

The regular meeting of the Green Township Board of Trustees held on July 13, 2009 was called to order at 5:30 p.m. with the Pledge of Allegiance.

Roll Call: Trustee Upton: present; Trustee Linnenberg: present; Chairman Winkler: present.

Trustee Upton moved to approve the minutes for the regular meeting of June 22, 2009. The motion was seconded by Trustee Linnenberg and all voted aye.

Chairman Winkler announced that the next Bicentennial event will be the Sullivan & Janszen and Rusty Griswold's concert at Kuliga Park on August, 15, 2009. There will also be a cornhole tournament prior to the concert.

Trustee Linnenberg reported that he and his wife Hilary attended the Senior Center Bicentennial Ball on Saturday, July 11, 2009. He stated that the Ball was a fantastic event. He also reported that there is only a \$6.00 fee per year to join the Green Township Senior Center, with a \$2.50 administration fee. The Senior Center has free lunches on the last Wednesday of each month. There will be a free cookout on August 14, 2009. Other activities include ceramics, quilting, volleyball, cards, Wii, Wii Bowling Tournaments, and pattern dancing. There are also monthly dances held on the second Saturday of each month. There will be a luau on Saturday, August 8, 2009, featuring musician Nelson. The cost for that dance will be \$6.00 for members, \$7.00 for non-members. Trustee Linnenberg encouraged residents over the age of 55 to consider joining the Senior Center. Residents under the age of 55 are welcome to attend these events and pay the non-member fee. The Green Township Senior Center is located at 3620 Epley Road, #385-3780.

Chairman Winkler invited Susan Wergowske forward to be recognized for her 10 years of good and faithful service to the residents of Mercy Franciscan at West Park. Chairman Winkler presented Susan with a Certificate of Achievement celebrating her 10th Anniversary at West Park and praised Susan for her dedicated service.

RESOLUTION #09-0713-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 #09-0713-B

Trustee Upton 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, 2009 through June 30, 2010. Chairman Winkler seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-0713-C

Trustee Linnenberg moved to pass a resolution to approve the Green Township dental insurance rates with Dental Care Plus under the Center for Local Government and to hire USI Midwest to administer the plan from August 1, 2009 through July 31, 2010. Chairman Winkler seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-0713-D

Trustee Linnenberg moved to pass a resolution to hire the Pete Wagner Band for the December 5, 2009 Bicentennial Ball and to authorize the signing of the contract by the Township Administrator after review and approval by the Township Attorney. Chairman Winkler seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-0713-E

Chairman Winkler moved to pass a resolution to amend the appropriations for 2009. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-0713-F

Trustee Upton moved to pass a resolution for permission to travel for the Incident Management and Unified Command Course at the National

Emergency Response & Rescue Training Center in College Station, Texas. Firefighter Jeff Williams will attend August 10 - 14, 2009 and District Chief Mark Wagner, Lieutenants Allen Boyle, Russ Ruberg, and Tom Dietz will attend from September 9 - 14, 2009. The training will be at no cost to the Township as all course fees, travel expenses, lodging and meals will be paid by the Federal Government. Chairman Winkler seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-0713-G

Trustee Upton moved to pass a resolution for permission to travel for Fire Investigator, Steve Claytor, to attend the annual required recertification course as the handler of the Township's Arson Dog from October 25 - 31, 2009 in Myrtle Beach, South Carolina. Mack Fire, Inc. will sponsor the recertification course by paying all course fees, lodging, and all travel expenses for Steve and Arson Dog, Rudy. Chairman Winkler seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-0713-H

Trustee Upton moved to pass a resolution for permission to travel for Chief Doug Witsken and Firefighter/Paramedic Joe Spears to attend the "EMS Expo" in Atlanta, Georgia from October 28 - 31, 2009. The cost to the Township will be \$250 per person as Chief Witsken and Firefighter/Paramedic Spears will pay their own air travel, lodging and meal expenses. Chairman Winkler seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-0713-I

Trustee Linnenberg moved to pass a resolution to declare two vehicles in the Department of Fire & EMS as surplus and authorizing the auction of the following vehicles: 1996 Chevrolet Blazer (mileage of 113,498) and a 1998 Ford Crown Victoria (mileage of 133,810). Chairman Winkler seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-0713-J

Trustee Linnenberg moved to pass a resolution to approve the contractors for the Senior Center Patio project for Hendy, Inc. for a bid of \$5,686. The project is to be paid for by Hamilton County Community Development. Chairman Winkler seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-0713-K

Chairman Winkler moved to pass a resolution to approve the contractors for the Senior Center Restroom remodeling for Kramer and Feldman, Inc. for a bid of \$31,448. The project is to be paid for by Hamilton County Community Development. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-0713-L

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. 2973 Bailey Avenue (550-0133-0129), Motion made by Trustee Upton and seconded by Trustee Linnenberg. All voted Aye.
2. 3223 Balsamridge Drive (550-0080-0220), Motion made by Trustee Linnenberg and seconded by Chairman Winkler. All voted Aye.
3. 3479 Centurion Drive (550-0062-0202), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
4. Countrytrace Court (550-0151-0180 and 0181), Motion made by Trustee Upton and seconded by Trustee Linnenberg. All voted Aye.
5. 2942 Diehl Road (550-0031-0030 and 0031), Motion made by Trustee Upton and seconded by Trustee Linnenberg. All voted Aye.
6. 5441 Edger Drive (550-0021-0229), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
7. 3358, 3360, 3362 Emerald Ridge (550-0063-0410, 0411, 0412, 0024) & (550-0062-0265), Motion made by Trustee Linnenberg and seconded by Chairman Winkler. All voted Aye.
8. 3478 Harwinton Lane (550-0172-0490), Motion made by Trustee Linnenberg and seconded by Chairman Winkler. All voted Aye.
9. 4905 Kleeman Green (550-0063-0168), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.

10. 5182 Leona Drive (550-0042-0317), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
11. 5493 Leumas Drive (550-0021-0178), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
12. 3595 Neiheisel Avenue (550-0172-0367), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
13. 2775 Orchardpark Drive (550-0022-0152), Motion made by Trustee Linnenberg and seconded by Chairman Winkler. All voted Aye.
14. 5222 Sidney Road (550-0041-0247), Motion made by Trustee Upton and seconded by Trustee Linnenberg. All voted Aye.
15. 5595 Werk Road (550-0163-0021), Motion made by Trustee Linnenberg and seconded by Chairman Winkler. All voted Aye.

The Ohio Department of Liquor Control has sent notice of application from Westendorf Restaurants, Inc. (Robert, Mary Jo & Michael Westendorf to Michael Westendorf) at 3637 Werk Road, Cincinnati, Ohio 45248. The Trustees had no objection and did not request a hearing.

Administrator Celarek announced the following:

The following Hamilton County Board of Zoning Appeals cases will be heard on Wednesday, July 15, 2009 at 1:00 p.m. in Room 805B, Hamilton County Administration Building, 138 E. Court Street, Cincinnati, OH 45202:

- a. Green # 2009-04: Applicant, Nicole Thompson, for owner, Great Oaks Institute of Technology, seeking a Conditional Use approval for the construction of a new entry lobby and entry plaza, expanded cafeteria, administrative and educational spaces, an outdoor dining patio, enhanced landscaping and reduction of impervious surfaces and water run-off from parking lot for property located at 6375 Harrison Avenue.

Development Director Goetzman gave a brief overview of the proposed project and recommended approval as submitted. The applicant was not present. Development Director Goetzman recommended approval as submitted.

RESOLUTION #09-0713-M

Trustee Linnenberg moved to pass a resolution recommending approval of Case # Green 2009-04 to the Hamilton County Board of Zoning Appeals as submitted. Chairman Winkler seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

- b. Green # 2009-05: Owner and Applicant, Chris Hudepohl, seeking a variance to the side yard setback requirement for subject property located at 5133 Breckenridge Drive to permit construction of a two-story addition to the existing single-family home. The new construction would reduce the required side yard setback from 10 feet to 6 feet.

Development Director Goetzman introduced the Architect, Ron Novack, 7862 Daleview Road. Mr. Novack was present to give a brief overview of the proposed project and answer any questions from the Board. No one was present to object to this case. Development Director Goetzman recommended approval as submitted.

RESOLUTION #09-0713-N

Chairman Winkler moved to pass a resolution recommending approval of Case # Green 2009-05 to the Hamilton County Board of Zoning Appeals as submitted. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

- c. Green # 2009-06: Owner and Applicant, John Schwartz, seeking a variance to construct a batting/throwing cage within the side yard area of subject property located at 5015 Nighthawk Drive. The proposed accessory structure will be approximately 10 feet from the west property line and at least 10 feet from the front edge of the house.

Development Director Goetzman gave a brief overview of the project, and stated that the structure is already built. The applicant was not present. Development Director Goetzman recommended approval subject to two conditions.

RESOLUTION #09-0713-O

Trustee Upton moved to pass a resolution recommending approval of Case # Green 2009-06 to the Hamilton County Board of Zoning Appeals subject to the following condition: 1. That the cage be removed upon the discontinuance of its use by the property owner, or upon sale of the property by the present owner. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

- d. Green # 2009-07: Owner & Applicant, Wendy Jennings, seeking a variance to construct a six foot high privacy fence within the front yard area for property located at 3302 Crescentview Lane. The subject property is a corner lot having frontage on both Crescentview Lane and Woodhaven Drive.

Development Director Goetzman gave a brief overview of the project, and stated that the 6-ft. high privacy fence is already built, noting that a site investigation revealed that the fence did not impact site distance at the intersection. The applicant was not present. Development Director Goetzman recommended approval as submitted.

RESOLUTION #09-0713-P

Chairman Winkler moved to pass a resolution recommending approval of Case # Green 2009-07 to the Hamilton County Board of Zoning Appeals as submitted. Trustee Upton seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

The following Hamilton County Rural Zoning Commission case will be heard on Thursday, July 16, 2009 at 1:00 in Room 805B, Hamilton County Administration Building, 138 E. Court Street, Cincinnati, OH 45202.

- a. Green # 2009-04 (Zone Amendment Request) at 6946 Harrison Retail to construct a 22,400 square foot retail and office building on the site with a 98 space parking lot, one access point onto Harrison Avenue and one additional access point onto a proposed public street on the adjacent property to the south; applicant is John Anevski for owner, Jets Properties, LLC. The Amendment Application Request is to change from "A" Residence to "EE" Planned Retail. GT LUP Parcel # 275.

Development Director Goetzman gave a comprehensive overview of the proposed project and recommended approval with conditions.

Chairman Winkler expressed concern with the impervious surface ratio over the Land Use recommendation of 60%. Administrator Celarek agreed with Chairman Winkler. Trustee Linnenberg and Trustee Upton were less concerned with impervious surface ratio, and more concerned with building and landscaping issues. Development Director Goetzman responded with detailed recommendations to address concerns raised regarding access drive widths, minimum building setbacks, landscape requirements, parking layout/landscape islands, building exterior materials, and freestanding signage.

The conditions are as follows:

Access Drive Widths

All two-way driveways and vehicular circulation routes shall be a minimum 24' in width including within parking areas.

All one-way driveways and vehicular circulation routes shall be a minimum 15' in width including within parking areas.

Minimum Building Setbacks

North property line

Minimum 20' landscaped buffer separating the access drive from the north property line. Minimum 48' building setback from north property line subject to the specific limitations;

20' min landscaped buffer

15' paved 1-way access drive

10' landscape building buffer (Containing a minimum of two 6'-8'ht. evergreen trees + one understory tree + 15 shrubs)

3' paved pedestrian walk/stairs

Setbacks

Minimum 5' landscape buffer w/streetscape planting between the south property line and 24' wide 2-way access drive.

Minimum 53' building setback from south property line subject to the specific limitations;

5' minimum streetscape buffer

24' paved 2-way access drive

24' minimum width landscaped building buffer (Containing a minimum of five 6'-8'ht. evergreen trees + three understory trees + 30 shrubs) a 3' pedestrian walk/steps shall be provided within the minimum 24' wide buffer area

Landscape Requirements

5' streetscape variance on Harrison Avenue, unpaved frontage streetscape area shall contain 1.5 times minimum streetscape planting requirements

10' minimum streetscape landscape requirement on south property line at right-of-way for Good Samaritan Drive, containing 1.5 times minimum streetscape planting requirements,

20' Wide boundary buffer on north property line, containing 1.5 times the minimum landscape planting requirement for a Boundary Buffer "A".

Provide a Residential Boundary Buffer "A" on east property line within 30' grading easement with groundcover.

All parking lot landscape islands, interior and pervious areas shall be landscaped in conformance with 1.5 times the minimum standards of the zoning resolution including,

10' landscape building buffer on north side of building (min. two 6'-8' evergreen trees + one understory tree + 15 shrubs)

24' minimum landscape buffer (min. five 6'-8' evergreen trees + three understory trees + 30 shrubs) - 3' walk/steps within 24' buffer area

Parking layout/landscape islands

Per plan submitted to Green Township, the site shall contain no more 92 parking spaces, located in four defined "bays" in conformance with the following standards;

Harrison Avenue frontage - Maximum 20 spaces

Harrison Avenue building frontage - Maximum 21 spaces

Rear lot @ building - Maximum 25 spaces

Rear lot @ east property line - Maximum 26 spaces

Building Exterior Materials

The building shall have a brick masonry exterior on all sides with brick foundation treatment to be stepped to meet the finished grades.

The lower level shall contain a minimum 4' wide covered walkway.

A minimum 4' wide raised walkway shall be provided on the east side of the building.

Freestanding Signage

The site shall be limited to one freestanding ground mounted monument style sign, not to exceed 96 square feet in size with a maximum height of 12'.

RESOLUTION #09-0713-Q

Trustee Upton moved to pass a resolution recommending approval of Case # Green 2009-04 to the Hamilton County Rural Zoning Commission subject to the conditions listed above and that the site shall have no direct access to Harrison Avenue with a 24' wide cross access easement for a future driveway, to be constructed in conjunction with the redevelopment of the adjacent property to the north, and that the net Impervious Surface Ratio shall not exceed 73% of the site.

Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

Fiscal Officer, Tom Straus, stated that the Township invested \$3,000,000 in a Federal Home Loan Bank bond. This is a callable step bond. First year pays 1.5% interest, second year 2%, third year 3%, and fourth year 4%. Right now Star Ohio is only getting 18 basis points, so the callable bond is a huge increase.

Attorney, Frank Hyle, stated need for executive session to discuss discussing acquisition of property and imminent litigation.

Administrator, Kevin Celarek, stated that the owner of Club Octane did not submit their application for a Teen Club permit. Administrator

Celarek asked the Trustees to consider a restraining order on Club Octane.

Township Attorney, Frank Hyle, stated that leniency has been granted to Club Octane as far as giving them extra time to complete and submit a Teen Club Application Form. An application was received from Club Octane last Friday; however, it was rejected because it was incomplete. Club Octane has not complied with the teen club ordinance. Attorney Hyle suggested that the Township seek an injunction against them until such time as they comply with the Township's Teen Club Ordinance. If the Township does that, they could ask for a temporary restraining order to prohibit them from operating this weekend, or any other weekend, until such time as they comply with the teen club ordinance.

Chief West stated that Club Octane has been a real problem in the area. Last weekend three people were arrested for disorderly conduct, one for obstructing traffic, and one for too many occupants in a vehicle. The weekend before that someone actually set off a firework inside of the club that injured one person, and a number of other problems. Chief West stated that it continues to be a problem, his department is monitoring it, and he has an assigned supervisor to be in the area every Saturday night to monitor the club and write down occurrences at that location. He also stated that second shift officers have been held over to make sure that the large crowds of teens are under control at the club.

RESOLUTION #09-0713-R

Chairman Winkler moved to pass a resolution recommending that Attorney Hyle seek a temporary restraining order against Club Octane in order to prohibit them from operating until they are in compliance with the Township's Teen Club Ordinance. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

Administrator, Kevin Celarek, reported that Green Township staff is working with Senator Bill Seitz in regards to trying to transfer \$500,000 of Capital Improvement State Grant money from the Legacy Place Park project to the Bicentennial Park project.

Director of Public Services, Fred Schlimm, thanked the Bicentennial Committee, especially Randy Ludwig, for his efforts in getting Duke Energy to allow the Township to hang banners on some of their utility poles along North Bend Road. Those banners will start going up tomorrow. He also wished to thank Bill Spade, of Bill Spade Electric, who is allowing the Township to use one of their bucket trucks to hang those banners, as well as sending one of his employees to help Township personnel install those banners. Chairman Winkler suggested purchasing another Bicentennial flag to hang with Bill Spade Electric on it to thank Mr. Spade for his assistance.

Director of Development, Adam Goetzman, reported that he has been serving as an interim representative on the CVG/Kenton County Airport Aviation Noise Abatement Committee (ANAC) and at the meeting last Thursday they found out that DHL will be reinstating flights out of the Greater Cincinnati International Airport (CVG). At peak, DHL was flying about 200 flights per week out of CVG, they are going to begin flying only about half that number, primarily to their international operations, but we may see a slight increase in airport noise complaints. Mr. Goetzman encouraged residents to call the CVG Airport Noise Hotline to report and noise problems. Development Director Goetzman requested permission to continue to serve on that committee.

RESOLUTION #09-0713-S

Chairman Winkler moved to pass a resolution appointing Adam Goetzman to serve as a representative of the Township on the CVG/Kenton County Aviation Noise Abatement Committee (ANAC). Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

Director of Development, Adam Goetzman, reported that the Mercy Hospital project is proceeding through the zone change. The Land Use Plan Amendment was approved by the Hamilton County Regional Planning Commission at their July 2, 2009 meeting. It is now more formalized through the zone change process. The land use plan has been modified and the applicant, Anchor Properties, has requested to come before the

Board of Trustees on July 27, 2009 to present updated information. A more formal review by the Trustees would take place at their August 10, 2009 Trustees Meeting.

Director of Development, Adam Goetzman, thanked Chairman Winkler and Commissioner Todd Portune for co-sponsoring a meeting with residents of the Woodland View Condominium Association to discuss some of the issues association with the proposed Hampton Inn project. A design was created that satisfied the adjoining property owners. They elected to go with the 3-story version. Therefore, the footprint is getting a little wider, but it will be lower in height.

Fire Chief, Doug Witsken, reported that Mack Fire, Inc. has purchased approximately \$14,000 for the department each year. All of this year's equipment has been received and he will be inviting representatives from Mack Fire, Inc. to a future Trustee's Meeting to formally present the equipment to the Township.

Police Chief, Bart West, stated that since they had already discussed the issues with Club Octane, he had nothing else to report.

Lt. Mike Horton, Hamilton County Sheriff's Department, reported on a significant arrest that occurred today. A resident on Biscayne called today who had witnessed an individual break into his neighbor's home. Due to quick response by Officers and a canine Officer from the County who was near by, they sent the dog in and were able to apprehend the individual inside. Lt. Horton thanked the residents for getting involved, making that call, and getting that individual apprehended.

Trustee Linnenberg thanked the Boy Scout Troop from St. Antoninus for inviting him to their meeting a few weeks ago to discuss the U.S. Constitution.

Trustee Linnenberg read several thank you letters.

The next regular meeting of the Board of Trustees will be held on Monday, July 27, 2009 at 5:30 p.m.

Trustee Upton moved to recess into executive session for the purpose of purpose of discussing acquisition of property and imminent litigation. Trustee Linnenberg seconded the motion. The meeting was recessed at 7:12 p.m.; reconvened at 7:36 p.m. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

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 7:37 p.m.

ATTEST: