

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

January 16, 2020

The Board of Township Trustees of Anderson Township ("Board") held its regular monthly meeting on January 16, 2020 at 5:30 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 Operations Steve Sievers and Assistant Administrator for Human Resources Suzanne Parker.

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

Mr. Gerth moved to return from Executive Session. Mrs. Stone seconded the motion. Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Stone, yes; 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, Fiscal Office Manager Debbie Hucker and Administrative Assistant Molly Mohrfield. He asked them to join him in the Pledge of Allegiance.

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

There was no further discussion.

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

PRESENTATIONS AND RECOGNITIONS

Downtown Anderson Plan Merit Award – **Mr. Sievers** announced that Cincinnati's design community awarded the Downtown Anderson Plan a "Merit Award" for implementation of community planning and landscape architecture for the recent streetscape upgrades on Beechmont Avenue.

Announcement of Ohio Township Day – February 1st – **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.

Mercy Health – Anderson Hospital Update – Dr. Steve Feagins – Mr. Gerth introduced Dr. Feagins. **Dr. Feagins** pointed out that the Township was within two hours of over 500 medical school graduates. The Accreditation Council for Graduate Medical Education (ACGME) was looking to open up opportunities for more graduate education in the areas of primary care and other primary care specialties. It had been over 40 years since a new graduate medical education program had been started in the area. Therefore, in partnership with the University of Cincinnati, and the Ohio State University, Mercy Anderson would be applying for an application to the ACGME for four residency programs, which would bring, over the next five years, approximately 60 new physician trainees, plus 20 faculty. The residencies that Mercy Anderson would be submitting for were family medicine, emergency medicine, level three trauma, psychiatry, ophthalmology, and neurology. The outpatient facility would be located on the first floor of the medical office building and would become a Center of Excellence.

PUBLIC FORUM

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

TRUSTEE COMMENTS

FISCAL OFFICER

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

Minutes –

Resolution 20-0116-01: Mr. Pappas moved to approve the minutes of **October 3, 2019; October 17, 2019, November 7, 2019, November 21, 2019; December 2, 2019; December 5, 2019 at 10 a.m.; December 5, 2019; and December 9, 2019; with minor corrections. Mrs. Stone** seconded the motion.

There was no further discussion.

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

Resolution 20-0116-02: Mr. Pappas moved to approve the minutes of **December 11, 2019, with minor corrections. Mrs. Stone** seconded the motion.

There was no further discussion.

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

Resolution 20-0116-03: Mr. Gerth moved to approve the minutes of **December 13, 2019, with minor corrections. Mrs. Stone** seconded the motion.

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
January 16, 2020

There was no further discussion.

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

LAW DIRECTOR

Mrs. Comey had nothing requiring Board action.

PLANNING & ZONING

Set Public Hearing for Case 1-2020 Anderson – Various Text Amendments to the Zoning Resolution –

Resolution 20-0116-04: Mr. Pappas made a motion to set a public hearing for Thursday, February 27, 2020, at 5:30 PM at Anderson Center, 7850 Five Mile Road, Anderson Township, Ohio for the purpose of hearing Case #1-2020 Anderson. Mrs. Stone seconded the motion.

There was no further discussion.

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

SHERIFF'S OFFICE

Lt. McElroy had nothing requiring Board action.

PUBLIC WORKS DEPARTMENT

Agreement with Choice One Engineering for Copperglow Court Culvert Lining –

Resolution 20-0116-05: Mrs. Stone moved to authorize Public Works to enter into agreement with Choice One Engineering to provide engineering services to design a plan for the Copperglow culvert pipe. Mr. Pappas seconded the motion.

There was no further discussion.

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

FIRE & RESCUE

Chief Martin had nothing requiring Board action.

ADMINISTRATION

Electricity Aggregation –

Resolution 20-0116-06: Mr. Pappas moved to authorize the Township Administrator to renew the Anderson Township Electric Aggregation Program and by utilizing Energy Alliances, Inc. negotiate a renewal rate with Dynegy Energy Solutions. Mrs. Stone seconded the motion.

There was no further discussion.

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

Clough Pike Engineering –

Resolution 20-0116-07: Mrs. Stone moved to authorize the Township Administrator, after consultation and review by the Law Director, to enter into agreement with Stantec Consulting, Inc., for engineering services for the Clough Pike corridor, as outlined in the proposal dated January 7, 2020, in the amount of \$74,900, as well as a \$7,500 contingency, using TIF funds encumbered from 2019. Mr. Pappas seconded the motion.

There was no further discussion.

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

Resolution Approving Entry of Dismissal in the Matter of Board of County Commissioners of Hamilton County, Ohio V. City of Cincinnati, regarding County Water area Contract –

Resolution 20-0116-08: Mr. Pappas moved to adopt a resolution approving entry of dismissal in the matter of Board of County Commissioners of Hamilton County, Ohio V. City of Cincinnati, Hamilton County Court of Common Pleas Case No. A1804690 and order authorizing and directing attorney to file said entry of dismissal with the court as follows; Mrs. Stone seconded the motion:

RESOLUTION NO. 20 – 0116 – 08

RESOLUTION APPROVING ENTRY OF DISMISSAL IN THE MATTER OF BOARD OF COUNTY COMMISSIONERS OF HAMILTON COUNTY, OHIO V. CITY OF CINCINNATI, HAMILTON COUNTY COURT OF COMMON PLEAS CASE NO. A 1804690 AND ORDER AUTHORIZING AND DIRECTING ATTORNEY TO FILE SAID ENTRY OF DISMISSAL WITH THE COURT

WHEREAS, the Board of County Commissioners (the “BOCC”) of Hamilton County, Ohio (the “County”) entered into the County Water Area Contract dated July 1, 1987 (also known as the City of Cincinnati-Hamilton County Water Area Contract) (the “Original Contract”), with the City of Cincinnati (the “City”) for the purchase of surplus City water from the Greater Cincinnati Waterworks Utility (“GCWW”) by ratepayers of the GCWW who live and operate

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
January 16, 2020*

businesses in the unincorporated territories in the County (“CWA”); and

WHEREAS, residents of and businesses in Anderson Township are provided water service by GCWW pursuant to the Original Contract and are impacted by the rates charged for water service provided to them in Anderson Township under the Original Contract; and

WHEREAS, the Original Contract has been amended from time to time, most recently by the Twelfth Amendment to the County Water Area Contract effective June 28, 2018 (the “Twelfth Amendment”), and the current term of the Original Contract as so amended (the “Contract”) expired on August 31, 2018; and

WHEREAS, the Twelfth Amendment provided, among other things, that the rates for water service payable by ratepayers in the CWA (the “Water Rates”) for the period July 1, 2018 to August 31, 2018 shall remain at 1.33 times the water rates payable by ratepayers within the limits of the City (the “City Rates”); and

WHEREAS, the City proposed to charge the ratepayers in the CWA, including the residents of and businesses in Anderson Township, Water Rates up to 1.43 times the City Rates (as described in the Contract); and

WHEREAS, the BOCC filed an action in the Court of Common Pleas of Hamilton County, Ohio, Case Number A 1804690 (the “Pending Action”), seeking a temporary restraining order and a preliminary and permanent injunction prohibiting the City from changing the rate differential charged to ratepayers in the CWA under the Contract, as amended by the Twelfth Amendment, from expiring until the arbitration process is completed, the Joint Water Task Force fulfills its obligations under the terms of the Contract, and a new County Water Area Contract is negotiated and executed by all parties; and

WHEREAS, as participants in the Contract, the residents of and businesses in Anderson Township have an interest relating to the subject of the Pending Action and the disposition thereof may, as a practical matter, impair or impede Anderson Township’s ability to protect that interest unless the Township is permitted to intervene in the Pending Action; and

WHEREAS, residents of and businesses in Anderson Township will be impacted materially and adversely by the proposed increased Water Rates; and

WHEREAS, the Township joined in a motion to intervene in the Pending Action, and is an Intervening Plaintiff in the Pending Action; and

WHEREAS, settlement has been reached by virtue of Plaintiff and Defendant having entered into an Amended and Restated County Water Area Contract dated December 11, 2019 (the “2019 Contract”), which extends the terms of the Contract through December 31, 2069;

Now therefore, BE IT RESOLVED BY THE BOARD OF TOWNSHIP TRUSTEES OF

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
January 16, 2020

ANDERSON TOWNSHIP, HAMILTON COUNTY, OHIO (the "Township"), as follows:

SECTION 1. This Board hereby determines that it is in the best interest of the residents of and businesses in the Township to dismiss its Complaint in the Pending Action in light of the settlement of the dispute and the signing of the 2019 Contract by the BOCC and the City.

SECTION 2. This Board hereby authorizes and directs the Law Director, on behalf of the Township, to join in the filing of an Entry of Dismissal in the Pending Action.

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

SECTION 4. It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution and Order were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements including, without implied limitation, Section 121.22 of the Revised Code, except as otherwise permitted thereby.

There was no further discussion.

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

Appointment of Township Representative to Ohio-Kentucky-Indiana Regional Council of Governments –

Resolution 20-0116-09: Mrs. Stone moved to appoint Josh Gerth as Anderson Township's Representative to the Board of Directors of the Ohio, Kentucky, Indiana Regional Council of Governments and to appoint Andrew Pappas as alternate. Mr. Pappas seconded the motion.

There was no further discussion.

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

Resolution Authorizing the Execution of an Ingress/Egress Easement and Access/Maintenance Easement Agreement with One Anderson Place, LLC –

Resolution 20-0116-10: Mrs. Stone moved to adopt a resolution authorizing the execution of an ingress/egress easement and access/maintenance easement agreement with One Anderson Place, LLC as follows; Mr. Pappas seconded the motion:

RESOLUTION NO. 20 – 0 116 – 10

**RESOLUTION AUTHORIZING THE EXECUTION OF AN INGRESS/EGRESS
EASEMENT AND ACCESS/MAINTENANCE EASEMENT AGREEMENT WITH ONE
ANDERSON PLACE, LLC**

WHEREAS, Section 505.10(A)(6) of the Revised Code provides that when a township has title to real property and the board of township trustees wishes to sell or otherwise transfer the property, the board, upon unanimous vote of its members and by resolution, may authorize the transfer and conveyance of that real property in compliance with said section to any person upon whatever terms are agreed to by the board and that person; and

WHEREAS, this Board is the owner of certain parcels of real property identified as Hamilton County Auditor's Tax ID Nos. 500-0202-002 and 500-0202-0208 (the "Township Property"); and

WHEREAS, One Anderson Place, LLC, an Ohio limited liability company, is the owner of a parcel of real property identified as Hamilton County Auditor's Tax ID No. 500-0202-0200 (the "Grantee Property"), which is located adjacent to the Township Property; and

WHEREAS, One Anderson Place, LLC (the "Grantee"), is developing the Grantee Property and seeks to obtain a non-exclusive ingress/egress easement and a non-exclusive access/maintenance easement on, over, through and across a portion of the Township Property to provide access for the purposes of ingress/egress to and access to and maintenance of the Grantor Property; and

WHEREAS, an easement is a property interest in the land of another that allows the owner of the easement limited use of the land in which the easement exists; and

WHEREAS, this Board hereby determines that entering into that certain Ingress/Egress Easement and Access/Maintenance Easement Agreement, by and between this Board and Grantee, before this Board (the "Easement Agreement") is in the best interests of the Township; and

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

SECTION 1. That this Board hereby determines that it is in the best interest of the Township to enter into the Easement Agreement in substantially the form attached hereto as Exhibit A and by this reference made a part hereof.

SECTION 2. That the Township Administrator is hereby authorized to execute the Agreement on behalf of this Board in substantially the form attached hereto as Exhibit A, with such revisions thereto as she deems, after consultation with the Law Director, not to be disadvantageous to the Township, such determination being conclusively evidenced by her execution of the Agreement.

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

SECTION 4. That this Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
January 16, 2020

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


There was no further discussion.

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


Items Arising for 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 16, 2020.



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 16th day of January 2020, and that said minutes have been duly entered upon the Journal of said Township.

This 16th day of April, 2020.



Kenneth G. Dietz
Fiscal Officer

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 27, 2020

The Board of Township Trustees of Anderson Township ("Board") held its regular monthly meeting on February 27, 2020, at 5:30 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 Operations Steve Sievers and Assistant Administrator for Human Resources Suzanne Parker.

Mr. Gerth call the meeting to order and moved to retire to Executive Session to consider the compensation of a public official as permitted by Ohio Revised Code 121.22(G)(1), 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), and to review negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment. Mrs. Stone seconded the motion. Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Stone, yes; Mr. Pappas, yes.

Mr. Gerth moved to return from Executive Session. Mrs. Stone seconded the motion. Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Stone, yes; 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, Fiscal Office Manger Debbie Hucker and Administrative Assistant Molly Mohrfield. He asked them to join him in the Pledge of Allegiance.

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

There was no further discussion.

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

Appeal for Case 7-2019 PUD – **Mr. Gerth** opened the appeal for Case 7-2019 PUD. He explained that this appeal would consist entirely of arguments for and against the Zoning Commission decision, as presented by representatives of both parties, and questions by the Trustees to those individuals. No new evidence could be presented. Both parties would have a total of 10 minutes to argue their positions and may reserve time for rebuttal which would need to be indicated prior to starting the argument. The representative for the developer would then have 10 minutes to argue their position followed by the opposition rebuttal.

Susan Wheatley, 6104 Clough Pike, stated that she would like to reserve two minutes. She explained that she lived approximately seventh tenths of a mile from the proposed PUD. The main point that she wanted to make, was what the record reflected, that this property was not sufficient to support the PUD application. The developer came in with a major ask of the residents, elected officials and the Zoning Commission. This had been a tortuous process. There was an application in January, and denied by the Zoning Commission in February. The developers came back with changes, which was heard by the Zoning Commission in June. It was a lengthy hearing and at the end the Zoning Commission deadlocked. It was then brought before the Trustees, who sent it back to the Zoning Commission for review again. In September, the Zoning Commission continued it one more time to give the developer another chance. It came back in October and at that time there was a three to one decision by the Zoning Commission, which she was opposing. The developer was relying on Hamilton County, FEMA, Ohio EPA's, and the Army Corp of Engineers. She felt that was unacceptable, pointing out that the proposed site was exceptionally challenging. She believed that the traffic issues were going to be unpredictable. The slippage issues on this hillside had not been studied nor had the flooding and eroding of Clough Creek. The zoning regulation specifically states that a PUD cannot cause a "detriment to neighboring properties". The zoning regulation also requires that the staff give a written recommendation, prior to a public hearing, and that written recommendation had to be approved, denied, or approved with modifications. That did not occur, there had been no recommendations. The Zoning Commission was operating without recommendations as were the Trustees. She did not feel that was sufficient for this major ask of this risky, eroding hillside, with a folding and deteriorating creek in the watershed. There has been a minimal investment of effort.

Connie Ahlrichs, 5530 Clough Pike, stated that she lived directly across the street from the proposed development. To accomplish the proposed density there was a plan to dig up the back side of the south end of the lot and up the hillside. The residents on Keystone had already testified as to the erosion and the foundation damage they were experiencing from land slippage. It was not arguable that those homes would be further impacted if excavation was allowed on the backside of the hill that support those homes. The Ohio Department of Transportation (ODOT) had already estimated that with the addition of the Harmony Senior Living, the development off of Wolfangel and this PUD development an additional thousand trips per day would be added to Clough Pike. The decision that the Trustees needed to consider was how to preserve the investments that the residents sacrificed to obtain.

Dan McCarthy, McCarthy Law Office, 225 W. Court Street, stated he was here on behalf of the developer Robert Gerwin. Part of the debate has been whether this proposed PUD was in compliance with the Anderson Plan of 2016. The Comprehensive Plan stated that "the Township should provide a variety of businesses and housing options to meet changing demographics and market demand". There was a perception of a lack housing opportunities for older adults who may be looking for options other than a large home, on a large lot. Many residents had voiced a desire to be able to find a comfortable, smaller home, requiring less maintenance. This property was part of the Comprehensive Plan. The land use map calls for single family, cluster of residences, on this property, and that was defined as low density, detached housing, and related compatible uses where lots were cluster together, in order to preserve environmental resources such as hillsides or

floodplains. His client proposed to put 66 single family homes on approximately 33 acres. He had done similar projects in Amelia, Milford, Lawrenceburg, and throughout the Cincinnati area. The idea was that this development would be geared/marketed towards empty nesters, 55 and older, but not limited to that.

He stated that Ms. Wheatly walked through the timeline, but he wanted to emphasize why they seek approval of this project. This started back in September of 2018 when Mr. Gerwin met with the Planning and Zoning Department and discussed the property in question. They discussed the zoning code, and what were the possible options were under the code. On January 3, 2019, there was a pre-submittal meeting, open to the public, where Mr. Gerwin answered questions and concerns from the residents. The first submittal in February 2019 was denied by the Zoning Commission for three major reasons. The first reason dealt with the stream that ran through the middle of the property. The Zoning Commission felt a secondary, emergency access, was needed for the properties south of the creek. Elstun Place was currently a private drive, in poor condition, that emergency vehicles would not be unable to access. Mr. Gerwin negotiated with the residents of Elstun Place, for an easement, in exchange he would repave the property and make it accessible to the proposed development. It would be a gated emergency access only, which would provide pedestrian access as well. The second concern dealt with the proximity to Clough Pike and several changes were made before the resubmittal. The buffer was increased between Clough Pike and the homes bordering Clough Pike. The setbacks were increased, and the number of proposed homes on the north side of the property, north of the creek, were decreased. The third concern dealt with the lack of a detailed grading plan. Mr. Gerwin worked with his engineers and a detailed grading plan was submitted. The resubmittal was scheduled to be heard at the May 20th Zoning Commission hearing, but due to a lack of members, it was rescheduled to June. At the June Zoning Commission hearing there were a number of experts, including Mr. Gerwin, who testified about his experience and due diligence. A bridge expert testified that any bridge built over Clough Pike would have minimal impact on the creek flow. The Army Corp of Engineers would make sure that whatever was constructed over the creek did not impede the flow of the creek. An engineer with Choice One testified about the lot layouts, and setbacks. A geotechnical engineer with CSI Engineers, who typically reviewed projects for Hamilton County, testified that slippage on the hillside was less likely due to the grading which would remove a large amount of the soil that was prone to slippage. A traffic engineer with Choice One performed a site distance study which was submitted as well. There was a two to two deadlock, as for there to be an affirmative decision a vote of three yeas were required. It was appealed to the Trustees, and upon advice of counsel, it was remanded back to the Zoning Commission for an affirmative three votes yes or no. One of the concerns at the June meeting were lots 28 through 32. The setback in the zoning code called for 35 feet, the application had it at 20 feet. Mr. Gerwin negotiated with the neighbor who owned the property to acquire additional 15 feet to make the setback the required 35 feet, in exchange the neighbor would get access to the development and use of the bridge when necessary. At the October Zoning Commission hearing the necessary three votes in favor were acquired. Therefore, he asked the Board to approve what the Zoning Commission did. Mr. Gerwin listened to the questions, comments, and complaints, revised the plan and made it compatible with the Anderson Plan with the Zoning Code. There were issues but all of those were going to be reviewed by the appropriate body. The Hamilton County Regional Planning Commission had to review it for the

Hamilton County subdivision regulations. The Hamilton County Engineer had to approve it, the Ohio EPA had to review and approve it, and the US Army Corp of Engineers had to review and approve it. So just because you approve the zoning, does not mean that all these other issues are going to be ignored. There were other entities, who were tasked with performing those reviews to get those approvals, and if this PUD was going to create all these other concerns it would be stopped at that point by the appropriate body.

Susan Wheatley, 6104 Clough Pike, stated that she had a couple of corrections and comments. The money spent by the developer on this proposed PUD had been spent on buying the easement, and dealing with Elstun Road and not what was happening on the hillside. The zoning resolution specifically required consideration of the factors in the Comprehensive Plan. There was a great deal of money, time, and effort spent by Mr. Gerwin regarding the neighbors on Elstun, which could have been spent looking at the slope on Clough Pike, where 100 of cars pass daily. There had been three developments, that Mr. Gerwin had testified about, two in Clermont County and one in Indiana. These developments were on a relatively flat sites, like farmland. This proposed PUD was not the type of site that this developer has had to encounter. Therefore, she asked the Board to deny this application.

Mr. Gerth moved that we retire to executive session at approximately 5:50 P.M. to deliberate the appeal of Case 7-2019 PUD. Mr. Pappas seconded the motion.

There was no further discussion.

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

Mr. Gerth moved to return from executive session at approximately 6:30 PM. Mrs. Stone seconded the motion.

There was no further discussion.

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

Mr. Gerth pointed out that that everyone involved in this case was from the Township. He firmly believed that everyone involved had the best intentions for the Township and whether that was trying to provide housing, a product that could be welcomed, or whether it was the concerns or the impact of the development, all of those things make this situation a difficult one. The Board's responsibility was to determine whether or not the Zoning Commission followed the standards to warrant an approval. **Mr. Pappas** agreed, adding that the Board's job was not to talk about the individual merits of this development but rather address the process it went through to seek approval or denial. **Mrs. Stone** pointed out that the question came down to, did the Zoning Commission have enough information to approve this PUD and did they get the information that they requested.

Resolution 20-0227-01: Mrs. Stone moved to direct staff to prepare a Resolution to overturn the October 28, 2019 decision of the Anderson Township Zoning Commission which approved Case 7-2019 PUD, for its consideration during its March 19, 2020 meeting. Mr. Pappas seconded the vote.

There was no further discussion.

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

PUBLIC FORUM

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

Rich Jordan, 5816 Jeb Stuart Drive, Milford, OH stated that he was speaking on behalf of the local Sierra Club regarding ballot Issue 7, the Hamilton County transit and road improvement tax. The Sierra Club was a volunteer community organization funded by member contributions. They were dedicated to preserving natural areas worldwide, and to improve living conditions of the environment for all people. The Sierra Club prioritized strategies that reduced admissions from automobiles and promoted alternative modes of transportation. Their members believed that properly funded, well managed public transportation was fundamental to creating a healthy community. There was another important concern to consider with Issue 7, the added tax burden. For taxpayers Issue 7 would increase the sales tax from 7% to 7.8%. Studies conducted locally and evidence from other metropolitan areas indicated that the benefits far out way the cost. It was projected that the tax increase would generate approximately \$130,000,000 of revenue per year. \$30,000,000 of that would be devoted entirely to road and bridge maintenance and construction. The civil engineering firm, Aecom, conducted a thorough study of how this plan would improve roads, expand bus service, and spur economic growth. The Aecom study indicated that \$100,000,000 of funding would be allocated to mass transit improvements in Hamilton County. Construction activity over the four-year development span would generate \$11,500,000 in taxable earnings. After the full build out of the service expansion, \$6,800,000 of annual tax revenue would be realized. The study also indicated improvement levels of service would increase property values along the routes in the range of 2% to 4%. Beyond these tangible benefits a high-quality transit system would save commuters time by reducing road traffic and help government reduce the cost of road maintenance. Considering all the benefits that could be realized from passing Issue 7 he asked each of the Trustees to consider endorsing the plan

Pinky Kocoshis, 7813 Hopper Road, stated that The League of Women Voters along with many community organizations had all endorsed Issue 7. Cincinnati's transit system was broken, it did not meet the transportation needs of citizens due to funding cuts. Metro has had to cancel routes and ridership has gone down. The "Reinventing Metro Plan" objectives were financial sustainability, improved service frequency, longer service hours, and shorter trip times. Currently the system does not get riders to where the jobs were, this new plan would. The

proposed tax would generate \$130,000,000 per year, a .8% increase in sales tax. Issue 7 would eliminate the 0.3% City of Cincinnati earnings tax currently used to fund Metro and spread that cost across Hamilton County. There would be savings for the commuters as Metro would eliminate the transfer cost on the ticket. Metro would be purchasing new buses, there was a desperate need, and the hope was that they would convert their fleet to electric vehicles. She felt there was no choice but to improve the transit system to serve the citizens of Hamilton County, therefore she urged everyone to vote for Issue 7.

Gene Young, 7906 Causeway Lane, expressed his disappointment that the proposed PUD had been extend again. He stated that he was 74 years of age, and many of his peers were finding no options when it came to quality senior housing in the Township. He pointed out that developers know how to build on hillsides, they had been building on hillsides in Cincinnati for 250 years. This PUD still had to go through Hamilton County and all the concerns about slippage would be addressed by qualified engineers provided by the developer. The taxpayers in the Township just passed a major tax increase for the schools, this proposed development would generate an additional half a million dollars in taxes. He felt it was time to let the owners develop their land. This was their legacy and these frivolous conflicts were preventing them from doing that. This developer had lost 2 years in valuable construction, which would provide the Township a much needed option.

Guy Wolf, 60001 Stirrup, he pointed out that the zoning considerations along Clough Pike had been fraught with controversy and competing interests. An earlier notice to surrounding residents of an impending large development, outside of the current zoning, would be beneficial. It appeared that by the time the first public notice occurred the development was almost "greased" for completion and approval. He suggested placing a notice on the Township website regarding who the developer was and what was being considered. The Zoning Commission was composed of well qualified members that had a high propensity to have backgrounds in industries related to real estate development, which was great for skills in questioning developers. He did not feel that reflected the diverse thought of this community in making the judgment calls about what was an appropriate zoning change. He has noticed that there was inconsistent attendance by the Zoning Commission members and pointed out that when a decision was made it was highly relevant on which Zoning Commission members were present. He stated that consistency in attendance made for clarity in decisions.

Kathy Mullanney, 7609 Forest Road, stated that she had done some research pertaining to assisted living facilities due to the proposed facility at 7577 Forest Road. She went to the Zoning Commission meeting but felt they were only concerned about the look of the building, not how it would affect traffic or the surrounding residences. She discovered that most of the assistant living facilities in the Township were 40% to 60% vacant. Therefore, she felt the need was low and hoped the Zoning Commission would deny the request.

Ms. Mullaney stated that there was a problem with speeding on Forest Road and did not feel the Sheriff's Department was helpful in apprehending the offenders. Vehicles came from Hopper Hill to avoid Beechmont Avenue and when they approach Forest Road they were traveling at a high rate of speed and totally disregard the speed limit sign.

TRUSTEE COMMENTS

Mrs. Stone stated that she endorsed Issue 7, because she believed in public transportation. She pointed out that none of this money would go to the streetcar.

Mr. Pappas pointed out that with regard to Clough Pike, much of the traffic was out of the Townships control. It was a Hamilton County road and he encouraged everyone to be cognizant to the fact that much of the traffic on Clough Pike and Beechmont Avenue was due to the massive expansion of development to the east.

Mr. Pappas deferred a position on Issue 7. He believed that was a personal decision that each voter should make themselves, though he did appreciate the availability of bus service to the people that rely on public transportation.

Mr. Pappas did not want anyone to infer his vote as opposition to the development on Clough Pike, or any development at that location. The Board's job was not to talk about the individual merits of this development but rather address the process it went through to seek approval or denial.

Mr. Gerth pointed out that with regard to the Clough Pike PUD it was only the process that the Board was ruling on. He believed the process by the Zoning Commission to seek approval or denial was unacceptable. The development in this Township did not happen haphazardly, it was not rubber stamped. Mr. Gerth addressed Mr. Wolf's comments stating that he agreed that inconsistency on the Zoning Commission was something that needed to be addressed. In regard to the diversity of members, every year a notice requesting candidates was placed on the website and Facebook for two months. Staff goes over and above in the recruiting process. This past year there were only five candidates that applied. Mr. Gerth agreed that more diverse members were needed but people needed to step up. He took issue with Mr. Wolf's comment about developments being "greased" by the time residents were made aware. Mr. Gerth asked Mr. Drury to explain the notification process, what was required, and what the Township did to notify surrounding residents of an impending development. **Mr. Drury** explained that the Township was required to publish a legal ad, in a newspaper of general circulation, and send written notice to property owners within two hundred feet of the proposed development and post the property on the website ten days in advance of the hearing. That was what was required by the Ohio Revised Code (ORC). The two hundred feet written notice was a Township policy beyond what was required by the ORC. In addition to those items, staff immediately puts the information on the website. Pre-submittal meetings were held, which were voluntary, but most developers, especially if there were some questions or concerns from surrounding residents, chose to go through the process. That was the Township's attempt to gain input from residents before an official application was made. With a PUD there was only one required hearing before the Zoning Commission. The recent change in

February 27, 2020

the ORC stated it was optional to go to the Regional Planning Commission, at the county level, if a Township had a Zoning Commission.

Mr. Gerth stated with regard to Issue 7 he had grave concerns throwing \$130,000,000 into a system that had declining ridership and had yet to reinvent itself. He did think there was some good things about Issue 7, like the role back of the income tax for those that work downtown. There was an infrastructure component, as well, but unfortunately the Township would not see much of that money. Mr. Gerth asked how many riders were at the park n ride on average. **Mr. Sievers** responded that the average count had diminished over the last ten years. There were approximately eighty cars a day in the parking a lot. When the park n ride opened there was approximately 160. **Mr. Gerth** stated that he believed in public transportation like Mrs. Stone. **Mrs. Stone** pointed out that people were not riding Metro due to the lack of buses and an expanded schedule. **Mr. Gerth** stated that he hoped Issue 7 would address those issues.

FISCAL OFFICER

Announcement Regarding Permanent Budget Preparation – **Mr. Dietz** announced that staff had been working on the 2020 Permanent Budget and would have the proposed budget ready for review by the March interim meeting. He planned to ask for adoption at the March televised meeting.

Financial Reports – **Mr. Dietz** announced that the year ending 2019 and the end of January financial reports were available for review.

Appropriation Changes –

Resolution 20-0227-02: Mr. Pappas moved to adopt the appropriation changes as recommended by the Fiscal Officer. **Mrs. Stone** seconded the motion.

Appropriation Increase to Fund

TIF-STONECREST (ANTHOLOGY)

34.1100.07 +\$500,000 Other Expenses (Rec Plex, contracts, misc, expenses)

There was no further discussion.

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

Minutes –

Resolution 20-0227-03: Mr. Pappas moved to approve the minutes of December 19, 2019; with minor corrections. **Mrs. Stone** seconded the motion.

There was no further discussion.

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

LAW DIRECTOR

Mrs. Comey had nothing requiring Board action.

PLANNING & ZONING

Request to Reschedule Public Hearing for Case 1-2020 Anderson – Various Text Amendments to the Zoning Resolution –

Resolution 20-0227-04: Mrs. Stone made a motion to set a public hearing for Thursday, March 19, 2020, at 5:30 PM at Anderson Center, 7850 Five Mile Road, Anderson Township, Ohio for the purpose of hearing Case #1-2020 Anderson; and repealing Resolution No. 20-0116-04 passed by this Board on January 16, 2020. Mr. Pappas seconded the motion.

There was no further discussion.

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

Recommendation to Contract with McGill Smith Punshon for Gateway Enhancement for Kellogg Avenue –

Resolution 20-0227-05: Mr. Pappas moved to adopt a resolution approving and authorizing the execution of an agreement with McGill Smith Punshon, Inc. relating to gateway enhancements for the Ohio Riverfront Entertainment District/California Neighborhood Business District as follows; Mrs. Stone seconded the motion:

RESOLUTION NO. 20-0227-05

RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH MCGILL SMITH PUNSHON, INC. RELATING TO GATEWAY ENHANCEMENTS FOR THE OHIO RIVERFRONT ENTERTAINMENT DISTRICT/CALIFORNIA NEIGHBORHOOD BUSINESS DISTRICT

WHEREAS, McGill Smith Punshon, Inc., Cincinnati, Ohio, an Ohio corporation having a principal place of business at 3700 Park 42 Drive, Suite 190B, Cincinnati, OH 45241 (“MSP”), is qualified by expertise, training and reputation to provide the Township with certain services relating to planning, public engagement and analysis, and strategic plan development and drafting, to develop and deliver a Community Engagement Plan, an Existing Conditions Report, and a Gateway Enhancement Plan for the Ohio Riverfront Entertainment District/California Neighborhood Business District (the “Services”);

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 27, 2020*

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

SECTION 1. This Board hereby determines that it is in the best interest of the Township to provide for the provision of the Services by MSP, which will benefit the residents and businesses in the Township.

SECTION 2. The form of the Agreement for the provision of Services by MSP as presented to this Board (the “Agreement”) is hereby approved and the Township Administrator is hereby authorized to execute the Agreement with such changes thereto as the Township Administrator, after consultation with the Law Director, has determined are not materially adverse to the Township, such determination being evidenced by her execution of the Agreement.

SECTION 3. That funds for payment for the Services provided pursuant to the Agreement have been appropriated.

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

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

There was no further discussion.

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

Clough Chase Sidewalk –

Resolution 20-0227-06: Mrs. Stone moved to modify the sidewalk requirements as outlined in staff’s memorandum, dated February 24, 2020, for the Clough Chase subdivision, to allow for off-site sidewalk construction on the north side of Clough Pike from the east property line of Clough Chase, east to a future sidewalk to be constructed on Wolfangel at a later date, as outlined by staff and consistent with the Anderson Township Sidewalk Plan with funding provided by The Schnicke Company and TIF. Mr. Pappas seconded the motion.

There was no further discussion.

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

SHERIFF'S OFFICE

Liquor License Request for Salem Shell, Inc. dba Shell Express, located at 6685 Salem Road –

Resolution 20-0227-07: Mr. Pappas moved not to object to a new liquor license request for Salem Shell Inc. dba Shell Express, located at 6685 Salem Road. Mrs. Stone seconded the motion.

There was no further discussion.

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

PUBLIC WORKS DEPARTMENT

Certification for the 2019 Annual Road Mileage –

Resolution 20-0227-08: Mrs. Stone moved to certify the 2019 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; Mrs. Stone, yes; Mr. Pappas, yes.

FIRE & RESCUE

Request for Design Services Related to Locution System –

Resolution 20-0227-09: Mr. Pappas moved that this Board hereby accept the quote of \$18,220.00, from CR Architecture + Design for the Fire Station Locution Systems consulting services, together with a 10% contingency, for a maximum appropriation of \$20,042.00 funded out of TIF funds; and further, this Board hereby authorizes and directs the Township Administrator, after consultation with the Law Director, to enter into contract with CR Architecture + Design for the Fire Station Locution Systems Consulting Services. Mrs. Stone seconded the motion.

There was no further discussion.

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

TOWNSHIP ADMINISTRATOR

Request to Approve Property and Casualty Insurance –

Resolution 20-0227-10: Mrs. 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 2020 policy years. Mr. Pappas seconded the motion.

There was no further discussion.

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

Unmanned Aircraft Systems Policy –

Resolution 20-0227-11: Mrs. Stone moved to adopt a resolution approving and adopting the Anderson Township UAS Policy (2020) as follows; Mr. Pappas seconded the motion:

RESOLUTION NO. 20-0227-11

**RESOLUTION APPROVING AND ADOPTING
THE ANDERSON TOWNSHIP UAS POLICY (2020)**

WHEREAS, this Board determines that it is in the best interest of the Township to implement a policy with respect to the deployment and utilization of unmanned aircraft systems ("UAS") by those Township employees who are authorized to deploy and utilize UAS; and

WHEREAS, staff recommends that this Board approve and adopt the Anderson Township UAS Policy (2020) 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 determines that it is in the best interest of the Township to implement a UAS Policy with respect to the deployment and utilization of UAS by those Township employees who are authorized to deploy and utilize UAS, and hereby approves and adopts the Anderson Township UAS Policy (2020) attached hereto as Exhibit A.

SECTION 2. The preambles hereto are and for all purposes shall be construed to be integral and operative parts of this Resolution.

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.

There was no further discussion.

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

Resolution Authorizing Verizon Agreement –

Resolution 20-0227-12: Mr. Pappas moved to adopt a resolution approving and consenting to Hamilton County Engineer’s grant of license to Verizon Wireless telecommunication fiber infrastructure for the use of county Five Mile Road right-of-way to install underground telecommunication fiber as follows. Mrs. Stone seconded the motion:

RESOLUTION NO. 20 – 0227 – 12

APPROVING AND CONSENTING TO HAMILTON COUNTY ENGINEER’S GRANT OF LICENSE TO VERIZON WIRELESS TELECOMMUNICATION FIBER INFRASTRUCTURE FOR THE USE OF COUNTY FIVE MILE ROAD RIGHT-OF-WAY TO INSTALL UNDERGROUND TELECOMMUNICATION FIBER

WHEREAS, the County Engineer of Hamilton County, Ohio (the “County Engineer”) intends to grant to Verizon Wireless Telecommunication Infrastructure and Fiber (the “Licensee”) a license to install, maintain and operate Licensee’s underground fiber communication line and all related infrastructure (the “Facilities”) within the Five Mile Road right-of-way between Clough Road and Newtown Road, as shown in detail on Exhibit 1 to the LICENSE AGREEMENT GRANTING PERMISSION FOR USE OF COUNTY FIVE MILE RIGHT OF WAY TO INSTALL UNDERGROUND COMMUNICATION FIBER, which is attached hereto as Exhibit A. (the “License Agreement”); and

WHEREAS, the parties to the License Agreement are the Licensee, the County Engineer and Hamilton County, Ohio (the “County”); and

WHEREAS, the subject right-of-way is a Hamilton County right-of-way (“ROW”) that is not occupied by county roadway pavement but is currently occupied by a multipurpose pedestrian bike path (the “Bike Path”) that is operated and maintained by Anderson Township (County of Hamilton), Ohio; and

WHEREAS, the License Agreement provides, among other things, certain terms and conditions for Licensee’s use of the County ROW, including certain conditions that impact the Township and the Township’s maintenance and operation of the Bike Path, and the Township has been requested, as the political jurisdiction having zoning authority with respect to the frontage property adjacent to the County ROW Real Estate described in Exhibit 1 attached to the License Agreement, and as the operator of the Five Mile Trail, to acknowledge and consent to the License Agreement and to represent that the exercise of the rights and obligations described in the License Agreement by Licensee and the County do not violate the Township’s established zoning regulations for said adjacent property;

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 27, 2020

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 acknowledges, approves and consents to the terms and conditions of the License Agreement and represents, on recommendation of the Director of Planning and Zoning for the Township, that as the political jurisdiction having zoning authority with respect to the frontage property adjacent the County ROW Real Estate described in Exhibit 1 to the License Agreement and as the operator of the Five Mile Trail, that the exercise of the rights and obligations described in the License Agreement by Licensee and County do not violate the Township's established zoning regulations for said adjacent property.

Section 2. That the Township Administrator is hereby authorized to execute the ACKNOWLEDGEMENT AND CONSENT to the License Agreement on behalf of this Board, said License Agreement to be substantially in the form attached hereto as Exhibit A with such changes thereto as the Township Administrator, after consultation with the Law Director, has determined are not materially adverse to the Township, such determination being evidenced by her execution of said ACKNOWLEDGEMENT AND CONSENT.

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

Section 4. That this Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in open 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; Mrs. Stone, yes; Mr. Pappas, yes.

Resolution Granting Easement to Duke Energy, Ohio LLC –

Resolution 20-0227-13: Mrs. Stone moved to adopt a resolution authorizing the grant to Duke Energy Ohio, Inc. of a perpetual non-exclusive easement relating to the construction and maintenance of electric and/or telecommunication overhead lines, supporting equipment, appurtenances, fixtures and equipment over an easement area with real property owned by the Township pursuant to Section 505.10 of the Ohio Revised Code as follows: Mr. Pappas seconded the motion:

RESOLUTION NO. 20 – 0227 – 13

February 27, 2020

AUTHORIZING THE GRANT TO DUKE ENERGY OHIO, INC. OF A PERPETUAL NON-EXCLUSIVE EASEMENT RELATING TO THE CONSTRUCTION AND MAINTENANCE OF ELECTRIC AND/OR TELECOMMUNICATION OVERHEAD LINES, SUPPORTING EQUIPMENT, APPURTENANCES, FIXTURES AND EQUIPMENT OVER AN EASEMENT AREA WITHIN REAL PROPERTY OWNED BY THE TOWNSHIP PURSUANT TO SECTION 505.10 OF THE OHIO REVISED CODE

WHEREAS, Section 505.10(A)(6) of the Ohio Revised Code (the "Statute") provides that when a board of township trustees has title to real property and the board of township trustees wishes to sell or otherwise transfer the property, the board, upon a unanimous vote of its members and by resolution, may authorize the transfer and conveyance of that real property to any person upon whatever terms are agreed to between the board and that person; and

WHEREAS, this Board desires to convey an interest in its real property by granting and conveying an easement as described herein and in the Form of Grant of Easement attached hereto as Exhibit A (the "Easement Agreement") in, upon, over, along, under through and across a portion of that certain real property located on Clough Road, identified by the Hamilton County Auditor as Tax Identification Parcel No. 500-360-14 and owned in fee by the Board of Township Trustees of Anderson Township (the "Real Property") to Duke Energy Ohio, Inc. (the "Grantee");

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 as owner of the fee simple interest in the Real Property, this Board hereby finds that the area within the Real Property (the "Easement Area") as depicted on Exhibit A to the form of Easement Agreement is not needed exclusively for public use by the Township and determines that it is in the best interest of the Township to grant the perpetual, non-exclusive Easement over the Easement Area "as is" to the Grantee on the terms provided in the Easement Agreement.

Section 2. That the form of the Easement Agreement is hereby approved.

Section 3. That the Township Administrator is hereby authorized to execute the Easement Agreement on behalf of this Board in substantially the form attached hereto as Exhibit A with such changes thereto as the Township Administrator, after consultation with the Law Director, has determined are not materially adverse to the Township, such determination being evidenced by her execution of the Agreement.

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

Section 5. That this Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in

such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Ohio Revised Code Section 121.22, except as otherwise permitted hereby.

There was no further discussion.

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

Resolution Approving the Eastern Communities Energy Special Improvement District Program Plan – Residential Plan –

Resolution 20-0227-14: Mr. Pappas moved to adopt a resolution approving the Eastern Communities Energy Special Improvement District Program Plan – Residential Plan; authorizing and approving the execution, delivery, and performance of a Township residential pace cooperative agreement with respect to property assessed clean energy transactions in cooperation with the eastern communities Energy Special Improvement District and the Toledo-Lucas County Port Authority; authorizing the Toledo-Lucas County Port Authority to approve petitions and plans for public improvements or public services submitted by the owners of real property within the Township requesting that their properties be added to the territory of the Eastern Communities Energy Special Improvement District and assessed for the cost of such plans on behalf of the Board of Township Trustees of the Township as follows: Mrs. Stone seconded the motion:

RESOLUTION NO. 20-0227-14

A RESOLUTION APPROVING THE EASTERN COMMUNITIES ENERGY SPECIAL IMPROVEMENT DISTRICT PROGRAM PLAN – RESIDENTIAL PLAN; AUTHORIZING AND APPROVING THE EXECUTION, DELIVERY, AND PERFORMANCE OF A TOWNSHIP RESIDENTIAL PACE COOPERATIVE AGREEMENT WITH RESPECT TO PROPERTY ASSESSED CLEAN ENERGY TRANSACTIONS IN COOPERATION WITH THE EASTERN COMMUNITIES ENERGY SPECIAL IMPROVEMENT DISTRICT AND THE TOLEDO-LUCAS COUNTY PORT AUTHORITY; AUTHORIZING THE TOLEDO-LUCAS COUNTY PORT AUTHORITY TO APPROVE PETITIONS AND PLANS FOR PUBLIC IMPROVEMENTS OR PUBLIC SERVICES SUBMITTED BY THE OWNERS OF REAL PROPERTY WITHIN THE TOWNSHIP REQUESTING THAT THEIR PROPERTIES BE ADDED TO THE TERRITORY OF THE EASTERN COMMUNITIES ENERGY SPECIAL IMPROVEMENT DISTRICT AND ASSESSED FOR THE COSTS OF SUCH PLANS ON BEHALF OF THE BOARD OF TOWNSHIP TRUSTEES OF THE TOWNSHIP.

WHEREAS, as set forth in Ohio Revised Code Chapter 1710, the Ohio General Assembly has authorized property owners to include their properties within energy special improvement districts (ESIDs) upon a petition to a municipal corporation or township; and

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 27, 2020

WHEREAS, ESIDs are voluntary organizations of municipal corporations, townships, and property owners who undertake special energy improvement projects that benefit real property and finance those special energy improvement projects through voluntary special assessments; and

WHEREAS, the Anderson Township, Newtown Energy Special Improvement District, Inc., doing business under the registered trade name Eastern Communities Energy Special Improvement District, Inc., (the District) was created under Ohio Revised Code Chapters 1702 and 1710 as an ESID and established pursuant to Resolution No. 06-2019 of the Village Council of the Village of Newtown approved on February 26, 2019; and

WHEREAS, the Township has determined to develop the *Eastern Communities Energy Special Improvement District Program Plan – Residential Plan* as a proposed plan for public improvements and public services under Ohio Revised Code Chapter 1710, substantially in the form attached to and incorporated into this Resolution as **Exhibit A** (the Residential PACE Plan), and any petitions by the owners of residential real property located within the boundaries of the Township for special assessments to finance the costs of special energy improvement projects on their properties shall be considered, and, if approved, implemented, under and subject to the terms and conditions of the Residential PACE Plan; and

WHEREAS, the Residential PACE Plan sets forth the terms and conditions under which the Township and the District will facilitate the financing of special energy improvement projects on residential real property located within the Township and the District; and

WHEREAS, in order to provide for the efficient implementation of the Residential PACE Plan, the Eastern Communities Energy Special Improvement District and the Toledo-Lucas County Port Authority, a port authority and political subdivision of the State of Ohio (the Program Port Authority), have entered into an Ohio Residential PACE Cooperative Agreement to establish acceptable program parameters and consumer protections for residential PACE financing projects in the Township and District; and

WHEREAS, in order to provide for the efficient implementation of the Residential PACE Plan, the Township has determined to enter into a Township Residential PACE Cooperative Agreement as a cooperative agreement with the Program Port Authority (the Cooperative Agreement); and

WHEREAS, under the Cooperative Agreement the Township and the Program Port Authority will cooperatively agree to cause the Program Port Authority to exercise certain powers, perform certain functions, and render certain services on behalf of the Township, all as authorized under this Resolution, the Cooperative Agreement, and Ohio Revised Code Sections 4582.17(B) and 9.482; and

WHEREAS, this Board, as mandated by Ohio Revised Code Chapter 1710, must approve or disapprove Petitions for PACE financing within 60 days of their submission to this Board; and

WHEREAS, this Board has determined to approve the Residential PACE Plan and to authorize and approve the Cooperative Agreement;

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

Section 1. Each capitalized term not otherwise defined in this Resolution or by reference to another document shall have the meaning assigned to it in the Residential PACE Plan.

Section 2. This Board hereby approves the Residential PACE Plan now on file with the Township Fiscal Officer. Any petitions by the owners of residential real property located within the boundaries of the Township for special assessments to finance the costs of special energy improvement projects on their properties shall be considered, and, if approved, implemented, under and subject to the terms and conditions of the Residential PACE Plan.

Section 3. This Board hereby approves the Cooperative Agreement, substantially in the form now on file with the Township Fiscal Officer with any amendments or modifications to it as are not materially adverse to the Township, are consistent with this Resolution, and are approved by the Township Administrator who, after consultation with the Law Director, shall sign the Cooperative Agreement on behalf of this Board, all of which shall be conclusively evidenced by the signature of the duly authorized Township Administrator on the Cooperative Agreement. The Township Administrator is hereby authorized, for and on behalf of this Board, to execute and deliver the Cooperative Agreement, including any amendments or modifications to the Cooperative Agreement as are not materially adverse to the Township, are consistent with this Resolution, and are approved by her, after consultation with the Law Director, all of which shall be conclusively evidenced by the signature of the duly authorized Township Administrator on the Cooperative Agreement. The Township is hereby authorized to perform the terms and conditions of the Cooperative Agreement, as it may be amended and in effect at any time. The Township Administrator is hereby authorized, for and on behalf of this Board, to execute and deliver any additional amendments, agreements, certificates, or instruments, including any additional agreements by or among the Township, the County Auditor, the County Treasurer, the Program Port Authority, any other port authority, the District, and any other energy special improvement district, as she may deem to be, after consultation with the Law Director, reasonably necessary to carry out the purposes of the Cooperative Agreement and not materially adverse to the Township, and the Township is hereby authorized to perform the terms and conditions of any of those amendments, agreements, certificates, or instruments.

Section 4. Under the Cooperative Agreement, the Township shall, pursuant to Ohio Revised Code Sections 4582.17(B) and 9.482, authorize and request the Program Port Authority to act on behalf of the Township during the term of the Cooperative Agreement to receive and approve or disapprove Petitions and Plans (as defined in the Residential PACE Plan and the Cooperative Agreement) in its reasonable discretion and subject to certain terms and conditions stated in the Residential PACE Plan, the Cooperative Agreement, and this Resolution. Upon the execution and delivery of the Cooperative Agreement by all of the parties to it, this Board hereby appoints the Program Port Authority as its delegate to, for, and on behalf of this Board, receive and approve or

disapprove Petitions and Plans in its discretion and subject to certain terms and conditions stated in the Residential PACE Plan, the Cooperative Agreement, and this Resolution. The approval or disapproval of any Petitions and Plans shall constitute the legislative approval or disapproval of this Board for all purposes of law, including, without limitation, Ohio Revised Code Chapter 1710, and all legal consequences appertaining to a legislative authority's legislative approval or disapproval of petitions and plans for public improvements or public services under Ohio Revised Code Chapter 1710 shall appertain to the Program Port Authority's approval or disapproval of Petitions and Plans for and on behalf of this Board.

The Program Port Authority shall not approve any Petitions and Plans unless the Petitions and Plans and the information regarding the properties, special energy improvement projects, financing terms, and other facts and terms certified within the Petitions and Plans conform and comply in all material respects with the terms and conditions of the Residential PACE Plan, which are attached to, and incorporated into, this Resolution by this reference.

Section 5. This Board finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of this Board, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

There was no further discussion.

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

Authorization to Enter into Contract for Electricity Services at Township Facilities –

20-0227-15: Mrs. Stone moved that this Board hereby accept Constellation New Energy, Inc. electric generation rate of \$0.04089/kWh for street lighting and for non-street lighting accounts for a term of three (3) years without increase through May 2023; further, this Board hereby authorizes and directs the Township Administrator to enter into an Electric Sales Agreement with Constellation New Energy, Inc. substantially in the form presented to this Board with such changes thereto as she shall determine, after consultation with the Law Director, are not financially disadvantageous to the Township, such determination being evidenced by her execution of said Agreement. Mr. Pappas seconded the motion.

There was no further discussion.

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

Resolution Approving Agreement for Police Protection Services and Authorizing Execution Thereof –

Resolution 20-0227-16: Mr. Pappas moved to adopt a resolution approving agreement for police protection services and authorizing execution thereof as follows; Mrs. Stone seconded the motion:

RESOLUTION NO. 20-0227-16

RESOLUTION APPROVING AGREEMENT FOR POLICE PROTECTION SERVICES AND AUTHORIZING EXECUTION THEREOF

WHEREAS, pursuant to Section 504.16 of the Ohio Revised Code, the Board of Township Trustees (the "Board") of Anderson Township, Hamilton County, Ohio (the "Township") may provide police protection services for the Township on a regular basis by contract pursuant to Sections 311.29, 505.43, or 505.50 of the Ohio Revised Code; and

WHEREAS, pursuant to Section 505.43 of the Ohio Revised Code, the Township may contract with the Hamilton County Sheriff (the "Sheriff") and the Hamilton County Board of County Commissioners for the provision of police protection services in the Township; and

WHEREAS, pursuant to Section 505.50 of the Ohio Revised Code, the Township may purchase, lease or otherwise acquire any police apparatus, equipment, including a public communications system, or materials that the Township requires; and may contract with the Sheriff upon any terms that are mutually agreed upon for the provision of police protection services or additional police protection services either on a regular basis or for additional protection in times of emergency in the Township; and

WHEREAS, pursuant to Section 311.29 of the Ohio Revised Code, the Sheriff may enter into a contract with the Township to render police protection services and the Township shall reimburse Hamilton County, Ohio, for the costs incurred by the Sheriff for providing such police protection services; and

WHEREAS, it is in the best interest of the citizens in Anderson Township to enter into an agreement with the Sheriff and the Hamilton County Board of County Commissioners for the provision of police protection services in Anderson Township;

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

SECTION 1. This Board deems it to be in the best interest of the citizens in the Township to enter into an agreement with the Sheriff and the Hamilton County Board of County Commissioners for the provision of police protection services in the Township, and this Board hereby approves the form of Agreement for Police Protection Services before this Board (the "Agreement").

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 27, 2020

SECTION 2. The Township Administrator be and she is hereby authorized to execute the Agreement with such changes thereto as the Township Administrator, after consultation with the Law Director, has determined are not materially adverse to the Township, such determination being evidenced by her execution of the Agreement.

SECTION 3. Appropriations relating to the costs of the provision of police protection services in the Township pursuant to the Agreement have been made.

SECTION 4. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of the foregoing resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Section 121.22 of the Ohio Revised Code, except as otherwise permitted thereby.

There was no further discussion.

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

2020 Membership in the Center for Local Government –

Resolution 20-0227-17: Mrs. Stone moved to authorize renewal of the Township's membership in the Center for Local Government for 2020 at the annual rater of \$3,825.00. Mr. Pappas seconded the motion.

There was no further discussion.

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

Items Arising from Executive Session Discussion –

Resolution 20-0227-18: Mrs. Stone made a motion to set the stipend at \$50 for Board of Zoning Appeals and Zoning Commission members for preparing for and attending their respective meetings. The same stipend shall also be provided to alternate members who observe meetings. Mr. Pappas seconded the motion.

There was no further discussion.

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

Resolution 20-0227-19: Mrs. Stone moved to adopt a resolution approving an agricultural ground lease with respect to approximately .801 acres of real property comprised of 13 parcels owned by the Township, and authorizing the execution of said lease pursuant to Section 505.11(A) of the Revised Code as follows; Mr. Pappas seconded the motion.

RESOLUTION NO. 20 - 0227 - 19

RESOLUTION APPROVING AN AGRICULTURAL GROUND LEASE WITH RESPECT TO APPROXIMATELY .801 ACRES OF REAL PROPERTY COMPRISED OF 13 PARCELS OWNED BY THE TOWNSHIP, AND AUTHORIZING THE EXECUTION OF SAID LEASE PURSUANT TO SECTION 505.11(A) OF THE REVISED CODE

WHEREAS, certain real property comprised of thirteen parcels located in the Township and further identified as Hamilton County Auditor's Tax ID Parcel Nos. 500-381-496, 500-381-497, 500-381-498, 500-381-499, 500-381-500, 500-381-501, 500-381-504, 500-381-537, 500-381-538, 500-381-539, 500-381-540, 500-381-541, and 500-381-545 (the "Property") is owned by the Township; and

WHEREAS, Section 505.11(A) of the Revised Code (the "Statute") authorizes a board of township trustees, when, in its opinion, the township would be benefitted, to lease certain real property to any person upon terms agreed upon by the board and lessee; and

WHEREAS, this Board finds it to be in the best interest of the Township to lease, and finds that the Township would be benefitted by leasing, the Property to M.C. Schmidt & Co., Inc., an Ohio corporation doing business as M.C. Schmidt Agriculture (the "Lessee"); and

WHEREAS, the Statute further provides, in relevant part, that any consideration received from the lease shall be payable, as prescribed in the lease, to the township fiscal officer, who shall deposit it in the township general fund; and

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

SECTION 1. That this Board hereby determines that it is in the best interest of the Township to lease, and that the Township would be benefitted by leasing, the Property to the Lessee upon the terms and conditions provided in the Agricultural Ground Lease attached hereto as Exhibit A and by this reference made a part hereof (the "Lease"), which is hereby approved.

SECTION 2. That the Township Administrator is hereby authorized to execute the Lease in substantially the form attached hereto as Exhibit A, with such revisions thereto as she deems, after consultation with the Law Director, not to be disadvantageous to the Township, such determination being conclusively evidenced by her execution of the Lease.

SECTION 3. That any consideration received by the Fiscal Officer under the Lease shall be deposited to the Township's General Fund.

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 27, 2020

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

There was no further discussion.

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

As there was no further business, the meeting adjourned.

These minutes were approved at the meeting of April 16, 2020.



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 27th day of February 2020, and that said minutes have been duly entered upon the Journal of said Township.

This 16th day of April, 2020.



Kenneth G. Dietz
Fiscal Officer

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

March 5, 2020

The Board of Township Trustees of Anderson Township (“Board”) held its regular Interim Workshop Meeting on March 5, 2020, at 2:00 p.m., in the Large Conference Room at Anderson Center. 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, Township Administrator Vicky Earhart, Assistant Administrator for Operations Steve Sievers, Assistant Administrator for Human Resources Suzanne Parker, Planning & Zoning Director Paul Drury, Fire Chief Rick Martin, Public Works Director Eric Luginbuhl, Facilities Manager Mark Magna, Lt. Dan McElroy, Law Director Margaret Comey, Fiscal Office Manager Debbie Hucker, Intern Kyle Stone and Administrative Assistant Molly Mohrfield.

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

There was no further discussion.

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

DISCUSSION ITEMS

Mr. Drury introduced intern Kyle Stone from the University of Cincinnati.

Coronavirus (COVID-19) Update – **Mrs. Earhart** asked Mr. Magna for an update. **Mr. Magna** stated that the Township received a situation report from Hamilton County Public Health regarding Point of Dispensing (POD) and COVID19. The Forest Hills School District (FHSD) received the same report. Staff from both entities got together to discuss personnel who, through attrition or retirement, were no longer available to fill positions in the POD. While the Hamilton County Board of Health required a POD Manager for the FHSD and Township, each entity was responsible for filling their own positions. John Eckert with the FHSD had since updated his list with multiple people and the Township was working to fill positions, as well. On April 16th John Sherrard, Emergency Response Supervisor from Hamilton County Public Health was slated to present a POD orientation/review for team members from the FHSD and the Township. A tour of the POD location would need to be scheduled for the team members to see how the flow of the POD would go. The tour would occur after the meeting with the Hamilton County Public Health Department so that members understood how a POD works and the required positions. Aside from dispensing medication, which required medical personnel, the rest of the POD would be staffed with Township or FHSD personnel and volunteers. The Township was in the process of recruiting volunteers. Tristate Medical Reserve Corps was a website people could go to sign up to be a volunteer as well. A cure for COVID-19 did not exist at this time. There were no known cases in Ohio. COVID-19 targets older adults. **Mrs. Stone** asked if the Senior Center

March 5, 2020

was getting wiped down regularly. Mr. Magna replied that they had been supplied with disinfectant wipes and he believed it was.

Resolution Authorizing Purchase of Property (Sherman Avenue) –

Resolution 20-0305-01: Mrs. Stone moved to adopt a resolution authorizing the purchase of real property in the Township pursuant to Section 511.11 of the Ohio Revised Code as follows; Mr. Pappas seconded the motion:

RESOLUTION NO. 20-0305-01

**AUTHORIZING THE PURCHASE OF REAL PROPERTY IN THE TOWNSHIP
PURSUANT TO SECTION 511.11 OF THE OHIO REVISED CODE**

WHEREAS, Section 511.11 of the Ohio Revised Code (the “Statute”) provides, in relevant part, that a board of township trustees may acquire by purchase, appropriation, or otherwise, any private or public lands which it might deem necessary for its use; and

WHEREAS, this Board has identified certain real property in the Township that it deems necessary for its use and desires to purchase; and

WHEREAS, this Board has been advised that the Hamilton County Land Reutilization Corporation (the “Corporation”), an Ohio nonprofit community improvement corporation organized and existing under Chapters 1724 and 1702 of the Ohio Revised Code, acting by and through the Port of Greater Cincinnati Development Authority, the Management Company for the Corporation (the “Port”), will endeavor to acquire certain real property in Anderson Township identified hereinbelow and has offered to enter into a Sale/Purchase Agreement with respect to said real property providing for the sale of said real property to this Board, if acquired by the Corporation;

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

Section 1. This Board hereby determines that it is in the best interest of the Township to purchase certain real property located at 6411 Sherman Avenue in the Township (the “Property”) from the Hamilton County Land Reutilization Corporation, acting by and through the Port, if the Corporation acquires the Property. The aggregate maximum purchase price for the Property shall not exceed \$6,000, which amount is hereby appropriated for the purpose of said acquisition.

Section 2. The Township Administrator be and she is hereby authorized to execute the Sale/Purchase Agreement relating to the acquisition of the Property in substantially the form before this Board (the “Agreement”), which is hereby approved, with such changes thereto as the Township Administrator, after consultation with the Law Director, has determined are not materially adverse to the Township, such determination being evidenced by her execution of the Agreement.

March 5, 2020

Section 3. 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) Section 121.22 of the Ohio Revised Code, except as otherwise permitted hereby.

There was no further discussion.

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

2020 Curb Replacement Project –

Resolution 20-0305-02: Mr. Pappas moved to accept the bid of \$1,416,346.40, from Adleta Construction deemed to be the most responsive and responsible bidder for the 2020 Curb Replacement project in accordance with the bid plans and specifications, together with a 10% contingency, for a maximum appropriation of \$1,557,981.04 in Road and Bridge 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 Adleta Construction in accordance with their bid for the 2020 Curb Replacement project. Mrs. Stone seconded the motion.

There was no further discussion.

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

Resolution Accepting Donation of Real Property –

Resolution 20-0305-03: Mrs. Stone moved to adopt a resolution accepting donation of real property and interests therein to the Township by Nageshwar P. Dwivedi, pursuant to the authority of Section 505.10 of the Revised Code as follows; Mr. Pappas seconded the motion:

RESOLUTION NO. 20 – 0305 – 03

RESOLUTION ACCEPTING DONATION OF REAL PROPERTY AND INTERESTS THEREIN TO THE TOWNSHIP BY NAGESHWAR P. DWIVEDI, 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

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
March 5, 2020*

WHEREAS, Nageshwar P. Dwivedi, individually, is the fee owner of an undivided one-half interest in certain real property identified as Auditor's Parcel No. 500-0211-0198-00, which is located in the Township and described in Exhibit A hereto (the "Property"); and

WHEREAS, successor Co-Trustees, on behalf of the owner of the remaining undivided one-half interest in the Property (the "Bhati Trust"), have executed a Property Transfer Agreement with the Township pursuant to which the Bhati Trust will convey its interest in the Property to the Township; and

WHEREAS, this Board desires to accept the donation of Mr. Dwivedi's undivided one-half interest in the Property and upon receipt of the remaining undivided one-half interest from the Bhati Trust, to hold the Property for use as open space;

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 Mr. Dwivedi's interest in the Property pursuant to this Board's authority contained in the Statute.

SECTION 2. This Board approves and accepts the donation of Mr. Dwivedi's interest in the Property, which shall be conveyed by quitclaim deed, with release of dower rights, to the Township, acting by and through this Board, and authorizes the Township Administrator to execute such documents as she deems, after consultation with the Law Director, to be necessary and proper to accomplish said donation of real property and not disadvantageous to the Township, such determination being evidenced by her signing of such documents.

SECTION 3. This Board hereby expresses its appreciation to Mr. Nageshwar P. Dwivedi for making the aforesaid generous donation of real property to the Township.

SECTION 4. Upon conveyance of the interests of the Bhati Trust and of Mr. Dwivedi in the Property to this Board, on behalf of the Township, the Property shall be held and utilized by the Township as open space under the Township's open space program.

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

There was no further discussion.

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

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
March 5, 2020

Mr. Gerth moved to retire to Executive Session to consider the appointment of a public official as permitted by Ohio Revised Code Section 121.22 (G)(1), to consider the purchase or property for public purposes or the sale of property as permitted by Ohio Revised Code Section 121.22(G)(2), and to review negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment as permitted by Ohio Revised Code Section 212.22(G)(4).

There was no further discussion.

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

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

There was no further discussion.

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

As there was no further business, the meeting adjourned.

These minutes were approved at the meeting of April 16, 2020.



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 5th day of March 2020, and that said minutes have been duly entered upon the Journal of said Township.

This 16th day of April, 2020.



Kenneth G. Dietz
Fiscal Officer

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
March 13, 2020*

The Board of Township Trustees of Anderson Township ("Board") held a duly announced emergency meeting on March 13, 2020, at 4:30 p.m. in the Anderson Center Board 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 the attendees including Fiscal Officer Ken Dietz, Township Administrator Vicky Earhart, Assistant Administrator for Operations Steve Sievers, Law Director Margaret Comey, Fiscal Office Manger Debbie Hucker and Administrative Assistant Molly Mohrfield.

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

There was no further discussion.

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

Mrs. Earhart explained that staff was working closely with the Hamilton County Public Health Department and State/local emergency management agencies to monitor and respond to developments surrounding the spread of COVID-19. Although there were no known cases in Hamilton County, the Township was actively implementing Ohio Governor Mike DeWine's recommendations to stop the spread of COVID-19 and his order banning mass gatherings of people.

These preventive measures include cancelling or postponing events taking place in Township facilities, limiting the use of township facilities, and reducing public education appearances. The Anderson Township Senior Center would be closing at the end of the day on Friday, March 13 through Friday, April 24. Cincinnati Area Senior Services would continue to deliver meals on wheels to those individuals enrolled in the program. Anderson Center, the Anderson Township Senior Center, and the Anderson Township Heritage Center were closed to events with 100 or more attendees. Staff would notify event organizers and full refunds would be provided for those who cancel. Organizers of smaller meetings and non-essential gatherings were encouraged to cancel or postpone their activities. Future rentals of township facilities had been placed on hold as of March 10, although tentative reservations would be accepted. Public meetings of the Board of Township Trustees, Zoning Commission and Board of Zoning Appeals would continue as scheduled. The one-evening class "Anderson Township 101," set for March 24, had been postponed until the fall. Tours of township facilities including fire stations and non-essential public appearances were canceled until further notice. The Anderson Township History Room was closed until further notice.

Mrs. Earhart asked the Board to declare an emergency within the Township and to appropriate funds for emergency purposes.

Resolution 20-0313-01: Mr. Pappas moved to adopt a resolution declaring existence of an emergency; making an appropriation for the payment of expenses related to activities for equipment and emergency management; and authorizing acceptance of services, equipment, supplies, materials or funds for purposes of emergency management and seeking reimbursement for expenditures as follows; Mrs. Stone seconded the motion:

RESOLUTION NO. 20-0313-01

RESOLUTION DECLARING EXISTENCE OF AN EMERGENCY; MAKING AN APPROPRIATION FOR THE PAYMENT OF EXPENSES RELATED TO ACTIVITIES FOR EQUIPMENT AND EMERGENCY MANAGEMENT; AND AUTHORIZING ACCEPTANCE OF SERVICES, EQUIPMENT, SUPPLIES, MATERIALS OR FUNDS FOR PURPOSES OF EMERGENCY MANAGEMENT AND SEEKING REIMBURSEMENT FOR EXPENDITURES.

WHEREAS, this Board of Township Trustees ("Board") is empowered by Sections 5502.21 to 5502.51 of the Revised Code (the "Act") to declare the existence of an emergency, and to undertake measures to mitigate, among other things, any actual or imminent threat to the survival or the overall health, safety or welfare of the civilian population that is caused by any natural event, and includes, without limitation, an attack, disaster, and emergency; and

WHEREAS, the Act permits the Board to undertake activities that mitigate and reduce or eliminate the probability of a hazard and to take measures designed to reduce the effects of unavoidable hazards, including measures that may be taken during the hazard or after a hazard has occurred and activities, among others, necessary for emergency, medical, health of the civilian population, monitoring for secondary hazards, damage assessment and disaster analysis operations, coordination of disaster assistance programs, decontamination operations, and the documentation of operations and financial expenses, and any other activities that may be necessary for survival and the overall health, safety and welfare of the civilian population; and

WHEREAS, the Act authorizes the undertaking of emergency preparedness and emergency management, including activities and measures designed or undertaken in preparation for any hazard that will enhance the probability for preservation of life; and

WHEREAS, the Board may, in such circumstances, acquire and maintain firefighting, first-aid, emergency medical, hospital and rescue equipment and materials, equipment for evacuation and relocation of individuals, communications equipment, and all other means, in the nature of personal property, to be used exclusively in the protection of individuals and property against the effects of any hazard;

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

March 13, 2020

WHEREAS, the Board is authorized to establish a program for emergency management in accordance with the Act, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, and all applicable rules and regulations adopted under that Act (the "Stafford Act"); and

WHEREAS, the Board is authorized under the Act to make appropriations for the payment of expenses of its local activities for emergency management incurred by any administrative or operational division, office, department, board or authority of the state or of a political subdivision thereof, including volunteer agencies, organizations or departments, or chargeable to the Township by agreement in any county wherein a countywide agency for emergency management has been established;

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

SECTION 1. **Declaration of Emergency.** An emergency, specifically the need to prepare for the coronavirus (COVID-19) pandemic, is hereby declared to exist.

SECTION 2. **Acquisition, Replacement and Repair of Equipment; Emergency Management Activities.** For a period of six (6) after passage of this Resolution, the Township Administrator or the Chief of the Fire and Rescue Department are hereby authorized to contract, on behalf of this Board, for acquisition (by purchase, rental, loan or otherwise), replacement or repair of such equipment as may by either such official be deemed necessary to mitigate, respond to, or recover from the coronavirus (COVID-19) pandemic, and, during such period and thereafter, so long as the pandemic shall, in their joint opinion, be continuing, to undertake all necessary emergency management activities permitted under Chapter 5502 of the Revised Code.

SECTION 3. **Appropriation.** The sum of not to exceed \$50,000 is hereby authorized and appropriated for the purposes described in the preambles to this Resolution and Section 2 of this Resolution.

SECTION 4. **Acceptance of Donations.** The Township Administrator or the Chief of the Fire and Rescue Department are hereby authorized to accept such services, equipment, supplies, materials or funds for purposes of pandemic emergency management as may be offered to the Township by any person, firm or corporation, the State or any political subdivision of the State and to seek reimbursement of the Township's expenses incurred hereunder from the State and from the federal government pursuant to the Stafford Act or by any other means.

SECTION 5. **Termination.** The authority granted hereby shall terminate six months from the date of passage of this Resolution, unless further action of this Board is taken.

SECTION 6. **Preambles.** That the preambles hereto are and shall for all purposes be construed to be integral and operative parts of this resolution.

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
March 13, 2020

SECTION 7. **Sunshine Law Finding.** This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

There was no further discussion.


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

As there was no further business, the meeting adjourned.

These minutes were approved at the meeting of April 16, 2020.



Joshua S. Gerth, Chair




Kenneth G. Dietz, Fiscal Officer

CERTIFICATION

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true excerpt from the minutes of a regular meeting, including the roll call votes thereat, of the Board of Township Trustees of said Township held on the 13th day of March, 2020, and that said minutes have been duly entered upon the Journal of said Township.

This 16th day of April, 2020.



Kenneth G. Dietz
Fiscal Officer