

The regular meeting of the Green Township Board of Trustees held on December 15, 2008 was called to order at 5:30 p.m.

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

Chairman Winkler moved to recess into executive session for the purpose of discussing personnel issues. Action may be anticipated. Trustee Upton seconded the motion. Trustee Linnenberg: Aye; Chairman Upton: Aye; Trustee Winkler: Aye. The meeting was recessed at 5:02 p.m.; reconvened at 5:30 p.m. with the Pledge of Allegiance.

Trustee Linnenberg moved to approve the minutes for the regular meeting of November 24, 2008. Chairman Winkler seconded the motion and all voted aye.

Don Marshall from Eagle Energy gave a Powerpoint presentation concerning the Township's Electric Aggregation Program for 2009 and 2010. He provided background information on electric aggregation, and stated that Green Township was certified as an electric aggregator in May, 2005. Since that time he has been searching the market place to find an electric supplier with a lower rate than Duke Energy. Mr. Marshall has found a two year fixed rate with Dominion Retail. It is estimated that this provider could save Township residents and businesses between \$2,000,000 to \$4,000,000. Mr. Marshall recommended Dominion Retail as the electric supplier for Green Township's Electric Aggregation Program beginning January 1, 2009.

RESOLUTION #08-1215-A

Trustee Linnenberg moved to pass a resolution to enter into a contract with Dominion Retail to initiate an Electric Aggregation Program for residents and businesses in Green Township for a two year period of time commencing January 1, 2009 and directing the Township Administrator to sign said contract with Dominion Retail. Chairman Winkler seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

RESOLUTION #08-1215-B

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

RESOLUTION #08-1215-C

Trustee Upton moved to pass a resolution to amend the estimated resources for 2008. Chairman Winkler seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

RESOLUTION #08-1215-D

Trustee Upton moved to pass a resolution to amend the appropriations for 2008. Chairman Winkler seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

RESOLUTION #08-1215-E

Chairman Winkler moved to pass a resolution authorizing the 2009 salaries for the Trustees and Fiscal Officer to remain at 2008 rates. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

RESOLUTION #08-1215-F

Trustee Linnenberg moved to pass a resolution authorizing the providing of health and dental insurance to Township Elected Officials for 2009 with the contribution rate to be 12% of the cost of the premium. Trustee Upton seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

RESOLUTION #08-1215-G

Trustee Linnenberg moved to pass a resolution to establish the reimbursement rate for mileage to match the IRS approved rate in 2009. Chairman Winkler seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

Trustee Linnenberg stated that he does not approve of 3% step increases for employees in the face of uncertain economic conditions and that many organizations are not giving raises in 2009.

Chairman Winkler stated that the Union employees have step increases in their contracts and she felt that the Township non-collective bargaining administrative employees should be treated the same.

Trustee Upton stated that the adopted pay plan has been in place for several years and would be unfair to eliminate the 3% steps without notice to, or discussion with, the non-collective bargaining personnel.

Fiscal Officer Straus stated that he agreed with Trustee Linnenberg and stated that step increases should not be given to administrative employees this year.

Chairman Winkler stated that not everyone in administration would be getting a step increase as well as a cost of living increase. If the steps are not given we would have situations where employees are making more than their supervisors.

Trustee Linnenberg also stated that employees that have been working for the Township for less than a year should not receive the 3% cost of living increase.

RESOLUTION #08-1215-H

Trustee Linnenberg moved to pass a resolution freezing payroll step increases for non-collective bargaining administrative employees for calendar year 2009. The motion failed for lack of a second.

RESOLUTION #08-1215-I

Trustee Linnenberg moved to pass a resolution authorizing a cost of living increase of 3% for the Township non-collective bargaining employees for 2009, for those employed on January 1, 2008. The motion failed for lack of a second.

RESOLUTION #08-1215-J

Chairman Winkler moved to pass a resolution authorizing a cost of living increase of 3% for the Township non-collective bargaining employees for 2009. Trustee Upton seconded the motion. Trustee Linnenberg: No; Trustee Upton: Aye; Chairman Winkler: Aye.

RESOLUTION #08-1215-K

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 their position for 2009. Trustee Upton seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

RESOLUTION #08-1215-L

Trustee Upton moved to pass a resolution authorizing the providing of health and dental insurance for the Township non-bargaining employees at a contribution rate of 10% of the cost of the premium. Chairman Winkler seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

Trustee Linnenberg stated that the Fire Union Contract will require a 12% contribution rate towards the cost of health and dental insurance premiums. Elected Officials have also gone to 12%. The Police Union Contract will be 12% in 2010. He further stated that he would like to see the contribution of non-collective bargaining personnel go to 12% or 15% over the next two to three years.

RESOLUTION #08-1215-M

Chairman Winkler moved to pass a resolution to approve the identified Green Township Administrative and Lodge Records, scheduled and approved for destruction by the Green Township Records Commission. These approved records will be destroyed after the Certificates for Destruction are sent to the Ohio Historical Society and the 15 day required notice has expired. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

RESOLUTION #08-1215-N

Trustee Linnenberg moved to pass a resolution to hire the Menu Group for Saturday, June 13, 2009 for the 2009 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 Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

RESOLUTION #08-1215-O

Chairman Winkler moved to pass a resolution to hire Robin Lacy & DeZydeco for Friday, July 3, 2009 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 Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler:

Aye.

RESOLUTION #08-1215-P

Trustee Linnenberg moved to pass a resolution to accept the collective bargaining agreement between the Green Township Professional Fighters, IAFF Local 2927 and Green Township Trustees effective January 1, 2009 through December 31, 2011. Chairman Winkler seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

Pat Gunn, Union Representative for the Green Township Professional Firefighters Union, was present on behalf of the Union. Township Attorney, Frank Hyle, thanked the Union for their fair and civil negotiation efforts.

RESOLUTION #08-1215-Q

Trustee Upton moved to pass a resolution for permission to travel to attend the Incident Management and Unified Command Course at the National Emergency Response and Rescue Training Center in College Station, Texas as follows: Lieutenants Arlis Boggs, Rob Wohlfrom and Chris Godfrey from February 9 - 13, 2009. Lieutenants Darren Mooney and Pat Gunn from March 2 - 6, 2009. There is no cost to the Township as all course fees, travel expenses, lodging and meals are paid by the Federal Government. Chairman Winkler seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

RESOLUTION #08-1215-R

Chairman Winkler moved to pass a resolution for permission for Tom Dietz to travel to attend the National Fire Academy's Management of Emergency Medical Services Course from January 5 - 16, 2009 at the National Fire Academy in Emmitsburg, Maryland at no cost to the Township as all course fees, travel and lodging expenses will be paid by the Federal Government. Trustee Upton seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

RESOLUTION #08-1215-S

Trustee Linnenberg moved to pass a resolution for permission to travel for Chief Doug Witsken and Firefighter Mark Hetzel to attend classes at the Center for Domestic Preparedness in Anniston, Alabama from January 20 - 24, 2009 at no cost to the Township as all course fees, travel, meals and lodging expenses will be paid by the Federal Government. Chairman Winkler seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

RESOLUTION #08-1215-T

Trustee Upton moved to pass a resolution to request that the Hamilton County Auditor make advance payment of taxes at the request of Fiscal Officer, Tom Straus, for 2009. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

RESOLUTION #08-1215-U

Chairman Winkler moved to pass a resolution approving advertising for bids for Diehl Road Park Phase II with an engineer's estimate of \$3,196,692. Trustee Upton seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

RESOLUTION #08-1215-V

Chairman Winkler moved to pass a resolution approving advertising for bids for Diehl Road Park Phase III with an engineer's estimate of \$1,095,000. Trustee Upton seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

RESOLUTION #08-1215-W

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. 2824 Diehl Road (550-0031-0042), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
2. 3140 Diehl Road (550-0063-0085), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.
3. 6806 Taylor Road (550-0300-0124), Motion made by Chairman Winkler and seconded by Trustee Linnenberg. All voted Aye.

Administrator Celarek made the following announcements:

- a. There will a Green Township Land Use Hearing on Monday, December 15, 2008 at 6:00 p.m. (after the Trustees regular meeting) at the Green Township Administration Building, 6303 Harrison Avenue, concerning a Land Use amendment request concerning Green Township Land Use Plan -

site #1 (partial) for Parcels 550-0074-0007 and 0008 at 3208 & 3210 West Fork Road. The Trustees will review a recommendation by the Land Use Planning Committee to change the land use designation from Single-Family to Public, Semi-Public & Institutional. The Land Use change request was submitted by Architects Plus for Health Management Group for the purpose of a future zone change to permit construction of a private licensed nursing home facility on the property.

Fiscal Officer, Tom Straus, stated that the Township has received an estimate from the Hamilton County Auditor that the Safety Services Levy will generate approximately \$2.2 million dollars.

Township Attorney, Frank Hyle, stated that there is need of an executive session this evening for the purpose discussing acquisition of property.

Administrator, Kevin Celarek, stated that he had nothing to report.

Director of Public Services, Fred Schlimm, stated that this evening the Trustees approved bidding on Phase II and Phase III of the Diehl Road Park Project. He anticipates going out to bid for Phase II as soon as possible. He will wait on Phase III to see what the economic climate is a little later; however, having that approval now will allow them to go out for bid on Phase III at any time. Mr. Schlimm reported that he has received several calls from residents stating that an article in the Press said that the Township would be using fly ash or bottom ash to supplement salt supplies. Mr. Schlimm stated that that information is not correct. The Township will be using salt and supplement that with liquid calcium chloride if it gets cold enough.

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

Fire Chief, Doug Witsken, stated that he had nothing to report.

Police Chief, Bart West, stated that the Police Department has received a \$5,000 grant towards paying for the salary of the DARE Officer. He also reported that arrests were made in two robberies at BP Gas Stations, one on North Bend Road, and one on Rybolt Road.

Lt. Mike Horton, Hamilton County Sheriff's Department, stated that since the last Trustees Meeting they have put the vehicle equipped with the Automatic License Plate Reader into service. So far the system is working very well.

The next regular meeting of the Board of Trustees will be held on Monday, January 12, 2009 at 5:30 p.m.

LAND USE PLAN AMENDMENT HEARING

Development Director, Adam Goetzman, provided an overview of the Land Use change request. The subject property, located at 3208 & 3210 West Fork Road, Parcels (550- 074-0007 & 550-074-0008) consists of two parcels totaling approximately 10.2 acres. The property is currently zoned Single-Family. The applicant, Health Care Management Group, is seeking a Land Use Plan change to Public, Semi-Public, & Institutional for the purpose of seeking a future zone change for a private licensed skilled 99-bed nursing home facility.

The LUPC met on November 17, 2008, to review the application by Architects Plus, on behalf of Health Care Management Group, to consider the land use change. The LUPC discussed the matter at length, with a wide range of comments, which form the foundation for specific "Implementation Strategy" recommendations. The LUPC voted 10-0 in favor of changing the land use from Single-Family to Public, Semi-Public & Institutional.

Christopher Finney, Attorney for the property owner, introduced Greg Miller, Vice President of Operations for Health Care Management Group, and Mike LaValle, Project Architect for Architects Plus were present to present information about the project and answer any questions.

Greg Miller, Health Care Management Group, stated that Health Care Management Group has more than 20-years experience in providing care to the elderly in nursing home settings in Ohio and has a reputation for quality facilities. They currently have multiple facilities throughout Ohio totaling approximately 800-beds of skilled nursing. He reviewed slides of the Brookwood facility.

The Project Architect, Mike Lavallo (Architects Plus), provided an

overview of the site and a conceptual site plan for the project. The plan calls for the center of the building to be a two-story element flanked by two single-story residential wings. The "figure eight" shape of the building is envisioned to help limit the impact of the building from the exterior and to provide a more inviting interior that avoids long straight institutional hallways. The "curved" halls provide for several areas to insert seating areas and other unique features.

Frank Gerson, 3280 West Fork Road, addressed the Board regarding his concerns over the many water main breaks that regularly occur on West Fork Road. Mr. Gerson inquired about the possibility of upgrading the water mains.

David Lopez, 2967 Timberview Drive, expressed concerns about sewage issues.

Development Director, Adam Goetzman, provided an overview of the findings for a Land Use change and read a list of implementation strategies to address issues both identified by the LUPC during their review and raised by neighboring property owners during the LUPC meeting on November 17, 2008 and in subsequent discussions.

RESOLUTION #08-1215-X

Trustee Upton moved to pass a resolution recommending approval of the Land Use Plan Change to the Hamilton County Regional Planning Committee for property located at 3208 & 3210 West Fork Road, from Single-Family to Public, Semi-Public, & Institutional subject to the following implementation strategies recommended by the Land Use Planning Committee and Development Director Adam Goetzman: 1. That the site conform to the Hamilton County Thoroughfare Plan ROW dedication requirements; 2. That any freestanding site signage be limited to one ground mounted sign no larger than 32 square feet in size and 6' in height; 3. Any signage integrated into onsite retaining walls be limited to 50 square feet; 4. That an enhanced boundary buffer, including; additional width, landscaping, earthen berms, privacy fencing and or a combination thereof be established on the east and west property lines adjacent to existing residences; 5. That no mechanical area or equipment be located within 100' of any property line; 6. That any mechanical area or enclosures located on grade shall be fully enclosed by a masonry wall a minimum of 8' in height, with solid metal doors surrounded by evergreen trees where not adjacent to paved parking areas; 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 100' least any common residential property line, surrounded by evergreen landscaping where not adjacent to paved parking or driveways; 8. Any building on site shall be constructed with at least 65% of its footprint consisting of a single story, visible from adjoining residential properties; 9. All buildings shall have a masonry brick exterior; 10. All single story portions of any building shall be constructed with a pitched roof; 11. Rooftop mounted mechanicals should be discouraged in the building design, if any fixtures or equipment is mounted on the roof of any structure on the site, it shall be fully screened from adjoining residential properties by a solid wall or equipment shed, constructed to match the building; 12. 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. A 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; 13. No onsite retaining wall shall be higher than 10' without the incorporation of a landscaped step back or break; 14. The site shall be developed at an ISR not to exceed 60%; 15. The site shall be used for nursing home uses only, and shall not be used for any use established as an alternative to incarceration, drug treatment center or post incarceration or "halfway house" living environment; and 16. The site shall be limited to 99 rooms/beds and or occupants. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye.

Trustee Upton moved to recess into executive session for the purpose of discussing acquisition of property. Action is not anticipated. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Chairman Upton: Aye; Trustee Winkler: Aye. The meeting was recessed at 7:11 p.m.; reconvened at 7:20 p.m.

Chairman Winkler moved to adjourn the meeting. Trustee Upton seconded the motion. Trustee Linnenberg: Aye; Trustee Upton: Aye; Chairman Winkler: Aye. Meeting was adjourned at 7:24 p.m.