

The regular meeting of the Green Township Board of Trustees held on September 12, 2016 was called to order at 5:30 p.m. with the Pledge of Allegiance.

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

Chairman Callos moved to approve the minutes for the regular meeting of August 22, 2016. Trustee Linnenberg seconded the motion. All voted Aye.

**Public Hearing for the purpose of considering the creation of Joint Economic Development District V**

Attorney Hyle currently has partnered with the City of Cheviot on four Joint Economic Development Districts (JEDD's). JEDD number V would be located on North Bend Road at Westwood-Northern Blvd., which is the site of the new United Dairy Farmers store which is scheduled to open in 2017. The City of Cheviot has approved the contract with the Township with a revenue split of 90% going to Green Township and 10% going to the City of Cheviot. The City of Cheviot manages all of the JEDD's for Green Township. This JEDD would be for a 1% payroll earnings tax, and a 1% net profits tax on the business. The JEDD collection would begin once the project is fully constructed. Notice of the JEDD was also sent to the Hamilton County Commissioners and has been approved by them as well.

Chairman Callos asked if anyone was present to speak on this matter. Hearing no one, Chairman Callos closed the Public Hearing.

**RESOLUTION #16-0912-A**

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

**RESOLUTION #16-0912-B**

Chairman Callos moved to pass a resolution approve the 2016 Amended Appropriations. Trustee Linnenberg seconded the motion. Trustee Rosiello: Yes; Trustee Linnenberg: Yes; Chairman Callos: Yes.

**RESOLUTION #16-0912-C**

Chairman Callos moved to pass a resolution establishing Joint Economic Development District V. Trustee Linnenberg seconded the motion. Trustee Rosiello: Yes; Trustee Linnenberg: Yes; Chairman Callos: Yes.

**RESOLUTION #16-0912-D**

Chairman Callos moved to pass a resolution authorizing participation with the Ohio Department of Transportation for construction of the Harrison Avenue Bike Path. Trustee Linnenberg seconded the motion. Trustee Rosiello: Yes; Trustee Linnenberg: Yes; Chairman Callos: Yes.

Development Director Goetzman stated that this resolution authorizes the Township to complete the final paperwork for receipt of the Grant from the Ohio Department of Transportation for a portion of the Harrison Avenue trail project.

**RESOLUTION #16-0912-E**

Chairman Callos moved to pass a resolution authorizing application for grant funds from the Ohio Public Works Commission to assist in the cost to repair Race Road. Trustee Linnenberg seconded the motion. Trustee Rosiello: Yes; Trustee Linnenberg: Yes; Chairman Callos: Yes.

Development Director Goetzman stated that this resolution is to allow the Township to apply for grant funds from the Ohio Public Works Commission. The Hamilton County Engineer will be applying for SCIP/LTIP funding through the State of Ohio grant program. The Township will not be committing funds to this project, but the Township is using their priority.

**RESOLUTION #16-0912-F**

Chairman Callos moved to pass a resolution approving the bid of \$187,071.00 from Ford Development Corp. for the Senior Center Parking Lot Expansion. Trustee Linnenberg seconded the motion. Trustee Rosiello: Yes; Trustee Linnenberg: Yes; Chairman Callos: Yes.

Chairman Callos stated that the bid from Ford Development Corp. did come in well under the Engineer's estimate. The expansion of the Senior Center parking lot will be beneficial for the seniors in Green Township.

Trustee Linnenberg stated that it is nice to see that the Green Township Senior Center has such great attendance.

**RESOLUTION #16-0912-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. 3259 Balsamridge Drive (550-0080-0317), Motion made by Chairman Callos and seconded by Trustee Linnenberg. All voted Aye.
2. 5779 Biscayne Avenue (550-0171-0399), Motion made by Chairman Callos and seconded by Trustee Linnenberg. All voted Aye.
3. 5967 Bridgetown Road (550-0173-0056), Motion made by Chairman Callos and seconded by Trustee Linnenberg. All voted Aye.
4. 6420 Brierly Creek Road (550-0211-0069), Motion made by Chairman Callos and seconded by Trustee Linnenberg. All voted Aye.
5. 5065 Casa Loma Boulevard (550-0042-0198), Motion made by Chairman Callos and seconded by Trustee Linnenberg. All voted Aye.
6. 5900 Cedaridge Drive (550-0194-0101), Motion made by Chairman Callos and seconded by Trustee Linnenberg. All voted Aye.
7. 5727 Cheviot Road (550-0081-0179), Motion made by Chairman Callos and seconded by Trustee Linnenberg. All voted Aye.
8. 5528 Eula Avenue (550-0171-0153), Motion made by Chairman Callos and seconded by Trustee Linnenberg. All voted Aye.
9. 3773 Feldkamp Avenue (550-0121-0288), Motion made by Chairman Callos and seconded by Trustee Linnenberg. All voted Aye.
10. 3779 Feldkamp Avenue (550-0121-0287), Motion made by Chairman Callos and seconded by Trustee Linnenberg. All voted Aye.
11. 3244 Greenway Avenue (550-0132-0193), Motion made by Chairman Callos and seconded by Trustee Linnenberg. All voted Aye.
12. 3362 Kleeman Road (550-0074-0026), Motion made by Chairman Callos and seconded by Trustee Linnenberg. All voted Aye.
13. 3121 Mary Jane Drive (550-0064-0159), Motion made by Chairman Callos and seconded by Trustee Linnenberg. All voted Aye.
14. 2854 Mt. Airy Avenue (550-0010-0402), Motion made by Chairman Callos and seconded by Trustee Linnenberg. All voted Aye.
15. 1557 Pasadena Avenue (550-0041-0441), Motion made by Chairman Callos and seconded by Trustee Linnenberg. All voted Aye.
16. 3901 Race Road (550-0121-0026), Motion made by Chairman Callos and seconded by Trustee Linnenberg. All voted Aye.
17. 5613 Sunnywoods Lane (550-0010-0441), Motion made by Chairman Callos and seconded by Trustee Linnenberg. All voted Aye.
18. 6909 Taylor Road (550-0300-0079), Motion made by Chairman Callos and seconded by Trustee Linnenberg. All voted Aye.

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

- a. Walgreen CO, DBA Walgreens 03807, 5508 Bridgetown Road, Cincinnati, Ohio 45248. The Police Chief had no objection. The Trustees had no objection.
- b. RMD Reus Inc, 3670 Werk Road, Suite 6, Cincinnati, Ohio 45238. The Police Chief had no objection. The Trustees had no objection.

Administrator Birkenhauer made the following announcements:

1. The Hamilton County Board of Zoning Appeals will hold a public hearing on September 14, 2016 at 1:00 p.m. in Room 805B, Hamilton County Administration Building, 138 East Court Street, to hear the following case:
  - a. Case Green #2016-10, Paul Grilli, ABC Signs, Applicant and Frank and Mauro Zappasodi Enterprises, Owner, 6345 Glenway Avenue, for approval of a variance to allow for the installation of signage on all elevations of the building on the above mentioned property in an "F" Light Industrial District.

Development Director Goetzman stated that this would be a variance request to allow rebranding of the Firestone store on Glenway Avenue. The request is for replacing all of the signage on the building as well as the main pylon sign. The building signage is located on three faces of the building. The Zoning Resolution only allows for signage facing the main road and main entrance of the site. This building does sit at an angle against Glenway Avenue. The rebranding would be changing the name of the business from Firestone to Firestone Complete Auto Care. Overall, there will be less signage as well as smaller signage. Development Director Goetzman recommended approval subject to one condition, and not to exceed 168.25 sq.ft. as the plans indicate.

**RESOLUTION #16-0912-H**

Chairman Callos moved to pass a resolution recommending approval of Case Green #2016-10 to the Hamilton County Board of Zoning Appeals subject to the following condition: 1. That, in addition to the panel on the multi-tenant sign on Glenway Avenue, the development shall contain a maximum of one freestanding, ground mounted monument sign a maximum of six feet in height and up to thirty two square feet in size per side where no freestanding sign is permitted. Trustee Linnenberg seconded the motion. Trustee Rosiello: Yes; Trustee Linnenberg: Yes; Chairman Callos: Yes.

2. The Hamilton County Rural Zoning Commission will hold a public hearing on September 15, 2016 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 #2016-04, Phil Rueve, Rueve Landscaping, Applicant, Gary and Anita Rains, Owners, for approval of a Planned Unit Development in an "F" Light Industrial District.

Development Director Goetzman stated that this site is the former mulch lot in the Industrial District that sits elevated above Glenway Avenue. The PUD application has been submitted because they are expanding the existing use to include a 6,000 sq.ft. warehouse building, 400 sq.ft. covered patio building, and a 400 sq.ft. fueling area. The redevelopment proposal will raise the impervious surface area above 60% on the total site requiring a PUD. It is actually parceling off part of the Gary Rains property to create a separate lot. The division was approved approximately six months ago by the Hamilton County Regional Planning Commission.

Development Director Goetzman indicated that site is the former location of a bulk mulch sales lot. They are eliminating some unpaved area, which is why it exceeds the 60% ISR.

Development Director Goetzman recommended approval subject to conditions related to technical compliance with buffering and setback standards. In conjunction with staff recommendations.

Trustee Linnenberg stated that he is in support of the expansion, however, he expressed concern regarding rain water runoff. Development Director Goetzman stated that the site being engineered will be going through the Hamilton County Storm Water review process prior to construction. The applicant will have to address any incremental increase in storm water leaving the site.

Trustee Rosiello asked if there will be changes to the signage. Development Director Goetzman stated that there will be a name change.

#### **RESOLUTION #16-0912-I**

Chairman Callos moved to pass a resolution recommending approval of Case Green #2016-04 to the Hamilton County Rural Zoning Commission subject to the following conditions and variance: 1. That a landscape plan in compliance with the requirements of Sections 12-6, 14-7, and 14-8 of the Zoning Resolution, and with Condition #3 below, 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 a minimum 10-foot wide boundary buffer with a minimum of 15 evergreen plantings shall be required along the eastern property line; 4. That all vehicular maneuvering areas, including parking areas, drive aisles, and building access drives, shall be paved in compliance with the requirements of Section 12-4.5 of the Zoning Resolution; and 5. That the outdoor storage and display of materials shall be limited to the area west of the front of the proposed warehouse building and that no landscape equipment, construction vehicles, or open trailers shall be permitted to be stored within 35 feet of the eastern property line. Variance: 1. That, in addition to the panel on the multi-tenant sign on Glenway Avenue, the development shall contain a maximum of one freestanding, ground mounted monument sign, a maximum of 6 ft. in height and up to 32 sq.ft. in size per side where no freestanding sign is permitted. Trustee Linnenberg seconded the motion. Trustee Rosiello: Yes; Trustee Linnenberg: Yes; Chairman Callos: Yes.

- b. Case Green #2003-03, John Anevski, Applicant, Jets Properties LLC, Owner, for approval of a Major Adjustment to an existing "O PUD" Office Planned Unit Development.

Development Director Goetzman stated that this was a project that was approved in 2003. It is the former site of the State Farm drive-up claims center. It has been redeveloped into a shopping center with an address of 6355 Harrison Avenue. The request is for a major adjustment to the site

to allow the area behind the building to be regraded. There was a condition of approval when the PUD was initially approved that required extensive landscaping if the property was going to be cleared beyond the existing clearing limits. The final development plan stated that they would not be clearing that area. However, the owner has now subsequently cleared that area and is required to go back through an adjustment because of the extent and nature of the clearing and grading. The building has been built in conformance with the original plan, landscaping and street-scaping are in place, signage has gone through review, but they have done additional excavation in the rear of the building on both sides and are proposing to maintain that grading. They do have to obtain final approval from Hamilton County Soil and Water Conservation District to finalize the grading, and ensure that the site does not require additional landslide stabilization.

Mr. Goetzman noted that when this property was originally developed the back of the building wall was actually a retaining wall and prior to the construction of the building it didn't really matter if there was surplus water in their parking lot. Once the building got constructed some surplus water was getting into the units, which precipitated the grading project. The owner has installed an underdrain system behind the building. The downspouts are all tied in. He stated that the grading does benefit the project. Because the site had already been approved Development Director Goetzman recommended that all of the existing conditions remain in place, that some additional trees be added on the ends of the building, and that the boundary buffer planting be modified.

**RESOLUTION #16-0912-J**

Chairman Callos moved to pass a resolution recommending approval of Case Green #2003-03 to the Hamilton County Board of Zoning Appeals subject to the following conditions and modification: 1. That all conditions for case Green 2003-03 shall remain in effect except as modified below; 2. That four six-foot tall Norway spruce trees shall be planted in a row up the hillside in the southeast corner of the site as indicated on the site plan; and 3. That the Hamilton County Soil and Water Conservation District approve the site grading prior to the issuance of any additional zoning compliance certificates or final occupancy certificates for property. Modification: 1. Section 14-5 - That the required boundary buffer plantings along the south and west property lines shall be waived, except for the evergreen trees required in Condition #2 (above). Trustee Linnenberg seconded the motion. Trustee Rosiello: Yes; Trustee Linnenberg: Yes; Chairman Callos: Yes.

Chairman Callos stated that this project could have been engineered correctly on the front end and not been a problem at this time.

Trustee Linnenberg stated that John Anevski still owns the building in front of Tri-Health that is completely empty.

Development Director Goetzman stated that he had been working with John Anevski and a potential client that would have occupied the upper floor of that building, however, he believes that the client has chosen to look elsewhere at this time.

Trustee Linnenberg stated that Mr. Anevski has a habit of moving forward with a project and then, when found not in compliance, asking for forgiveness later. This is the third time in a row that this has happened. Trustee Linnenberg suggested that Mr. Anevski's projects be monitored more closely in the future.

Trustee Linnenberg stated that the old motel at Harrison and Rybolt is not supposed to be in use, however, it is being utilized by the restaurant workers who seem to live there. Development Director Goetzman stated that from a zoning perspective the property is still allowed to be used. The issue is a civil matter tied to the adjacent Holiday Inn development.

Development Director Goetzman stated that he is in favor of the reinforcement of the existing zoning conditions, so there isn't a sense that he can then walk away from some of the other conditions.

3. The Green Township Police, Fire & EMS Expo will take place on October 1, 2016 from 11:00 a.m. to 2:00 p.m. at the Green Township Administration Building, 6303 Harrison Avenue. Administrator Birkenhauer encouraged residents to attend that event.

Fiscal Officer, Tom Straus, reported that the Township closed the account at U.S. Bank and moved approximately \$1.7 million dollars to Huntington Bank. The Township also purchased a \$250,000 CD with a 1.1% yield over the next two years.

Township Attorney, Frank Hyle, stated in 2007 the Trustees passed a resolution that provides that insurance carriers on fire loss are to deposit 10% of the insurance proceeds with the Township as security to ensure that the property owner either repaired or removes the structure. The Township has only had one insurance carrier that has complied with that resolution. On the two instances where the carrier has complied, it has been quite a disagreeable matter for the property owner, as they must wait to receive all of their insurance settlement. Attorney Hyle stated that it is the opinion of Fire & EMS Chief Doug Witsken that the Township has not had any experiences in any other fire loss, with the exception of the house on Anderson Ferry, which did not have insurance.

Fire/EMS Chief, Doug Witsken, stated that the holding of 10% of the insurance proceeds has been a public relations mess. Homeowners do not understand why the Township is receiving part of their insurance settlement. Chief Witsken stated that in his opinion it does cause delays for the homeowners to make repairs. Chief Witsken requested that the Trustees consider rescinding that resolution.

Attorney Hyle stated that he will draft a resolution for action at the next Trustees Meeting.

Attorney Hyle stated need for executive session for the purpose of discussing purchase of property and the sale of Township property.

Township Administrator, Frank Birkenhauer, stated that this is his first Trustees Meeting as Administrator for Green Township and thanked all of the people he has met over the past week. Administrator Birkenhauer stated that he is excited to have the opportunity to work in Green Township.

Trustee Callos stated that the Trustees are happy to have Administrator Birkenhauer join the Green Township Administrative staff.

Director of Public Services, Joe Lambing, was excused.

Development Director, Adam Goetzman, reported on behalf of Public Services Director, Joe Lambing. Development Director Goetzman reported on the progress of the 2016 Street Rehabilitation Program. He stated that all of the leveling courses have been completed and that manhole adjustments will begin next week. That process will take approximately two to three weeks. Final course will follow and street rehabilitation should be completed by the end of October. Development Director Goetzman reported that the installation of a cross culvert at the Lee Ct. section of the Harrison Avenue bike trail project should be completed this week. Mr. Goetzman reported that saw cutting began on Harrison Avenue for the Harrison Avenue widening project in front of the Harrison Greene shopping center. The western portion should be completed this year. Development Director Goetzman reported that the Bridgetown Road Sidewalk Project has begun with tree cutting. He then reported that the Township has gone out for RFQ's for acquisition for sidewalks for the next phase of the Bridgetown Road Sidewalk Project, which is the part that is covered by an OKI Grant. The Township is required to follow the ODOT process for acquiring property so the Township has to do the appraisals by a certified ODOT appraisers and seek qualifications for that. The Township will be open for about another week seeking those RFQ's. He hopes to have a proposal ready for the next Trustees Meeting on September 26, 2016.

Director of Development, Adam Goetzman, stated that the Land Use Planning Committee met a few weeks ago to look at the intersection of Valley Ridge and Harrison Avenue. They did vote unanimously to recommend an amendment to the Land Use Plan. That amendment would then be heard by the Board of Trustees, because while it is the Township's Land Use Plan, it is actually administered and approved by the Hamilton County Regional Planning Commission. The RPC likes to see that there has been some review. The Township would then forward a recommendation to the Hamilton County Regional Planning Commission. Development Director Goetzman recommended that at the Trustees Meeting on September 26, 2016 that the review hearing take place in order to review their recommendations for change, and hear any comments from the public.

Chairman Callos asked if notifications would be sent out. Development Director Goetzman stated that notifications would be sent.

Trustee Rosiello stated that he and his wife Sally were at Oakdale Elementary over the weekend and stated that the wall and paving for the beginning of the bike trail looks really good there.

Police Chief, Bart West, reported that the body cameras that were supposed to arrive in April are now expected to arrive in September. The vendor will be coming to Cincinnati in October. Chief West also reported that the firearms training simulator is up and running in the garage on a temporary basis until the building on Blue Rock Road is completed. Chief West stated that Administrator Birkenhauer had the opportunity to see the simulator and stated that it is a very impressive system.

Trustee Rosiello stated he noticed in a report from the Police Department that there were nine individuals (8 juveniles) that were apprehended for criminal damaging to signs and guard rails on Ebenezer Road. Police Chief West stated that he just talked to Jeff Newby from the Hamilton County Engineer's Office today and has talked to the Restitution Department at Juvenile Court. Unfortunately, it is a tradition, and has been going on for a long time where students from Oak Hills and Elder spray paint signs and guard rails up and down Ebenezer Road. He stated that the juveniles do not understand the magnitude of the problems they cause. The cost to repair/replace signage and guard rails is now running into thousands of dollars. There were four students arrested from Oak Hills and five students from Elder arrested the next day. Chief West stated that this type of damaging requires extra patrols from the Police Department and the schools are needing extra patrols to watch over their campuses. Police Chief West stated that the students need to turn their energy and enthusiasm for their games into something more positive than damaging things that the tax payers have to pay for, or in this case, the families will have to pay for.

Chairman Callos asked Trustee Rosiello about his meeting last year with those schools. Trustee Rosiello stated that he has met with Tom Otten of Elder and John Stoddard of Oak Hills who both agreed that something needs to be done. The representatives from those schools were in agreement with legal action being taken against the students engaged in damaging. Trustee Rosiello stated that students spray painting guard rails in the middle of the night are in great danger of being struck by a car.

Trustee Linnenberg stated that years ago students were only spray painting the guard rail in the bend on Ebenezer. Now the spray painting seems to go all the way down Ebenezer, past Muddy Creek, and all the way up to Lawrence. The students are now spray painting cross walk signs and other items along that roadway.

Police Chief West stated that the damaging used to be limited to just the Oak Hills/Elder football games, then it spread to the basketball games and has gotten way out-of-hand. Students are also spray painting the roadway which causes the roadway to become slick and dangerous. The students need to understand that when you damage other people's property that somebody has to pay for that. In this case it has been the taxpayers.

Chairman Callos stated that it definitely is a safety issue and is fearful that there will be a tragic accident in that area due to the students being on the roadway and causing damage.

Trustee Rosiello stated that this criminal damaging needs to stop.

Chairman Callos stated that there is also burden upon the schools to take some ownership of the situation and encourage their students not to engage in this criminal damaging.

Police Chief West stated that the schools are attempting to discourage the criminal damaging, however, the students are just not listening.

Chairman Callos stated that the possibility of lighting in that area may need to be addressed again.

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

Fire/EMS Chief, Doug Witsken, reported that a few weeks ago the Board approved out-of-state travel for him to attend the International Association of Fire Chief's Conference in San Antonio, TX. Chief Witsken stated that it was an outstanding conference and in the twelve years he has been attending this conference it was the best one yet. Chief Witsken thanked the Board for the opportunity to attend that conference. Chief Witsken stated that the promotional process for the three vacant Lieutenants positions is wrapping up. This week the Fire Department Command Staff and Administrator Birkenhauer interviewed the ten candidates for the position. Chief Witsken hopes to have the three candidates selected and presented to the Board for approval at their September 26, 2016 Trustees Meeting.

Trustee Linnenberg asked Fire/EMS Chief Witsken to provide information to ten Boy Scouts in attendance about the shortage of young people desiring to become a Fire Fighter.

Fire/EMS Chief Witsken stated that with a Boy Scouting background you learn about serving others, and this profession would be a natural progression of the interest already shown in doing that. The majority of the suburban fire departments in the Greater Cincinnati area all use a combination of full-time and part-time employees. There is an area wide shortage of young men and women entering the Fire and EMS Training Programs in the area. Every Fire Department, including Green Township, is working hard to keep their ranks filled. Chief Witsken encouraged young people to look into careers in the Fire and EMS service.

Chairman Callos recognized ten Boy Scouts from Troop #44 that were in attendance at the meeting working on their Citizenship in the Community Merit Badge.

Chairman Callos thanked Green Township staff members for their hard work in getting ready for the Harvest Home Parade.

Chairman Callos announced that on August 30, 2016 the Township had their School Community Council Meeting with Delhi Township and Oak Hills. New leadership was discussed at that meeting along with a few issues that will be coming up. Including the levies and finances. That group meets quarterly and is important to hear what neighboring areas are doing. The next meeting of that Council will be in December.

Trustee Linnenberg read several thank you letters.

The next regular meeting of the Board of Trustees will be held on Monday, September 26, 2016 at 5:30 p.m.

Chairman Callos made a motion to recess into Executive Session for the purpose of discussing purchase of property and the sale of Township property. Trustee Linnenberg seconded the motion. Trustee Rosiello, Aye; Trustee Linnenberg, Aye; Chairman Callos, Aye. The meeting was recessed at 6:15 p.m.; reconvened at 7:35 p.m.

Chairman Callos moved to adjourn the meeting. Trustee Linnenberg seconded the motion. Trustee Rosiello: Aye; Trustee Linnenberg: Aye; Chairman Callos: Aye. Meeting was adjourned at 7:36 p.m.

ATTEST: