

The regular meeting of the Green Township Board of Trustees held on April 08, 2013 was called to order at 5:30 p.m. with the Pledge of Allegiance.

Roll Call: Chairman Boiman, present; Trustee Rosiello, present; Trustee Linnenberg, present; Fiscal Officer Straus, present.

Trustee Rosiello moved to approve the minutes for the regular meeting of March 25, 2013. Trustee Linnenberg seconded the motion. All voted Aye.

Charlie Wurster, Bob Wurster and Sharlene Mohr presented a check in the amount of \$10,000 towards the 2013 Summer Concert and Fireworks Display in memory of their parents Bob and Erlene Wurster. The Trustees thanked the Wurster family for their generous donation.

RESOLUTION #13-0408-A

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

RESOLUTION #13-0408-B

Chairman Boiman moved to pass a resolution authorizing the execution of a Memorandum of Understanding Agreement with the City of Cheviot. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye.

Chairman Boiman explained that the previous JEDD Agreement with the City of Cheviot called for a 90/10 split of funds for a ten year period, with subsequent years being an 80/20 split. Township Attorney Frank Hyle renegotiated those terms to be a 90/10 split for a period of twenty years, with subsequent years being an 85/15. Trustee Linnenberg added that in exchange for the change of terms for the split of JEDD funds that the Township has guaranteed the City of Cheviot Right of First Refusal on any future JEDD's.

RESOLUTION #13-0408-C

Trustee Rosiello moved to pass a resolution setting a public hearing for the purpose of considering the creation of a Joint Economic Development District on May 13, 2013 at 5:30 p.m. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye.

Chairman Boiman explained that the above resolution is for the Mercy Hospital property on North Bend Road.

RESOLUTION #13-0408-D

Chairman Boiman moved to pass a resolution authorizing the advertising for bids for the Green Township 2013 Street Rehabilitation Program with an engineer's estimate of \$1,190,000. The streets to be repaired are Country Lake Drive, Elmhill Court, Falconbridge Drive, Opengate Court, Quailhill Drive, Southfork Drive, Werkridge Drive (north of Werk Road), Whispering Way. Trustee Rosiello seconded the motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye.

Gary Dressler, Sidney Road, asked if Green Township uses a different type of blacktop than Hamilton County. Director of Public Services, Joe Lambing, stated that the Township and the County use similar types of materials.

RESOLUTION #13-0408-E

Chairman Boiman moved to pass a resolution authorizing the following firefighters to attend the FDIC (Fire Department Instructors Conference) in Indianapolis, Indiana. Rob Wohlfrom, Jeff Bayer, Pat Gunn, Steve Alexander, Darren Mooney and Jim Dufford will attend on April 25, 2013. Ed Thomas, Mike Branigan and Matt Schmithorst will attend on April 26, 2013. The Township expense is limited to the \$50 per person admission fee. The firefighters will be attending off duty and there will be no backfill expense. Trustee Rosiello seconded the motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye.

RESOLUTION #13-0408-F

Chairman Boiman moved to pass a resolution authorizing the Oak Hills Local School District to host a 5k walk/run utilizing Green Township roads and emergency medical services for this event on April 20, 2013. Trustee Rosiello seconded the motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye.

RESOLUTION #13-0408-G

Chairman Boiman moved to pass a resolution authorizing contract with Open, Inc. for Non-Exclusive License Agreement. Trustee Linnenberg seconded the

motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye.

Fire/EMS Chief Doug Witsken stated that the Fire Department is implementing new technology for emergency medical service reporting. Paramedics and EMT's will be issued tablet computers that will be used to collect patient information and record patient treatment information. This new Cloud based system will be a huge time saver for the approximately 5,000 EMS reports generated per year.

Gary Dressler, Sidney Road, asked if Open, Inc. will have access to the information that is input to the system. Chief Witsken stated that Open, Inc. will have access to patient care information. Attorney Hyle stated that Open, Inc. is required to comply with HIPPA policies with respect to safeguarding that information.

RESOLUTION #13-0408-H

Trustee Rosiello moved to pass a resolution authorizing sale of property located at 5088 North Bend Road. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye.

Chairman Boiman stated that the above resolution is for sale of property that is adjoining to Mercy Hospital. Mercy will acquire the property at a purchase price of \$200,000. Attorney Hyle gave a brief explanation regarding the history of the property.

Gary Dressler, Sidney Road, asked if money for the initial purchase of the property came out of the TIF Fund. Attorney Hyle stated that the property was purchased with TIF monies and that any funds from the sale of the property will be returned to the TIF Fund.

Administrator Celarek made the following announcements:

1. The Hamilton County Rural Zoning Commission will hold a public hearing on April 18, 2013 at 1:00 p.m. at the Hamilton County Administration Building, 138 East Court Street, Room 805B, to hear the following cases:
 - a. Case Green 2013-01, 5600 Harrison Retail; Francis Niehaus, applicant, 5600 Harrison Avenue LLC, owner, for approval of the Zoning Compliance Plan for the first phase of the project.

Development Director Goetzman provided a brief overview of the proposed project and recommended approval subject to conditions.

He noted that one of the requirements was for each phase of the development to be submitted to the Zoning Commission for approval. He indicated that he plan submitted conforms to the applicable standards of the Zoning Resolution, with only one exception, a request for a variance for the location of site identification signs. The applicant is requesting a variance from the location requirements to permit the identification signs to be located on the Harrison Avenue frontage to be located within the dedicated right-of-way. Mr. Goetzman stated that the Hamilton County Engineer had provisionally approved of this variance.

Development Director Goetzman recommended that in addition to several conditions related to specific standards that a variance be granted for those signs to be located in the right-of-way be endorsed subject to the approval of the County Engineer.

RESOLUTION #13-0408-I

Chairman Boiman moved to pass a resolution recommending approval of Case Green #2013-01 to the Hamilton County Rural Zoning Commission subject to the Zoning Compliance Plan and the following conditions: 1. That a landscape plan in compliance with the requirements of the Zoning Resolution and with the conditions and modifications of the Zone Change Resolution shall be submitted prior to the issuance of Zoning Certificate; 2. That a lighting plan in compliance with the requirements of the Zoning Resolution shall be submitted prior to the issuance of a Zoning Compliance Certificate; and 3. That a variance to the required sign setback on the Harrison Avenue frontage be permitted, to allow a portion of site identification signs to be located within a revocable easement approved by the Hamilton County Engineer. Trustee Rosiello seconded the motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye.

- b. Case Green 1999-02, 6056 Bridgetown Road (Wachendorf Dental Office), Requested Major Adjustment for permission to reconfigure an existing sign by the addition of a full motion multi-color electronic message panel.

Development Director Goetzman stated that this case dated back to 1999, and the site is the office building with Dr. Wachendorf. It is a "OO" Planned Office District, and as such, changes to the site that do not comply with zoning or are major in nature must be reviewed by the Zoning Commission. In this case the applicant is seeking permission for a video display board to be part of a new sign installation. The Zoning Resolution does not permit video display boards or signs in an office district.

Mr. Goetzman noted that the subject property is located within the Bridgetown Road Corridor of the Green Township Land Use Plan, where considerable attention is paid to the character of development along this portion of Bridgetown Road. The plan places a high value on integrating commercial office uses along the corridor with the underlying residential character of the area. He noted that the Hamilton County zoning staff had raised a concern that a video sign board was a commercial use in an office district. He also noted that the Township had only endorsed the institutional use of such signs in the past, and that this would be the Township's first such sign in an Office District.

Chairman Linnenberg stated that he does not understand why there is need for a sign that large.

Trustee Rosiello stated that this sign would change the character of the entire corridor.

Development Director Goetzman suggested endorsement of a sign configured such as presented without the video elements so that the applicant would not have to go to the County for additional review.

Gary Dressler, Sidney Road, asked Development Director Goetzman if the sign is approximately 7 ft. by 7 ft. Development Director Goetzman explained that while the overall size of the sign is larger than 50 square feet, the sign company drawings indicate that the total image areas of the sign is 49.5 sq. ft.

Chairman Boiman stated that he is not in favor of this particular type of sign.

RESOLUTION #13-0408-J

Chairman Boiman moved to pass a resolution recommending denial of Case Green #1999-02 to the Hamilton County Rural Zoning Commission. Trustee Rosiello seconded the motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye.

- c. Case Green 2010-02, Blue Sky Retail, Major Adjustment to an approved site plan, to permit construction of an approximately 8,500 square foot shopping center located at the intersection of Harrison Avenue and Blue Sky Drive.

Development Director Goetzman stated that this case dates from 2010 and that it has been before the Board of couple of times due to differing development proposals, most recently as a Tire Discounters store. The current plan is for an approximately 7,500 square foot retail center with parking for 80 cars. He noted that the new plan is for a less intensive use with an orientation to Harrison Avenue. All existing zoning conditions would continue to apply to the site.

Chris Canarie, Brandicorp, the developer, stated that there is need to relocate Northcrest Drive to improve the usability of the site.

Adding parking for the adjacent office building, providing a curb cut for that office building to provide access to Northcrest Drive as well as to Blue Sky Drive and the traffic light. He stated that the building would be masonry construction in accordance with the plans submitted and it will likely house two fast-casual dining restaurants with no drive through service windows.

Bob Rothert, 3377 Compton Road, Abercrombie & Associates, Inc. stated that the County Engineer is requiring a traffic analysis for stacking purposes along Blue Sky Drive.

Linda Hoog, President of Skyridge #1 Association, stated that there are four separate associations within the condominium group which is behind the proposed project. She read a statement raising concern about ingress/egress easement changes associated with the development.

Development Director Goetzman stated that he has met with Ms. Hoog, as well as representatives of the owner and developer. The easement issue

has been discussed. There is room for compromise and that the developer had indicated to him that the matter can be addressed.

Development Director Goetzman recommended four conditions.

Chairman Linnenberg asked why the traffic pattern is being moved to a private drive. Development Director Goetzman stated that it is signalized. Mr. Goetzman stated that the private drive is owned by the Geluso's and that they are okay with the driveway being relocated.

Trustee Rosiello asked what the threshold would be for a detailed traffic analysis that would prevent this development from proceeding. Development Director Goetzman stated that the threshold would involve stacking at the traffic light and that it is to be studied.

Gary Dressler, Sidney Road, asked if the condominium owners are having a problem with the access or the new parking lot. Trustee Linnenberg answered his question.

Frank Hyle stated that if the easement agreement is exclusive then that is a civil issue that the courts will have to decide. That should be resolved before construction begins. The courts would decide if the easement is exclusive or not if a compromise cannot be reached.

David Lopez, Timberview Drive, asked if this is the best and highest use for this particular parcel. He stated that throughout the Township there are countless little strip retail parcels with lots of empty spaces and bad uses. This project looks like just another inexpensively constructed little strip center. Trustee Linnenberg stated that many of the smaller strip centers are fully occupied. Mr. Lopez asked if this project was consistent with the Harrison Avenue Corridor Plan. Development Director Goetzman stated that it is consistent.

Linda Hoog, stated that this is just the first step down a slippery slope.

Tom Gerdes, Werkshire Estates Drive, stated that he is the owner's representative and that the project will look good and that he feels that this project is not intrusive at all and that the project will benefit his clients adjacent apartment complex.

RESOLUTION #13-0408-K

Chairman Boiman moved to pass a resolution recommending approval of Case Green #2010-02 to the Hamilton County Rural Zoning Commission subject to the following conditions: 1. That all conditions and requirements of the Board of County Commissioners Resolution for Case #Green 2010-02 shall remain in effect for the subject site; 2. That the site lighting and landscaping plans shall be submitted in accordance with the requirements of the Zoning Resolution; 3. That no "drive-thru" order/pick-up facilities shall be permitted on the site; 4. That the building be constructed in substantial conformance with the elevation plans submitted with the site plan, with all exposed building elevations constructed of masonry brick, stone or textured CMU, with other materials (such as stucco) used for trim and architectural details; and 5. That all existing (private) ingress/egress and maintenance easements shall be modified to include the subject property and to permit appropriate "cross-easement" connections to adjacent parcels. Trustee Rosiello seconded the motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye.

- d. Case Green 2012-04, 6946 Harrison Retail, John Anevski, owner, for a Major Revision to an existing "EE" Planned Retail District, to amend the approved development plan for Case Green #2009-04 to address development concerns related to the construction of a retail center on the property.

Development Director Goetzman stated that this is an empty building located at the intersection of Harrison Avenue and Good Samaritan Drive, and due to some irregularities in the construction of the building, the site did not meet several specific provisions of the Zone Change Resolution of this site. He stated that due to the nature of the variances needed to conform to the resolution, a zoning action is required. He noted that he has worked with the developer and County zoning staff to address the technical compliance issues associated with this project. Mr. Goetzman recommended approval of the plan subject to conditions.

RESOLUTION #13-0408-L

Chairman Boiman moved to pass a resolution recommending approval of Case Green #2012-04 to the Hamilton County Rural Zoning Commission subject to the following conditions and modifications: 1. That a landscape plan in

compliance with the requirements of the Zoning Resolution and with these conditions and modifications shall be submitted as part of the Zoning Compliance Plan; 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 the site plan shall be revised to indicated compliance with the parking lot design standards of Section 12-4 of the Zoning Resolution; 4. That the site shall be permitted to have a maximum of one freestanding ground mounted monument sign that shall include a maximum of 96 square feet in sign area per side and a maximum height of 12 feet; 5. That all dumpsters shall be screened in accordance with the dumpster screening requirements of the Zoning Resolution; 6. That a 30 foot access easement for vehicular use shall be identified to the north property line to allow the adjacent properties to connect to the subject site, if/when those properties are developed for commercial use; 7. That there shall be no direct access point to Harrison Avenue; 8. That a minimum 5 foot wide buffer shall be provided along the southern property line adjacent to the access drive that shall meet the minimum requirements of a streetscape buffer as defined by the Zoning Resolution; 9. That right-of-way dedication in accordance with the Hamilton County Thoroughfare Plan shall be completed prior to the issuance of the Final Zoning Certificate; 10. That the Site/Landscape Plan submitted to the RZC for approval, shall be modified to include the following: A. The peninsula islands at the western edges of the upper and lower parking lots adjacent to the building shall be increased in to a 10' minimum width, and in each island a canopy tree and 5-shrubs shall be added to the landscaping shown on the submitted plan; B. The peninsula island on the eastern side of the front parking lot adjacent to the building shall be increased to a 10' minimum width, and a canopy tree and 5 shrubs added to the landscaping shown on the submitted plan; C. That a minimum of 3-canopy trees, 3-evergreen trees, 2-understory trees and 25 shrubs be added to the landscape plan in the areas of the upper parking lot shown to be removed; D. That all landscape material previously required to be located adjacent to the sides of the building shall be located as planned where possible or relocated elsewhere on the site. Modifications: 1. Section 14-7 - That a 15 foot wide boundary buffer along the northern property line be permitted where a 50 foot wide boundary buffer is required provided that in addition to the required landscaping materials, an additional six evergreen trees shall be planted within this buffer area; and 2. Section 14-8 - That a 6 foot wide streetscape buffer be permitted where a 10 foot wide streetscape buffer is required along Harrison Avenue provided that all required trees and shrubs are provided and maintained in accordance with the Zoning Resolution, and that right-of-way dedication in accordance with the Hamilton County Thoroughfare Plan shall be completed prior to the issuance of the Final Zoning Certificate. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye.

Trustee Rosiello asked if the stoppage of work on this property was the result of issues associated with the Hamilton County Building Department review. Mr. Goetzman stated that the issues associated with the construction delay were associated with zoning plan compliance issues and not related to the Building Department.

Trustee Rosiello noted that the reorganization of staff downtown at the County will be a good thing, and that it is good to have Todd Kinskey as the Director of the Planning and Building Division.

Trustee Linnenberg stated that this is not the first time that Mr. Anevski has done this, and that as he develops other properties it will be in the Township's best interest to follow the projects more closely.

Gary Dressler, Sidney Road, asked about the easement. Development Director Goetzman answered his question.

2. The Hamilton County Board of Zoning Appeals will hold a public hearing on April 10, 2013 at 1:00 p.m. in Room 805B, Hamilton County Administration Building, 138 East Court Street, to hear the following cases:

- a. Case Green ZVGT2013-01, Rachel Lanham, applicant and owner, 3933 Drew Avenue, for approval of a six foot privacy fence located in the front and side yard of property on a corner lot.

Development Director Goetzman stated that privacy fences are not permitted in side or front yards, and for corner lots this often causes complications. In this case the encroachments were minimal, and he recommended approval as submitted.

RESOLUTION #13-0408-M

Chairman Boiman moved to pass a resolution recommending approval of Case Green #ZVGT2013-01 to the Hamilton County Board of Zoning Appeals as submitted. Trustee Rosiello seconded the motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye.

- b. Case Green CUGT2013-02, LaSalle High School, applicant and Archbishop of Cincinnati, owner, 3091 North Bend Road, for approval of a Conditional Use Certificate to permit the storage of a fifty-one foot trailer on school property for the storage and transportation of school band equipment.

Development Director Goetzman stated that the Conditional Use is for the permitted on site storage of a trailer for the LaSalle High School Band. The proposed location is in the west parking lot of LaSalle High School. He noted that the proposed parking site for the trailer is highly visible from some of the adjoining homes in the LaSalle Place subdivision. He noted that the application indicated that the trailer was 50 feet by 8 feet. He stated that existing fencing would not screen the trailer from view. He recommended that the existing fence be augmented with some sort of screening or that a privacy fence be installed on an existing wall to help screen the trailer, he also recommended that six evergreen trees be placed in the strip north of the wall so that to help obscure the trailer.

RESOLUTION #13-0408-N

Chairman Boiman moved to pass a resolution recommending approval of Case Green #CUGT2013-02 to the Hamilton County Board of Zoning Appeals subject to the following conditions: 1. That a privacy 6'+/- privacy fence or screening be installed on the concrete wall to block the view of the trailer from adjacent residential lots; and 2. That six evergreen trees, a minimum of 6 feet in height be installed in the buffer area between the parking area and existing chain link fence between the concrete wall and the "southern-most" light in the parking lot. Trustee Rosiello seconded the motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye.

3. The Green Township Board of Zoning Appeals will hold a public hearing on April 10, 2013 at 5:30 p.m. at the Green Township Administration Building, 6303 Harrison Avenue, to hear the following case:
 - a. Case Green 2013-01, 6058 Peachview Drive, Edward Lanter, applicant and owner, for approval of side yard setback variance to permit construction of an attached garage on subject property.

Fiscal Officer, Tom Straus, reported that so far this year the Township has received approximately \$17.5 million dollars and spent approximately \$12.5 million dollars. The Township has received \$736,000 in Ohio Estate Tax, which is very good. Fiscal Officer Straus reported that Clark, Schaffer & Hackett is still working on the audit.

Township Attorney, Frank Hyle, stated that he had nothing to report.

Township Administrator, Kevin Celarek, reported that some residents are receiving mailings from different companies regarding gas/electric aggregation services. Administrator Celarek reminded residents that the electric aggregation rate for Green Township is 5.2 cents per kwh. The natural gas aggregation rate is .452 per ccf. Administrator Celarek congratulated the Trustees and Department Heads because Green Township was featured in an article published in the Cincinnati Enquirer that showed that Green Township had one of the lowest expenditures per capita. Administrator Celarek reported that the spring newsletter will be mailed out around mid April. That newsletter contains the Annual Report for 2012. Administrator Celarek also announced that The College of Mount St. Joseph, 5701 Delhi Road, is having an electronics recycling day on Saturday, April 27th, from 10 a.m. to 2:00 p.m. in the College's West Parking Lot by the College Theatre. Any item with an electrical cord, as well as old cell phones and accessories, will be accepted. A \$10 donation is requested for all CRT televisions and monitors and \$20 donation for all refrigerant-containing appliances.

Chairman Boiman stated that if residents have any questions about the services they are receiving from their electric or natural gas provider to please call the Township's Administrative Offices.

Director of Public Services, Joe Lambing, reported that construction along the Township's portion of North Bend Road is coming along very well and paving should begin around the end of April or early May.

Fire/EMS Chief, Doug Witsken, reported that the Fire Inspectors are beginning their 2013 Fire Inspections beginning this month. Due to the purchase of new tablet computers the Fire Inspectors will also be going paperless.

Police Chief, Bart West, thanked the Westwood Women's Club for their donation to the Canine Program. Chief West reported that on April 9, 2013 there will be a Shredding Event held at the Green Township Administration Building from 5:30 p.m. - 9:00 p.m. This event is being sponsored by Crime Stoppers.

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

Trustee Linnenberg stated that he has heard rumors are going around that the Kroger store on Harrison Avenue in Dent will be purchasing the Rave Cinemas, will be tearing down the cinemas, and will be building a new Kroger Market Place store. Development Director Goetzman stated that there is at least a 45 to 60 day lead time before any kind of zoning action that might need to be undertaken before any redevelopment on the site can proceed.

Trustee Linnenberg announced that yesterday was the 20th Annual VFW Post 10380 Kite Fly at Veterans Park. He stated that yesterday was a beautiful day to fly a kite and thanked VFW 10380 for all they do for the community.

The next regular meeting of the Board of Trustees will be held on Monday, April 22, 2013 at 5:30 p.m.

Chairman Boiman moved to adjourn the meeting. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye. Meeting was adjourned at 7:03 p.m.