

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

August 18, 2022

The Board of Township Trustees of Anderson Township ("Board") held its regular monthly meeting on August 18, 2022, at 5:00 p.m., in the Anderson Center Board Room. Present were the following Board members:

Joshua S. Gerth
R. Dee Stone
Lexi Lausten

Also present at the start of the meeting were Fiscal Officer Ken Dietz, Township Administrator Vicky Earhart, Assistant Township Administrator for Operations Steve Sievers and Assistant Township Administrator for Human Resources Suzanne Parker.

Mr. Gerth called the meeting to order and moved to retire to Executive Session to confer with the Law Director concerning disputes that are the subject of pending or imminent court action as permitted by Ohio Revised Code Section 121.22(G)(3). Mrs. Stone seconded the motion.

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

Mr. Gerth moved to return from Executive Session. Mrs. Stone seconded the motion. Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Stone, yes; Mrs. Lausten, yes.

Mr. Gerth called the meeting to order and welcomed the additional attendees, including a number of citizens and the following public officials: Planning & Zoning Director Paul Drury, Public Works Director Eric Luginbuhl, Fire Chief Rick Martin, Hamilton County Sheriff's District 5 Sgt. Tom Lange, Fiscal Office Manager Jennifer Baker, Law Director Margaret Comey, and Administrative Assistant Molly Mohrfield. He asked them to join him in the Pledge of Allegiance.

Mr. Gerth moved to adopt the agenda with modifications. Mrs. Lausten seconded the motion.

There was no further discussion.

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

PRESENTATIONS AND RECOGNITIONS

Beautification Awards – **Mr. Drury** announced the 2022 Beautification Award winners including: 824 Farmsworth for outstanding residential landscaping, and Don Rigo, 7725 Five Mile Road for outstanding commercial landscaping.

National Preparedness Month – **Mrs. Earhart** announced that National Preparedness Month was observed each September to raise awareness about the importance of preparing for disasters and emergencies that could happen at any time. For links to social media toolkits and key messaging

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for seasons and topics visit: www.ready.gov/calendar. Social media toolkits included preparedness tips for flood safety, wildfires, hurricanes, and extreme heat.

PUBLIC FORUM

Mr. Gerth invited members of the audience to address the Board.

Ben Sims, 1549 Hilltree Drive, stated that some issues with damaged drainage pipes, and sidewalks had emerged during the curb replacement project on Hilltree Drive. He observed the contractor preparing to pour the sidewalk with no curb cuts for his downspout drains. The contractor had explained to him that they install only four feet of drainage pipes under the sidewalk and connect to the curb, anything over and above that was the homeowner's responsibility. Mr. Sims stated that the replacement pipe that was installed was a few inches below the street, sloping upwards from his property, which could cause sediment accumulation which would eventually lead to a clogging issue. The other issue was in regard to the installation, the curbs were too high, and the fittings were not properly installed on the pipe. He was also concerned about the drainage issues that the neighborhood could start to experience. He pointed out that approximately 35 out of 56 downspout drains were not flowing. **Mr. Gerth** stated that he was aware of the numerous emails between Mr. Sievers, Mr. Luginbuhl, and Mr. Sims. He pointed out that if the contractor was not doing what was correct that would be addressed. **Mr. Sievers** acknowledged the efforts of Public Works Director Mr. Luginbuhl, who was responsible for work being done in front of 912 houses this year. That was an incredibly amount of hand holding in case-by-case situations when concerns arise.

FISCAL OFFICER

Financial Reports – **Mr. Dietz** presented the Board with the end of July financial reports for their review.

Appropriation Changes –

Resolution 22-0818-01: Mrs. Stone moved to adopt the appropriation changes as recommended by the Fiscal Officer. Mrs. Lausten seconded the motion.

50.1100.01	+23,236.36 (Due to receiving FEMA monies related to grant number EMW-2020-FG-01231 – reimbursement of expenses paid out of Fire Fund (10))
01.1100.2813	-15,000 Computer Consultants
01.1100.2630.01	+65,000 Misc Expenses
01.1100.1010	-25,000 Legal Counsel Other

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01.1100.19

-25,000 State Examiner's Charges

There was no further discussion.

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

Minutes –

Resolution 22-0818-02: Mrs. Lausten moved to approve the minutes of May 19, 2022; June 2, 2022; and June 16, 2022, with minor corrections. Mrs. Stone seconded the motion.

There was no further discussion.

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

LAW DIRECTOR

Mrs. Comey had nothing requiring Board action.

PLANNING & ZONING

Resolution Certifying Written Report of Action of this Board and Unpaid Expenses in Connection Therewith Under Section 505.86 and 505.87 of the Revised Code to Hamilton County Auditor for Collection –

Resolution 22-0818-03: Mrs. Lausten moved to adopt a resolution certifying written report of action of this Board and unpaid costs in connection therewith under Sections 505.86, 505.87, and 505.871 of the Revised Code to the Hamilton County Auditor for collection as follows; Mrs. Stone seconded the motion:

RESOLUTION NO. 22-0818-03

**RESOLUTION CERTIFYING WRITTEN REPORT OF ACTION OF THIS BOARD
AND UNPAID COSTS IN CONNECTION THEREWITH UNDER SECTIONS 505.86,
505.87, and 505.871 OF THE REVISED CODE TO THE HAMILTON COUNTY
AUDITOR FOR COLLECTION**

WHEREAS, this Board of Township Trustees (the "Board") has undertaken nuisance proceedings under Sections 505.86, 505.87, and 505.871 of the Revised Code (collectively, the "Statute") to secure and/or remove unsafe structures, to abate, control or remove vegetation, garbage, refuse and/or debris, and to remove a junk automobile, has performed work and otherwise complied with the requirements of the Statute, all with respect to the properties identified in Appendix A attached hereto and by this reference incorporated herein (each, a "Property," and together, the "Properties"), and pursuant to the respective Resolutions indicated in Appendix A, each duly passed by this Board; and

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WHEREAS, all owners of the respective Properties and all holders of liens of record upon the respective Properties were duly served notice and failed to complete, or to enter into an agreement with this Board for the completion of, the necessary securance and/or removal of structures, abatement, control, or removal of vegetation, garbage, refuse, and other debris, or removal of junk automobile, as applicable, and at the direction of this Board, the Township undertook the performance thereof in accordance with Ohio law; and

WHEREAS, pursuant to Section 505.86(F)(1) of the Revised Code, this Board may have the Fiscal Officer certify total costs incurred by the Township to the County Auditor of Hamilton County, Ohio (the "County Auditor"), including a proper description of the Properties and a statement of all costs and expenses incurred by the Township and permitted under the Statute in providing for the securance or removal of insecure, unsafe buildings or structures on the respective Properties; and

WHEREAS, pursuant to Section 505.87(F) of the Revised Code, this Board shall make a written report to the County Auditor of the Board's action under the Statute, including a proper description of the Properties and a statement of all costs and expenses incurred by the Township and permitted under the Statute in providing for the abatement, control or removal of any vegetation, garbage, refuse, or other debris on the respective Properties; and

WHEREAS, pursuant to Section 505.871(E) of the Revised Code, this Board may direct the Fiscal Officer to certify the costs incurred by the Township and permitted under the Statute and a description of the land from which the junk motor vehicle was removed to the County Auditor; and

WHEREAS, in each case, the County Auditor shall place the costs upon the tax duplicate, which costs are a lien upon the land from and after the date of entry;

Now, therefore, BE IT RESOLVED by the Board of Township Trustees of Anderson Township, Hamilton County, Ohio (the "Township"), as follows:

SECTION 1. This Board hereby approves, adopts and certifies Appendix A provided to this Board.

SECTION 2. This Board hereby authorizes and directs the Fiscal Officer of the Township to file Appendix A, together with a certified copy of this Resolution, with the County Auditor. The Township requests that the County Auditor place the costs on the tax duplicate immediately for collection as permitted by the foregoing provisions of the Statute.

SECTION 3. The respective costs shall constitute a lien on the respective Properties and shall be collected as all other taxes, and the method of collection and payment period for the respective unpaid costs shall be one annual payment.

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SECTION 4. The costs when collected shall be returned to the Township and placed in the Township General Fund.

SECTION 5. If the real estate taxes on any respective Properties are collected and paid by means of Sheriff's sale, the liens of the Township shall be paid to the Township by means of that process from the proceeds of sale of those respective Properties.

SECTION 6. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this Resolution.

SECTION 7. 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) Revised Code Section 121.22, except as otherwise permitted thereby.

There was no further discussion.

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

Resolution Determining Existence of Nuisance on Land Owned by Loren Real Estate Located at 7127 Beechmont Avenue and Providing for Notice and Remediation Pursuant to Ohio Revised Code Section 505.87 –

Resolution 22-0818-04: Mrs. Stone moved to adopt a resolution determining existence of nuisance on land owned by Loren Real Estate, LLC located at 7127 Beechmont Avenue in Anderson Township, and providing for notice and remediation pursuant to Ohio Revised Code Section 505.87 as follows; Mrs. Lausten seconded the motion:

RESOLUTION O. 22-0818-04

**RESOLUTION DETERMINING EXISTENCE OF NUISANCE ON LAND OWNED BY
LOREN REAL ESTATE, LLC LOCATED AT 7127 BEECHMONT AVENUE IN
ANDERSON TOWNSHIP, AND PROVIDING FOR NOTICE AND REMEDIATION
PURSUANT TO OHIO REVISED CODE SECTION 505.87**

WHEREAS, a board of township trustees may provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the board determines that the owner's maintenance of that vegetation, garbage, refuse, or other debris constitutes a nuisance, pursuant to Ohio Revised Code Section 505.87 (the "Statute");

Now, therefore, the Board of Township Trustees of Anderson Township, Hamilton County, Ohio (the "Township"), hereby resolves that:

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Section 1. Maintenance of the vegetation, garbage, refuse or other debris on land located at 7127 Beechmont Avenue, in Anderson Township, Ohio (the "Property") by Loren Real Estate LLC (the "Owner"), as specified in Schedule A hereto (which by this reference is incorporated herein), is hereby determined to constitute a nuisance within the meaning of the Statute and the Owner is hereby ordered to abate, control, or remove the vegetation, garbage, refuse, or other debris as set forth herein.

Section 2. If the Owner of the land upon which the nuisance is located is determined by the Anderson Township Planning and Zoning Department (the "Zoning Department") to be a resident of the Township or a nonresident whose address is known; the Zoning Department shall give notice to such owner, on behalf of this Board, in substantially the form attached hereto as Schedule A, by posting that notice in a sheltered place and/or in a waterproof envelope on the principal structure (if any) on such land and photographing the posted notice with a camera capable of recording the date of the photograph on it. Such notice shall also be sent, on behalf of this Board, by *certified mail* to the Owner and to each lienholder of record (the "Lienholders"). If such Owner's address is unknown and cannot reasonably be obtained, the Zoning Department shall cause such notice to be published once in a newspaper of general circulation in the Township.

Section 3. If, within seven days after the giving of the notice or notices provided for in Section 2 hereof, the Owner and/or the Lienholders fail to abate, control, or remove the vegetation, garbage, refuse and debris, and no agreement is entered into with this Board to provide for the abatement, control, or removal thereof, then the Zoning Department, on behalf of this Board, shall provide for such abatement, control, or removal and may employ the necessary labor, materials, and equipment to perform the task. The expenses to be incurred in that regard are hereby authorized and appropriated to be paid from the Anderson Township General Fund from monies not otherwise appropriated. Those expenses shall be recovered by the Township pursuant to Ohio Revised Code Section 505.87(F).

Section 4. 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 Revised Code, except as otherwise permitted thereby.

There was no further discussion.

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

SHERIFF'S OFFICE

Liquor License Stock Transfer Request for API Mini Mart Inc. located at 6730 Clough Pike -

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Resolution 22-0818-05: Mrs. Lausten moved not to object to a liquor license stock transfer request for API Mini Mart Inc. located at 6730 Clough Pike. Mrs. Stone seconded the motion.

There was no further discussion.

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

PUBLIC WORKS DEPARTMENT

Resolution Awarding Contract and Confirming Assessments for Raibourne Lighting District –

Resolution 22-0818-06: Mrs. Stone moved to adopt a resolution awarding contract and confirming assessments for Raibourne Lighting District pursuant to Revised Code Sections 9.30, 515.081, 515.11 & 515.08 as follows; Mrs. Lausten seconded the motion:

RESOLUTION NO. 22-0818 –06

**AWARDING CONTRACT AND CONFIRMING ASSESSMENTS FOR
RAIBOURNE LIGHTING DISTRICT**

PURSUANT TO REVISED CODE SECTIONS 9.30, 515.081, 515.11 & 515.08

WHEREAS, this Board has previously found that there is a necessity for artificial lighting on streets and public ways in the Raibourne Lighting District (the “District”), and has previously provided for the installation of lights required for properly lighting such streets and public ways, and has previously approved the execution of a contract with Cinergy (now known as Duke Energy) for the purpose of lighting such streets and public ways; and

WHEREAS, this Board has specially assessed the real estate abutting upon and benefiting from said lighting improvement in accordance with Section 515.08 (D) of the Ohio Revised Code in an equal amount against each benefited lot, with the assessment payable in equal semi-annual installments; and

WHEREAS, at the expiration of an existing contract for lighting, the board of township trustees may award a new contract pursuant to 515.07 of the Ohio Revised Code, unless the owners of lots and lands containing in excess of fifty percent of the front feet abutting streets and public ways of the unincorporated district in the township sign a petition for discontinuance of the artificial lighting and file a petition with the township fiscal officer not less than thirty days prior to the expiration of the exiting contract; and

WHEREAS, none of the owners of lots and lands abutting on the streets and public ways of the District has signed a petition for the discontinuance of the artificial lighting in the District and filed such a petition with the Fiscal Officer in accordance with Section 515.081 of the Ohio Revised Code; and

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WHEREAS, the estimated cost for continued artificial lighting in the District for a period of five years is less than \$50,000, excluding inflationary cost increase and administrative and legal expense:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF ANDERSON TOWNSHIP, COUNTY OF HAMILTON, OHIO, as follows:

1. That the existing contract with Duke Energy be renewed by the award hereby of a new contract with Duke Energy pursuant to the provisions Sections 515.08 and 515.081 of Ohio Revised Code for a period of five years from the date of expiration of said existing contract upon the terms and conditions of this Resolution, and that the Township Administrator is hereby authorized to execute such contract and any documentation required in connection therewith on behalf of the Township subject to review by legal counsel.
2. That the costs of the artificial lighting of the District as heretofore provided in the total amount of \$5,430.90 be and hereby are specially assessed against the real estate bounding and abutting upon the streets or public ways so lighted and the benefiting lots in the District in accordance with Section 515.08 (D) of the Ohio Revised Code, and that the assessments shall be payable in equal semi-annual installments over a period of five years;
3. That special assessments for the aforesaid lighting improvements in the amount of \$4,650.00 in contracted payments to Duke Energy at the current rate for fixtures, electricity, installation and maintenance, plus \$581.25 in inflationary cost increases projected over said five-year period, plus \$199.65 in average cost per lighting district renewal for administrative and legal costs for services of Township personnel and legal counsel, **aggregating a total special assessment of \$5,430.90 (which equates to \$25.26 per parcel per year or \$12.63 per parcel per semiannual assessment)**, are hereby levied and assessed upon the lots and lands located within the District, which assessments are in accordance with the benefits which will result to the real property charged herewith, and when collected such assessments shall be deposited to a special fund for the District from which the cost and expenses of furnishing and maintaining such lights, and of the proceedings in relation thereto, shall be paid;
4. That any assessment in the amount of \$5.00 or less, or of which the unpaid balance is \$5.00 or less, shall be paid in full and not in installments at the time the first or next installment would otherwise become due;
5. That the Fiscal Officer is hereby authorized and directed to certify a copy of this Resolution and of said assessments levied hereby to Duke Energy and to the Hamilton County Auditor, and said Auditor is hereby authorized and directed to

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place said special assessments upon the tax duplicate to be paid and collected in the same manner and at the same times that taxes are paid and collected.

6. That Duke Energy be and hereby is authorized and directed to provide the services described in this Resolution.
7. That the preambles hereto are and shall for all purposes be construed to be integral and operative parts of this Resolution.
8. That 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) Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

There was no further discussion.

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

Resolution Awarding Contract and Confirming Assessments for Coldstream Manor Lighting District –

Resolution 22-0818-07: Mrs. Lausten moved to adopt a resolution awarding contract and confirming assessments for Coldstream Manor Lighting District pursuant to Revised Code Sections 9.30, 515.081, 515.11 & 515.08 as follows; Mrs. Stone seconded the motion:

RESOLUTION NO. 22-0818 -07

**AWARDING CONTRACT AND CONFIRMING ASSESSMENTS FOR
COLDSTREAM MANOR LIGHTING DISTRICT
PURSUANT TO REVISED CODE SECTIONS 9.30, 515.081, 515.11 & 515.08**

WHEREAS, this Board has previously found that there is a necessity for artificial lighting on streets and public ways in the Coldstream Manor Lighting District (the “District”), and has previously provided for the installation of lights required for properly lighting such streets and public ways, and has previously approved the execution of a contract with Cinergy (now known as Duke Energy) for the purpose of lighting such streets and public ways; and

WHEREAS, this Board has specially assessed the real estate abutting upon and benefiting from said lighting improvement in accordance with Section 515.08 (D) of the Ohio Revised Code in an equal amount against each benefited lot, with the assessment payable in equal semi-annual installments; and

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WHEREAS, at the expiration of an existing contract for lighting, the board of township trustees may award a new contract pursuant to 515.07 of the Ohio Revised Code, unless the owners of lots and lands containing in excess of fifty percent of the front feet abutting streets and public ways of the unincorporated district in the township sign a petition for discontinuance of the artificial lighting and file a petition with the township fiscal officer not less than thirty days prior to the expiration of the exiting contract; and

WHEREAS, none of the owners of lots and lands abutting on the streets and public ways of the District has signed a petition for the discontinuance of the artificial lighting in the District and filed such a petition with the Fiscal Officer in accordance with Section 515.081 of the Ohio Revised Code; and

WHEREAS, the estimated cost for continued artificial lighting in the District for a period of five years is less than \$50,000, excluding inflationary cost increase and administrative and legal expense:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF ANDERSON TOWNSHIP, COUNTY OF HAMILTON, OHIO, as follows:

1. That the existing contract with Duke Energy be renewed by the award hereby of a new contract with Duke Energy pursuant to the provisions Sections 515.08 and 515.081 of Ohio Revised Code for a period of five years from the date of expiration of said existing contract upon the terms and conditions of this Resolution, and that the Township Administrator is hereby authorized to execute such contract and any documentation required in connection therewith on behalf of the Township subject to review by legal counsel.
2. That the costs of the artificial lighting of the District as heretofore provided in the total amount of \$12,356.40 be and hereby are specially assessed against the real estate bounding and abutting upon the streets or public ways so lighted and the benefiting lots in the District in accordance with Section 515.08 (D) of the Ohio Revised Code, and that the assessments shall be payable in equal semi-annual installments over a period of five years;
3. That special assessments for the aforesaid lighting improvements in the amount of \$10,806.00 in contracted payments to Duke Energy at the current rate for fixtures, electricity, installation and maintenance, plus \$1,350.75 in inflationary cost increases projected over said five-year period, plus \$199.65 in average cost per lighting district renewal for administrative and legal costs for services of Township personnel and legal counsel, aggregating a total special assessment of \$12,356.40 (which equates to \$205.94 per parcel per year or \$102.97 per parcel per semiannual assessment), are hereby levied and assessed upon the lots and lands located within the District, which assessments are in

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accordance with the benefits which will result to the real property charged herewith, and when collected such assessments shall be deposited to a special fund for the District from which the cost and expenses of furnishing and maintaining such lights, ~~and of the~~ proceedings in relation thereto, shall be paid;

4. That any assessment in the amount of \$5.00 or less, or of which the unpaid balance is \$5.00 or less, shall be paid in full and not in installments at the time the first or next installment would otherwise become due;
5. That the Fiscal Officer is hereby authorized and directed to certify a copy of this Resolution and of said assessments levied hereby to Duke Energy and to the Hamilton County Auditor, and said Auditor is hereby authorized and directed to place said special assessments upon the tax duplicate to be paid and collected in the same manner and at the same times that taxes are paid and collected.
6. That Duke Energy be and hereby is authorized and directed to provide the services described in this Resolution.
7. That the preambles hereto are and shall for all purposes be construed to be integral and operative parts of this Resolution.
8. That 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) Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

There was no further discussion.

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

Resolution Awarding Contract and Confirming Assessments for Williams Creek Lighting District –

Resolution 22-0818-08: Mrs. Stone moved to adopt a resolution awarding contract and confirming assessments for Williams Creek Lighting District pursuant to Revised Code Sections 9.30, 515.081, 515.11 & 515.08 as follows; Mrs. Stone seconded the motion:

RESOLUTION NO. 22-0818-08

**AWARDING CONTRACT AND CONFIRMING ASSESSMENTS FOR
WILLIAMS CREEK LIGHTING DISTRICT
PURSUANT TO REVISED CODE SECTIONS 9.30, 515.081, 515.11 & 515.08**

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WHEREAS, this Board has previously found that there is a necessity for artificial lighting on streets and public ways in the Williams Creek Lighting District (the "District"), and has previously provided for the installation of lights required for properly lighting such streets and public ways, and has previously approved the execution of a contract with Cinergy (now known as Duke Energy) for the purpose of lighting such streets and public ways; and

WHEREAS, this Board has specially assessed the real estate abutting upon and benefiting from said lighting improvement in accordance with Section 515.08 (D) of the Ohio Revised Code in an equal amount against each benefited lot, with the assessment payable in equal semi-annual installments; and

WHEREAS, at the expiration of an existing contract for lighting, the board of township trustees may award a new contract pursuant to 515.07 of the Ohio Revised Code, unless the owners of lots and lands containing in excess of fifty percent of the front feet abutting streets and public ways of the unincorporated district in the township sign a petition for discontinuance of the artificial lighting and file a petition with the township fiscal officer not less than thirty days prior to the expiration of the exiting contract; and

WHEREAS, none of the owners of lots and lands abutting on the streets and public ways of the District has signed a petition for the discontinuance of the artificial lighting in the District and filed such a petition with the Fiscal Officer in accordance with Section 515.081 of the Ohio Revised Code; and

WHEREAS, the estimated cost for continued artificial lighting in the District for a period of five years is less than \$50,000, excluding inflationary cost increase and administrative and legal expense:

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF ANDERSON TOWNSHIP, COUNTY OF HAMILTON, OHIO, as follows:

1. That the existing contract with Duke Energy be renewed by the award hereby of a new contract with Duke Energy pursuant to the provisions Sections 515.08 and 515.081 of Ohio Revised Code for a period of five years from the date of expiration of said existing contract upon the terms and conditions of this Resolution, and that the Township Administrator is hereby authorized to execute such contract and any documentation required in connection therewith on behalf of the Township subject to review by legal counsel.
2. That the costs of the artificial lighting of the District as heretofore provided in the total amount of \$24,333.40 be and hereby are specially assessed against the real estate bounding and abutting upon the streets or public ways so lighted and the benefiting lots in the District in accordance with Section 515.08 (D) of the Ohio Revised Code, and that

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the assessments shall be payable in equal semi-annual installments over a period of five years;

3. That special assessments for the aforesaid lighting improvements in the amount of \$21,450.00 in contracted payments to Duke Energy at the current rate for fixtures, electricity, installation and maintenance, plus \$2,681.25 in inflationary cost increases projected over said five-year period, plus \$202.15 in average cost per lighting district renewal for administrative and legal costs for services of Township personnel and legal counsel, aggregating a total special assessment of \$24,333.40 (which equates to \$53.48 per parcel per year or \$26.74 per parcel per semiannual assessment), are hereby levied and assessed upon the lots and lands located within the District, which assessments are in accordance with the benefits which will result to the real property charged herewith, and when collected such assessments shall be deposited to a special fund for the District from which the cost and expenses of furnishing and maintaining such lights, and of the proceedings in relation thereto, shall be paid.
4. That any assessment in the amount of \$5.00 or less, or of which the unpaid balance is \$5.00 or less, shall be paid in full and not in installments at the time the first or next installment would otherwise become due;
5. That the Fiscal Officer is hereby authorized and directed to certify a copy of this Resolution and of said assessments levied hereby to Duke Energy and to the Hamilton County Auditor, and said Auditor is hereby authorized and directed to place said special assessments upon the tax duplicate to be paid and collected in the same manner and at the same times that taxes are paid and collected.
6. That Duke Energy be and hereby is authorized and directed to provide the services described in this Resolution. That the preambles hereto are and shall for all purposes be construed to be integral and operative parts of this Resolution.
7. That 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) Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

There was no further discussion.

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

FIRE & RESCUE DEPARTMENT

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Authorization for Township Administrator to Executive Clinical Training Agreement with Great Oaks Career Campuses and Butler Technology and Career Development Schools –

Resolution 22-0818-09: Mrs. Lausten moved to authorize the Anderson Township Administrator, to execute a Clinical Training Agreement with Great Oaks Career Campuses for its Public Safety Services Program. Mrs. Stone seconded the motion.

There was no further discussion.

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

Resolution 22-0818-10: Mrs. Stone moved to authorize the Anderson Township Administrator to execute a Clinical Training Contract with Butler Technology and Career Development Schools. Mrs. Lausten seconded the motion.

There was no further discussion.

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

TOWNSHIP ADMINISTRATOR

Resolution Authorizing Ohio River Way Membership –

Resolution 22-0818-11: Mrs. Stone moved to adopt a resolution supporting the Ohio River Way and its mission; authorizing financial support for the Ohio River Way, Inc.; and authorizing and approving related matters, as follows; Mrs. Lausten seconded the motion:

RESOLUTION NO. 22-0818-11

**RESOLUTION SUPPORTING THE OHIO RIVER WAY AND ITS MISSION;
AUTHORIZING FINANCIAL SUPPORT FOR THE OHIO RIVER WAY, INC.;
AND AUTHORIZING AND APPROVING RELATED MATTERS**

WHEREAS, Anderson Township (County of Hamilton), Ohio (the “Township”) lies on the north bank of the Ohio River; and

WHEREAS, the Ohio River and its tributaries provide and/or enhance natural resources, recreation opportunities, increased tourism, transportation, culture, and economic development opportunities within the Township; and

WHEREAS, the citizens of and visitors to the Township greatly value, enjoy, and benefit from the myriad opportunities afforded by the Township’s location along the Ohio River and the Ohio River itself; and

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WHEREAS, trails, paths, greenways, and urban passages create and enhance interconnectivity among the political subdivisions, neighborhoods and communities along the Ohio River and its tributaries; and

WHEREAS, trails, paths, greenways, and urban passages are freely accessible community assets offering opportunities for transportation, recreation and exercise to everyone, including children, youth and families, and provide safe places for people to experience a sense of community and create stronger ties to the community; and

WHEREAS, increased accessibility to a clean Ohio River and a strengthened network of interconnected communities along the Ohio River will positively impact the health and economic viability of the Township and other communities in the region through encouraging active lifestyles, increased levels of tourism, enhanced property values, increased employment opportunities, increased use of cultural assets, economic development opportunities, and a generally improved quality of life; and

WHEREAS, the Township is committed to maintaining and enhancing quality of life for its citizens and visitors, as well as the inhabitants throughout the region and the state; and

WHEREAS, the mission of the Ohio River Way is to connect Ohio River communities, events and people; to expand and improve recreational, ecological, cultural and commercial opportunities along the Ohio River; and to promote a healthy riparian system along the Ohio River; and

WHEREAS, to further its mission and enhance the forementioned opportunities for the Township and neighboring communities, the Ohio River Way intends to support and facilitate a strong, unified, and clearly identifiable network of trails, access points and paths along the Ohio River and through the communities on its shores, including the Township; and

WHEREAS, the Township deems it to be in the best interest of the Township and its citizens to support the Ohio River Way and its mission;

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

SECTION 1. Support of Ohio River Way Mission. That this Board hereby determines that it is in the best interest to the Township and its citizens to support the Ohio River Way in its mission and its efforts to enhance interconnectivity among the communities along the Ohio River through the creation of a strong, clearly identifiable, and continuous network along, and with increased access to, the Ohio River and its tributaries for the purposes of promoting land and river based recreation, enhancing natural resources through ecologically friendly activities, recreation opportunities, increased tourism, transportation, culture, and economic development opportunities.

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

August 18, 2022

SECTION 2. Financial Support of Ohio River Way. That this Board hereby authorizes a grant of funds to The Ohio River Way, Inc., in an amount not to exceed \$2,500 for membership dues for 2022, and such funds are hereby appropriated by this Board for such purpose.

SECTION 3. Further Actions. That the Township Administrator is hereby authorized to take such actions, or to cause such actions to be taken, on behalf of the Township, including signing and approving agreements or other instruments in furtherance of the purposes of this Resolution such as ensuring our community serves on the Ohio River Way Coalition and will collaborate with other river communities as deemed necessary or appropriate to accomplish the purposes of this Resolution.

SECTION 4. The preambles to this Resolution are and for all purposes shall 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.

There was no further discussion.

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

Set Date for Halloween Trick-or-Treat –

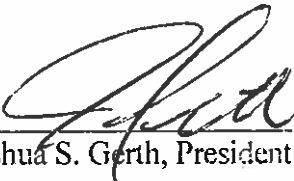
Resolution 22-0818-12: Mrs. Lausten moved to set Monday, October 31, 2022, from 6:00 p.m. to 8:00 p.m. as Halloween Trick-or-Treat in Anderson Township. Mrs. Stone seconded the motion.

There was no further discussion.

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

As there was no further business, the meeting adjourned.

These minutes were approved at the meeting of November, 17, 2022.


Joshua S. Gerth, President


Kenneth G. Dietz, Fiscal Officer

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

August 18, 2022

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 18th day of August 2022, and that said minutes have been duly entered upon the Journal of said Township.

This 17th day of November, 2022.



Kenneth G. Dietz, Fiscal Officer

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

September 1, 2022

The Board of Township Trustees of Anderson Township ("Board") held its regular Interim Workshop Meeting on September 1, 2022, at 2:00 p.m., in the Large Conference Room at Anderson Center. Present were the following Board members:

R. Dee Stone
Lexi Lausten

Mrs. Stone called the meeting to order and welcomed attendees including Fiscal Officer Ken Dietz, Assistant Township Administrator for Operations Steve Sievers, Assistant Township Administrator for Human Resources Suzanne Parker, Planning & Zoning Director Paul Drury, Planning & Zoning Assistant Director Sarah Donovan, Planner 1 Chris Cavallaro, Planner 1 Lauren Gleason, Public Works Director Eric Luginbuhl, Facilities Manager Mark Magna, Fire Chief Rick Martin, Hamilton County Sheriff's District 5 Lt. Dan McElroy, Law Director Margaret Comey, and Administrative Assistant Molly Mohrfield.

Mrs. Stone moved to adopt the agenda with modification. Mrs. Lausten seconded the motion.

There was no further discussion.

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

TRUSTEES/FISCAL OFFICER

Mr. Dietz stated that fuel costs had almost doubled from what was anticipated. As a result, budget increases would be needed for the Sheriff's Office, Public Works, and Fire and Rescue Departments. The plan was to move funds into the gasoline line item to avoid raising the budget

2:15 P.M. Mr. Gerth arrived.

DISCUSSION ITEMS

EV Charging Stations – **Ms. Donovan** announced that the Township did not receive the grant for the Electric Vehicle (EV) Charging Stations proposed at the Anderson Parks RecPlex and Kellogg Avenue sites. She asked the Board for direction on the next steps. **Mrs. Lausten** asked what the reason for the denial was. **Mr. Sievers** replied that the State of Ohio had 10 times the number of requests than there was money available. **Mr. Magna** added that part of the grant provision was an 800-amp charging stations. The proposed Kellogg Avenue site currently had no power, and having 800-amp service for one charger plus future expansion would require a substantial amount of power be generated to the site. He pointed out that if the Board would like to consider the Kellogg Avenue site for installation using only Township funds, the amount of power generated could be reduced to the basic minimum since there would be no requirements for a fast charging station like would have been required with the grant.

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

September 1, 2022

Mrs. Stone pointed out that the Ohio, Kentucky, Indiana Regional Council of Governments (OKI) would be procuring charging stations along the I-275 and S.R. 32 corridors. **Mr. Sievers** believed that Anderson Parks RecPlex or Anderson Center would be better locations for charging stations. He felt that the Kellogg Avenue proposed location was too isolated and lacked visibility. **Mr. Magna** stated that there could be dual head charging stations, *i.e.*, two spaces, at both locations. **Mrs. Lausten** asked what the installation cost would be. **Mr. Magna** stated for dual heads the cost would be approximately \$45,000. **Mrs. Stone** asked where the funding would come from. **Mr. Magna** replied the 1994 Tax Increment Financing Fund (TIF). **Mr. Sievers** pointed out that the Vehicle Committee was in the process of researching the possible purchase of an Electric Vehicle to be used as a replacement for an existing pool car. **Mrs. Stone** added that a charging station located at Anderson Center seemed like an obvious choice if an EV was purchased.

Mrs. Lausten felt it was premature since no EV had been purchased to date. She questioned who would get immediate use out of EV charging station. **Mr. Sievers** replied that Anderson Center had many visitors that could potentially utilize the charging stations. **Mrs. Lausten** believed that there were many added layers that were not being considered. A better narrative would be that the Township was considering, after extensive research, investing in EV vehicles in the future. She would also like to see a cost analysis presented, to show the potential savings. **Mr. Magna** pointed out that having a charging station at Anderson Center would be a courtesy for visitors. **Mr. Sievers** added that there would be charges associated with its use. **Mrs. Stone** agreed.

Mr. Drury believed that there would be some EV charging stations located in the garage at Vantage at Anderson Towne Center as well. He also received an inquiry from Walgreens at the corner of Salem Road and Beechmont Avenue, about installing a charging station. Kroger had submitted plans for stations as well, but never moved forward with installation. **Mrs. Lausten** stated that she just wanted to make sure Anderson Center was the best place, it was the best time, and it was purposeful. **Mrs. Stone** felt that the Township needed to move forward with installation. **Mrs. Lausten** stated if there were a grant available, she would be more inclined to move forward but she did not feel the rush to pursue it currently. **Mr. Sievers** pointed out that it would be several years before the charging stations would be installed at Vantage Anderson. He pointed out that in the public portion of the garage conduit had been run for Cincinnati Metro's possible use. **Mrs. Stone** stated it would be four or more years before that would occur.

Mr. Gerth questioned why if Metro was installing EV charging stations should the Township install them as well. **Mr. Sievers** replied it would be two or more years for that to come to fruition and those were removed from Anderson Center. **Mr. Gerth** asked if staff could check with Metro to see if they were going to move forward with installation. He also asked what the timing was to purchase a new EV for the Township. **Mr. Sievers** replied that there was a purchase order in place for two pool vehicles to replace the sign truck and the Ford Explorer. **Mrs. Lausten** stated if the Township purchased electric vehicles, then obviously there would be a need for charging stations. She did not feel comfortable installing charging stations under the guise of helping the environment. She did not see the link between saving the earth and putting charger stations in the back of Anderson Center. Over the long-term smart decisions would need to be made regarding replacing Township vehicles. They should not all be replaced just to make a statement. As Township vehicles were replaced charging stations would then become a requirement, which would make sense. **Mr. Sievers** confirmed with the Board that installation of charging stations

September 1, 2022

should be in conjunction with the Township fleet. The Vehicle Committee would begin looking at electric vehicle options.

Special Meeting to Review the Kellogg Gateway Plan – **Mr. Drury** explained that the Kellogg Gateway Plan was nearing the stage where numbers could be presented along with a discussion regarding the level of the plan that the Board would like to submit to the Ohio Department of Transportation (ODOT) for permitting. The plan had called for an art feature in the interchange area at the exit ramp on west I-275 and Kellogg Avenue. Kleingers Group had suggested that the base for the art feature, if not the art itself, be included in the plans submitted to ODOT for permitting, pointing out that it would be more cost effective to install the base at the same time when the work was being done. **Ms. Donovan** explained with the application for permitting being submitted in November an expedited schedule for the art selection was required. Therefore, she was requesting that Designing Local be brought back as the consultant to assist with selecting an artist, choosing the art, fabrication, installation, all the way through to the unveiling. Staff believed it would be helpful to have someone that was familiar with the process, familiar with ODOT, and can guide the process from start to finish.

Mrs. Stone asked, if hired, would Designing Local work with the new Art Plan Implementation Steering Committee. **Mrs. Donovan** replied that due to the accelerated time frame staff was leaning toward a direct purchase. A request for quotes (RFQ) would be disseminated, staff would narrow it down to three potential artists, and those selections would then be presented at a public open house to the stakeholders in the surrounding area, as well as the California Community Council. **Mrs. Lausten** asked if it was three options of artists, or the renderings of art. **Mrs. Donovan** replied both. The desire would be to have something that reflects the Township. Through the entire Kellogg process, three leaves had been the trademark, so the preference would be a piece of art that reflects that concept. **Mr. Drury** pointed out that in an ideal setting staff would take all selections before the steering committee but unfortunately, he did not feel there would be ample time to get the Art Plan Implementation Steering Committee formed and in place. **Mrs. Stone** stated that she would like some of the people that had advocated for an art committee be made aware of the process and involved at some level. **Mrs. Lausten** agreed. **Mr. Drury** announced that to hire Designing Local as the consultant the cost would be approximately \$15,000. **Mrs. Donovan** pointed out that similarly, in 2006, a consultant was hired at the cost of \$2,800 to find an artist for art on the elevator shaft at Anderson Center. Designing Local would be communicating with the artist through the entire process. **Mrs. Stone** would like to see Designing Local fee to be around \$10,000. **Mr. Sievers** stated that funding would come from the Riverfront TIF.

Mr. Drury introduced the new planners, Lauren Gleason and Chris Cavallaro.

Resolution Accepting and Approving the Annual Information Filing of the Township for Fiscal Year 2021 and Directing its Filing with the MSRB for Continuing Disclosure Purposes –

Resolution 22-0901-01: **Mrs. Lausten** moved to adopt a resolution accepting and approving the annual information filing of the Township for Fiscal Year 2021 and directing its filing with the MSRB for continuing disclosure purposes as follows; **Mrs. Stone** seconded the motion:

September 1, 2022

RESOLUTION NO. 22-0901-01

RESOLUTION ACCEPTING AND APPROVING THE ANNUAL INFORMATION FILING OF THE TOWNSHIP FOR FISCAL YEAR 2021 AND DIRECTING ITS FILING WITH THE MSRB FOR CONTINUING DISCLOSURE PURPOSES

WHEREAS, the Township entered into a continuing disclosure agreement dated December 31, 2019 (the "2019 CDA"), in connection with the issuance of its General Obligation (Limited Tax) Recreational Facilities Improvement Bonds, Series 2019, dated December 31, 2019; and

WHEREAS, the 2019 CDA requires that the Township file certain annual information and operating data with the Municipal Securities Rulemaking Board (the "MSRB") through the MSRB's electronic filing system known as EMMA ("EMMA") for such period that the Series 2019 Bonds are outstanding;

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

SECTION 1. That the Annual Information Filing for Fiscal Year 2021 (the "Annual Information Filing"), be accepted and approved in substantially the form before this Board with such changes thereto as shall not, in the opinion of the Fiscal Officer and the Township Administrator after consultation with the Law Director, be detrimental to the Township, such determination being evidenced by the filing of the Annual Information Filing on EMMA; and, further, that the Township Administrator is hereby authorized and directed to file, or cause to be filed, the Annual Information Filing with the MSRB by means of the EMMA electronic filing system in a timely manner.

SECTION 2. That 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) Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

There was no further discussion.

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

Operation Center Campus Reconfiguration and Renovation – **Mr. Sievers** explained that the original space planning for the Operations Center site over 15 years ago included a new Sheriff's building, access to Nagel Road, a new recycling center, and an expanded Public Works garage. Unfortunately, when the loss of the Local Government Fund occurred all upgrades and changes were deferred. With Congressman Wenstrup ending his service in Anderson due to redistricting and vacating the entire second floor of the Operations Center there was additional opportunity there as well. Staff had been incredibly frugal, and cost-minded over the years, but it was now time to invest back into that facility. Mrs. Earhart, Mr. Magna, and himself had discussed going out for a request for quotations (RFQ) to hire a design/engineering firm and a space planning firm to look at what was possible at the site. In addition to remodeling those spaces, staff had

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discussed expanding the public works garage as well. There were a couple of areas where that could be accomplished and would help to accommodate an expanded Sheriff's office, and a much different Public Works operation. The added ability to use the vacated second floor, in the front building, would help with future flexibility at the site as well. He pointed out that the Stonegate Tax Increment Financing (TIF) and the 1994 TIF would provide a funding source for the upgrades. **Mrs. Stone** asked if the footprint would remain the same. **Mr. Sievers** replied the area would, with the possible exception of relocating the recycling center in the future. The first step was to have a preliminary analysis of the building performed. Staff was optimistic about what could be done with the site which would address many of the essential needs.

As there was no further business, the meeting adjourned.

These minutes were approved at the meeting of November 17, 2022.


Joshua S. Gerth, Chair


Kenneth G. Dietz, 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 1st day of September 2022, and that said minutes have been duly entered upon the Journal of said Township.

This 17th day of November, 2022.


Kenneth G. Dietz
Fiscal Officer

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

September 8, 2022

The Board of Township Trustees of Anderson Township ("Board") held a Special Meeting on September 8, 2022, at 3:00 p.m., in the Lower-Level Meeting Room at Anderson Center. Present were the following Board members:

Joshua S. Gerth
R. Dee Stone
Lexi Lausten

Also present when the meeting was called to order was Fiscal Officer Ken Dietz and Township Administrator Vicky Earhart

Mr. Gerth called the meeting to order.

Mr. Gerth moved to adopt the agenda. Mrs. Stone seconded the motion.

There was no further discussion.

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

Mrs. Gerth moved to retire to executive session to investigate complaints against a public employee as permitted by Ohio Revised Code Section 121.22(G)(1). Mrs. Stone seconded the motion. Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Stone, yes; Mrs. Lausten, yes.

Mr. Gerth moved to return from executive session. Mrs. Stone seconded the motion.

There was no further discussion.

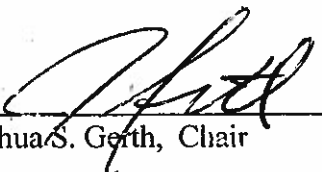
Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Stone, yes; Mrs. Lausten, yes.

Mr. Gerth moved to adjourn the meeting. Mrs. Stone seconded the motion.

There was no further discussion.

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

These minutes were approved at the meeting of November 17, 2022.


Joshua S. Gerth, Chair


Kenneth G. Dietz, Fiscal Officer

September 8, 2022

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 8th day of September 2022, and that said minutes have been duly entered upon the Journal of said Township.

This 17th day of November, 2022.



Kenneth G. Dietz
Fiscal Officer

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

September 22, 2022

The Board of Township Trustees of Anderson Township ("Board") held its regular monthly meeting on September 22, 2022, at 5:00 p.m., in Anderson Center Board Room. Present were the following Board members: _____

Joshua S. Gerth

R. Dee Stone

Lexi Lausten

Also present at the start of the meeting were Fiscal Officer Ken Dietz, Township Administrator Vicky Earhart, Assistant Township Administrator for Operations Steve Sievers and Assistant Township Administrator for Human Resources Suzanne Parker.

Mr. Gerth called the meeting to order and moved to retire to Executive Session to review negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment as permitted by Ohio Revised Code Section 121.22(G)(4).

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

Mr. Gerth moved to return from Executive Session. Mrs. Lausten seconded the motion. Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Stone, yes; Mrs. Lausten, yes.

Mr. Gerth called the meeting to order and welcomed the additional attendees, including a number of citizens and the following public officials: Planning & Zoning Director Paul Drury, Public Works Director Eric Luginbuhl, Fire Chief Rick Martin, Hamilton County Sheriff's District 5 Lt. Dan McElroy, Law Director Margaret Comey, and Administrative Assistant Molly Mohrfield. He asked them to join him in the Pledge of Allegiance.

Mr. Gerth moved to adopt the agenda with modifications. Mrs. Stone seconded the motion.

There was no further discussion.

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

PUBLIC HEARING

Mr. Gerth opened the public hearing for 780 Sutton Road.

780 Sutton Road – **Mrs. Comey** stated that this hearing concerned the removal of a structure at 780 Sutton Road, which would be referred to as the "property". Pursuant to the proceeding that the Board had undertaken in compliance with Section 505.86 of the Ohio Revised Code. This hearing convened on September 22nd during the regular meeting of the Board of Township Trustees by agreement, which was effective September 6, 2022, between this Board and Tax Ease Ohio LLC as lien holder with respect to the property. They were represented by and through their council Sandhu Law Group. She asked if there was someone present from Sandhu

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

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Law Group. **Ilana Linder, Manley Burke, 225 W. Court Street**, introduced herself stating that she was present on behalf of Sandhu Law Group.

Mrs. Comey stated that the record should reflect that this hearing had previously been scheduled for September 7, 2022, a date within the prescribe time period during which such a hearing was to be held under the statute. At the request of Sandhu Law Group, the hearing was rescheduled to September 22, 2022, as mutually agreed to by the Board of Trustees and Sandhu Law Group. A transcript of this hearing would include a copy of the statute, a fully executed copy of the agreement and other documents that may be included in the record during this hearing.

Mrs. Comey explained that this property was a long-troubled property in the Township. **Mr. Drury**, Director of Planning and Zoning, would provide testimony to substantiate that fact. While the property had been subject to nuisance abatement proceedings and conditioning nuisance abatement proceedings under section 505.86 of the Ohio Revised Code and securance under 505.87 of the Ohio Revised Code, copies of the resolutions related to those proceedings and applicable Legal Notices would be entered into the record. This hearing related to the question of removal of the structure located on the property. Only Tax Ease Ohio LLC, as the lien holder and party of interest, requested a hearing under the statute. The statute permitted a Board of Township Trustees to provide for the removal of a structure if certain procedural steps had been complied with.

On February 28, 2022, Hamilton County Public Health issued a Notice of Violation and Notice of Condemnation with respect to the property and structure, providing notice to the owner of the property that the home was then currently in violation of ORC 3701.01, and stating in addition, that the home was condemned and considered unfit for human habitation under the authority of the Hamilton County General Health District. On March 2, 2022, the Anderson Township Fire and Rescue Department issued a letter addressed to the Anderson Township Planning and Zoning Department and declared "that such structure to be an insecure and an unsafe structure, and in a condition dangerous to life and health." The statute authorized the Board to provide, by resolution, the removal, repair or securance of buildings or other structures in the Township that had been declared insecure, unsafe, structurally defective or a condition dangerous to life and health or unfit for human habitation by the Board of Health through the General Health District of which the Township was a part. In the case of the structure at 780 Sutton, the Board undertook the 505.86 proceedings after receiving both such declarations and having been provided with photographs of the structure.

Mr. Brodi Conover, Bricker & Eckler LLP, swore in anyone who wished to testify.

Mr. Drury stated that he had been sworn in. He pointed out that his testimony would be focused on the inspection of the property. He stated that he, the Assistant Chief of the Anderson Township Fire and Rescue Department (ATFD) Robert Herrlinger, a Hamilton County Building Inspector along with a Township planner inspected the property in February 2022. He showed pictures of the exterior and interior of the structure. The pictures indicated that there was a hole in the roof in the top left corner, and the bay window, on the second floor, was missing which allowed water to seep through the house. The leak in the roof had caused mold throughout the

September 22, 2022

house and it had also caused the floor joist to become soft and unstable. There was a temporary wall constructed, which blocked ingress and egress out of the home. There were no working smoke detectors in the home. There was also storage of garbage on the inside of the home, the garbage that was stored on the outside of the home had been abated by the Township.

Mrs. Comey asked Mr. Drury if he could confirm that the ATFD was the fire department under contract with the Township. **Mr. Drury** replied they were. **Mrs. Comey** asked if the Hamilton County Public Health was the general health district of which the Township was a part of. **Mr. Drury** replied they were. **Mrs. Comey** asked if the Planning and Zoning Department had provided the photographs of the structure as evidence. **Mr. Drury** replied that the current pictures Mr. Sievers had provided. **Mrs. Comey** asked if the Township's Planning and Zoning Department undertook securance and initiated the proceeding for removal of the structure based on visual inspections of the property and structure with Robert Herrlinger of the ATFD and Tucker Stone with the Hamilton County Public Health Department along with a letter and notices of those respective entities. **Mr. Drury** replied yes. **Mrs. Comey** asked if Mr. Drury had any reason to disagree with the findings and declarations of the ATFD or Hamilton County Public Health Department. **Mr. Drury** stated that he agreed with the finding based on his walk through the house.

Mr. Sievers stated that he had been sworn in. He pointed out that he was on site on Monday, July 11th and believed all the photos, in evidence, he had taken. He added that he did not go all the way through the house, though Sheriff Officers, as indicated in some of the photographs, did. He indicated those were photographs that he was able to get without exposing himself to some of the elements inside. **Mr. Conover** asked Mr. Sievers to briefly described his view of the home. Mr. Sievers stated that he concurred with the findings Mr. Drury found on February 11th. The property had not improved since that time.

Ilana Linder, Manley Burke, pointed out that Sandhu Law Group was not disputing the condition of the property. The client, Tax Ease Ohio LLC, had gone through the court proceedings to foreclose on the property, and contracted with Prodigy Properties, a private selling company, to proceed with having the property sold to a potential buyer that would renovate the property. She pointed out that under Ohio Revised Code, Section 5721.40 the Township would most likely never be able to recoup the money that would be spent to demolish the property. Unlike traditional mortgage foreclosures, with tax lien foreclosures, if the property was demolished and the Township attempted to put a lien on the property for the cost of demolition, and the property did not sell, the property reverts to Tax Ease Ohio LLC. Tax Ease would take it free and clear of any liens or encumbrances except for any federal tax liens that existed prior to the time that the tax lien certificates were issued. Any demolition lien that the Township had would essentially be washed out. Therefore, Township funds would not need to be expended for demolition when there was another option to have Prodigy Partners sell the property for renovation.

Jeff Lane, Prodigy Properties, 5254 Ridge Avenue, stated that he wanted to make himself available if there were procedural questions regarding the appointment of Prodigy Properties by Hamilton County Court of Common Pleas to sell the property in question. If the property did not

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
September 22, 2022*

sell it would then revert to Tax Ease Ohio and any taxes or assessments would be abated and they would acquire the property free and clear.

Mrs. Stone stated that she was reviewing the photos but pointed out that there was a large amount of garbage and she questioned if the property could even be renovated. **Ms. Linder** responded that she could not answer that question. She did question if it was in the Townships best interest to demolish the structure now or allow the sale to proceed. If the buyer did not bring the property to code the Township could then proceed with demolition at a later date. Her understanding was that the Township would have to put out a request for bids to find a demolition contractor. She pointed out that the amount of time that process would take it would take just as long to find a buyer who would be willing to renovate it. Ultimately, a new buyer may decide to demolish the property, but it would not be the Township's funds being expended.

Mrs. Lausten stated that the concern was not just with trash or bags of garage being unsightly and attracting vermin, she was worried that the process of selling, and the renovation could be lengthy. She felt that the property looked unsafe and worried that it would bring an unnecessary burden to the homes that surrounded it.

Ms. Linder stated that she understood the concern and that was why the client went through the foreclosure process. The client had no desire to let the property sit there unmaintained, they were ready to proceed once the Courts acted. She pointed out that the distance to the street was extremely narrow and attempting to demolish the structure could be hazardous to the neighboring homes as well. She felt it would not be a prudent use of Township funds to authorize demolition of the structure.

Mr. Conover turned over consideration to the Board regarding the removal of a structure at 780 Sutton.

Mr. Gerth closed the testimonial part of the hearing and recommended that consideration be moved to the October 6, 2022, Interim Board meeting.

Resolution 22-0922-01: Mrs. Lausten moved to move consideration regarding the removal of a structure at 780 Sutton Road to the October 6, 2022, Interim Board Meeting. Mrs. Stone seconded the motion.

There was no further discussion.

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

PRESENTATIONS AND RECOGNITIONS

Proclamation Resolution Designating Childhood Cancer Awareness Month –

Resolution 22-0922-02: Mrs. Stone moved to adopt a proclamation resolution designating Childhood Cancer Awareness Month as follows; Mrs. Lausten moved to adopt the resolution:

September 22, 2022

RESOLUTION NO. 22-092202
PROCLAMATION RESOLUTION DESIGNATING
CHILDHOOD CANCER AWARENESS MONTH

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection report cancer is the leading cause of death by disease among U.S. children between infancy and age 15. This tragic disease is detected in nearly 16,000 of our country's young people each and every year.

WHEREAS, one in five of our nation's children loses his or her battle with cancer. Many infants, children and teens will suffer from long-term effects of comprehensive treatment, including secondary cancers; and,

WHEREAS, an estimated 400,000 children and adolescents are diagnosed with cancer globally each year; and,

WHEREAS, under the leadership of Steven Firestein, a member of the philanthropic Max Factor cosmetics family, the American Cancer Fund for Children, Inc. and Kids Cancer Connection, Inc. along with Lions Clubs International are dedicated to helping these children and their families; and,

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection provide a variety of vital patient psychosocial services to children undergoing cancer treatment at Nationwide Children's Hospital in Columbus, Cincinnati Children's Hospital Medical Center, Dayton Children's Hospital, Shriners Children's Ohio in Dayton, as well as participating hospitals throughout the country, thereby enhancing the quality of life for these children and their families; and,

WHEREAS, the American Cancer Fund for Children and Kids Cancer Connection also sponsor toy distributions, family sailing programs, pet assisted therapy, Laughtermoon – Laughter is Healing, KCC Supercar Experience, positive appears programs and hospital celebrations in honor of a child's determination and bravery to fight the battle against childhood cancer.

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

SECTION 1. That this Board does hereby designate September 2022 as

CHILDHOOD CANCER AWARENESS MONTH

in Anderson Township, Hamilton County, Ohio.

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SECTION 2. That a copy of this Resolution shall be certified by the Township Fiscal Officer to Steven Firestein, Volunteer Director of the American Cancer Fund for Children, Inc.

SECTION 3. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this resolution.

SECTION 4. 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 Revised Code, except as otherwise permitted thereby.

There was no further discussion.

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

Corey Bower, Oath of Office – **Chief Martin** introduced Firefighter Corey Bower. **Mr. Dietz** administered the oath of office for the rank of Lieutenant.

PUBLIC FORUM

Mr. Gerth invited members of the audience to address the Board.

Kevin Misiak, 8433 Holiday Hills stated on behalf of Summit Estates he would like to thank Mr. Drury and Mr. Sievers for their efforts in completing 1,000 feet of sidewalk that “had taken 5 decades to install”.

Tara Burke 8242 Eastdale Drive, stated that it had been alluded that a school consolidation plan was under way which involved selling Anderson High School for profit, and placing all high school students in one building. She was concerned that this plan would create a seismic shift that would have an astronomical impact on roads, services, and other issues that fall within the Trustees’ purview. She asked for some solid information regarding the sale and what the Township leadership had been doing behind the scenes. She asked the Board to explain what each of their involvement had been along with the involvement of the Township Administration and whether the Board was in favor of selling Anderson High School to a private developer.

Ruth Hardy, 7757 Anderson Oaks, asked if any of the Trustees been involved in any of the discussions regarding the rezoning of the Anderson High School site. She also asked what was the current balanced owed from the 2014 Forest Hills School District (FHSD) bond levy. **Mrs. Stone** replied that was a question for the FHSD. **Mrs. Hardy** stated that the residents were facing a huge obstacle and needed to be informed regarding a possible consolidation. She pointed out that the FHSD Board of Education was not being transparent and accountable as promised. They were refusing to answer questions, they were making decisions without forethought and study. There were multiple issues regarding consolidation to the Turpin High

School campus, which included the additional traffic volume to Clough Pike, and square footage requirements for high schools. The future growth of the student population must be accounted for and the cost to accommodate those greater numbers in each school. The impact to students included fewer opportunities for participation in sports, arts, and other student activities, along with diminished access to counselors and mental health specialists. It was known that when there was diluted attention to student needs there was a greater chance for a disaffected student to become a security threat. Property values and the reputation as a desirable community was dependent on maintaining an excellent school system.

Jason Simmons, 7727 Heatherglenn Drive, stated that his family moved to the Township nine years ago in large part due to the reputation of the schools. The issues surrounding the FHSD Board of Education had created division and chaos in the community. The FHSD Board of Education members were not acting in good faith as representatives of the community. Their actions reflect the will of special interest and lobbying groups and prove to be wildly unpopular not only here in the Township but nationally. A recent poll showed Diversity, Equity, and Inclusion (DEI) related content from educational criteria did have public support even among Republican voters. Therefore, regardless of beliefs, there was a serious division in the community. He stated residents want to be included, to be acknowledged and heard. Over the last few months parents and students had been sharing their personal stories, data, and opposition to the FHSD Board of Education resolution but it repeatedly had been ignored. There was uncertainty and a lack of transparency over school consolidation and redistricting. He asked the Trustees what they were willing to do to bring the community together and implored them to be transparent to the residents when it came to the issue of consolidation and redistricting.

Sarah Sudkamp, 8150 Capital Drive, stated that she was one of the founding chairpersons of Advocate FHSD. Last night the community was informed of plans that were being proposed to sell and develop Anderson High School forcing all high school students to the Turpin/Mercer campus and displacing hundreds of elementary school students into schools that cannot accommodate them. Advocate FHSD had been made aware that at least one Trustee had been involved in the plans to sell Anderson High School. By taking this approach the elected official, or officials had chosen the worst possible way to engage in this project. The FHSD Board of Education had shrouded the community by secretly interjecting the Trustees into FHSD Board of Education issues. That action had also decreased the trust that the community had in Township leadership. She put the Trustees on notice of potential litigation and as such anyone involved in the sale of Anderson High School must preserve all physical and electronically stored information, copies and backups, as defined by Rule 34 of the Federal Rules of Civil Procedures.

April Roush, 1825 Sandcliff Drive, stated that anyone with experience or who had researched consolidation knew a few main points about district culture and consolidation. Those points included never trying to force one half of the community to give up far more than the other half of the community in a consolidation. Never move one high school, that was an existing school, into another existing school. It could create hard feelings and imbalances that would never go

away. If redistricting multiple buildings, it should not involve a major sacrifice or loss by only one segment of the community. If consolidation was to occur, do so rather than renovate, not after renovating, while still paying for the renovation. Build when inflation was low and employment was high and materials were cheap, not the opposite. Make building improvements when incentives were available, such as matching funds from State funding sources. Make changes the community backs, do not fail to account for the outcome and impact that fewer buildings equate to longer bus rides, higher transportation costs, moving, reforming, and refitting buildings which could cost an incredible amount of money. Studies showed that in states that had discontinued funding, and a consolidation of high schools had more school violence. Studies had shown that larger high schools had lower desirability causing property values to go down. Residents should have the ability to voice their viewpoint any time a configuration of a district could be substantially changed. The most impactful negative action that a school district could do was to tell thousands of children that money was more important, and they had no voice in what was happening to their lives.

Adrienne Gutbier, 7909 Meadowcreek Drive, commented with regards to the FHSD Board of Education, she perceived the problem as being the individuals charged with the schools were not being transparent. They were not listening, they were not responding. She stated that she had sent numerous communications and no responses had been received. If redistricting was being considered, transparency was needed. If there was a plan to consolidate and redistrict the residents were trusting the Trustees to find the answer, and to make sure that the process was open. Residents were trusting the Trustees to bring honesty, openness, and transparency because those that were a part of this initiative. The School Board's motives were not pure, and they were not thinking about the children and the impact this would have on their lives.

Natalie Hastings, 7226 Cobblestone Court, stated that according to the Township's 2016 housing survey FHSD was the primary reason people relocated to Anderson. Additionally, other marketing materials cited the schools as one of the primary drivers for relocating to the Township. She asked how the Trustees had demonstrated that they value what the schools bring to the community as pointed out in external communications. It appeared that some of the Trustees had made a secret plan with the FHSD Board of Education to sell Anderson High School without informing the community. She pointed out that the most recent traffic study related to the Clough Pike corridor showed that Clough Pike at Bartels Road was at 86% compacity in the morning. There seemed to be substantial amount of focus placed on leveraging and making the most of taxes, and questioned why the Township and FHSD Board of Education gave up millions of dollars of TIF fundings to create/update the Beech Acres RecPlex.

Bonnie Dunkelman, 800 Old Orchard, stated that in *Anderson Insights* Mr. Gerth had conveyed his desire for a hotel to be built in the Township. The two locations under consideration was the area around Anderson Towne Center and the Kellogg entertainment district. She was unaware of any vacant land around Anderson Towne Center where a hotel could be built. Therefore, she echoed the question that had been raised, what did the Trustees know and when did they know it.

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Stephanie Rickets, 3340 River Hills Drive, stated that she would like transparency from the FHSD Board of Education. She had sent many emails, with not replies. The FHSD Board of Education had accountability to both the students and parents and do what was best for both, that was not happening. Parents were unable to speak with them, and they refused to have any type of commentary with the public. She asked for the Boards help in obtaining some answers.

Kristy Bryant, stated that she was saddened that the FHSD Board of Education chose not to allow public forum to occur at their last Board meeting. The fact that consolidation discussions were happening behind closed doors was a disappointment and she was concerned about the mental health of the children.

Kathy Mallanney, 7609 Forest Road, stated that she had concerns about the increase of traffic on Forest Road if a hotel were to be built. She desperately hoped that the Trustees would intercede on any planned development.

TRUSTEE COMMENTS

Mrs. Lausten stated that she liked seeing several people from the community in attendance. She pointed out that these were public meetings, and the meeting schedule was posted on the website. The Board of Trustees were public servants that work for the residents, that was how transparency worked, and residents' feedback was always welcomed. The Board did not make decisions in a vacuum, and residents could always schedule an appointment and meet with the Trustees individually.

Mrs. Stone thanked everyone for coming and appreciated the comments. As Mr. Gerth indicated earlier this was not a back-and-forth conversation. The Board would take questions and comments under advisement. She agreed that the community was very divided. She did view the most recent FHSD Board of Education meeting on *YouTube* and the behavior she witnessed from the community was despicable. She pointed out that many people did not vote in the last election, and it was imperative that the community pay attention to who they were electing. There was an election coming up in November and she suggested that everyone do their research before they decide who they were going to vote for.

Mr. Gerth stated that he would like to address a few questions that were asked. The resounding question surrounded if the Board of Trustees were involved in the selling of Anderson High School and how the Planning and Zoning Department was involved. No one on this Board had been involved in any discussions regarding the selling of Anderson High School or any zoning requests related to that. Mrs. Dunkelman had asked about the two proposed locations for a hotel. The Township had been working on a hotel study for many years and at no time was the Anderson High School property discussed. Mrs. Hastings had asked about collaboration between the Township and FHSD Board of Education. There were over three pages of documentation that showed everything the Township had done in regard to collaboration with the FHSD and the Anderson Park District. Mrs. Earhart would be happy to share that documentation, which included the \$1,000,000 used for the acquisition of the Beech Acres RecPlex, a facility that was used by many people in this community. In terms of transparency, the Trustees respond to all

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emails, and all our contact information was readily available. He stated he would meet with anybody, at any time. He wanted to make it very clear, from a transparency standpoint, that the Trustees were public officials and worked for the residents. He thanked everyone for coming.

FISCAL OFFICER

Financial Reports – Mr. Dietz presented the Board with the end of August financial reports for their review.

Appropriation Changes –

Resolution 22-0922-03: Mrs. Stone moved to adopt the appropriation changes as recommended by the Fiscal Officer. Mrs. Lausten seconded the motion.

Appropriation Changes:

04.1100.0501 (Supplies-Gas, Diesel)	+ \$20,000.00
04.1100.1304 (Other Exp.-20% Money-County)	- \$20,000.00

Average fuel cost per month is approximately \$5,000.00 per month and only \$3,986.57 remaining in line item.

09.1100.0801 (Supplies-Gas)	+ \$50,000.00
09.1100.1001 (Contr-Contracts)	- \$50,000.00

Average fuel cost per month is approximately \$12,000 per month and only \$2,727.81 remaining in line item.

10.1100.0901 (Supplies-Gas & Diesel)	+ \$36,000.00
10.1100.1510 (Other Exp-Legal)	- \$36,000.00

Average fuel cost per month is approximately \$12,000 to \$13,000 per month and only \$11,470.71 remaining in line item.

There was no further discussion.

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

Minutes –

Resolution 22-0922-04: Mrs. Lausten moved to approve the minutes of March 17, 2022; April 7, 2022; July 7, 2022; with minor corrections. Mrs. Stone seconded the motion.

There was no further discussion.

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

Resolution 22-0922-05: Mrs. Lausten moved to approve the minutes of July 21, 2022; with minor corrections. Mrs. Stone seconded the motion.

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

Resolution 22-0922-06: Mrs. Lausten moved to approve the minutes of July 28, 2022; with minor corrections. Mrs. Stone seconded the motion.

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

Resolution 22-0922-07: Mrs. Lausten moved to approve the minutes of August 4, 2022; with minor corrections. Mrs. Stone seconded the motion.

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

LAW DIRECTOR

Mrs. Comey had nothing requiring Board action.

PLANNING & ZONING

Nuisance Abatement, 3085 Little Dry Run Road –

Resolution 22-0922-08: Mrs. Stone moved to adopt a resolution providing for the securance and subsequent removal of structure declared to be insecure, unsafe, and structurally defective and unfit for human habitation, on land owned by Home Is Where the Heart Is Property Management LLC, and located at 3085 Little Dry Run Road, in Anderson Township, Ohio, pursuant to Section 505.86 of the Ohio Revised Code as follows; Mrs. Lausten seconded the motion:

RESOLUTION NO. 22-0922-08

RESOLUTION PROVIDING FOR THE SECURANCE AND SUBSEQUENT REMOVAL OF STRUCTURE DECLARED TO BE INSECURE, UNSAFE, AND STRUCTURALLY DEFECTIVE AND UNFIT FOR HUMAN HABITATION, ON LAND OWNED BY HOME IS WHERE THE HEART IS PROPERTY MANAGEMENT LLC, AND LOCATED AT 3085 LITTLE DRY RUN ROAD, IN ANDERSON TOWNSHIP, OHIO, PURSUANT TO SECTION 505.86 OF THE OHIO REVISED CODE.

WHEREAS, Section 505.86 of the Revised Code (the “Statute”) provides that a board of township trustees may provide for the removal, repair or securance of buildings or other structures in the township that have been declared insecure, unsafe, or structurally defective by any fire department under contract with the township or by the county building department or other

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

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authority responsible under Chapter 3781 of the Revised Code for the enforcement of building regulations or the performance of building inspections in the township, or of buildings or other structures that have been declared unfit for human habitation by the board of health of the general health district of which the township is a part; and

WHEREAS, the owner of record of the property located at 3085 Little Dry Run Road, Anderson Township, Ohio 45244 (further identified as Hamilton County Auditor's Parcel No. 500-0151-0005-00) (the "Property") is Home Is Where The Heart Is Property Management LLC, a Georgia limited liability company (the "Owner"); and

WHEREAS, the last known mailing address of the Owner is, 1525 Earlham Drive, Dayton, OH 45406; and

WHEREAS, tax bills relating to the Property are mailed by the Hamilton County Auditor to the Owner at 1525 Earlham Drive, Dayton, OH 45406; and

WHEREAS, the Township's Zoning and Planning staff has visually inspected the structure on the Property (the "Structure") on numerous dates, commencing April 10, 2019, and since that date has conversed with Owner on numerous dates regarding the condition of the Structure; and

WHEREAS, Hamilton County Planning + Development ("HCPD") inspected the Structure on October 19, 2021 and posted a Field Order as Unsafe Building on the Structure on that date; and

WHEREAS, by Official Building Order/Nuisance Notification dated June 27, 2022 addressed to the Owner at the mailing address listed above, stated its observations that the Structure is open and unsecured, windows are broken, roof is severely leaking, rafters and floor joists are rotted and have lost their bearing capacity and the front porch has collapsed; and declared the Structure to be "insecure, unsafe and structurally defective" and advised the Owner that the Structure must be repaired or demolished; and

WHEREAS, the Owner's right to appeal that Official Building Order/Nuisance Notification expired July 28, 2022; and

WHEREAS, Hamilton County Public Health ("HCPH") conducted a site investigation of the Property on March 22, 2022 and by certified mail addressed to the Owner provided a Notice of Violation/Notice of Condemnation dated March 24, 2022 to Owner, in which HCPH stated that the Structure "is condemned and considered unfit for human habitation" for the reasons stated therein and advised Owner of required remedial actions required of Owner to be completed by April 25, 2022; and

WHEREAS, Owner has not performed those required remedial corrective actions;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES (the "Board") OF ANDERSON TOWNSHIP, OHIO (the "Township"), that:

September 22, 2022

SECTION 1. The Township Administrator, on behalf of this Board, shall give notice by *certified mail, return receipt requested*, to each holder of a legal or equitable lien of record upon the Property and to the Owner (each, a "Party in Interest" and collectively, the "Parties in Interest"), of the Board's intention to provide for the securance of the Structure and subsequent removal of the insecure, unsafe and structurally defective Structure that has been condemned and declared unfit for human habitation through use of Township employees, materials or equipment, or by a contract or contracts for labor, materials, or equipment, as shall be determined by the Township Administrator. The notice shall include notice to the Parties in Interest that each Party in Interest is entitled to a hearing if the Party in Interest requests a hearing in writing within twenty (20) days of the date of the mailing of the notice. Any such written request for a hearing shall be made to the Fiscal Officer of the Township. If the address of the Owner is unknown and cannot reasonably be obtained, the Township Administrator shall publish the aforesaid notice once in a newspaper of general circulation in the Township. If a hearing is requested in compliance with the Statute, the Board shall set the date, time and place for the hearing and notify the requesting Party in Interest by *certified mail, return receipt requested*; and the hearing shall be held within fifteen days, but not earlier than seven days, after the Party in Interest has requested a hearing, unless otherwise agreed to by the Board and said Party in Interest. The hearing shall be recorded by stenographic or electronic means.

SECTION 2. Not later than thirty (30) days after a hearing, or not later than thirty (30) days after mailing notice to the Parties in Interest as provided in SECTION 1 hereof if no Party in Interest requested a hearing in writing and in a timely manner, the Board shall make an order deciding the matter. The order may dismiss the matter or direct the securance and removal of the insecure, unsafe, structurally defective and unfit Structure. At any time a Party in Interest may consent to the order. A Party in Interest who requested and participated in a hearing, and who is adversely affected by the order of the Board, may appeal the order under Section 2506.01 of the Revised Code. At any time, a Party in Interest may enter into an agreement with the Board to perform the securance and subsequent removal of the Structure.

SECTION 3. If the Board issues an order directing the securance and subsequent removal of the insecure, unsafe, structurally defective Structure that is unfit for human habitation which is not appealed as provided above, then unless the Structure has been secured and completely removed, or unless a Party in Interest shall have entered into an agreement with the Board to perform the securance and removal of the Structure, the Township Administrator shall proceed to provide for the securance and subsequent removal of the Structure, and the "total cost" of such securance and removal, including any costs incurred due to the use of employees, materials, or equipment of the Township, any costs arising out of contracts for labor, materials, or equipment, and costs of service of notice or publication required under the Statute, shall be collected by the Fiscal Officer in accordance with Section 505.86(F)(1) of the Revised Code.

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

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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.

There was no further discussion.

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

Kellogg Gateway Art Implementation – Designing Local –

Resolution 22-0922-09: Mrs. Lausten moved to authorize the Township Administrator to enter into agreement with Designing Local to implement the public art piece component of the Kellogg Gateway Implementation for a cost not to exceed \$12,500 funded out of Ohio Riverfront I TIF funds. Mrs. Stone seconded the motion.

There was no further discussion.

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

SHERIFF'S OFFICE

Lt. McElroy had nothing requiring Board action.

PUBLIC WORKS DEPARTMENT

Mr. Luginbuhl had nothing requiring Board action.

FIRE & RESCUE DEPARTMENT

Request to Accept a Port Security Preparedness Grant through the Department of Homeland Security – Federal Emergency Management Agency –

Resolution 22-0922-10: Mrs. Stone moved to accept, on behalf of Anderson Township, a Port Security Preparedness Grant award, managed by the Department of Homeland Security – Federal Emergency Management Agency in the amount of \$256,605.00, to be applied to the purchase of a watercraft as specified within said Award, and authorizes the expenditure of up to \$150,000, representing the local jurisdiction matching funds for said purchase, contingency funding, and delivery costs, which funds are hereby appropriated from the Ohio Riverfront TIF I for such purpose. The Township Administrator is hereby authorized to execute any documents necessary and appropriate to consummate the grant transaction. Mrs. Lausten seconded the motion.

There was no further discussion.

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

Request to Accept a Fire Prevention & Safety Grant through the Department of Homeland Security – Federal Emergency Management Agency –

Resolution 22-0922-11: Mrs. Stone moved to accept, on behalf of Anderson Township, a Fire Prevention and Safety Grant award, managed by the Department of Homeland Security – Federal Emergency Management Agency in the amount of \$23,571.42 to be applied to the purchase of smoke and carbon monoxide detectors as specified within the award, and authorizes the expenditure of up to \$1,178.58, representing the local jurisdiction matching funds for said purchase, which funds are hereby appropriated from Public Education funds for such purposes. The Township Administrator is hereby authorized to execute any documents necessary and appropriate to consummate the grant transaction. Mrs. Lausten seconded the motion.

There was no further discussion.

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

TOWNSHIP ADMINISTRATOR

OKI intermodal Coordinating Committee FY 2023 Appointment –

Resolution 22-0922-12: Mrs. Stone moved to appoint Paul Drury as Anderson Township's alternate representative on the Intermodal Coordinating Committee of the Ohio-Kentucky-Indiana Regional Council of Governments for FY 2023. Mrs. Lausten seconded the motion.

There was no further discussion.

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

A Resolution Amending the Anderson Township Cybersecurity Policy –

Resolution 22-0922-13: Mrs. Lausten moved to adopt a resolution amending the Anderson Township Cybersecurity Policy as follows; Mrs. Stone seconded the motion:

RESOLUTION NO. 22-0922-13

A RESOLUTION AMENDING THE ANDERSON TOWNSHIP CYBERSECURITY POLICY

September 22, 2022

WHEREAS, this Board shares the concern of governmental entities and legislative bodies relating to the national and global threat to cybersecurity of governmental information, records and data; and,

WHEREAS, upon recommendation of the Township Administrator and the Township's independent technology consulting firm, this Board approved the Anderson Township Cybersecurity Policy ("Original Policy") by passage of Resolution No. 19-0919-16 and directed the Township Administrator to implement and enforce that Original Policy to mitigate the risk of cybersecurity incidents including, without limitation and only by way of example, attempts to gain unauthorized access to Township electronic records, unwanted denial of service, and attempts to cause information system failures, which could threaten the confidentiality, integrity and availability of Township information, records and data that are created, transmitted and stored by electronic means; and,

WHEREAS, the Township Administrator recommends that certain revisions be made to the Original Policy to enhance loss-prevention measures;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES (the "Board") OF ANDERSON TOWNSHIP, COUNTY OF HAMILTON, OHIO (the "Township"), that:

SECTION 1. This Board hereby amends the Anderson Township Cybersecurity Policy as presented to this Board (the Original Policy as so amended, the "Policy") and directs the Township Administrator to implement and enforce that Policy as soon as is practicable.

SECTION 2. This Board finds and determines that all formal actions of this Board and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Board or its committees and that all deliberations of this Board and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including (without limitation) Section 121.22 of the Ohio Revised Code, except as otherwise permitted thereby.

SECTION 3. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this Resolution.

There was no further discussion.


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

Mrs. Earhart thanked the Board of Trustees for their incredible support of professional development for all of Township staff. For the last year the Board had allowed her to serve on the host committee for the International City County Management Association Annual Conference which was held over the five days in Columbus.

As there was no further business, the meeting adjourned.

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
September 22, 2022

These minutes were approved at the meeting December 15, 2022



Joshua S. Gerth, President


Kenneth G. Dietz, 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 22nd day of September 2022, and that said minutes have been duly entered upon the Journal of said Township.

This 15th day of December, 2022.


Kenneth G. Dietz
Fiscal Officer

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

September 27, 2022

The Board of Township Trustees of Anderson Township ("Board") held a Special Meeting on September 27, 2022, at 9:00 a.m., in the Large Conference Room at Anderson Center. Present were the following Board members:

Joshua S. Gerth
Robin D. Stone
Lexi Lausten

Also present when the meeting was called to order were Fiscal Officer Kenneth G. Dietz, Township Administrator Vicky Earhart, Assistant Township Administrator for Operations Steve Sievers, Planning & Zoning Director Paul Drury, Assistant Director Sarah Donavon, Facilities Manager Mark Magna, Fiscal Office Clerk Libby McNulty, and Administrative Assistant Molly Mohrfield

Mr. Gerth called the meeting to order. Mrs. Stone seconded the motion.

There was no further discussion.

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

Kellogg Gateway Improvements – **Mr. Drury** introduced Lynne Nischwitz from the Kleingers Group. **Ms. Nischwitz** explained that the presentation would identify the improvements, and updates to the interchange at I-275 and Kellogg Avenue, as well as State Route 52 and Kellogg Avenue which included signage and cost estimation for the project. She showed the overall design of the northeast quadrant at the I-275 interchange area which included an updated landscaping plan. She pointed out that that area was primarily in the Ohio Department of Transportation (ODOT) right of way, therefore short planting was required by ODOT. That area was also susceptible to harsh conditions so the plantings that were selected would withstand the harsh conditions, and many of them were relatively short due to the ODOT requirement. There were several steep slopes at the interchange areas, especially underneath and between the two overpasses, a cedar mat would be utilized to help with erosion. Also, French Drains would be installed with storm pipes attached allowing the water to be piped into the inlets.

Mrs. Lausten asked how often the landscaped areas would need to be maintained/manicured. She pointed out that the Township had received complaints regarding plants not watered, or not being maintained, specifically trimmed. **Ms. Nischwitz** replied that the proposed plantings would require maintenance. It was a tough compromise, between the harsh conditions, lack of irrigation, road salt and wind. Therefore, the proposed plantings were tough, tolerant, hardy, and somewhat immune to those conditions, especially the ornamental grasses which would only require once a year maintenance. **Mr. Magna** pointed out that it could be potentially costly to maintain due to monthly checks, litter clean up and trimming as needed. **Mrs. Lausten** felt the Board needed to be realistic about what it was going to take to maintain these areas. **Mrs. Earhart** understood that maintenance could be potentially costly, but the Board was successful in getting legislation adopted to allow the use of the 94 Tax Increment Financing (TIF), pointing

September 27, 2022

out that if it was built with 94 TIF dollars therefore it could be maintained with 94 TIF dollars. **Ms. Nischwitz** asked if the Board was ok with the proposed amount of landscaping and the types of plantings. **Mrs. Stone** asked if the plantings would attract bees. **Ms. Nischwitz** replied they would, adding that there would be all kinds of pollinator types of plants that would attract both bees and butterflies. This was a good way to show that the Township was interested in sustainability. She pointed out that the one proposed meadow would require only once a year mowing.

Ms. Nischwitz stated that in regard to signage she had spoken with the City of Cincinnati's brand manager to make sure that they were in agreement with different aspects of the project since a small area was in their purview. They were drawn more towards the simple fonts of "Cincinnati" and "Anderson" on the walls, and they did not need or want their logo displayed. The sign would have led lights and the letters would be back lit. **Mrs. Stone** requested that the smaller Anderson Township signs be removed from the proposal. **Mr. Gerth** agreed. **Ms. Nischwitz** informed the Board that the proposed signage would not have the stone veneer like the other signs throughout the Township. To accommodate the lighting a shelf would need to be incorporated into concrete to provide a shelter from the weather. **Mr. Lausten** stated that aesthetically she liked the signage option with the wavy line. **Mrs. Stone** agreed. **Mr. Gerth** stated that he preferred the other option but ultimately agreed to go with the wavy line option.

Ms. Nischwitz reviewed the cost estimate, explaining that the cost was organized by quadrant, northeast, northwest, southeast, and southwest. In every area the cost for mobilization, layout, staking, and maintenance of traffic was itemized. She pointed out that all the lighting in the interchange areas had to be solar, an ODOT requirement. The solar panels would be located in the interchange areas. It was proposed that the I-275 underpasses would have aesthetic LED lighting with the ability to change colors. The approximate cost was \$324,000 which included the lighting, and landscaping on the steep slopes in between the bridge. The S.R. 52 interchange also included a wall, trees, and landscaping on the steep sloped areas. She pointed out that prices were volatile. **Mr. Gerth** was concerned with the cost. **Mrs. Earhart** explained that was the reason to get all the required documents in place by the end of January to lock in prices. **Ms. Nischwitz** stated that Kleingers had been working with ODOT over the last several months to insure a smooth permitting process. **Ms. Nischwitz** felt the grass looked to be in good condition when it was professionally maintained. She suggested keeping the existing grass and asking the contractor to split seed instead of putting in all new grass. **Mrs. Earhart** stated that the funding source for this project would come from the Ohio Riverfront TIF, and she recommended using that funding for all the hard scape, and the 94 TIF for areas that required routine maintenance.

Mrs. Stone asked if the proposal included an option to elevate the roadway to prevent flooding. **Mr. Drury** replied it did not. **Ms. Nischwitz** pointed out that the sign at S.R. 52 and the surrounding area would be mounded up approximately five feet thus remaining out of the flood area.

Mrs. Earhart asked what the deadline was for the Board to make decisions on what portions or how much of the project they wish to fund so the permitting process could be started. **Ms.**

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Nischwitz replied that ODOT needed the information by the beginning of November so that it the project could go out for bid in January. **Mr. Gerth** did not feel that a decision could be made on how to proceed until the bids came in. At this point he did not see anything in the proposal that he objected to. **Mrs. Lausten** felt that the projected \$6,000,000 cost did not take into consideration the cost of inflation, or labor or construction. She realized TIF funds would be utilized, but she was concerned with the increased maintenance costs over the years. **Mrs. Stone** asked if there was anyway to scale back the cost. **Mr. Gerth** believed there was. He pointed out that the landscaping alone was \$2,000,000. He did not want to cut back on the hardscape, lighting, or signage because those items would withstand over time, but he did question if \$2,000,000 in plants was necessary. **Mrs. Stone** agreed. **Ms. Nischwitz** pointed out that the area was huge, therefore it was crucial to have an adequate number of plantings, or the area would look unbalanced due to its size. **Mrs. Earhart** reiterated that the whole purpose of the Riverfront TIF was to benefit the businesses in that area. The TIF funding for the project could not be used for operating expenses for the Township. Those businesses in the Riverfront area were paying a significant amount of revenue to the Township and those dollars were statutory limited as to what they could be used for. It had to be utilized to benefit the business that are in the Ohio Riverfront TIF which will in turn benefit the Township by increasing the traffic to those businesses and by beautifying that area benefits everyone. **Mr. Sievers** pointed out that the funds that were expended in that area, had been used to resurface Kellogg Road, and Asbury Road, and to connect the Ohio River Trail from Sutton Avenue through the City of Cincinnati. Those were just some of the projects that had benefitted from the TIF. **Mrs. Earhart** added that funds were also used to purchase an ambulance and fire engine for Station 10 which serviced the Riverfront area, and to purchase Sheriff cruisers on a yearly basis. There was an offset to those costs that the Township incurs for servicing the Riverfront area. **Mrs. Stone** stated that the plan was beautiful but questioned if the cost could be reduced. **Mrs. Lausten** stated that the proposal was clearly a way to elevate the Kellogg Gateway area. She believed that there were ways to scale back the design but still provide the beauty, considering what needed to be maintained and other improvements that were needed in that area. She requested more time to review the proposal. **Mrs. Stone** stated that she was concerned that there was no plan, proposal, or discussion to elevate the road to address flooding concerns. She felt that would be the better use of the TIF dollars which would allow businesses to remain open. **Mrs. Earhart** pointed out that elevating the public roadway does not elevate structures, parking lots, and driveways. The section of roadway that would be elevated would theoretically give a couple of extra days to allow people to get to businesses in the area, but an elevated roadway would not prevent businesses from having to close. She stated that to elevate the entire roadway or to build a flood wall would be cost prohibited. **Mrs. Stone** questioned if the flooding concerns affected the plans for a hotel in that area. **Mr. Sievers** responded that hypothetically flooding occurs only one or two days every one or two years. The north side of Kellogg Avenue close to Five Mile Road was not subject to flooding. He pointed out that a hotel could be built for what the cost would be to elevate the road. Staff felt that the money would be best spent creating a "wow" factor at the interchanges. He asked, if the Board would be more comfortable, bidding the project in sections, but pointed out that overtime material cost would likely increase. **Mrs. Earhart** pointed out when the Board

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began discussions regarding the Kellogg Gateway area, the emphasizes was that this was the Townships front door. This was where most residents and nonresidents came into the Township. She realized the Township was paying for this as opposed to the City of Cincinnati but the fact was if the Township did not do something it would not get done. **Mrs. Stone** agreed. **Mrs. Earhart** suggested that the Board take time to review the proposal and make their decision at the October 6th Interim Meeting. **The Board** agreed.


Mr. Gerth moved to adjourn the meeting. Mrs. Stone seconded the motion.

There was no further discussion.

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

As there was no further business, the meeting adjourned at 10:15 a.m.

These minutes were approved at the meeting January 19, 2023.



Joshua S. Gerth, Chair



Kenneth G. Dietz, 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 special meeting, including the roll call votes thereat, of the Board of Township Trustees of said Township held on the 27th day of September, 2022, and that said minutes have been duly entered upon the Journal of said Township.

This 19th day of January, 2023.



Kenneth G. Dietz
Fiscal Officer

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

October 6, 2022

The Board of Township Trustees of Anderson Township ("Board") held its regular Interim Workshop Meeting on October 6, 2022, at 9:30 a.m., in the Lower-Level Meeting Room. Present were the following Board Members:

Joshua S. Gerth
R. Dee Stone
Lexi Lausten

Mr. Gerth called the meeting to order and welcomed attendees including Fiscal Officer Ken Dietz, Township Administrator Vicky Earhart, Assistant Township Administrator for Operations Steve Sievers, Assistant Township Administrator for Human Resources Suzanne Parker, Planning & Zoning Director Paul Drury, Assistant Director Sarah Donavon, Public Works Director Eric Luginbuhl, Facilities Manager Mark Magna, Fire Chief Rick Martin, Hamilton County Sheriff's District 5 Commander Lt. Dan McElroy, Law Director Margaret Comey, and Administrative Assistant Molly Mohrfield

Also in attendance were Anderson Area Chamber of Commerce Director of Member Services Brandy Uhlenbrock, Owner and CEO of The Goddard School Mark, Payroll Partners, Inc. Account Executive Matt Flynn, Melanie B. Hartong, Forest Hills School District Community Partnership Specialist & Occupational Therapist.

Mr. Gerth moved to adopt the agenda. Mrs. Stone seconded the motion.

There was no further discussion.

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

Accelerate Anderson Leadership Program – **Mrs. Uhlenbrock** explained that *Accelerate Anderson* was an eight-month course designed to educate, train, and encourage Anderson area professionals to take a leadership role in the community. Students would meet monthly for sessions covering topics such as History and Heritage, Wellness and Quality of Life, Local Government and Economy, Education and Diversity and Inclusion Training (DEI), and Personal and Professional Development. Each course instructor would be a local professional representing their area of expertise.

TRUSTEES/FISCAL OFFICER

Return of "Trustee Talk" – **Mrs. Earhart** explained that Anderson Area Community Television (ACTV) was a nonprofit community television organization. The Board and prior Boards had funded the operation to provide programming for the Anderson Park District, Forest Hills School District Board of Education, Board of Zoning Appeals and Zoning Commission meetings along with other informational and educational programming. The Township funded ACTV operations at approximately \$300,000 a year, until 2017 when a significant amount of revenue was lost due to the recession, and minimal usage. ACTV formerly did a monthly segment called "Trustee Talk" in which a Trustee would discuss topics that were current in the Township, projects that

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were occurring, and answer general questions regarding Township operations. Since ACTV no longer existed there had been some interest in doing a *YouTube* version. Therefore, she was looking to the Board for some guidance on whether they wished to pursue this initiative. **Mr. Gerth** stated that he had initiated this request due to information that have been disseminated around the Township that seemed to be inaccurate especially on *Facebook* and social media channels. He pointed out that people seem to be misinformed, therefore he saw this as an opportunity for the Board to set the record straight on things or issues from the past that need to be clarified. **Mrs. Stone** stated that she was not opposed to the idea. Though she would like to see what the format would be, who the moderator would be, and the time frame. She felt that a 15-to-20-minute segment would be adequate. **Mr. Gerth** stated that he would like the segments to be less than 10 minutes. **Mrs. Lausten** was hesitant to call it "Trustee Talk" because there may be content that staff would like to present as well. **Mrs. Earhart** pointed out that staff could present some overarching topics regarding Township operations and the Board could reserve certain segments that were specific to the elected officials. She stated that staff would work up some ideas and present to the Board at a later date.

Resolution Accepting the Amounts and Rates as Determined by the Budget Commission and Authorizing the Necessary Tax Levies and Certifying them to the County Auditor – Mr. Dietz explained that every November, the County Auditor required the Fiscal Officer to review the tax rates that were in force and to certify them.

Resolution 22-1006-01: Mr. Gerth moved to accept the amounts and rates as determined by the budget commission and authorizing the necessary tax levies and certifying them to the County Auditor as follows; Mrs. Lausten seconded the motion:

**RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY
THE BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR**

Board of Township Trustees
Rev. Code, Secs. 5705.34

The Board of Township Trustees of Anderson Township, Hamilton County, Ohio, met in regular session on the 6th day of October 2022, at Anderson Center located at 7850 Five Mile Road, Anderson Township, Ohio 45230 with the following members present:

Joshua S. Gerth
Robin D. Stone
Lexi Lausten

Trustee Gerth moved the adoption of the following Resolution No. 21-1006-01:

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WHEREAS, this Board of Township Trustees of Anderson Township, Hamilton County, Ohio, in accordance with the provisions of law, has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1, 2023; and

WHEREAS, the Budget Commission of Hamilton County, Ohio, has certified its action thereon to this Board together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board and what part thereof is without, and what part within, the ten-mill tax limitation; now, therefore,

BE IT RESOLVED by the Board of Township Trustees of Anderson Township, Hamilton County, Ohio, as follows:

SECTION 1. That the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted.

SECTION 2. That there be and is hereby levied on the tax duplicate of said Township the rate of each tax necessary to be levied within the ten-mill limitation as set forth as follows:

SECTION 3. That the Fiscal Officer of this Board be, and is hereby directed, to certify a copy of this Resolution to the County Auditor of Hamilton County.

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

SECTION 5. That 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) Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

There was no further discussion.

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

Continuation of Hearing for 780 Sutton Road – **Mrs. Comey** explained that at the request of a lien holder identified as Tax Ease a hearing was conducted on September 22, 2022, regarding the removal of the structure at 780 Sutton Road. The hearing was continued to allow more time for consideration. The Township had gone through all the statutory steps with regard to removal under 505.86 of the Ohio Revised Code. She instructed the Board to close the hearing and requested that action be taken. She explained that the actions the Board needed to consider were to proceed and order the removal of the structure or dismiss the matter. A third option would be to wait to take action but that would need to occur within 30 days of the September 22, 2022, hearing. **Mrs. Lausten** asked if the action was dismissed was there a time limit for the property to be sold. **Mrs. Comey** responded that the lien holder, Tax Ease, had bought tax certificates

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with regard to that property and paid a certain value for those tax certificates and they were now foreclosing on those tax certificates. That process went through the Hamilton County Common Pleas Court and at the end of the proceedings the court appointed a private selling agent. She contacted that agent to check on the proposed sale date for the property and they advised her that a date had not been set. The representative for Tax Ease indicated that they did not disagree with the Townships assessment of the state of the property their argument was merely to attempt to dissuade the Township from proceeding with the removal, indicating that the Townships need of cost recovery for demolition was to put another lien on the property which would not be paid until the property was sold. Their argument was that the proceeds from the sale of the property after the tax certificates were paid were not likely if the structure was not there to cover additional liens. That could not be determined until the property was sold. It was possible that the site would sell more easily without a condemned structure on it. Tax Ease also argued that because the property was in the process of the foreclosure sale a subsequent owner might choose to rehab the structure. It should be noted that both the current property owner, and lien holder, including Tax Ease, who asked for the hearing could, and was entitled under the statute to enter into an agreement at any time with the Board, to correct the problems with property. Tax Ease nor the property owner had offer to do that, both were aware of that right. Neither want to undertake that expense. **Mrs. Stone** asked if there was any way to expedite the sale. **Mrs. Comey** stated that she had spoken with the private selling agent who informed her that the date had not been set by the court. **Mrs. Earhart** pointed out that even if there was a sale, even if there was a deadline for the sale, there was no deadline to repair the structure. **Mrs. Stone** asked if the property were sold would this process require the new owner to correct the problems in a timely manner. **Mrs. Comey** responded that the process under the statute tied to the property and all the legal notice go to the owner and lienholders. Therefore, the new owner could argue that they are not bound by those proceedings. **Mr. Drury** stated that the original condonation took place a year ago due to the malfunctioning septic system. The Hamilton County Building Department did go through the house and there were major structural repairs that needed to be done. The septic system would need to be brought up to current standards along with all the necessary repairs which would also be costly for the value of the property. **Mrs. Lausten** asked what the cost would be to remove the structure. **Mr. Drury** responded that the estimate was \$18,868.00. **Mrs. Earhart** added that staff looked at these types of issues from the perspective of what the neighbors had to deal with and how much longer were they going to have to deal with it. The property owner was out of state. This was also the home where staff had to evict people that were squatting on the property. **Mrs. Stone** believed it would be cost prohibitive for anyone to attempt to rehab it. **Mr. Gerth** asked how big the lot was. **Mr. Drury** responded less than quarter acre. **Mrs. Comey** pointed out that the property was deemed uninhabitable.

Mr. Gerth closed the hearing for 780 Sutton Road.

Resolution 22-1006-04: **Mrs. Lausten** moved to adopt a resolution ordering the removal of structure declared to be in a condition dangerous to life or health and unfit for human habitation on land owned by 555 Church Street LLC, located at 780 Sutton Road, in Anderson Township, Ohio, pursuant to Section 505.86 of the Ohio Revised Code as follows; **Mrs. Stone** seconded the motion:

RESOLUTION NO. 22-1006-04

**RESOLUTION ORDERING THE REMOVAL OF
STRUCTURE DECLARED TO BE IN A CONDITION
DANGEROUS TO LIFE OR HEALTH AND UNFIT FOR
HUMAN HABITATION ON LAND OWNED BY 555
CHURCH STREET LLC, LOCATED AT 780 SUTTON
ROAD, IN ANDERSON TOWNSHIP, OHIO, PURSUANT TO
SECTION 505.86 OF THE OHIO REVISED CODE.**

WHEREAS, Section 505.86 of the Revised Code (the "Statute") provides that a board of township trustees may provide for the removal, repair or securance of buildings or other structures in the township that have been declared insecure, unsafe, or structurally defective by any fire department under contract with the township or by the county building department or other authority responsible under Chapter 3781 of the Revised Code for the enforcement of building regulations or the performance of building inspections in the township, or of buildings or other structures that have been declared unfit for human habitation by the board of health of the general health district of which the township is a part; and

WHEREAS, the owner of record of the property located at 780 Sutton Road, Anderson Township, Ohio 45230 (further identified as Hamilton County Auditor's Parcel No. 500-0471-0007-00) (the "Property") is 555 Church Street LLC (the "Owner"); and

WHEREAS, the Township's Zoning and Planning staff visually inspected the structure located on the Property (the "Structure") on February 16, 2022, and found that the Structure has extensive water damage, roof damage and visible mold and is deemed unsafe and insecure; and

WHEREAS, the Anderson Township Fire and Rescue Department (the "Department") is responsible fire and rescue operations in Anderson Township, including the performance of inspections and enforcement of fire and safety regulations in Anderson Township; and

WHEREAS, the Department visually inspected the Structure on February 16, 2022, and in a letter to this Board dated February 28, 2022, declared the Structure to be insecure and unsafe; and

WHEREAS, by Notice of Violation and Notice of Condemnation dated April 20, 2021 issued after multiple site investigations, the Hamilton County Health Department ("HCHD") found the sewage treatment system ("STS") to be failing, that the STS had not been permitted, and that untreated wastewater was discharging from the STS into the environment causing a public health nuisance, and that after multiple correspondences, the owner had failed to take required corrective action; and

WHEREAS, further, HCHD noted numerous violations of the Ohio Administrative Code and condemned the Structure and considered [it] unfit for human habitation; and

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WHEREAS, after further inspection on February 16, 2022, by Notice of Condemnation dated February 28, 2022, the HCHD declared the Property to be condemned and unfit for human habitation; and

WHEREAS, by Resolution No. 22-0303-04, this Board provided for the securance of the Structure pursuant to the Statute; and

WHEREAS, on or about July 11, 2022, the Structure was secured by the Township;

WHEREAS, by Resolution No. 22-0804-01, this Board provided for the removal of the Structure pursuant to Section 505.86 of the Ohio Revised Code, and provided for statutory notice of this Board's intention to remove the Structure to be sent to the Owner and any lienholder with respect to the Property, and for the Owner or any such lienholder (each, a "Party in Interest") to request a hearing with respect to such removal; and

WHEREAS, the statutory notice was sent by certified mail, return receipt requested as required by the Statute and Tax Ease Ohio IV, LLC, a lienholder and Party in Interest with respect to the Property, by and through its counsel, Sandhu Law Group, requested a hearing and entered into an Agreement with this Board with respect to the hearing; and

WHEREAS, no other Party in Interest requested a hearing; and

WHEREAS, Tax Ease Ohio IV, LLC and Sandhu Law Group were represented at the hearing, which was duly held on September 22, 2022, by the Manley Burke LPA; and

WHEREAS, the Statute requires that this Board shall make an order deciding the matter not later than thirty (30) days after the hearing, which order may dismiss the matter or direct the removal of the Structure, and a Party in Interest who requested and participated in the hearing, and who is adversely affected by the order of the Board, may appeal the order under Section 2506.01 of the Ohio Revised Code (the "Appeal Statute"); and

WHEREAS, Tax Ease Ohio IV, LLC, as Party in Interest, has not entered into an agreement with this Board to perform the removal or repair of the insecure, unsafe and unfit Structure;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES (the "Board") OF ANDERSON TOWNSHIP, OHIO (the "Township"), that:

SECTION 1. This Board hereby orders the removal of the Structure from the Property after the running of the period for appeal of this order if this order is not appealed in compliance with the Appeal Statute.

SECTION 2. If the order directing the removal of the unsafe and unfit Structure is not appealed as provided above, then unless the Structure has been completely removed, or unless a Party in Interest shall have entered into an agreement with the Board to perform the removal of the Structure, the Township Administrator shall proceed to provide for the removal of the unsafe

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and unfit Structure, and the "total cost" of such removal, including any costs incurred due to the use of employees, materials, or equipment of the Township, any costs arising out of contracts for labor, materials, or equipment, and costs of service of notice or publication required under the Statute, shall be collected by the Fiscal Officer in accordance with Section 505.86(F)(1) of the Revised Code.

SECTION 3. The preambles to this Resolution are and for all purposes shall be construed to be integral and operative parts of this Resolution.

SECTION 4. 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.

There was no further discussion.

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

DISCUSSION ITEMS

Request for Guidance Related to Kellogg Gateway Improvements – **Mrs. Earhart** explained that due to the cost estimate for the Kellogg Gateway Improvements the Board had requested that staff review the proposal to see where possible cuts could be made. **Mr. Drury** presented the Board with Kleingers recommendations which included adjustments to plantings, hardscape and the removal of a wall and signage at the 1-275 and Kellogg exchange. Recommendations also included planting and hardscape be removed at the State Route 52 and Kellogg exchange. Through design elimination Kleingers was able to cut approximately \$985,000 of the initial proposal. A welcome sign and a tree grove would remain at the State Route 52 and Kellogg exchange. All other areas remained unchanged other than recalculating the quantities of the plants. **Mr. Magna** presented a timeline for the bidding purposes, and planning purposes, explaining the hope was to get the proposal submitted to the Ohio Department of Transportation (ODOT) and the City of Cincinnati for finalization by the end of the year so the bidding process could begin in January. **Mrs. Earhart** asked the Board if enough cuts had been made to reduce the overall cost and if they were comfortable with the proposal as presented. **Mrs. Stone** felt that some of the landscaping could be removed at the interchanges. She would like to see some additional landscaping added at the end of the exit ramps, across from the traffic lights, which would be more visible. **Mr. Drury** explained that the landscaping was removed at those locations until the outcome of the traffic study was determined, and if any improvements would be needed to be made at those intersections. If no improvements were required, including the roundabouts the landscaping would not be impacted. If the roundabouts were recommended the landscaped areas would have to be removed. **Mrs. Lausten** asked if the primary cost was for the landscaping only. **Mr. Drury** stated that the primary cost included drainage work as well, which was needed, regardless of whatever work was done in the area. The one area that could minimize cost would be to eliminate the artwork and the lighting for the artwork. ODOT was requiring the

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lighting to be solar, therefore separate solar panels would be required for the welcome signs and artwork. **Mrs. Stone** stated that she would be agreeable to the elimination of the artwork. **Mr. Lausten** agreed and liked all the other recommended cost cuts. She asked if a decision was needed immediately. **Mr. Drury** explained that a decision was needed to submit for the required permits. The exact cost could not be determined until a request for quote (RFQ) was in place. **Mr. Gerth** pointed out that once the bids were obtained a decision could be made as to what to move forward with. **Mrs. Stone** would like to see additional cuts made in Northeast B, and Northeast A areas. **Mrs. Lausten** and **Mr. Gerth** agreed. **Mrs. Stone** stated that a different location for the sculpture could be determined at a later date. **Mrs. Earhart** pointed out that if the artwork was to be placed anywhere along the ODOT right of way it had to be in the plan for permit approval in November. **Mr. Gerth** would like to leave the artwork in the plan. **Mrs. Donovan** stated that the exact dimensions and weight had to be determined before the proposal was submitted to ODOT. **Mrs. Stone** asked if the artwork was left in the proposal did it have to be placed where it was indicated. **Mrs. Donovan** replied it did, there could be no deviation from what was submitted to ODOT.

Nuisance Abatement for 7866 YMCA Road –

Resolution 22-1006-02: **Mrs. Stone** moved to adopt a resolution providing for the removal of junk motor vehicle from real property located at 7866 YMCA Road in Anderson Township, Ohio, pursuant to Sections 505.871 and 505.173 of the Ohio Revised Code as follows; **Mrs. Lausten** seconded the motion:

RESOLUTION NO. 22-1006-02

RESOLUTION PROVIDING FOR THE REMOVAL OF JUNK MOTOR VEHICLE FROM REAL PROPERTY LOCATED AT 7866 YMCA ROAD IN ANDERSON TOWNSHIP, OHIO, PURSUANT TO SECTIONS 505.871 AND 505.173 OF THE OHIO REVISED CODE.

WHEREAS, Section 505.871 of the Ohio Revised Code (the “Statute”) provides that a board of township trustees may provide, by resolution, for the removal of any vehicle in the unincorporated territory of the township that the board determines is a junk vehicle, as defined in Section 505.173 of the Ohio Revised Code (the “Junk Vehicle Storage Statute”), not sooner than fourteen days after the board serves written notice of its intention to remove or cause the removal of the vehicle on the owner of the land and any holders of liens of record on the land; and

WHEREAS, the Junk Vehicle Storage Statute defines “junk vehicle” as “a motor vehicle that meets all of the following criteria: (1) Three model years or older; (2) apparently inoperable; and (3) extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission;” and

WHEREAS, the Junk Vehicle Storage Statute provides that in addition to other remedies provided by law, the board of township trustees may institute an action for injunction, mandamus,

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or abatement, or any other appropriate action or proceedings to prohibit the storage of junk motor vehicles in violation of that statute; and

WHEREAS, the owner of record of the Property is the Property Owner defined above; and

WHEREAS, the last known mailing address of the Owner is 7866 YMCA Road, Cincinnati, OH 45244; and

WHEREAS, the Ford Escape is deemed to meet the criteria in the Junk Vehicle Statute to constitute a "junk motor vehicle";

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

SECTION 1. This Board determines that the Ford Escape located on private property at 7866 YMCA Road in the Township constitutes a Junk Motor Vehicle within the meaning of the Junk Vehicle Storage Statute.

SECTION 2. This Board declares that if the Property Owner fails to remove the Ford Escape from the Property within 14 days after service of the Legal Notice attached hereto as Exhibit A and by this reference incorporated herein, then the Township Administrator and the Director of Planning and Zoning for the Township shall provide for the removal of Ford Escape and any costs the Board incurs in removing or causing the removal of the Ford Escape may be entered upon the tax duplicate and shall become a lien upon the land from the date of entry.

SECTION 3. The Director of Planning and Zoning, on behalf of this Board, shall give notice by certified mail, return receipt requested to the holders of legal or equitable liens of record upon the Property and to the Property Owner, of the Board's intention to provide for removal of the Ford Escape through use of Township employees, materials or equipment, or by a contract or contracts for labor, materials, or equipment, as shall be determined by the Township Administrator. If a Legal Notice sent by certified mail is refused or unclaimed, or if the Property Owner's address is unknown and cannot reasonably be obtained by the exercise of reasonable diligence, the Fiscal Officer, on behalf of this Board, shall cause the Legal Notice to be published once in a newspaper of general circulation in the Township before removal of the Ford Escape, and, if the land contains any structures, the Board shall cause the Legal Notice to be posted on the principal structure on the land. The Planning and Zoning Department shall cause the placement of the Legal Notice on such structure at 7866 YMCA Road to be photographed and time-stamped.

SECTION 4. Notice sent by certified mail shall be deemed served for purposes of the Statute on the date it was received as indicated by the date on a signed return receipt. Notice given by publication shall be deemed served for purposes of the Statute on the date of newspaper publication.

SECTION 5. All costs incurred in removing or causing the removal of the Ford Escape, when approved by this Board, shall be paid from the Township's general fund from moneys not

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

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otherwise appropriated, except that if costs exceed five hundred dollars, the Board may borrow moneys to pay the costs in whole or in part. This Board may utilize any lawful means to collect costs incurred in removing or causing the removal of the Ford Escape, including any fees or interest paid to borrow moneys under the Statute. This Board may utilize all lawful means to collect the costs incurred in removing or causing the removal of the Ford Escape pursuant to the Statute. This Board directs the Fiscal Officer to certify such costs and a description of the Property Owner's land to the Hamilton County Auditor, who shall place said costs on the tax duplicate. The costs will be a lien upon said land from and after the date of entry. Said costs shall then be returned to the Township and placed in the Township's General Fund.

SECTION 6. Upon removal of any Junk Vehicle, including the Ford Escape, pursuant to the Statute, this Board is authorized by paragraph (F) of the Statute to cause the Junk Vehicle to be disposed of in accordance with the terms thereof. This Board directs the Township Administrator upon removal of the Ford Escape, to so dispose of the Ford Escape.

SECTION 7. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this Resolution.

SECTION 8. 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 Revised Code, except as otherwise permitted thereby.

There was no further discussion.

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

Liquor License Stock Transfer Request for CFFM Inc. dba Country Fresh Farm Market –

Resolution 22-1006-03: Mrs. Stone moved not to object to a liquor license transfer request for CFFM Inc. dba Country Fresh Market located at 8315 Beechmont Avenue, Suite 15. Mrs. Lausten seconded the motion.

There was no further discussion.

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

Mr. Gerth moved to retire to Executive Session to consider the compensation of a public employee or official as permitted by Ohio Revised Code Section 121.22(G)(1). Mrs. Stone seconded the motion.

There was no further discussion.

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

October 6, 2022

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

Mr. Gerth moved to return from Executive Session. Mrs. Stone seconded the motion.

There was no further discussion.

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

As there was no further business, the meeting adjourned.

These minutes were approved at the meeting of January 19, 2023.


Joshua S. Gerth, Chair


Kenneth G. Dietz, 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 6th day of October 2022, and that said minutes have been duly entered upon the Journal of said Township.

This 19th day of January, 2023.


Kenneth G. Dietz
Fiscal Officer

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

October 20, 2022

The Board of Township Trustees of Anderson Township ("Board") held its regular monthly meeting on October 20, 2022, at 5:00 p.m., in Anderson Center Board Room. Present were the following Board members:

Joshua S. Gerth
R. Dee Stone
Lexi Lausten

Also present at the start of the meeting were Fiscal Officer Ken Dietz, Township Administrator Vicky Earhart, Assistant Township Administrator for Operations Steve Sievers and Assistant Township Administrator for Human Resources Suzanne Parker.

Mrs. Stone moved to retire to Executive Session to consider the appointment 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 review negotiations or bargaining sessions with public employees concerning their compensation of other terms and conditions of their employment as permitted by Ohio Revised Code Section 121.22(G)(4). Mr. Gerth seconded the motion.

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

Mr. Gerth moved to return from Executive Session. Mrs. Lausten seconded the motion. Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Stone, yes; Mrs. Lausten, yes.

Mr. Gerth called the meeting to order and welcomed the additional attendees, including a number of citizens and the following public officials: Planning & Zoning Director Paul Drury, Public Works Director Eric Luginbuhl, Fire Chief Rick Martin, Hamilton County Sheriff's District 5 Lt. Dan McElroy, Law Director Margaret Comey, and Fiscal Office Clerk Libby McNulty. He asked them to join him in the Pledge of Allegiance.

Mr. Gerth moved to adopt the agenda with modifications. Mrs. Stone seconded the motion.

There was no further discussion.

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

PRESENTATIONS AND RECOGNITIONS

Community Planning Month – **Mr. Drury** announced that October was National Planning Month sponsored by the American Planning Association. On behalf of the Planning and Zoning Department he wanted to thank the Board of Trustees for continuously supporting planning efforts, specifically in 2021 to 2022, as staff worked towards adoption and implementation of the Kellogg Gateway Study, the Art Master Plan, and the Comprehensive Plan. The Planning and Zoning Department was looking forward to continuing to advance projects in those plans, as well as future planning updates.

October 20, 2022

PUBLIC FORUM

Ronald Keller, 7150 Ragland Road, Number 14, stated that he had concerns related to the planning on the Anderson High School property. He felt the Board needed to be open and honest with that recurring issue to keep the trust of the community and to avoid any uncertainty. He hoped the Board could stay opened and transparent related to that issue.

TRUSTEE COMMENTS

Mrs. Stone thanked Mr. Keller for his comments and encouraged him to speak with the Forest Hills Board of Education who were responsible for all governmental activities, decisions, and policymaking related to any proposal involving the schools and school property. The Township could not intervene in such matters. She announced that Beech Acres was leaving the Township after 73 years. They had been a great asset to the community and would be greatly missed. She also announced that Anderson Senior Center was having an open house on November 5, 2022, from 10 a.m. to 1 p.m.

Mrs. Lausten thanked Mr. Keller for his comments. She also thanked Mrs. Earhart for the letter to the community addressing the concerns of parents and students regarding the proposed consolidation of Anderson and Turpin High Schools. She reiterated that the Townships role was transparency.

Mr. Gerth stated that the Board could not be anymore open and honest than they had been and knew nothing regarding the Anderson High School site. They had meetings months ago with the potential developer who laid out the plans and have not heard anything since that time. There had not been any meetings with the School District, Board, or Administration. The Trustees had no idea what was going on and were not in charge of the plans of the School District.

FISCAL OFFICER

Financial Reports – **Mr. Dietz** presented the Board with the end of September financial reports for their review.

Appropriation Changes –

Resolution 22-1020-01: Mrs. Lausten moved to adopt the appropriation changes as recommended by the Fiscal Officer. Mrs. Stone seconded the motion.

Appropriation Changes:

15.1100.0104 (2019 Bond Anticipation Notes) +\$5,000.00

Increase due to principal bond payment due 12/1/2022 in the amount of \$50,000 and only \$45,000.00 originally budgeted.

There was no further discussion.

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

LAW DIRECTOR

Resolution 22-1020-02: Mrs. Stone moved to adopt a resolution accepting the report of the Law Director, as Compliance Officer, provided pursuant to the Anderson Township Credit Card Account Policy (November 18, 2021) as follows; Mrs. Lausten seconded the motion:

RESOLUTION NO. 22 – 1020 – 02

RESOLUTION ACCEPTING THE REPORT OF THE LAW DIRECTOR, AS COMPLIANCE OFFICER, PROVIDED PURSUANT TO THE ANDERSON TOWNSHIP CREDIT CARD ACCOUNT POLICY (November 18, 2021)

WHEREAS, Section 505.64 of the Ohio Revised Code (the “Statute”) authorizes the use of township credit cards; and

WHEREAS, by Resolution No. 19-0418-11, this Board updated its credit card account policy and approved and adopted the Anderson Township Credit Card Account Policy (April 2019) and designated the Township’s Law Director as the Compliance Officer with respect thereto to perform the duties required of a compliance officer by the Statute; and

WHEREAS, by Resolution No. 21-1118- 04, this Board updated its credit card account policy and approved and adopted the Anderson Township Credit Card Account Policy (November 18, 2021) (the “Credit Card Policy”), repealed Resolution No. 19-0418-11 and designated the Township’s Law Director as the Compliance Officer with respect thereto (the “Compliance Officer”); and

WHEREAS, as required by the Statute, the Credit Card Policy requires that the Compliance Officer and the Board at least once every six (6) months shall review the number of credit cards and accounts issued, the number of active cards and accounts, the expiration dates of and the credit limits with respect to such credit cards and accounts (collectively, the “Credit Card Data”), which review was last conducted in April 2022; and

WHEREAS, this Board has reviewed the Credit Card Compliance Report of the Law Director attached hereto as Exhibit A and by this reference incorporated herein (the “Credit Card Compliance Report”);

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES (the “Board”) OF ANDERSON TOWNSHIP, COUNTY OF HAMILTON, OHIO (the “Township”), as follows:

SECTION 1. That this Board hereby accepts and confirms the Credit Card Compliance Report of the Law Director, including the Credit Card Data reported thereby.

October 20, 2022

SECTION 2. This Board finds and determines that all formal actions of this Board and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Board or its committees and that all deliberations of this Board and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements, including (without limitation) Section 121.22 of the Ohio Revised Code, except as otherwise permitted thereby.

SECTION 3. The preambles hereto are and for all purposes shall be construed to be integral and operative parts of this Resolution.

There was no further discussion.

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

PLANNING & ZONING

Resolution Determining Existence of Nuisance on Land Owned by Clint Conn, AKA Clint J. Conn and Clinton J. Conn, or the Estate of Clinton J. Conn, or Raymond A. Conn, Trustee of the Clinton J. Trust, Located at 7081 Salem Road, in Anderson Township, and Providing for Notice and Remediation Pursuant to ORC Section 505.87 –

Resolution 22-1020-03: Mrs. Lausten moved to adopt a resolution determining existence of nuisance on land owned by Clint Conn, AKA Clint J. Conn and Clinton J. Conn, or the Estate of Clinton J. Conn, or Raymond A. Conn, Trustee of the Clinton J. Trust, located at 7081 Salem Road, in Anderson Township, and Providing for Notice and Remediation Pursuant to ORC Section 505.87 as follows; Mrs. Stone seconded the motion:

RESOLUTION NO. 22-1020-03

**RESOLUTION DETERMINING EXISTENCE OF
NUISANCE ON LAND OWNED BY CLINT CONN, AKA
CLINT J. CONN AND CLINTON J. CONN, OR THE ESTATE
OF CLINTON J. CONN, OR RAYMOND A. CONN,
TRUSTEE OF THE CLINTON J. TRUST, LOCATED AT
7081 SALEM ROAD, IN ANDERSON TOWNSHIP, AND
PROVIDING FOR NOTICE AND REMEDIATION
PURSUANT TO ORC SECTION 505.87**

Whereas, a board of township trustees may provide for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the board determines that the owner's maintenance of that vegetation, garbage, refuse, or other debris constitutes a nuisance, pursuant to Ohio Revised Code Section 505.87 (the "Statute");

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES (THE "BOARD") OF ANDERSON TOWNSHIP, OHIO (the "Township"), that:

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
October 20, 2022

Section 1. Maintenance of the vegetation, garbage, refuse or other debris by the owner or owners (the "owner"), as specified in Schedule A hereto (which by this reference is incorporated herein), is hereby determined to constitute a nuisance within the meaning of the Statute and the owner is hereby ordered to abate, control, or remove the vegetation, garbage, refuse, or other debris as set forth herein.

Section 2. If the owner of the land upon which the nuisance is located is determined by the Zoning Inspector to be a resident of the Township or a nonresident whose address is known, the Zoning Inspector shall give notice to such owner, on behalf of this Board, in substantially the form attached hereto as Schedule A, by posting that notice in a sheltered place and/or in a waterproof envelope on the principal structure (if any) on such land and photographing the posted notice with a camera capable of recording the date of the photograph on it. Such notice shall also be sent, on behalf of this Board, by certified mail to the owner and to each lienholder of record. If such owner's address is unknown and cannot reasonably be obtained, the Zoning Inspector shall cause such notice to be published once in a newspaper of general circulation in the Township.

Section 3. If, within seven (7) days after the giving of the notice or notices provided for in Section 2 hereof, the owner of such land fails to abate, control, or remove the vegetation, garbage, refuse or debris, and no agreement is entered into with the Board under Ohio Revised Code Section 505.87(B)(2) to provide for the abatement, control, or removal, then the Zoning Inspector, on behalf of this Board, shall provide for such abatement, control, or removal and, on behalf of this Board, may employ the necessary labor, materials, and equipment to perform the task. The expenses to be incurred in that regard are hereby authorized and appropriated to be paid from the Township General Fund from moneys not otherwise appropriated. Those expenses shall be recovered by the Township pursuant to Ohio Revised Code Section 505.87(F).

Section 4. 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) Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

There was no further discussion.

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

SHERIFF'S OFFICE

Liquor License Stock Transfer Request for Long Holding LLC DBA Sizzling Wok located at 8257 Beechmont Avenue –

**Resolution 22-1020-04: Mrs. Stone moved not to object to a liquor license stock transfer request for Long Holding LLC DBA Sizzling Wok located at 8257 Beechmont Avenue.
Mrs. Lausten seconded the motion.**

October 20, 2022

There was no further discussion.

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

PUBLIC WORKS DEPARTMENT

2022 Hamilton County/Township Snow Plow Road-eo – **Mr. Luginbuhl** announced that the Hamilton County Road Superintendents had a kick off to the snow season with a training session called the “Snow Plow Roadeo”. Thirty-Eight drivers from across the County participated in the training, which helps snowplow drivers prepare for the upcoming winter. The Township had four drivers that participated in the event.

Resolution Declaring an Emergency for Snow Removal on Unaccepted Roads –

Resolution 22-1020-05: Mrs. Lausten moved to adopt a resolution declaring an emergency for snow removal on unaccepted roads as follows; Mrs. Stone seconded the motion:

RESOLUTION NO. 22-1020-05

**RESOLUTION DECLARING AN EMERGENCY
FOR SNOW REMOVAL ON UNACCEPTED ROADS**

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

SECTION 1. The Board hereby declares that an emergency which threatens life or property within the unincorporated territory of the Township is imminent, and that, accordingly, the Board will provide for the removal of snow, ice, debris and other obstructions (“Removal”) from roads that have not been approved and accepted by the Hamilton County Board of County Commissioners and are not part of the state, county or township road systems within the unincorporated territory of the Township (“Unaccepted Roads”) in accordance with Section 505.82 of the Revised Code (“Statute”), in the event that the owner or owners of an Unaccepted Road has or have not provided for such Removal.

SECTION 2. Prior to such Removal, the Director of Public Works, or his designee, on behalf of this Board, shall give, or make a good faith effort to give, oral notice to the owner or owners of each Unaccepted Road of this Board's intent to clear the road and to impose a service charge, as hereinafter provided, for doing so.

SECTION 3. The Statute provides that the Board shall establish a just and equitable service charge for such Removal to be paid by the respective owner or owners of each Unaccepted Road for which Removal is provided, and this Board does hereby establish, a service charge (“Removal Service Charge”) of \$120 per hour expended in effecting such Removals, with a minimum Removal Service Charge per Unaccepted Road (or connected Unaccepted Roads within a single subdivision) of \$200 per Removal; and further determines that said Removal Service Charge is just and equitable, based upon the costs incurred by the Township for such Removal, it being the intention of this Board to recover the costs of Removals.

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

October 20, 2022

SECTION 4. The Board may exercise the emergency powers described herein for a period commencing on November 1, 2022, and terminating on May 1, 2023, notwithstanding any resolution with respect to Removal Service Charges heretofore passed by this Board.

SECTION 5. The Director of Public Works, on behalf of this Board, will keep a record of the costs incurred by the Township for Removals from Unaccepted Roads.

SECTION 6. The Fiscal Officer, on behalf of this Board, shall notify in writing each owner of each Unaccepted Road of the amount of the Removal Service Charge owed by such owner, which in the case of more than one owner of such a road shall be a Removal Service Charge allocated on an equitable basis among said owners, and shall certify the same to the County Auditor for collection. The Removal Service Charges shall constitute a lien upon that owner's or owners' real property. The County Auditor shall place said Removal Service Charges on a special tax duplicate to be collected as other taxes and returned to the Township General Fund.

SECTION 7. REMOVAL PURSUANT TO THIS RESOLUTION DOES NOT CONSTITUTE APPROVAL OR ACCEPTANCE OF THE UNACCEPTED, UNDEDICATED ROAD.

SECTION 8. 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) Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

There was no further discussion.

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

Request to Hire Temporary Seasonal Workers for Public Works Department –

Resolution 22-1020-06: Mrs. Stone moved to authorize an amount not to exceed \$40,000.00 from the Road and Bridge Fund for seasonal temporary employees for the Public Works Department from January 1, 2023 through December 31, 2023. Mrs. Lausten seconded the motion.

There was no further discussion.

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

FIRE & RESCUE DEPARTMENT

Resolution Authorizing the Purchase of RQI Training Services and the Execution and Delivery of a Masters Services Agreement in Connection Therewith –

October 20, 2022

Resolution 22-1020-07: Mrs. Lausten moved to authorize the purchase of RQI Training Services and the execution and delivery of a Master Services Agreement in connection therewith as follows; Mrs. Stone seconded the motion:

RESOLUTION NO. 22-1020-07

**AUTHORIZING THE PURCHASE OF RQI TRAINING SERVICES AND THE
EXECUTION AND DELIVERY OF A MASTER SERVICES AGREEMENT IN
CONNECTION THEREWITH**

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

Section 1. That the Board hereby determines that it is in the best interest of the Township (a) to purchase certain resuscitation quality improvement ("RQI") training services ("Services") from RQI Partners, LLC ("RQIP"), a Delaware limited liability company, and (b) to enter into that certain Resuscitation Quality Improvement Program Master Services Agreement (the "Master Agreement") with RQIP in connection with said Services; RQIP being a partnership between the American Heart Association and Laerdal Medical, established to sell, service and support the RQI Program for customers.

Section 2. That the maximum amount to be paid as the purchase price for the Services shall not exceed \$15,000.00 for a period of twelve months, which funds are hereby authorized and appropriated by this Board for such purpose.

Section 3. That the Township Administrator is hereby authorized to execute and deliver the Master Agreement with RQIP in substantially the form presented to this Board with such changes thereto as she shall determine, after consultation with the Law Director, are not disadvantageous to the Township, her execution of the Master Agreement evidencing such determination.

Section 4. That 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 meeting 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) Ohio Revised Code Section 121.22, except as otherwise permitted hereby.

There was no further discussion.

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

TOWNSHIP ADMINISTRATOR

October 20, 2022

Resolution Authorizing the Purchase of Copier Equipment and Certain Managed Print and Maintenance Services –

Resolution 22-1020-08: Mrs. Stone moved to adopt a resolution authorizing the purchase of copier equipment and certain managed print and maintenance services as follows; Mrs. Lausten seconded the motion:

RESOLUTION NO. 22-1020-08

**AUTHORIZING THE PURCHASE OF COPIER EQUIPMENT AND CERTAIN
MANAGED PRINT AND MAINTENANCE SERVICES**

WHEREAS, it is hereby deemed necessary to acquire certain new Xerox equipment described on the attached Sales Order to be installed in Anderson Township Fire Station #6, from Comdoc, Inc., located in North Canton, Ohio ("Comdoc"), together with those managed print services and maintenance services described in the Comdoc documents presented to this Board;

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

Section 1. That the Board hereby determines that it is in the best interest of the Township to acquire by purchase (a) one new Xerox copier (C8145H2) ("Equipment"), and (b) an annual managed print services and maintenance agreement per the related twelve month Comdoc agreement before this Board.

Section 2. That the maximum amount to be paid as the purchase price for the Equipment is \$6,000.00 and for the managed print services is plus \$0.01370 per black and white impression and \$0.08695 per color impression for a period of twelve months, for a total authorization not to exceed \$7,200, which funds for the Equipment and the Managed Print Services and Maintenance Agreement have been previously appropriated by this Board for the purpose and remain otherwise unencumbered.

Section 3. That the Township Administrator is hereby authorized to execute the necessary and appropriate purchase agreement(s) and/or related documents, after review by the Law Director, to effectuate the purchase of the aforesaid Equipment and Managed Print Services and Maintenance Services in accordance with this Resolution.

Section 4. That 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 meeting 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) Ohio Revised Code Section 121.22, except as otherwise permitted hereby.

There was no further discussion.

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

Resolution Authorizing the Purchase and Use of an Employee Dishonesty and Faithful Performance of Duty Policy –

Resolution 22-1020-09: Mrs. Stone moved to adopt a resolution authorizing the purchase and use of an Employee Dishonesty and Faithful Performance of Duty Policy as follows; Mrs. Lausten seconded the motion:

RESOLUTION NO. 22-1020-09

RESOLUTION AUTHORIZING THE PURCHASE AND USE OF AN EMPLOYEE DISHONESTY AND FAITHFUL PERFORMANCE OF DUTY POLICY

WHEREAS, Anderson Township (County of Hamilton), Ohio (the “Township”) is a member of the Ohio Township Association Risk Management Authority (“OTARMA”), a political subdivision risk pool established pursuant to Ohio Revised Code (“ORC”) Section 2744.081; and

WHEREAS, in accordance with ORC Section 3.061, townships, by resolution, may adopt a policy to allow for the use of an employee dishonesty and faithful performance of duty policy, rather than a surety bond that otherwise would be required by law to be given by any of the following: the political subdivision, an officer, employee or appointee of the political subdivision, or any other entity or individual, if the entity or individual is required by law to give a surety bond to the political subdivision, or any other entity or individual as determined by the political subdivision; and

WHEREAS, any officer, employee, or appointee otherwise required by law to maintain an individual surety bond to qualify for the office or employment before entering upon the discharge of duties imposed by the office or employment shall, before entering upon the discharge of duties imposed by the office or employment, either give the individual surety bond or be covered under an employee dishonesty and faithful performance of duty policy that is in effect and becomes applicable to the officer, employee, or appointee upon the beginning of the individual’s term of office or employment; and

WHEREAS, any officer, employee, or appointee otherwise required by law to maintain an individual surety bond to continue being entitled to discharge the duties of the office or employment, may, during the individual’s term of term or employment, become covered under an employee dishonesty and faithful performance of duty policy; and

WHEREAS, if a political subdivision adopts a policy as authorized under ORC Section 3.061, all of the following shall apply:

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

October 20, 2022

1. An officer, employee, or appointee otherwise required by law to give an individual surety bond shall not commence or continue the discharge of duties until coverage is documented as required by this Board. A lack of coverage on the date on which the discharge of duties are commenced or continued by the individual shall render the office vacant and it shall be filled as required by law.

2. An officer, employee, or appointee shall be considered qualified to hold the office or employment, without giving a surety bond, on the date the oath of office is taken, certified, and filed as required by law.

3. An officer, employee, or appointee who becomes covered under an employee dishonesty and faithful performance of duty policy during an individual's term or employment and who remains covered under the employee dishonesty and faithful performance of duty policy for the duration of the individual's term or employment shall be considered qualified to hold office or employment, without maintaining bond for the duration of the individual's term or employment as required by law.

4. Notwithstanding ORC Section 3.30 or any other section of the ORC that provides an office or employment is vacated upon failure to file bond, the officer, employee, or appointee shall be entitled to enter upon the duties of the office or employment when the policy is in effect and the oath of office is filed.

5. All officers, employees, or appointees who would otherwise be required to file a bond before commencing the discharge of duties shall be covered by and are subject to the employee dishonesty and faithful performance of duty policy instead of a surety bond requirement.

6. The coverage amount for an officer, employee, or appointee under an employee dishonesty and faithful performance of duty policy shall be equal to or greater than the maximum amount of the bond otherwise required by law. If no amount, or only a minimum amount, of coverage is specified in law for a particular officer, employee, or appointee, the amount of coverage shall be an amount agreed upon by the Board or the authority otherwise designated by law to determine the amount of the bond; and

WHEREAS, elected officials, prior to taking the oath of office and holding office, shall obtain approval of their intent to use the Township's OTARMA coverage agreement and shall confirm that the Township's dishonesty and faithful performance of duty coverage complies with ORC Section 3.061; and said approval may be obtained by the Township administration, who shall advise elected officials that said coverage will be extended to them as of a date certain; and

WHEREAS, OTARMA has represented to the Township, that the Township's "employee dishonesty and faithful performance of duty policy" provided through OTARMA complies with ORC Section 3.061; and

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

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
October 20, 2022

SECTION 1. That this Board hereby determines that it is the best interest of the Township to authorize, and this Board hereby authorizes, the purchase by the Township of an "employee dishonesty and faithful performance of duty policy" through OTARMA. This Board further authorizes the use of said policy by Township employees, officers and appointees otherwise required to acquire before entering upon the discharge of duties, or to maintain during the continuance of their terms or employment, a surety bond.

SECTION 2. Monies required to provide the employee dishonesty and faithful performance of duty coverage are hereby authorized and are hereby appropriated in the amount of \$660.00.

SECTION 3. The preambles to this Resolution are and for all purposes shall be construed to be integral and operative parts of this Resolution.

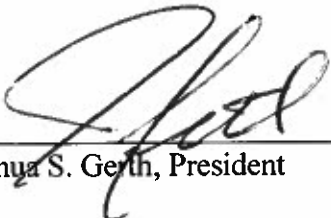
SECTION 4. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were 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.

There was no further discussion.

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

As there was no further business, the meeting adjourned.

These minutes were approved at the meeting January 19, 2023.


Joshua S. Gerth, President


Kenneth G. Dietz, Fiscal Officer

October 20, 2022

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 20th day of October 2022, and that said minutes have been duly entered upon the Journal of said Township.

This 19th day of January, 2023.



Kenneth G. Dietz, Fiscal Officer

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

November 3, 2022

The Board of Township Trustees of Anderson Township ("Board") held its regular Interim Workshop Meeting on November 3, 2022, at 2:00 p.m., in the Large Conference Room at Anderson Center. Present were the following Board members:

R. Dee Stone
Lexi Lausten

Mrs. Stone called the meeting to order and welcomed attendees including Fiscal Officer Ken Dietz, Township Administrator Vicky Earhart, Assistant Township Administrator for Operations Steve Sievers, Assistant Township Administrator for Human Resources Suzanne Parker, Planning & Zoning Director Paul Drury, Fire Chief Rick Martin, Hamilton County Sheriff's District 5 Lt. Dan McElroy, Law Director Margaret Comey, Administrative Assistant Molly Mohrfield, and Fiscal Office Clerk Libby McNulty.

Mrs. Stone moved to adopt the agenda with modification. Mrs. Lausten seconded the motion.

There was no further discussion.

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

TRUSTEES/FISCAL OFFICER

Mr. Dietz was pleased to announce that the second pay using Paycor was a success.

DISCUSSION ITEMS

Kellogg Gateway Update – **Mr. Drury** announced that the Kleingers Group was able to reduce the cost of the Kellogg Gateway Plan by almost \$1,000,000. **Mrs. Lausten** stated that she appreciated the effort to reduce the cost. **Mrs. Earhart** stated that the Kellogg Gateway Artist Selection Committee was comprised of herself, Dee Stone, Paul Drury, Sarah Donovan, Susan Wheatley, Brendan Cloutier, Natalie Kunes, Joell Angel-Chumbley with the City of Cincinnati, and Amanda Golden from Designing Local. They conducted interviews with four potential artists. The committee selected NK Design who presented a collection of patterned leaf sculptures. The leaves contained LED lighting which could be programmed to change colors but due to the cost the decision was made to keep them stagnant. The I-275 underpass LED lighting could still be programed to change colors. **Mrs. Lausten** stated that she was in favor of keeping the leaves stagnant due to cost and concern that changing the lighting to recognize major cause awareness months could lead to one or more causes being overlooked. **Mrs. Earhart** replied that there would be very strict guidelines on color selections for the underpass.

She explained that the artist would be paid \$35,000 initially for the design and materials. Fabrication of the piece would not begin until ODOT approval was received. If ODOT did not approve the Township would still own the artwork and an alternate location would be chosen.

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Mr. Drury pointed out that the art did fall within the requirements of ODOT sizing. **Mrs. Stone** wanted to ensure that the budget NK Design presented covered the entire cost for the artwork from production to installation. **Mrs. Earhart** stated the cost presented to the Board included everything.

Resolution 22-1103-01: Mrs. Stone moved to authorize the Township Administrator to enter into a contract with NK Design for design, fabrication, and installation of the “Triptych Moire Leaves” public art sculpture as part of the Kellogg Gateway Improvements in an amount not to exceed \$100,000 in 1994 TIF Funds which has already been appropriated for this purpose. Mrs. Lausten seconded the motion.

There was no further discussion.

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

Elstun Road – LMST Direction – **Mr. Sievers** explained that there had been significant interest to connect the Township to the recently completed Little Miami Scenic Trail connection across the Little Miami River and tying it into the Lunken Airport Trail and the Ohio River Trail to downtown due in part to the redeveloping Skytop site. There are two phases of this project.

Phase 1 was from Spindlehill Drive to the METRO stop on Beechmont Avenue. In 2021 staff applied for a SORTA transit grant to assist in funding the project. The grant was approved with a compressed timeline for construction to be completed by the summer of 2023. Resolution 21-0617-02 authorized this application for \$340,524.00 in construction funding with matching Township 1994 TIF Funds of up to \$34,052.41 towards construction. The Board subsequently authorized engineering for this segment of the project in an amount not to exceed \$61,620 through Resolution 22-0421-08. Therefore, staff would be seeking authorization to go to bid at the November 17th Board Meeting.

Phase 2 was from Spindlehill Drive to the Little Miami Scenic Trail. Unfortunately, anticipated construction costs, despite the assistance from ODOT with engineering and the SORTA grant, had greatly increased. The request moving forward would be to amend Resolution 20-0521-05 to authorize additional construction from the 1994 TIF Funds, estimated at this time to be \$750,000. This would enable ODOT design work, and Township right of way activities to continue and staff to enter into a preliminary agreement with ODOT. There was a possibility that much of the \$250,000 previously authorized for design may not be expended, so that could be utilized to help reduce the additional construction cost. He also pointed out that with the 49%, 15-Year, CRA tax abatement, the redevelopment of the Skytop site would provide a boost in revenue from what had been generated from that site in the past. **Mrs. Stone** asked if the City of Cincinnati was contributing towards the funding of this project since a section of the trail ran through their property. **Mr. Sievers** replied that the City was funding the next section of the trail up the hill to Ranchvale Drive along Beechmont. The plan was to eliminate the bike lane and construct a new trail. He also pointed out that the Township did not contribute to the Beechmont Bridge Connector, part of the Little Miami Scenic Trail. The Township’s portion of that funding

would have been approximately \$10,000,000 which now could be rechanneled. The section of trail going through the city would be built on permit and the Township would maintain it.

Ayers Road Improvements – **Mr. Sievers** explained that staff would be requesting to go out to bid on Ayers Road roadway improvements. Currently staff was in talks with Coldstream Country Club and Coldstream Estates Development LLC (Zicka) regarding proceeding with proposed improvements. The 1994 TIF funds would be used to fund the improvements. **Mrs. Stone** asked what the cost would be. **Mr. Sievers** responded \$1,100,000. Staff was currently working through obtaining easements, if the Board was supportive of moving forward, a letter would be sent to all the surrounding property owners to advise them that there would be a significant impact during construction with regard to access. **Mrs. Stone** asked if staff anticipated any issues with Coldstream Country Club. **Mr. Sievers** replied that he had a good conversation with one of their attorneys and he did not anticipate any issues. **Mr. Drury** added that staff also meet with the General Manager of Coldstream Country Club, and she had no issues.

Rambling Hills Sidewalks – **Mr. Sievers** explained that since it would not be possible to identify an alignment to advance construction of the Paddison Road sidewalk from Woodridge north to Bluecrest, staff began researching alternative options. The ability to make a pedestrian connection, using Rambling Hills and Topaz provided an opportunity to also address concerns/requests for a sidewalk on the roadway. The current cost estimate for the project would be approximately \$300,000, which was still a considerable cost savings compared to Paddison Road. Most of the funding for this project was in existing purchase orders from last year

Request to Begin Process to Establish Towne Center Way TIF – **Mrs. Earhart** announced that the process had begun regarding the notification to the Forest Hills School District (FHSD) that the Board intended to consider a Tax Increment Financing (TIF) district to be known as the Towne Center Way TIF. This would be in relation to the Vantage at Anderson Towne Center project. The proposed TIF resolution would hold the FHSD harmless. Since there was an existing CRA only a 25% of the TIF would be collected for the first 15 years, thereafter the full amount would then be collected. The action before the Board would start the process of notification to the FHSD. She had spoken with Alana Cropper, FHSD Treasurer and she did not anticipate any issues with the Board of Education considering the request at their November 16th meeting. If approved, a resolution would then come before the Board of Trustees on November 17th for finalization. This would allow for the improvement value be collected by the Hamilton County Auditor next year.

Mrs. Stone asked if the newly elected Board of Education understood the TIF process. **Mrs. Earhart** was unsure. A yearly TIF report was provided to the FHSD. The report showed all the TIF's that were in place, what those dollars were used for, and that the FHSD was held harmless. **Mrs. Stone** wanted to ensure that the new Board of Education understood that they would be receiving revenue on a parcel that they were not receiving on in the past due to this new development. **Mrs. Earhart** hoped that Ms. Cropper and Superintendent Larry Hook with the FHSD had shared that information with the Board of Education. She was pleased that Ms. Cropper announced at their last Board Meeting that the district had received a check for

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\$8,000,000 in TIF revenue from the Township. That had not been fully explained in the past. She had asked Ms. Cropper if she would continue pointing out publicly the amount of TIF revenue the FHSD receives from the Township as some residents did not understand the hold harmless aspect. Mr. Dietz was working on a report that showed how the FHSD TIF revenue had increased over the years.

Mr. Dietz pointed out that their TIF revenue was going up approximately a \$1,000,000 a year. The \$8,000,000 the FHSD just received was for the second half taxes. They received \$7,000,000 in the first half. **Mr. Sievers** stated that the TIF revenue was going up and the enrollment numbers were going down. They were getting more money to educate less kids. **Mrs. Stone** pointed out that the Trustees intentionally choose developments that would not bring in more children. **Mrs. Lausten** felt that a lot of the communication that was occurring was more on the informal level. The upcoming "Trustee Talk" would provide a platform to assist in education of the public to show how the Township efforts reach the FHSD. She believed that the message was getting crossed, and the Township was going to have to point out all that had been done and would continue to be done as opposed to being on the defensive end. She did not feel that the residents really understood the full picture. **Mrs. Earhart** stated that she would like to give Mr. Hook an opportunity to present the full picture. **Mrs. Stone** suggested that Mrs. Earhart call Mr. Hook and have that conversation. **Mrs. Earhart** stated that she would reach out to him to set up a meeting. She also pointed out negotiations for the Sheriff's contract would be taking place next year and the recommendation was that the FHSD add two more School Resource Officers (SRO). They currently have only one, which the Township pays for along with the vehicle. The Sheriff's recommendation was that a minimum of two more SRO's. **Mrs. Lausten** did not believe the community knew the Township was funding the SRO. The FHSD needed to be transparent in letting residents know that the Township was currently funding the SRO and two additional officers were needed. **Mrs. Stone** asked who funded the SRO in other communities. **Mrs. Earhart** replied that when she inquired several years ago the bulk of the communities split the cost between the township and the school district. The school district paid for the SRO nine months out of the year, and the township paid for three months. What she would like to propose was that the Township continue to fund the one SRO and have the FHSD fund the salaries and benefits of the two new recommended SRO's. Rather than having the Township pay for three months of their salary the Township could purchase the two sheriff cruisers with TIF dollars. **Mrs. Stone** and **Mrs. Lausten** agreed.

Mr. Stone moved to retire to Executive Session to consider the appointment or compensation of a public employee or official as permitted by Ohio Revised Code Section 121.22(G)(1) and to consider the purchase of property for public purposes as permitted by Ohio Revised Code Section 121.22(G)(2). **Mrs. Lausten** seconded the motion. **Mr. Dietz** called the roll: **Mr. Gerth**, absent; **Mrs. Stone**, yes; **Mrs. Lausten**, yes.

Mrs. Stone moved to return from executive session. **Mrs. Lausten** seconded the motion.

There was no further discussion.

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

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

Resolution No. 22-1103-02: Mrs. Lausten moved to amend the Employee Handbook as follows; Mrs. Stone seconded the motion.

A. Holidays

The Ohio Revised Code recognizes the following days as *paid holidays*:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
Washington-Lincoln (President's) Day	Veterans' Day
Memorial Day	Thanksgiving Day
Juneteenth	Christmas Day
Independence Day	

In addition to those outlined by the Ohio Revised Code, the Board recognizes the following days as *paid holidays*:

Good Friday, 1/2 Day
Day after Thanksgiving
Christmas Eve, ½ Day
New Year's Eve, ½ Day

There was no further discussion.

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

As there was no further business, the meeting adjourned.

These minutes were approved at the meeting of January 19, 2023.



R. Dee Stone, Vice Chair



Kenneth G. Dietz, Fiscal Officer

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

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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 3rd day of November 2022, and that said minutes have been duly entered upon the Journal of said Township.

This 19th day of January, 2023.



Kenneth G. Dietz
Fiscal Officer

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

November 17, 2022

The Board of Township Trustees of Anderson Township ("Board") held its regular monthly meeting on November 17, 2022, at 5:00 p.m., in Anderson Center Board Room. Present were the following Board members:

Joshua S. Gerth
R. Dee Stone
Lexi Lausten

Also present at the start of the meeting were Fiscal Officer Ken Dietz, Township Administrator Vicky Earhart, Assistant Township Administrator for Operations Steve Sievers and Assistant Township Administrator for Human Resources Suzanne Parker.

Mr. Gerth moved to retire to Executive Session to consider the appointment or compensation of a public employee or official as permitted by Ohio Revised Code Section 121.22(G)(1), and to consider the purchase of property for public purposes as permitted by Ohio Revised Code Section 121.22(G)(2). Mrs. Stone seconded the motion.

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

Mr. Gerth moved to return from Executive Session. Mrs. Stone seconded the motion. Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Stone, yes; Mrs. Lausten, yes.

Mr. Gerth called the meeting to order and welcomed the additional attendees, including a number of citizens and the following public officials: Planning & Zoning Director Paul Drury, Public Works Director Eric Luginbuhl, Fire Chief Rick Martin, Hamilton County Sheriff's District 5 Lt. Dan McElroy, Law Director Margaret Comey, and Fiscal Office Clerk Libby McNulty. He asked them to join him in the Pledge of Allegiance.

Mr. Gerth moved to adopt the agenda with modifications. Mrs. Lausten seconded the motion.

There was no further discussion.

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

PRESENTATIONS AND RECOGNITIONS

Oath of Office for Firefighter/Paramedics – **Chief Martin** introduced new firefighter/paramedic's Joseph A. Buttacavoli, Ethan M. Roell, and Tyler S. Mirick. **Mr. Dietz** administered the oath of office to these individuals.

PUBLIC FORUM

Mr. Gerth invited members of the audience to address the Board. No one came forward.

FISCAL OFFICER

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

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Financial Reports – Mr. Dietz presented the Board with the end of October financial reports for their review.

Minutes –

Resolution 22-1117-01: Mrs. Lausten moved to approve the minutes of August 18, 2022; September 1, 2022; and September 8, 2022; with minor corrections. Mrs. Stone seconded the motion.

There was no further discussion.

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

LAW DIRECTOR

Mrs. Comey had nothing requiring Board action.

PLANNING & ZONING

Mr. Drury had nothing requiring Board action.

SHERIFF'S OFFICE

Lt. McElroy had nothing requiring Board action.

PUBLIC WORKS DEPARTMENT

Mr. Luginbuhl had nothing requiring Board action.

FIRE & RESCUE

Chief Martin had nothing requiring Board action.

TOWNSHIP ADMINISTRATION

2023 Landscape Maintenance Contract –

Resolution 22-1117-02: Mrs. Stone moved that this Board hereby approve renewal of Mowing Contract LS-1 and Landscape Maintenance Contract LS-2 to Merkle Lawn Care Co., Inc. in the amount of \$290,625.00, together with a 10% contingency for a maximum appropriation of \$319,688.00; further, this Board hereby authorizes and directs the Township Administrator, after consultation with the Law Director, to enter into contract with Merkle Lawn Care Co., Inc. for the 2023 Mowing Contract LS-1 and Landscape Maintenance Contract LS-2. Mrs. Lausten seconded the motion.

There was no further discussion.

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

Communications Consultant Services for 2023 –

Resolution 22-1117-03: Mrs. Lausten moved to authorize the extension of the continuing consultant role of Nancy Caine as Communication Consultant at the rate of \$66 per hour for a total not to exceed \$35,000 in 2023. Mrs. Stone seconded the motion.

There was no further discussion.

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

Resolution Approving ODOT Project for the Extension of the Little Miami Scenic Trail East to S.R. 125 and Elstun Road and Approving and Authorizing an LPA Federal ODOT-Let Project Agreement With Respect Thereto –

Resolution 22-1147-04: Mrs. Stone moved to adopt a resolution approving ODOT project for the extension of the Little Miami Scenic Trail East to S.R. 125 and Elstun Road and approving and authorizing and LPA Federal ODOT-LET Project agreement with respect thereto as follows; Mrs. Lausten seconded the motion:

RESOLUTION NO. 22-1117-04

**APPROVING ODOT PROJECT FOR THE EXTENSION OF THE LITTLE MIAMI
SCENIC TRAIL EAST TO S.R. 125 AND ELSTUN ROAD AND APPROVING AND
AUTHORIZING AN LPA FEDERAL ODOT-LET PROJECT AGREEMENT
WITH RESPECT THERETO**

WHEREAS, the Board of Township Trustees of Anderson Township, County of Hamilton, State of Ohio has determined the need for the ODOT-LET Project known as HAM LMST Ext to Elstun (PID 113602), which will extend the Little Miami Scenic Trail east to the intersection of SR-125 and Elstun Road, in the Township (the “LMST Extension Project”);

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

Section 1. This Board hereby determines the public need for the LMST Extension Project and hereby determines that it is in the public interest to work with the Ohio Department of Transportation (“ODOT”) to undertake and complete the LMST Extension Project.

Section 2. This Board shall cooperate with, and hereby gives its consent to, the Director of Transportation to undertake and complete the LMST Extension Project as described more fully in the LPA Federal ODOT-Let Project Agreement (Agreement No. 38287) (the “LPA Agreement”), the form of which is attached hereto as Exhibit A and by this reference is incorporated herein. The

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form of Agreement is hereby approved. Pursuant to the Agreement, (a) ODOT will pay eligible LMST Extension Project items of expense in accordance with the cost-sharing provisions of the Agreement in the amount of 55% of eligible construction costs, up to a maximum of \$750,000 in Federal OKI Transportation funds on a reimbursement basis; (b) the Township agrees to participate in the cost of the LMST Extension Project and agrees to be responsible for 100% of the non-state and/or non-federal share of the costs of the LMST Extension Project, including 100% of locally-funded work plus all cost overruns and contractor claims in excess of the maximum stated in (a) above. The Township further agrees to pay 100% of the cost of those features requested by the Township which are determined by the State and Federal Highway Administration to be not integral to the Project. The Township further agrees that change orders and extra work contracts required to fulfill the construction contracts related to the LMST Extension Project 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 Township. The Township shall contribute its share of the cost of these items in accordance with other sections herein. The Township further agrees to pay 100% of the cost to install and/or repair curb ramps at all necessary intersections to ensure compliance with the Americans with Disabilities Act. The Township agrees that if Federal Funds are used to pay the cost of any consultant contract, the Township shall comply with 23 CFR 172 in the selection of its consultant and administration of the consultant contract. Further the Township agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The Township agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Project. The Township agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

Section 3. The Township hereby agrees to enter into and execute contracts with the Director of Transportation which are necessary to develop plans for and to complete the LMST Extension Project; and to execute contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the LMST Extension Project. The Township Administrator is hereby authorized to execute the Agreement substantially in the form before this Board with such changes thereto as she may determine, after consultation with the Law Director, are not disadvantageous to the Township, such determination being conclusively evidenced by her execution of the Agreement. In addition, the Township Administrator is hereby authorized to execute any other document she deems necessary and appropriate in connection with the Agreement and the LMST Extension Project, including without limitation documents to affect the assignment of all rights, title, and interests of the Township to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

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Section 4. The Township agrees that all right-of-way required for the LMST Extension Project will be acquired and made available in accordance with current State and Federal regulations. The Township understands that right-of-way costs include eligible utility costs. The Township agrees that all utility accommodation, relocation and reimbursement will comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 5. Upon completion of the LMST Extension Project, and unless otherwise agreed, the Township shall: (1) provide adequate maintenance for the Project in accordance with all applicable State and Federal law, including, but not limited to, Title 23, U.S.C., Section 116; (2) provide ample financial provision, 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 6. This Resolution shall take effect and be in force immediately upon its passage and approval.

Section 7. 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 meeting 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) Ohio Revised Code Section 121.22, except as otherwise permitted hereby.

There was no further discussion.

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

Resolution 22-1117-05: Mrs. Lausten moved to authorize bid preparation and advertisement for the Elstun sidewalk project, with 90% of construction funding provided by SORTA Grant.

Mrs. Stone seconded the motion.

There was no further discussion.

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

Request to Prepare Bids and Advertise for the Ayers Road Improvement Project –

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
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Resolution 22-1117-06: Mrs. Stone moved to authorize bid preparation and advertisement for the Ayers Road Improvement project. Mrs. Lausten seconded the motion.

There was no further discussion.

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

Request to Prepare Bids and Advertise for the Rambling Hills Sidewalk Project –

Resolution 22-1117-07: Mrs. Lausten moved to authorize bid preparation and advertisement for the Rambling Hills sidewalk project. Mrs. Stone seconded the motion.

There was no further discussion.

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

Coalition of Large Ohio Urban Township Membership –

Resolution 22-1117-08: Mrs. Stone moved to authorize membership in the Coalition of Large Ohio Urban Townships, a sub-committee of the Ohio Township Association, for the year 2023 in an amount not to exceed \$200. Mrs. Lausten seconded the motion.

There was no further discussion.

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

Towne Center Way TIF –

Resolution 22-1117-09: Mrs. Lausten moved to adopt a resolution creating a TIF area pursuant to Sections 5709.73(B) and 5709.73(D) of the Ohio Revised Code, declaring the improvement of the parcel of real property located within the TIF Area to be a public purpose, exempting from real property taxation 100% of that improvement, requiring the owner(s) of the parcel to make service payments in lieu of taxes, providing for the distribution of a portion of those service payments to the Forest Hills Local School District and the Great Oaks Institute of Technology and Career Center Joint Vocational School District, establishing a Township public improvement tax increment equivalent fund for the deposit of the remainder of those service payments, specifying the public infrastructure improvements to be made that directly benefit the parcel, and approving and authorizing the execution of a revenue sharing agreement with the Forest Hills Local School District as follows; Mrs. Stone seconded the motion:

RESOLUTION NO. 22-1117-09

**A RESOLUTION CREATING A TIF AREA PURSUANT TO SECTIONS
5709.73(B) AND 5709.73(D) OF THE OHIO REVISED CODE, DECLARING**

THE IMPROVEMENT TO THE PARCEL OF REAL PROPERTY LOCATED WITHIN THE TIF AREA TO BE A PUBLIC PURPOSE, EXEMPTING FROM REAL PROPERTY TAXATION 100% OF THAT IMPROVEMENT, REQUIRING THE OWNER(S) OF THE PARCEL TO MAKE SERVICE PAYMENTS IN LIEU OF TAXES, PROVIDING FOR THE DISTRIBUTION OF A PORTION OF THOSE SERVICE PAYMENTS TO THE FOREST HILLS LOCAL SCHOOL DISTRICT AND THE GREAT OAKS INSTITUTE OF TECHNOLOGY AND CAREER CENTER JOINT VOCATIONAL SCHOOL DISTRICT, ESTABLISHING A TOWNSHIP PUBLIC IMPROVEMENT TAX INCREMENT EQUIVALENT FUND FOR THE DEPOSIT OF THE REMAINDER OF THOSE SERVICE PAYMENTS, SPECIFYING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS TO BE MADE THAT DIRECTLY BENEFIT THE PARCEL, AND APPROVING AND AUTHORIZING THE EXECUTION OF A REVENUE SHARING AGREEMENT WITH THE FOREST HILLS LOCAL SCHOOL DISTRICT.

WHEREAS, Sections 5709.73, 5709.74 and 5709.75 of the Ohio Revised Code (collectively, the "*TIF Statutes*") authorize a board of township trustees, by resolution, to declare the improvement to each parcel of real property located within the township to be a public purpose and exempt from taxation, require the owner of each parcel to make service payments in lieu of taxes, provide for the distribution of the applicable portion of such service payments to the city, local or exempted village school district and the applicable joint vocational school district, establish a township public improvement tax increment equivalent fund for the deposit of the remainder of such service payments and specify public infrastructure improvements made, to be made or in the process of being made that directly benefit, or that once made will directly benefit, those parcels; and

WHEREAS, the parcel of real property identified and depicted in Exhibit A attached hereto (as now or hereafter configured on the tax list and duplicate for Hamilton County, Ohio, the "*Parcels*" and individually, each a "*Parcel*") is located Anderson Township (County of Hamilton), Ohio (the "*Township*"), and this Board of Township Trustees (the "*Board*") has determined to declare the Improvements (as defined in Section 1 of this Resolution) to the Parcel to be a public purpose; and

WHEREAS, this Board has determined that it is necessary and appropriate and in the best interest of the Township to exempt from taxation one hundred percent (100%) of the Improvements to the Parcel as permitted and provided in Section 5709.73(B) of the Ohio Revised Code for up to thirty (30) years (the "*TIF Exemption*") and to simultaneously direct and require the current and future owner(s) of the Parcel or Parcels (each such owner individually, the "*Owner*," and collectively, the "*Owners*") to make annual Service Payments (as defined in Section 2 of this Resolution) with respect to the Parcels in lieu of the real property tax payments, and in the same amount as each would have made real property tax payments except for the exemption provided by this Resolution; and

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WHEREAS, the Township has determined to pay a portion of the Service Payments with respect to the Parcel to the Forest Hills Local School District (the “FHLSD”); and

WHEREAS, pursuant to Section 5709.73 of the Ohio Revised Code, the Township will compensate Great Oaks Institute of Technology and Career Center Joint Vocational School District (the “JVSD” and together with the FHLSD, the “School Districts”) at the same respective rate and under the same terms received by FHLSD, meaning that the Township will compensate the JVSD at the same percentage rate of the amount of taxes that the JVSD would have received had the Improvements to the Parcel not been exempted from property taxes; and

WHEREAS, pursuant to Section 5709.75(A) of the Ohio Revised Code, this Board has determined to establish a township public improvement tax increment equivalent fund for the Parcel, into which there shall be deposited the Service Payments generated by the Parcel and distributed to the Township; and

WHEREAS, this Board has determined to provide for the construction of the public infrastructure improvements described in Exhibit B attached hereto (the “Public Infrastructure Improvements”), which are necessary for the development of and, once made, will directly benefit the Parcel; and

WHEREAS, notice of consideration of this Resolution has been delivered to the respective Boards of Education of FHLSD and the JVSD in accordance with and within the time periods prescribed in Sections 5709.73 and 5709.83 of the Ohio Revised Code; and

WHEREAS, the Board of Education of FHLSD has passed a resolution wherein it waived any notice requirements of Sections 5709.73 and 5709.83 of the Ohio Revised Code with respect to the passage of this Resolution;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF THE TOWNSHIP OF ANDERSON, COUNTY OF HAMILTON, OHIO, THAT:

SECTION 1. Authorization of Tax Exemption. Pursuant to and in accordance with the provisions of Section 5709.73(B) and Section 5709.73(D) of the Ohio Revised Code, this Board hereby finds and determines that one hundred percent (100%) of the increase in assessed value of the Parcel subsequent to the effective date of this Resolution (which increase in assessed value is hereinafter referred to as the “Improvement” or “Improvements” as defined in Section 5709.73(A) of the Ohio Revised Code) is hereby declared to be a public purpose and the Improvements shall be exempt from taxation for a period commencing with the first tax year that begins after the effective date of this Resolution and in which an Improvement attributable to the Parcel first appears on the tax list and duplicate of real and public utility property for the Parcel and ending on the earlier of (a) thirty (30) years after such commencement or (b) the date on which the Township can no longer require service payments in lieu of taxes for the Improvements, all in accordance with the requirements of the TIF Statutes. The aforesaid period is intended to commence with the same tax year that the CRA Exemption referenced in Section 7 hereof commences.

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
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SECTION 2. Service Payments and Property Tax Rollback Payments. Pursuant to Section 5709.74 of the Ohio Revised Code, this Board hereby directs and requires the Owner of the Parcel to make annual Service Payments (as defined herein) in lieu of taxes with respect to the Improvements allocable thereto to the Treasurer of Hamilton County, Ohio (the "*County Treasurer*"), on or before the final dates for payment of real property taxes. Each service payment in lieu of taxes, including any penalties and interest at the then current rate established under Sections 323.121(B)(1) and 5703.47 of the Ohio Revised Code (collectively, the "*Service Payments*"), shall be charged and collected in the same manner and in the same amount as the real property taxes that would have been charged and payable against the Improvement if it were not exempt from taxation pursuant to Section 1 of this Resolution. The Service Payments, and any other payments with respect to the Improvements that are received by the County Treasurer in connection with the reduction required by Sections 319.302, 321.24, 323.152 and 323.156 of the Ohio Revised Code, as the same may be amended from time to time, or any successor provisions thereto as the same may be amended from time to time (the "*Property Tax Rollback Payments*"), shall be allocated and distributed in accordance with Section 4 of this Resolution.

SECTION 3. Tax Increment Equivalent Fund. Pursuant to Section 5709.73 of the Ohio Revised Code, this Board hereby establishes, pursuant to and in accordance with the provisions of Section 5709.75 of the Ohio Revised Code, the Towne Center Way TIF Area Public Improvement Tax Increment Equivalent Fund (the "*Fund*"). The Fund shall be maintained in the custody of the Township and shall receive all distributions to be made to the Township pursuant to Section 4 of this Resolution. Those Service Payments and Property Tax Rollback Payments received by the Township with respect to the Improvements to the Parcel and so deposited pursuant to Section 5709.74 of the Ohio Revised Code shall be used solely for the purposes authorized in the TIF Statutes or this Resolution. The Fund shall remain in existence so long as such Service Payments and Property Tax Rollback Payments are collected and used for the aforesaid purposes, after which time the Fund shall be dissolved and any surplus funds remaining therein transferred to the Township's General Fund, all in accordance with Section 5709.75 of the Ohio Revised Code.

SECTION 4. Distribution of Funds. The County Treasurer is requested to distribute the Service Payments and the Property Tax Rollback Payments to the Township. The Township will then pay to the School Districts their respective portions of the Service Payments as provided herein.

SECTION 5. Public Infrastructure Improvements. This Board hereby designates the Public Infrastructure Improvements described in Exhibit B attached hereto, and any other public infrastructure improvements hereafter designated by resolution of this Board as public infrastructure improvements, as public infrastructure improvements made, to be made or in the process of being made by the Township that are necessary for the development of and directly benefit, or that once made will directly benefit, the Parcel.

SECTION 6. Revenue Sharing Agreement. The form of the Revenue Sharing Agreement presently on file with the Fiscal Officer of this Board is hereby approved and authorized with changes therein and amendments thereto not inconsistent with this Resolution and not substantially adverse to the Township and which shall be approved by the Township Administrator. The

November 17, 2022

Township Administrator, for and in the name of the Township, is hereby authorized to execute the Revenue Sharing Agreement in substantially that form together with any amendments thereto, provided that the approval of changes and amendments thereto by the Township Administrator, and the character of those changes and amendments as not being substantially adverse to the Township, shall be evidenced conclusively by the execution of the Revenue Sharing Agreement and any amendments by the Township Administrator.

SECTION 7. Revenue Sharing. This Board hereby determines that it will hold the School Districts harmless with respect to Service Payments generated by the Parcel and that the allocable shares of the Service Payments that the FHLSD and the JVSD, respectively, would have received from the Improvements if the Improvements were not exempt from taxation, shall be paid by the Township to the FHLSD and the JVSD on an annual basis; provided, that because the Parcel is subject to a CRA exemption approved by the Board of Education of FHLSD and granted by the Board of County Commissioners of Hamilton County, Ohio, for the first fifteen (15) years of the TIF Exemption, only twenty-five percent (25%) of the value of the Improvements subject to real property taxation will be subject to the TIF Exemption and the Owner will make Service Payments only with respect to said twenty-five percent (25%), which Service Payments will be shared with the School Districts in the same proportion that real property taxes are shared. In years 16 to 30, when the CRA exemption will no longer apply to the Parcel, the Owner will make Service Payments with respect to 100% of the value of Improvements subject to real property taxation and those Service Payments will be shared with the School Districts in the same proportion that real property taxes are shared. Provided further, that the Township intends to file the requisite documents to insure that the portion of the Improvements that comprise the "Public Improvements" leased to the Township by the Owner shall be exempt from property taxation for the term of said lease. The Public Improvements are estimated to comprise approximately 60,893 square feet and to represent ten percent (10%) of the square footage of the Improvements.

SECTION 8. Further Authorizations. This Board hereby authorizes and directs the Township Administrator or other appropriate officers of the Township to make such arrangements as are necessary and proper for collection of the Service Payments from the Owner, including the preparation and filing of any necessary exemption application(s). This Board further hereby authorizes and directs the Township Administrator or other appropriate officers of the Township to prepare and sign all agreements and instruments and to take any other actions as may be appropriate to implement this Resolution.

SECTION 9. Filings with Ohio Department of Development. Pursuant to Section 5709.73(I) of the Ohio Revised Code, the Township Administrator, or other appropriate officer of the Township, is hereby directed to deliver a copy of this Resolution to the Director of Development of the State of Ohio within fifteen (15) days after its effective date. Further, on or before March 31 of each year that the Exemption set forth in Section 1 of this Resolution remains in effect, the Township Administrator or other authorized officer of the Township shall prepare and submit to the Director of Development of the State of Ohio the status report required under Section 5709.73(I) of the Ohio Revised Code.

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

November 17, 2022

SECTION 10. Preambles. The preambles shall be and shall be construed to be integral parts of this Resolution.

SECTION 11. Open Meetings. This Board finds and determines that all formal actions of this Board and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Board or committees, and that all deliberations of this Board and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

SECTION 12. Effective Date. This Resolution shall be in full force and effect immediately upon its passage.

There was no further discussion.

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

Items Arising for Executive Session Discussion –

Resolution 22-1117-10: Mrs. Stone moved to authorize:

Effective November 20, 2022

- 1. An adjustment to the starting pay rate for the part-time Event Attendant and Senior Center Building Attendant positions from \$12.00/hour to \$15.00/hour, and**
- 2. Adjustments to the hourly pay rates of those employees currently in those positions, as recommended.**

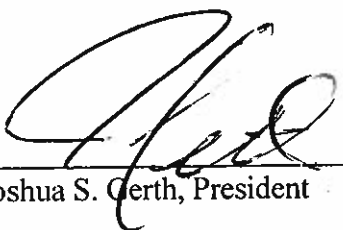
Mrs. Lausten seconded the motion.

There was no further discussion.

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

As there was no further business, the meeting adjourned.

These minutes were approved at the meeting of January 19, 2023.


Joshua S. Gerth, President


Kenneth G. Dietz, Fiscal Officer

CERTIFICATION

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

November 17, 2022

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 17th day of November 2022, and that said minutes have been duly entered upon the Journal of said Township.

This 19th day of January, 2023.



Kenneth G. Dietz
Fiscal Officer

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
December 1, 2022*

The Board of Township Trustees of Anderson Township ("Board") held its regular Interim Workshop Meeting on December 1, 2022, at 2:00 p.m., in the Large Conference Room at Anderson Center. Present were the following Board members:

Joshua S. Gerth
R. Dee Stone
Lexi Lausten

Mr. Gerth called the meeting to order and welcomed attendees including Fiscal Officer Ken Dietz, Township Administrator Vicky Earhart, Assistant Township Administrator for Operations Steve Sievers, Assistant Township Administrator for Human Resources Suzanne Parker, Planning & Zoning Director Paul Drury, Fire Chief Rick Martin, Law Director Margaret Comey, and Administrative Assistant Molly Mohrfield.

Mrs. Stone moved to adopt the agenda with modification. Mrs. Lausten seconded the motion.

There was no further discussion.

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

TRUSTEES/FISCAL OFFICER

Appropriation Changes –

Resolution 22-1201-01: Mrs. Lausten moved moved to adopt the appropriation changes as recommended by the Fiscal Officer. Mrs. Stone seconded the motion.

Appropriation Changes:

01.1100.81(Salary Administrator)	+\$8,000.00
01.1200.01(Salaries – Town Hall Bldgs/Grds)	+\$60,000
01.1100.2701 (Transfers – Planning & Zoning)	-\$68,000
04.1200.01 (Salaries Road & Bridge)	+80,000
04.1100.08 (Building & Additions)	-\$20,000
04.1100.1302 (Other Exp. – Safety/Staff Trg)	-\$2,000
04.1200.0202 (Materials – Salt)	-\$58,000

All of the above are related to payroll – amounts needed to cover payroll through year end

There was no further discussion.

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

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
December 1, 2022

Mr. Dietz announced that the Fiscal Office held three training sessions with the Fire and Rescue Department on Paycor. Everything went very well, and he believed it was very beneficial. The firefighter know that they can call the Fiscal Office and get the questions answered.

DISCUSSION ITEMS

Ohio River Trail – Five Mile Road to Asbury Road – **Mr. Sievers** announced that the Township received encouraging news from the Ohio Department of Transportation (ODOT) regarding the possible use of some of the existing US 52 westbound roadway payment, heading east from Five Mile Road to Asbury Road, to build a trail and barrier wall. Duke Energy has been in the process of clearing the hillside east of Asbury for a power line easement. This would help better weave a trail and drainage work between the roadway and hillside. All of these new opportunities may create a more realistic, and cost-effective, route for a bike network paralleling the river. The initial funding of the project would utilize the Ohio Riverfront TIF.

Mrs. Stone moved to retire to Executive Session to consider the employment, appointment, or compensation of a public employee or official as permitted by Ohio Revised Code Section 121.22(G)(1) and to review negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment as permitted by Ohio Revised Code Section 121.22(G)(4). **Mrs. Lausten** seconded the motion.

There was no further discussion.

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


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

There was no further discussion.

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

As there was no further business, the meeting adjourned.

These minutes were approved at the meeting of January 19, 2023.


R. Dee Stone, Vice Chair


Kenneth G. Dietz, 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

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

December 1, 2022

meeting, including the roll call votes thereat, of the Board of Township Trustees of said Township held on the 1st day of December 2022, and that said minutes have been duly entered upon the Journal of said Township.

This 19th day of January, 2023.



Kenneth G. Dietz
Fiscal Officer

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
December 15, 2022

The Board of Township Trustees of Anderson Township ("Board") held its regular monthly meeting on December 15, 2022, at 5:30 p.m., in Anderson Center Board Room. Present were the following Board members:

Joshua S. Gerth
R. Dee Stone

Also present at the start of the meeting were Fiscal Officer Ken Dietz, Township Administrator Vicky Earhart, Assistant Township Administrator for Operations Steve Sievers, and Assistant Township Administrator for Human Resources Suzanne Parker.

Mr. Gerth called the meeting to order and moved to retire to Executive Session to consider the employment or compensation of a public employee or official as permitted by Ohio Revised Code Section 121.22(G)(1) 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 Section 121.22(G)(3). Mrs. Stone seconded the motion. Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Stone, yes; Mrs. Lausten, absent.

Mr. Gerth moved to return from Executive Session. Mrs. Stone seconded the motion. Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Stone, yes; Mrs. Lausten, absent.

Mr. Gerth called the meeting to order and welcomed the additional attendees, including a number of citizens and other public officials including: Planning & Zoning Director Paul Drury, Fire Chief Rick Martin, Public Works Director Eric Luginbuhl, Facilities Manager Mark Magna, Hamilton County Sheriff's District 5 Lt. Dan McElroy, Law Director Margaret Comey, Fiscal Office Manager Jennifer Baker, and Office Manager Betty Cowan. He asked them to join him in the Pledge of Allegiance.

Mr. Gerth moved to adopt the agenda with modifications. Mrs. Stone seconded the motion.

There was no further discussion.

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

PUBLIC HEARINGS

Mr. Gerth opened the public hearing for Case 3-2022 Anderson Zone Change (Nagel Village Phase 2)

Case 3-2022 Anderson Zone Change (Nagel Village Phase 2) – **Mr. Drury** stated that there was a zone change request from "B" Single Family Residence to "DD" Planned Multiple Family Residence for the property located at 1349 Nagel Road. The applicant was proposing to construct two duplex units, a total of four living units, with a net area of 0.43 acre, and a density of 9.23 units per acre, with a 0.0619 acre of open space. The tract size was 0.5025 acres. The frontage

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
December 15, 2022*

was approximately 75' on Nagel Road. The topography was relatively flat. The surrounding property to the north and west was "DD" Planned Multi Family Residence and to the south and east "B" Residence. He stated that there was currently a single-family residence located on the property, with accessory structures. Nagel Village was currently under construction for 6 duplex units and 1 single family, for a total of 13 units. The proposed Phase 2 would utilize the same private drive as Phase 1, Nagel Village Drive, with an entrance off Nagel Road.

This zone change was approved by the Trustees on February 18, 2021. Hamilton County Regional Planning Commission held a public hearing on November 3, 2022, and recommended approval with conditions. The Anderson Township Zoning Commission held a public hearing on November 21, 2022, and also recommended approval with conditions.

Mr. Gerth asked if anyone would like to comment on Case 3-2022 Anderson Zone Change (Nagel Village Phase 2).

As no one came forward **Mr. Gerth** closed the public hearing.

Resolution 22-1215-01: Mrs. Stone moved to approve and adopt a zone change from "B" Residence to "DD" Planned Multiple Family Residence for property located at 1349 Nagel Road as follows; Mr. Gerth seconded the motion:

**RESOLUTION NO. 22-1215-01
CASE 3-2022 ANDERSON
1349 NAGEL ROAD
(Book 500, Page 121, Parcel 60)**

Approving and Adopting a Zone Change from "B" Residence to "DD" Planned Multiple Family Residence for property located at 1349 Nagel Road.

WHEREAS, this Board of Township Trustees ("Board"), on December 15, 2022, has discussed Case 3-2022 Anderson, an application filed by Craig Abercrombie of Abercrombie & Associates, Inc., on behalf of Zicka Development Company LLC, and Diane Marie Morgan, property owner, requesting an amendment to the map of the Anderson Township Zoning Resolution for property located at 1349 Nagel Road (Book 500, Page 121, Parcel 60), containing 0.5025 acre, for a zone change from "B" Residence to "DD" Planned Multiple Family Residence, to construct two duplex units, a total of four living units, with a net area of 0.43 acre, and a density of 9.23 units per acre, with a 0.0619 acre of Open Space, known as Phase 2 of Nagel Village; and

WHEREAS, after allowing for public testimony and deliberating in public session, the Hamilton County Regional Planning Commission recommended approval of an application for a zone change to "DD" with conditions on November 3, 2022; and

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
December 15, 2022*

WHEREAS, after allowing for public testimony and deliberating in public session, the Anderson Township Zoning Commission recommended approval of Case 3-2022 Anderson, with conditions on November 21, 2022; and

WHEREAS, on December 15, 2022, this Board reviewed the Application, the documents and testimony pertaining thereto and the recommendations of the Hamilton County Regional Planning Commission and the action of the Anderson Township Zoning Commission;

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

SECTION 1. The Board hereby concurs with the recommendations of the Anderson Township Zoning Commission, and finds that the Application, as recommended for approval with conditions by the Anderson Township Zoning Commission, will not be in conflict with the best interest of the Township and the public, and therefore approves the Application, with conditions, for the following reasons:

1. The proposed zone change to "DD" is consistent with the Land Use text from the 2022 Anderson Township Comprehensive Plan Update and goals from the People and Housing and Land Use and Development chapters.
2. The proposed use is compatible with the surrounding neighborhood and continues to stabilize the neighborhood by promoting transitional sizing in development, as an extension of Nagel Village Phase 1, from a large multifamily development to the single family north on Nagel Road and east on Pineterrace Drive, and office / institutional uses located south on Nagel.
3. The health and safety of the neighborhood and the Township are maintained.
4. The proposed use of the site provides an opportunity for the applicant to realize a reasonable profit (not necessarily a maximum profit) from the applicant's use of the subject land.

SECTION 2. The Board further finds that the Preliminary Plan for the Application (the Plan) shall be subject to the conditions and declarations of Article 5.1, General Development Plan Provisions, Section 5.1 et. seq., inclusive, of the Anderson Township Zoning Resolution, and subject further to the following conditions:

As recommended by Hamilton County Regional Planning Commission, the Anderson Township Zoning Commission, and/or by this Board:

1. That a lighting plan that meets the minimum standards of the Zoning Resolution shall be submitted as part of the Final Development Plan.
2. That no new signage shall be permitted in the Zone Change area.
3. That sidewalks shall be provided along the entire frontage of Nagel Road and connected to sidewalks within the development in accordance with the Anderson Township Zoning Resolution.
4. That the applicant submits for a Major Modification of Case 3-2020 FDP, Nagel Village Phase 1 with the Final Development Plan submittal for this Case, Case 3-2022 Anderson, so the Zoning Commission will be able to review the site as one.

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
December 15, 2022*

5. That the two curb cuts on Nagel Road for the existing single-family residence be removed.
6. That brick and stone features be added to all elevations of all units and submitted with the Final Development Plan.
7. That a landscape buffer between the site be provided to adequately provide a screen from the office and residential uses and that the landscaping plan submitted include information for an arborist regarding the three large trees on the property, their health and the proper measures that would need to be taken to preserve the trees.

SECTION 3. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this resolution.

SECTION 4. Final Development Plan: No Final Development Plan shall be approved by the Anderson Township Zoning Commission before:

1. All "Requirements for Submission" have been completed;
2. Building and parking setbacks, building heights, floor area, density, construction limits and impervious surfaces are in conformance with those which are specified or depicted on the approved Preliminary Development Plan;
3. A landscape plan for perimeter buffers and other required areas is prepared by a registered landscape architect, complete with all necessary details and specifications for new landscaping features, a depiction of existing landscaping and tree mass that is to remain, and specifications for soil erosion and sedimentation control, and submitted to and approved by the Anderson Township Zoning Commission.
4. The plan complies with applicable recommendations of:
 - (1) The County Engineer regarding site distance analysis, right-of-way and access improvements and circulation concept;
 - (2) Hamilton County Planning and Development regarding surface drainage concept;
 - (3) The Metropolitan Sewer District and/or O.E.P.A. regarding sewerage concept;
 - (4) The Hamilton County Soil and Water Conservation District regarding erosion and sedimentation control concept; and
 - (5) The authorized Fire Prevention Officer under the jurisdiction of the Board regarding Fire Prevention concepts.

SECTION 5. Construction Permits: No Zoning Certificate or building permit for actual construction shall be issued before a Final Development Plan has been approved by the Anderson Township Zoning Commission.

SECTION 6. Occupancy Permit

1. No Certificate of Occupancy shall be issued before the following documents are submitted to or received from the following officials or agencies:

(a) A letter from the County Engineer certifying that the approved plans and specifications for right-of-way and access improvements, on-site and off-site, have been completely implemented;

(b) A summary report from the Applicant's registered engineer or surveyor as required by and addressed to Hamilton County Planning and Development Stormwater + Infrastructure certifying that the approved plans and specifications for storm drainage improvements have been completely implemented; Stormwater + Infrastructure shall inform the Anderson Township Zoning Inspector when such report is received and accepted;

(c) A letter from the Metropolitan Sewer District or O.E.P.A. certifying that the approved Plan and specifications for sanitary sewer and wastewater treatment have been completely implemented;

(d) A summary report from the registered landscape architect who prepared the landscape plan, attesting to completion of the landscape plan and soil erosion and sedimentation control measures, noting any deviations and the reasons for such deviations;

(e) A letter from the authorized Fire Prevention Officer under jurisdiction of the Board, certifying that the approved plan and specifications for fire prevention have been completely implemented;

(f) A letter from the Ohio Department of Transportation stating that all applicable requirements have been fulfilled.

2. No Certificate of Occupancy shall be issued before the development complies with all of the terms, covenants, and conditions of approval, as imprinted on the Final Development Plan and contained in this Resolution.

SECTION 7. Maintenance of Improvements:

1. All landscaping, ground cover and other property improvements shall be maintained by the subject owner of the property or its successors in title in perpetuity or until the approved use ceases to exist.

2. All specifications, conditions, and limitations, which are imprinted on the Final Development Plan or contained in this Resolution shall be enforced throughout the life of the development by the Anderson Township Zoning Inspector.

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
December 15, 2022*

SECTION 8. A certified copy of this Resolution be directed, by the Fiscal Officer, to the Applicant and its Agent for this Amendment, to the Anderson Township Zoning Commission, to the Township Zoning Inspector, Hamilton County Planning and Development, the County Engineer Permit Department, the Metropolitan Sewer District, and the Ohio Department of Transportation, and a certified copy be filed with the Hamilton County Recorder and Hamilton County Regional Planning Commission within five (5) days after the effective date of this Resolution.

SECTION 9. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this resolution.

SECTION 10. 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) Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

There was no further discussion.

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

PRESENTATION AND RECOGNITION

Resolution Honoring Dusty Rhodes –

Resolution 22-1215-02: Mr. Gerth moved to adopt a Resolution of Appreciation for Dusty Rhodes as follows; Mrs. Stone seconded the motion:

RESOLUTION NO. 22-1215-02
RESOLUTION OF APPRECIATION
DUSTY RHODES

WHEREAS, Dusty Rhodes began his political career serving the residents of Delhi Township as Trustee for 21 years; and

WHEREAS, his public service extended beyond Delhi Township to include his role as President of the Hamilton County Township Association for 7 years and 16 years as a member of the Board of the Ohio Public Employees Retirement System, chairing the Board for 3 years; and

WHEREAS, since he was first elected in 1990, Dusty has faithfully served the residents of Hamilton County as their Auditor; and,

WHEREAS, during his tenure, the Auditor's office has returned almost \$50 million in unspent funds to the local governments, school districts and taxing entities in the county; and,

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
December 15, 2022*

WHEREAS, Dusty, Hamilton County's longest-serving Auditor, has rendered distinguished service to the County demonstrating the highest standards of integrity and professionalism, applying his expertise and sound judgment to the policies and laws governing the responsibilities of the Hamilton County Auditor's office.

WHEREAS, Dusty Rhodes will complete thirty-two years of exemplary service to this community in March 2023;

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

SECTION 1. That this Board hereby honors and thanks Dusty Rhodes for his thirty-two years of dedicated public service to Hamilton County, Ohio.

SECTION 2. That a copy of this Resolution shall be certified by the Township Fiscal Officer to Dusty Rhodes.

SECTION 3. That the preambles hereto are and shall for all purposes be construed to be integral and operative parts of this Resolution.

SECTION 4. That 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 meeting 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) Ohio Revised Code Section 121.22, except as otherwise permitted hereby.

There was no further discussion.

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

Gage Bradford, Hamilton County Solid Waste District – **Mr. Bradford** stated he was the Community Specialist for Hamilton County Resource. Hamilton County Resource provided recycling and waste reduction assistance to residents, communities, schools, and business in Hamilton County. The Residential Recycling Incentive (RRI) provides a \$1,000,000 in grants to help recycling and composting programs. They had an Environmental Enforcement Task Force that funds a full-time sheriff deputy to investigate illegal dumping throughout Hamilton County. Mr. Bradford thanked the Board for their time.

PUBLIC FORUM

Mr. Gerth invited members of the audience to address the Board. No one came forward.

FISCAL OFFICER

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
December 15, 2022

Financial Reports – Mr. Dietz presented the Board with the end of December financial reports for their review.

Appropriation Changes –

Resolution 22-1215-03: Mrs. Stone moved to adopt the appropriation changes as recommended by the Fiscal Officer. Mr. Gerth seconded the motion:

Appropriation Changes:

Appropriation Increase – 19.1100.01 (Unclaimed Outstanding Checks) +\$100.00

There was no further discussion.

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

Approve 2022 Financial Appropriations and Revenues –

Resolution 22-1215-04: Mr. Gerth. moved to approve the 2022 Final Appropriations and Revenues as presented by the Fiscal Officer. Mrs. Stone seconded the motion.

There was no further discussion.

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

Minutes –

Resolution 22-1215-05: Mr. Gerth moved to approve the minutes of September 1, 2022; September 8, 2022; and September 22, 2022, with minor corrections. Mrs. Stone seconded the motion.

There was no further discussion.

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

LAW DIRECTOR

Ms. Comey had nothing requiring Board action.

PLANNING & ZONING

Request Authorization to Bid the 2023 Spring Tree Planting Program –

Resolution 22-1215-06: Mrs. Stone moved to authorize bidding the “2023 Spring Tree Planting Program”. Funds are available in open purchase orders in the 2021 and 2022 budget. Mr. Gerth seconded the motion.

There was no further discussion.

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

SHERIFF'S OFFICE

Lt. McElroy had nothing requiring Board action.

PUBLIC WORKS

Request Authorization to Prepare and Bid 2023 Paving Program –

Resolution 22-1215-07: Mrs. Stone moved to authorize bid preparation and advertisement for the 2023 Street Rehab Program. Mr. Gerth seconded the motion.

There was no further discussion.

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

FIRE & RESCUE DEPARTMENT

Resolution Accepting Donation of Fire Investigation Equipment from the Anderson Firefighters Charitable Foundation, Pursuant to the Authority of Section 505.10 of the Revised Code –

Resolution 22-1215-08: Mrs. Stone moved to adopt a resolution authorizing acceptance of donation of fire investigation equipment from the Anderson Firefighters Charitable Foundation for Township use pursuant to the authority of Section 505.10 of the Revised Code as follows; Mr. Gerth seconded the motion:

RESOLUTION NO. 22 – 1215 – 08

**RESOLUTION AUTHORIZING ACCEPTANCE OF DONATION OF FIRE
INVESTIGATION EQUIPMENT FROM THE ANDERSON FIREFIGHTERS
CHARITABLE FOUNDATION FOR TOWNSHIP USE
PURSUANT TO THE AUTHORITY OF SECTION 505.10 OF THE REVISED CODE**

WHEREAS, Section 505.10(A) of the Revised Code (the “Statute”) provides that a board of township trustees may accept, on behalf of the township, the donation by bequest, devise, deed of gift, or otherwise, of any real or personal property for any township use; and

WHEREAS, the Anderson Firefighters Charitable Foundation desires to donate certain Fire Investigation Equipment valued at \$1,954.82 (the “Equipment”) to the Township for Township use; and

WHEREAS, this Board desires to accept the donation of the Equipment;

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
December 15, 2022*

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

SECTION 1. This Board hereby determines that it is in the best interest of the Township to accept the donation of the Equipment from the Anderson Firefighters Charitable Foundation, pursuant to this Board's authority contained in the Statute.

SECTION 2. That, pursuant to the authority granted in the Statute, this Board hereby authorizes the acceptance of the donation of the Equipment from the Anderson Firefighters Charitable Foundation, and hereby expresses its appreciation to the Anderson Firefighters Charitable Foundation for making said donation.

SECTION 3. 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) Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

There was no further discussion.

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

Resolution Authorizing the Sale of Surplus Equipment to Cincinnati Fire Department, Cincinnati, Ohio, Pursuant to a Contract Authorized by Section 505.101 of the Revised Code –

Resolution 22-1215-09: Mr. Gerth moved to authorize the sale of surplus equipment to Cincinnati Fire Department, Cincinnati, Ohio, pursuant to a contract authorized by Section 505.101 of the Revised Code as follows; Mrs. Stone seconded the motion:

RESOLUTION NO. 22 – 1215- 09

**RESOLUTION AUTHORIZING THE SALE OF SURPLUS EQUIPMENT TO
CINCINNATI FIRE DEPARTMENT, CINCINNATI, OHIO, PURSUANT TO A
CONTRACT AUTHORIZED BY SECTION 505.101 OF THE REVISED CODE**

WHEREAS, Section 505.101 of the Revised Code (the "Statute") provides that a board of township trustees may, by resolution, enter into a contract, without advertising or bidding, for the purchase or sale of materials, equipment, or supplies from or to any department, agency, or political subdivision of the State;

WHEREAS, the Equipment described hereinafter is hereby determined to be surplus equipment; and

WHEREAS, the Cincinnati Fire Department, Cincinnati, Ohio is the fire department of a political subdivision within the State of Ohio;

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

December 15, 2022

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

SECTION 1. That this Board hereby determines that the Equipment described herein is not needed for public use and hereby expresses its intent to sell the equipment identified on Exhibit A "as is" and valued at \$33,300.12 (the "Equipment"), by sale to the Cincinnati Fire Department, Cincinnati, Ohio, a fire department of a political subdivision within the State of Ohio (the "Purchaser"), upon the terms set forth in the Agreement described herein and pursuant to the Board's authority provided in the Statute.

SECTION 2. That the amount to be paid by the Purchaser as the purchase price for the Equipment shall not be less than \$33,300.12, payable to the Township in immediately available funds on or before the date of delivery of the Equipment to Purchaser.

SECTION 3. That the Township Administrator is hereby authorized to enter into a contract setting forth the terms of sale and substantially in the form attached hereto as Exhibit B and by this reference incorporated herein (the "Agreement"), with such changes thereto as may be deemed by the Township Administrator after consultation with the Law Director not to be financially disadvantageous to the Township, which determination shall be evidenced by her execution of the Agreement.

SECTION 4. That the preambles hereto are and shall for all purposes be construed to be integral and operative parts of this Resolution.

SECTION 5. That 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) Revised Code Section 121.22, except as otherwise permitted thereby.

There was no further discussion.

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

Resolution Authorizing the Acquisition of a Packman Landing Craft from the William E. Munson Company, Burlington, Washington, and the Execution of an Agreement Relating Thereto –

Resolution 22-1215-10: Mrs. Stone moved to authorize the acquisition of a Packman Landing Craft from the William E. Munson Company, Burlington, Washington and the execution of an agreement relating thereto pursuant to Ohio Revised Code Section 9.48 as follows; Mr. Gerth seconded the motion.

RESOLUTION 22-1215-10

RESOLUTION AUTHORIZING THE ACQUISITION OF A PACKMAN LANDING CRAFT FROM THE WILLIAM E. MUNSON COMPANY, BURLINGTON, WASHINGTON, AND THE EXECUTION OF AN AGREEMENT RELATING THERETO PURSUANT TO OHIO REVISED CODE SECTION 9.48

WHEREAS, Section 505.37 of the Revised Code confers certain powers on a board of township trustees with respect to the provision of fire protection services in the township that the board deems advisable; and

WHEREAS, Section 9.48(B)(3) of the Ohio Revised Code (the "Statute") provides that a political subdivision may participate in contract offerings from the federal government that are available to a political subdivision including, but not limited to, contract offerings from the general services administration; and the acquisition of equipment, materials, supplies and services pursuant to the Statute is exempt from any competitive selection requirements otherwise required by law; and

WHEREAS, The William E. Munson Company, having a principal place of business at 15806 Preston Place, Burlington, Washington 98233 ("Munson") is qualified by expertise, training and reputation to construct and provide to the Township that certain 24 foot Packman welded aluminum high speed landing craft, 2022 production model, as further described in that certain November 2, 2022 Specification and Quotation and related documents provided to the Township by Munson (the "Equipment"); and

WHEREAS, the Equipment pricing is per General Services Administration Contract Number 47QSWA22D006M;

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

SECTION 1. That the Board hereby determines that it is in the best interest of the Township to acquire the Equipment, which Equipment is available for acquisition pursuant to a contract offering from the Governmental Services Administration.

SECTION 2. That the maximum amount to be paid as the purchase price for the Equipment is \$406,605, of which purchase price \$256,605 will be paid from funds awarded to the Township under a Port Security Preparedness Grant award, managed by the United States Department of Homeland Security and accepted by this Board by Resolution No. 22-0922-10, and the remainder aggregating \$150,000, which represents the local jurisdiction matching funds, will be paid by the Township, \$150,000 from Ohio Riverfront TIF I funds that have been previously appropriated by this Board for the purpose and remain otherwise unencumbered.

SECTION 3. That the form of the November 2, 2022 Specification and Quotation for the Equipment provided by Munson and before this Board (the "Agreement") is hereby approved and

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
December 15, 2022*

that to effectuate the acquisition of the Equipment in accordance with this Resolution the Township Administrator is hereby authorized to execute the Agreement and any related documentation with such changes thereto as the Township Administrator, after consultation with the Law Director, determines are not materially adverse to the Township, such determination being evidenced by her execution of the Agreement.

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 the foregoing 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.

There was no further discussion.

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

TOWNSHIP ADMINISTRATOR

Fire and Rescue Collective Bargaining Agreement 2023-2025 –

Resolution 22-1215-11: Mr. Gerth moved to authorize the Township Administrator to execute the 2023-2025 Fire & Rescue Collective Bargaining Agreement as presented. Mrs. Stone seconded the motion.

There was no further discussion.

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

Request to Authorize 2023 Employee Compensation –

Resolution 22-1215-12: Mrs. Stone moved to approve the 2023 employee compensation adjustments proposal as presented. Mr. Gerth seconded the motion.

There was no further discussion.

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

Announcement of Surface Transportation Block Grant Funds for Clough Pike & Newtown Road Roadway and Pedestrian Improvements Project – Mr. Sievers stated that OKI had approved the request to fund the Clough Pike & Newtown Road Roadway and Pedestrian Improvement

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project. Staff would be meeting with the Ohio Department of Transportation (ODOT) in January to start the process.

Announcement of SORTA Transit Fund Award for the Beechmont Avenue Crosswalk Project –
Mr. Sievers announced that the grant application to SORTA for \$141,708 in transit funds had been approved for two crosswalk projects, accompanied by pedestrian refuge islands and flashing beacons on Beechmont Avenue west of Salem Road. Potential crosswalk locations included the intersections of Voll Road, near the Anderson RecPlex and Mount Washington Care Center. These would allow for bus riders to either cross to board, or exit, the bus, Route 23.

Clough Pike Sidewalks – YMCA to Eight Mile Road –

Resolution 22-1215-13: Mr. Gerth moved to authorize the Township Administrator to enter a contract with Stantec following review by the Law Director for preliminary engineering of a sidewalk on the north side of Cough Pike from the YMCA to Eight Mile Road in the amount not to exceed \$24,920 as well as a 10% contingency of \$2,492, using 1994 TIF funds allocated for improvements stemming from the 2021 Clough Pike Implementation Plan. **Mrs. Stone** seconded the motion.

There was no further discussion.

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

2023 Citizen Committee Appointments –

Resolution 22-1215-14: Mr. Gerth moved to appoint Paul Sheckels to a five-year term on the Anderson Township Board of Zoning Appeals, to expire December 31, 2027; and appoint Scott Lawrence as the 1st Alternate and Brian Johnson as the 2nd Alternate to the Anderson Township Board of Zoning Appeals for 2023. **Mrs. Stone** seconded the motion.

There was no further discussion.

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

Resolution 22-1215-15: Mr. Gerth moved to appoint Anne McBride to a five-year term on the Anderson Township Zoning Commission, to expire December 31, 2027; and appoint Michael Doenges as the 1st Alternate and Brandon Guyer the 2nd Alternate to the Anderson Township Zoning Commission for 2023. **Mrs. Stone** seconded the motion.

There was no further discussion.

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

Resolution 22-1215-16: Mr. Gerth moved to appoint:

Viki Beck

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**Matt Chaffin
Stephen Feagins
Peg Fenner
Andrea Granieri
Lindsey Griffis
Lauri Jacob-Hertzer
Ken Kushner
Anne Miller
Mary Nicholson
Heidi Schneider
Karen Schwamberger
Kevin Sian
Karl Sieber
Debra Weber
Susan Wheatley
Jim Willis
Lexi Lausten, Trustee Liaison**

as members of the Anderson Township WeTHRIVE! Anderson Committee for 2023; and

**Ronald Edgerton, Chair
Paul Braasch
Russ Romme
Rick Voss
Ken Dietz, Fiscal Officer
Lexi Lausten, Trustee Liaison**

as members of the Anderson Township Greenspace Advisory Committee for 2023; and

**Viki Beck
Jeni Berreth
Kevin Comerford
Stephen Feagins
Peg Fenner
Brian Gay
Jaime Grubert
Dave Habegger
Joe Hice
Pinky Kocoshis
Ken Kushner
Jay Lewis
Mike Niehaus
Karen RingswaldEgan
David Rose
Paul Sheckels**

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**Paul Sian
Karl Sieber
Ken Vincent
Dee Stone, Trustee Liaison**

as members of the Anderson Township Transportation Advisory Committee for 2023; and

**John Halpin, Chair
Ted Bergh
Bruce Berno
Bob Buck
Carol King
Tim Kloppenborg
Chris Pfetzer
Karen RingswaldEgan
Jim Rombke
Sonia Shively
Chris Specht
Ron Trenkamp
Rick Voss
Joe Willging
Lexi Lausten, Trustee Liaison**

as members of the Anderson Township Tree Committee for 2023; and

**Jeff Rosa, Chair
Julie Bissinger
Kyle Brogan
Amy Broghamer
Katie Buchman
Chris Corrado
Jeff Cowan
Michael Doenges
Duane Donohoo
Stephen Feagins
Derek Garrison
John Halpin
Jake Huber
Nicole Hunter
Philip Kiley
Elizabeth Maier
Dan O'Rourke
Matt Owen
Zach Peterson
Jessica Weisenberger**

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Josh Gerth, Trustee Liaison

as members of the Anderson Township Economic Development Committee for 2023; and

**Amy Broghamer
Katie Buchman
Ron Edgerton
Dee Stone**

as members of the Greater Anderson Township Betterment Commission for 2023; and

**Susan Ward, Chair
Barbara Bodnarik
Sherry Burnside
Sarah Celenza
Bob Chiricosta
Demetria Choice
Marcia Cole
Abbe Lackmeyer
Steven Long
Kate Nessler
George Zabrecky
Dee Stone, Trustee Liaison**

as members of the Anderson Township Senior Center Advisory Committee for 2023.

Mrs. Stone seconded the motion.

There was no further discussion.

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

Items Arising for Executive Session Discussion – **Mrs. Earhart** announced that there were no decisions coming out of Executive Session discussions.

Return to Trustees for 2022 Organizational Meeting –

Mr. Gerth asked Mr. Dietz to serve as temporary Chair.

Resolution 22-1215-17: Mr. Gerth moved that Dee Stone be appointed to Chair of Board of Trustees for fiscal year 2023. **Mrs. Stone** seconded the motion.

There was no further discussion.

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

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

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Resolution 22-1215-18: Mrs. Gerth moved that Lexi Lausten be appointed Vice Chair of the Board of Township Trustees for the fiscal year 2023. Mrs. Stone seconded the motion.

There was no further discussion.

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

Mr. Dietz to return Chair to Officiating Trustee.

Resolution 22-1215-19: Mr. Gerth moved to appoint Betty Cowan, Molly Mohrfield, Lisa Farrar and Jennifer Baker as the designees who shall attend the Sunshine Law Certificate Training provided by the Office of the Ohio Attorney General, and as required by Section 139.43(E)(1) of the Revised Code, on behalf of Trustees Joshua S. Gerth, R. Dee Stone, and J. Lexi Lausten, and Fiscal Officer Kenneth G. Dietz. Mrs. Stone seconded the motion.

There was no further discussion.

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

Resolution 22-1215-20: Mr. Gerth moved that the regular meetings of this Board in January through December 2023 be held on the third Thursday of each month at 5:00 p.m. beginning Executive Session, with the public portion of the meetings commencing at 5:30 p.m. and that regular interim workshops meetings of this Board be held at the first Thursday of each month at 2:00 p.m. both unless notice indicating otherwise is July given. Be it further resolved that the practice and procedure of adopting the agenda (including the rules pertaining to public forum) at each regular meeting of this Board shall continue to be the practice and procedure at meeting in 2023. Mrs. Stone seconded the motion.

There was no further discussion.

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

Resolution 22-1215-21: Mr. Gerth moved to adopt the Temporary Appropriations for fiscal year 2023 as presented by Mr. Dietz, as follows. Mrs. Stone seconded the motion.

TEMPORARY 2023 APPROPRIATIONS

General Fund	\$4,956,000
Motor Vehicle License Tax Fund	51,000
Gasoline Tax Fund	423,000
Road and Bridge Fund	2,390,900
Lighting Districts Fund	152,380
Police Fund	5,237,400
Fire Department Fund	14,036,600
Planning & Zoning Fund	1,018,400
Public Improvement Tax Increment Equivalent Fund (1994)	23,503,000

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General Bond Retirement Fund	110,000
Unclaimed Monies	100
Greenspace Levy Fund	120,000
Permissive Motor Vehicle License Fund	500,000
Permanent Improvement	0
TIF 2010 (ATP)	0
TIF Northern Anderson Area	0
TIF Ohio Riverfront Area I	5,410,000
TIF Ohio Riverfront Area II	112,000
TIF Stonecrest/Anthology	645,000
TIF Stonegate	360,000
TIF Clough Pike West	283,000
American Rescue Plan	2,307,875

There was no further discussion.

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

Resolution 22-1215-22: Mrs. Stone moved that (a) the Auditor and Treasurer of Hamilton County, in accordance with R.C. §321.34, be requested to draw and pay to Anderson Township, during fiscal year 2023, upon the written request to the County Auditor by Kenneth G. Dietz, Fiscal Officer, funds due in any settlement of 2023 derived from taxes or other sources payable by law to the County Treasurer and held in the County treasury to the account of Anderson Township, and lawfully applicable for the purposes for fiscal year 2023, and (b) the Fiscal Officer is requested under R.C. §321.342 to seek periodic advances of taxes to be drawn on the undivided estate tax fund, and (c) the Fiscal Officer shall forward to the County Auditor a certified copy of this resolution. Mr. Gerth seconded the motion.

There was no further discussion.

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

Resolution 22-1215-23: Mr. Gerth moved to adopt a Resolution to authorize William J. Patterson, Jeffrey S. Shoskin, Thomas B. Allen, Benjamin J. Yoder, and Gary E. Powell, as Township's Attorneys for particular matters for fiscal year 2023 as follows; Mr. Stone seconded the motion:

RESOLUTION AND ORDER NO. 22 – 1215 – 23

**RESOLUTION AND ORDER EMPLOYING
WILLIAM J. PATTERSON, JEFFREY S. SHOSKIN, THOMAS B. ALLEN, BENJAMIN
J. YODER, AND GARY E. POWELL, AS TOWNSHIP'S ATTORNEYS FOR
PARTICULAR MATTERS FOR FISCAL YEAR 2023.**

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
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WHEREAS, this Board of Township Trustees ("Board") is authorized by Section 309.09(B) of the Revised Code to employ an attorney other than the prosecuting attorney for particular matters to represent the Township and its officers in their official capacities and to advise them on legal matters; and

WHEREAS, Section 309.09(B) of the Revised Code provides that no such attorney may be employed except on the order of the Board, duly entered upon its Journal, in which the compensation to be paid for the attorney's legal services shall be fixed;

Now therefore, BE IT RESOLVED AND ORDERED BY THE BOARD OF TOWNSHIP TRUSTEES OF ANDERSON TOWNSHIP, HAMILTON COUNTY, OHIO ("Township"), as follows:

SECTION 1. William J. Patterson, Esq., of the law firm of Stagnaro, Saba & Patterson Co. LPA, is hereby employed as the Township's attorney for fiscal year 2023 to represent the Township and its officers in their official capacities by advising them, upon request, as to the particular matters set forth in Schedule A, attached hereto and incorporated herein. Said attorney's compensation shall be at the rate of \$225.00 per hour effective January 1, 2023.

SECTION 2. Jeffrey S. Shoskin, Esq. of Frost Brown Todd LLC, is hereby employed as the Township's attorney for the fiscal year 2023 to represent the Township and its officers in their official capacities by advising them, upon request, as to the particular matters set forth in Schedule B-1, attached hereto and incorporated herein. Said attorney's compensation shall be at the blended rate of \$320 per hour effective January 1, 2023.

SECTION 3. Thomas B. Allen, Esq., of Frost Brown Todd LLC is hereby employed as the Township's attorney for fiscal year 2023 to represent the Township and its officers in their official capacities by advising them, upon request, as to the particular matters set forth in Schedule B-2, attached hereto and incorporated herein. Said attorney's compensation shall be at the rate of \$330 per hour effective January 1, 2023.

SECTION 4. Gary E. Powell, Esq., is hereby employed as the Township's attorney for fiscal year 2023 to represent the Township and its officers in their official capacities by advising them, upon request, as to the particular matters set forth in Schedule C, attached hereto and incorporated herein. Said attorney's compensation shall be at the rate of \$150 per hour effective January 1, 2023.

SECTION 5. Benjamin J. Yoder, Esq., of Bricker & Eckler LLP is hereby employed as the Township's attorney for fiscal year 2023 to represent the Township and its officers in their official capacities by advising them, upon request, as to the particular matters set forth in Schedule C, attached hereto and incorporated herein. Said attorney's compensation shall be at the rate of \$295 per hour, effective January 1, 2023. Should Mr. Yoder utilize another attorney within the firm of Bricker & Eckler LLP, the rate for that attorney shall be the lesser of that attorney's standard rate and a blended rate for all attorneys of \$295/hour.

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

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SECTION 6. Each attorney employed hereby shall be reimbursed for out-of-pocket expenses reasonably incurred in connection with the representation and provision of legal services described in this Resolution and Order.

SECTION 7. Each attorney employed hereby may be discharged at any time by majority vote of the Board and may resign his employment upon thirty (30) days' written notice to this Board; in the event of such resignation, the attorney shall make arrangements satisfactory to the Township Administrator for transfer of files related to his work for the Board (at the expense of the Board) to the Township Administrator and/or to the Township's Law Director, as the Township Administrator shall specify.

SECTION 8. The Law Director shall notify the attorneys employed hereby of the passage of this Resolution and Order.

SECTION 9. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this Resolution and Order.

SECTION 10. It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution and Order were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including, without implied limitation, Section 121.22 of the Revised Code, except as otherwise permitted thereby.

SCHEDULE A

Real estate title reports, real estate closings and other real estate matters

SCHEDULE B-1

Insurance law, particular zoning law violation matters and related matters

SCHEDULE B-2

Labor and employment law and related matters

SCHEDULE C

- (1) Zoning matters including zoning violations and other matters pertaining to the Zoning Commission and Board of Zoning Appeals, and related committees
- (2) Litigation, unless and to the extent that the Prosecuting Attorney or other counsel employed by the Board, or by an insurer, represents the Board, the Township, and/or Township officers

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- (3) Assist staff with the issuance of property maintenance code violations and citations, as well as represent the Township on appeals or legal proceedings relating to the Code's administration
- (4) Other matters as may from time to time be requested by the Board, the Township Administrator, or by the Township's Law Director

There was no further discussion.

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

Resolution 22-1215-24: Mr. Gerth moved to adopted Limited Hone Rule Resolution appointing Margaret W. Comey and Locke Lord LLP as Law Director for a term ending December 31, 2023, and declaring an emergency as follows; Mrs. Stone seconded the motion:

Mr. Gerth introduced the foregoing resolutions and moved it passage.

RESOLUTION NO. 22 – 12 15 –24

**LIMITED HOME RULE RESOLUTION
APPOINTING MARGARET W. COMEY AND LOCKE LORD LLP AS LAW
DIRECTOR FOR A TERM ENDING DECEMBER 31, 2023, AND DECLARING AN
EMERGENCY**

WHEREAS, by virtue of adoption of Resolution No. 03-0918-18, effective October 19, 2003, this Board of Township Trustees adopted a home rule form of government for Anderson Township, County of Hamilton, Ohio ("Township"); and

WHEREAS, under Chapter 504 of the Revised Code, limited home rule townships are required to appoint a Law Director; and

WHEREAS, Margaret W. Comey, Esq., is qualified by education, expertise and reputation to act as Anderson Township's Law Director, and has represented to this Board that she and the law firm of Locke Lord LLP are content to be contractually bound by the terms of this resolution to provide Law Director services to the Township; and

WHEREAS, Margaret W. Comey has served the Township as Interim Law Director and, since March 31, 2008, as Law Director;

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

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SECTION 1. This resolution is passed in the exercise of this Board's limited home rule powers under Chapter 504 of the Revised Code.

SECTION 2. Margaret W. Comey, Esq., of Hamilton County, Ohio, and Senior Counsel at the law firm of Locke Lord ("LL"), is hereby appointed as the part-time Law Director of Anderson Township ("Law Director"), together with LL, for a term ending on December 31, 2023, and otherwise upon the terms and conditions set forth in Schedule A hereto, which Schedule A is by this reference incorporated herein. The Township Administrator is hereby authorized to execute, if required by LL, an engagement letter with LL that reflects the terms of Schedule A.

SECTION 3. Upon majority vote, the Board hereby dispenses with the requirement that this resolution be read on two separate days, pursuant to Section 504.10 of the Revised Code, and authorizes the passage of this resolution upon its first reading.

SECTION 4. If passed by a unanimous vote, pursuant to Section 504.11(B) of the Revised Code, this resolution shall take effect immediately, and shall be posted for fifteen days in five of the most public places in the Township, as previously determined by this Board, which posting is hereby ordered.

SECTION 5. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this resolution.

SECTION 6. 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 Revised Code, except as otherwise permitted thereby.

SECTION 7. This resolution is declared to be an emergency measure necessary for the preservation of the public peace, health, safety, and welfare of the Township, and for the further reason that this Board wishes to continue to retain her services and those of LL to provide Law Director services to the Township pursuant to appointment under Chapter 504 of the Revised Code, particularly Section 504.15 thereof, for the calendar the year 2022.

SCHEDULE A

**TERMS AND CONDITIONS OF APPOINTMENT
OF MARGARET W. COMEY, ESQ., AND LL TO PROVIDE LAW
DIRECTOR SERVICES FOR ANDERSON TOWNSHIP,
HAMILTON COUNTY, OHIO**

The Law Director shall faithfully perform her/its duties under Section 504.15 of the Revised Code, and as otherwise permitted or required under the Revised Code, the rules of the Supreme Court of Ohio, and applicable common law.

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

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The Law Director may be discharged at any time, without notice or hearing, and for any reason or no reason, by a majority of the Board.

The Law Director shall be compensated at the rate of \$310 per hour worked on behalf of the Township in conjunction with requests from the Board of Township Trustees or its authorized staff and/or in fulfillment of her appointment. The Law Director's fees shall be billed by the law firm of LL, which firm shall be reimbursed for out-of-pocket expenses and office charges, including reimbursement for xerographic and laser printed copies and facsimile transmissions, at the firm's prevailing rates, and for such other or extraordinary expenses as may be approved by the Township Administrator, in accordance with Anderson Township's applicable rules. The Law Director shall be entitled to bill Anderson Township for paralegal and/or research assistant services, at rates of less than \$310 per hour, if she deems such services more cost-effective for the Board than performance of the duties described in paragraph 1 hereof.

The roll being called by the Fiscal Officer upon the question of passage of the resolution, the vote resulted as follows:

Mr. Gerth _____ Mrs. Stone _____ Mrs. Lausten _____

Passed at the regular meeting of the Board of Township Trustees this 15th day of December, 2022.

FISCAL OFFICER CERTIFICATIONS

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true copy of a Resolution duly passed at a regular meeting of the Board of Township Trustees of said Township on the 15th day of December, 2022, together with a true record of the roll call vote thereon, and that said Resolution has been duly entered upon the Journal of said Township.

The undersigned, hereby further certifies that the moneys required to meet the obligations of the Township during the fiscal year 2021 and fiscal year 2022 under the attached contract or order (or, if this is a continuing contract, to be performed in whole or in part in an ensuing fiscal year, the amount required to meet the obligation in the fiscal year in which the contract is made) have been lawfully appropriated by the Board of Township Trustees of the Township for such purpose and are in the treasury or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances. This certificate is given in compliance with Sections 5705.41 and 5705.44, Ohio Revised Code.

Dated: December 15, 2022

Kenneth G. Dietz Fiscal Officer

CERTIFICATE OF POSTING

I, Kenneth G. Dietz, Fiscal Officer of Anderson Township, Hamilton County, Ohio, do hereby certify that in accordance with Section 731.25 of the Revised Code, the attached Resolution was posted in accordance with its terms, beginning on December 15, 2022.

This ___ day of January, 2022.

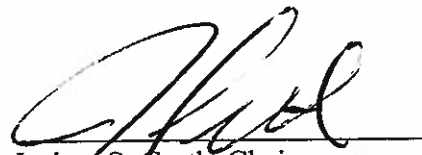
Kenneth G. Dietz Fiscal Officer

There was no further discussion.

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

As there was no further business, the meeting adjourned.

These minutes were approved at the meeting of January 19, 2023


Joshua S. Gerth, Chair


Kenneth G. Dietz, 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 15th day of December 2022, and that said minutes have been duly entered upon the Journal of said Township.

This 19th day of January, 2023.


Kenneth G. Dietz, Fiscal Officer