

The regular meeting of the Green Township Board of Trustees held on August 11, 2014 was called to order at 5:30 p.m. with the Pledge of Allegiance.

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

Chairman Rosiello moved to approve the minutes for the regular meeting of July 28, 2014. Trustee Callos seconded the motion. All voted Aye.

Chairman Rosiello recognized Boy Scouts Cameron Smith, Connor Taylor, Benjamin Murray, and Jacob Doerger from Troop #44, Jonah Baldwin from Troop #44, Connor Enwright from Troop #850. All scouts present were working on merit badge requirements.

**RESOLUTION #14-0811-A**

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

**RESOLUTION #14-0811-B**

Chairman Rosiello moved to pass a resolution authorizing conveyance of real property located at 5195 North Bend Road to the Board of Commissioners of Hamilton County. Trustee Callos seconded the motion. Trustee Callos: Aye; Trustee Linnenberg: Excused; Chairman Rosiello: Aye.

Attorney Hyle explained that the above resolution, as well as the next five are all for the purpose of conveying property that is right-of-way already subject to a permanent easement held by the Hamilton County Board of County Commissioners. The Commissioners have changed their policy over the last few years and they now require Fee Simple Title to their permanent easement holdings. Attorney Hyle stated that most of the right-of-way properties being transferred will be maintained by Hamilton County, however, the property located at 3655 Monfort Heights Drive, will continue to be maintained by Green Township.

**RESOLUTION #14-0811-C**

Chairman Rosiello moved to pass a resolution authorizing conveyance of real property located at 4560 Bridgetown Road to the Board of Commissioners of Hamilton County. Trustee Callos seconded the motion. Trustee Callos: Aye; Trustee Linnenberg: Excused; Chairman Rosiello: Aye.

**RESOLUTION #14-0811-D**

Chairman Rosiello moved to pass a resolution authorizing conveyance of real property located at 5217 North Bend Road to the Board of Commissioners of Hamilton County. Trustee Callos seconded the motion. Trustee Callos: Aye; Trustee Linnenberg: Excused; Chairman Rosiello: Aye.

**RESOLUTION #14-0811-E**

Chairman Rosiello moved to pass a resolution authorizing conveyance of real property located at 3655 Monfort Heights Drive to the Board of Commissioners of Hamilton County. Trustee Callos seconded the motion. Trustee Callos: Aye; Trustee Linnenberg: Excused; Chairman Rosiello: Aye.

**RESOLUTION #14-0811-F**

Chairman Rosiello moved to pass a resolution authorizing conveyance of real property located at 6714 Taylor Road to the Board of Commissioners of Hamilton County. Trustee Callos seconded the motion. Trustee Callos: Aye; Trustee Linnenberg: Excused; Chairman Rosiello: Aye.

**RESOLUTION #14-0811-G**

Chairman Rosiello moved to pass a resolution authorizing conveyance of real property located on Westwood-Northern Boulevard to 5660 Harrison Avenue LLC. Trustee Callos seconded the motion. Trustee Callos: Aye; Trustee Linnenberg: Excused; Chairman Rosiello: Aye.

Attorney Hyle explained that the property located on Westwood-Northern Boulevard is a 597 sq. ft. piece of property that is along Westwood-Northern Boulevard adjoining the development of 5660 Harrison Avenue, LLC, which will house the law firm of Francis Niehaus and his associates. This property has no value, and serves no useful purpose to the Township. The property was also the subject of resolutions earlier this year in which Mr. Niehaus sought to have this property vacated. It was previously owned by Hamilton County. The County recently vacated the property and at that

time the property defaulted to Green Township. Once transferred the deed to the grantee will provide that it is not to be sold separately.

**RESOLUTION #14-0811-H**

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

**RESOLUTION #14-0811-I**

Chairman Rosiello moved to pass a resolution declaring a curfew in Green Township for persons under eighteen years of age. Trustee Callos seconded the motion. Trustee Callos: Aye; Trustee Linnenberg: Excused; Chairman Rosiello: Aye.

Chairman Rosiello asked Chief West if he has any changes to the proposed resolution regarding a Teen Curfew. Chief West stated that he is very comfortable with the hours, ages, and also the defenses. Chief West stated that the curfew will deter minors coming to Green Township from other jurisdictions that already have curfews in place.

Chairman Rosiello asked Chief West if the new Teen Curfew Policy can be monitored over the next year to determine if any changes need to be made to the policy. Chief West stated that with their Records Management System they can review those offences and see how many times the curfew has been violated.

Attorney Hyle stated that he and Chief West worked closely together to draft the Teen Curfew Policy and came to an agreement on the language as is. Attorney Hyle stated that the Teen Curfew Policy will be from 12:30 a.m. until 5:00 a.m. for minors who are at least 16 years of age. From 11:30 p.m. until 5:00 a.m. the following day for minors who are under the age of 16 years. The resolution also addresses missing school from 9:00 a.m. until 2:00 p.m. Monday through Friday while school is in session at the school where the minor is enrolled, or was last enrolled if suspended or expelled at the time in question. The defenses and an exemption to the curfew are when any of the following apply: 1. When the minor is accompanied by his parent or guardian; 2. When the minor is engaged in an employment activity, or going to or returning home from any employment activity without any detour or stop; 3. When the minor is involved in an emergency situation which commenced prior to curfew hours, or which arose in the minor's dwelling place after curfew hours had commenced; 4. When the minor is attending an activity organized and supervised by adults and sponsored by Green Township, another political subdivision, school district, civic organization, or other similar organization that takes responsibility for the minor, or attending an official school or religious activity or service; 5. When the minor is going to or coming from, without any detour or stop, those organized and sponsored activities set out above; 6. When the minor is exercising any right protected by the United States Constitution or the Constitution of the State of Ohio.

Trustee Callos asked Chief West if he had talked to anyone at the local schools about the Teen Curfew policy. Chief West stated that he spoke with Tom Luebbe at LaSalle High School and John Stoddard at Oak Hills High School. Mr. Luebbe and Mr. Stoddard both thought the Teen Curfew policy was a good idea. Chief West stated that there will be information regarding the new Teen Curfew policy sent to the local schools as well as a press release that will be sent out to local news media outlets. Trustee Callos stated that it is important to make the community aware of the new policy.

Trustee Callos stated that all adjoining communities have a Teen Curfew policy in place and it is time for Green Township to have one as well. Trustee Callos thanked Chief West and Attorney Hyle for the time and effort that they dedicated to draft the new policy. Trustee Callos stated that it is important to look at the policy offences either quarterly or semi-annually to see if the policy is making a difference.

Gary Dressler, Sidney Road, asked for clarification on several sections of the Teen Curfew. Attorney Hyle answered his questions.

Chairman Rosiello stated that he is comfortable with the language of the policy and is confident that the Police Officers are making good decisions out on the street.

Holly Reupert, Gailynn Drive, stated that her son is in the band and often does not get back to school until 1:00 a.m. and often stops for food on his way home. Ms. Reupert asked if that would be an acceptable practice.

Attorney Hyle stated that the minor would be required to go straight home from the school sponsored event.

**RESOLUTION #14-0811-J**

Chairman Rosiello moved to pass a resolution to approve an agreement with Great Oaks for the Township to provide a School Resource Officer at the Diamond Oaks Campus for the period of August 19, 2014 through May 29, 2015 and authorizing the Township Administrator to sign the agreement. Trustee Callos seconded the motion. Trustee Callos: Aye; Trustee Linnenberg: Excused; Chairman Rosiello: Aye.

Chief West stated that the above resolution is passed every year because the dollar amounts change slightly. It is a contract that has been in effect for a number of years. Chairman Rosiello asked if Great Oaks pays for the cost of the officer during school hours. Chief West stated that they do pay for the cost of the officer and that Great Oaks is billed for the School Resource Officer four times per year and they reimburse Green Township.

**RESOLUTION #14-0811-K**

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. 3211 Basswood Lane (550-0080-0206), Motion made by Chairman Rosiello and seconded by Trustee Callos. All voted Aye.
2. 6561 Greenoak Drive (550-0234-0175), Motion made by Chairman Rosiello and seconded by Trustee Callos. All voted Aye.
3. 5741 Pina Street (550-0170-0460), Motion made by Chairman Rosiello and seconded by Trustee Callos. All voted Aye.

Administrator Celarek made the following announcements:

1. Congressman Steve Chabot will have an Open House on August 12, 2014 at 6:00 p.m. at the Nathanael Greene Lodge.

Chairman Rosiello stated that the Open House is not a political event but if you have questions or concerns for your Congressman it would be a good time to come out and speak with him.

2. The Green Township Board of Zoning Appeals will hold a public hearing on August 19, 2014 at 4:00 p.m., in the Trustees Meeting Room of the Green Township Administration Complex, 6303 Harrison Avenue, to hear the following case:

- a. Case NEGTBZA #2014-03, Jack Witterstaetter, applicant and owner, 6262 West Fork Road, for approval to construct at 16 x 24 garage in the front yard.

3. The Green Township Board of Zoning Appeals will hold a public hearing on August 19, 2014 at 4:45 p.m., in the Trustees Meeting Room of the Green Township Administration Complex, 6303 Harrison Avenue, to hear the following case:

- a. Case NEGTCU #2014-02, Romel Saro, AT&T applicant, and West Fork Christian Church, owner, 5636 West Fork Road, for approval of a Conditional Use to construct a stealth flagpole tower.

Development Director Goetzman stated that the above case is for a Conditional Use for a cell tower in a Residential District. Throughout the State of Ohio cell towers are only able to go in after having a Conditional Use Hearing to determine suitability of location.

4. The Hamilton County Rural Zoning Commission will hold a public hearing on August 21, 2014 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 #7-86 CUP, Charles Wurster; Jeff and Judith Sneed, applicant and owners, 6379 Sherrybrook Drive, for approval of a Major Adjustment to an existing CUP (Community Unit Plan) for the construction of an in-ground swimming pool, retaining wall, and fence, partially located in the side yard.

Development Director Goetzman stated that the applicants applied for, and were granted, a pool permit in conjunction with all the rules and regulations. The applicant then had to go to the Hamilton County Building Department and Hamilton County Health Department, and it turned out that this property was subject to some common collector lines that were under

the jurisdiction of Hamilton County Health Department for private septic systems and the Hamilton County Health Department ordered them to move the pool. They did move the pool and the Health Department did issue them a permit. However, when Hamilton County Zoning went out to look at the pool they found that the Hamilton County Building Department had told them to move the pool where the Zoning Department does not allow it to be moved. Therefore, this case involves a cross-jurisdictional issue where one set of regulations conflicted with another set of regulations. Development Director Goetzman stated that he has heard no objection from adjoining property owners and recommended approval as submitted.

**RESOLUTION #14-0811-L**

Chairman Rosiello moved to pass a resolution recommending approval of Case Green #7-86 CUP to the Hamilton County Rural Zoning Commission. Trustee Callos seconded the motion. Trustee Callos: Aye; Trustee Linnenberg: Excused; Chairman Rosiello: Aye.

- b. Case Green #2000-04, Pirates Den Patio, Denis Back, Denis L. Back and Associates, applicant and CMPC LLC, owner, 3670 Werk Road in the Cincinnati Marketplace shopping center for approval of a Major Adjustment to an existing G PUD Heavy Industrial Planned Unit Development district to permit expansion of the outdoor seating area for the Pirates Den Restaurant to approximately 5,668 square feet to include 84 seats including a covered awning, fountain, fire pit, landscaping, brick pavers and a putting green.

Development Director Goetzman stated that the Cincinnati Marketplace shopping center is subject to PUD approval. An outdoor seating area is considered to be an expansion of the use in the center, therefore, it does have to go through the Planned Unit Development (PUD) review process. Mr. Goetzman stated that there will be no increase in impervious surface, it is already a paved area. That area will be improved to include seating, and that improvement is the cause for this review. The proposed seating is in the rear of the Marketplace Center and adjacent to the existing Pirates Den operation. The size will be approximately 5,000 sq.ft. and will include landscaping, fire pit, and fountain. Mr. Goetzman stated that in the past there have been a few complaints in regards to noise, etc., and stated that the applicant needs to be mindful of the rules and regulations of the Zoning Code when it comes to noise. Development Director recommended approval subject to conditions.

Larry Hemsath, Owner of the Pirates Den, and Denis Back, Architect, briefly explained the improvements that will take place. Mr. Hemsath stated that he has spoken with the manager of the adjoining condominium complex regarding the improvements. Mr. Hemsath stated that they would like to have some televisions in the rear of the building. They are NOT anticipating having any music on the back patio. Mr. Hemsath stated that he is confident that the extensive landscaping will dampen any noise coming from the patio area.

Chairman Rosiello stated that he is happy that the Pirates Den is doing well and that the proposed expansion looks very nice. Mr. Hemsath stated that he is hoping to have construction completed by late this year or early spring of next year. Chairman Rosiello asked Mr. Hemsath to be sensitive to the noise concerns of the neighboring condominium residents. Trustee Callos stated that he is happy to see local businesses expand and better their business. Trustee Callos asked Chief West if there have been any noise complaints regarding the Pirates Den. Chief West stated that there have been a few complaints in the past, but it has been several years.

**RESOLUTION #14-0811-M**

Chairman Rosiello moved to pass a resolution recommending approval of Case Green #2000-04 to the Hamilton County Rural Zoning Commission subject to the following conditions: 1. That appropriate measures be taken to minimize the impact of potential nuisances such as noise, light and/or trash on adjacent properties; and 2. That the patio and enclosure be constructed in accordance with the plans submitted. Trustee Callos seconded the motion. Trustee Callos: Aye; Trustee Linnenberg: Excused; Chairman Rosiello: Aye.

5. The Hamilton County Board of Zoning Appeals will hold a public hearing on August 13, 2014 at 1:00 p.m. at the Hamilton County Administration Building, 138 East Court Street, Room 805B, to hear the following cases:

- a. Green #2014-11, Steven P. Ott, applicant, Archbishop of Cincinnati, owner, 3172 South Road, for approval of a

Conditional Use to permit the construction of a scoreboard to be located in the southeast corner of Our Lady of Visitation campus.

Development Director Goetzman stated that the Our Lady of Visitation Campus is located in an "A2" Residence District and as such is approved as a Conditional Use, and any change to that which requires a building permit must go through the Conditional Use process. Our Lady of Visitation would like to construct a score board for the football field that would be located in the southwest corner of the property. The scoreboard will be located approximately 190 ft. from the south property line and approximately 188 ft. from the west property line. The scoreboard will be an elevated scoreboard that will be approximately 236 sq.ft. in size and would contain the name "Visitation Vikings", scoring area, and two small sponsorship areas. Development Director recommended approval with conditions.

Steven Ott, stated that the Visitation Vikings are excited about the new scoreboard and presented further details about the proposal.

Trustee Callos asked approximately how many dates the scoreboard would be in usage. Mr. Ott stated that the scoreboard would be used approximately ten times between September and November for home games which take place on Saturdays between the hours of 9:00 a.m. and 3:00 p.m. Trustee Callos stated that he would like to see trees installed to provide buffering for the adjoining neighbors.

**RESOLUTION #14-0811-N**

Chairman Rosiello moved to pass a resolution recommending approval of Case Green #2014-11 to the Hamilton County Board of Zoning Appeals subject to the following conditions: 1. That appropriate measures be taken to minimize the impact of potential nuisances such as noise, light or vibration, on adjacent properties; 2. That other than on the scoreboard no additional signage be permitted on the athletic field property; and 3. That three additional pine trees be added to the Werk Road frontage streetscape south of the gravel parking area. Trustee Callos seconded the motion. Trustee Callos: Aye; Trustee Linnenberg: Excused; Chairman Rosiello: Aye.

- b. Green #2014-12, Jason Ott, Dennis Ott Builders, applicant, Kildare West LLC, 6704 Sally Court, for approval to construct a new single-family residence with less side yard setback than required and to change the plan from a previously approved case, Green #2012-09.

Development Director Goetzman stated that this site is a single-family subdivision that was granted in 2009 with a set of "blanket variances" that allow for some side load garages to be placed on the properties. That blanket variance allows some flexibility of setback requirements that required that a 30 ft. minimum setback be maintained between buildings to allow for side yard garages. That resolution in 2009 did not take into account the odd lot where a garage may be flipped due to topography, etc. Therefore, 6704 Sally Court presents some difficulty developing the lot in a way that is harmonious with the adjacent properties. In this instance the applicant would like to have the garage on the far side of the property so the garage would face Kildare and will require some buffer modification. The existing home is located at 35 ft. from the common property line so the 35 ft. amount of setback would still provided, however, they are asking for a 5 ft. setback. Mr. Goetzman stated that the current plan is consistent with the plan approved through a previous BZA decision regarding this property. Development Director Goetzman recommended approval subject to conditions.

**RESOLUTION #14-0811-O**

Chairman Rosiello moved to pass a resolution recommending approval of Case Green #2014-12 to the Hamilton County Board of Zoning Appeals subject to the following conditions: 1. That the home be constructed no closer than 5' from the property line in conformance with the plans submitted, with a garage facing Kildare Drive; and 2. That the streetscape buffer landscape (plant) material removed during construction on the Kildare frontage of the lot shall be replaced elsewhere within the required streetscape buffer on the lot. Trustee Callos seconded the motion. Trustee Callos: Aye; Trustee Linnenberg: Excused; Chairman Rosiello: Aye.

6. The Green Township Land Use Planning Committee will meet on August 28, 2014 at the Green Township Administration Building, 6303 Harrison Avenue at 5:30 p.m., to review a specific Land Use Plan Modification request and prepare for the upcoming Five Year LUPC update.

Chairman Rosiello asked how long it has been since the Land Use Planning Committee last met. Development Director Goetzman stated that it has been approximately four years and that they will be meeting on August 28<sup>th</sup> to review a property on Ruwe's Oak Drive that is currently Land Use Planned for multi-family that Neyer Properties is looking at as a potential office site. The Land Use Planning Committee will begin with an informal review of the land use and will make a recommendation to the Green Township Board of Trustees. There will then be a more formalized hearing where the adjoining property owners will get the opportunity to review the proposal. If a recommendation is made, it will then be forwarded to the Hamilton County Regional Planning Commission for consideration. It is the Green Township Land Use Plan but it is the Hamilton County Regional Planning Commission's Plan for Green Township. The Green Township LUPC is an advisory body in this case. The LUPC will be starting the process for their Five Year LUPC update which will take place in 2015. Mr. Goetzman stated that he does not anticipate huge changes but they will be looking at the hospital projects and commercial areas more closely.

Fiscal Officer, Tom Straus, reported that so far this year the General Fund has received approximately \$2.2 million dollars and expended approximately \$2.6 million dollars. He also reported that the Township is working with Software Solutions to increase the baseline for the Township's inventory from \$1,000 to \$5,000 per each piece of equipment.

Township Attorney, Frank Hyle, reminded the Board that they need to schedule a Township Records Commission meeting date. Attorney Hyle recommended October 13, 2014 at 4:30 p.m. Chairman Rosiello stated that October 13<sup>th</sup> at 4:30 p.m. would be fine.

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

Director of Public Services, Joe Lambing, reported that road rehabilitation has begun in the Monfort Heights/White Oak area with curb replacement. Trustee Callos asked Mr. Lambing if David's Way is on track for street dedication. Mr. Lambing stated that the final pavement has not even been put down on that street as yet.

Mr. Lambing reported that all parties have come to a resolution regarding the stone wall, which is now reclassified and acceptable to all parties, which makes it better now. Nevertheless, they are waiting for a letter from the Homeowners Association holding everyone harmless. Chairman Rosiello thanked Joe Lambing, Butch Nanney, and Adam Goetzman for their work on this project. It has a lot of tentacles going out on it and he appreciated their sensitivity to the neighbors in getting all of the different entities together to resolve the issue.

Chairman Rosiello stated that the Five Points Intersection Project, with the closure of Taylor at Rybolt, and Hayes Road, has created some traffic light issues and back up of traffic. He stated that Development Director Goetzman has contacted Hamilton County regarding the reprogramming of the light. Chairman Rosiello stated that he knows there is going to be traffic problems as those roads are widened however, he asked staff to put their heads together to see if some of the traffic problems can be lessened. Development Director Goetzman stated that he has an upcoming meeting with representatives from the Hamilton County Engineer's Office and will speak to them about traffic at that time.

Gary Dressler, Sidney Road, stated that he drove through that area on his way to the meeting and noticed there is a problem at Hutchinson and Ebenezer. He stated that because there is only one stop sign there, you are going to sit until all the traffic clears off Ebenezer and the drivers waiting on Hutchinson cannot get out. Mr. Dressler suggested a temporary two-way stop there to lessen the problem.

Asst. Chief Scott Souders reported in the absence of Fire/EMS Chief, Doug Witsken. Asst. Chief Souders reported that the new fire truck has been placed into service. Training on the new truck is continuing and residents may see the truck anywhere doing training. He stated that as long as the emergency lights are not activated the truck is likely doing a training exercise.

Administrator Celarek stated that the new ladder truck is smaller and more maneuverable and can go down some of the smaller residential streets much more easily than the old truck.

Police Chief, Bart West, thanked several officers for solving a robbery case that occurred at Kroger on July 30, 2014. Charges were filed against

a 22 year old suspect that pulled a knife on a cashier. Chief West asked that residents be observant of their surroundings and call the Police Department when they see something suspicious.

Chairman Rosiello invited residents who use Facebook to get on and "like" the Green Township Fire & EMS page, as well as the Green Township Police Department page. Those sites have great information on them about what is going on in those departments and going on in the Township.

Trustee Callos encouraged residents to lock their car doors, and if they see suspicious activity to please call the Police Department right away.

Chief West stated that it is important to call the Police Department when they see something happening instead of waiting until the next day. Chief West stated that there are just as many officers working in the middle of the night as there are during the day.

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

Trustee Callos thanked all the volunteers as well as Bill Bonham, Karl Mohaupt, the Monfort Heights/White Oak Community Association and the White Oak/Monfort Heights Kiwanis Club for all their hard work on Community Day that was held on Saturday, August 2, 2014. Trustee Callos recommended moving Community Day to an earlier weekend because Kids Fun Day will be held on Saturday, August 23, 2014. Trustee Callos thought that the Community Day event may draw a larger crowd if there are not two Township sponsored events so close together. He also suggested combining it with some type of clean up event.

Chairman Rosiello thanked Steve Roth and Sean Donovan for use of the helicopter for the Community Day Golf Ball Drop.

The next regular meeting of the Board of Trustees will be held on Monday, August 25, 2014 at 5:30 p.m.

Chairman Rosiello moved to adjourn the meeting. Triffon Callos seconded the motion. Trustee Callos: Aye; Trustee Linnenberg: Excused; Chairman Rosiello: Aye. Meeting was adjourned at 6:36 p.m.

ATTEST: