

The regular meeting of the Green Township Board of Trustees held on April 24, 2017 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 April 10, 2017. Trustee Linnenberg seconded the motion. All voted Yes.

**RESOLUTION #17-0424-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 #17-0424-B**

Chairman Callos moved to pass a resolution encouraging the Hamilton County Board of County Commissioners to place a temporary moratorium of one year upon the approval, issuance, and/or processing of any permits allowing the construction, installation, and/or modification to facilities pertaining to mini cell towers within the rights-of-ways and/or residential areas. Trustee Linnenberg seconded the motion. Trustee Rosiello: Yes; Trustee Linnenberg: Yes; Chairman Callos: Yes.

Attorney Hyle stated that there is pending legislation regarding cell tower installations in residential areas. There is also new technology that is being considered to make these kinds of installations less obtrusive. Hamilton County has taken the position that they would like to have a moratorium so that no cell towers can be installed within the right-of-way or in residential areas until the study is completed and the legislation is considered. The moratorium would be for a period of one year.

Administrator Birkenhauer stated that Colerain has already passed a resolution supporting the moratorium, and that other local communities are discussing a moratorium as well.

Attorney Hyle stated that another resolution will be presented to the Board for consideration of a moratorium for areas under the jurisdiction of Northeast Green Township Zoning.

Development Director Goetzman stated that Northeast Green Township Zoning Code does regulate cell towers in residential districts, therefore, consideration for a cell tower would have to go through a rigorous process.

**RESOLUTION #17-0424-C**

The following property was declared a nuisance. The Township Attorney was directed to notify the owner of the property listed below of this resolution:

1. 3300 Wheatcroft Drive (550-0082-0559), Motion made by Chairman Callos and seconded by Trustee Linnenberg. All voted Yes.

Administrator Birkenhauer made the following announcements:

1. The Green Township Touch A Truck event will take place on May 6, 2017 from 10:00 a.m. to 2:00 p.m. at the Green Township Administration Building, 6303 Harrison Avenue.
2. Earth Day clean-up efforts were postponed due to inclement weather. The event has been rescheduled for Saturday, April 29, 2017. Volunteers will meet at the Green Township Administration Building at 8:30 a.m. If interested in volunteering please call the Green Township Administrative Office.

Fiscal Officer, Tom Straus, reported that the Township has received notice from the Hamilton County Auditor's Office in regards to the Tax Budget, which must be submitted by July 20, 2017. Also, the Township received notice from the Auditor of State in regards to credit card usage regulations. Apparently, several Townships have a lot of credit cards issued to employees. Green Township has very few credit cards used by departments. Fiscal Officer Straus thanked Fire & EMS Chief Doug Witsken for coming to his home today to repair smoke alarms. He asked Chief Witsken to discuss services offered by the Fire & EMS Department to residents of Green Township.

Fire & EMS Chief Witsken reported that the Fire & EMS Department offers CPR training, child safety seat installation, first aid classes, tours of fire stations, public relations events, changing of smoke detector

batteries, and investigation of smoke detector problems.

Township Attorney, Frank Hyle, stated need for Executive Session for the purpose of discussing collective bargaining strategy and acquisition of property.

Township Administrator, Frank Birkenhauer, stated that he had nothing to report.

Director of Public Services, Joe Lambing, reported that the 5-Points pre-construction meeting was held last week. Duke Energy is currently 4 - 5 weeks out from moving poles and utilities. Cincinnati Bell is approximately 60 days out from moving their portion of the utilities. The demolition of the house next to Kenning's on Bridgetown Road is scheduled for this week, after which the lot will be cleared from Taylor to Bridgetown Road. The process will be slow until the utilities are relocated. Taylor Road will be closed for a time without access to Bridgetown Road. That detour will be via Powner Road.

Trustee Linnenberg asked if road construction could begin earlier.

Public Services Director Lambing stated that all utilities must be relocated before construction can begin.

Director of Public Services Lambing stated that there are several residents present at the meeting to discuss the flash flood that occurred in the Covedale/Western Hills area over the past several weeks.

Chairman Callos stated that the renovation of the Blue Rock Road Park restroom looks very nice.

Trustee Rosiello asked about sidewalk installation along Werk and Westbourne Roads, and why sidewalk is being installed with phone poles still sitting in the middle of them.

Director of Public Services Lambing stated that the issue lies with Cincinnati Bell. Cincinnati Bell is very far behind on moving of their poles and utilities and Duke is not permitted to handle or move those utilities, therefore, the sidewalk is installed with the poles in the middle of the sidewalk. Portions of sidewalks will need to be repaired or replaced after Cincinnati Bell relocates the poles. Director Lambing reported that utilities have been relocated on Bridgetown Road from South Road to the Library to allow for sidewalk installation.

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

Police Chief, Jim Vetter, stated that he had nothing to report.

Director of Development, Adam Goetzman, reported that the Harrison Avenue Path is funded by a grant from the Ohio Department of Transportation (ODOT). That grant requires the Township to use ODOT certified Project Manager Appraisers for property appraisals and reappraisals for land acquisition. The Township has solicited letters of interest from several certified ODOT Project Managers and staff has recommended that Briggs Creative Services, LLC be hired as the Project Manager. Development Director Goetzman requested permission to proceed with final negotiations on the scope. He stated that a Scoping Meeting is required to determine the type of appraisal to be undertaken for each parcel. Once the property impact notes are completed numbers will be finalized. For reappraisals he recommended the hiring of Integra Realty Services. Development Director Goetzman stated that he will call those companies tomorrow to begin scheduling of the Scoping Meeting. He stated that the contracts will be presented for Board approval at their next meeting, assuming that all right-of-way acquisitions are secured. That project would go out for bid in spring, 2018.

Trustee Linnenberg stated that installation of sidewalks along West Fork road were easier because they are set back from the roadway. The sidewalks being installed along Bridgetown Road are adjacent to the curb/roadway and involve curb and storm drains. Trustee Linnenberg stated that residents along South Road, North Bend Road, Harrison Avenue and Muddy Creek are also asking for sidewalks and asked Public Services Director Lambing what determines if sidewalk will meet the curb or be set back from the roadway.

Public Services Director Lambing stated that ODOT required the sidewalks along the curb on Bridgetown Road because it is their road. Right-of-way issues affect the location. Extremely wide right-of-way along West Fork Road allowed for sidewalks to be set back from the roadway, however,

most right-of-way is approximately 15 feet, so there is not room to set them back from the roadway.

Development Director Goetzman stated that the Township does not have the ability to force right-of-way acquisition for sidewalk projects, therefore, it does take time to work with individual property owners to make sure that the installation takes place in a timely manner. Development Director Goetzman suggested that when looking at additional sidewalk projects the Trustees may want to consider engineering studies to identify potential problems. He also recommended a community meeting to discuss potential sidewalks with residents could also help expedite projects.

Trustee Linnenberg stated that residents along the main roadway generally do not want the sidewalks, however, residents on the side roads generally do so that they can walk along the main road.

Chairman Callos asked if anyone was present to speak on the matter of flooding in the Covedale and Western Hills area.

Paula Goller, 5246 Parkview Avenue, stated that the recent flooding was very serious and caused extensive damage. Ms. Goller stated that she believes that the storm sewers are not large enough to handle all of the water.

Chairman Callos asked Director of Public Services Lambing for a report on flooding issues.

Public Services Director Lambing stated that there are a couple of things going on. The main issue was due to overland sheet flow rain. He stated that water had to be coming from Sidney down to Western Hills and throughout the neighborhood. Director Lambing stated that he had video that he passed along to Administrator Birkenhauer to review. Director Lambing stated that he and Randy Ludwig did go out to look at the water situation and see if they could figure out where water was coming from and where water was going, however, there are not good plans for that neighborhood and they are not sure where everything is located. Director Lambing stated that he did find a storm water pipe on Sumter that flows into a drainage ditch behind Western Hills and between Ralph. He assumed that the creek there flooded, and there was just no place for the water on Sumter to go. The water rose up on Sumter, then flowed onto Willowood, and that created a flooding problem for several residents in that area. The storm system could not handle any more water, so it flooded on to Sumter and then caused a sheet flow problem which affected Ms. Goller. Director Lambing stated that flooding happened in many places during that storm because there was so much water that had no place to go. He stated that water on Muddy Creek was over the bridge again. He stated that Beechgrove, Antonninus, and a good portion of the Western Hills and Covedale area use Muddy Creek as their outflow, and when it's full there is no place for the water to go. Director Lambing stated that they were still out looking at areas today and will get back there to see if they can figure out where water is coming from and going to. He further stated that adding a catch basin to a pipe that doesn't go anywhere does not help the situation. He stated that he needs to find out where the outfall is and where the water is going.

Ms. Goller asked about modification to the curb by her home.

Public Services Director Lambing stated that they will be adding blacktop over that curb.

Ms. Goller asked if the catch basin could be made deeper.

Director Lambing stated that he will be looking at everything, but if every outfall is full, and there is no place for the water to go, it wouldn't matter if the catch basin was 10 ft. deep.

Ms. Goller stated that when the conversion was made to separate sewer and storm water the catch basin was too shallow. It is not even a foot down. It's not deep enough to catch anything. Ms. Goller stated that the design was flawed from the beginning and that she could have done a better job herself. Ms. Goller stated that someone needs to go back and see who did the work and to make acceptable changes. Ms. Goller stated that the work would not pass any kind of inspection today.

Public Services Director Lambing stated that it would probably not pass inspection, however, Green Township does not engineer streets. Engineers design them and have plans approved by Hamilton County. After approval the Township assumes maintenance.

Ms. Goller stated that the flooding has been occurring since 1995.

Public Services Director Lambing stated that flooding likely occurred even before then.

Ms. Goller stated that she has contracted for more services to make the wall higher along the side of the driveway, but that will just make the neighbor's flooding problem worse. Ms. Goller stated that she believes the flooding to be a countywide problem.

Public Services Director Lambing stated that flooding is a countywide problem.

Chairman Callos thanked Director Lambing for his update.

Robert Buckner, 3621 Muddy Creek Road, stated that the problem with the sewer is the combination sewer, which is storm water and sewage in the same pipe. He stated that at one time Township residents passed a Levy to replace all of the storm sewers. He stated that they came up Muddy Creek and replaced the manholes, but replacing manhole does nothing to help with the flooding problem. Mr. Buckner stated that when Muddy Creek is too full everything backs up. He stated that the problem will not be solved until the end problem is fixed. Mr. Buckner stated that a larger pipe is needed, approximately 6 ft. in diameter, to run all the way down the back of the homes, separate the sewer from the storm water, and then the problem may be corrected. Mr. Buckner stated that he, and most of the neighbors on Muddy Creek, want to be bought out and get out of their homes, that way a park could be built there and he doesn't care when it floods. Mr. Buckner stated that this is the third major flooding event in three years, two of them in the last two months. The last flood was 7 ft. of sewage, not storm water, and not overland flooding, which everyone tries to push off as overland flooding. He stated that overland flooding is not the problem.

Administrator Birkenhauer stated that he will speak with the Metropolitan Sewer District (MSD) and the County concerning the flooding. Administrator Birkenhauer stated that he used to be President of the Millcreek Watershed Council. The Millcreek is one of the most infamous areas that is inundated with CSO's. That being the case, during wet weather, such as we have experienced in the past few years and months, it inundates the sewer pipes, which in some cases may be more pervious than impervious, resulting in raw sewage backing up in basements and other areas. Flooding is something that the Township definitely realizes is an issue, but needs to work through MSD and the organizations responsible. The Township is getting 50 - 500 year storms almost on an annual basis. If you look at the engineering for these facilities over the years they still do not require a design to accommodate a 500 year plus storm. The Township could not afford to design a system to retain the amount of water received in the past couple storms. He stated that he does not think there is anything that can be done to make a catch basin deep enough when receiving several inches of rain within such a short period of time. Administrator Birkenhauer stated that he also sits on the Hamilton County Storm Water District. They map out all of the outfalls for storm water. He has also worked with FEMA in the past. If you look at a buyout for the overland flooding, typically a local jurisdiction, such as a Township, would go through the Federal Emergency Management Agency. The unfortunate thing here is that there is an overland type flooding, but you are not in a flood plain, and FEMA buys out the flood plains because the National Flood Insurance Program (NFIP) is continually paying out for repetitive flooding of structures. So from that perspective we can certainly look at some of these outfalls, but the Township has to rely on Hamilton County and MSD to possibly address some of these areas. Administrator Birkenhauer stated that people do not want to hear this, but a lot of the flooding problems in rear yards are private issues. Someone may have redirected water flow resulting in flooding the neighbor's property.

Trustee Linnenberg asked about the buyout component. He stated that on Rapid Run MSD bought and razed many houses about 10 years ago. That does two things. It gets rid of the houses that are flooding, and it provides land for the water to actually soak in, which helps everyone else. He asked how they managed that without those being in a flood plain.

Administrator Birkenhauer stated that it was a direct buyout by MSD. He stated that he spoke to MSD after the recent flooding, and they asked, from the Township's perspective, if we would be opposed to a potential buyout due to the tax ramifications. Administrator Birkenhauer stated

that he knows the Board is very concerned about the flooding that occurred, that we would certainly support the buyout. He noted that often, smaller jurisdictions may not want to see buyouts due to the corresponding loss of property tax revenues. Administrator Birkenhauer stated that he told them that that certainly was not the case in Green Township and that the Township would want to make sure that these residents are taken care of and if they would like to undertake a buyout we would certainly support that as a Township and realize the difficulties of living in the area of the Muddy Creek. He stated that he will circle back with MSD and reiterate our position as a Township.

Chairman Callos asked Administrator Birkenhauer to circle back and get an update on that. Chairman Callos thanked Public Services Director Lambing for his work investigating flooding issues. Chairman Callos stated that he knows that staff has been inundated with phone calls since this happened and he knows that staff has been professional and responsive to everyone. Chairman Callos stated that is a situation that he wouldn't wish on anybody, and he can't imagine what some residents are going through. He further stated that the Township will do what we can, but as Administrator Birkenhauer mentioned, some of these issues are private and/or deal with other entities.

Trustee Linnenberg stated that the Werk and Westbourne EHRT facility does not currently address this issue. That project is supposed to separate sewage from storm water, but in an overly heavy storm, it's still going to go together. The flooding issue shows the importance of the Township fighting with the County to get the interceptor installed there. He stated that he is not fully 100% convinced on what it does, but he knows it would work to hold some of the water, and the more it can hold the better.

Trustee Rosiello stated that MSD wanted to wait another 10 years before doing the EHRT facility, however, they are doing it now. Trustee Rosiello stated that he is a resident of the Muddy Creek area and that water was coming over the bridge at Beech Creek.

Trustee Linnenberg stated that the Township has to fight to get the interceptor installed.

Chairman Callos opened the public hearing for the establishment of the Jennifer Lynn Lighting District. Legal Notice was published on March 8, 2017.

Development Director Goetzman stated that a group of homeowners on Jennifer Lynn have petitioned the Township requesting that the Township take over billing for street lighting in an existing subdivision. Street lighting was installed by a developer and the bill is currently being paid by their Homeowner's Association. Over 51% of the property owners on Jennifer Lynn have signed the petition. Notice of this hearing has been provided to the property owners. If approved, the bills will transfer to the Township. The Township will pay the bills through a lighting assessment funds, and assessments submitted to the Hamilton County Auditor's Office that will cover a period of 42 months. The current billing for the lighting is approximately \$500 per month. That amount is divided among the 46 property owners in the subdivision. In this instance it will be slightly higher. It will be 42 months at \$493.00. Individual lot assessments will be \$450, or \$150 per year for those assessments.

Colleen McSwiggen, 6746 Jennifer Lynn, Treasurer of the Homeowner's Association, addressed the Board and presented information regarding the history of the lighting.

Development Director Goetzman stated that the 42 months would be from June of this year through the 3 year assessment period starting in January, which totals approximately \$20,000.

Ms. McSwiggen stated that the total amount per month recently changed to \$499.84 per month.

Development Director Goetzman stated that the adjustment will be made to reflect \$499.84.

Trustee Linnenberg asked if any neighbors were opposed to the lighting district.

Ms. McSwiggen stated that she is not aware of any.

Hearing no one else that wished to speak on the matter Chairman Callos

closed the public hearing of the establishment of the Jennifer Lynn Lighting District.

Attorney Hyle stated that the poles with the lights are already situated within the subdivision and the Township will retain those.

Development Director Goetzman stated that the total assessment will be \$20,957.60.

**RESOLUTION #17-0424-D**

Chairman Callos moved to pass a resolution approving the establishment of the Jennifer Lynn Lighting District. Trustee Linnenberg seconded the motion. Trustee Rosiello: Yes; Trustee Linnenberg: Yes; Chairman Callos: Yes.

Chairman Callos opened the public hearing for the establishment of the Joey Terrace Lighting District. Legal Notice was published on March 8, 2017.

Development Director Goetzman stated that a group of homeowners on Joey Terrace have petitioned the Township requesting a midblock overhead street light. Over 51% of the property owners signed the petition requesting the light.

The assessment based on 36 months would be \$29.60 per year for each property within the district.

Herb Herbers, 5475 Joey Terrace, stated that they have had kids and teens hanging out on the street and he believes that the light would be helpful.

Hearing no one else that wished to speak on the matter Chairman Callos closed the public hearing of the establishment of the Joey Terrace Lighting District.

**RESOLUTION #17-0424-E**

Chairman Callos moved to pass a resolution approving the establishment of the Joey Terrace Lighting District. Trustee Linnenberg seconded the motion. Trustee Rosiello: Yes; Trustee Linnenberg: Yes; Chairman Callos: Yes.

Trustee Linnenberg read several thank you letters.

The next regular meeting of the Board of Trustees will be held on Monday, May 08, 2017 at 5:30 p.m.

Chairman Callos made a motion to recess into Executive Session for the purpose of discussing collective bargaining strategy and acquisition of property. Trustee Linnenberg seconded the motion. Trustee Rosiello, Yes; Trustee Linnenberg, Yes; Chairman Callos, Yes. The meeting was recessed at 6:50 p.m.; reconvened at 7:15 p.m.

Chairman Callos moved to adjourn the meeting. Trustee Linnenberg seconded the motion. Trustee Rosiello: Yes; Trustee Linnenberg: Yes; Chairman Callos: Yes. Meeting was adjourned at 7:16 p.m.

ATTEST: