for the special meeting of June 2, 2008. Trustee Upton seconded the motion and all voted aye.

Pursuant to agreement of Trustee Winkler and Trustee Upton, David Linnenberg was selected to fill the vacancy in the office of Trustee.

The Honorable Judge Ted Winkler swore in David W. Linnenberg as the new Green Township Trustee. Trustee Linnenberg introduced his wife, Hilary, and two daughters, Anna and Ava. He thanked the Board for selecting him as Trustee, and stated that he will work very hard to make Green Township a great place to live and work.

A notice will be sent to the Hamilton County Board of Elections notifying them of the appointment of David W. Linnenberg as Green Township Trustee.

Marvin Blade, Duke Energy's Community Relations Manager and Gary Williams, Director of Duke Energy's Vegetation Management, were present to answer questions in response to the Green Township Board of Trustees Resolution # 08-0527A Opposing the Clear Cut Policy of Duke Energy Corporation and urging Adoption of Environmentally Sound Maintenance Policy.

Gary Williams gave an overview of the clear cutting program for the transmission line right-of-way and answered questions from residents.

Mark Wegman, 4638 Race Road; Marty Kunkel, 4344 Marcrest; Mark Haller, 4348 Marcrest; Tom Chatman, 5080 Reemelin Road; Roger Schweder 4346 Marcrest; Tim Mara, 4085 Reemelin Road, Attorney for OxBow, Inc.; and John Krekeler, 4540 Reemelin Road, all spoke in opposition to Duke Energy's clear cutting policy.

Chairman Winkler thanked the representatives from Duke Energy for coming to hear the concerns of the residents. Chairman Winkler stated that the Township will stay on top of the issue and recommended that Sandra Meyers, President of Duke Energy, come to the next Trustee's Meeting to address the concerns of the residents.

Trustee Upton suggested that this topic be further discussed in executive session with Township Attorney, Frank Hyle.

**RESOLUTION #08-0609-A**

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

**RESOLUTION #08-0609-B**

Chairman Winkler moved to pass a resolution to nominate Trustee Tony Upton as Vice Chairman of the Green Township Trustees for the remainder of the year 2008. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

**RESOLUTION #08-0609-C**

Trustee Upton moved to pass a resolution to declare the Police Department's 1998 Ford Taurus, VIN #1FAFP52U1WG189704 as surplus and approve the auction of the vehicle on the Hamilton County Auction website. Chairman Winkler seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

**RESOLUTION #08-0609-D**

Chairman Winkler moved to pass a resolution to approve the Green Township health insurance rates from OME-RESA and hire USI Midwest as the insurance broker for the Township health plans from July 1, 2008 through June 31, 2009. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

**RESOLUTION #08-0609-E**

Trustee Linnenberg moved to pass a resolution to renew the Green Township health reimbursement plan and hire Custom Design Benefits to administer the plan and the Township's Cobra program from July 1, 2008 through June 31, 2009. Chairman Winkler seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

**RESOLUTION #08-0609-F**

Chairman Winkler moved to pass a resolution to approve the Green Township dental insurance rates with Dental Care Plus under the Center for Local Government from August 1, 2008 through July 31, 2009. Trustee Upton seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

**RESOLUTION #08-0609-G**

Trustee Upton moved to pass a resolution to approve the Green Township Life Insurance Plan with Mutual of Omaha through the Center for local Government from August 1, 2008 through July 31, 2009. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

**RESOLUTION #08-0609-H**

Chairman Winkler moved to pass a resolution for permission to travel for Chief Doug Witsken to the 2008 International Association of Fire Chief's Conference from August 14 - 17, 2008 in Denver, Colorado. Trustee Upton seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

**RESOLUTION #08-0609-I**

Trustee Linnenberg moved to pass a resolution to hire Amy M. Gregory as Lodge Manager at Pay Grade 8 Step 1 at \$51,389.64 effective June 21, 2009. Trustee Upton seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

**RESOLUTION #08-0609-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. 4441 Andreas Avenue (550-0061-0067), Motion made by Chairman Winkler and seconded by Trustee Upton. All voted Aye.
2. 5915 Colerain Avenue (550-0011-0031), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
3. 6756 Harrison Avenue (550-0320-0047), Motion made by Trustee Linnenberg and seconded by Trustee Upton. All voted Aye.
4. 6884 Harrison Avenue (550-0320-0214), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
5. 6013 Lawrence Road (550-0160-0012), Motion made by Trustee Upton and seconded by Trustee Linnenberg. All voted Aye.
6. 4585 School Section Road (550-0110-0050), Motion made by Trustee Upton and seconded by Chairman Winkler. All voted Aye.
7. 2754 Westbourne Drive (550-0163-0123), Motion made by Chairman Winkler and seconded by Trustee Upton. All voted Aye.
8. 6689 Westchase Park Drive (550-0234-0146), Motion made by Trustee Upton and seconded by Trustee Linnenberg. All voted Aye.
9. 6680 Westchase Park Drive (550-0234-0099), Motion made by Trustee Linnenberg and seconded by Chairman Winkler. All voted Aye.
10. 5845 Weston Court (550-0172-0249), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.

Administrator Celarek made the following announcements:

1. The Hamilton County Board of Zoning Appeals will meet at 1:00 p.m. On Wednesday, June 11, 2008, Room 805, County Administration Building, 135 E. Court Street, to hear the following cases:
  - a. Case # Green 2008-08, applicant is John Beal, 4200 North Bend Road, Cincinnati, Ohio 45211, for the approval of a compatible non-conforming use certificate for a new replacement sign on the property in question at his automotive, mechanical repair shop.

Development Director Goetzman gave background information regarding the original sign which had rotted away, and explained that the sign has already been replaced with a similarly sized sign without a permit. He stated that because the site is a conditional use, any improvements to the property must be approved through the Hamilton County Board of Appeals. Mr. Goetzman recommended approval. The applicant was not present. Chairman Winkler recommended approval of the request subject to the condition that the lower panel be removed.

**RESOLUTION #08-0609-K**

Chairman Winkler moved to pass a resolution recommending approval of Case # Green 2008-08 to the Hamilton County Board of Zoning Appeals subject to

the following condition: 1. That the lower panel of the sign be removed. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Abstain; Chairman Winkler: Aye.

- b. Case # Green 2008-09, applicants are Mike and Lora Huhn, 6095 West Fork Road, Cincinnati, Ohio 45247, for the approval of a replacement fence on the property in question.

Alan Trenz, Attorney for the Huhn's, was present on behalf of the Huhn's and presented information regarding the application for a fence. Mr. Trenz explained that when the Huhn's initially purchased the property there was an existing barn on the property used for horses and that they simply replaced existing fencing on their property. Mr. Trenz stated that the Huhn's own three properties totaling 5.393 acres, making them exempt from zoning regulations regarding livestock.

Development Director Goetzman reported that the Hamilton County Board of Zoning Appeals application information was somewhat confusing in that it was presented as a fence variance, when in fact, the central point was related to the size of the property and the presence of horses or livestock on the property. Mr. Goetzman noted that if the applicant's three lots total five acres or more, and the lots are consolidated into one, the property would be exempt from the provisions of Section 3 - 6 of the Hamilton County Zoning Resolution. Accordingly, the Trustees made no recommendation on the matter, in the belief that it will be continued by the Hamilton County Board of Zoning Appeals until such time as the consolidation is completed.

- c. Case # Green 2008-10, applicant is Dale Mikes, 3370 Kleeman Road, Cincinnati, Ohio 45211, for the approval of a residential addition to the existing residence with less side yard setback than required.

Development Director Goetzman gave a presentation regarding the proposed project and stated that the existing home does not meet the required side yard setback. The proposed family room addition extends from the rear of the home, and that due to the underlying non-conformity, the addition does not meet the required side yard setback requirement. Mr. Goetzman said that he had met the applicant and visited the site. The applicant was unable to attend the meeting. Mr. Goetzman recommended approval as submitted.

#### **RESOLUTION #08-0609-L**

Chairman Winkler moved to pass a resolution recommending approval of Case # Green 2008-10 to the Hamilton County Board of Zoning Appeals subject to the following condition: 1. That the addition be constructed in accordance with the plans and specifications submitted. Trustee Upton seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

2. The Hamilton County Regional Planning Commission will meet at 1:00 p.m. on Thursday, June 19, 2008, Room 805B, Hamilton County Administration Building, 138 E. Court Street, Cincinnati, Ohio 45202 to hear the following cases:

- a. Case # Green 99-3, Seyferth Office, 4365 & 4373 Harrison Avenue, for approval of a major adjustment to an approved Zoning Compliance Plan to allow for a lot split, creating two separate parcels for the two buildings on the site.

Development Director Goetzman gave a presentation regarding the proposed project and recommended approval with conditions. The applicant, Steve Rueve, 5769 Opengate Ct., was present to answer any questions from the Board.

#### **RESOLUTION #08-0609-M**

Trustee Upton moved to pass a resolution recommending approval of Case # Green 99-3 to the Hamilton County Regional Planning Commission subject to the following conditions: 1. That the owner dedicate right-of-way on Harrison Avenue per the approved Final Development Plan; and 2. That the applicant secure permits for all existing free-standing signs on the properties. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

- b. Case # Green 2007-05, Glenway Avenue Redevelopment, 6475 Glenway Avenue, requesting a major adjustment to an approved Planned Unit Development to allow elimination of the proposed

restaurant building and construction of a second strip retail building on the site.

Development Director Goetzman gave a presentation regarding the proposed project and recommended approval with conditions. The applicant, Bill Davin, was present to answer any questions from the Board.

Bill Davin, 2645 Erie Avenue, addressed the Board to provide further information regarding this application.

Joy Mihuta, 5793 Filview Circle, addressed the Board expressing concern about traffic issues in the immediate area.

**RESOLUTION #08-0609-N**

Chairman Winkler moved to pass a resolution recommending approval of Case # Green 2007-05 to the Hamilton County Regional Planning Commission subject to the following conditions: 1. That all applicable conditions placed on the site in the approval of Case # 2007-05 Glenway Avenue Redevelopment remain in effect; 2. That a segment of sidewalk be constructed on the north side of the property across the entire frontage of Karen Avenue; 3. That the new (2<sup>nd</sup>) retail "strip" building be constructed in conformance with the building elevation plans previously submitted and approved; 4. That the Detailed Planting Plan (dated 05-16-08) be modified to include an additional landscape island on the Glenway Avenue frontage (for a total of 3 islands), and to provide parking area interior landscaping areas and material in conformance with the Zoning Resolution; 5. That all dumpster enclosures be constructed of mason split-face block, painted to match the retail buildings or with a brick veneer, with solid doors; and 6. That all dumpster enclosures be screened from view from the street, parking areas, and adjacent residential lots with evergreen shrubs. Trustee Upton seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

- c. Case # Green 3-75, Imperial House West, 5510 Rybolt Road, requesting a major adjustment to an approved Zoning Compliance Plan to modify the approved signage for the Holiday Inn Express development.

Development Director Goetzman gave a presentation regarding the proposed project and recommended approval as submitted. The applicant was not present.

**RESOLUTION #08-0609-O**

Trustee Upton moved to pass a resolution recommending approval of Case # Green 3-75 to the Hamilton County Regional Planning Commission as submitted. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

Fiscal Officer Straus stated that so far this year the Township's General Fund has received approximately \$2.5 million dollars and expended approximately \$3 million dollars. Mr. Straus stated that the General Fund will have to be closely monitored. He also reported that TIF money has been received by the Township and disbursements to the school districts in the amount of \$4.7 million dollars have been made as follows: \$1.1 million dollars to Northwest Local Schools; \$3 million dollars to Oak Hills Local School District; \$243,000 to Great Oaks; and \$375,000 to Cincinnati Public School District. Leaving the Township with approximately \$3 million dollars in TIF Funds. Mr. Straus also reported that he met with Fifth Third Bank regarding the LAM Account. The Township's return on this account over three years is 4.57% compared to the index of 3.99%, so the Township is doing better than market on its investment.

Attorney Frank Hyle stated need for executive session for the purpose of discussing acquisition of property, pending litigation, and personnel issues. Action is not anticipated.

Administrator Kevin Celarek reported that the newsletter has been mailed out and residents should be receiving them shortly.

Director of Public Services Schlimm stated that the first concert of the season on June 7<sup>th</sup> went very well. It is estimated that approximately 3,000 people attended. The first Movie in the Park will be held on Friday, June 13<sup>th</sup>, and will be showing the "Bee Movie". Mr. Schlimm also reported that all road projects are progressing as anticipated. Mr. Schlimm welcomed Trustee Linnenberg to the Board.

Fire Chief Doug Witsken announced that the 2008 Citizen's Fire Academy Class has completed their course of study. Graduation certificates will

be given out at the June 23, 2008 Trustee's Meeting.

Police Chief West reported that with school being out for the summer they have seen a slight increase in criminal damaging. Chief West asked residents to please call the Police Department if they notice anything out of the ordinary. He also reminded residents that school is out and asked residents to please drive carefully.

Director of Development Goetzman stated that he had nothing to report.

Lt. Mike Horton of the Hamilton County Sheriff's Department congratulated Mr. Linnenberg on his appointment as Trustee and stated that he is looking forward to working with him in the future.

Trustee Upton read two thank you letters from residents.

The next regular meeting of the Board of Trustees will be held on Monday, June 23, 2008 at 5:30 p.m.

Chairman Winkler moved to recess into executive session for the purpose of discussing acquisition of property, pending litigation, and personnel issues. Action is not anticipated. Trustee Upton seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye. The meeting was recessed at 7:08 p.m.; reconvened at 8:10 p.m.

Chairman Winkler moved to adjourn the meeting. Trustee Upton seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye. Meeting was adjourned 8:10 p.m.