

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
January 18, 2024

R. Dee Stone, Trustee Chair
Lexi Lausten, Trustee Vice Chair
Joshua S. Gerth, Trustee
Brian Johnson, Fiscal Officer

Mrs. Stone called the meeting to order and welcomed attendees including: Fiscal Officer Brian Johnson, Township Administrator Vicky Earhart, Assistant Township Administrator for Operations Steve Sievers, Assistant Township Administrator for Human Resources Suzanne Parker, Planning & Zoning Director Paul Drury, Public Works Director Eric Luginbuhl, Law Director Margaret Comey, Anderson Township Fire & Rescue Assistant Chief Robert Herrlinger, Sheriff's Department Sgt. Tom Lange, Fiscal Office Clerk Katie Arnold.

MOTION TO RETIRE TO EXECUTIVE SESSION – 4:45 P.M.

Mr. Gerth moved to retire to Executive Session to consider the appointment, employment, or compensation of a public employee or official as permitted by Ohio Revised Code Section 121.22(G)(1), to consider the purchase of property for public purposes as permitted by Ohio Revised Code Section 121.22(G)(2), and to confer with the Law Director concerning disputes that are the subject of pending or imminent court action as permitted by Ohio Revised Code. **Mrs. Lausten** seconded the motion.

Mr. Johnson called the roll: **Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes.**

Mrs. Stone moved to return from Executive Session. **Mrs. Lausten** seconded the motion.

Mr. Johnson called the roll: **Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes.**

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE FOR DON BISHOP

Mrs. Stone gave a summary of Mr. Bishop's contributions to the. A moment of silence was observed.

MOTION TO ADOPT AGENDA

Mrs. Stone moved to adopt the agenda without modifications. **Mr. Gerth** seconded the motion.

Mr. Johnson called the roll: **Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes.**

PUBLIC FORUM

PRESENTATIONS AND RECOGNITIONS

Ceremonial Oath of Office for R. Dee Stone

Mr. Dietz stated the work of the Trustees and staff are the reason for the success of the Township's successes. Mr. Dietz administered the Oath of Office for Mrs. Stone.

Ceremonial Oath of Office for new firefighters, paramedics and EMTs

Assistant Chief Herrlinger introduced Firefighters Atwood, Crago, Kincaid, Kroener, and McCarthy. **Mr. Johnson** administered the Oath of Office.

PUBLIC COMMENTS

Lori Kireston of 810 Seton Avenue stated when she went to Coney Island she felt the sense of community and when she heard Coney Island was closing without any input was concerned it would pull away the foundation of the Midwest interactions. She asked the Board what could be done to provide cool water and a place to vacation for people without money to vacation. She also stated she believed heat causes anger and the problems grow.

Kevin Misiak of 8443 Holiday Hills congratulated Ms. Stone, he is sad to see Coney Island go away and wanted to congratulate the staff, Trustees and Mrs. Earhart on the ability to attract the new development and hoped it would provide new jobs, memories and opportunities to the community and thanked the Board for their efforts on planning and zoning.

Natalie Chrystal 6240 Beechcrest Place and agreed with both Kevin and Laurie and proposed the Board and Cincinnati Symphony Orchestra (CSO) try to find a win-win solution, having history preserved, while building a new venue. She stated she believed there is room for everything and was saddened there was no outreach to the community to find a solution. She wondered if it was possible to find an ordinance to make Coney Island an historic landmark. She stated Coney was a year older than the Eifel Tower and was historic landmark that deserved to be saved.

Coleen Vogelsang of 6784 Burhaven Lane stated she understood it was private sale and not much can be done. She wondered where all ages of the community could come together and if there was something else that could be established where all generations could gather.

Theresa Corbett of 1608 Dell Terrace Delta Terrace stated she taught swim lessons at Coney Island and grew up there. She said it feels like it is taking away summer and wondered how many music venues are needed.

Becky Schrand of 6429 Dawes stated she was a swimmer and as a kid was in awe of the pool and at 60 is still in awe of the pool. She was heartbroken when heard of the sale and understands it is a private entity and wants to know how to save it.

Judy Selzer of 525 Constitution Square stated she had taught swimming for over 50 years and children need somewhere to learn to swim so there are no drownings. All the pools are at capacity and there is a waiting list and there is no place else to go to learn to swim. People come from all over to swim at Coney. She also stated older people that live alone can go to Coney and socialize and she worries about where they will go and where kids are going to learn to swim.

She hoped a working relationship could be established so both attractions could be in the neighborhood. She was concerned without Coney there would be more disconnect in the community.

TRUSTEE COMMENTS

Ms. Lausten thanked everyone for coming and expressing their emotions and sentiments. She said she understood how a connection to a place cannot be put into words, and hearing about the sale of Coney and having a price put on a place that holds precious memories opens wounds. She empathized with how difficult it is and thanked them for sharing their feelings.

Mr. Gerth the Trustees has no authority to stop Coney Island from closing and the decision rested with the owners of the property. Designating Coney Island as an historical landmark is not something the Board has authority to do. Additionally, he reminded citizens less than half the property is in the Township, and the Board was also shocked to hear of the closing. He wished the family that owned Coney Island would have been more forthcoming. He believed the CSO would work with the Township and believed they were sincere in keeping as much of the historic parts intact as possible.

Mrs. Stone stated the Trustees were just as shocked, and all emails received had been forward to the CSO.

FISCAL OFFICER

Financial Reports

Mr. Johnson stated the changes from the previous meeting were reflected in the packet. He also said temporary appropriations had been sent to the County.

Minutes

RESOLUTION NO. 24-0118-01

Mr. Gerth moved to approve the minutes from October 19, 2023. **Mrs. Lausten** seconded the motion.

Mr. Johnson called the roll: **Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes.**

LAW DIRECTOR

There was no new business.

FIRE & RESCUE DEPARTMENT

There was no new business.

FINANCE DEPARTMENT

There was no new business.

PLANNING & ZONING

Update to the Committee Commitment Resolution

Mr. Drury stated the first item was a resolution that updated the Committee Commitment Resolution to align with the restructuring of the Citizen Committees and the second change in the policy was how the comprehensive plan was referenced.

RESOLUTION NO. 24 – 0118 – 02

Mrs. Lausten made a motion to approve the updated Policy for Defining Anticipated Commitment for Anderson Township Citizen Volunteer Committee Members. **Mr. Gerth** seconded the motion.

Mr. Johnson called the roll: **Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes.**

Set Public Hearing for Case 1-2024 AND – 1303, 1291, 1279, and 1267 Eight Mile Road

Mr. Drury asked the Board to set a public hearing for the for a zone change for the property on Eight Mile Road for the

RESOLUTION NO. 24 – 0118 – 03

Mrs. Lausten made a motion to set a public hearing for Thursday, February 15, 2024 at 5:30 PM at Anderson Center, 7850 Five Mile Road Anderson Township, Ohio for the purpose of hearing Case #1-2024 AND **Mr. Gerth** seconded the motion.

Mr. Johnson called the roll: **Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes.**

SHERIFF’S OFFICE

Liquor License Transfer Request for JVM Anderson LLC dba Anderson BP located at 7380 Beechmont Avenue

Sgt. Lange stated the paperwork for the liquor license had not yet been submitted. No action was taken.

PUBLIC WORKS DEPARTMENT

2023 Township System Mileage Certification

Mr. Luginbuhl stated there were no changes to the road inventory from 2023. In 2023 there were 122.052 and it remained unchanged.

RESOLUTION NO. 24 – 0118 – 04

Mr. Gerth moved to certify the 2023 Annual Road Mileage as submitted by the Ohio Department of Transportation and the Hamilton County Engineers Office and as kept on file in the Public Works Department and Fiscal Office. Mrs. Lausten seconded the motion.

Mr. Johnson called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes.

TOWNSHIP ADMINISTRATOR

Mr. Sievers stated he had several items to present that all aligned with the Trail Plan.

Request Authorization to Enter Into Joint Agreement with Hamilton County for the Installation of Pedestrian Activated Rectangular Flashing Beacons at Various Mid-Block Crossings

Mr. Sievers stated the first item was in conjunction with Hamilton County where push button flashers would be installed at crosswalks in four locations. The locations were Hunley Road and the Five Mile Trail bridge, Little Dry Run at Wilson Elementary School, Lawyer Road at Concordgreen Drive and the intersection of Eight Mile Road at Little Harbor Drive, installation in the spring.

Mrs. Stone asked if these would be like the crosswalk on Salem.

Mr. Sievers said they would.

Mrs. Lausten stated she was concerned the flashers created a false sense of security for pedestrians and asked about additional signs for pedestrians to take caution.

Mr. Sievers agreed and stated some crosswalks had signs that reminded people to wait. He also stated it was written about in Anderson Insights.

Mrs. Lausten moved to adopt the below resolution. **Mr. Gerth** seconded the motion.

Mr. Johnson called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes.

RESOLUTION NO. 24 – 0118 – 05

RESOLUTION APPROVING, AND AUTHORIZING EXECUTION AND DELIVERY OF, AGREEMENT WITH HAMILTON COUNTY BOARD OF COUNTY COMMISSIONERS REGARDING INSTALLATION OF RECTANGULAR RAPID FLASHING BEACON(S) AT VARIOUS LOCATIONS WITHIN THE TOWNSHIP

WHEREAS, the Hamilton County Engineer and this Board have determined the need to improve safety for pedestrians in the Township by providing for the installation, maintenance and updating of certain rectangular rapid flashing beacon(s) (“RRFBs”) in the Township at various locations from time to time (collectively, the “Project”);

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees (the “Board”) of Anderson Township, Hamilton County, Ohio (the “Township”), as follows:

SECTION 1. This Board hereby determines that the Project is in the public interest and hereby authorizes the installation, maintenance and updating of RRFBs at various locations in the Township from time to time.

SECTION 2. This Board hereby approves the form of Joint Agreement Between Hamilton County and Anderson Township for the Installation of Rectangular Rapid Flashing Beacon(s) at Various Locations (the "Agreement") as presented to this Board and hereby authorizes and directs the Township Administrator to (a) execute and deliver the Agreement to the Hamilton County Board of County Commissioners in substantially the form presented to this Board, with such revisions thereto as she deems, after consultation with the Law Director, not to be disadvantageous to the Township, such determination being conclusively evidenced by her execution of the Agreement, and (b) to file any applications with respect to and/or to enter into such additional Project contracts as are necessary to complete the Project and to carry out the intent of this Resolution, after review thereof by the Law Director.

SECTION 3. This Board hereby authorizes the installation, maintenance and updating of four (4) RRFBs at locations in the Township at an estimated aggregate cost not to exceed \$55,000, which funds are hereby appropriated for such purpose.

SECTION 4. The preamble hereto is and shall for all purposes be construed to be an integral and operative part of this resolution.

SECTION 5. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Section 121.22 of the Ohio Revised Code, except as otherwise permitted thereby.

Resolution Authorizing LPA Federal ODOT Let Project Agreement with Respect to Clough Pike and Endovalley Drive Crosswalk Project

Mr. Sievers asked the Board to consider the resolution for a crosswalk stoplight at Clough Pike and Endovalley Drive for pedestrians. The installed light would flash yellow and then turn red and require cars to stop. He stated it was the safest mechanism at a crosswalk and half funded by ODOT.

Mr. Gerth moved to adopt the below resolution. Mrs. Lausten seconded the motion.

Mr. Johnson called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes.

RESOLUTION NO. 24 – 0118 – 06

RESOLUTION AUTHORIZING LPA FEDERAL ODOT LET PROJECT AGREEMENT WITH RESPECT TO CLOUGH PIKE AND ENDOVALLEY DRIVE CROSSWALK PROJECT

WHEREAS, the State of Ohio, Department of Transportation ("ODOT") and this Board of Township Trustees of Anderson Township, Hamilton County, Ohio, as the Local Public Agency (the "LPA"), have determined the need to improve safety for pedestrians by the construction of a new pedestrian crossing on Clough Pike in Anderson Township just east of Endovalley Drive, to be controlled by a Pedestrian Hybrid Beacon, together with related curb work (the "Project");

NOW, THEREFORE, BE IT RESOLVED by the Board of Township Trustees (the "Board") of Anderson Township, Hamilton County, Ohio (the "Township" or the LPA), as follows:

SECTION 1. *Consent Statement.* The LPA determines that the Project is in the public interest, and hereby gives its consent to the Ohio Director of Transportation to complete the Project.

SECTION 2. *Cooperation Statement.* The LPA agrees that it shall cooperate with the Ohio Director of Transportation in undertaking the Project, as follows:

- A. The total cost of the Project ("Construction Cost") is estimated to be \$231,198.36 of which ODOT will provide to the LPA fifty percent (50%) of the eligible costs, up to a maximum of \$159,345 in federal funds administered by ODOT.
- B. The LPA agrees to participate in the cost of the Project at the rate of fifty percent (50%) of the Construction Cost (the non-federal share or LPA's share) and, further, to be responsible for paying one hundred percent (100%) of the costs of Planning, Preliminary Engineering, Environmental Engineering (provided that ODOT shall obtain permits) and Final Engineering with respect to Right-of-Way Phases, as set forth in the ODOT shall provide Final Engineering with respect to utility relocation.
- C. The LPA further agrees to pay one hundred percent (100%) of the cost of those features of the Project requested by the LPA which are determined by ODOT and the Federal Highway Administration to be beyond the scope of the Project.
- D. The LPA further agrees that change orders and extra work contracts required to fulfill the Project construction contracts shall be processed as needed. The State shall not approve a change order or extra work contract until it first gives notice, in writing, to the LPA. The LPA shall provide all other necessary financial resources to fully complete the Project, including all cost overruns and contractor claims in excess of the estimated cost listed in 2A, above.
- E. ODOT and LPA agree to the "LPA ODOT Let Project Responsibility Assignments" included in the LPA Federal ODOT LET PROJECT AGREEMENT, by and between ODOT and the LPA, a copy of which is attached hereto (the "Agreement").

SECTION 3. *Utilities and Right-of-Way Statement.* The LPA agrees to acquire and/or make available to ODOT, in accordance with current State and federal regulations, all necessary right-of-way required for the Project. The LPA also understands that right-of-way costs include eligible utility costs.

The LPA agrees to be responsible for all utility accommodation, relocation and reimbursement and agrees that such accommodation, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

SECTION 4. *Maintenance.* Upon completion of the Project, and unless otherwise agreed, the LPA shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and federal laws, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide sufficient financial provisions, as necessary, for the maintenance of the Project; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

SECTION 5. *Authority to Sign.* This Board hereby approves the form of the Agreement substantially in the form presented to this Board and the Township Administrator of the LPA is hereby authorized on behalf of this Board, to (a) execute and deliver the Agreement in substantially the form attached hereto, with such revisions thereto as she deems, after consultation with the Law Director, not to be disadvantageous to the gold LPA, such determination being conclusively evidenced by her execution of the Agreement, and (b) enter into such additional Project contracts with (i) ODOT pre-qualified consultants for the Preliminary Engineering and Right-of-Way phases of the Project, and (ii) the Ohio Director of Transportation, as are necessary to complete the Project and to carry out the intent of this Resolution, after review thereof by the Law Director.

Upon request of ODOT, the Township Administrator is also empowered to assign to ODOT all rights, title and interest of the Board arising from any agreement with said consultants in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omission, and to exercise all other contractual rights and remedies afforded by law or equity.

SECTION 6. *Certification.* The Fiscal Officer or his designee shall certify two (2) copies of this Resolution to the Ohio Department of Transportation District 8, 505 S. State Route 741, Lebanon, Ohio 45036, Attention: Mr. Paul Mariocchi, Local Public Agency Project Manager.

SECTION 7. *Preamble.* The preamble hereto is and shall for all purposes be construed to be an integral and operative part of this resolution.

SECTION 8. *Sunshine Law Finding.* This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) R.C. §121.22, except as otherwise permitted thereby.

Voll road sidewalk engineers in conjunction with grant funding

Mr. Sievers asked the Board to approve the below resolution regarding funds for final engineering of the Voll Road project.

RESOLUTION NO. 24 – 0118 – 07

Mrs. Lausten moved to authorize the Township Administrator to enter into contract with Choice One Engineering, following review by the Law Director, for final engineering of a new sidewalk along Voll Road, utilizing 1994 TIF funds, for which construction would be paid for with CDBG funds. Mr. Gerth seconded the motion.

Mr. Johnson called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes.

Motion to Appoint Members to the 2024 Ethics Panel

Mrs. Earhart informed the Board of the State of Ohio's Ethics Policy, and that in 2013 an employee led committee chose to go above the requirements and created their own policy. A part of the policy created a panel of employee's other employees could approach with ethics

questions. The two items for the Board to consider involved the appointment of employees to the committee and the approval of the revised ethics policy for the Township. The revision of the policy included the finance department which was created in 2023 and allowed for the Board to make annual appointments from each department.

Mr. Gerth moved to adopt the below resolution. **Mrs. Lausten** seconded the motion.

Mr. Johnson called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes.

RESOLUTION NO. 24 – 0118 – 08

**RESOLUTION APPROVING AND ADOPTING THE
ANDERSON TOWNSHIP ETHICS POLICY AS REVISED THIS DATE**

WHEREAS, Anderson Township officials and employees must, at all times, abide by protections afforded to the public and embodied in Ohio’s ethics laws, as found in Chapters 102 and 2921 of the Ohio Revised Code, and as interpreted by the Ohio Ethics Commission and Ohio courts; and

WHEREAS, Anderson Township, its Board of Township Trustees and its employees are committed *“to providing services which protect and enhance the quality of life in our community”* and to delivering those services in accordance with the highest ethical standards, ensuring that employees and elected officials conduct themselves in a manner that fosters confidence in the integrity of Anderson Township and its governance and professionalism and integrity among its employees and elected officials; and

WHEREAS, elected officials and employees worked together to develop the Anderson Township Ethics Policy adopted by this Board by passage of Resolution No. 13-0321-01 on March 13, 2013 (the “Original Ethics Policy”) and intended to set a standard of excellence for local governance; and

WHEREAS, the Ethics Panel established under the Original Ethics Policy has worked with Township Administration to review and update the Original Ethics Policy in light of recent changes in Township administrative and departmental organization, and is proposing revisions to the Original Ethics Policy that are included in the Anderson Township Ethics Policy as Revised January 18, 2024 (the “2024 Ethics Policy”) for consideration by the Board;

NOW THEREFORE BE IT RESOLVED by the Board of Township Trustees (“Board”) of Anderson Township (“Township”), Hamilton County, Ohio, as follows:

SECTION 1. This Board hereby approves and adopts the 2024 Ethics Policy as presented, which 2024 Ethics Policy shall supersede the Original Ethics Policy and be in effective from this date.

SECTION 2. That a copy of this Resolution and 2024 Ethics Policy shall be certified by the Fiscal Officer and posted on the Township’s website.

SECTION 3. That the Township Administrator is hereby directed to distribute a copy of the 2024 Ethics Policy to all Township employees and officials.

SECTION 4. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this resolution.

SECTION 5. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Section 121.22 of the Ohio Revised Code, except as otherwise permitted thereby.

Resolution Approving and Adopting the Anderson Township Ethics Policy as Revised This Date

RESOLUTION NO. 24 – 0118 – 09

Mrs. Lausten moved to appoint Betty Cowan (Administration), Tammy Disque (Finance), and David Brown (Fire and Rescue) to the Anderson Township Ethics Panel for two-year terms beginning January 19, 2024 and ending December 31, 2025; the Board further recognizes that Eric Luginbuhl (Public Works) and Sarah Donovan (Planning & Zoning) will continue to their terms of service on the Anderson Township Ethics Panel until December 31, 2004. Mr. Gerth seconded the motion.

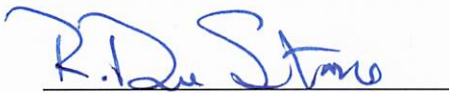
Mr. Johnson called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes.

Mrs. Stone stated the next regular Board would be February 15, 2024.

MOTION TO ADJOURN

Mrs. Stone moved to adjourn the meeting. Mrs. Lausten seconded the motion.

Mr. Johnson called the roll: Mr. Gerth, yes; Mrs. Lausten, yes; Mrs. Stone, yes.



R. Dee Stone, Chair

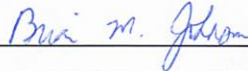


Brian M. Johnson, Fiscal Officer

CERTIFICATION

The undersigned duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true excerpt from the minutes of a regular meeting, including the roll call votes thereat, of the Board of Township Trustees of said Township held on the 21st day of March 2024, and that said minutes have been duly entered upon the Journal of said Township.

This day the 21st day of March 2024.



Brian M. Johnson, Fiscal Officer