

The regular meeting of the Green Township Board of Trustees held on September 09, 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 August 26, 2013. Trustee Linnenberg seconded the motion. All voted Aye.

Kathy Taylor, representative from the Green Township Library, was present to discuss the Green Township and Monfort Heights libraries and to discuss the upcoming renewal levy that will be on the ballot in November. Ms. Taylor presented background information regarding the libraries and stated that the Cincinnati Public Library system is among the busiest in the nation and is among the top ten circulating systems in the U.S. Ms. Taylor gave a summary of the many services offered by the library and presented information regarding why the upcoming renewal levy is necessary.

Trustee Rosiello and Chairman Boiman thanked Ms. Taylor for the library's participation in Green Township's Kids Fun Day and for the wonderful programs and services the library provides to Green Township residents.

Trustee Linnenberg stated that he is still pursuing the opportunity to have sidewalks installed along Bridgetown Road to provide connectivity between the library, Kuliga Park, Dulles Elementary, and some surrounding neighborhoods.

Gary Dressler, Sidney Road, asked how much the upcoming renewal levy for the library will cost a homeowner per \$100,000 of valuation. Ms. Taylor stated that the cost would be \$2.51 per month per each \$100,000 of valuation.

RESOLUTION #13-0909-A

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

RESOLUTION #13-0909-B

Chairman Boiman moved to pass a resolution assenting to the acceptance of Rack Acres Subdivision, Block D, into the Township road system. Trustee Rosiello seconded the motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye.

RESOLUTION #13-0909-C

Chairman Boiman moved to pass a resolution accepting the bid from Morton Salt, Inc. for road thawing salt to be delivered at a price of \$47.91 per ton. Trustee Rosiello seconded the motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye.

RESOLUTION #13-0909-D

Chairman Boiman moved to pass a resolution authorizing the advertising for bids for Kuliga Park Maintenance and Rest Room Building with an estimate of \$170,000.00. Trustee Rosiello seconded the motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye.

RESOLUTION #13-0909-E

Chairman Boiman moved to pass a resolution authorizing the contract with the Hamilton County Board of County Commissioners for Design of the Cheviot Road Improvements as a Local Public Agency Project. Trustee Rosiello seconded the motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye.

RESOLUTION #13-0909-F

Chairman Boiman moved to pass a resolution declaring one computer workstation as surplus property and authorizing the sale of the computer workstation through the Hamilton County On-Line-Auction Service. Trustee Rosiello seconded the motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye.

RESOLUTION #13-0909-G

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. 5441 Rybolt Road (550-0310-0058), Motion made by Trustee Rosiello and seconded by Trustee Linnenberg. All voted Aye.
2. 5451 Rybolt Road (550-0310-0053), Motion made by Chairman Boiman and

- seconded by Trustee Rosiello. All voted Aye.
3. 5457 Rybolt Road (550-0310-0056), Motion made by Chairman Boiman and seconded by Trustee Rosiello. All voted Aye.
 4. 2178 Sylved Lane (550-0140-0122), Motion made by Chairman Boiman and seconded by Trustee Rosiello. All voted Aye.
 5. 6165 Taylor Road (550-0242-0195), Motion made by Chairman Boiman and seconded by Trustee Rosiello. All voted Aye.

Gary Dressler, Sidney Road, asked if 5451 and 5457 Rybolt Road are owned by the same owner. Director of Public Services, Joe Lambing, stated that that all three properties being declared a nuisance on Rybolt Road are owned by the same owner.

Administrator Celarek made the following announcements:

1. The Hamilton County Board of Zoning Appeals will hold a public hearing on September 11, 2013 at 1:00 p.m. in Room 805B, Hamilton County Administration Building, 138 East Court Street, to hear the following case:
 - a. Case Green #2013-12, Bob Carpenter, Applicant and First Baptist Church of Dent, Owner, 6384 Harrison Avenue, for approval of a Conditional Use Certificate for the construction of a ground sign with an LED message board for church use.

Development Director, Adam Goetzman, gave an overview of the proposed project. He noted that the request is for a Conditional Use Approval, submitted by Carpenter Signs for signage for the First Baptist Church of Dent. The proposal included a 48 square foot monument sign with an electronic reader board component consisting of a one-color led sign attached to a fixed panel that would have the First Baptist Church logo on it. A second 32 sq. ft. building-mounted identification sign is also requested. The church is also requesting to keep an existing sign on the uphill side of the property. Mr. Goetzman stated that he has provided the Board with the Staff Report containing recommendations based on those made by the County Planning staff.

Linda Hoog, Skyridge Condominium Association, stated that she was in attendance to hear information about the church sign. She also noted that a second project in the area was also on the agenda, and that notice regarding this project had not been placed on the agenda or posted on the Township's website on Friday. Mr. Goetzman addressed the matter.

RESOLUTION #13-0909-H

Trustee Linnenberg moved to pass a resolution recommending approval of Case Green #2013-12 to the Hamilton County Board of Zoning Appeals subject to the following conditions: 1. That the existing sign on the southeast site shall be permitted to remain in place as installed; 2. That a new freestanding sign up to a maximum of **36 sq. ft.** in size be permitted provided the two signs located on the north side of the property are removed; 3. That the variable message sign shall not include any animation, flashing graphics, running copy or moving images; 4. That the electronic message sign shall be equipped with an auto dimming photocell system to adjust to ambient light levels to reduce the brightness of the sign depending on the amount of natural light; 5. That each message or copy must be displayed for at least eight (8) seconds; 6. That all message or copy changes shall be accomplished instantaneously or in three (3) seconds or less when using a fade or dissolve feature; and 7. That landscaping shall be installed in the area affected by the new ground sign that meets the requirements listed in Figure 14C for the first 100 feet from the northern property south along Harrison Avenue. And the following variances: 1. Section 13-5.3 - That the ground sign shall be permitted to be located 0 feet from the right-of-way line where a 10 ft. setback is required; 2. Section 13-10.1 (b)(1) - That the wall sign area allowed in relation to the building frontage shall be permitted to be no larger than 28 sq. ft. where a maximum of 29.97 sq. ft. is permitted and that the collective combined signage area shall be allowed to be of approximately 84 sq. ft. to allow for two new signs to be installed on the property where only one sign with a collective maximum area of 32 sq. ft. is permitted; 3. Section 13-10.2 - That the site shall be permitted to have a variable message sign where no variable message signs are permitted; 4. Section 17-7 (p)(3) - That two signs one of 32 sq. ft. one of 36 sq. ft. shall be permitted where only one 32 sq. ft. sign is allowed. Chairman Boiman seconded the motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye.

2. Hamilton County Rural Zoning Commission will hold a public hearing on September 19, 2013 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 #2010-02, Chris Canarie and AC and Guice Properties, Applicant, and Oakview Park LLC, Owner, Northeast corner of Harrison Avenue and Bluesky Drive, for approval to include a drive-thru window and revised parking layout in an approved 8,500 square foot retail strip center including two restaurants with outdoor seating, a 71 space parking lot and one access point onto Bluesky Drive.

Development Director, Adam Goetzman, gave an overview of the proposed project. He stated that this is a reconsideration of a site located on Harrison Avenue at Bluesky Drive. He noted the site is located in a retail commercial district per the Green Township Land Use Plan, and the site is zoned "EE" Planned Retail. Mr. Goetzman provided a overview of the zoning history of the project. The current proposed revision, reduces the building in size, reduces the parking area and adds a drive-thru facility on the northeast corner of the property. Mr. Goetzman noted that the approval for the previous site plan contained a specific provision prohibiting a drive-thru. The condition was imposed because the previously proposed commercial tenants did not need, desire, or propose a drive-thru operation, and the drive-thru prohibition was instituted to provide a further check should the plan change, providing an opportunity to review the plan again.

Scott Huber, Engineer, and Chris Canarie, Developer, were present to answer any questions from the Board regarding the need for the drive-thru.

Scott Huber, Site Civil Engineer, Abercrombie & Associates, 3377 Compton Road, stated that he agreed with the report given by Development Director Goetzman. Mr. Huber stated that they are present this evening to ask that the Board remove the condition prohibiting a drive-thru at that location. Mr. Huber stated that on this particular site plan the building is reduced. Initially, it was an 8,500 sq. ft. building. It has now been reduced to 7,900 sq. ft. Initially, there were four tenants looking at that location, two were restaurants, two were not restaurants. With this revised site plan they are looking at having only three tenants. Two will be restaurants, one is not a restaurant. In order to accommodate the drive-thru lane they have reduced the square footage of the building, and have lost a tenant.

Chris Canarie, stated that the hours of operation for outdoor seating is limited to 7:00 a.m. to 10:00 p.m. and that no outdoor music or loud speakers will be permitted after 10:00 p.m. That is all part of the conditions that have already been approved by the Zoning Commission. They were not seeking to modify those.

Trustee Linnenberg stated that too much was allowed to be jammed into the Chick-fil-A site on Glenway Avenue, noting that the smaller building on this proposal is more suitable, and that he was not interested in seeing a traditional fast-food drive-thru operation such as Jack in the Box on the property.

Scott Huber, stated that this is not going to be a McDonald's type drive-thru. In consultation with the tenant, they don't want to have a problem with parking lot circulation.

Trustee Rosiello, asked if the proposed client typically has a drive-thru window. Mr. Canarie stated that a drive-thru window is something new for them in this area. It has been added to this user's restaurants in some other areas and has had great results, but this will be one of the first of these in Cincinnati.

Trustee Linnenberg, noted prior support for project on the site, expressing a hope that this time the project will proceed.

Mr. Canarie, expressed confidence that project would move forward if approved.

Linda Hoog, 5423 Bluesky, President of the Skyridge Association, thanked the Trustees for all their consideration of the proposed site in the past. She stated that she came before the Board in April, 2013. She raised the concern of the use of Blue Sky Drive for commercial purposes. She contends the condominiums have a private exclusive easement. She stated that John Huth with the Hamilton County Regional Planning Commission confirmed that the easement language would need to be clarified prior to approval.

Mr. Hyle noted that the previous approval requires 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. He indicated that the condition requiring the easement clarification is still a condition of approval.

Trustee Linnenberg asked if the applicant was aware of the concern over the easement.

Mr. Canarie stated that he attended previous meetings and is well aware of this discussion.

Development Director Goetzman stated that all private ingress and egress easements be established and maintained is still a condition that would be subject to the approval.

Trustee Linnenberg stated that if the Trustees approve the proposed project at this meeting it does not matter if the builder/developer does not secure the proper cross easements.

Development Director Goetzman noted that since there was no prohibition of drive-thru facilities in the original Zone Change Resolution for this case, it might be in order to clarify that a single-lane drive-thru would be all that would be permitted, as opposed to those now seen frequently at traditional fast food restaurants.

Trustee Linnenberg stated that no matter what the Board does, until the applicant resolves the easement issue with the condos, this project is unlikely to move forward.

Attorney Hyle stated that at the earlier hearings, the Condominium Association insisted that no one had the right to use their access to the streets without their permission. The Township Attorney stated that this is not a matter for the Board to determine. He stated that if the Condo Association has a private easement that is restrictive, then they have the right to enforce it. The Board hearing what the citizen said, added a condition that all existing ingress/egress shall be modified to include the property.

Ms. Hoog expressed the concern that if she had not attended the meeting this evening, the subject would not have come up.

Attorney Hyle stated that the condition of easement acquisition is already established and her presence at the meeting this evening would not have made any difference.

Trustee Linnenberg stated that if the Board endorsed the proposed project at the meeting this evening it would then become a legal argument between the Condominium Association and the underlying owner of the apartments, and then the Zoning Commission to enforce.

RESOLUTION #13-0909-I

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 the hours of operation for the outdoor seating portion of the restaurant shall be limited to 7:00 am to 10:00 pm and that no outdoor music or loudspeakers shall be permitted after 10:00 p.m.; 2. If required by the Hamilton County Engineer that appropriate signage shall be placed on Bluesky Drive to ensure that the new curb cut onto Bluesky Drive not be blocked by traffic; 3. That all ground and rooftop mechanical equipment shall be screened per Section 5-1.2 a. of the Zoning Resolution; 4. That all proposed dumpsters shall be screened per Section 10-5 of the Zoning Resolution; 5. That a single lane "Drive-Thru" order/pick-up facility shall be permitted on the northeast corner of the site; 6. 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 prior to the issuance of any Zoning Certificates; and 7. There shall be no reduction in the total number of parking spaces or changes in the net site impervious surface ration (ISR) without prior approval by the Rural Zoning Commission. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye.

3. The Green Township Citizens Police Academy Alumni will host their Second Annual Car Show on Saturday, September 14, 2013, at Rave Cinemas Western Hills from 9:00 a.m. to 4:00 p.m.

Police Chief West stated that the Car Show is being hosted by an organization that supports the Green Township Police Department throughout

the year by helping out at community events as well as through monetary donations to the Police Department. Police Chief West invited everyone to attend.

4. There will be a Dedication Ceremony for the Green Township September 11th Memorial at the Green Township Administration Building, 6303 Harrison Avenue on September 11, 2013. The Green Township Trustees invite all to attend the dedication of a portion of salvaged steel from the World Trade Center Site. The ceremony begins at 8:40 a.m.

Administrator Celarek reported that additional parking will be available at Twin Lanterns and Walt Sweeney Ford for the dedication ceremony.

Fiscal Officer, Tom Straus, reported that Green Township recently purchased a CD from Merchants Bank and Trust.

Township Attorney, Frank Hyle, stated need to schedule the initial meeting of the Mercy Joint Economic Development District Board. He suggested 4:30 p.m. on September 23, 2013. That meeting of the Board of Directors of the JEDD will include Trustee Boiman and Trustee Rosiello. Chairman Boiman stated that 4:30 does not work with his schedule. Attorney Hyle asked that they choose a date and he will contact the other members.

Attorney Hyle stated that there is not a need for Executive Session.

Township Administrator, Kevin Celarek, announced that the Department of Public Services has put in a lot of work preparing for the September 11th Memorial Dedication. He also thanked Fire Chief Doug Witsken for his efforts organizing the September 11th Dedication.

Director of Public Services, Joe Lambing, reported the street rehabilitation projects are going well and the new children's playground at Veterans Park is now open.

Trustee Rosiello stated that Kids Fun Day was a tremendous success.

Fire/EMS Chief, Doug Witsken, reported that last week the Fire Department took delivery of a new 2013 Ford Horton ambulance. The ambulance is replacing a 2003 ambulance that had over 120,000 miles on it. The new ambulance should be in service by the end of this week.

Trustee Linnenberg asked about the fire that occurred due to the lightening strike this week. Fire Chief Doug Witsken reported that there were two multi-family structure fires that resulted from lightening strikes and that he just received the final fire investigation report today and is in the process of reviewing that.

Linda Hoog, Skyridge Condominiums, stated that the Fire Department did an excellent job handling the fire that occurred on Bluesky Drive.

Police Chief, Bart West, announced that the upcoming Levy Renewal for Fire, Police and Emergency Medical Services will be Issue #16 on your ballot on November 5, 2013. Police Chief West stated that this renewal levy will not raise your taxes. Police Chief West reported that Lt. Chris Ketteman will be transferred to another district shortly and thanked Chris for the work he has done here in Green Township. Lt. Jay Gramke will take Chris' place later this month. Chris Ketteman thanked Chief West and the Board of Trustees for the great working relationship he had here in Green Township.

Director of Development, Adam Goetzman, reported that the Board of Zoning Appeals case for the St. Antoninus sign was continued until later this month. Mr. Goetzman stated that he will attend that meeting. The applicant has reduced the sign well below the 32 sq ft. total and reduced the size of the reader board significantly.

Trustee Rosiello thanked Walt Sweeney Automotive and Karen Lyman from Twin Lanterns for allowing use of their parking lots for the upcoming September 11th Memorial Dedication Ceremony that will be held on Wednesday.

Trustee Rosiello welcomed All About Kids to Green Township. They will be hosting a ribbon cutting ceremony on Friday, September 13, 2013.

Trustee Linnenberg congratulated the Cheviot Westwood Kiwanis Club on another very successful Harvest Home Parade and Fair.

Chairman Boiman read several thank you letters.

Chairman Boiman invited everyone to attend the September 11th Memorial

Dedication on September 11, 2013 at 8:40 a.m.

The next regular meeting of the Board of Trustees will be held on Monday, September 23, 2013 at 5:30 p.m.

Trustee Rosiello moved to adjourn the meeting. Trustee Linnenberg seconded the motion. Trustee Linnenberg: Aye; Trustee Rosiello: Aye; Chairman Boiman: Aye. Meeting was adjourned at 6:39 p.m.

ATTEST: