

The regular meeting of the Green Township Board of Trustees held on July 27, 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, present; Fiscal Officer Straus, present.

Trustee Linnenberg moved to approve the minutes for the regular meeting of July 13, 2009. Trustee Upton seconded the motion. All voted Aye.

Chairman Winkler announced that the next concert in the park will be held at Kuliga Park on August 15, 2009, at 7:00 p.m. featuring the Rusty Griswold's and Sullivan & Janszen. There will also be a cornhole tournament prior to the start of the concert.

RESOLUTION #09-0727-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 #09-0727-B

Trustee Linnenberg moved to pass a resolution accepting the bid of Hendy, Inc. to complete the 2009 Green Township Sidewalk Rehabilitation Program at a cost of \$106,420. Chairman Winkler seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-0727-C

Chairman Winkler moved to pass a resolution to add Ebenezer Road sidewalk as an addition to the 2009 Green Township Sidewalk Rehabilitation Program at a total cost of \$33,260. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-0727-D

Trustee Linnenberg moved to pass a resolution to approve the designation of a "No Parking Zone" for St. Ignatius annual festival on August 21, 22 and 23, 2009 for Boomer Road from the St. Ignatius tennis courts to North Bend Road with the appropriate signs to be erected by the Township. Chairman Winkler seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-0727-E

Chairman Winkler moved to pass a resolution for permission to travel for Kevin Celarek, Township Administrator, to attend the International City/County Management Association (ICMA) Conference, September 12 - 16, 2009 in Montreal, Canada. Trustee Upton seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: No; Chairman Winkler: Aye.

RESOLUTION #09-0727-F

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. 6396 & 6384 Jessup Road (550-0211-0070 and 0071), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
2. 2961 Jessup Road (550-0010-0126), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
3. 3102 Jessup Road (550-0011-0115), Motion made by Trustee Upton and seconded by Chairman Winkler. All voted Aye.
4. 3601 Neiheisel Avenue (550-0172-0366), Motion made by Trustee Upton and seconded by Trustee Linnenberg. All voted Aye.
5. 4581 Rybolt Road (550-0121-0469), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
6. 6685 & 6673 Rybolt Road (550-0220-0169 and 0168), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
7. 6990 Sandal Court (550-0292-0088), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
8. 3353 Stevie Lane (550-0082-0164), Motion made by Chairman Winkler and seconded by Trustee Upton. All voted Aye.

The Ohio Department of Liquor Control has sent notice of application from:

- a. Shantam, Inc., DBA Harrison Avenue Marathon, 6008 Harrison Avenue, Unit A, Cincinnati, OH 45248. Police Chief, Bart West, had no objection. The Trustees did not request a hearing.
- b. Strike and Spare Western Bowl, LLC, DBA Strike and Spare Western Bowl, 6383 Glenway Avenue, Cincinnati, OH 45211. Police Chief, Bart West, had no objection. The Trustees did not request a hearing.

Administrator Celarek made the following announcements:

1. The following Hamilton County Regional Planning Commission cases will be heard on Thursday, August 6, 2009 at 1:00 p.m. in Room 805B, Hamilton County Administration Building, 138 E. Court Street, Cincinnati, OH 45202.
 - a. Case # Green 2009-05 for a zone change at 6951 Harrison Avenue submitted by Ilia Corporation (Lou Anevski) for an approximately 4.3 acre site with a propose 41,000 square foot 2-story mixed use retail building with 104 parking spaces.

Director of Development, Adam Goetzman, stated that this case was withdrawn last month due to some design compliance issues. This case has been held over to finalize revisions to the plan and should come before the Green Township Board of Trustees at their August 10, 2009 meeting.

2. The Green Township Board of Trustees will review the Zone Amendment Application # Green 2009-06 for the Mercy Hospital project. The project is a zone amendment for approximately 70 acres on the east side of North Bend Road south of Boomer Road extending east to the I-74 right-of-way. It is the proposed site of Mercy Hospital.

Director of Development, Adam Goetzman, gave a brief overview and update regarding the proposed project. He stated that "This is an area that was under consideration starting in March of this year, as an approximately 60 acre assemblage at the southeast quadrant of the intersection of I-74 and North Bend Road. That property was reviewed by both the Green Township Land Use Planning Committee, the Green Township Trustees and ultimately was referred for amendment to the Hamilton County Regional Planning Commission. He noted that the frontage of the site was already permitted as office, as part of the North Bend Road Plan, and subject to seven conditions. Hamilton County Regional Planning Commission heard the Land Use Amendment on July 2, 2009 and endorsed a Land Use Amendment with conditions for a slightly different plan than was reviewed by the Green Township Land Use Planning Committee. The property in front was fairly consistent, the large area in the rear, which has been determined as being designated for institutional use incorporated some properties on Boomer Road, south of Boomer, that were not originally included, and then there was an area north of Boomer Road where some single-family residential properties were also identified as a future office site. There was an extension of property down on Kleeman that was eliminated from the Land Use Planning modification and it roughly parallels the high tension power line easement. Two uses were adopted for the site, general office and public, semi-public and institutional use, which would include a hospital. The approval was subject by the Township to 38 specific conditions that were designed to address issues associated with site development, hillside and slope protection, site and common area landscaping, parking lot design and buffering, building design and signage. Those recommendations were forwarded to Hamilton County Regional Planning Commission. The Hamilton County Regional Planning Commission combined the two sets of conditions into effectively 13 Implementation Strategies that were slightly broader based. The Township has maintained their analysis based on the 38 conditions. The other issue that has been ongoing is the original review by the Land Use Planning Committee in March, 2009. Out of that initial review came a Resolution that looked at six performance criteria for endorsement that were then forwarded to the Green Township Board of Trustees for review in late May, 2009. Those criteria have been addressed in an ongoing basis and some of them are worth noting at this point. The initial one is that the applicant should acquire all the single-family residential properties on the eastern end of Boomer. As Mr. Ricke is here tonight to discuss the actual zone change amendment, all the properties on Boomer Road, with the exception of the parcel that is owned by the Archdiocese of Cincinnati have now been included in the zone change resolution. There are no outlot or pieces that could be subject to spot zoning. It is all going to be land use designated as "OO" Office use.

The portion of the property that extended down to Kleeman Road has been excluded from the zone change. The developer and St. Ignatius have negotiated a mutually agreeable buffer, through the vacation of Boomer Road and a two acre site dedicated for church or school use. The two other property issues raised by the LUPC have also been satisfactorily addressed. Development Director Goetzman noted that two issues are still somewhat open, specific measures to improve North Bend Road and that the developer identify specific mechanisms to pay for the improvements are an ongoing issue subject to appropriate review and approval. With respect to the road improvements, the Hamilton County Engineer will be reviewing a traffic impact study and the traffic impact study has been submitted to

the County Engineer. The underlying methodology has been approved, yet the actual findings have yet to be approved. The Township has engaged the services of a Traffic Engineer, Ed Williams from TEC Engineering. Mr. Williams is present this evening, has reviewed the traffic study, and could answer any questions the residents may have. Mr. Williams was also involved in some of the improvements for the study that would improve North Bend and Boomer as well as North Bend and West Fork. The final issue is that the developer identifies a specific mechanism to pay for the project. The project funding for any road improvements would be supported by the project itself, potentially in part through the establishment of a JEDD."

Township Attorney, Frank Hyle, gave an overview of what a Joint Economic Development District (JEDD) is. Attorney Hyle stated that this JEDD would be done in conjunction with the City of Cheviot, who has an income tax, and that a JEDD could not be done without the consent of the property owner. A JEDD could be established on the above mentioned site to provide for a payroll tax for all persons who are employed on the site and the tax revenues would be shared between the City of Cheviot and Green Township. Previous JEDD agreements with the City of Cheviot have been that 85% of the revenue generated will go to Green Township with 15% going to the City of Cheviot. The City of Cheviot has a Tax Office, therefore, they would administer the program.

Mike Ricke, Anchor Properties, gave an update on the status of the project and discussed the rezoning request that has been submitted. Mr. Ricke is seeking to rezone approximately 70 acres to "OO" Planned Office. Mr. Ricke presented a proposed features plan outlining many of the incorporated development strategies that were recommended by Regional Planning Commission.

Mr. Ricke discussed two parking areas, one parking lot will be terraced into the hillside and will include appropriate landscaping. The second 2-level parking structure will have the upper level at grade and will have a second level below grade. Mr. Ricke also discussed where the driveway splits, with one side of the drive being used for emergency vehicles to get to the emergency access area and the other side of the drive going to the main section of the hospital. A possible service entrance was also discussed. Mr. Ricke discussed a multi-purpose trail that can be used as a walking path and could also be used as a gated and keyed severe emergency access only.

Trustee Upton inquired about the number of floors high that the hospital could be built. Mr. Ricke stated 95 feet, which could equal a 6-story building.

Chairman Winkler stated her concern over the service entrance, and would like to have some input when more detailed plans are available. She expressed her concerns about the appropriateness of the service entrance considering that it does abut residential parcels of property.

Mr. Ricke discussed traffic issues and expressed his desire to change the corridor vision for North Bend Road, change the image of North Bend Road, and widen North Bend Road to handle traffic and create a more usable North Bend Road that is pedestrian friendly, has lighting and landscaping, has a trail system along the frontage of North Bend Road, and incorporates sidewalks.

Mr. Ricke discussed the Traffic Impact Study and stated that the study numbers were generated based on other hospitals in the Greater Cincinnati area. Actual daily traffic counts were taken at Mercy Hospital Western Hills, Mercy Hospital Mt. Airy and Mercy Hospital Fairfield. These counts were used to give an accurate estimate for the amount of traffic that would be generated by the new hospital at that location. The Traffic Impact Study found that over 30% of traffic would come from the I-74 Interchange, the balance of the traffic, with the exception of 4%, would come from North Bend Road. The Traffic Impact Study determined that the intersection of North Bend Road and the hospital entrance should be signalized.

Ed Williams, TEC Engineering, 214 W. Main Street, Mason, OH, stated that his firm has been hired by the Township to perform a secondary review of the Traffic Impact Study. Mr. Williams stated that it is his opinion that traffic impact on neighboring residential streets such as Boomer or Kleeman would be minimal.

Mark Broering, 3256 Kleeman Road, Cincinnati, OH, stated that he does not believe that North Bend Road is a good location for the hospital project. He also stated that he feels that the hospital would bring additional

crime to the area. Mr. Broering also expressed concerns that his presentation, petition, facts presented, and report provided, were not thoroughly reviewed by Township representatives.

Steve Weidner, 3670 Hubble Road, Cincinnati, OH, stated that he understood that change is difficult, however, he believes that resident concerns have been well addressed and that mechanisms could be put in place to make the hospital a good project for the community.

Susan Mueller, 6357 West Fork Road, Cincinnati, OH, asked if documents related to the project are available to the public. Chairman Winkler answered yes. Ms. Mueller asked if the report citing 37% traffic coming from I-74 is new traffic. Mr. Williams, TEC Engineering, stated that the 37% is additional traffic that is not already using North Bend Road. Ms. Mueller also expressed concerns about the density of the office buildings and associated parking areas. She also questioned that the hospital personnel and medical office building personnel only would be paying a payroll tax. Chairman Winkler answered yes. Ms. Mueller stated that she is against the hospital development.

Dave Lopez, 2967 Timberview Drive, Cincinnati, OH, is attending the meeting on behalf of the Board of Trustees from the Monfort Heights - White Oak Community Association. The Monfort Heights - White Oak Community Association Board has not taken a formal position either for or against the hospital development, however, they do wish to assure that quality of life and property values in that area will be preserved. Mr. Lopez asked questions about traffic, noise, placement of HVAC equipment, garbage truck noise, landscape buffers, environmental impact, and previous surface issues. Mr. Lopez also cited the preservation of the North Bend Road Corridor is a major concern.

Development Director Goetzman answered questions regarding traffic counts, noise issues, environmental issues, and landscaping buffers.

Charles Hardewig, 3275 Wheatcroft Drive, Cincinnati, OH, stated that it is his opinion that the property in question would be better suited for high end homes, condominiums, or a hotel. Mr. Hardewig asked that in the event of an emergency in Green Township how many residents could be serviced by the hospital. He also expressed concerns about the hospital being located adjacent to an elementary school. He also questioned if there truly is a need for the proposed hospital.

Patrick Kowalski, President and CEO of Mercy Western Hills, 5558 Eden Ridge Drive, Cincinnati, OH, stated that Mercy Hospitals are looking to expand services that are offered (i.e. cardiology, obstetrics). They wish to have a central location that is easy to access, and intend to continue their long history and tradition of caring for the westside community in Cincinnati. Mr. Kowalski stated that inpatient services from Mercy Western Hills and Mercy Mt. Airy will be consolidated at the new central location, however, they will maintain ambulatory services at the other two facilities. Mr. Kowalski stated that studies did reveal that there is need for the new hospital in Green Township.

Ed Williams, TEC Engineering, reported that traffic generated by a hospital is generally spread out through the day. If this property were to be residential, it would add to the peak traffic in the a.m. and p.m.

Mark Broering, 3256 Kleeman Road, Cincinnati, OH, stated concern about the 34% - 37% increase in traffic that will be added to North Bend Road.

Ed Williams, TEC Engineering, clarified an earlier statement by stating that 36% of the generated traffic will be coming from the freeway, this is not a 36% increase in total traffic, only a percentage that will be coming to the hospital from the highway. Mr. Williams further stated that planned roadway improvements will drastically improve traffic flow on North Bend Road.

Tim Mara, 4085 Reemelin Road, Cincinnati, OH, stated that he is an Attorney working with Anchor Properties and Mercy Hospitals, but wished to speak as a resident of Green Township. He stated that he has reviewed the hospital proposal and feels that Mercy Hospitals has gone the extra mile to develop and an exceptionally high quality proposal and that he feels that the hospital will only add to the quality of the neighborhood.

William Otte, 5930 Cedaridge Drive, Cincinnati, OH, stated that he is a Certified Public Accountant and expressed his concern about the financial stability of Mercy Hospitals.

Patrick Kowalski, President and CEO of Mercy Western Hills, stated that

Mercy Health Partners is a very large organization and is a member of Catholic Health Care Partners, which is their parent corporation. Mr. Kowalski stated that this project has been reviewed at every level of their organization and it has been determined that financing for this hospital is within their means.

Nita Thomas, 2990 Jessup Road, Cincinnati, OH, stated that she, her husband, and a friend are seeking to coordinate a westside chapter of the Cincinnati Tea Party, and therefore, will be attending the Trustees Meeting on a regular basis in order to be more vigilant about how tax money is collected and spent. Ms. Thomas stated that she did not understand how a Joint Economic Development District (JEDD) works.

Township Attorney, Frank Hyle, discussed how a Joint Economic Development District (JEDD) is set up and operates.

Nita Thomas, 2990 Jessup Road, Cincinnati, OH, asked about traffic on Cheviot Road, as well as what the traffic impact is going to be from Blue Rock Road and West Fork Roads. She asked if Colerain Township has been involved in any of the discussions regarding the hospital and associated traffic issues. She expressed her concerns about noise that will be created by the hospital. Ms. Thomas stated that she would like to start a Neighborhood Watch Program in her neighborhood.

Chairman Winkler asked Police Chief, Bart West, to discuss a Neighborhood Watch Program with Ms. Thomas after the meeting.

Ed Williams, TEC Engineering, stated that they have compared the results of the Traffic Impact Study with the Hamilton County study that was done for North Bend and Cheviot Road several years ago, the numbers are still applicable.

Steve Grote, 4941 N. Arbor Woods, Cincinnati, OH, asked if the Township abandons a road, if one holdout does not want to sell, what does that do for part of Boomer Road that they want to vacate. He also asked about the 2005 Land Use Plan and stated that one of the alternatives for this site is 35 foot limit on office buildings. Mr. Grote recommended that Mercy Health Partners consider the site on Harrison Avenue that was once considered for the Legacy Place project. He also had concerns about the height of the building and asked if the Township owns a fire truck that reaches that height. Mr. Grote suggested lowering the height of the building. Mr. Grote asked if private transport services offered by the hospital itself would be a revenue problem for the Township.

Chairman Winkler stated that this plan is just a preliminary plan and is not the final plan.

Trustee Linnenberg stated to Mr. Broering that he did read every single name listed on the petition, and did read every page of the 32 page report that Mr. Broering presented. Trustee Linnenberg stated that he does support the hospital project. Trustee Linnenberg stated that Mr. Broering's efforts have contributed to some good changes to the plan.

Development Director Goetzman commented on the conditions and development standards that will be imposed on this project.

Chairman Winkler stated that she would like to add language to the conditions that any rooftop mechanicals be put on the north side of the hospital building.

RESOLUTION #09-0727-G

Trustee Upton moved to pass a resolution recommending support of Case Case # Green 2009-06 to the Hamilton County Regional Planning Commission, subject to conditions that were filed with the Hamilton County Zoning Commission, and that those zoning standards essentially comply with the Township Land Use Plan and conditions. Also, that the rooftop mechanicals be located on the north side of the building. That the garage will be a two level garage. That traffic as presented and North Bend Road improvements as presented would be incorporated. Chairman Winkler seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

Fiscal Officer, Tom Straus, stated that the Township had a CD come due for approximately \$150,000. The Township has funds invested with Star Ohio at the moment that are only receiving about 18 - 20 basis points, and therefore, Fiscal Officer Straus will be looking at purchasing some bonds. Also, the Ohio Department of Taxation indicates that they are going to be cutting the Local Government Fund for a second time by about another 2%.

Township Attorney, Frank Hyle, reported that the Police Department has received a request to participate in the Northeast Hamilton County Drug Abuse Reduction Task Force, which is an organization compiled of many of the political subdivisions in the County to address drug offenses which are multi-jurisdictional. This participation would be through a mutual aid type agreement that the Township has previously participated in. Attorney Hyle asked the Board to consider a resolution authorizing the Township to enter into a Participation Agreement with the Northeast Hamilton County Drug Abuse Reduction Task Force.

Police Chief, Bart West, stated that the Police Department has already begun using their assistance as they can provide undercover officers to make drug buys, assist in doing search warrants, and assist with surveillance efforts. Chief West stated that there is a small cost involved, however, this fee can be paid for with Drug Enforcement Funds from previous drug arrest fines.

RESOLUTION #09-0727-H

Trustee Upton moved to pass a resolution authorizing the Township to enter into a Participation Agreement with the Northeast Hamilton County Drug Abuse Reduction Task Force. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

Township Attorney, Frank Hyle, stated that the Township does have a Temporary Restraining Order in effect for the teen dance club known as Club Octane. Attorney Hyle stated that he will be in court tomorrow for a hearing on a preliminary and permanent injunction. Attorney Hyle is hoping that a permanent injunction can be obtained that will prevent them from operating the business until such time as they comply with the Township Teen Club Resolution. The owner of the business has indicated that that he does not intend to reopen the dance club, however, the Township will continue to seek injunctive relief.

Chairman Winkler stated that the Township acted as quickly as it possibly could to have regulations put in place to control the problems that have been created by Club Octane.

Attorney Hyle stated need for Executive Session for the purpose of discussing a personnel issue and acquisition of property. Action may be anticipated.

Administrator, Kevin Celarek, stated that he received calls from residents stating their appreciation for the Township's efforts in getting an injunction against Club Octane.

Director of Public Services, Fred Schlimm, was not present due to vacation.

Director of Development, Adam Goetzman, stated that at the last Trustees Meeting the Trustees reviewed a zone change application from John Anevski and that had been continued in progress due to changes that are pending on that site. Mr. Goetzman thinks that this will ultimately be a positive development and he will continue to work with Mr. Anevski. Development Director Goetzman also reported that bid opening occurred today for Good Samaritan Drive roadwork. The contracts will be reviewed and will be awarded at the next Trustees Meeting.

Asst. Chief, Scott Souders, reported in the absence of Fire Chief, Doug Witsken. Asst. Chief Souders reported that the Self Contained Breathing Apparatus (SCBA) that was approved for purchase last month has arrived and will take approximately two weeks to get them all set up and have everyone trained on them.

Police Chief, Bart West, thanked the Board, Attorney Hyle, and State Representative Robert Mecklenborg for their support and hard work on the issues with Club Octane.

Lt. Mike Horton, Hamilton County Sheriff's Department, reported that Western Rollerama was broken into over the weekend, however, due to quick response by Police Officers, they found the two juveniles inside.

The next regular meeting of the Board of Trustees will be held on Monday, August 10, 2009 at 5:30 p.m.

Chairman Winkler moved to recess into executive session for the purpose of a personnel issue and acquisition of property. Action may be anticipated. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Chairman Upton: Aye; Trustee Winkler: Aye. The meeting was recessed at 8:15 p.m.; reconvened at 8:35 p.m.

RESOLUTION #09-0727-I

Trustee Linnenberg moved to pass a resolution authorizing the Township Attorney to research the possible purchase of foreclosed property located on Leumas Drive (550-0021-0182) for the sum of \$1,500. Chairman Winkler seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

Trustee Upton moved to adjourn the meeting. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Excused. Meeting was adjourned at 8:35 p.m.

ATTEST: