

The regular meeting of the Green Township Board of Trustees held on August 10, 2009 was called to order at 4:30 p.m. with the Pledge of Allegiance.

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

Trustee Upton made a motion to recess into Executive Session for the purpose of discussing acquisition of property and collective bargaining. Action may be anticipated. Chairman Winkler seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Excused, Chairman Winkler: Aye. The meeting was recessed at 4:30 p.m.

The Trustees Meeting was reconvened at 5:30 p.m.

Chairman Winkler moved to approve the minutes for the regular meeting of July 27, 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 Saturday, August 15, 2009 beginning at 7:00 p.m. and will feature Sullivan & Janszen and the Rusty Griswolds. There will also be a cornhole tournament beginning at 3:30 p.m.

RESOLUTION #09-0810-A

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

RESOLUTION #09-0810-B

Chairman Winkler moved to pass a resolution declaring the Police Department's 1990 Chevrolet Blazer (VIN #1GNCT1872L0108435) as surplus property and authorizing the sale of the vehicle through the Hamilton County On-Line Auction Service. Trustee Upton seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Excused; Chairman Winkler: Aye.

RESOLUTION #09-0810-C

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

RESOLUTION #09-0810-D

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

RESOLUTION #09-0810-E

Trustee Upton moved to pass a resolution to accept the bid of \$553,200.00 from Triton Services, Inc., 8162 Duke Boulevard, Mason, Ohio 45040 for the pavement and storm drain improvements for Good Samaritan Drive at the Tri-Health development site. Chairman Winkler seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Excused; Chairman Winkler: Aye.

RESOLUTION #09-0810-F

Chairman Winkler stated that Resolution #09-0810-G is being considered under the authority of Ohio Revised Code, Chapter 504, Home Rule, and moved to pass a resolution invoking Home Rule and dispensing with the requirement that the resolution be read at two separate meetings and authorize adoption of the resolution upon the first reading. Trustee Upton seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Excused; Chairman Winkler: Aye.

RESOLUTION #09-0810-G

Chairman Winkler moved to pass a resolution to adopt the Green Township Neighborhood Street Calming Program. Trustee Upton seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Excused; Chairman Winkler: Aye.

RESOLUTION #09-0810-H

Chairman Winkler moved to pass a resolution to authorize a contract with the Hamilton County Board of County Commissioners and the Hamilton County Engineer for improvements to the Rybolt Road and Taylor Road Intersection. Trustee Upton seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Excused; Chairman Winkler: Aye.

RESOLUTION #09-0810-I

Trustee Upton moved to pass a resolution to approve the contract with Bounce With Me, LLC for the rental of equipment to be utilized for the August 15, 2009 concert at Kuliga Park at a cost of \$255.60 and to be signed by the Township Administrator after review and approval by the Township Attorney. Chairman Winkler seconded the motion. Trustee Upton:

Aye; Trustee Linnenberg: Excused; Chairman Winkler: Aye.

RESOLUTION #09-0810-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. 4390 Ebenezer Road (550-0232-0199), Motion made by Chairman Winkler and seconded by Trustee Upton. All voted Aye.
2. 2070 Faywood Avenue (550-0140-0245), Motion made by Chairman Winkler and seconded by Trustee Upton. All voted Aye.
3. 5415 Karen Avenue (550-0120-0154), Motion made by Chairman Winkler and seconded by Trustee Upton. All voted Aye.
4. 3456 and 3458 Kleeman Lake Court (550-0063-0221 and 0222), Motion made by Chairman Winkler and seconded by Trustee Upton. All voted Aye.
5. 4176 Simca Lane (550-0113-0156), 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. Walgreen Co., DBA Walgreens, 5508 Bridgetown Road, Cincinnati, OH 45248, Harrison Avenue Unit A, Cincinnati, 45248. Police Chief, Bart West, had no objection. The Trustees did not request a hearing.
- b. Blondies Boardwalk, Inc., DBA Blondies, 5705 Cheviot Road, Cincinnati, OH 45247, to Blondies Boardwalk, Inc., 5471 North Bend Road & Basement, Cincinnati, OH 45247. Police Chief, Bart West, had no objection. The Trustees did not request a hearing.

Administrator Celarek made the following announcements:

1. The Hamilton County Board of Zoning Appeals has scheduled a public hearing for Wednesday, August 12, 2009 at 1:00 p.m. in Room 805B, Hamilton County Administration Building, 138 East Court Street, Cincinnati, Ohio 45202 to hear the following cases:
 - a. Case # Green 2009-08, applicant/owner Kevin Bischoff seeking a variance to permit the construction of a six-foot high privacy fence in the side yard of a residential lot for property located at 5976 Beechtop Lane.

Development Director, Adam Goetzman, gave an overview of the case. He stated that this is an existing fence on Beechtop Lane that recently caught the attention of the zoning inspector. The portion of the fence located in the side yard that extends the width of the lot is in violation. The fence does not extend all the way out to the front of his home, it stops about midway in. The fence is approximately 6 ft. high, is positioned slightly below the grade of the street and front yard, is constructed in a very workman like manner, has good landscaping, and is in very good condition. Mr. Goetzman stated that the fence does not appear to have any negative impact on the adjoining property owner and recommended approval as submitted. The owner was not present.

RESOLUTION #09-0810-K

Chairman Winkler moved to pass a resolution recommending approval of Case # Green 2009-09 to the Hamilton County Board of Zoning Appeals as submitted. Trustee Upton seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Excused; Chairman Winkler: Aye.

- b. Case # Green 2009-09, applicant Gayle Frazer for owners Curtis & Dawn Stoll, seeking a variance to permit the construction of a swimming pool in the side yard of subject property located at 4886 Wellington Chase Court.

Development Director, Adam Goetzman, gave a brief overview of the proposed project. A portion of the pool would extend into the side yard by approximately 5 feet; a patio and landscaped area surround the pool. The topography of the lot limits the level area suitable for a pool on the lot. The proposed location will be landscaped and is adjacent to a pool in the neighboring yard. The applicants were not present. Development Director Goetzman recommended approval in conformance with the plans submitted.

RESOLUTION #09-0810-L

Trustee Upton moved to pass a resolution recommending approval of Case # Green 2009-09 to the Hamilton County Board of Zoning Appeals as submitted.

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

2. The following Hamilton County Rural Zoning Commission cases will be heard on August 20, 2009 at 1:00 in Room 805, Hamilton County Administration Building, 138 East Court Street, 45202:

- a. Case # 2009-05 for a zone change for property at 6951 Harrison Avenue. Applicant/Owner, Ilia Corporation (Lou Anevski), seeking approval for an approximately 4.3 acre site with a proposed 41,000 square foot 2-story mixed use retail building with 104 parking spaces.

Development Director, Adam Goetzman, gave an overview of the proposed project. The proposed building will be an approximately 41,000 sq. ft. mixed use retail building. He noted that the property had been land use planned for retail uses prior to the adoption of the Harrison Avenue Corridor Plan; therefore the site had not been reviewed for compliance with the plan by Hamilton County Regional Planning Commission. The project will look like a traditional strip center, with all the parking in the front on the Harrison Avenue frontage. The parking coupled with a long 450'-500' flat façade was not in conformance with the intent of the Corridor Plan. Development Director Goetzman recommended that additional landscaping be added to the streetscape buffer, and that the building be divided into a least two sections to break up the long uninterrupted mass for the façade facing Harrison Avenue. He specifically recommended that there be a break of at least 25' minimum width between the 80' deep and 40' deep portions of the building. That area could be utilized as an open plaza or patio area, perhaps for outdoor seating for a restaurant. Trustees Winkler and Upton agreed to the recommendation. Steve Leesman, Project Engineer for the owner, outlined the specifics of the project and answered questions from the Board. Development Director Goetzman stated that the Hamilton County Regional Planning Commission had recommended approval subject to the following conditions with modifications:

1. That the building be divided into at least 2 separate structures divided by an outdoor patio or plaza at least 25' in width located between the 80' deep and 40' deep building sections of the building shown on the site plan.
2. That a 30-foot access easement for future vehicular use shall be identified to the northern and southern property lines to allow the adjacent properties to connect to the subject site, if/when these properties are developed for commercial use;
3. That the property be required to provide a landscape buffer between the existing creek and the rear of the building in compliance with the landscaping shown on the preliminary landscape plan, with a mix of evergreen and deciduous tree species suitable in a riparian environment;
4. That a landscape plan in compliance with Sections 14-7 and 14-8 of the Zoning Resolution, including a 50% increase in the streetscape understory trees and shrub requirements, and as modified by the RPC, including additional landscaping in the rear of the building;
5. That a lighting plan in compliance with the requirements of the Zoning Resolution shall be submitted as part of the Zoning Compliance Plan;
6. That no freestanding, temporary, or building signage shall be permitted on the western (rear) portion of the property facing I-74;
7. That a maximum of one 150 square-foot freestanding monument type sign shall be permitted on the site with a maximum height of 20 feet;
8. That a detailed geotechnical report prepared by a qualified geotechnical engineer shall be submitted and approved by the Department of Public Works prior to approval of any Zoning Compliance Plan;
9. there be a variance to Section 10-7.4 allowing the retaining wall near the northern boundary of the site to be permitted a setback of 5-feet from the northern property boundary where a 28-foot setback is required;
10. and to Section 14-5 - permitting the boundary buffer along northern property line shall be permitted to be a minimum of 10-feet in width where a 20-foot wide boundary buffer is required provided that 100% of the required trees shall be evergreen trees where 50% of the trees in the boundary buffer are required to be canopy trees provided that no parking or impervious surface area is located within 20' of the north property line except for the retaining wall.

RESOLUTION #09-0810-M

Chairman Winkler moved to pass a resolution recommending approval of Case # Green 2009-05 to the Hamilton County Rural Zoning Commission subject to the conditions listed above. Trustee Upton seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Excused; Chairman Winkler: Aye.

- b. Case # 2009-06 to review the Zone Amendment application for the proposed Mercy Hospital project 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.

Administrator, Kevin Celarek, stated that the reading of Case # 2009-06 is an announcement only and that the Mercy Hospital project will go before the Hamilton County Rural Zoning Commission on August 20, 2009 at 1:00 in Room 805, Hamilton County Administration Building, 138 East Court Street, 45202.

Development Director, Adam Goetzman, gave an update on the Mercy Hospital project to the Board. He stated that Trustee Upton attended the hearing when this case was heard at the Hamilton County Regional Planning Commission on Thursday, August 6, 2009 and spoke on behalf of the Township. Initially, the Hamilton County Regional Planning Commission looked at the case from a land use perspective to determine whether it complies with the underlying land use, finding land use consistency by a unanimous 6 - 0 vote. The Hamilton County Regional Planning Commission then looked at the details of the Zone Change Application with respect to the Land Use and Zoning Resolution. The Township had endorsed the Land Use Plan with multiple conditions that Hamilton County Regional Planning Commission staff had combined into 14 specific conditions, 13 of which were approved by the Hamilton County Regional Planning Commission.

For the Zone change Amendment Plan the applicant had taken the various conditions and applied them independently to each sub-area of the development, in some cases establishing unique sets of conditions for each area. Hamilton County Regional Planning Commission had combined like conditions under one common heading to apply it to all relevant parcels. Mr. Goetzman indicated that he and the Trustees had reviewed the conditions and that he had no specific concerns agreeing to them in principle, however, there were minor points that need to be discussed with both Hamilton County Regional Planning Commission Staff and the developer prior to a final set of conditions being submitted to the Hamilton County Rural Zoning Commission for consideration. He stated that he would be meeting with Hamilton County Regional Planning Commission Staff and the developer on Wednesday, August 12, 2009, to review the language of the conditions a final time, and that he would forward any changes to the Trustees before the August 20, 2009 Hamilton County Zoning Commission meeting.

Chairman Winkler stated that she, or Trustee Upton, would attend the Hamilton County Zoning Commission meeting to speak about the additional changes that the Township is requesting.

Fiscal Officer, Tom Straus, stated the Township has received notice from the Hamilton County Auditor's Office that the State will be making County wide cuts to the Local Government Fund. Green Township will get a 15.5% cut in Local Government Funds. This amounts to approximately \$155,000 for 2009. The Township has a sizeable amount of money in the bank right now. Fiscal Officer Straus is working on investing the money at a higher rate.

Township Attorney, Frank Hyle, reported that he was successful in obtaining a permanent injunction from court on Club Octane, and therefore, they have been permanently restrained from operating the Teen Club business until such time as they comply with the Township's Teen Club Permit process. Attorney Hyle stated that it is unlikely that they will want to continue the business.

Administrator, Kevin Celarek, reported that Veterans' Hospital is sending the Veterans' Mobile Health Center to the Nathanael Greene Lodge on Thursday, August 20, 2009 from 6:00 p.m. to 9:00 p.m. for the purpose of performing health assessments or check ups for all Veterans in Green Township.

Director of Public Services, Fred Schlimm, thanked Fire Chief Doug Witsken and Police Chief Bart West for their role in developing the Neighborhood Street Calming Program. Mr. Schlimm reported that Monfort Heights Drive will be used as a test case. That test case review will go on for one year.

Trustee Upton read a thank you letter.

Director of Development, Adam Goetzman, stated that John Anevski was present. The Trustees heard this case on July 13, 2009 and that the project was continued in process due to questions about some of the design elements of the plan. In discussions with Hamilton County Regional Planning staff, it was determined that since the property in the rear is a retail zoned piece, commercial parking is permitted. Provided that Mr. Anevski can come to an agreement with the adjoining property owner, his parking could encroach on the adjoining property in the rear, as a minor modification to that site plan. This would result in a more traditional

parking alignment in the rear of the building. Mr. Anevski has been working with the adjoining property owner, Duke/Tri-Health. He presented a revised plan with a reconfigured rear parking area if a final agreement is signed, the required streetscape buffer in the front could be restored to 10' in width. The revised plan more closely addresses the considerations from the Township. This plan does show an access point on Harrison Avenue. Mr. Goetzman felt that the Township did not endorse the secondary access point, and does not align with the property owned by Lou Anevski across the street. Therefore, that will have to be looked at in more detail. Trustee Winkler indicated that her support of the previous plan was based on the elimination of the second access point on Harrison Avenue. Mr. Goetzman stated that this interim plan is moving in the right direction and encouraged John Anevski to continue working with Duke and Tri-Health. An updated plan will be provided to the Board. Mr. Goetzman stated that he would keep the Board updated on any changes to the proposal.

Fire Chief, Doug Witsken, reported that two weeks ago their department became aware of an incident that occurred on Goda Avenue where a vendor knocked on the door of a resident, identified himself as a firefighter, and asked to come in and inspect the person's home. By the end of the walkthrough of the home, the alleged firefighter attempted to sell them insurance and a fire alarm system for the house. When the Fire Department became aware of the situation they notified the Police Department and found out that this particular company is an unlicensed vendor. Chief Witsken wanted to make the public aware that Green Township firefighters do not go door to door asking to make fire inspections. Chief Witsken stated that they are working with the Police Department to attempt to stop these unlicensed vendors.

Police Chief, Bart West, stated that the Township does have a resolution that restricts door to door sales. A vendor would have to register with the Green Township Police Department. There are currently no vendors registered to sell any kind of alarm systems. If residents have any questions, please call the Police Department and an officer will be sent to investigate the matter. Chief West also reported that applications are currently being accepted for the Green Township Citizens' Police Academy that will start in September. Chief West thanked the Board, Frank Hyle, and Bob Mecklenborg for their efforts in getting the permanent injunction to close Club Octane.

Lt. Mike Horton, Hamilton County Sheriff's Department, stated that he had nothing to report.

The next regular meeting of the Board of Trustees will be held on Monday, August 24, 2009 at 5:30 p.m.

Chairman Winkler moved to adjourn the meeting. Trustee Upton seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Excused; Chairman Winkler: Aye. Meeting was adjourned at 6:34 p.m.

ATTEST: