

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
January 17, 2019

The Board of Township Trustees of Anderson Township ("Board") held its regular monthly meeting on January 17, 2019, at 6:00 p.m., in the Anderson Center Board Room. Present were the following Board members:

Joshua S. Gerth
Robin D. Stone
Andrew S. Pappas

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

Mr. Gerth called the meeting to order and moved to retire to Executive Session to consider the purchase of property for public purposes as permitted by Ohio Revised Code Section 121.22(G)(2), and to confer with the Law Director concerning disputes that are the subject of pending or imminent court action as permitted by Ohio Revised Code Section 121.22(G)(3), Ms. Stone seconded the motion. Mr. Dietz called the roll: Mr. Gerth, yes; Ms. Stone, yes; Mr. Pappas, yes.

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

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, Lt. Dan McElroy, and Administrative Assistant Molly Mohrfield. He asked them to join him in the Pledge of Allegiance.

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

There was no further discussion.

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

PUBLIC HEARINGS

Mr. Gerth opened the public hearing for Case 3-2018 Anderson, Harmony Senior Living, 6201-6301 Clough Pike.

Case 3-2018 Anderson, Harmony Senior Living, 6201-6301 Clough Pike – **Mr. Drury** explained that the applicant was Cincinnati AL Investors, LLC on behalf of KinderEight, LLC and SWGR Clough, LLC. The applicant was requesting a zone change from "A" to "DD" Planned Multi Family for the property local at 6201 and 6301 Clough Pike. The applicant was proposing construction of two buildings for memory care and assisted living. The buildings would be connected via a breezeway with associated parking, landscaping, and lighting. One building would be 32 feet tall and the other would be slightly smaller at 31 feet. A pre-submittal for this request was held by the Township on July 25th, there were approximately 50 residents in

attendance at that meeting. Concerns over the proposal included intensity of the development, disruption of Clough Creek and disruption of the character of Clough Pike. The applicant submitted their application to the Hamilton County Regional Planning Commission who recommended denial. The applicant withdrew their application and modified the plan. A revised application was submitted and heard on December 6, 2018 which was again denied by the Hamilton County Regional Planning Commission due to inconsistency with the Townships Comprehensive Land Use Plan. On December 17th the Anderson Township Zoning Commission heard the case and recommended approval with conditions.

The Comprehensive Plan identified the site for single family. This property, during the Comprehensive Plan update in 2016, was not identified for multifamily nor institutional use. There was text in the Comprehensive Plan that gave staff guidance on how to address the use by looking at surrounding conditions, surrounding land uses, the compatibility of the proposed use with the surrounding land uses, the infrastructure that was in place, the transportation infrastructure, the utility infrastructure and staff's interpretation. The Zoning Commission agreed that this site was compatible. It was cited that there was an apartment complex immediately adjacent to the site and agriculture use to the north of the site. Clough Pike was a major arterial and the utility infrastructure was in place. In addition, a market analysis was performed indicating that senior living was a use that was needed in the Township. Therefore, staff took that information along with the Economic Development Committee recommendation and identified this parcel as a key site that could support something other than single family use as previously identified in the Comprehensive Plan.

There had been a considerable amount of discussion on the impacts of Clough Creek with this development. This development would be subject to the current storm water detention, current grading regulations and should have minimal impact on the creek.

The proposed plan was in compliance with the Zoning Resolution, though more details were needed to ensure compliance with landscaping, parking and lighting requirements. If approved by the Trustee's these would be reviewed at the final development plan level. The proposed plan was consistent with the Anderson Trails Plan and the Township design guidelines, not only in the look of the building but also with site development. The applicant had pushed the building further away from Clough to provide an additional setback to help maintain the ambiance and character of Clough Pike. They were choosing a mixture of building materials that were consistent with architecture in the area. **Mr. Gerth** asked what the vote was from the Zoning Commission. **Mr. Drury** replied it was unanimous.

Mike Roberts, Graydon Head and Ritchey, representing the applicant, stated that there was a misimpression regarding what happened before the Hamilton County Regional Planning Commission. Due to a procedural issue they where not affordable the opportunity for a substantive review. Smith Packett and Harmony understood that going forward they would need to meet site plan, building plan requirements and approvals should the Trustee's approve the zone change.

Winn Bishop, Senior Vice President of Development and Construction for Smith Packett, stated that Smith Packett was a family owned business for 35 years and a premier senior housing

development company. The company was based in Roanoke, Virginia with a second office in Charlestown, SC. They were the largest Senior housing development company in the nation. Harmony Senior Services was formed by Smith Packett approximately seven years ago. Harmony Senior Services currently operate 24 of their buildings throughout the United States. He pointed out that the need for more senior housing was consistent with the 2016 Comprehensive Plan.

Troy Dehaven, Real Estate Development Manager for Smith Packett, explained that typically Smith Packett constructed a three to four story building which would be approximately 200,000 square feet and consist of independent living, assisted living, and memory care. After numerous discussions and meetings with neighbors, the Township and Hamilton County, the height of the proposed development had been reduced to two stories and the square footage had been decreased from 180,000 to 120,000. The independent living component had also been removed. The current proposed plan consisted of 90 assisted living units and 32 memory care units. The community would have a central dining room, bistros, library, physical therapy rooms, fitness center, beauty and barber shops, and outdoor activity areas. Employee parking would be located in the rear of the building. By eliminating the independent living component, the number of parking spaces was decreased from 134 to 84. He pointed out that there had been a considerable amount of concern about erosion in Clough Creek. He indicated that the proposed ponds on the site would capture 120% of the storm water. Rain gardens had also been added to help with storm water management. There had also been discussions regarding the creation of a retention basin on the adjacent 10-acre Township owned property. Conversations had been initiated with Hamilton County regarding help with upstream erosion control along the creek bank.

Mr. Bishop, pointed out that any detention to the west, on Township owned property, would be solely over and above the proposed project. It would have nothing to do with detaining any water on their property. They would be doing the project on their own to alleviate some of the concerns that were expressed by the surrounding residents.

Bob Goyette, Chief Operating Officer of Harmony Senior Services, stated that Harmony Senior Services was excited to bring this \$30,000,000 project to Cincinnati. They would be employing approximately 100 people which would include nurses, certified medication technicians, certified nursing aids, a manager, dining services, housekeeping, and maintenance staff. This would be a secured neighborhood, with specialized training and specialized programming. They provide a wide variety of activities for the residents and attempt to get them involved with the community. It was important not only to provide assisted living services but to be a good corporate citizen. Therefore, they are looking forward to getting involved in charity events, partner charity events, giving back, volunteerism and getting residents involved. What they provide was a quality of life for the residents and for the family of those residents, peace of mind and for the employees, a rewarding work environment.

Mr. Pappas asked what the intent of the detention ponds were. **Mr. Julian Beglin, HF Lens, Civil Consultant for Smith Packett**, replied that the standard procedure for design of a storm water detention system was to have a post construction run off that was lower than the preconstruction situation.

Mr. Pappas stated that he was concerned with traffic on Clough Pike and asked, with regard to staffing, would they stagger work hours so there would not be a shift change at the peak traffic hour. **Mr. Goyette** replied that there would be several different shift changes throughout the day and they do take into consideration the peak traffic time.

Mr. Gerth asked how many employees would be on site. **Mr. Goyette** replied approximately 30 to 35. **Mr. Gerth** asked if there would be any third party or outside services rendered out of this community. **Mr. Goyette** replied that Harmony Senior Services provide most of the services. There would be a medical director coming and going. Also, the residents would be eligible to receive home health services from an outside provider. There would be a beautician that comes on site, a podiatrist that would come in once a month, along with mobile dentistry that came once a month. **Mr. Gerth** asked about erosion control through Hamilton County. **Mr. Dehaven** stated that, there was a sharp curve up stream. What had been discussed was how can they help Hamilton County stabilize the erosion in that part of the stream. **Mr. Gerth** asked if Hamilton County had been receptive. **Mr. Dehaven** replied that they had been very receptive. **Mr. Pappas** questioned why the applicant was not afforded the opportunity for a substantive review before the Hamilton County Regional Planning Commission. **Mr. Winn** replied that they were told that the case would not be heard due to the parcel being zoned single family.

Mr. Gerth asked if anyone would like to comment on Case 1-2018 Anderson.

Rick Benken, 6011 Clough Pike, pointed out that he had lived on his property for 65 years and from 1990 to 2017 the Township property had lost 3 ½ acres. Since 2017 an additional 40 feet had been eroded off to Clough Pike.

Tony Becker, 6104 Clough Pike, showed a photo from Google Earth of Clough Pike from 2010 and 2017 which displayed the extensive erosion. The riparian vegetation would also be taken out and further endanger the water basins which based on the University of Cincinnati study for storm water management, which recommended of a 120-foot set back from the edge of the water. The question becomes what happens when the proposed infrastructure was threatened. Erosion was happening quickly in that seven-year period and storms were taking big chunks out of the area.

Alfred Xin, 6310 Copperleaf Lane, stated that in the last 18 years he has seen tremendous soil erosion in the creek. He felt that the proposed developers know the issues with Clough Creek and that was why they planned to build a long retaining wall in the creek to protect the property. He pointed out that the Army Corps of Engineers only verify safety of a proposed site not the impact to the environment and adjacent properties. In an email from the Hamilton County Storm Water District it states that the proposed development would not be approved if there was any increase in flood tables and soil erosion. This might jeopardize the safety and well-being of the community and would be negatively impact the stream and adjacent properties.

Matt Mays, 2347 Bretton Drive, stated that he had no objections to the proposed development and was strongly in favor of the Trustees approving the proposed plan. These parcels of land were private property and he believed, that within limits, that the owners of private property

should have the ability to do whatever they desire with their property. His understanding was that these parcels of land were zoned for single family and the request was to approve a zoning change to high density to allow a senior living facility to be built. He believed that this was a great opportunity for the Township, pointing out that senior centers were needed. He had confidence that the City of Cincinnati, Hamilton County, the Army Corps of Engineers and all the parties involved had plans in place to mitigate any possible negative consequences of this project.

Ruth Hardy, 7757 Anderson Oaks Drive, stated that the economic value of the beauty of Clough was important. In her view, the need and desire for senior living was a definite. It was a beautiful site plan but one of the major problems was the continual increasing traffic. Arguably the most valuable land use was the watershed and there were a confluence of forces and conditions that work together to degrade the Clough Creek watershed. It was a dynamic, consistently changing and evolving watershed area. Area residents had reported that detention basins had not worked in heavy rainfalls. In her view, riparian corridors were one of the most effective ways to minimize erosion.

Alexandra Stevenson, 2896 Turpinwoods Court, stated that the proposed development would strip the entire property of all vegetation and dig detention basins close to the bank of the creek. While this plan may comply with the engineering requirements for a development in a floodplain it was not consistent with the intent of the Comprehensive Plan, to preserve natural and environmental resources. If approved the structure would destroy the transition from the central business district to the open space to the west. The developer responded to criticism of the plan and withdrew from submission in October to reduce the size from three to two stories in an attempt to gain approval from the Hamilton County Regional Planning Commission. However, the County still did not recommend the zoning change and she believed the Township should follow the County's lead and not do so.

Guy Wolf, 60001 Stirrup Road, stated that their appeared to be an effort to delegitimize Hamilton County's review that took place in December. However, their two written reviews were damning of this proposal. All the representations about the noise and traffic impact were only valid until the need and use for senior housing changes. By proceeding with development, it would entice future development despite the current zoning. The Township owns 10 acres west of this site, which it may choose to convert to a permanent Greenspace. That was not much of an assurance given the current interpretation of the Comprehensive Plan. In conclusion, if staff would have followed the Comprehensive Plan, a plan that all these taxpayers had helped fund, this proposal would not have been considered. Just as the Hamilton County Planning Commission had concluded, on two occasions, this proposed structure did not align with the Comprehensive Plan. It does not fit on Clough Pike, and he urged the Trustees to vote no on the zone change.

Hallie Borellis, 2462 Cardinal Hill Court, stated that in her opinion the rezoning proposal was not in compliance with the master plan from a green and environmental perspective. The intent of the Comprehensive Plan states that "Anderson Township would be a community that strives to be sustainable and resilient in its practices, by balancing the demand for development and activities with the needs of our environment, preserving select natural areas and recognizing that

what we as community do now will affect future generations of Township residents and businesses". It was her opinion that nothing was being done to prevent future erosion of Clough Creek. She did not believe that the proposed zone change complied with the Comprehensive Plan's environmental goals. There needed to be a guarantee that the development of the land was done in an environmentally responsible way and in a manner consistent with the Comprehensive Plan. She did not see that being done; therefore, she urged the Board to vote "no?" on the zone change.

Bonnie Burkhalter, 5926 Ropes Drive, stated that she would like to speak in opposition to the zoning change on the grounds that it was unconceivable to locate an assisted living and memory care facility in a flood plain. The residents of these facilities, by definition, were unable to care for themselves independently. Those placed in memory care had severe cognitive disorders that lead to a wide variety of problems including confusion, difficulty understanding and following instructions and the inability to walk. She was concerned that when the property floods that the safety and well-being of some of the most vulnerable residents would be jeopardized. She pointed out that these elders could not evacuate on their own, they would require transport by ambulance due to their medical conditions. Even if they were to be evacuated successfully, it would be extremely challenging to find temporary shelter that would meet the need of those individuals. Unless an independent geological survey was conducted that demonstrated that this specific location was safe from the risk of long term flooding it was imperative that the Board denied the petition for a zone change to protect the safety and well-being of the senior population.

Susan Wheatly, 6104 Clough Pike, stated she did not believe that this proposed senior housing facility was needed in the Township as suggested by the developer. She pointed out that the Comprehensive Plan indicated the need for 184 assisted living and 122 skilled nursing beds. Currently, Stonecrest Senior Living would have 99 beds for both assisted living and memory care available soon. Forest Hills Care Center would have 24 beds starting in May. New England Club has 200 units with vacancies. The Ashford, in Mt. Washington, had 108 beds with vacancies.

Erinn Cox, 5880 Turpin Hills Drive, stated that she had learned that in order to have zoning authority a Township must have a Comprehensive Plan. She was confused by the Township's insistence to push through a zoning change that had numerous violations. She found it hard to understand what justified the blatant disregard of the many components of the Comprehensive Plan, and why the taxpayers had footed the bill for a plan that seem to be ignored. She presented the Board with a petition containing 965 signatures of people who were also confused. If the Trustees choose to move forward with this zone change she would like to propose less parking spaces and more of a buffer and vegetation. A scaled down version of the buildings would allow for a step down of intensity. A stipulation should be considered to connect to the existing sidewalk on Clough Pike, and that the Township designate the 10 acres just west of the site as Greenspace.

Emily Supinger, Attorney, Strauss Troy, stated she was representing some of the concerned citizens. She pointed out the Township had no independent authority to zone other than what has been given to it by the General Assembly which required zoning regulations to be adopted in

accordance with the Comprehensive Plan. The Hamilton County Regional Planning Commission, after an in-depth analysis of the proposed use denied the proposed zone change twice. The Comprehensive Plan encourages protection of the natural environment and this plan would strip the entire bank of the Clough Creek making it two retention basins. The Comprehensive Plan indicated the most effective strategy for floodplain protection was to maintain a floodplain in its natural state to the fullest extent possible, that was not happening.

Jean Bolte, 8816 Anna Court, she stated that she was one of the eight siblings of KinderEight. She owned one of the five parcels in consideration for this project. Working with the Smith Packett team for over a year, they continued to demonstrate their investment in this project and the desire to become an active contributing member of this community. They listened to the Township staff as they echoed the concerns raised by the residents at various public meetings. They revised their plans, multiple times, with many concessions. They had been reflective and responsive to the issues that were presented. Since the last meeting when concerns about the flooding and erosion were raised. They collaborated with the Township officials and offered ways to come up with innovated ideas both up and down stream. They know what it means to be engaged in the community.

Dan Motz, Clough Pike, was offended that it had been insinuated that the property in question was no longer consistent with a farm/agriculture use, pointing out that he raised soybeans and livestock on that property. He indicated that there was a spring, that flowed underneath Clough Pike, into Clough Creek deteriorating the soft ground causing rapid erosion towards Clough Pike. Clough Creek was getting increasingly wider, eroding the hill, thus causing the hill to deteriorate. He asked if the field would be raised to the level of Clough Pike and if so where was the soil coming from.

John Nitzger, 6702 Treeridge Drive, pointed out that the one issue that had not been addressed was the traffic safety aspect of this project. The Bartels and Newtown Road intersections were close to this proposed development with many school buses, and children going to and from school. He would like to know how the road was going to be adapted to accommodate the change in the traffic pattern so that safety would be given a priority. He would also like to see the Board give a more definitive plan as to what the Township plans to do with the 10 acres they own. He felt that any decision should be deferred until the Board could address these issues.

Bart Motz, 5914 Clough Pike, stated that he was against this development for many of the many reasons stated. Though he did not believe anyone had the right to tell someone that they could not develop their land, he felt this proposed development was a bad fit for the area.

Julian Begland, H.F. Lenz Company, stated he was a civil engineer and had done an extensive amount of development throughout the country. At every opportunity he has attempted to address the concerns of the residents. His job as a civil engineer was to protect the \$30,000,000 investment of their client. They did not want to develop something that did not meet regulations or satisfy the requirements set forth by the Township, Hamilton County and the State of Ohio. He wanted to address some of the issues that were brought up by the public and some of the design criteria that permitted them to build and make the site viable. The site came with some challenges. The geotechnical engineer drilled the site extensively to see the composition of the

fill material, the surface materials, and the underline materials that were present in the area. It was a glacial till area. The soil in the stream that was deposited and eroded was soft and got suspended in the water during a high rain event. There was also an underline harder material which was why the stream had its shape. He has consulted a Geotechnical Engineer who had developed an engineering design for the stabilization of the creek. His client, Smith Packett, was willing to entertain the idea of trying to make improvements that would slow down the erosion of the bank as well as protect their investment.

When they build storm water structures they attempt to build them into the ground, to capture some of the material, bring it forward and do a volume trade. Everything taken out creates volume for the storm water and fill for the site to allow the building to occur outside of the flood plain, not affecting the floodway. Additionally, there would be no change to the riparian buffer. They had gone to great lengths to shrink and reduce the impact to the back of the site, so the trees and the natural resource would be unaffected. Smith Packett would like to work with the Township and Hamilton County on ways to help with the flooding issue on each side of the property.

Mr. Gerth asked if Hamilton County, the Army Corps of Engineers, and the agencies in charge of the watershed, erosion and the creek would in essence review this project. They would determine the impact of this project. They would either make recommendations on what needs to change or reject this project. **Mr. Drury** replied as with any development there were multiple regulatory agencies involved. The creek was regulated by the Army Corps of Engineer. Hamilton County Planning and Development Storm Water Management was also the local regulatory agency that worked with the Army Corps of Engineers. In addition, there was also Hamilton County Soil and Water Conservation District, which made recommendations on how to develop along the stream bed. All these agencies had to approve the development for it to be built. They had to ensure that these regulations were in place or being meet for the project to be built.

Ms. Stone asked if a thorough traffic study had been done. **Mr. Drury** replied that the Hamilton County Engineers Office would require a traffic impact study, which generally occurs after the zoning was approved. **Ms. Stone** stated that the traffic study had not been submitted. **Mr. Drury** replied that it had not been submitted to the Hamilton County Engineer for approval. The traffic study would be a requirement if the development were to advance. Though, that could occur before the development was approved.

Mr. Gerth pointed out that several things were brought up regarding the Comprehensive Plan, including violating zoning principals. He asked how long had the Comprehensive Plan been in place. **Mr. Drury** replied that the second update occurred in 2016, but the plan had been in existence for 15 years. **Mr. Gerth** asked how was it updated. **Mr. Drury** replied that there was a steering team that guided the process, along with public engagement meetings, social media and a project website. The steering team members were chosen to represent a wide range of the Township, including residents, business owners, Anderson Township Park District, Great Parks of Hamilton County, City of Cincinnati, the Forest Hills Local School District, along with adjacent communities.

Mr. Gerth asked if the 10 acres of Township owned property could be designated as Greenspace. **Mrs. Earhart** replied that there had been a considerable amount of discussion regarding why the Township had not confirmed that those 10 acres would be Greenspace. She explained that property could not be converted to Greenspace until the Greenspace Advisory Committee weighed-in and until the Trustees act under the guidance of the committee it cannot be official. **Mr. Drury** pointed out that any work on the property needed to be done before it could be designated as Greenspace.

Mr. Gerth asked **Mr. Drury** to review why Hamilton County Regional Planning Commission denied the zone change request. **Mr. Drury** explained that Hamilton County Regional Planning staff recommended denial of the first application; therefore, the applicant chose to withdraw the submittal before it reached the Hamilton County Regional Planning Commission. After a joint meeting was held with the Hamilton County Regional Planning staff, the Township and applicant, the applicant came back with a revised plan. It was submitted to the Hamilton County Regional Planning staff who, once again, recommended denial of the application. The bylaws stated that if it was not consistent with the Township future land use map, and the colors did not match, it had to be denied. **Mr. Gerth** asked if there were any other factors that went into the Hamilton County Regional Planning Commission staff's decision or was it strictly based on that map. **Mr. Drury** replied that the decision was strictly based off of their bylaws, consistent with the color on the map. **Mr. Gerth** pointed out that there was no future institutional use on the map. **Mr. Drury** explained this was a unique land use; therefore; staff sought guidance from Hamilton County Regional Planning regarding the necessity to change the future land use map, along with the zone change. Staff was given guidance from the Planning Commission that the text of the Comprehensive Plan supported the request. Other communities were facing the same issue, as the zoning district for this type of use was either planned multi family or retail. If this site was identified for multifamily in the Comprehensive Plan that would allow for more intense uses than a senior living facility. Staff felt that this type of facility was less intense than the apartments next door. This particular property was not discussed during the Comprehensive Plan update.

Mr. Gerth pointed out if this zone change were denied, and this development went away, the property owners could then sell the land to a single-family developer, allowing for 19 homes. **Mr. Drury** replied that was correct. The property was zoned for 20,000 square foot lots. **Mr. Pappas** asked if that would require a review from Hamilton County. **Mr. Drury** replied that the only review that would be required was a subdivision hearing. **Mr. Gerth** pointed out that there were approximately 9,000 cars that traveled on Clough. The proposed senior living development, through the formulas the developers ran, to date, is projected to cause a 3% increase, and with the 19 single family homes there would be a 2% increase. **Mr. Gerth** asked how many homes could be developed on the Township's open space property. **Mr. Drury** replied that the Township property would hold approximately 19 single family homes, as well. **Mr. Gerth** pointed out that would be a greater impact to traffic on Clough. **Mr. Gerth** asked the developer, Smith Packett, if they would be open to installing a turn off lane, heading east, on Clough or other improvements such as connecting the sidewalks along Clough to Copperleaf. **Mr. Bishop** replied yes, stating that they typically work with the Transportation Department after a traffic study was completed.

Mr. Gerth stated that given the concern about the traffic he believed it was important to have a traffic study completed. **Mr. Begland** stated that they consulted with a third-party traffic engineer who utilized the design manual, which had some contingency for increases that occur over time. They also looked at the use and with this use there was the ability to slide the shift change ahead or after peak flow. That opportunity would not exist with a residential subdivision. The study completed was preliminary, but it was conservative, and it still identified both of the access points on this property as a low volume driveway, required no turning lanes and that was driven purely by quantity. **Mr. Gerth** stated that the preliminary numbers from the third-party traffic study looked good. Therefore, if a traffic study was done he would expect those numbers to match. Not having that completed and knowing that traffic volume was going to be a concern of this project, he felt that needed to be taken into consideration.

Mr. Pappas pointed out that Clough Pike was a narrow road. He was also concerned that if the senior living facility withdrew its proposal, 19 homes could be built on that property with no input from the Township and no traffic study completed. He was cognizant of all the comments that had been made and he would prefer to hold on any decision until a traffic study was completed.

Mr. Gerth asked if something were to change with this property, in the future, how would the approval process be handled. **Mr. Drury** replied if the nature of the use changes substantially it would need to go back through the zone change process, which was identified in the Zoning resolution.

Ms. Stone stated that there were many pictures brought before the Board showing erosion along Clough Creek. If the property was kept zoned residential for 19 homes the erosion issues would still occur. No matter what happened with this site the erosion issue needed to be addressed. **Mr. Begland** pointed out that it was not the development that was creating the issue, the issue was pre-existing. Currently, infrastructure was required to store storm water and release it slowly after a rain event occurred. The majority of the Township was built out prior to those requirements. There were 400,000 acres without storm water control.

Mr. Gerth closed the public hearing.

Resolution 19-0117-01: Mr. Gerth moved to close the public hearing and continue Case 3-2018 Anderson at 6201 and 6301 Clough Pike until the applicant has submitted a thorough and complete traffic study which has been vetted by the Hamilton County Engineers office. Mr. Pappas seconded the motion.

There was no further discussion.

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

PUBLIC FORUM

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

FISCAL OFFICER

Financial Reports – Mr. Dietz announced that the end of December financial reports were available for review.

LAW DIRECTOR

Mrs. Earhart requested that the Board consider a Resolution Declaring Intent of Board of Trustee to Reimburse Certain Expenditures for the Recreational Facilities Improvement Project from Proceeds of Bonds –

Resolution 19-0117-02: Ms. Stone moved to adopt a resolution declaring intent of the Board of Township Trustees of Anderson Township (County of Hamilton), Ohio, to reimburse certain expenditures for the recreational facilities improvement project from proceeds of bonds as follows; Mr. Pappas seconded the motion:

RESOLUTION NO. 19-0117-02

RESOLUTION DECLARING INTENT OF THE BOARD OF TOWNSHIP TRUSTEES OF ANDERSON TOWNSHIP (COUNTY OF HAMILTON), OHIO, TO REIMBURSE CERTAIN EXPENDITURES FOR THE RECREATIONAL FACILITIES IMPROVEMENT PROJECT FROM PROCEEDS OF BONDS

WHEREAS, Anderson Township (County of Hamilton), Ohio (the “Issuer”), intends to acquire and construct certain improvements to the Geiger Activities Center, also known as the Geiger Building, Geiger Center and Beech Acres RecPlex (the “Recreational Facilities”), located at 6915 Beechmont Avenue in Anderson Township, together with all appurtenances necessary therefor (the “Project”); and

WHEREAS, the Recreational Facilities are located on real property to be acquired by this Board pursuant to a Real Property Purchase and Sale Agreement previously authorized by this Board and with funds heretofore appropriated by this Board and not included as Reimbursement Expenditures (as defined herein); and

WHEREAS, the Issuer expects to pay certain capital expenditures (the “Reimbursement Expenditures”) in connection with the Project prior to the issuance of bonds or bond anticipation notes (the “Obligations”) for the purpose of financing costs associated with the Project; and

WHEREAS, the Issuer reasonably expects that the Obligations in an amount not expected to exceed \$3,000,000 will be issued and that certain of the proceeds of such Obligations will be used to reimburse the Issuer for the Reimbursement Expenditures; and

WHEREAS, Section 1.150-2 of the United States Treasury Regulations requires the Issuer to declare its reasonable official intent to reimburse prior expenditures for the Project with proceeds of a subsequent borrowing:

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

SECTION 1. The Issuer finds and determines that the foregoing recitals are true and correct.

SECTION 2. This declaration is made solely for purposes of establishing compliance with the requirements of Section 1.150-2 of the United States Treasury Regulations. This declaration does not bind the Issuer to make any expenditure, incur any indebtedness, or proceed with the Project.

SECTION 3. The Issuer hereby declares its official intent to use proceeds of indebtedness to reimburse itself for Reimbursement Expenditures.

SECTION 4. This declaration shall take effect from and after its passage.

SECTION 5. 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 6. 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; Ms. Stone, yes; Mr. Pappas, yes.

PLANNING & ZONING

Enclaves of Woodruff Alternative Sidewalk Agreement –

Resolution 19-0117-03: Mr. Pappas moved to modify the sidewalk requirements as outlined in staff's memorandum, dated January 10, 2019, for the Enclave of Woodruff subdivision, to allow for off-site sidewalk construction on the north side of Woodruff Road from Sandker Lane, east to Elderwood Drive, as outlined by staff and consistent with the Anderson Township Sidewalk Plan with funding provided by Meierjohan Building Group and Township TIF dollars. Ms. Stone seconded the motion.

There was no further discussion.

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

SHERIFF'S OFFICE

Resolution Authorizing Sale of Surplus Equipment to Pickaway County –

Resolution 19-0117-04: Ms. Stone moved to authorize the sale of surplus equipment to the Board of County Commissioners of Pickaway County, Ohio, pursuant to a contract authorized by Section 505.101 of the Revised Code as follows; Mr. Pappas seconded the motion:

RESOLUTION NO. 19-0117-04

AUTHORIZING THE SALE OF SURPLUS EQUIPMENT TO THE BOARD OF COUNTY COMMISSIONERS OF PICKAWAY COUNTY, 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 vehicles, materials, equipment or supplies from or to any department, agency, or political subdivision of the State; and

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

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. That this Board hereby determines that it is in the best interest of the Township to dispose of the following described surplus equipment, to-wit: one 2010 Ford Crown Victoria with 113,000(+/-) miles, VIN 2FABP7BV2AX130943, including all associated equipment, “as is” and valued at \$3,600.00; one 2010 Ford Crown Victoria with 109,000 (+/-) miles, VIN 2FABP78V0AX130942, including all associated equipment, “as is” and valued at \$3,600.00; and one 2006 Ford Crown Victoria with 92,000 (+/-) miles, VIN 2FABP71W66X109029, including all associated equipment, “as is” and valued at \$3300.00 by sale to the Board of County Commissioners of Pickaway County, Ohio (the “Purchaser”), upon the terms hereinafter set forth and in accordance with 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 \$10,500.00, payable to the Township.

Section 3. That the Township Administrator is hereby authorized to enter into a contract substantially in the form attached hereto as Exhibit A 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 to be financially advantageous to the Township, which determination shall be evidenced by her execution of the Agreement.

Section 4. That the preambles hereto are and for all purposes shall 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) Ohio Revised Code Section 121.22, except as otherwise permitted hereby.

There was no further discussion.

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

PUBLIC WORKS DEPARTMENT

Mr. Luginbuhl had nothing requiring Board action.

FIRE & RESCUE

Chief Martin had nothing requiring Board action.

ADMINISTRATION

Ohio Township Day – **Mrs. Earhart** stated that the Ohio Revised Code and the State Legislature set aside the first February in each year as Ohio Township Day in recognition of township trustees, fiscal officers, and staff.

Authorization to Purchase Video Equipment for Board Meeting Room –

Resolution 19-0117-05: Mr. Pappas moved that this Board hereby approve proposal from Industrial Communication and Sound for the Board Room Video System work, for a maximum appropriation of \$6,750.00; further, this Board hereby authorizes and directs the Township Administrator, after consultation with the Law Director, to enter into contract with Industrial Communication and Sound for the Board Room Video System work. **Ms. Stone** seconded the motion.

There was no further discussion.

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

Resolution Imposing Temporary Moratorium of Ninety Days on Micro Wireless Telecommunications Facilities –

Resolution 19-0117-06: Ms. Stone moved to adopt a resolution imposing a temporary moratorium of ninety days upon the processing, approval and issuance of any permits relating to the construction or installation of, and/or modification to, micro wireless telecommunications facilities within the rights-of-ways and residential areas of Anderson Township, Ohio as follows; **Mr. Pappas** seconded the motion:

RESOLUTION NO. 19-0117-06

**RESOLUTION IMPOSING A TEMPORARY MORATORIUM OF NINETY DAYS
UPON THE PROCESSING, APPROVAL, AND ISSUANCE OF ANY PERMITS
RELATING TO THE CONSTRUCTION OR INSTALLATION OF, AND/OR
MODIFICATION TO, MICRO WIRELESS TELECOMMUNICATIONS FACILITIES
WITHIN THE RIGHTS-OF-WAYS AND RESIDENTIAL AREAS OF ANDERSON
TOWNSHIP, OHIO**

WHEREAS, Section 519.211 of the Ohio Revised Code authorizes a township board of trustees to regulate telecommunications towers in residential areas in the unincorporated areas of a township; and

WHEREAS, this Board has an interest in the location, installation, construction, reconstruction, and certain changes, alterations, or enlargement of, telecommunications towers (including Mini Cell Towers as defined herein) in the Township; and

WHEREAS, this Board deems it to be in the public interest to regulate and manage its public rights-of-way in the Township; and

WHEREAS, certain technological advancements and legal developments with respect to micro or mini cell towers have come to the attention of this Board, and the Board deems it necessary to review, study and potentially address those advancements and legal developments in a reasonable manner, particularly with respect to the installation and construction of mini cell towers within the rights-of-ways and residential areas in the Township; and

WHEREAS, the development and implementation of adequate policies and regulations regarding mini cell towers, and the siting of such wireless facilities and utilities in a way that addresses local concerns, standards, and policies, requires the consideration of a telecommunications and utilities facilities plan intended to provide the public with access to utility and wireless services, and to comply with federal and Ohio law; and

WHEREAS, for the purposes of this resolution, "Mini Cell Towers" shall include, but not be limited to, all of the following categories:

"Wireless facilities" which means an antenna, accessory equipment, or other wireless device or equipment used to provide wireless service; and

"Wireless support structures" which means a pole, such as a monopole, either guyed or self-supporting, light pole, traffic signal, sign pole, or utility pole capable of supporting wireless facilities. As used in section 4939.031 of the Ohio Revised Code, "wireless support structure" excludes a utility pole or other facility owned or operated by a municipal electric utility; and

“Small cell facility” which means a wireless facility where each antenna is located inside an enclosure of not more than six cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of not more than six cubic feet in volume and all other wireless equipment associated with the facility is cumulatively not more than twenty-eight cubic feet in volume and if the wireless facility were placed on a wireless support structure, the increased height would be not more than ten feet or the overall resulting height would be not more than fifty feet. The calculation of equipment volume shall not include electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services; and

“Micro wireless facility” which means and includes a distributed antenna system and a small cell facility, and the related wireless facilities; and

“Distributed antenna system” which means a network or facility to which all of the following apply: (1) It distributes radio frequency signals to provide wireless service; (2) It meets the height and size characteristics of a small cell facility; (3) It consists of remote antenna nodes deployed throughout a desired coverage area; has a high-capacity signal transport medium connected to a central hub site; and equipment located at the hub site to process or control the radio frequency signals through the antennas; and (4) It conforms to the size limitations specified in definition of a “small cell facility” noted above; and

WHEREAS, in order to complete a review, develop a utilities facilities plan or resolution and a permitting process, and/or to review and make recommendations with respect to zoning and/or limitations on Mini Cell Towers, Township staff will require additional time to complete its review and develop recommendations for this Board to insure that any proposed regulations and processes are rationally-based, conform to objectives of the Township, enhance the public peace, health, safety, and welfare of its citizens, and comply with law; and

WHEREAS, to provide adequate time for completion of such review, this Board determines that it is necessary to impose a moratorium of ninety (90) days on the processing, approval and issuance of permits for Mini Cell Towers in the rights-of-ways and residential areas of Anderson Township;

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. In order to provide adequate time for the review of technological advancements and legal developments with respect to the siting and modification of telecommunications towers, including Mini Cell Towers, in the Township, to determine what, if any, regulations regarding the location, installation and construction of Mini Cell Towers within the rights-of-ways and residential areas of the Township are necessary and in the furtherance of the public peace, health, safety and welfare, this Board hereby imposes a moratorium for a period

of ninety (90) days, commencing on January 18, 2019, on the processing, approval, and issuance of any permits for the construction or installation of, or modification of, Mini Cell Towers within the rights-of-ways and residential areas of the Township. The Township Administrator is instructed to lead Township staff in completing the aforesaid review in an expeditious manner and to make recommendations to this Board in the matter.

SECTION 2. During the aforesaid period of the moratorium, no permits for the installation of any Mini Cell Towers within the public rights of way of the Township or in residential areas of the Township shall be processed and/or issued by the Township.

SECTION 3. The preambles hereto 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 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 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 5. This Resolution shall be effective on the earliest date allowed by law.

There was no further discussion.

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

Adoption of Anderson Township Credit Card Policy –

Resolution 19-0117-07: Mr. Pappas moved to adopt a resolution approving and adopting the Anderson Township Credit Card account policy (2019) as follows; Ms. Stone seconded the motion:

RESOLUTION NO. 19-0117-07

**RESOLUTION APPROVING AND ADOPTING THE ANDERSON TOWNSHIP
CREDIT CARD ACCOUNT POLICY (2019)**

WHEREAS, this Board determines that it is in the best interest of the Township to review and update its credit card policy from time to time; and

WHEREAS, the Ohio Legislature recently amended Section 505.64 of the Revised Code authorizing the use of township credit cards; and

WHEREAS, staff has reviewed the Township's existing credit card policy and recommends that this Board adopt a new and revised Credit Card Account Policy in the form presented to this Board;

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 adopts the Anderson Township Credit Card Account Policy (2019) attached hereto as Exhibit A.

SECTION 2. That any credit card policy previously approved and adopted for the Township is hereby deemed to be superseded by the Anderson Township Credit Card Account Policy (2019) approved and adopted in Section 1 hereof, which shall be implemented effective immediately.

SECTION 3. 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 4. 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; Ms. Stone, yes; Mr. Pappas, yes.

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

As there was no further business, the meeting adjourned.

These minutes were approved at the meeting of April 18, 2019.



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 17th day of January 2019, and that said minutes have been duly entered upon the Journal of said Township.

This 18th day of April, 2019.



Kenneth G. Dietz
Fiscal Officer

February 21, 2019

The Board of Township Trustees of Anderson Township ("Board") held its regular monthly meeting on February 21, 2019, at 6:00 p.m., in the Anderson Center Board Room. Present were the following Board members:

Joshua S. Gerth
Robin D. Stone
Andrew S. Pappas

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

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

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

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, Lt. Dan McElroy, Law Director Margaret Comey, Township Attorney Gary Powell and Administrative Assistant Molly Mohrfield. He asked them to join him in the Pledge of Allegiance.

Mr. Pappas moved to adopt the agenda. Ms. Stone seconded the motion.

There was no further discussion.

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

Case 3-2018 Anderson, Harmony Senior Living, 6201-6301 Clough Pike

Board Discussion Regarding Traffic Impact Study – **Mr. Drury** stated that this was a continuation from the January 17th Board of Trustees Meeting. The applicant was Cincinnati AL Investor, LLC on behalf of KinderEight, LLC and SWGR Clough, LLC. The location was 6201 and 6301 Clough Pike. The request was for a change from "A" single family residence to "DD" Planned Multi Family for the purpose of constructing two buildings for memory care and assisted living. The buildings would be connected via a breezeway with associated parking, landscaping, lighting. The Trustees held a public hearing last month, closed the case and requested that the applicant provide a traffic impact study, and for that study to be reviewed by the Hamilton County Engineers Office. The Hamilton County Engineers Office did review and approved the study. The traffic impact study showed that the proposed use would have minimal impact on the existing conditions of Clough Pike and did not recommend any improvements to Clough Pike. Even though the study came back stating no improvements were needed, the

applicant had submitted a letter stating that they would be willing to construct a right turn lane into the western most access pending the Township's willingness to dedicate an easement if the turn lane was unable to fit in the right-of-way. **Mr. Gerth** asked if the western most entrance would be considered the main entrance. **Mr. Drury** replied it would be.

Mr. Gerth asked what the peak number of estimated trips were in and out of this proposed development. **Mr. Drury** replied that peak morning was 23 and the peak afternoon/evening was 32. **Mr. Gerth** asked, by comparison, what the daily traffic count was for the Reserve of Turpin. **Mr. Sievers** replied the estimated traffic count was 1,400 based on approximately 325 housing units. The estimated traffic count for Turpin Hills was 2,000/2,500 based on approximately 500 housing units. Together those two developments comprise a large majority of the 9,000 cars that traverse Clough Pike daily.

Mr. Pappas asked what the forecasted number of EMS runs would be for this proposed facility. **Mr. Goyette, Chief Operating Officer of Harmony Senior Services**, replied approximately one every two to three days. **Mr. Gerth** asked Chief Martin if there would be any capacity issues with the additional EMS runs. **Chief Martin** replied that Station 101 Clough/Hunley, the servicing station, was the slowest station, with approximately 917 runs per year which equated to 2.51 runs per day. A study was conducted using the other five similar senior living facilities in the Township and there were approximately .71 runs per day which was in line with what the applicant stated, one run every 1.41 days. That would take Station 101 runs to 3.22 runs per day, making it slightly the third busiest station. By comparison Station 6, Beechmont, the busiest station, made 6.79 runs per day.

Mr. Gerth asked with regard to the traffic impact study what the Level of Service rating "A" represented. **Julian Begland, H.F. Lenz Company, Civil Engineer**, replied that the Highway Capacity Manual defines the Level of Service as a function of the delay encountered by motorists and was designated by a letter grade. The "A" designation represented little or no delay. He pointed out that the only time Clough Pike moved from the "A" designation to a "B/C" designation, which represented a short to average traffic delay wait time, was when pulling out of the proposed driveway onto Clough.

Mr. Gerth asked **Mr. Drury** to give a summary, to date, of the process that has taken place with regard to the requested zone change on this property. **Mr. Drury** stated that the current zoning was "A" Single Family. The property on the east and south sides of the site were zoned "DD" Planned Multi Family. The Comprehensive Plan consisted of a future land use map, which identified this property with a yellow designation as single-family residence. When this zone change request went before the Hamilton County Regional Planning Commission their bylaws would only allow them to look at the future land use map and the color on the map. The requested change to Planned Multi Family did not match the color on the Township map, which was single family. Since it was inconsistent, Hamilton County Regional Planning denied it on that basis and there was not further consideration of the application or how it may fit with some of the other elements and other chapters of the Comprehensive Plan. **Mr. Gerth** pointed out that there was no designation in the Comprehensive Plan for transitional, or senior living. If there was such a designation, thru the Comprehensive Plan, that property would have been designated as such. **Mr. Drury** stated that staff looked at the other chapters and elements of the Comprehensive Plan and felt this transitional use was compatible; therefore, staff and ultimately the Zoning Commission, recommended the zone change. **Mr. Gerth** asked how old the

Comprehensive Plan was. **Mr. Drury** replied that the plan was originated in 2005 and the second update occurred in 2016. **Mr. Gerth** asked how many residents were involved in updating the plan. **Mr. Drury** explained that there was a steering team of approximately 35 members which consisted of residents, business owners, partnering agencies and the Board of Education. Outside of the steering team there was also public engagement opportunities, public meeting, and online opportunities. **Mr. Gerth** pointed out that in addition to the Comprehensive Plan Steering Committee the Economic Development Committee looks at these types of projects as well. The Economic Development Committee consists of approximately 25 members who were all residents/business owner from the Township. **Ms. Stone** asked if the Comprehensive Plan was a document that was looked at as a whole. **Mr. Drury** replied that it had to be looked at, as a guide. It was not written in stone; some individual parcels could be missed during the formation process. **Ms. Stone** stated that she was the Trustee liaison on the Comprehensive Plan update, pointing out that not every parcel was looked at. It was looked at more as a whole, regarding what was needed in the Township.

Mr. Gerth stated that there has been some concern about Clough Creek, erosion, and the watershed. He pointed out that this proposed development would have adequate detention ponding and would meet all regulations that had been put forth. **Mr. Drury** explained that with any new development the builder was required to provide on-site detention so that the pre-development runoff was the same or better than post development. Essentially, the water was being held back and released at a slower rate than it would have been pre-development. The developer had stated that they would hold 120% of the water before releasing it. These regulations had been in place since the late 1990's. That was part of the problem with Clough Creek because most of the development that fed into the creek happened before the late 1990s. **Mr. Gerth** asked if the Reserve of Turpin and Turpin Hills had detention ponding. **Mr. Drury** responded that Turpin Hills did not. **Mr. Gerth** asked if the Reserve of Turpin, which was located in Mt. Washington, had detention ponding. **Mr. Drury** stated that he had contacted the City of Cincinnati and no detention ponding could be located. **Mr. Gerth** asked if the Reserve of Turpin could build a detention pond. **Mr. Drury** replied it would be difficult and would have to be placed on private property.

Mr. Gerth stated that that the parcel being discussed was not Greenspace. It was private property. Though the Township did own nine acres next to this development and to the extent that it could be designated as official Greenspace was something that could be pursued. **Mrs. Earhart** explained that any work that would need to occur on the property would have to be done before the Greenspace designation. To date, the Township owned approximately 700 acres of property that was maintained as Greenspace, which would remain in its natural state and had an estimated value of \$15,000,000. When you combine that with the parks and the open space in the Township there was approximately 28,000 acres of land that was publicly accessible, which encompassed 15.5% of the total acreage in the Township, which meant that there was approximately 60 acres of land for each 1,000 residents in the Township. **Mr. Gerth** stated that the Township had five times the amount of Greenspace than the average community was recommended to have. Staff was very cognizant of Greenspace in the Township, so to the extent that it did work out and there were no unforeseen issues, he believed that the nine acres of property could remain undevelopable space, Greenspace. **Mr. Sievers** pointed out that there were approximately 27 parcels in the Clough watershed that were Greenspace, comprising nearly

106 acres. The Township was one of the largest owners of land in the watershed and that property had been left in its natural state.

Mr. Pappas stated that he was pleased that the developer seemed willing to work with the Township to mitigate some erosion and traffic concerns.

Mr. Gerth pointed out the Comprehensive Plan had a considerable amount of input from residents. The Economic Development Committee was comprised of residents who reviewed zoning cases. The Planning and Zoning Department had five planners who recommend pre-development meetings and gave feedback and guidance to developers. The developer had scaled back the project and was willing to compromise on contentious issues. If for any reason this development would be a determinant or a safety hazard to the community, he would have argued against the proposal. He understood that for most this was "in your backyard" but the job of the Trustees was to review the facts of the case, not the emotion. This project had to meet criteria and it did.

Resolution 19-0221-01: Mr. Pappas moved to approve and adopt a zone change from "A" Residence to "DD" Planned Multiple Residence for property located at 6201 and 6301 Clough Pike as follows; Ms. Stone seconded the motion:

**RESOLUTION NO. 19-0221-01
CASE 3-2018 ANDERSON
6201 and 6301 CLOUGH PIKE
(Book 500, Page 360, Parcels 24, 31, 39, 48, and 404)**

Approving and Adopting a Zone Change from "A" Residence to "DD" Planned Multiple Residence for property located at 6201 and 6301 Clough Pike.

WHEREAS, this Board of Township Trustees ("Board"), on January 17th, 2019, has discussed Case 3-2018 Anderson, an application filed by Cincinnati AL Investors, LLC, on behalf of Kindereight LLC and Swgr Clough LLC, property owners, requesting an amendment to the map of the Anderson Township Zoning Resolution for properties located at 6201 and 6301 Clough Pike (Book 500, Page 360, Parcels 24, 31, 39, 48, and 404, containing 8.95 acres to effect, a zone change from "A" Residence to "DD" Planned Multiple Residence, to allow the construction of two buildings for assisted living and memory care, 30' tall and 32' tall, for a total of 119,000 sq. ft., known as Harmony Senior Living Facility of Anderson, with a total of 123 beds, 84 parking spaces and connected by an enclosed walkway; and

WHEREAS, after allowing for public testimony and deliberating in public session, the Hamilton County Regional Planning Commission recommended denial of the application, in Case 3-2018 Anderson at its December 6, 2018, meeting; and

WHEREAS, after allowing for public testimony and deliberating in public session, the Anderson Township Zoning Commission recommended approval of Case 3-2018 Anderson, with conditions, at its December 17, 2018; and

WHEREAS, on January 17, 2019, 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 and moved that the public hearing be closed, until the applicant has submitted a thorough and complete traffic study which has been vetted by the Hamilton County Engineers Office.; and

WHEREAS, public testimony identified concerns regarding creek erosion and flooding along Clough Creek, and the applicant has indicated a willingness to work with Anderson Township and other agencies to explore and possibly construct a downstream overflow basin and/or upstream slope stabilization to help mitigate existing conditions; and

WHEREAS, Case 3-2018 was continued until this meeting, on the 21st of February, where the Board reviewed the submitted traffic study, as well as testimony and comments received on the case prior to, during, and subsequent to the public hearing on January 17th; now therefore,

BE IT RESOLVED by the Board of Township Trustees of Anderson Township ("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 goals from "People and Housing", "Quality of Life", and "Land Use and Development" chapters of the Comprehensive Plan text, which support the establishment of senior housing to meet population and market demands.
2. The proposed use is compatible with the surrounding neighborhood and stabilizes the neighborhood by promoting orderly development with its compliance with the Zoning Resolution.
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 the Anderson Township Zoning Commission, and/or by this Board:

1. That a lighting plan be submitted as part of the Final Development Plan in accordance with Article 5.3, K of the Anderson Township Zoning Resolution.

2. That a detailed landscaping plan shall be submitted that meets the minimum standards of the Zoning Resolution as part of the Final Development Plan, including perimeter landscaping and interior landscaping.
3. That a substantial buffer on the western property line be installed.
4. That all proposed parking areas shall be designed to meet the minimum space and aisle dimension requirements of the Zoning Resolution.
5. That a connection be shown on the Final Development Plan from the proposed sidewalk on Clough Pike to the proposed internal sidewalk.
6. That a right-turn lane be constructed on Clough Pike into the western most access.
7. (If Necessary for Trustee conditions)

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 Natural Resource Conservation Service 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 the Director of Public Works certifying that the approved plans and specifications for storm drainage improvements have been completely implemented; Director of Public Works 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.

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, the Department of Public Works, 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; Ms. Stone, yes; Mr. Pappas, yes.

PRESENTATION AND RECOGNITIONS

Recognition of Lt. Matt Guy –

Resolution 19-0221-02: Mr. Gerth moved to adopt a resolution of appreciation with respect to the services of Lt. Matthew J. Guy as follows; Ms. Stone seconded the motion:

RESOLUTION NO. 19-0221-02

RESOLUTION OF APPRECIATION WITH RESPECT TO THE SERVICES OF LT. MATTHEW J. GUY

WHEREAS, Matthew J. Guy began his career with the Hamilton County Sheriff's Office December 5, 1991; was promoted to the rank of Lieutenant October 13, 2011; appointed Commander of District 5 serving Anderson Township on February 25, 2013; and was reassigned to the Regional Enforcement Narcotics Unit in December 2018; and

WHEREAS, for six years, Lt. Matthew J. Guy used his extensive knowledge, experience, and desire to serve the public to successfully lead District 5 in delivering exemplary services to the residents of Anderson Township; and

WHEREAS, during his tenure as District 5 Commander, Lt. Guy displayed professionalism and ethical leadership garnering the respect and support of Anderson Township officials and those under his command;

NOW, THEREFORE BE IT RESOLVED by the Board of Township Trustees of Anderson Township, Hamilton County, Ohio ("Board"), that upon his reassignment within the Hamilton County Sheriff's Office after serving as Commander of District 5 for the last six years, Matthew J. Guy is hereby honored for his diligent and dedicated service to the residents of Anderson Township; and

BE IT FURTHER RESOLVED that copies of this resolution be certified to Hamilton County Sheriff Jim Neil and Lt. Matthew Guy by the Fiscal Officer; and

BE IT FURTHER RESOLVED that the preambles hereto are and shall for all purposes be construed to be integral and operative parts of this resolution.

BE IT FURTHER RESOLVED 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) R.C. §121.22, except as otherwise permitted thereby.

There was no further discussion.

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

Recognition of Lt. Doug Fisher Upon His Retirement – **Chief Martin** announced that Lt. Doug Fisher would be retiring after 29 years of service to the Township.

Oath of Office for Lt. Brad Parker –

Resolution 19-0221-03: Mr. Pappas moved to appoint Brad Parker as Lieutenant for the Fire & Rescue Department, effective January 18, 2019. Ms. Stone seconded the motion.

There was no further discussion.

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

Mr. Dietz administered the Oath of Office.

PUBLIC FORUM

Erin Cox, 5880 Turpin Hills Drive, stated that there had been some discussion about the possibility of adding and encouraging the Harmony Senior Living builder to go beyond just connecting one end of their driveway to the other with a sidewalk, and suggested that they connect Copperleaf Drive to Newtown Road. She believed that a detention basin on the open space was needed and would like to see a walking path around it, as well, before it was closed off for Greenspace. She asked if there had been a comprehensive corridor study done for Clough Pike. She understood that there was a specific traffic study completed but was concerned that it did not take into consideration the potential new developments that were being discussed. She

also pointed out that everything that was done since 2008, with regard to the environmental impact of Clough Creek, had not helped the situation.

Mr. Gerth replied with regard to a detention basin on the Township open space, he believed that was part of the resolution. **Mr. Sievers** replied that there was a condition in the resolution, but pointed out that was not the applicant's property, though they had indicated a willingness to do so. The Township would be willing, as well, to explore installing a detention basin in the open space, as well as upstream as opportunities arise. The sidewalk connection was a part of the trails plan and to the extent that this development would be in a Tax Increment Financing district it would be possible to utilize those funds for improvements in that area.

Alfred Xin, 6310 Copperleaf Lane pointed out that the builder did not state how much water the detention basin would hold. His home was near the construction site and he expressed concern that the proposed buildings would have a great impact on his home. He did not believe that there was a need for the retirement center. The erosion along Clough Creek was getting worse, which would impact his home and the homes downstream.

Guy Wolf, 6001 Stirrup Road, stated that he had learned that as long as a development was within the zoning regulations, no traffic study was required. He pointed out that with Harmony Living Center, and the other proposed planned unit developments, there could potentially be an additional 1,100 trips per day within a three mile stretch of Clough Pike. To his knowledge no traffic study had been requested of the Hamilton County Engineer. He believed that at some point a widening of Clough would be inevitable if developments continued to occur without some type of control mechanism in place. **Mr. Gerth** stated that a more comprehensive traffic study would be discussed.

Tony Becker, 6104 Clough Pike, stated that the characterization of "not in our backyard" was false and unkind. Everyone was concerned with the health of the community. Engineering solutions were fallible, human history was filled with great ideas that failed. The proposed development needed more study. He was concerned that with the increase in rainfall, the detention basins were going to become overwhelmed.

Jeff Harmon, 5644 Four Mile, felt that proposed developments were not being studied adequately regarding the impact they would have on the Township. In his view the Trustees seemed to be more concerned about money than the tax revenue that was being lost when roads were washed out. In the Comprehensive Plan, the study of watersheds was referenced multiple times, and this development went against the study and recommendations.

Susan Wheatly, 6104 Clough Pike, realized that this had been a difficult issue and she appreciated the efforts that had been made. She was concerned that only the Zoning Commission would review the proposed planned unit developments slated for Clough Pike, not the Trustees. She therefore asked where were the checks and balances. She pointed out that she was not looking at the proposed development from a "my backyard" viewpoint, she looked at it as a whole and how it would affect the Township and County in the years to come.

Mr. Gerth stated that the review process that was in place for each of these specific developments was outlined by the Ohio Revised Code. The Township was not in charge of dictating how the process worked regarding which Board hears what cases.

Mr. Gerth pointed out that this Board did not make decisions based on emotions, decisions were made based on facts. Ms. Wheatly had asked about where were the checks and balances. There was a Comprehensive Plan that had residential input and an Economic Development Committee that looked at every proposed development and gave its input. He did not mean any disrespect regarding the “not in your backyard” reference but every email he had received on the Harmony case was from someone around the proposed development. A decision could not be made based on the surrounding property owners that did want this development in their backyard. The Board could not treat any proposed development differently based on location.

Ms. Stone pointed out that the resolution that was passed was not read in its entirety but there were requirements requiring the plan go back to the Hamilton County Engineer, Hamilton County Planning and Development, Metropolitan Sewer District and The Natural Resource Conservation Service. This was a preliminary plan. The Army Corps of Engineers would examine the issues along Clough Creek, a valuable natural resource that the Township wanted to protect.

Mr. Pappas pointed out that not every case comes before the Trustees. Planned Unit Developments (PUD) go before the Zoning Commission and that was where residents could voice their opinions. The Township would need the permission and the oversight of the Army Corps of Engineers before any modifications could be made to Clough Creek, as they were the governing body. The Board was cognizant of the concerns with Clough Creek. The Township form of government was very limited in its scope of power.

Mrs. Earhart stated that both the Zoning Commission and the Board of Zoning Appeals were appointed by the Trustees and were Township residents who had a vested interest in the Township. They were not paid Township employees. She pointed out that properties along Clough Creek were not only the Townships, but private property as well, and any improvements would require authorization from those owners. To expand Clough Pike would involve consent from property owners as well. There were limitations on what the Township could do when private property owners were involved regarding easements or retention ponds.

Mr. Sievers pointed out that the upstream stream bank preservation was located on the Woods of Turpin property; therefore, that owner would need to agree. The suggested sidewalk connection to Copperleaf would also involve owners of three panhandle properties, which may require easements to be granted from the property owners to make that connection. The improvements being discussed on the Township owned property had never been done in Hamilton County; therefore, Hamilton County, Hamilton County Storm Water District and Hamilton County Planning and Development would have to agree.

FISCAL OFFICE

Financial Reports – **Mr. Dietz** announced that the end of January financial reports were available for review.

Minutes –

Resolution 19-0221-04: Mr. Pappas moved to approve the minutes of December 6, 2018; and December 20, 2018; with minor corrections. **Ms. Stone** seconded the motion.

There was no further discussion

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

LAW DIRECTOR

Mrs. Comey had nothing requiring Board action.

PLANNING & ZONING

Authorization to Enter into Agreement for Engineering of Paddison Road Sidewalk Project –

Resolution 19-0221-05: Ms. Stone moved to authorize staff to enter into an agreement with the Kleingers Group to provide engineering services to design a plan for the Paddison Road sidewalk project for a cost not to exceed \$73,850.00 from TIF funds. Mr. Pappas seconded the motion.

There was no further discussion

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

SHERIFF'S OFFICE

Resolution Authorizing the Purchase of Sheriff's Cruisers –

Resolution 19-0221-06: Mr. Pappas moved to adopt a resolution authorizing the purchase of equipment pursuant to Section 505.101 of the Ohio Revised Code as follows; Ms. Stone seconded the motion.

RESOLUTION NO. 19-0221-06

AUTHORIZING THE PURCHASE OF EQUIPMENT PURSUANT TO SECTION 505.101 OF THE OHIO REVISED CODE

WHEREAS, Section 505.101 of the Ohio Revised Code provides for the purchase of motor vehicles, materials, equipment or supplies, without advertising or bidding, from any department, agency, or political subdivision of the State;

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 certain equipped motor vehicles for use in the delivery of police protection services in the Township, to-wit, three (3) fully equipped AWD Dodge Chargers ("Equipment"), which Equipment is available for purchase pursuant to a bid process undertaken by the Hamilton County Sheriff's department.

Section 2. That the maximum amount to be paid as the purchase price for the Equipment is \$100,000.00, which funds 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 documentation, after review by the Law Director, to effectuate the purchase of the Equipment 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; Ms. Stone, yes; Mr. Pappas, yes.

PUBLIC WORKS

Certification of the 2018 Annual Road Mileage –

Resolution 19-0221-07: Ms. Stone moved to certify the 2018 Annual Road Mileage as submitted by the Ohio Department of Transportation and the Hamilton County Engineers Office and as kept on file in the Township Public Works Department and Fiscal Department. Mr. Pappas seconded the motion.

There was no further discussion

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

Authorization for Pavement Survey Services –

Resolution 19-0221-08: Mr. Pappas moved to authorize the Township Administrator to enter into a contract with Highway Consulting Services to perform a complete Township Road Inventory including curbs in an amount not to exceed \$14,300 plus a 10% contingency utilizing funds in the Public Works budget. Ms. Stone seconded the motion.

There was no further discussion

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

Acceptance of Bids for 2019 Street Rehab Program –

Resolution 19-0221-09: Mr. Pappas moved that this Board hereby accepts the Bid of \$1,069,357.50, from John R. Jurgensen Company deemed to be the most responsive and responsible bidder for the 2019 Street Rehab Program in accordance with the Bid plans and specifications, together with a 10% contingency, for a maximum appropriation of \$1,176,923.50 in TIF funds; further, this Board hereby authorizes and directs the Township Administrator to give timely Notice of Award to the contractor and, after consultation with the Law Director, to enter into contract with John R. Jurgensen Company in accordance with their Bid for the 2019 Street Rehab Program project. Ms. Stone seconded the motion.

There was no further discussion

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

FIRE & RESCUE

Resolution Authorizing Acceptance of Blankenship Donation –

Resolution 19-0221-10: Ms. Stone moved to adopt a resolution accepting donation of fifty thousand three hundred twenty-two dollars and twelve cents (\$50,322.12) from the Marjean Blankenship Weis Trust pursuant to the authority of Section 505.10 of the Revised Code as follows; Mr. Pappas seconded the motion:

RESOLUTION NO. 19-0221-10

RESOLUTION ACCEPTING DONATION OF FIFTY THOUSAND THREE HUNDRED TWENTY-TWO DOLLARS AND TWELVE CENTS (\$50,322.12) FROM THE MARJEAN BLANKENSHIP WEIS TRUST 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, Ms. Marjean Blankenship, through her Last Will and Testament and resulting Marjean Blankenship Weis Trust desired to donate certain residual funds of said Trust in the amount of \$50,322.12 (the “Property”); and

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

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 Property from the Marjean Blankenship Weis Trust, pursuant to this Board’s authority contained in the Statute.

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 21, 2019

SECTION 2. This Board hereby accepts the donation of the Property from the Marjean Blankenship Weis Trust, pursuant this Board's authority contained in the Statute and hereby expresses its appreciation to Ms. Marjean Blankenship 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; Ms. Stone, yes; Mr. Pappas, yes.

ADMINISTRATION

CareWorksComp Renewal –

Resolution 19-0221-11: Mr. Pappas moved to authorize payment of \$25,722 to CareWorksComp for Anderson Township's participation in the 2020 Ohio Township Association's group rating program. Ms. Stone seconded the motion.

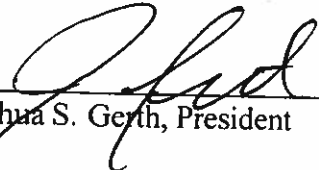
There was no further discussion

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

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

As there was no further business, the meeting adjourned.

These minutes were approved at the meeting of April _____, 2019.



Joshua S. Gerth, President

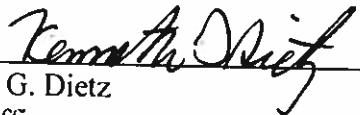


Kenneth G. Dietz, Fiscal Officer

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 21st day of February 2019, and that said minutes have been duly entered upon the Journal of said Township.

This 18th day of April, 2019.



Kenneth G. Dietz
Fiscal Officer

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
MARCH 7, 2019

The Board of Township Trustees of Anderson Township ("Board") held its regular Interim Workshop Meeting on March 7, 2019, at 2:00 p.m., in the Large Conference Room. Present were the following Board members:

Joshua S. Gerth
Robin D. Stone
Andrew S. Pappas

Mr. Gerth called the meeting to order and welcomed attendees including Fiscal Officer Ken Dietz, Assistant Administrator for Operations Steve Sievers, Assistant Administrator for Human Resources Suzanne Parker, Planner 1 Tom Caruso, Fire Chief Rick Martin, Public Works Director Eric Luginbuhl, Lt. Dan McElroy, Law Director Margaret Comey, Fiscal Office Manager Debbie Hucker and Administrative Assistant Molly Mohrfield.

Mr. Gerth moved to adopt the agenda with modification. Mr. Pappas seconded the motion.

There was no further discussion.

Mr. Dietz called the roll: Mr. Gerth, yes; Mr. Pappas, yes; Mr. Pappas, yes.

TRUSTEES/FISCAL OFFICER

Draft 2019 Permanent Budget – **Mr. Dietz** distributed the draft of the permanent budget and stated that the final adoption of the budget would take place at the March televised meeting.

DISCUSSION ITEMS

Sheriff's Office Citizen Satisfaction Survey Results – **Mr. Sievers** stated that since 2011 a citizen satisfaction survey had been sent to individuals who had contact with the Sheriff's Office, in an effort to gauge input on a variety of their experiences. The low amount of responses had been beneficial to provide an overall sense of performance to the Sheriff's Office, but there was a fair amount of staff work that went into this process. He asked if the Board would like to proceed with the continued implementation of the survey. **Mr. Pappas** replied that he would like some time to think about it. **Ms. Stone** asked what percentage of surveys were returned. **Mr. Sievers** replied that the number was low. **Lt. McElroy** pointed out that Anderson was the only Township in Hamilton County still implementing the citizen satisfaction survey. **Mr. Sievers** stated staff would get a sense on the amount of work involved and response rates and follow back up with the Board later this year.

Small Cell Site Policy/Standards – **Mr. Sievers** stated that numerous discussions had occurred regarding small cell sites/equipment as well as the Board adopting a series of moratoriums for such equipment in residentially zoned areas. Staff felt it was appropriated for the Township to formally adopt guidelines pertaining to this equipment. This guidance could be provided on future requests to locate such equipment in the Township. **Ms. Stone** felt that the fee to install equipment should be the maximum amount of \$80.00 instead of the suggested \$50.00.

2019 Property & Casualty Insurance Renewal –

Resolution 19-0307-01: Ms. Stone moved to authorize the renewal of the Township's property and casualty insurance coverage with the Ohio Township Association Risk Management Authority, for the 2019 policy year. Mr. Pappas seconded the motion.

There was no further discussion.


Mr. Dietz called the roll: Mr. Gerth, yes; Mr. Pappas, yes; Mr. Pappas, yes.

Mr. Pappas asked what the process would be to condemn the property on Beacon Street that had reoccurring drug raids and other incidents. **Lt. McElroy** replied that the property was condemned, and the owner can work on the property during the day but was not permitted to live there. **Mr. Sievers** pointed out that the property was condemned by the Hamilton County Health Department, but it must be officially condemned by the Fire Department, or Hamilton County Planning + Development, to allow for the Township to potentially demolish.

Ms. Stone would like pictures of planted trees, which were given to the 2nd graders attending the History to Schools Program in years past, to be posted on the website.

As there was no further business, the meeting adjourned.

These minutes were approved at the meeting of April 18, 2019.



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 7th day of March 2019, and that said minutes have been duly entered upon the Journal of said Township.

This 18th day of April, 2019.



Kenneth G. Dietz
Fiscal Officer