

The regular meeting of the Green Township Board of Trustees held on December 14, 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.

Judge Ted Winkler swore in Trustee Tracy Winkler to serve as Green Township Trustee. Mr. John Linnenberg swore in Trustee David Linnenberg to serve as Green Township Trustee.

Trustee Linnenberg moved to approve the minutes for the regular meeting of November 23, 2009. Trustee Upton seconded the motion. All voted Aye.

Nancy Woerz, 5574 Bridgetown Road, addressed the Board regarding a decrease in bus service that will occur to Metro Route #21 on December 27, 2009, which serves the area around Bridgetown Road. Ms. Woerz asked the Board to encourage Metro not to cut service on that route. Chairman Winkler asked Administrator Celarek to write a letter to Metro asking them to continue existing service on Route #21.

Ron Baumer from Camvic Corporation, owner of Bridgeport Apartments, was present. He stated that the bus service is important to many residents of the apartment complex and stated that public transportation does have a bearing on the tax value of the real estate. He encouraged the Board to work with Metro to restore service.

RESOLUTION #09-1214-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 #09-1214-B

Chairman Winkler moved to pass a resolution to hire The Remains for Saturday, June 12, 2010 for the Green Township Summer Concert Series and authorizing the Township Administrator to sign the contract after review and approval by the Township Attorney. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-1214-C

Trustee Linnenberg moved to pass a resolution to hire The Sullivan & Janszen Band for Saturday, July 3, 2010 for the Green Township Summer Concert Series and authorizing the Township Administrator to sign the contract after review and approval by the Township Attorney. Trustee Upton seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-1214-D

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

RESOLUTION #09-1214-E

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

RESOLUTION #09-1214-F

Chairman Winkler moved to pass a resolution to hire John Mulholland as a part-time Police Officer at the 2010 pay rate of \$23.59 per hour with a starting date of December 21, 2009. Trustee Upton seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-1214-G

Trustee Upton moved to pass a resolution to provide health and dental insurance to Township Elected Officials for 2010 with the contribution rate to be 12% of the cost of the premium. Chairman Winkler seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-1214-H

Trustee Linnenberg moved to pass a resolution to authorize the 2010 salaries for the Trustees and Fiscal Officer to remain at 2009 rates. Trustee Upton seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-1214-I

Chairman 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/or time served in the position for 2010. Trustee Upton seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-1214-J

Chairman Winkler 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 2010. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-1214-K

Trustee Linnenberg moved to pass a resolution to eliminate Step 1 of the Green Township Pay Plan for non-collective bargaining employees effective January 1, 2010. Chairman Winkler seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-1214-L

Trustee Linnenberg moved to pass a resolution to authorize a cost of living increase of 2% for the Township non-collective bargaining employees for 2010. The motion died for lack of a seconded.

RESOLUTION #09-1214-M

Chairman Winkler moved to pass a resolution to authorize a cost of living increase of 3% for Township non-collective bargaining employees for 2010. Trustee Upton seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: No; Chairman Winkler: Aye.

RESOLUTION #09-1214-N

Trustee Linnenberg moved to pass a resolution assenting to the acceptance of Jennifer Lynn Drive in the Highlander Estates Subdivision. Trustee Upton seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-1214-O

Trustee Linnenberg moved to pass a resolution approving the installation of a No Parking Fire Lane zone on Jennifer Lynn Drive, beginning on the northwest corner of Jennifer Lynn Drive and Rybolt Road and extending through the cul-de-sac, terminating at house number 6849. Trustee Upton seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-1214-P

Chairman Winkler moved to pass a resolution approving rental rates for resident, non-resident, and business sectors at the Nathanael Greene Lodge for 2011 and 2012. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-1214-Q

Trustee Linnenberg moved to pass a resolution to establish a Tobacco Free Workplace for all employees in Green Township, effective January 1, 2010. Chairman Winkler seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-1214-R

Trustee Linnenberg moved to pass a resolution to establish a Joint Agreement between Hamilton County and Green Township for the design of the improvements, acquisition of right-of-way/easements, and the construction of improvements to the Bridgetown Road, Race Road & Glenway Avenue Intersections (PROJECT No. 500955). Trustee Upton seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

RESOLUTION #09-1214-S

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. 6331 Bridgetown Road (550-0242-0119), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
2. 4046 Boomer Road (550-0103-0103), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
3. 3656 Summerdale Lane (550-0171-0307), Motion made by Trustee Upton and seconded by Chairman Winkler. All voted Aye.

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

1. Vandy, LLC, 5705 Cheviot Road, Cincinnati, OH 45247. Police Chief Bart West had no objection. The Trustees did not request a hearing.
2. Mazzo, LLC, DBA Mazzaros, 4108 North Bend Road, Cincinnati, OH 45211. Police Chief Bart West had no objection. The Trustees did not request a hearing.

Administrator Celarek made the following announcement:

1. The Hamilton County Board of Zoning Appeals will hear Case # Green 2009-10, 4277 Ebenezer Road, on Wednesday, December 16, 2009 at the Hamilton County Administration Building, 138 E. Court Street, Cincinnati, OH. Dowell Barnes, applicant and owner, requests a variance to construct a six foot high privacy fence. The variance request would be to permit a fence to extend two feet in height taller than permitted and to exceed the 75% openness that is required. The subject property is located on the west side of Ebenezer, north of Springmeyer and south of Hayes Road. The property is zoned A & B Residence District.

Development Director Goetzman stated that the fence is already constructed and was installed without proper permits. Mr. Goetzman stated that he has not received any complaints from adjoining property owners and therefore recommends approval as submitted as long as there are no complaints from the neighbors. The Trustees made no recommendation on this case.

2. The Hamilton County Rural Zoning Commission will hear Case # Green 2009-07, 3648 Boomer Road, on Thursday, December 17, 2009 at the Hamilton County Administration Building, 138 E. Court Street, Cincinnati, OH. AR/PM Partnership, applicant and owner, seeking approval to construct a 12 space parking lot on the property that includes a new access point to Boomer Road from the existing office development on adjacent properties to the east. The property is zoned "C" Residence.

Development Director Goetzman stated that the requested zone change is for a small lot located on Boomer Road that currently has a non-conforming driveway that serves office properties on North Bend Road owned by the applicant. The applicant is seeking permission to formalize the driveway, and expand the driveway to include parking for approximately 12 vehicles. The parking will be perpendicular to the drive with a buffer including a privacy fence and plantings between the parking area and an adjoining residential lot.

Sean Suder, Attorney with Keating, Muething & Klekamp; Bob Rothert, Abercrombie & Associates Architects, as well as a representative from AR/PM Partnership were present to answer any questions from the Board.

Development Director Goetzman stated that he recommended approval with conditions and two variances.

RESOLUTION #09-1214-T

Chairman Winkler moved to pass a resolution recommending approval of Case Green #2009-07 to the Hamilton County Rural Zoning Commission subject to the following conditions and variances: 1. That any proposed lighting of the parking area shall be shown on a detailed lighting plan demonstrating compliance with the requirements of the Zoning Resolution provided the maximum luminosity at the western property line shall be "0-Footcandles"; 2. That one freestanding sign no larger than 37.5 square feet and 8 feet in height (as measured at the centerline of Boomer Road) be permitted; 3. That there shall be a 6-foot privacy fence along the entire western boundary of the parking lot; 4. That canopy trees and shrubs in compliance with the Boundary Buffer standards of the Zoning Resolution shall be provided along the fence; and 5. That any adjoining property owner be permitted to utilize or connect to the driveway by agreement between the property owners. Variances: 1. Section 12-4.2 That the parking area shall be permitted to have a setback of 19.5' from the right-of-way where a 30-foot setback is required; and 2. Section 14-7 That the boundary buffer shall be permitted to have a width of 9.5 feet where a 20 foot width is required. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

Fiscal Officer, Tom Straus, stated that he attended the Hamilton County Township's Association Meeting. He stated that many Townships are financially struggling due to the poor economy. Townships have been hit hard by the decrease in Estate Tax funds. Green Township has also experienced a decrease in TIF Funds due to a decrease in development.

Township Attorney, Frank Hyle, stated need for executive session for the

purpose of discussing purchase of property, pending litigation, and a personnel matter.

Township Administrator, Kevin Celarek, reported that a letter has been received from Duke Energy regarding their accelerated main replacement program rider for additional charges. The current rate is \$1.04 per month per residential customer. There will also be an increase in fees to Commercial and institutional customers. Administrator Celarek also reported that Bob Leibold has produced a DVD of all three events surrounding the Veterans Tribute Tower. The DVD will be available for purchase at the Green Township Administration Building for a fee of \$10.00.

Director of Public Services, Fred Schlimm, reported that he has received official notice that the Race and Bridgetown Road Intersections Improvement Project is going to be funded with LTIP Funds. That construction is scheduled to begin in 2011. Mr. Schlimm also reported that he submitted two other projects for LTIP Funding, Bluebird Lane Reconstruction and Taylor and Rybolt Intersection Improvements. Those projects fell just short of the cut off line for funding. Mr. Schlimm stated that in the spring there may be a chance that funds will become available for those two projects. Mr. Schlimm wished everyone a Merry Christmas and a Happy New Year.

Director of Development, Adam Goetzman, congratulated Trustee Winkler and Trustee Linnenberg on their successful election and swearing in. Development Director reported that bid opening for the Schott/Unnewehr House last month. At the bid opening the contractors were informed that the work would begin after contract approval in January 1, 2010. Mr. Goetzman stated that he has received calls asking if work may begin sooner. Mr. Goetzman recommended entering into contracts with Driekast Plumbing \$26,700; Tel-Net Technologies, LLC (electric) \$33,980; Bill Spade Electric (HVAC) \$60,637; and Hudepohl Construction (General Contractor) \$378,700

The Architect has reviewed the contract documents and met with the contractors regarding the various scopes of work. Final approval from the Township Attorney will be necessary for the above mentioned contractors to begin work.

RESOLUTION #09-1214-U

Chairman Winkler moved to pass a resolution entering into contracts with Driekast Plumbing \$26,700; Tel-Net Technologies, LLC (electric) \$33,980; Bill Spade Electric (HVAC) \$60,637; and Hudepohl Construction (General Contractor) \$378,700 after review and approval by the Township Attorney. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

Chairman Winkler thanked the Marge & Charles Schott Foundation for their yearly contribution of \$100,000 per year for five years towards the renovation and preservation of the Unnewehr/Schott home on Diehl Road at Bicentennial Park.

Fire Chief, Doug Witsken, reported that there will be a P.O.D. (Point of Distribution) H1N1 vaccination clinic held at Oak Hills High School on Friday, December 21, 2009, from 4:00 to 9:00 p.m. Residents may go to www.hamiltoncountyhealth.org to register for an appointment time to receive the vaccine.

Police Chief, Bart West, reminded residents to not leave valuable items visible in vehicles during the holiday shopping season. Chief West also announced that with the hiring of John Mullholland that the Police Department will begin to have some Saturday hours available for the public. Chief West wished everyone a Merry Christmas and a Happy New Year.

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

LAND USE PLAN PUBLIC HEARING

The Green Township Board of Trustees began a Public Hearing to consider a recommended change to the Adopted Green Township Land Use Plan for property located at 5633-5705 Harrison Avenue, Parcels 550-0181-0020-22, 0052, 0057, 0108, 0202, & 0205, submitted by Neyer Properties.

Development Director Adam Goetzman provided an overview of the request to date. The Land Use Planning Committee met on November 16, 2009, to review the application by Neyer Properties, to consider a land use change for property located at 5633-5705 Harrison Avenue. The applicants are seeking

a change in land use status for the approximately 6-acre site from Transitional Mixed Use to Retail (frontage) and Office, for the purpose of seeking a future zone change for an approximately 50,000 square foot medical office building with a retail outlot frontage parcel. He noted that the proposal submitted to the Land Use Planning Committee was presented in a somewhat "traditional" land use form as more of a color block diagram with a faint outline of building mass visible underneath. Initial comments from the committee indicated that several members felt that the plan as presented lacked sufficient detail to render an opinion. The Land Use Planning Committee members asked questions about the type and character of the building(s) and other specific questions, better suited for zone amendment analysis, with discussion about the relationship between the office and retail components of the development concept and internal circulation and the concept of a "frontage road" to minimize the number of curb cuts on Harrison Avenue. Development Director Goetzman stated the majority of the LUPC felt that the retail component was not clearly defined and that neighboring residential properties on Lee Court were not adequately protected. The The Land Use Planning Committee voted 9-1 to oppose the request as presented with both Retail and Office uses. After additional discussion the Land Use Planning Committee recommended that the site be changed from Transitional Mixed Use to Office with only one access point to Harrison Avenue, by unanimous vote.

Development Director Goetzman noted that with Legacy Place having failed to materialize, large scale development in the immediate area is unlikely to occur in the near future. The large commercial district to the north of the site will need to be reviewed in the future, potentially as a Sub-Area Plan after the 2010 Land Use Plan Update has been concluded. The existing homes on the site have been removed; therefore, conversion of the homes to office use is an unattainable goal.

Clayton Ahr, 4077 Lee Ct., spoke in opposition to the project due to traffic problems on Lee Ct.

Joy Mihuta, 5793 Filview Circle, spoke in opposition to the project because the property being discussed is owned by Green Township.

David Lopez, 2967 Timberview Drive, felt that the entire site should be zoned "O" Office.

Dale Mihuta, 5793 Filview Circle, spoke in opposition to the project because he was concerned that there is already an abundance of existing vacant office space.

Jim Nusekabel, 5609 Harrison Avenue, spoke in opposition to the project.

Development Director Goetzman indicated that the functional layout of the site and the impact of providing adjoining properties with access to Lee Court influenced his recommendations for the site. He indicated that the office portion of the site would buffer nearby residential properties from the proposed retail frontage. He provided 13 specific Implementation Strategies for the change from Transitional Mixed-Use to Office and Retail.

The Trustees discussed the site, Trustees Upton requested a ban on "fast-food" restaurants be added to the Implementation Strategies.

RESOLUTION #09-1214-V

Trustee Upton moved to recommend approval of a change in the Adopted Green Township Land Use Plan for property located at 5633-5705 Harrison Avenue, Parcels 550-0181-0020-22, 0052, 0057, 0108, 0202, & 0205, subject to the following conditions: 1. That the site conform to the Hamilton County Thoroughfare Plan ROW dedication requirements; 2. That the site conform to all applicable Harrison Avenue Corridor Plan Recommendations; 3. That all freestanding site signage be limited to ground mounted signs; 4. That an enhanced boundary buffer, including; additional width, landscaping, earthen berms, privacy fencing and/or a combination thereof be established on the south property line adjacent to existing residences; 5. That a minimum 10' streetscape buffer be established on Harrison Avenue; 6. That no mechanical area or equipment be located within 100' of any residence unless fully screened from view by walls or fencing of a design and character compatible with architecture of the building(s) on site; 7. That any dumpster or trash handling equipment on site shall be housed in an enclosure constructed with masonry walls, faced in brick with solid metal doors, located at least 100' from any common residential property line and/or structure, surrounded by evergreen landscaping where not adjacent to paved parking or driveways; 8. All buildings shall have a masonry brick exterior or other similar material in conformance with the Harrison Avenue Corridor Plan; 9. All exterior site lighting, including building mounted

fixtures (except landscape lighting), shall be designed to limit light escaping from the site, through the use of "down light or cut-off fixtures" and bollard fixtures throughout the site. Lights and fixtures should be used that eliminate glare or light encroachment that may be caused by site conditions such as topography, removal of existing vegetation or building location; 10. No onsite retaining wall visible to any adjacent residential property or the public right-of-way shall be higher than 10' without the incorporation of a landscaped step back, break, or the placement of evergreen landscaping at the base of the wall as a visual buffer; 11. The site shall be developed at an ISR not to exceed 75% unless additional interior landscaping is provided; 12. That a cross easement be established to provide direct vehicular access to adjacent undeveloped sites to the north of the subject property; 13. That no more than one curb cut be permitted on Harrison Avenue, unless approved by the Hamilton County Engineer. Elimination/consolidation of the curb cut for the Cincinnati Central Credit Union next door is encouraged; and 14. That there be no fast-food restaurants permitted on the property. Chairman Winkler seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye.

The next regular meeting of the Board of Trustees will be held on Monday, January 11, 2010 at 5:30 p.m.

Chairman Winkler made a motion to recess into Executive Session for the purpose of discussing purchase of property, pending litigation, and a personnel matter. Action may be anticipated. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye, Chairman Winkler: Aye. The meeting was recessed at 7:23 p.m.; reconvened 7:44 p.m.

Chairman Winkler moved to adjourn the meeting. Trustee Linnenberg seconded the motion. Trustee Upton: Aye; Trustee Linnenberg: Aye; Chairman Winkler: Aye. Meeting was adjourned 7:44 p.m.

ATTEST: