

The regular meeting of the Green Township Board of Trustees held on November 13, 2007 was called to order at 7:30 p.m. with the Pledge of Allegiance.

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

Trustee Winkler moved to approve the minutes for the regular meeting of October 22, 2007. Chairman Upton seconded the motion and all voted aye.

Trustee Winkler moved to approve the minutes for the special meeting of November 5, 2007. Trustee Mitchell seconded the motion and all voted aye.

Chairman Upton introduced Adam Burkhart, Boy Scout Troop #301, who was present at the meeting working on his Communications badge.

Tony Parrot, Acting Director MSD, addressed the board to report on Metropolitan Sewer District progress and the Wet Weather Programs.

**RESOLUTION #07-1113-A**

Trustee Mitchell moved to pass a resolution appointing Township Administrator, Kevin Celarek, as Acting Fiscal Officer for the purpose of taking minutes of the November 13, 2007 Trustee's Meeting. Trustee Winkler seconded the motion. Trustee Mitchell: Aye; Trustee Winkler: Aye; Chairman Upton: Aye.

**RESOLUTION #07-1113-B**

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

**RESOLUTION #07-1113-C**

Chairman Upton moved to pass a resolution to adopt the Amended Resources for year 2007. Trustee Winkler seconded the motion. Trustee Mitchell: Aye; Trustee Winkler: Aye; Chairman Upton: Aye.

**RESOLUTION #07-1113-D**

Chairman Upton moved to pass a resolution to adopt the Amended Appropriations for year 2007. Trustee Winkler seconded the motion. Trustee Mitchell: Aye; Trustee Winkler: Aye; Chairman Upton: Aye.

**RESOLUTION #07-1113-E**

Trustee Winkler moved to pass a resolution to hire "The Pete Wagner Band" for the Green Township 2008 Summer Concert Series for Thursday, July 3, 2008 and authorizing the Township Administrator to sign the contract after review and approval by the Township Attorney. Chairman Upton seconded the motion. Trustee Mitchell: Aye; Trustee Winkler: Aye; Chairman Upton: Aye.

**RESOLUTION #07-1113-F**

Trustee Mitchell moved to pass a resolution to hire Michael D. Davis, as "Today's Elvis", for the Green Township 2008 Summer Concert Series for Saturday, July 26, 2008 and authorizing the Township Administrator to sign the contract after review and approval by the Township Attorney. Trustee Winkler seconded the motion. Trustee Mitchell: Aye; Trustee Winkler: Aye; Chairman Upton: Aye.

**RESOLUTION #07-1113-G**

Trustee Mitchell moved to pass a resolution to hire the music group, "The Menus" for the Green Township 2008 summer concert series for Saturday June 7, 2008 and authorizing the Township Administrator to sign the contract after review and approval by the Township Attorney. Chairman Upton seconded the motion. Trustee Mitchell: Aye; Trustee Winkler: Aye; Chairman Upton: Aye.

**RESOLUTION #07-1113-H**

Trustee Winkler moved to pass a resolution to hire the music group "Saffire Express" for the Green Township 2008 Summer Concert Series for Thursday, July 3, 2008 and authorizing the Township Administrator to sign the contract after review and approval by the Township Attorney. Chairman Upton seconded the motion. Trustee Mitchell: Aye; Trustee Winkler: Aye; Chairman Upton: Aye.

**RESOLUTION #07-1113-I**

Chairman Upton moved to pass a resolution amending Resolution #07-1113-G to hire the music group, "The Menus" for the Green Township 2008 summer concert series for Saturday June 7, 2008 and authorizing the Township Administrator to sign the contract after review and approval by Trustee

Mitchell. Chairman Upton seconded the motion. Trustee Mitchell: Abstain; Trustee Winkler: Aye; Chairman Upton: Aye.

**RESOLUTION #07-1113-J**

Trustee Mitchell moved to pass a resolution authorizing the providing of Health Insurance to Township Elected Officials for 2008 with a contribution rate of 10% of the premium. Trustee Winkler seconded the motion. Trustee Mitchell: Aye; Trustee Winkler: Aye; Chairman Upton: Aye.

**RESOLUTION #07-1113-K**

Trustee Winkler moved to pass a resolution for permission for Captain Ed Thomas at the request and expense of Ohio Task Force One to take a Heavy Lifting and Rigging Course from November 27 - 29, 2007 in Louisville, Kentucky at no cost to the Township. Trustee Mitchell seconded the motion. Trustee Mitchell: Aye; Trustee Winkler: Aye; Chairman Upton: Aye.

**RESOLUTION #07-1113-L**

Trustee Winkler moved to pass a resolution to nominate and appoint Trustee, Chuck Mitchell, to the OKI Board. Chairman Upton seconded the motion. Trustee Mitchell: Abstain; Trustee Winkler: Aye; Chairman Upton: Aye.

**RESOLUTION #07-1113-M**

Trustee Winkler moved to pass a resolution to authorize the amendment to the collective bargaining agreement with the Green Township Fire Union concerning the new Drug Free Workplace Policy, Wellness Policy on physicals and cardiac testing and authorizing the Township Administrator to sign the amended agreement. Trustee Mitchell seconded the motion. Trustee Mitchell: Aye; Trustee Winkler: Aye; Chairman Upton: Aye.

**RESOLUTION #07-1113-N**

Chairman Upton moved to pass a resolution authorizing the granting of an easement to Phillip and Sheila Kennedy to install a pedestrian gate on the Kuliga Park fence that adjoins their property at 3281 South Road with the following conditions: 1. all costs will be borne by the Kennedys; 2. the plans for the installation shall be subject to advanced written approval by the Township; 3. the Kennedys will provide indemnification for any problems arising out of the gate. Trustee Mitchell seconded the motion. Trustee Mitchell: Aye; Trustee Winkler: Aye; Chairman Upton: Aye.

**RESOLUTION #07-1113-O**

Chairman Upton moved to pass a resolution to approve the purchase of the following nine parcels from Thomas Hater: (550-0062-0360, 0359, 0173, 0178, 0331, 0183, 0179, 0201, and 0202) at approximately 2.6 acres for \$400,000.00 and subject to an acceptable environmental assessment. Trustee Mitchell seconded the motion. Trustee Mitchell: Aye; Trustee Winkler: No; Chairman Upton: Aye.

**RESOLUTION #07-1113-P**

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. 6200 & 6222 Harrison Avenue (550-0220-0048 & 550-0221-0013), Motion made by Trustee Winkler and seconded by Chairman Upton. All voted Aye.
2. 4418 Homelawn Avenue (550-0111-0125), Motion made by Trustee Mitchell and seconded by Trustee Winkler. All voted Aye.
3. 5577 Lawrence Road (550-0162-0398), Motion made by Trustee Winkler and seconded by Chairman Upton. All voted Aye.

The Ohio Department of Liquor Control has sent notice of application from Vinitha Madadi, Anish Inc., DBA Ameristop Food Mart, 6545 Harrison Avenue, 1<sup>st</sup> Floor, Cincinnati, Ohio 45247. The Trustees will not request a hearing.

Administrator Celarek made the following announcements:

1. The Hamilton County Board of Zoning Appeals will meet on Wednesday, November 14, 2007 at 1:00 p.m. in Room 805, County Administration Building, 138 E. Court Street, Cincinnati, Ohio 45202 to hear the following cases:
  - a. Case Green #2007-29, applicant Jesse Cassedy, Atlantic Signs, for Anchor Developments LTD., Walgreen's, 5508 Bridgetown Road, Cincinnati, Ohio 45248; for the approval of additional illuminated wall signage for a retail business for the property on the east elevation and the south elevation.

Development Director Goetzman presented information regarding the project. The appellant was not present.

**RESOLUTION #07-1113-Q**

Trustee Mitchell moved to pass a resolution recommending approval of Case Green #2007-29 to the Hamilton County Board of Zoning Appeals subject to the following conditions: 1. That the sign be installed per the plans submitted; and 2. That the additional square footage allowed on the south elevation be subtracted from the permissible square footage on the east elevation. Chairman Upton seconded the motion. Trustee Mitchell: Aye; Trustee Winkler: Aye; Chairman Upton: Aye.

- b. Case Green #2007-30, applicant Pentecost Properties, for Tony Maas, lessee with W.E.B.A., 5040 Rybolt Road, Cincinnati, Ohio 45248, for the approval of a conditional use certificate for a Teen Life Center.

The appellant, Tony Maas, was present and presented information to the Board. Development Director Goetzman also presented information regarding the project.

Bill Schmidt, 5008 Rybolt Road, spoke in opposition to the project.

Tony Rosiello, 2110 Beechcroft Drive, spoke in favor of the project.

**RESOLUTION #07-1113-R**

Chairman Upton moved to pass a resolution recommending approval of Case Green #2007-30 to the Hamilton County Board of Zoning Appeals subject to the following conditions: 1. That any required changes to the building be approved by both the Green Township Fire Department and the Hamilton County Building Department; 2. That the Hamilton County Engineer review the driveway serving the property to ensure there is proper sight distance and that any improvements to the driveway meet the applicable Engineers Standards; 3. That the applicant comply with all lighting standards of the Zoning Resolution; and 4. That the certificate be reviewed by the Board of Zoning Appeals in six months to ensure that the adjacent landowners have not been disproportionately affected by the issuance of the certificate. Trustee Winkler seconded the motion. Trustee Mitchell: Aye; Trustee Winkler: Aye; Chairman Upton: Aye.

- c. Case Green #2007-31, applicant owner Steven and Elaine James, 6800 Southknoll Drive, Cincinnati, Ohio 45248, for the approval of the construction of an attached uncovered deck with less rear yard setback than required.

Development Director Goetzman presented information regarding the project. The appellant was not present.

**RESOLUTION #07-1113-S**

Trustee Mitchell moved to pass a resolution recommending approval of Case Green #2007-31 to the Hamilton County Board of Zoning Appeals. Trustee Winkler seconded the motion. Trustee Mitchell: Aye; Trustee Winkler: Aye; Chairman Upton: Aye.

- d. Case Green # 2007-32, applicant Marsha Butkovich of Jeffery Scott Architects for Queen City Donuts, 34 Chestnut Street, Wakefield, MA 01880, for the construction of a retaining wall with less rear yard setback than required at the premises at 6078 Harrison Avenue, Cincinnati, Ohio 45247.

Development Director Goetzman presented information regarding the project. The appellant was not present.

Robert Meyers, Attorney for Mike Holscher & Mike Hackman, spoke in opposition to the proposed project.

**RESOLUTION #07-1113-T**

Chairman Upton moved to pass a resolution recommending approval of Case Green #2007-32 to the Hamilton County Board of Zoning Appeals subject to the following conditions: 1. That the wall be installed per the plans submitted; and 2. That landscape boundary buffer "A" be established between the adjacent residential property and the base of the wall with double the density normally required. Trustee Mitchell seconded the motion. Trustee Mitchell: Aye; Trustee Winkler: Abstain; Chairman Upton: Aye.

- 2. The Hamilton County Rural Zoning Commission will hold a hearing November 15, 2007 at 1:00 p.m. regarding Grandin Woods A-2 PUD in

Room 805B, Hamilton County Administration Building, 138 E. Court Street, Cincinnati, Ohio 45202.

Development Director Goetzman presented information regarding the project. The appellant, Ralph Meijerjohan, Ameritek Custom Homes, was present and presented information regarding the project.

**RESOLUTION #07-1113-U**

Chairman Upton moved to pass a resolution recommending approval of Case Green #2007-08 to the Hamilton County Rural Zoning Commission subject to the following conditions: 1. That the site be limited to 23 single-family lots; 2. That the restrictions to any clearing or development within the designated greenbelt areas be as submitted, and form part of the Zoning Compliance Certificate; 3. That a Homeowners Association be established and that all covenants and restriction be recorded prior to the issuance of the first Zoning Compliance Certificate; 4. That a project entrance feature be constructed that contains a sign that reads "Privately Maintained Streets"; and 5. That the applicant submit subdivision plans to the Green Township Fire Department for review and approval, in conjunction with submission to the Hamilton County Engineer; and 6. That in the event that the Hearne Road right-of-way that transverses the northeast corner of the site is not vacated by the County, the appropriate amount of additional right-of-way shall be dedicated in accordance with the Thoroughfare Plan. Trustee Winkler seconded the motion. Trustee Mitchell: Abstain; Trustee Winkler: Aye; Chairman Upton: Aye.

3. There will be a Land Use Amendment Request following the November 13, 2007 Trustees meeting regarding 5721 & 5729 Bridgetown Road LUP Site #2007 (partial) for Parcels (550-0173-0128 & 0129). Proposal is for a change in Land Use Plan Designation from Transitional Residence (site currently contains 2 single-family homes) to designation of Neighborhood Retail for the purpose of constructing an approximately 14,500 square foot mixed use retail building with a 65+/- parking lot.
4. There will be a public hearing on November 15, 2007 at 6:30 p.m. at Nathanael Greene Lodge, 6394 Wesselman Road, concerning Legacy Place Retail Development. Hearing is to consider an application by Silverman and Company, Inc., pursuant to Section 404 of the Clean Water Act for the placement of fill material into the waters of the United States including four ephemeral tributaries and two intermittent tributaries to Taylor Creek. The proposed work is associated with the construction of the proposed Legacy Place Retail Development.
5. The Green Township Board of Trustees gives special recognition to the following members of the Green Township VFW Post #10380 for being selected to participate in the Honor Flight to Washington D.C. on October 17, 2007. Some of the participating Veterans were: Ed Burke, Jim Copenhaver, Buzz Haberthier, Fred Kellerman, Frank Lucas, Vasil Ognenoff and Jack Snyder.
6. The Queen City HiRailers Club will provide a free public exhibit at the Green Township Senior Center at 3620 Epley Road on Saturday and Sunday November 17 and 18, 2007 from 12:00 noon until 5:00 p.m. The Club will showcase its huge "O" gauge modular railroad layout known as one of the largest in the Cincinnati area. This exhibit will be of special interest to citizens of all ages.

Fiscal Officer Straus was excused from the meeting.

Attorney Frank Hyle reported need for executive session for the purpose of discussing acquisition and/or sale of real property and collective bargaining strategy. Action is not anticipated.

Attorney Frank Hyle reported that there is one more nuisance case for this evening, 5509 Surrey Avenue, (550-0120-0015).

**RESOLUTION #07-1113-V**

Trustee Mitchell moved to declare property located at 5509 Surrey Avenue (550-0120-0015) a nuisance and directing the Township Attorney to notify the property owner of this resolution. Trustee Winkler seconded the motion. Trustee Mitchell: Aye; Trustee Winkler: Aye; Chairman Upton: Aye.

Administrator Celarek stated that he had nothing to report.

Director of Public Services Schlimm stated that he did call MSD in an effort to move along the Harrison Avenue project. MSD cited right-of-way acquisitions as being part of the problem as well as logistical matters

related to the relocation of Belclare. Mr. Schlimm met with them today and found a way to solve the problem, so hopefully that project will get back on track. Mr. Schlimm reminded residents that this Saturday, November 17, 2007 is Clean-Up Day at Kuliga Park from 8:00 a.m. to 5:00 p.m. He also announced that November 25 is the last regularly scheduled day for yardwaste pick up at Kuliga until January 5<sup>th</sup> and 12<sup>th</sup> for the pick up of Christmas trees.

Trustee Mitchell recognized and thanked Tom Schwiens from the Metropolitan Sewer District for all of his help over the years.

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

Fire Chief Witsken reported on the progress of filling the now vacant position of Asst. Chief.

Police Chief West reported on the progress of filling a vacant Police Officer position.

Sgt. Walt Bally of the Hamilton County Sheriff's Department reported on the recent disappearance of an elderly Green Township resident. Sgt. Bally asked residents to keep an eye on their elderly neighbors.

#### **LAND USE PLAN AMENDMENT REQUEST HEARING**

The proposal is for a change to the Land Use Plan designation from Transitional Residence (site currently contains 2 single-family homes) to designation of Neighborhood Retail for the purpose of constructing an approximately 14,500 square foot mixed use retail building with a 65+/- parking lot for property located at 5721 & 5729 Bridgetown Road LUP Site #2007 (partial) for Parcels (550-0173-0128 & 0129).

Development Director Goetzman gave an overview presentation of the proposed project.

Tony Terentowicz, Integrated Development Services, agent for the applicant, spoke in favor of the project.

Dale Rack, 6891 Perrinwood Drive, spoke in favor of the project.

David Krause, 5863 Bridgetown Road, spoke in favor of the project.

Mike Willwerth, 5513 Clearview Avenue, spoke in favor of the project.

Mark Witschger, 3737 Vollmer Place, spoke in opposition to the project.

Peggy Lopez, a member of the Land Use Planning Committee, 2967 Timberview Drive, spoke in opposition to the proposed Land Use change.

Trustee Mitchell expressed his concerns about the project. He raised concerns about other potential development sites on Bridgetown Road and alternative uses permitted in retail districts. Mr. Mitchell provided an overview of alternative uses permitted in retail districts under the Zoning Resolution. He stated that if the zoning were to change to retail on the property any of these uses would be permitted. At his request a PowerPoint slide showing additional locations for development on Bridgetown Road was presented. He expressed specific concerns about an approximately 12 acre site west of the proposed site. The illustrated site could support up to 100,000 square feet of retail development. He indicated that if the Bridgetown Hardware were approved for retail use this site and other sites on Bridgetown Road would be subject to retail zoning.

Trustee Winkler expressed her concerns about the project and stated that it would be irresponsible to ignore the vote of the Land Use Planning Committee. She also expressed concerns regarding the potential number of development sites on Bridgetown Road and the possibility for additional retail development if this proposal is approved. Trustee Winkler indicated that the proposed site had been purchased at price that was in line with the existing residential use. She indicated that commercial property on Glenway and Harrison typically would cost more because it was suitable for retail use.

Douglas Lindle, 5141 Deerview Woods, spoke in favor of the project.

#### **RESOLUTION #07-1113-W**

Trustee Mitchell moved to pass a resolution denying approval of the Land Use Plan designation sought for property located at 5721 & 5729 Bridgetown Road LUP Site #2007 (partial) for Parcels (550-0173-0128 & 0129). Chairman Upton seconded the motion. Trustee Mitchell: Aye; Trustee

Winkler: Aye; Chairman Upton: No.

The next regular meeting of the Board of Trustees will be held on Monday, November 26, 2007 at 5:30 p.m.

Chairman Upton moved to recess into executive session for the purpose of discussing acquisition and/or sale of real property and collective bargaining strategy. Action is not anticipated. Trustee Mitchell seconded the motion. Trustee Mitchell: Aye; Trustee Winkler: Aye; Chairman Upton: Aye. The meeting was recessed at 9:05 p.m.; reconvened at 9:19 p.m.

Trustee Winkler moved to adjourn the meeting. Chairman Upton seconded the motion. Trustee Mitchell: Aye; Trustee Winkler: Aye; Chairman Upton: Aye. Meeting was adjourned at 9:20 p.m.