

The regular meeting of the Green Township Board of Trustees held on December 13, 2010 was called to order at 5:30 p.m. with the Pledge of Allegiance.

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

Trustee Winkler moved to approve the minutes for the regular meeting of November 22, 2010. Trustee Upton seconded the motion. All voted Aye.

Fire Marshal Rick Bell of the Green Township Professional Fire Fighters Local #2927 was in attendance to present the proceeds from the Fire Fighters Annual Lt. Terry Tate Memorial Golf Outing to the Pink Ribbon Girls. Mr. Bell presented Tracy Metzger of the Pink Ribbon Girls with a check in the amount of \$5,200.

Chairman Linnenberg recognized several Boy Scouts that were present.

**RESOLUTION #10-1213-A**

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

**RESOLUTION #10-1213-B**

Trustee Winkler moved to pass a resolution to approve a transfer of \$2,878,554.69 from the Bond Fund to the TIF Fund for expenses that were incurred in 2010. Chairman Linnenberg seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

**RESOLUTION #10-1213-C**

Chairman Linnenberg moved to pass a resolution to approve the 2010 Amended Appropriations. Trustee Upton seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

**RESOLUTION #10-1213-D**

Chairman Linnenberg moved to pass a resolution designating Public Depository Agreements from January 1, 2011 to December 31, 2015. Trustee Winkler seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

Jeff Smith, 2810 Mt. Airy Avenue, commented on the Request for Proposals that were received from several banks and asked several questions. Fiscal Officer Straus and Attorney Hyle answered Mr. Smith's questions.

Gary Dressler, Sidney Road, asked questions about the Request for Proposals. Fiscal Officer Straus and Attorney Hyle answered his questions.

**RESOLUTION #10-1213-E**

Trustee Winkler moved to pass a resolution to declare computers and miscellaneous hardware as surplus and authorizing the sale of computers and miscellaneous hardware on the Hamilton County Online Auction Service until December 31, 2011. Chairman Linnenberg seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

**RESOLUTION #10-1213-F**

Chairman Linnenberg moved to pass a resolution to appoint Frank Hyle as Township Attorney for 2011 at a rate of pay of \$5,300 per month. Trustee Upton seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

**RESOLUTION #10-1213-G**

Trustee Winkler moved to pass a resolution to appoint Francis M. Hyle Co., LPA for labor related work and non-retainer services at a pay rate of \$190 per hour for 2011. Chairman Linnenberg seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

**RESOLUTION #10-1213-H**

Chairman Linnenberg moved to pass a resolution to establish the reimbursement rate for mileage to match the IRS approved rate. Trustee Winkler seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

**RESOLUTION #10-1213-I**

Chairman Linnenberg moved to pass a resolution to provide health and dental insurance to Township Elected Officials for 2011 with the contribution rate to be 13% of the cost of the premium. Trustee Winkler seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

**RESOLUTION #10-1213-J**

Trustee Winkler moved to pass a resolution to authorize the 2011 salaries for the Trustees and Fiscal Officer to remain at the 2010 rates. Chairman Linnenberg seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

**RESOLUTION #10-1213-K**

Chairman Linnenberg moved to pass a resolution maintaining non-collective bargaining unit employees at current salaries for 2011. Trustee Winkler seconded the motion. Trustee Winkler: Aye; Trustee Upton: No; Chairman Linnenberg: Aye.

**RESOLUTION #10-1213-L**

Trustee Winkler moved to pass a resolution to authorize the Township Administrator with recommendations from Department Heads to award step increases for non-collective bargaining employees based on performance and time served in the position for 2011. Chairman Linnenberg seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

Jeff Smith, 2810 Mt. Airy Avenue, commented on and asked questions regarding step increases. Chairman Linnenberg and Trustee Winkler answered his questions.

Gary Dressler, Sidney Road, asked questions regarding step increases. Chairman Linnenberg answered his questions.

**RESOLUTION #10-1213-M**

Chairman Linnenberg moved to pass a resolution to provide health and dental insurance for the Township non-collective bargaining employees at a contribution rate of 12% of the cost of the premium in 2011. Trustee Upton seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

**RESOLUTION #10-1213-N**

Chairman Linnenberg moved to pass a resolution to approve the recommendation of the Green Township Records Commission to amend the RC-2 forms and approve the RC-3 forms submitted to the Records Commission effective immediately. Trustee Winkler seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

**RESOLUTION #10-1213-O**

Chairman Linnenberg moved to pass a resolution to amend the estimated resources for 2010. Trustee Winkler seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

**RESOLUTION #10-1213-P**

Chairman Linnenberg moved to pass a resolution to approve Green Township's Annual Inventory for 2010 as presented per (ORC 505.04). Trustee Upton seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

Gary Dressler, Sidney Road, stated that ORC 505.04 states that inventory shall be submitted on the second Monday in January. Administrator Celarek and Attorney Hyle responded to his comments.

**RESOLUTION #10-1213-Q**

Chairman Linnenberg moved to pass a resolution requesting that the Hamilton County Auditor make advance payments of taxes in 2011 at the request of Fiscal Officer Tom Straus. Trustee Winkler seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

**RESOLUTION #10-1213-R**

Trustee Upton moved to pass a resolution approving the Development Agreement with Christ Hospital. Trustee Winkler seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

Jeff Smith, 2810 Mt. Airy Avenue, addressed the Board asking for resolutions to be made available to the public earlier than the day of the meeting. Chairman Linnenberg responded to his comments.

**RESOLUTION #10-1213-S**

Trustee Upton moved to pass a resolution declaring improvements to parcels of real property and authorizing the execution of a Tax Incentive Agreement and such other documents that may be necessary. Chairman Linnenberg seconded the motion. Trustee Winkler: Aye; Trustee Upton:

Aye; Chairman Linnenberg: Aye.

**RESOLUTION #10-1213-T**

Trustee Winkler moved to pass a resolution authorizing and directing the Township Attorney to make an application to the Hamilton County Common Pleas Court for the authority to dispose of no longer needed forfeited property held by the Green Township Police Department. Chairman Linnenberg seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

**RESOLUTION #10-1213-U**

Chairman Linnenberg moved to pass a resolution authorizing an amendment to a purchase and sale agreement for land on Harrison Avenue. Trustee Winkler seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

Jeff Smith, 2810 Mt. Airy Avenue, expressed his disappointment that the Township is selling the land on Harrison Avenue for less than it was purchased for. Chairman Linnenberg responded to his comments.

**RESOLUTION #10-1213-V**

Chairman Linnenberg moved to pass a resolution authorizing an agreement with the Board of Education of Oak Hills Local School District on division of Tax Increment Financing Proceeds. Trustee Winkler seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

**RESOLUTION #10-1213-W**

Chairman Linnenberg moved to pass a resolution approving the hiring of Jim Alexander as a part time seasonal employee for a period of time not to exceed 16 weeks at a pay rate of \$25.87 per hour. Trustee Winkler seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

Gary Dressler, Sidney Road, asked for the resolution to be amended to read \$25.87 per hour. Chairman Linnenberg amended the resolution as noted above.

**RESOLUTION #10-1213-X**

Trustee Upton moved to pass a resolution to eliminate step 2 of the Green Township Pay Plan for non-collective bargaining employees effective January 1, 2011. Chairman Linnenberg seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

Jeff Smith, 2810 Mt. Airy Avenue, asked about the reasoning behind the elimination of steps. Chairman Linnenberg answered his question.

**RESOLUTION #10-1213-Y**

Trustee Upton moved to pass a resolution amending the Property Maintenance Code. Chairman Linnenberg seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

Jeff Smith, 2810 Mt. Airy Avenue, stated that the resolution is too vague for the public to understand what the resolution is regarding and what the change will be.

**RESOLUTION #10-1213-Z**

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. 3008 Brookview Drive (550-0131-0095), Motion made by Trustee Winkler and seconded by Chairman Linnenberg. All voted Aye.
2. 5404 Clover Leaf Lane (550-0071-0102), Motion made by Chairman Linnenberg and seconded by Trustee Winkler. All voted Aye.

Administrator Celarek made the following announcements:

1. The Green Township Land Use Planning Committee will hold a public meeting on December 14, 2010 at 6:30 p.m., at the Green Township Administration Building to consider a change to the Adopted Green Township Land Use Plan from Multi-Family to Office in advance of seeking a zone change for Parcel #550-0183-0351, Clearwater Crossing, Harrison Avenue.
2. The Hamilton County Rural Zoning Commission will hold a public hearing on December 16, 2010 at 1:00 p.m. at the Hamilton County Administration Building, 138 East Court Street, Room 805B, to hear the following case:

- a. Case Green #2010-06 Beau Vita and Anne McBride of McBride Dale Clarion, applicant for owner, New Hope Community Church, 3707 Edgewood Drive, for approval to construct an institutional campus consisting of six separate buildings that would each contain six Assisted Living apartments for handicapped or developmentally disabled adults and one full time staff member per building for property located at the western terminus of Edgewood Drive.

Development Director Adam Goetzman gave a brief overview of the proposed project. Mr. Goetzman stated that this is a zone change application that was the subject of a Public Staff Conference held on October 28, 2010. On December 2, 2010 the zone change went before the Hamilton County Regional Planning Commission to initially analyze compliance with the Green Township Land Use Plan, and then review the zone change application for compliance with the zone change resolution. Mr. Goetzman stated that the property is land use planned for Public, Semi-Public & Institutional uses. The proposal for an assisted living project that is consistent with the underlying land use. Mr. Goetzman stated that Hamilton County Regional Planning, by a vote of 5-0, found the project to be in compliance with the Green Township Land Use Plan. Mr. Goetzman stated that there is a second component to the Land Use Plan and that's a text component. The North Bend Road Corridor Plan contains development or implementation strategies for properties within the North Bend Road corridor, with the idea of trying to promote a uniform sense of development through high quality projects. The land use strategies also include site specific kinds of recommendations about building massing, types of buildings, layout issues, and relationship to parking lots and road frontages. Mr. Goetzman stated that because this project does not actually front on North Bend Road, some of the specific requirements of the Land Use Plan were not applicable. He also stated that the site plan is relatively rudimentary at this point, so there is not a final rendering of the buildings, or details about site grading, lighting or landscaping. Mr. Goetzman stated that the Land Use Plan does recommend that buildings be brick clad, with scale and massing consistent with surrounding buildings. He also stated that there is an understanding by the applicant about how the Township would like to see properties developed as per the Land Use Plan, and that he believes that sufficient detail will be presented in the future as a condition of the zone change recommendation that would provide the Township an opportunity to address those issues in the future. Mr. Goetzman stated that this is a 3+ acre parcel of property that is being sold by the adjoining church, and that the church is selling it for a non-profit use for a developmentally disabled population. He also stated that Edgewood Drive is a private street that is not dedicated. There are agreements with adjoining property owners for the maintenance of the road that would include the surgery center.

Mike Ricke, 6621 Powner Farm Drive, member of Beau Vita, stated that Beau Vita is a charitable organization that was established for the sole purpose of creating a residential community on the west side of town for the developmentally disabled and provide residences for them. Mr. Ricke is proposing to re-zone the property to develop it with six buildings, each building will have six residential units. Mr. Ricke stated that there will be some supervision in each building, depending on the need of the residents living in the building. Each unit is a one bedroom efficiency that is approximately 450 sq. ft. in size and will have a small kitchen in each individual unit, these units will share a larger common kitchen area in the building as well as a laundry area, and large living area. Mr. Ricke stated that he has talked with all of the neighbors numerous times and they are all very supportive of the proposed project.

Development Director Goetzman provided an overview of approval recommendations citing five conditions and one variance for an onsite identification sign.

#### **RESOLUTION #10-1213-aa**

Chairman Linnenberg moved to pass a resolution recommending approval of Case Green #2010-06 to the Hamilton County Rural Zoning Commission subject to the following conditions: 1. That all Zoning Compliance Plans for the development shall be reviewed and approved as part of a public hearing by the Rural Zoning Commission; 2. That a lighting plan in compliance with the requirements of the Zoning Resolution shall be submitted as part of the Zoning Compliance Plan; 3. That a landscape plan in compliance with the requirements of Section 12-6, 14-7, and 14-8 of the Zoning Resolution and with Condition 4 shall be submitted as part of the Zoning Compliance Plan; and 4. That every effort shall be made to provide a 20-foot undisturbed boundary buffer along the western, northern, and eastern property lines and that where less than 20 feet of undisturbed buffer shall remain or in areas where existing vegetation will not provide an

appropriate buffer, additional landscaping shall be provided that may be required to exceed the minimum requirements of the Zoning Resolution as determined by the Rural Zoning Commission; and 5. That all buildings on the site shall be constructed with high quality building materials and design that is consistent with the residential character of surrounding developments as determined by the Rural Zoning Commission. Trustee Winkler seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

The Trustees also respectfully recommend that a Variance to Section 13-11.2(a) of the Zoning Resolution be granted in order that the development will be permitted to have a maximum of 1 freestanding sign with a maximum height of 8 feet and a maximum area of 32 square feet per side.

Bill Myles, 2886 Springwood Ct., asked if a sign would be needed on North Bend Road. Development Director Goetzman stated that the property owner does not own any property frontage on North Bend Road, therefore the pending zoning action has no jurisdictional authority over North Bend Road signage, and he noted the matter could be considered by the BZA.

Fiscal Officer, Tom Straus, stated that there was a meeting of the Green Township Audit Committee a few weeks ago and thanked the members of that committee for their participation. Mr. Straus stated that a payment of \$984,000 was made to the Bank of New York on the Township's Bond. He also reported that the Township has purchased \$4 million dollars of Federal Home Loan Bank Bonds. \$3 million dollars of that investment will start at 50 basis points and go up 25 basis points every six months. The other \$1 million dollars will start at 75 basis points.

Attorney Hyle asked the Board to consider two more resolutions. One regarding the purchase of right-of-way, the other regarding a temporary construction easement with the Bridgetown Church of Christ, Inc.

**RESOLUTION #10-1213-bb**

Chairman Linnenberg moved to pass a resolution approving the acquisition of 346 sq. ft. of right-of-way from Daffin Investments Ohio, LLC at Bridgetown and Race Roads for the sum of \$7,128.00 which will be paid for with TIF Funds. Trustee Winkler seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

**RESOLUTION #10-1213-cc**

Chairman Linnenberg moved to pass a resolution authorizing the Administrator to enter into a contract for Right of Entry for a temporary construction easement for the sum of \$1.00 with the Bridgetown Church of Christ, Inc. Trustee Winkler seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye.

Township Attorney, Frank Hyle, stated need for executive session for the purpose of discussing acquisition of property. Action is not anticipated.

Township Administrator, Kevin Celarek, thanked the snow plow drivers who plowed the streets all day on Sunday, and stated that they did a great job.

Director of Public Services, Fred Schlimm, reported that the snow plow crews did a wonderful job clearing the snow on Sunday. Mr. Schlimm thanked the Trustees for hiring Jim Alexander as temporary seasonal help. Jim will be returning on an as needed basis to plow snow.

Trustee Upton read a thank you letter.

Fire Chief, Doug Witsken, reported on EMS billing revenue that brings in approximately 15% of the department's budget. Chief Witsken stated that there have been some rule changes from the Federal government that threaten to reduce revenue from EMS billing. Chief Witsken stated that his department has been working with the current EMS billing vendor, as well as another vendor, that may be able to offer a lower collection percentage to perform the EMS billing. Chief Witsken stated that they are also looking at a software package provided by the new vendor which would help create more accurate reports and lower the likelihood that they would not be able to collect from an EMS run that they billed for. Chief Witsken stated that he will have recommendations for the Board on new EMS billing rates, and possibly a new vendor, after the first of the year.

Police Chief, Bart West, stated that he had nothing to report.

Director of Development, Adam Goetzman, thanked Jennifer Barlow for an excellent job running the Township's Family Winterfest.

The Trustees wished everyone a very Merry Christmas.

The next regular meeting of the Board of Trustees will be held on Monday, January 10, 2011 at 5:30 p.m.

Chairman Linnenberg made a motion to recess into Executive Session for the purpose of discussing acquisition of property. Action is not anticipated. Trustee Winkler seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye, Chairman Linnenberg: Aye. The meeting was recessed at 6:47 p.m.; reconvened at 7:27 p.m.

Trustee Winkler moved to adjourn the meeting. Chairman Linnenberg seconded the motion. Trustee Winkler: Aye; Trustee Upton: Aye; Chairman Linnenberg: Aye. Meeting was adjourned at 7:27 p.m.

ATTEST: