

The regular meeting of the Green Township Board of Trustees held on July 14, 2008 was called to order at 5:30 p.m. with the Pledge of Allegiance.

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

Trustee Upton moved to approve the minutes for the regular meeting of June 23, 2008. Trustee Linnenberg seconded the motion and all voted aye.

Melvin Fischesser, 2950 Loretta Drive, addressed the Board to commend and thank the Green Township Police Department and Hamilton County Sheriff's Department for the prompt apprehension of a suspect after a break in at his home. Police Chief Bart West also gave credit to the Colerain Township Police Department for their assistance in the apprehension.

Chip Wood, Representative from Duke Energy, addressed the Board to discuss the mutual agreement concerning vegetation trimming guidelines under electric transmission wires. Mr. Wood stated that two sets of guidelines have been developed. One for maintained areas and one for non-maintained areas. In maintained areas the general approach will be to prune those trees to a level that they will not be within 20 ft. of the transmission lines at peak conditions before their next trimming cycle, which is typically six years. For those trees that cannot be pruned the residents will be allowed an opportunity to remove the trees or relocate the trees outside of that area. Duke will also work with the homeowners to remove debris in those maintained areas at the homeowner's request. For the non-maintained areas, the typical practice underneath the wires will be to remove trees. Outside of that area low-growing trees will not be removed unless, at maturity, they will reach within 20 ft. of the transmission lines. Mr. Wood stated that Duke intends to work hand in hand with the residents to keep them informed and to work with them regarding trees on their property.

Tom Chatham, 5080 Reemelin Road, stated that in the maintained zone and the border zone residents will be able to replace trees as they die. New plantings will be limited in those zones. He also stated that debris removal does include stump removal at the homeowner's request. Mr. Chatham thanked Duke Energy and the Township Trustees for their cooperation on this matter. Chairman Winkler thanked Mr. Chatham for the time and energy he has put in working out a compromise with Duke Energy.

Mark Wegman, 4638 Race Road, stated that he felt that Duke Energy's new guidelines are acceptable and thanked the Board of Trustees and Administrator for their support in bringing this matter to a fair compromise.

Chairman Winkler thanked Mr. Wood, Mr. Chatham, and Mr. Wegman for working together to form new guidelines that were acceptable to all parties.

Mr. Chatham also thanked the elected officials in Miami Township, Anderson Township, Symmes Township, and Colerain Township, for their participation in resolving this matter.

Trustee Linnenberg thanked Chairman Winkler for her efforts in spearheading the effort and working with Congressman Chabot, Hamilton County Commissioners, and other elected officials to bring this matter to a fair and reasonable conclusion.

RESOLUTION #08-0714-A

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

RESOLUTION #08-0714-B

Chairman Winkler moved to pass a resolution to hire part-time Firefighter/Paramedic, Steve Maloney, effective July 19, 2008, at a pay grade PM-3 at \$13.31 per hour. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

Fiscal Officer Straus swore in Firefighter/Paramedic Steve Maloney. Mr. Maloney introduced his family who were present.

RESOLUTION #08-0714-C

Trustee Upton moved to pass a resolution to authorize the expenditure of \$156,572 as the Township's additional share toward the Rybolt Road Phase II Project, due to the increase in cost from the consultant's original expected construction estimate. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

RESOLUTION #08-0714-D

Trustee Linnenberg moved to pass a resolution to support the D.A.R.E. (Drug Abuse Resistance Education) Program and authorizing the Township to apply for funding. Chairman Winkler seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

RESOLUTION #08-0714-E

Trustee Upton moved to pass a resolution to hire Allison Detzel as Assistant Lodge Manager, effective July 19, 2008, at a Pay Grade 6 Step 1 at \$40,593.49. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Abstain.

RESOLUTION #08-0714-F

Chairman Winkler moved to pass a resolution to hire Hendy Inc. to complete the Township 2008 Sidewalk Rehabilitation Program for a total cost of \$122,336.00. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

RESOLUTION #08-0714-G

Trustee Linnenberg moved to pass a resolution authorizing travel for Firefighter Steve Claytor to attend the Arson Dog Training Program with the new Green Township arson dog from August 11 through September 5, 2008 in Alfred, Maine. All course fees, travel, lodging and meals will be funded by State Farm Insurance Company. Chairman Winkler seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

RESOLUTION #08-0714-H

Trustee Linnenberg moved to pass a resolution authorizing travel for Firefighters Chris Handley and Eric Corcoran from August 4 through August 7, 2008 to attend IRTB (Incident Response to Terrorist Bombings) course in Socorro, New Mexico at New Mexico Tech. All course tuition, travel, lodging and meals will be paid by the Federal Government. Chairman Winkler seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

RESOLUTION #08-0714-I

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. Anderson Ferry Road (550-0142-0397), Motion made by Trustee Upton and seconded by Trustee Linnenberg. All voted Aye.
2. 3064 Crestmore Lane (550-0131-0127), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
3. 5878 Harrison Avenue (550-0183-0055), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
4. 3254 Jessup Road (550-0082-0046), Motion made by Trustee Linnenberg and seconded by Trustee Upton. All voted Aye.
5. 5535 Leumas Drive (550-0010-0018), Motion made by Trustee Winkler and seconded by Trustee Linnenberg. All voted Aye.
6. 4435 North Bend Road (550-0061-0087), Motion made by Trustee Upton and seconded by Trustee Linnenberg. All voted Aye.
7. 4443 North Bend Road (550-0061-0086), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
8. 5088 North Bend Road (550-0073-0082), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
9. Hader Avenue (550-0061-0453, 0454, 0455, and 0456), Motion made by Trustee Linnenberg and seconded by Chairman Winkler. All voted Aye.
10. Rose Petal (550-0202-0159, 0164, 0165, and 0166), Motion made by Chairman Winkler and seconded by Trustee Upton. All voted Aye.
11. 6685 & 6673 Rybolt Road (550-0220-0169 and 0168), Motion made by Trustee Upton and seconded by Trustee Linnenberg. All voted Aye.
12. 5070 Western Hills Avenue (550-0041-0418), Motion made by Trustee Upton and seconded by Trustee Linnenberg. All voted Aye.

Administrator Celarek made the following announcements:

1. The Green Township Board of Zoning Appeals will meet at 7:00 p.m. on Tuesday, July 29, 2008 at the Green Township Administrative Complex, 6303 Harrison Avenue, to hear the following case:
 - a. Case # GTBZA 2008-05, applicant is James Wagner, property owner, who is seeking permission to install a swimming pool in the front yard of subject property located at 6109 Sheed Road. The property is located in the "A" Residence District, on the corner of Schweitzerhoff Road and Sheed Road.
2. The Hamilton County Regional Planning Commission will meet on

Thursday, July 17, 2008 at 1:00 p.m. in Room 805B, Hamilton County Administration Building, 138 E. Court Street, Cincinnati, Ohio 45202 to hear the following cases:

- a. Case # Green 2008-02, applicant is David House, 5968 Bridgetown Road, requesting approval to construct a one story, 5,000 sq. ft. office building on the property, with associated parking areas and one access point onto Bridgetown Road.

Development Director Goetzman gave background information regarding the proposed project and recommended approval with conditions.

The applicant, David House, was present to answer questions from the Board.

RESOLUTION #08-0714-J

Trustee Upton moved to pass a resolution recommending approval of Case # Green 2008-02 to the Hamilton County Regional Planning Commission subject to the following conditions: 1. That development of the site be limited to an overall impervious surface ratio (ISR) not to exceed 60%; 2. That any building constructed on the property be constructed with a brick masonry exterior and a pitched shingled roof; 3. That a streetscape landscape buffer be installed that meets the requirements of the Hamilton County Zoning Resolution along Bridgetown Road; 4. That the required 10' Chatwood Drive streetscape buffer be expanded to 15'; 5. That the required 10' boundary buffer on the north property line be a minimum of 17.5' in width (adjacent the single-family home) and that this buffer area include one additional tree and five additional bushes per 100 lineal feet; 6. That any dumpster or trash handling location on the site be housed in a brick enclosure located in the northeast corner of the property a minimum of 20' from the adjacent residential lot on Chatwood; 7. An access easement should be provided, where feasible, between the subject property and the adjacent church; 8. Sidewalks along Bridgetown Road should be maintained; 9. That a right-of-way dedication on Bridgetown Road be made in conformance with the Hamilton County Thoroughfare Plan; 10. The site should be limited to one ground mounted sign a maximum of 50 square feet in area and 8 feet in height, located in a landscape area at its base equal to twice the area of the sign; 11. That access to Chatwood Drive be permitted only after the developer has appealed the initial ODOT decision to prohibit site access to Bridgetown Road. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

- b. Case # Green 2008-03, applicant is Schuermann Properties, 5247 North Bend Road & 3662 Monfort Heights Drive, requesting approval to construct a 100,000 sq. ft. of medical office space on the site in one three-story and one two-story building, with associated parking and construction of a new public street across the rear of the existing Bob Evans restaurant site.

Development Director. Adam Goetzman, gave background information regarding the proposed project by means of a PowerPoint presentation, and recommended approval with conditions.

The applicant, Ken Schuermann, Schuermann Properties, was present to give a presentation of the proposed project located on Monfort Heights Drive behind the Bob Evans Restaurant located on North Bend Road. Mr. Schuermann stated that the project would include approximately 100,000 sq. ft. of medical office space (in two buildings) with surface parking for 512 cars.

Tim Mara, Attorney, representing the Monfort Heights Neighbors for Green Development, which is comprised of residents of Monfort Heights Drive, Arrow Road, and Boomer Road, addressed the Board to present the concerns of the residents. Mr. Mara's list of concerns included environmental impact, green space preservation, size of buildings, size of parking lots, compatibility with neighborhood, buffering, placement of loading docks, dumpsters, mechanical equipment, generators, noise, stream preservation, storm water retention, traffic, and TIF money being used.

Debbie Craddock, 3698 Monfort Heights Drive, spoke in opposition to the large size of the proposed project and asked for preservation of as much green space buffering as possible.

Julie Gallenstein, 3722 Monfort Heights Drive, spoke in opposition to the lack of sufficient buffering between the project and adjacent residential homes. Mrs. Gallenstein asked for consideration of a 100 ft. minimum buffer zone and for the elimination of one building and its associated

parking lot.

Joanne Walsh, 3728 Monfort Heights Drive, spoke in opposition to the noise that would be generated by mechanical units on the buildings and voiced objection to the location of the dumpster.

Dave Gallenstein, 3722 Monfort Heights Drive, spoke in opposition to the large size of the building and its "big box" look. Mr. Gallenstein asked for pitched roofs and a reduction in size of the buildings.

Mike Craddock, 3698 Monfort Heights Drive, spoke in opposition to the large size of the proposed buildings and asked that the square footage of those buildings be reduced. Mr. Craddock asked for elimination of one building and its associated parking lot and for greater buffering. Mr. Craddock also stated that he has not seen any studies or statistics showing that this facility is necessary.

John Wickham, 3692 Monfort Heights Drive, asked that the traffic situation be carefully addressed.

Ava Wickham, 3692 Monfort Heights Drive, spoke in opposition to the project and stated that this project would decrease the quality of life in their neighborhood.

Roland Johnson, 5200 Race Road, and President of the Land Conservancy of Hamilton County, spoke about stream buffering and greenway issues. Mr. Johnson asked for a top of the line park-like development.

Matt Revecky, 3747 Monfort Heights Drive, thanked the Trustees for taking the time to listen to the concerns of the residents.

Chairman Winkler summarized the concerns of the residents and asked Mr. Schuermann to respond and answer questions.

Don Stegman, Engineer, Cardinal Engineering, addressed the Board to answer questions.

Roland Johnson, 5200 Race Road, addressed the Board regarding his concerns about greenway preservation.

Matt Revecky, 3747 Monfort Heights Drive, addressed the Board regarding preservation of the buffer zone and preservation of the greenway.

Roland Johnson, 5200 Race Road, addressed the Board regarding grading issues.

Don Stegman, Cardinal Engineering and Ken Schuermann, Schuermann Properties answered questions raised by Mr. Revecky and Mr. Johnson regarding grading and buffering.

John Wickham, 3692 Monfort Heights Drive, asked that the detention pond be relocated in order to preserve the stream.

Don Stegman, Cardinal Engineering, answered questions regarding the detention pond and how it is designed to function.

Mike Craddock, 3698 Monfort Heights Drive, stated his concerns about the detention pond attracting mosquitoes.

Don Stegman, Cardinal Engineering, stated that the detention basin is designed to remain dry and will have a concrete drainage path at the bottom so that it will remain dry.

Chairman Winkler stated the need and desire for medical office space in the area and expressed her desire to get the best project possible for the site.

Bill Hagen, 5249 Arrow Road, stated his concerns about lack of sufficient buffering and security issues if the facility were to be open 24 hours.

Mr. Schuermann, Schuermann Properties, stated that this is not a hospital facility and will only be open after normal office hours for doctors to come in to do paperwork or an occasional emergency outpatient procedure.

John Wickham, 3692 Monfort Heights Drive, expressed concerns regarding the detention pond retaining silt at the bottom and not draining properly.

Trustee Linnenberg asked if traffic problems have been adequately resolved for the residents on Monfort Heights Drive.

John Wickham, 3692 Monfort Heights Drive, stated that traffic from the project has been adequately addressed; however, heavy traffic from St. Ignatius Church is still going to be a problem.

The Board discussed several other issues with Mr. Schuermann and made recommendations for conditions in order to achieve the best possible development.

Trustee Linnenberg stated that this developer has addressed or complied with approximately 75% of the requests from the residents. He stated that he is concerned that if too many restrictions are placed on this development that this developer may walk away and possibly the next developer may propose a project that only meets or complies with 50% of the resident's requests. Mr. Linnenberg stated that Mr. Schuermann is trying to work with the Township and its residents to work out a reasonable compromise and develop a quality project.

RESOLUTION #08-0714-K

Trustee Upton moved to pass a resolution recommending approval of Case # Green 2008-03 to the Hamilton County Regional Planning Commission subject to the following conditions: 1. that the development shall include a maximum of 100,000 gross square feet of office building area on the site; 2. That all buildings shall include a gabled or hipped roof and shall be constructed primarily of brick or stone and that the use of other materials, such as wood, vinyl, and stucco, shall be used for architectural details only; 3. That in addition to the landscaping requirements of the Zoning Resolution, 3.3 evergreen trees per 100 linear feet shall be provided adjacent to all portions of all southern and western property lines located adjacent to properties containing single-family homes and that contain less than 30 feet of densely vegetated undisturbed buffer areas that include both trees and shrubs; 4. That a detailed landscape plan in compliance with Sections 12-6, 14-7 and 14-8 of the Zoning Resolution, and with Condition 3 above, shall be submitted as part of the Zoning Compliance Plan; 5. That a detailed lighting plan indicating compliance with the requirements of the Zoning Resolution shall be submitted as part of the Zoning Compliance Plan; 6. That the office development shall include a maximum of one freestanding monument sign along Monfort Heights Drive with a maximum of 12 feet in height and 50 square feet in area and one additional freestanding monument sign at the entrance to the office development with a maximum of 12 feet in height and 50 square feet in area; 7. That the plan shall be revised to comply with the requirements of Sections 12-4.2 - Access parking setback, 12-8 - Loading spaces, and 13-5.3 - Freestanding sign setbacks; 8. That the Zoning Compliance Plan shall be reviewed and approved by the Rural Zoning Commission as part of a public hearing to determine compliance requirements contained in Conditions 2 and 3 above; 9. That the Bob Evans portion of the development shall continue to be governed by the requirements set forth in Case # Green 3-77, including but not limited to landscaping, lighting, and signage, with the exception of the area modified by this case for the construction of a public street on the property; 10. That the building be designed to be set into the hillside to hide the structure from site line view of the adjacent residents as per the cross-section illustration submitted as part of the development plan; 11. That any roof top mechanical equipment shall be screened by the roof system from view by the adjacent properties or not be roof top mounted; 12. That the tree line buffer shall be managed to protect trees during construction; 13. That grading not exceed off-site, so that the right-of-way along Interstate 74 be undisturbed; 14. That the dumpster proposed for the 20,000 square foot building be relocated from the southeast corner of the building to the northwest or northeast corner; 15. That all dumpsters be screened by a brick enclosure; 16. That the developer review placement of the dumpster for the 80,000 square foot building to reduce the impact on the adjacent landowners; 17. That any generator be located on the freeway side of the buildings; 18. That a conservation easement for the undeveloped space along Interstate 74 be established; and 19. That the amount of the material required by the Zoning Resolution for all interior landscaping requirements be doubled. Chairman Winkler seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

Trustee Upton stated that, in general, development is good for the Township. Currently, the Township operates on a 6 mill levy, however, the Township is being threatened with funding cuts from the Local Government Fund, cuts in Estate Tax money, and the County is considering cutting Sheriff's patrols in Green Township. Trustee Upton stated that development is good for growth and keeps taxes low.

3. Congratulations to Chris Dean, 5505 Pine Brook Circle, who was awarded his Eagle Scout award at the Eagle Court of Honor on July 12, 2008.
4. Home Depot will recycle expired fluorescent (CFL) light bulbs. Citizens may bring any expired unbroken bulbs to the store and hand them to any store associate behind the returns desk. The store will then turn them over to an environmental management company who will handle the preparation to recycle in order to maximize safety and ensure environmental compliance.

Fiscal Officer, Tom Straus, stated that he had nothing to report.

Township Attorney, Frank Hyle, stated need for executive session for the purpose of discussing pending litigation, collective bargaining strategy, personnel issues and acquisition of property.

Fiscal Officer, Tom Straus, thanked Township Attorney Hyle and Attorney Bob Mechlenborg for their work on obtaining a dismissal of the AIG litigation.

Administrator, Kevin Celarek, stated that he had nothing to report.

Director of Public Services, Fred Schlimm, reported that the next concert in the park will be held on Saturday, July 26th at Kuliga Park and will feature Mike Davis as Today's Elvis.

Chairman Winkler thanked Public Services Department employee, Mark Mueller, for coming out on a Sunday to pick up a deceased deer that had to be put down by our police department after it had been struck by a car.

Director of Development, Adam Goetzman, reported on Case # Green 2003-09, David House III - Tri-Health, for a major adjustment to an existing "OO" Planned Office and "EE" Planned Retail district. This case was heard by the Board of Trustees on Monday, July 14, 2008 and will be heard by the Green Township Board of Zoning Appeals on Thursday, July 17, 2008. Mr. Goetzman gave a brief presentation regarding the proposed change and recommended approval with conditions.

RESOLUTION #08-0714-L

Trustee Linnenberg moved to pass a resolution recommending approval of Case # Green 2003-09 subject to the following conditions: 1. That the plan shall be revised to show the required vehicular access easement to the northern property line, including provisions for future construction of a vehicular access drive; 2. That the landscaping plan shall be revised to comply with the interior landscaping requirements contained in Chapter 12 and the streetscape requirements contained in Chapter 14 of the Zoning Resolution; 3. That all landscaping shown on the Phase I landscape plan, including all landscaping shown on proposed lots 3, 4, and 5, shall be installed prior to the issuance of a Final Zoning Certificate for the Phase I building; 4. That all conditions of Case # Green 2003-09; David House III, (BCC Resolution #1061) shall remain in effect; 5. That a variance be granted from Section 12-3 of the Zoning Resolution so that Phase I of the zone amendment area shall be permitted to provide a minimum of 213 parking spaces where a minimum of 222 parking spaces are required for a 44,176 net sq. ft. medical office building; and 6. That a variance be granted from Section 12-7.2 of the Zoning Resolution so that the development shall be permitted to exceed 0.5 foot-candles only at portions of the northern, western, and southern property lines where they do not abut residential properties and provided that at no time shall light levels exceed 0.5 foot-candles at any residential property line. Chairman Winkler seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

Fire Chief Doug Witsken stated that he had nothing to report.

Police Chief West reported on three recent burglaries and arrests. He also reported on two gasoline saving efforts that are being made by the Police Department in an attempt to save money on fuel consumption. One, is to use the Hamilton County Purchasing Plan to purchase fuel through the County, this plan would save the Township approximately 8¢ per gallon. The other is to lower the octane rating of gasoline being used from 89 to 87. Chief West stated that the Police Department will still be over their budget amount, but hopes that these efforts will hold the overage to a minimum.

Lt. Mike Horton of the Hamilton County Sheriff's Department reported on the theft of a vehicle on Robroy. Lt. Horton thanked everyone involved in

making an arrest of a suspect.

The next regular meeting of the Board of Trustees will be held on Monday, July 28, 2008 at 5:30 p.m.

Chairman Winkler moved to recess into executive session for the purpose of discussing pending litigation, collective bargaining strategy, personnel issues and acquisition of property. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Chairman Upton: Aye; Trustee Winkler: Aye. The meeting was recessed at 8:30 p.m.; reconvened at 10:10 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 10:10 p.m.