

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
January 7, 2021*

The Board of Township Trustees of Anderson Township (“Board”) held its regular Interim Workshop Meeting on January 7, 2021, in the Emergency Operations Center at Anderson Center, with staff and others joining via teleconference.

Mrs. Earhart welcomed everyone to the January 7, 2021, meeting of the Anderson Township Board of Trustees. She stated that due to the declared state of emergency in the nation, in Ohio and in the Township, and the Order of the Director of the Ohio Department of Health issued March 12, 2020, in response to the COVID-19 emergency, the meeting was being convened telephonically with video option. The agenda for the meeting was available on the Township’s website. At each of the Board meetings attendees were encouraged to complete a sign-in sheet which included name and address. She encouraged participants to electronically sign-in by sending an email to Molly Mohrfield at mmohrfield@andersontownship.org. She identified the elected officials that were present which included Trustee Chair Josh Gerth, Trustee Vice Chair Dee Stone, and Trustee Andrew Pappas, Fiscal Officer Kenneth Dietz. Other personnel were joining in the meeting via telephone or video including Assistant Administrator for Human Resources Suzanne Parker, Assistant Administrator for Operations Steve Sievers, Law Director Margaret Comey, Planning & Zoning Director Paul Drury, Planner 1 Sarah Donavon Planner 1 PJ Ginty, Hamilton County Sheriff’s Dan McElroy, Fire Chief Rick Martin, Public Works Director Eric Luginbuhl, Facilities Manager Mark Magna, Fiscal Office Manager Debbie Hucker and Administrative Assistant Molly Mohrfield, who was recording the meeting and preparing minutes. She thanked everyone for joining in and appreciated their patience and understanding during these unprecedented times.

Mr. Gerth called the meeting to order.

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

There was no further discussion.

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

TRUSTEES/FISCAL OFFICER

The **Trustees/Fiscal Officer** had nothing requiring discussion.

DISCUSSION ITEMS

Clough Pike Implementation Report –

Resolution 21-0107-01: Mrs. Stone made a motion to set a public hearing for Thursday, January 21, 2021, at 5:30 PM during the Board of Trustees regular monthly meeting which will be held telephonically to consider the Clough Pike Corridor Study Implementation Plan. 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 the CRA Agreement with Respect to the Anderson Township Community Reinvestment Area I and Requesting that the Hamilton County Commissioners Undertake Proceedings to Approve and Authorize the Execution and Delivery of Said Agreement –

Resolution 21-0107-02: Mr. Pappas moved to adopt a resolution approving the CRA Agreement with respect to the Anderson Township Community Reinvestment Area I and requesting that the Hamilton County Commissioners undertake proceedings to approve and authorize the execution and delivery of said agreement as follows; Mrs. Stone seconded the motion:

RESOLUTION NO. 21-0107-02

A RESOLUTION APPROVING THE CRA AGREEMENT WITH RESPECT TO THE ANDERSON TOWNSHIP COMMUNITY REINVESTMENT AREA I AND REQUESTING THAT THE HAMILTON COUNTY COMMISSIONERS UNDERTAKE PROCEEDINGS TO APPROVE AND AUTHORIZE THE EXECUTION AND DELIVERY OF SAID AGREEMENT.

WHEREAS, the Anderson Township Board of Township Trustees (the “Board”) desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in a specific area of the Township that has not enjoyed reinvestment from remodeling or new construction; and

WHEREAS, Sections 3735.65 through 3735.70 of the Ohio Revised Code (the “Act”) authorize the legislative authorities of municipal corporations and counties to designate areas as community reinvestment areas within the meaning of the Act (each, a “Community Reinvestment Area” or “CRA”); and

WHEREAS, pursuant to proceedings heretofore taken, this Board established the Anderson Township Community Reinvestment Area I and the Hamilton County Commissioners took official action to create and designate, and subsequently to enlarge the boundaries of, the Anderson Township Community Reinvestment Area I (the “Anderson Township Community Reinvestment Area I” or “CRA I”); and

WHEREAS, the Ohio Development Services Agency has certified CRA I; and

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

SECTION 1. This Board hereby determines that it is in the best interest of the citizens of the Township to approve and this Board hereby approves the Community Redevelopment Agreement relating to CRA 1 in the form provided by HCDC.

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
January 7, 2021

SECTION 2. The Fiscal Officer shall provide a certified copy of this Resolution to HCDC.

SECTION 3. The preambles hereto shall be and shall be construed to be integral parts of this Resolution.

SECTION 4. This Board finds and determines that all formal actions of this Board and any of its committees concerning and relating to the passage of this Resolution were taken in an open meeting of this Board or committees, and that all deliberations of this Board and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code, except as permitted thereby.

SECTION 5. Effective Date. This Resolution shall be in full force and effect immediately upon its passage.

There was no further discussion.

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

Resolution Approving CRA for Skytop –

Resolution 21-0107-03: Mrs. Stone moved to adopt a resolution establishing and describing the boundaries of proposed Anderson Township Community Reinvestment Area II and requesting that the Hamilton County Commissioners create and designate the Anderson Township Community Reinvestment Area II as follows; Mr. Pappas seconded the motion:

RESOLUTION NO. 21 – 0107 – 03

RESOLUTION ESTABLISHING AND DESCRIBING THE BOUNDARIES OF PROPOSED ANDERSON TOWNSHIP COMMUNITY REINVESTMENT AREA II AND REQUESTING THAT THE HAMILTON COUNTY COMMISSIONERS CREATE AND DESIGNATE THE ANDERSON TOWNSHIP COMMUNITY REINVESTMENT AREA II

WHEREAS, Sections 3735.65 through 3735.70 of the Ohio Revised Code (the “Act”) authorize the legislative authorities of municipal corporations and counties to designate areas as community reinvestment areas within the meaning of the Act (each, a “Community Reinvestment Area” or “CRA”), as otherwise provided therein; and

WHEREAS, the Anderson Township Board of Township Trustees (the “Board”) desires to pursue all reasonable and legitimate incentive measures to assist and encourage development in a specific area of the Township that has not enjoyed reinvestment from remodeling or new construction; and

WHEREAS, the Board hereby requests that the Hamilton County Commissioners create a Community Reinvestment Area within the unincorporated territory of Anderson Township as

Record of Proceedings

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

January 7, 2021

described herein pursuant to the Act to be designated as the Anderson Township Community Reinvestment Area II (“Anderson Township Community Reinvestment Area II” or “CRA II”), and make findings and determinations to establish the eligibility of the area described for designation as a Community Reinvestment Area; and

WHEREAS, a survey of housing as required by Section 3735.66 of the Act has been prepared for the area to be included in CRA II and is attached to this Resolution as Exhibit A, which by this reference is incorporated herein; and

WHEREAS, the maintenance and construction of structures in CRA II would serve to encourage economic stability, maintain real property values, and generate new employment opportunities; and

WHEREAS, the remodeling of existing structures and/or the construction of new structures in CRA II constitute(s) a public purpose for which a real property exemption may be granted;

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

Section 1. The area to be designated by the Hamilton County Commissioners as Anderson Township Community Reinvestment Area II constitutes an area in which housing facilities or structures of historical significance are located, and in which new construction and repair of existing facilities or structures has been discouraged.

Section 2. The Anderson Township Community Reinvestment Area II shall include the following parcels as identified by the Hamilton County Auditor Taxpayer Identification Numbers listed on Exhibit B hereto, which by this reference is incorporated herein, and as depicted on the Exhibit C hereto, which by this reference is incorporated herein.

Section 3. All properties identified in Exhibit A are within the Community Reinvestment Area proposed to be designated as shown on Exhibit B and will be eligible for the incentive described herein. The proposed CRA II is a public/private partnership intended to promote and expand conforming uses within CRA II. Anderson Township intends to undertake supporting public improvements in CRA II.

If properties within the designated CRA II are consolidated or subdivided, such properties shall continue to be eligible for this incentive. However, properties outside the designated CRA II shall not be automatically considered part of CRA II, even if consolidated with property previously included within CRA II, without further action of this Board and of the Hamilton County Commissioners.

Section 4. Following passage of this Resolution by this Board, passage of a resolution by the Hamilton County Commissioners creating and designating CRA II and certification of CRA II by the Ohio Department of Development, the percentage of tax exemption on the increase in the

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
January 7, 2021

assessed valuation resulting from improvements to the real property within CRA II and the term of those exemptions shall be as follows:

- A. With respect to improvements to commercial properties within CRA II,
- (i) The percentage (up to 49.95%) and term (up to twelve (12) years) for existing commercial facilities shall be negotiated on a case-by-case basis in advance of construction or remodeling and according to the requirements outlined in Sections 3735.67 through 3735.673 of the Act, and upon which the cost of remodeling is at least \$75,000; and
 - (ii) The percentage (up to 49.95%) and term (up to fifteen (15) years) for new commercial facilities shall be negotiated on a case-by-case basis in advance of construction and according to the requirements outlined in Sections 3735.67 through 3735.673 of the Act, and upon which the cost of construction is at least \$75,000.

Commercial properties include, but are not limited to, apartment communities, retail properties, office properties, service facilities, research and development facilities, and laboratories.

The results of the negotiation as approved by this Board and by the Hamilton County Commissioners shall be set forth in writing in a Community Reinvestment Area Agreement, as outlined in Section 3735.671 of the Act.

- B. With respect to improvements to residential real properties within CRA II, and upon proper application by the property owner and certification thereof by the County designated housing officer,
- (i) Residential remodeling is not eligible for an exemption; and
 - (ii) 49.95% exemption for a period of ten (10) years for construction of new single-family residential properties.

There shall be no exemptions for the construction of new multi-family residential properties. Multi-family residential properties include any residential property which contains two (2) to four (4) housing units. Any property containing in excess of four (4) housing units is to be classified as commercial.

Residential applications must be filed with the housing officer no later than six (6) months after construction completion.

Section 5. This Board recommends to the Hamilton County Commissioners and respectfully requests that the Hamilton County Commissioners create and designate CRA II

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
January 7, 2021

bounded as set forth in Exhibit A, to constitute a duly established Community Reinvestment Area pursuant to the Act.

Section 6. The Hamilton County Commissioners shall acknowledge that the approval of any Community Reinvestment Area Agreement with respect to real property within the Anderson Township Community Reinvestment Area II must be approved by this Board prior to its approval by the Hamilton County Commissioners as a condition precedent to such agreement taking effect.

Section 7. This Board 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.

Section 8. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this Resolution.

Section 9. The Fiscal Officer shall certify a copy of this Resolution to the Clerk of the Hamilton County Board of County Commissioners.

Section 10. This Resolution shall be in full force and effect immediately upon its passage.

There was no further discussion.

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

Anderson Parks RecPlex Parking and Marquee Entrance – **Mrs. Earhart** stated that she had heard many positive comments about the sign and improvements to the RecPlex. She asked Mr. Magna, Facilities Manager, to walk the Board through what's remaining, as far as potential projects and the funding level. The Board had committed to \$3,000,000 for the renovation which was being funded with proceeds from the Anthology Tax Increment Finance (TIF) fund. **Mr. Magna** explained that in August, prior to bidding the RecPlex renovations, staff sat down with Ken Kushner, Executive Director, Anderson Township Park District, and went through the "wish list" of items which included expanding parking. Over the last year, during construction, a conceptual plan was designed to add approximately thirty-seven additional parking spaces. Staff worked with Mr. Kushner, regarding layout, traffic flow, and a circle area for drop off. The cost to achieve this additional parking would be approximately \$250,000. A marquee entrance at the front of the RecPlex facility, which would match the other buildings on the campus at Beech Acres, would be approximately \$150,000. He believed the number one issue that should be addressed is parking. **Mrs. Earhart** asked Mr. Magna to review expenses to date. **Mr. Magna** stated that there had been approximately \$2,551,000 of expenditures, from the inception, to asbestos removal, through construction, furniture, fixtures, equipment, security upgrades, and camera upgrades. **Mrs.**

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

January 7, 2021

Earhart requested Board guidance on proceeding with the other improvements discussed. **Mr. Pappas** asked if the estimate of \$250,000 was to redo the entire parking or just the 37 additional spaces. **Mr. Magna** responded the estimate was for the 37 additional spaces plus a sidewalk to get from that parking area and curb work. **Mr. Pappas** felt that more parking spaces were definitely needed. **Mrs. Stone** agreed, stating that there had never been enough parking. **Mr. Gerth** agreed as well. **Mrs. Earhart** stated that staff would go ahead and proceed with the additional parking.

Authorization to Execute District Office Lease with U.S. Representative Brad Wenstrup –

Resolution 21-0107-04: **Mr. Pappas** moved to authorize the Township Administrator to execute a District Office Lease Amendment with Dr. Brad R. Wenstrup in the form substantially before the Board with regard to office space located at the Township's Operation Center, 7954 Beechmont Avenue. **Mrs. Stone** seconded the motion.

There was no further discussion.

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

Set Date for 2021 Board of Trustees Planning Meeting – **Mrs. Earhart** stated that the Board had a long tradition of holding Annual Planning Meetings over the last six years. Those meetings had been held in lieu of the May Interim Workshop Meeting on the first Thursday and Friday in May. Due to the COVID-19 Pandemic the Planning Meeting did not occur in 2020. She was hopeful that it would resume in the spring. The benefit with the May time frame was that **Mr. Dietz**, and his staff, had to submit the Preliminary 2022 Tax Budget for the Board's consideration in June. It would also be a good time to gather input on the Comprehensive Plan update as well as departmental initiatives. **Mr. Gerth** stated to move forward with the planning, and if needed, the date could be adjusted. **Mrs. Stone** agreed.

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

There was no further discussion.

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.

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
January 7, 2021

These minutes were approved at the meeting of March 18, 2021.

Joshua S. Gerth, President

Kenneth G. Dietz, Fiscal Officer

CERTIFICATION

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true excerpt from the minutes of a regular meeting, including the roll call votes thereat, of the Board of Township Trustees of said Township held on the 7th day of January 2021, and that said minutes have been duly entered upon the Journal of said Township.

This 18th day of March, 2021.

Kenneth G. Dietz
Fiscal Officer

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The Board of Township Trustees of Anderson Township (“Board”) held its regular monthly meeting on January 21, 2021, at 5:00 p.m..

Mrs. Earhart welcomed attendees and announced that due to the declared state of emergency in the nation, in Ohio, and in the Township, and the Order of the Director of the Ohio Department of Health issued March 12, 2020, in response to the COVID-19 emergency, this meeting was being convened telephonically. The agenda for the meeting was available on the Township’s website at www.andersontownship.org. The Board would accept comments via phone during Public Forum, which appeared later in the agenda. She asked that all participants “mute” their phones and only “unmute” if speaking and speak directly into the phone as opposed to using the speaker feature.

At each of the Board meetings, attendees were encouraged to complete a sign-in sheet including their name and address. Mrs. Earhart informed participants that they could electronically “sign-in” by simply sending an email to mmohrfield@andersontownship.org.

She identified the elected officials that were participating in this meeting including:

- Trustee Chair Josh Gerth
- Trustee Andrew Pappas
- Fiscal Officer Ken Dietz

Other personnel were joining in the meeting via phone including:

- Assistant Administrator for Human Resources Suzanne Parker
- Assistant Administrator for Operations Steve Sievers
- Law Director, Margaret Comey
- Planning and Zoning Director Paul Drury
- Hamilton County Sheriff Lt. Dan McElroy
- Fire Chief Rick Martin
- Public Works Director Eric Luginbuhl
- Fiscal Office Manager Debbie Hucker
- Planner 1 Sarah Donovan
- Planner 1 PJ Ginty
- Administrative Assistant Molly Mohrfield who was recording this meeting and would be preparing minutes.

She stated that each of them would do their best to remember to state their name before beginning to speak so that those joining in via phone could follow along. She thanked everyone

DRAFT

for joining in and appreciated their patience and understanding during these unprecedented times.

She turned the proceedings over to Trustee Chair Josh Gerth.

Mr. Gerth called the meeting to order and moved to retire to Executive Session to consider the appointment, promotion or compensation of a public employee or official as permitted by Ohio Revised Code 121.22(G)(1), to consider 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 121.22(G)(4). Mr. Pappas seconded the motion. Mr. Dietz called the roll: Mr. Gerth, yes; Mrs. Stone, absent; Mr. Pappas, yes.

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

Mr. Gerth called the meeting to order and asked everyone 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, absent; Mr. Pappas, yes.

Moment of Silence for Janet Heywood – **Mr. Gerth** stated that Janet Heywood, the all-time author and researcher who made Anderson Township history come to life on pages of *Anderson Insights* passed away. She was also the writer for the Townships throw back Thursdays stories each week on Facebook. She had been a member of the Anderson Township Historically Society since 2006 and served a number of roles, including research chair. She was a native of Anderson Township, and a descendant of one of the Townships earliest families. She graduated from Anderson High School in 1961 as an honor student. She often referenced her youthful experiences in writing, sharing fondly about this once rural community. She also organized and wrote “Images of America, Anderson Township” just in time for the Townships 225 celebration. The Township benefited in many ways from the diligence, curiosity, good nature, and overall good well-being from Ms. Heywood in the years that she has been a part of the community. In the spirit of that, Mr. Gerth, asked for moment of silence in remembrance of Janet Heywood.

January 21, 2021

DRAFT

PUBLIC HEARINGS

Mr. Gerth opened the public hearing for the Clough Pike Corridor Study Implementation Plan.

Clough Pike Corridor Study Implementation Plan – **Mr. Ginty** explained that this had been a year-long effort in conjunction with the Hamilton County Engineer's Office, with the assistance of Stantec Consultants. The study led to both short and long term proposed improvements along Clough Pike.

Residents provided input and ideas at every stage of the process. All 252 property owners along Clough Pike received invitations to participate in each public engagement opportunity. In all, this project garnered more than 1,000 responses from Clough Pike drivers and property owners. In all, a total of 34 different projects were identified as high priority, which could be implemented within the next two years. Both the signal timing and paving marking project were in the process of moving forward, at this time, and funds have been incurred from the 2020 TIF budget.

Mr. Gerth asked if anyone would like to comment on the Clough Pike Corridor Study Implementation Plan

Guy Wolf, 60001 Stirrup asked if there were any highlights showing the significant developments and benefits to the community. **Mr. Ginty** stated that there were 34 different projects that were considered high priority and these high priority projects came out of the rounds of surveys and community input that was conducted. A great deal of effort was focused on the area of Clough Pike, Newtown Road, and Bridle Road. One of the items was the traffic signal timing study and proposed modifications to five different signals along the Clough Pike corridor, in order to move traffic, and pedestrians more safely along the corridor, and alleviate any traffic congestion issues at those intersections. The details were in the plan that was being presented this evening. **Mr. Sievers** pointed out that the Clough Pike Corridor Study Implementation Plan had been published and was available on the Township's website under the news section on the main page and has also been shared via Facebook and other means.

Tony Becker & Susan Wheatley, 6104 Clough Pike, pointed out that there was nothing in the survey that addressed speeding, and asked if there would be an opportunity to address the issue moving forward. **Mr. Ginty** responded that, in cooperation with the Hamilton County Engineers Office, there were a few sections which addressed installing friction pavement on some of the different curves along Clough Pike. **Mr. Sievers** added that there were several suggestions in the plan involving roundabouts as a way of slowing, or calming traffic. He recalled that the speed trailer, in 2019, collected data that revealed the average speed was greater than the speed

DRAFT

limit. The speed trailer had the highest effective rate, nearly 90% of cars slowed when their speeds were displayed. He pointed out that the installation of roundabouts, whether it be at Turpin Hills Drive, or Cooperleaf, would be one way of calming the traffic down. There were long term recommendations, and that was something that could be addressed outside of the plan. **Mr. Becker** asked if there was a lot of research on roundabouts. In driving through roundabouts, he did not feel it slowed traffic down, but made it more efficient for people to continue their rate of speed. He questioned the legitimacy of the roundabouts for anything other than just enabling large volumes of traffic to keep moving. **Mr. Sievers** pointed out that the speed going west bound on Clough Pike in the area of Cooperleaf, there was no stopping, it is uninterrupted speed, unless someone was turning into a driveway, of which there are very few on the south side of Clough Pike. **Mr. Ginty** stated that he did not recall speed being one of the overarching themes. Addressing the safety of the roundabouts was very critical to staff, and to Stantec, as well as pedestrian safety within the roundabouts. Being able to slow traffic down was definitely a consideration in designing roundabouts. **Mr. Becker** believed it would be helpful if more speed limit signs could be added.

Mr. Sievers pointed out that this was a long-term plan and there were always short-term options that could be addressed as well. **Mr. Gerth** added that was a working project, every changing project. The idea that people want to continue to provide input, suggestions, comments, was certainly going to be part of the implementation process.

Mr. Gerth closed the public hearing.

Resolution 21-0121-01: Mr. Pappas moved to initiate the adoption of the Clough Pike Corridor Study Implementation Plan as follows; Mr. Gerth seconded the motion:

RESOLUTION NO. 21-0121 -01

INITIATING THE ADOPTION OF THE CLOUGH PIKE CORRIDOR STUDY IMPLEMENTATION PLAN

WHEREAS, this Board of Township Trustees ("Board"), through powers granted by Chapter 519 of the Revised Code, believes Clough Pike is a critical transportation component not only in Anderson Township but for Greater Cincinnati's east side, The Clough Pike Corridor Study Implementation Plan ("Plan") identifies short-, medium- and long-term improvements that may be made along the Clough Pike corridor in Anderson Township; and

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WHEREAS, In summer 2019, The Clough Pike Traffic Survey drew almost 800 responses, with hundreds of suggestions given for ways to improve traffic flow, turn lane movement, signal timing, sidewalks, speed limits, pedestrian access and more; and

WHEREAS, 375 people participated in an online public survey held in June 2020 and public feedback from property owners and businesses was solicited through direct mailings as well as through social media and the Anderson Township website; and

WHEREAS, The questionnaire asked respondents to examine intersection options that could be improved for safety and traffic flow, as well as the draft Plan, was made available for public to review and comment on the Anderson Township website; and

WHEREAS, the Plan embodies recommendations found in previously approved township and regional plans, including, but not limited to, the Anderson Trails Update and the Anderson Plan; and

WHEREAS, the Plan may be utilized in the preparation of grant applications to the Ohio Kentucky Indiana Regional Council of Governments (OKI), Ohio Department of Transportation (ODOT), and Ohio Public Works Commission (OPWC), among others; and

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

SECTION 1. That this Board hereby accepts the recommendations and adopts the Plan, which are hereby incorporated in Exhibit A and made part of this Resolution.

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

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 an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) 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, absent; Mr. Pappas, yes.

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PRESENTATIONS AND RECOGNITIONS

WeTHRIVE! Proclamation – **Mr. Drury** stated that Hamilton County Public Health’s WeTHRIVE! Initiative created partnerships between communities, agencies, and Public Health to generate broad-based support for creating healthy environments for all residents where they live, learn and work. The Township was recognized for meeting all the requirements for the 2020 WeTHRIVE! Initiative.

Recognition of Don Tilley – **Mr. Luginbuhl** announced that Don Tilley would be retiring after 20 years of service to the Township.

PUBLIC FORUM

Guy Wolf, 60001 Stirrup, wanted to share the good news about the Trustee’s decision that was made in February 2020 regarding a proposed Planned Unit Development (PUD) at 5531 Clough Pike. The proposal called for placing 66 housing units, with lot sizes as small as 5,500 square feet, in an area Zoned “A”, with a minimum standard of 20,000 square feet per lot. After multiple zoning hearings, that eventually approved that zoning, an appeal was made to the Trustees. The Trustees reviewed the decision very thoughtful, and with careful consideration of the processes followed which resulted in a decision on February 27th to overrule the Zoning Boards approval, and to stop the development from proceeding. Subsequent to the Trustee decision, the developer then appealed to the Hamilton County Court of Common Pleas, in an effort to get the Trustees decision overturned. Earlier this month the Court issued a dismissal of the appeal based on the request of the developer. Therefore, the Trustee decision to stop that 66-unit PUD stood. This was great news for anyone who lives near, or drives through that portion of Clough Pike, and it also gave hope that the next proposed development, for that area, would be one that enhances the beauty, and safety of the Township, and was in harmony with the nearby properties and zoning of the area.

TRUSTEE COMMENTS

Mr. Pappas thanked staff for everything they had done during the COVID-19 pandemic and encouraged everyone to get vaccinated.

Mr. Gerth stated that he appreciated Mr. Wolf’s comments. He pointed out that the Board did not “rubber stamp” things, as accused of in the past, nor struck with its own agenda, to do things that went against what the overall health and wellness of the community was meant to do.

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FISCAL OFFICER

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

Minutes –

Resolution 21-0121-02: Mr. Pappas moved to approve the minutes of October 15, 2020; November 5, 2020; November 19, 2020; and December 3, 2020; with minor corrections. Mr. Gerth seconded the motion.

There was no further discussion.

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

LAW DIRECTOR

Mrs. Comey had nothing requiring Board action.

PLANNING & ZONING

Request to Postpone Case 3-2020 Anderson and Case 2-2018 Anderson Public Hearings –

Resolution 21-0121-03: Mr. Pappas made a motion to postpone a public hearing previously set for Thursday, January 21, 2021 to Thursday, February 18, 2021, at 5:30 PM at Anderson Center, 7850 Five Mile Road, Anderson Township, Ohio, or virtually if so advertised, for purpose of hearing Case #3-2020 Anderson. Mr. Gerth seconded the motion.

There was no further discussion.

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

Resolution 21-0121-04: Mr. Pappas made a motion to set a public hearing for Thursday, February 18, 2021, at 5:30 PM at Anderson Center, 7850 Five Mile Road, Anderson Township, Ohio, or virtually if so advertised, for the purpose of hearing Case #2-2018 Anderson Substantial Modification. Mr. Gerth seconded the motion.

There was no further discussion.

DRAFT

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

Adoption of WeTHRIVE! Anderson 2021-2022 Action Plan –

Resolution 21-0121-05: Mr. Pappas moved to approve the adoption of WeTHRIVE! Anderson 2021-2022 Action Plan as follows; Mr. Gerth seconded the motion:

RESOLUTION NO. 21-0121-05

ADOPTION OF WETHRIVE! ANDERSON 2021-2022 ACTION PLAN

WHEREAS, one of the fundamental principles of public health is that all people have the right to achieve optimal health; and

WHEREAS, individuals interact with the environment constantly and these interactions affect quality of life; and

WHEREAS, features of the built environment impact health-influencing behaviors, physical activity patterns, social networks and access to resources; and

WHEREAS, the Board of Township Trustees of Anderson Township, Hamilton County, Ohio (“Board”), recognizes the importance of partnering with public health to examine strategies aimed at reducing chronic disease; preventing intentional and unintentional injuries; protecting the natural environment from environmental hazards; creating social and physical environments that promotes healthy living and equal opportunity for all; and

WHEREAS, Anderson Township has established a WeTHRIVE! Anderson Committee, consisting of a Trustee, staff member, and twenty five residents; and

WHEREAS, Anderson Township adopted the Social Health, Environmental Health, and Injury Prevention pathways; will conduct an assessment, develop an action plan and prioritize strategies aimed at improving the health, safety and vitality for all community members;

WHEREAS, Anderson Township is adopting the 2021-2022 WeTHRIVE! Anderson Action Plan of committee goals for the next two years.

WHEREAS, Anderson Township will implement community programs, conduct education or awareness campaigns, and/or adopt policies when appropriate to address health and safety issues identified through the assessment, data review and prioritization process;

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NOW, THEREFORE, BE IT RESOLVED that this Board does hereby adopts the 2021-2022 Action Plan through the WeTHRIVE! Anderson Committee.

SECTION 1. The preambles hereto are and shall for all purposes be construed to be integral and operative parts of this Resolution.

SECTION 2. It is found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public in compliance with all legal requirements including, without implied limitation, Section 121.22 of the Revised Code, except as otherwise permitted thereby.

There was no further discussion.

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

Consideration of Community Art Plan Consultant Recommendation –

Resolution 21-0121-06: Mr. Pappas moved to authorize the Township Administrator to enter into a contract with Designing Local, as the consultant for the Community Art Plan, in an amount to exceed \$39,942, using funds encumbered from the 2020 budget.

There was no further discussion.

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

Authorization to Enter into Contract for Clough Pike Signal Timing Study and Modifications –

Resolution 21-0121-07: Mr. Pappas moved to authorize the Township Administrator to enter into an agreement with Stantec Consulting Services to complete a Traffic Signal Timing Study and subsequent modifications to five (5) signalized intersections along Clough Pike, for a cost not to exceed \$47,500 using “1994 TIF” funds encumbered from 2020.

There was no further discussion.

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

SHERIFF’S OFFICE

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Liquor License Request (new) for Starks Global Financial Investments, LLC, dba Pappas Seafood and Spirits located at 7480 Beechmont Avenue –

Resolution 21-0121-08: Mr. Pappas moved not to object to a new liquor license request for Starks Global Financial Investments LLC dba Pappas Seafood and Spirits, 7480 Beechmont Avenue. Mr. Gerth seconded the motion.

There was no further discussion.

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

PUBLIC WORKS DEPARTMENT

Mr. Luginbuhl had nothing requiring Board action.

FIRE & RESCUE

Resolution Authorizing Donation of Equipment –

Resolution 21-0121-09: Mr. Pappas moved to adopt a resolution authorizing the disposition of Firefighting Equipment pursuant to Section 505.10(A)(7) of the Revised Code as follows; Mr. Gerth seconded the motion:

RESOLUTION NO. – 21-0121-09

RESOLUTION AUTHORIZING THE DISPOSITION OF FIREFIGHTING EQUIPMENT PURSUANT TO SECTION 505.10(A)(7) OF THE REVISED CODE

WHEREAS, Section 505.10 of the Ohio Revised Code (the “Statute”) provides that a board of township trustees may provide for the disposition of property, including motor vehicles, road machinery, equipment and tools, if the Board finds, by resolution, that such personal property is not needed for public use, is obsolete, or is unfit for the use for which it was acquired, all in accordance with the Statute; and

WHEREAS, division (A)(7) of the Statute provides that if a board of township trustees determines that township personal property is not needed for public use, or is obsolete or unfit for the use for which it was acquired, and that the property has no value, the board may discard or salvage that property; and

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WHEREAS, the Township acquired and owns certain self-contained breathing apparatus units and related equipment and certain firefighting apparel, as further identified on Exhibit A hereto (collectively, the "Property");

WHEREAS, with respect to the self-contained breathing apparatus units and related equipment (the "SCBA Equipment"), the manufacturer thereof has given notice that it no longer supports the SCBA Equipment, making the SCBA Equipment not needed for public use; and

WHEREAS, this Board desires to dispose of the Property, which this Board hereby deems not to have monetary value to the Township; and

WHEREAS, C-Tec Career and Technology Education Centers of Licking County has expressed its desire to accept the donation of the Property for use strictly for training purposes only and not for fire-fighting purposes;

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 finds that the Property is no longer needed for public use and has no monetary value to the Township. Therefore, this Board determines that it is in the best interest of the Township to dispose of the Property pursuant to the Statute, and particularly division (A)(7) of the Statute, "as is" by donation to C-Tec Career and Technology Education Centers of Licking County (the "Donee"); provided, Donee executes and delivers to the Township a written executed Acknowledgement, Release and Waiver in the form provided as Exhibit B hereto prior to delivery of possession of the Property to the Donee.

SECTION 2. That the Township Administrator is authorized to sign all documents necessary to affect such disposition of the Property on an "as is" basis so long as she obtains a fully executed Acknowledgment, Release and Indemnification with respect to the acceptance of the Property by Donee, evidencing, among other things that Donee accepts the Property by donation "as is" and without any warranties, represents that it will use the Property for training purposes only, and that Donee releases the Township from any liability with respect to the use of the Property by Donee.

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

January 21, 2021

DRAFT

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

There was no further discussion.

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

TOWNSHIP ADMINISTRATOR

Anderson Park District RecPlex Parking Expansion –

Resolution 21-0121-10: Mr. Gerth moved that this Board hereby accept the proposal of \$28,800.00, from KBA, Inc. for the Anderson Parks RecPlex Parking Expansion, together with a 10% contingency, for a maximum appropriation of \$31,680.00 funded out of Stonecrest TIF funds; and further, the Board hereby authorizes and directs the Township Administrator, after consultation with Law Director, to enter into contract with KBA, Inc. for the Anderson Park RecPlex Parking Expansion. Mr. Pappas seconded the motion.

There was no further discussion.

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

Fire Station 10 Driveway Replacement –

Resolution 21-0121-11: Mr. Pappas moved that this Board hereby accept the proposal of \$6,300.00 from Choice One Engineering for the Fire Station 10 Driveway Replacement, together with a 10% contingency, for a maximum appropriation of \$6,900.00 funded out of Ohio Riverfront I TIF funds; and further, this Board hereby authorizes and directs the Township Administrator, after consultation with the Law Director, to enter into contract with Choice One Engineering for the Fire Station 10 Driveway Replacement. Mr. Gerth seconded the motion.

There was no further discussion.

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

Items Arising from Executive Session Discussion –

Resolution 21-0121-12: Mr. Gerth moved to authorize the following personnel changes in the Road Maintenance Department:

Record of Proceedings

DRAFT

1. The promotion of Rob Graves to the Leadman position.
2. The promotion of Keith Heilman to an Operator position.
- 3.

Mr. Pappas seconded the motion.

There was no further discussion.

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

Resolution 21-0121-13: Mr. Pappas moved to authorize the following personnel changes in the Fire and Rescue Department, effective January 24, 2021:

1. Battalion Chief for the EMS Division, Chris Kasperczyk, is reassigned to a forty-hour work week.
2. The promotion of Brian Carlson from Lieutenant to Battalion Chief of the Support Division.
3. The promotion of Douglas Eagan from Firefighter 6 to Lieutenant.

Mr. Gerth seconded the motion.

There was no further discussion.

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

Resolution 21-0121-14: Mr. Gerth moved to adopt a resolution approving a first amendment to real property purchase and sale agreement with Zicka Development Company, LLC and authorizing and ratifying action taken with respect thereto as follows; Mr. Pappas seconded the motion:

RESOLUTION No. 21 - 0121 - 14

A RESOLUTION APPROVING A FIRST AMENDMENT TO REAL PROPERTY PURCHASE AND SALE AGREEMENT WITH ZICKA DEVELOPMENT COMPANY, LLC AND AUTHORIZING AND RATIFYING ACTION TAKEN WITH RESPECT THERETO.

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

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WHEREAS, this Board by Resolution No. 19-1121-12, duly passed on November 21, 2019, authorized the disposition of certain property owned by the Township and located at 1357 Nagel Road, in the Township (the "Property"), to Zicka Development Company, LLC, pursuant to a Real Property Purchase and Sale Agreement ("PSA") authorized by said Resolution;

WHEREAS, this Board hereby determines that it is in the best interests of the Township and its residents to enter into a First Amendment to Real Property Purchase and Sale Agreement ("First Amendment") in the form before this Board to amend the PSA by, among other things, extending the term of the Studies Period (as defined in the PSA) to May 31, 2021;

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

SECTION 1. This Board hereby approves the form of the First Amendment, authorizes the Township Administrator to execute and deliver the First Amendment, and ratifies all actions taken by the Township Administrator with respect to the execution and delivery of the First Amendment. The Township Administrator is further authorized to execute and deliver all documents and instruments as she deems, after consultation with the Law Director, to be necessary and appropriate to effectuate the disposition of the Property, such determination being conclusively evidenced by her execution thereof.

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

SECTION 3. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) 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, absent; Mr. Pappas, yes.

As there was no further business, the meeting adjourned.

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These minutes were approved at the meeting of _____, 2021.

Joshua S. Gerth, President

Kenneth G. Dietz, Fiscal Officer

CERTIFICATION

The undersigned, duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true excerpt from the minutes of a regular meeting, including the roll call votes thereat, of the Board of Township Trustees of said Township held on the 21st day of January 2021, and that said minutes have been duly entered upon the Journal of said Township.

This _____ day of _____, 2020.

Kenneth G. Dietz
Fiscal Officer

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 4, 2021

The Board of Township Trustees of Anderson Township (“Board”) held its regular Interim Workshop Meeting on February 4, 2021, in the Emergency Operations Center at Anderson Center, with staff and others joining via teleconference.

Mrs. Earhart welcomed everyone to the January 7, 2021, meeting of the Anderson Township Board of Trustees. She stated that due to the declared state of emergency in the nation, in Ohio and in the Township, and the Order of the Director of the Ohio Department of Health issued March 12, 2020, in response to the COVID-19 emergency, the meeting was being convened telephonically with video option. The agenda for the meeting was available on the Township’s website. At each of the Board meetings attendees were encouraged to complete a sign-in sheet which included name and address. She encouraged participants to electronically sign-in by sending an email to Molly Mohrfield at mmohrfield@andersontownship.org. She identified the elected officials that were present which included Trustee Chair Josh Gerth, Trustee Vice Chair Dee Stone, and Trustee Andrew Pappas, Fiscal Officer Kenneth Dietz. Other personnel were joining in the meeting via telephone or video including Assistant Administrator for Human Resources Suzanne Parker, Assistant Administrator for Operations Steve Sievers, Law Director Margaret Comey, Planning & Zoning Director Paul Drury, Planner 1 Sarah Donavon Planner 1 PJ Ginty, Hamilton County Sheriff’s Dan McElroy, Fire Chief Rick Martin, Public Works Director Eric Luginbuhl, and Administrative Assistant Molly Mohrfield, who was recording the meeting and preparing minutes. She thanked everyone for joining in and appreciated their patience and understanding during these unprecedented times.

Mr. Gerth called the meeting to order.

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

There was no further discussion.

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

TRUSTEES/FISCAL OFFICER

Mrs. Stone thanked everyone for their support.

DISCUSSION ITEMS

Request for Authorization to Sell 2004 Quint to Great Oaks Career Campuses and Public Safety Services – **Chief Martin** stated in 2017 the Fire Department purchased a new Quint fire apparatus. Since that time staff had been looking for a buyer for the 2004 Quint vehicle. It was discovered that the 2004 Quint had a cracked main frame and the cost of exposing the entirety of the frame to visualize the extent of the crack would meet or exceed the amount the fire department was hoping to generate from the sale. The 2004 Quint had since been placed on an auction site for more that sixty days, no offers, bids, or inquiries had been received. However, Great Oaks Career Centers had offered to pay \$50,000 for the vehicle, \$40,000 in an immediate payment with a \$10,000 training credit for fire department personnel through the Great Oaks

Record of Proceedings

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 4, 2021

system, the credit would be good for three years. Great Oaks does not use their emergency vehicles for responding to emergencies, but instead only uses the vehicles for training purposes on their campus.

Historic Farming Implements – **Mrs. Earhart** explained that located on the grounds of the Township owned James Clark Stone House, there were several antique farming implements. Native Roots Sustainable Landscapes would be leasing the site and were not interested in having the implements on the grounds. Staff had a discussion with the Anderson Township Historical Society (ATHS) regarding loaning these implements, to them, so they could be placed on their various sites throughout the Township. There was a Memorandum of Understanding (MOU) in place with the ATHS regarding the opportunity to exchange, loan, or donate items between the Board of Township Trustees and the ATHS. If the Board was interested staff could proceed with loaning the items to the ATHS, under the MOU, and labeling those items with a metal label that indicates that they were on loan from the Board of Trustees. She had been working with Ms. Parker to ensure that those items were insured. The ATHS would also have to have some level of insurance on those items, as well. **Mrs. Stone** felt it was a good idea, and great educational tool. This would also allow them to be more readily seen by the public as well. **Mr. Gerth** and **Mr. Pappas** agreed.

Mr. Gerth moved to retire to Executive Session to consider the appointment or compensation of a public employee or official as permitted by Ohio Revised Code 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.

There was no further discussion.

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.

There was no further discussion.

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

Resolution 21-0204-01: Mrs. Stone made a motion to appoint Scott Lawrence as the 1st Alternate to fulfill an unexpired term vacated by Earl Corell; and Amy Richardson as the 2nd Alternate to the Anderson Township Board of Zoning Appeals for 2021. Mr. Pappas seconded the motion.

There was no further discussion.

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

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 4, 2021

Resolution 21-0204-02: Mrs. Stone moved to promote Sarah Donovan to the position of Planner II at an annual salary of \$58,515, effective February 8, 2021. 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 15, 2021.

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 4th day of February 2021, and that said minutes have been duly entered upon the Journal of said Township.

This 15th day of April, 2021.

Kenneth G. Dietz
Fiscal Officer

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021*

The Board of Township Trustees of Anderson Township (“Board”) held its regular monthly meeting on February 18, 2021, at 5:00 p.m.

Mrs. Earhart welcomed attendees and announced that due to the declared state of emergency in the nation, in Ohio, and in the Township, and the Order of the Director of the Ohio Department of Health issued March 12, 2020, in response to the COVID-19 emergency, this meeting was being convened telephonically. The agenda for the meeting was available on the Township’s website at www.andersontownship.org. The Board would accept comments via phone during Public Forum, which appeared later in the agenda. She asked that all participants “mute” their phones and only “unmute” if speaking and speak directly into the phone as opposed to using the speaker feature.

At each of the Board meetings, attendees were encouraged to complete a sign-in sheet including their name and address. Mrs. Earhart informed participants that they could electronically “sign-in” by simply sending an email to mmohrfield@andersontownship.org.

She identified the elected officials that were participating in this meeting including:

- Trustee Chair Josh Gerth
- Trustee Vice Chair Dee Stone
- Trustee Andrew Pappas
- Fiscal Officer Ken Dietz

Other personnel were joining in the meeting via phone including:

- Assistant Administrator for Human Resources Suzanne Parker
- Assistant Administrator for Operations Steve Sievers
- Law Director, Margaret Comey
- Planning and Zoning Director Paul Drury
- Hamilton County Sheriff Lt. Dan McElroy
- Fire Chief Rick Martin
- Public Works Director Eric Luginbuhl
- Fiscal Office Manager Debbie Hucker
- Planner 1 Sarah Donovan
- Administrative Assistant Molly Mohrfield who was recording this meeting and would be preparing minutes.

She stated that each of them would do their best to remember to state their name before beginning to speak so that those joining in via phone could follow along. She thanked everyone for joining in and appreciated their patience and understanding during these unprecedented times.

She turned the proceedings over to Trustee Chair Josh Gerth.

Mr. Gerth called the meeting to order and moved to retire to Executive Session to consider the purchase of property as permitted by Ohio Revised Code 121.22(G)(2), and to review

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021

negotiations or bargaining sessions with public employees concerning their compensation or other terms and conditions of their employment as permitted by Ohio Revised Code Section 121.22(G)(4). Mr. Pappas 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 asked everyone to join him in the Pledge of Allegiance.

Mr. Gerth stated, again, to our colleague Dee Stone, how sorry we are about tragedy that your family has suffered and asked for a moment of silence for Mitch Stone.

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.

PUBLIC HEARINGS

Mr. Gerth opened the public hearing for Case 3-2020 Anderson (1357 Nagel Road).

Case 3-2020 Anderson (1357 Nagel Road) – **Mr. Drury** stated that this was a zone change request for the property located at 1357 Nagel Road. The applicant was Zicka Development Company on behalf of the Anderson Township Board of Trustees, the property owner. The current zoning was “B” Single Family and the request was for a zone change to “DD” Planned Multiple Family. The applicant was proposing to construct 10 duplex units and 3 single family units, for a total of 13 units in a net area of 2.7 acres, and a density of 5.66 units per acre. An open house was held in November 2018 in order to gain surrounding neighbor input. Hamilton County Regional Planning Commission held a public hearing on December 3, 2020 and recommended approval with conditions. The Anderson Township Zoning Commission held a public hearing on December 21, 2020 and also recommended approval with conditions.

There was an agreement made during the land transfer in 2003 that a landscape mound would be installed along the northern property line of this site to buffer the homes on Stonegate Drive to any future development on the Township property. The mound was to be installed along the property line with approximately 10’ of the mound on both properties. The mound was ultimately not installed along the property line; it veered to the south and was located entirely on Township property between 8021 and 8023 Stonegate Drive. In order to construct the new homes the mound would need to be lowered and regraded to allow for the patios on the backs of the new homes. The applicant was proposing to replace this area of the mound with a lower mound and a mixture of evergreen and deciduous trees. The applicant had also submitted a landscaping plan that identified adding trees to the existing evergreen along the mound.

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021

Mr. Pappas asked if street parking would be permitted on the private drive. **Mr. Drury** responded that it would not be permitted due to its width. There would be driveways and off-street parking spaces provided.

Mrs. Stone asked for clarification regarding the mound. **Mr. Drury** explained that the agreement, when there was a transfer of property from Anderson Township to the Mayerson Company, was that the mound be installed along the property line, unfortunately, the mound was not installed along the property line. As the property line extends towards Nagel it veers to the south, therefore, more of it was on the current Township property than it was on the Stonegate properties that was sold to the Mayerson Company in the early 2000s. In order for Zicka to construct the homes that they were proposing, because of the width of the lot, the mound needed to be moved to the property line or reduced in size. Currently it was approximately 3' tall and it extends in both directions substantially.

Ed Farruggia, Joe Farruggia, Zicka Development Company, 7861 East Kemper Road, Cincinnati, OH 45249, stated that Zicka would be unable to construct the proposed development without moving the current mound. A landscape plan had been submitted showing a new buffer, with landscaping, unfortunately, it would not be as high as the current buffer.

Mr. Gerth asked if anyone would like to comment on Case 3-2020 Anderson (1357 Nagel Road).

Mike Uhl, 8017 Stonegate Drive, pointed out that the mound provided privacy from any development to the south. He understood the restrictions the developer had in order to construct the proposed development. He asked if there was a way to move the development further south, by removing the proposed sidewalk, thus preserving the current mound. He also asked if the western portion of the mound would remain. In regard to the evergreen trees, he asked were those replanted trees or replacement trees. **Mr. Farruggia** stated that the trees that were indicated on the plan would be 10-12' high, pointing out that evergreens typically grow approximately 8" a year. The western side of the mound would remain. He understood that the mound was beneficial to the homeowners on Stonegate, as it would be to the homeowners of this development, everyone wants privacy.

Mr. Uhl stated that it was his understanding that the developer, if at all possible, would attempt to maintain the established trees by moving them. He did know how practical that would be and did not believe they would survive. **Mr. Farruggia** responded that they did want to preserve the buffer and would attempt to move and preserve the trees.

Mr. Gerth asked if sidewalks were required in this development. **Mr. Drury** responded that there was currently a sidewalk in the vicinity; therefore, a sidewalk would be required to extend to the end of the property. The developer was proposing a sidewalk on the interior of the site and would be required to install a sidewalk along their frontage on Nagel Road. **Mr. Gerth** asked if the interior sidewalk was a zoning requirement. **Mr. Drury** stated that the developer was proposing a sidewalk on one side of the private drive.

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021*

Mr. Gerth asked Mr. Farruggia if a sidewalk was critical for the development. **Mr. Farruggia** responded that it was a private drive with only 13 units, he did not know if it was necessary. **Mr. Gerth** suggested discussing the sidewalk issue with the Planning and Zoning Department to see if this may help alleviate some of the setbacks.

Chris Kempner, 8132 Pineterrace Drive stated there was a power line that was running south over the large oak trees. **Mr. Farruggia** responded that the heavy line Mr. Kempner was referring to on the plan, was the proposed 8' sanitary sewer. There were no overhead wires on this property. **Mr. Kempner** asked if the sewage line would interfere with the root system if it was within 10" of the trees. **Mr. Farruggia** pointed out that the sewage line was located at the edge of the drip line the trees. If there was a way to move it a little more to the south, they would do that.

Mr. Gerth closed the public hearing.

Mrs. Stone stated that with regards to the oak trees, she was glad that the developer was making the effort to keep them safe.

Mr. Pappas stated that he had heard from many residents expressing interest in this type of housing option in the Township.

Resolution 21-0218-01: Mr. Gerth moved to adopt a resolution approving and adopting a Zone Change from "B" Residence to "DD" Planned Multiple Family Residence for property located at 1357 Nagel Road (Book 500, Page 121, Parcel 184) as follows; Mr. Pappas seconded the motion:

**RESOLUTION NO. 21-0218-01
CASE 3-2020 ANDERSON
1357 NAGEL RD
(Book 500, Page 121, Parcel 184)**

Approving and Adopting a Zone Change from "B" Residence to "DD" Planned Multiple Family Residence for property located at 1357 Nagel Road.

WHEREAS, this Board of Township Trustees ("Board"), on February 18, 2021, has discussed Case 3-2020 Anderson, an application filed by Zicka Development Company, on behalf of, Anderson Township Board of Trustees, property owner, requesting an amendment to the map of the Anderson Township Zoning Resolution for properties located at 1357 Nagel Road (Book 500, Page 121, Parcel 184), containing 2.9842 acres to effect, a modification to the Anderson Township Zoning Map from "B" Residence to "DD" Planned Multiple Family Residence, to allow the construction of a 10 duplex units and 3 single family units, for a total of 13 units, a net area of 2.7973 acres, and a density of 5.66 units per acre; and

WHEREAS, after allowing for public testimony and deliberating in public session, the Hamilton County Regional Planning Commission recommended approval of an application for a zone change to "DD" on December 3, 2020; and

Record of Proceedings

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021

WHEREAS, after allowing for public testimony and deliberating in public session, the Anderson Township Zoning Commission recommended approval of Case 3-2020 Anderson, with conditions on December 21, 2020; and

WHEREAS, on February 18, 2021, this Board reviewed the Application, the documents and testimony pertaining thereto and the recommendations of the Hamilton County Regional Planning Commission and the action of the Anderson Township Zoning Commission;

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

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

1. The proposed zone change to “DD” is consistent with the Land Use text from the 2016 Anderson Township Comprehensive Plan and goals from the People and Housing and Land Use and Development chapters.
2. The proposed use is compatible with the surrounding neighborhood and stabilizes the neighborhood by promoting transitional sizing in development from a large multifamily development to the single family north on Nagel Road and east on Pineterrace Drive, and office / institutional uses located south on Nagel.
3. The health and safety of the neighborhood and the Township are maintained.
4. The proposed use of the site provides an opportunity for the applicant to realize a reasonable profit (not necessarily a maximum profit) from the applicant’s use of the subject land.

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

As recommended by the Anderson Township Zoning Commission, and/or by this Board:

1. That a landscaping plan that meets the minimum standards of the Zoning Resolution, including additional buffering along the entire northern property line, shall be submitted as part of the Final Development Plan.
2. That a lighting plan that meets the minimum standards of the Zoning Resolution shall be submitted as part of the Final Development Plan.
3. That all signage shall comply with the Anderson Township Zoning Resolution and submitted as part of the Final Development Plan.

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021

4. That sidewalks shall be provided along the entire frontage of Nagel Road and connected to sidewalks within the development in accordance the Anderson Township Zoning Resolution.
5. That the guest parking spaces shall be revised to provide a minimum 10-foot buffer from the adjacent residential property to the south and to provide a 30- foot setback from the right-of-way of Nagel Road in compliance with the requirements of the Zoning Resolution.
6. That a landscape buffer, including the existing mound, shall be provided along the northern property line, and incorporated into a landscape plan submitted as part of the Final Development Plan. The existing tree stand at the west end of the property shall be preserved as much as possible and the Applicant shall document in writing plans to do so. The mound on the northern property line with evergreens shall be fenced during construction as to not disrupt the existing trees.
7. The two large oak trees near the proposed entrance shall be preserved. The trees should be protected during construction in compliance with ANSI A300 Standards for Tree Care or a hard fence be installed 10' off the drip line during construction, whichever provides the greater protection. Specifically, steps must be taken to protect the root system of each tree. The area of disturbance noted on the plans shall be modified to address this condition.
8. That a site plan showing parking dimensions be submitted during the Final Development Plan.
9. That brick and stone features be added to all elevations of all units and submitted with the Final Development Plan.
10. That the five parking spaces closest to Nagel be reconsidered or potentially moved, and that landscaping shall be provided around any spaces that are to remain in that location.

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

1. All "Requirements for Submission" have been completed;
2. Building and parking setbacks, building heights, floor area, density, construction limits and impervious surfaces are in conformance with those which are specified or depicted on the approved Preliminary Development Plan;
3. A landscape plan for perimeter buffers and other required areas is prepared by a registered landscape architect, complete with all necessary details and specifications for new landscaping features, a depiction of existing landscaping and tree mass that is to remain, and specifications for soil erosion and sedimentation control, and submitted to and approved by the Anderson Township Zoning Commission.
4. The plan complies with applicable recommendations of:

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021

- (1) The County Engineer regarding site distance analysis, right-of-way and access improvements and circulation concept;
- (2) Hamilton County Planning and Development regarding surface drainage concept;
- (3) The Metropolitan Sewer District and/or O.E.P.A. regarding sewerage concept;
- (4) The Natural Resource Conservation Service regarding erosion and sedimentation control concept; and
- (5) The authorized Fire Prevention Officer under the jurisdiction of the Board regarding Fire Prevention concepts.

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

SECTION 6. Occupancy Permit

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

- (a) A letter from the County Engineer certifying that the approved plans and specifications for right-of-way and access improvements, on-site and off-site, have been completely implemented;
- (b) A summary report from the Applicant's registered engineer or surveyor as required by and addressed to the Director of Public Works certifying that the approved plans and specifications for storm drainage improvements have been completely implemented; Director of Public Works shall inform the Anderson Township Zoning Inspector when such report is received and accepted.
- (c) A letter from the Metropolitan Sewer District or O.E.P.A. certifying that the approved Plan and specifications for sanitary sewer and wastewater treatment have been completely implemented;
- (d) A summary report from the registered landscape architect who prepared the landscape plan, attesting to completion of the landscape plan and soil erosion and sedimentation control measures, noting any deviations and the reasons for such deviations;
- (e) A letter from the authorized Fire Prevention Officer under jurisdiction of the Board, certifying that the approved plan and specifications for fire prevention have been completely implemented;

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021*

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

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

SECTION 7. Maintenance of Improvements:

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

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

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

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

SECTION 10. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

There was no further discussion.

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

Mr. Drury asked the Board for clarification on condition 6, as recommended by the Hamilton County Regional Planning Commission and modified by the Zoning Commission which states, *“that a landscape buffer, including the existing mound, shall be provided along the northern property line, and incorporated into a landscape plan submitted as part of the Final Development Plan. The existing tree stand at the west end of the property shall be preserved as much as possible and the Applicant shall document in writing plans to do so. The mound on the* Record of Proceedings

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021

northern property line with evergreens shall be fenced during construction as to not disrupt the existing trees.” Mr. Drury asked if the Board wanted to modify the condition based off of new information that was provided by the applicant. The Zoning Commission felt that the existing mound and the existing trees should be preserved in their current condition. It did not say “as much as possible”. If the Board was comfortable with the applicant providing the landscaping plan to the Zoning Commission during the final development plan, the condition would be fine as written. **Mr. Gerth** stated based on that condition, and the discussion from the applicant, as well as the idea of whether or not the sidewalk was necessary, he felt comfortable moving forward. **Mr. Drury** stated that the Zoning Commission could address it during the final development plan.

Mr. Gerth recused himself from the hearing. **Mrs. Stone** opened the public hearing for Case 2-2018 Anderson Substantial Modification (5218 Beechmont Avenue/Skytop).

Case 2-2018 Anderson Substantial Modification (5218 Beechmont Avenue/Skytop) – Ms. Donovan stated that this was a substantial modification request to the approved zone change to “EE” Planned Retail District per Trustee Resolution 18-0621-02. The applicant was Mark A. Rosenberger of Bayer Baker, on behalf of Metropolitan Holdings, on behalf of Wood Stone IV Holdings Skytop LLC, property owner. The site was located at 5218 Beechmont Avenue. The proposal was to demolish the existing 124,760’ structure, and construct a one four-story structure, approximately 363,292’ with 361 residential units, 259 one-bedroom apartments, 93 two-bedroom apartments, and 9 three-bedroom apartments at a density of 29 units per acre. The majority of the structure was four-stories, with select units having a popped-up mezzanine floor above the fourth floor at a maximum height of 67’. The structure would include two interior court yards and building amenities. The proposal was a modification from the approved plans for 9 three-story residential buildings at a height of 37’-6’’ with 246 units. The proposal also includes 627 parking spaces where 593 parking spaces were required per the Townships Zoning Resolution. 60 of those parking spaces would be covered stalls in five garage buildings. Parking and access drives surround the proposed structure. The two full access drives to Beechmont and cross access to the west property were proposed to remain. The existing storm water was proposed to remain, and the existing impervious surface ratio would be reduced by approximately 2% to 64%.

The two existing out lot commercial buildings would remain unaffected except for the Major Modification approved by the Zoning Commission for 5230 Beechmont Avenue on 10/26/2020, for Big Ash Brewery. The previously approved 10,640’ outlet commercial building was being reduced to 10,331’. The three out lot commercial buildings would be served by 117 parking spaces, where a minimum of 80 parking spaces were required.

On December 21, 2020, the Zoning Commission requested a continuation for additional information related to this application, including information on a pedestrian connection between the proposed trail head and the commercial out lot buildings, as well as the required 10% interior landscaping to be in accordance with the Zoning Resolution. The Zoning Commission also requested signage revisions to be submitted. The applicant was not proposing any modifications and were requesting a variance to the existing sign. In addition, the Zoning Commission

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021

requested that the HVAC units to be screened from the right of way and adjacent residential properties.

The Zoning Commission requested that the applicant work with the Ohio Department of Transportation (ODOT) to formulate the scope of the traffic impact study. The applicant submitted the scope of work, as provided by ODOT. Their scope would include analyzing the Beechmont Avenue and Elstun Road intersection, as well as Beechmont Avenue and the existing shared access drive to the west. The Zoning Commission requested that the parking area drive isle be reconsidered with a potentially different parking layout. The applicant modified their plan to include 22' wide interior drive isles, for two-way traffic, where 24' drive isles were required, and 9 x 18 parking spaces, where 9 x 19 was required.

On January 25, 2021, the Zoning Commission heard Case 2-2018 Anderson, Substantial Modification, and recommended approval with exception of the variance request to keep the freestanding sign. The sign was approved originally in 1999 for the height of 30' 3" tall, 187.5 square foot free-standing sign. The maximum allowed today in the "E" or "EE" Zoning District was 15', with a maximum area of 100 square feet.

Andrew Wappner, Metropolitan Holdings, 1433 Grandview Avenue, Columbus, OH 43212, stated that he was the applicant. The one variance request, they were opposed to, was the change in signage. They were proposing removing the triangle at the top of the current sign and repainting it to match the colors of the proposed building. They felt the setback of the sign was far from the right of way and helped to mark the signalized entrance, as ODOT expressed that their preference was residents and commercial users use the signalized entrance. Therefore, the taller sign helped mark that as an entrance. It was also the more sustainable option to keep and reuse what was there, as opposed to demolishing most of the sign.

There was a lot of discussion regarding the AC units on the roof top. Some of the residents on Signal Hill, the development that sits above the proposed buildings, had requested screening on top of the roof. The screening would be 15' or taller which would essentially be adding a floor to the building. After that was brought to the attention of the Zoning Commission, they agreed that screening of those units would not be necessary.

Mrs. Stone asked if anyone would like to comment on Case 2-2018 Anderson Substantial Modification (5218 Beechmont Avenue/Skytop).

Tony Giglio, 5073 Signal Hill Lane, stated that the Signal Hill Homeowners Association was opposed to this development. He would be directly impacted by this project, pointing out that his home sat directly to the north of the proposed building. The building height was certainly a big concern. He could not understand why the Zoning Commission would allow a 67' building to be built. He questioned if this development was good for the neighborhood, if it was good for the Township, and were there better options available. While this project may be good for the community and the Township, he absolutely thought there were better options available for this property. He did not feel that a 67', extremely dense, building was the best option for the residents of Signal Hill. He felt that there were Trustees that were very pro-development and that had been proven again and again. If the Board approved this project, and it created issues

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021

for the residents on Signal Hill, it could not be undone, so he asked that the Board take that into consideration when making its decision.

Mr. Pappas stated he was concerned about the northeast corner of the building being within eyesight of the homes on Signal Hill. He asked if the developer would be open to moving the corner of the unit to another part of the development. That would be one less story within view of the homes on Signal Hill.

Mark A. Rosenberger, Bayer Baker, pointed out that the height of the two-story portion was well below the back yards of the homes on Signal Hill. The preference would be to keep the building as presented, it balanced the elevation and created symmetry for the building. It would look awkward if that corner were removed.

Mrs. Stone agreed with Mr. Pappas. She felt the 67' tower would impede the view from Signal Hill.

Mr. Rosenberger pointed out that the building elevation was approximately 520', the elevation of the homes on Signal Hill were 630', 110' feet above the development.

Mrs. Stone she felt that removing the extra tower, particular on that corner, would alleviate some of the concerns from the residents of Signal Hill.

Matt Decasey, Metropolitan Holdings, stated that the concern was if the corner were removed it would affect the entire design of the building.

Mr. Rosenberger pointed out that the corners were integral to how the units were layout, it could not be moved from one spot to another, it would have to be cut off completely. Therefore, they would prefer to keep it as presented, it was well below the residents on Signal Hill.

Mr. Pappas stated that he respected the architectural aspects. He was attempting to balance everyone's concerns.

Mrs. Stone closed the public hearing.

Resolution 21-0218-02: Mr. Pappas moved to adopt a substantial modification to the approved zone change to "EE" Planned Retail District per Trustee Resolution 18-0621-02 as follows; Mrs. Stone seconded the motion:

RESOLUTION NO. 21-0218-02
CASE 2-2018 ANDERSON SUBSTANTIAL MODIFICATION
5218 BEECHMONT AVE
(Book 500, Page 430, Parcel 207)

A substantial modification to the approved zone change to "EE" Planned Retail District per Trustee Resolution No. 18-0621-02.

WHEREAS, this Board of Township Trustees ("Board"), on February 18, 2021, has discussed Case 3-2020 Anderson, an application filed by Mark A. Rosenberger of Bayer Baker,

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021

on behalf of Metropolitan Holdings, on behalf of Wood Stone IV Holdings Skytop LLC, property owner, requesting a substantial modification to the approved zone change for the property located at 5218 Beechmont Avenue (Book 500, Page 430, Parcel 207), containing 12.457 acres (multi-family parcel) to effect, a substantial modification for the approved zone change for a one four-story structure, approximately 363,292 SF, with 361 residential units, at a density of 29 units per acre, 627 parking spaces, and a maximum height of 67'; and

WHEREAS, after allowing for public testimony and deliberating in public session, the Anderson Township Board of Trustees approved a zone change for 5220, 5222, and 5230 Beechmont Avenue, in Case 2-2018 Anderson, from "A" Residence, "E" Retail and "H" Riverfront to "EE" Planned Retail District for 9 three-story apartment buildings at 37'-6" and a third, 1 story commercial out lot building; and

WHEREAS, after allowing for public testimony and deliberating in public session, the Hamilton County Regional Planning Commission recommended approval of an application for a substantial modification to an approved zone change on December 3, 2020; and

WHEREAS, after allowing for public testimony and deliberating in public session, the Anderson Township Zoning Commission moved to continue Case 2-2018 Anderson Substantial Modification with a request for more information on December 21, 2021; and

WHEREAS, after allowing for public testimony and deliberating in public session, the Anderson Township Zoning Commission recommended approval of Case 2-2018 Anderson Substantial Modification, with conditions on January 25, 2021; and

WHEREAS, on February 18, 2021, this Board reviewed the Application, the documents and testimony pertaining thereto and the recommendations of the Hamilton County Regional Planning Commission and the action of the Anderson Township Zoning Commission;

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

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

1. The proposal is consistent with the Future Land Use designation in the 2016 Comprehensive Plan Update, as well as goals identified in the People and Housing and Land Use and Development Chapters in addition to the underlying "EE" Planned Retail Business District Zoning.
2. The proposed modifications are compatible with the site and surrounding uses.
3. The development is served adequately and efficiently by essential public facilities and services, which are already in existence.
4. The modifications allow for the applicant to realize a reasonable profit from the

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021

property.

The Board hereby **approves** the following variances from the Anderson Township Zoning Resolution:

Article 3.15, D, 1- to allow a building height of 67', where 35' is required.

The aforementioned variance shall be approved for the following reasons:

1. The variance is not substantial. The proposed building height is consistent with similar large-scale projects in Retail Business Districts within Anderson Township.
2. The essential character of the neighborhood will not be substantially altered and adjoining properties will not suffer a substantial detriment as a result of the variance. The site is surrounded by compatible retail uses to the south and west, and setback 460' from Beechmont Avenue. The residential uses to the north and east of the site are strongly buffered by topography, existing vegetation, and water features.
3. The variance will not adversely affect the delivery of government services (i.e. water, sewer, garbage), once Hamilton County Building and Fire Code compliance is achieved.
4. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. The proposed density strengthens the sites potential to achieve the goals set in the Anderson Township's Comprehensive Plan's Future Land Use map, People and Housing section, and identified Key Sites section.6. The spirit and intent behind the zoning requirement will be observed and substantial justice done by granting the variance. The proposed accessory building is separated from public right-of-way by distance, elevation, and vegetation, and adheres to the property's existing character.

Article 3.15, F, 5- to allow the parking area to be 10' from a residential lot, where 20' is required.

The aforementioned variance shall be approved for the following reasons:

1. The variance is not substantial. The 10' buffer is adjacent to vacant land which is mostly steep hillside with a limited building window for future development.
2. The essential character of the neighborhood will not be substantially altered, and adjoining properties will not suffer a substantial detriment as a result of the variance.
3. The variance will not adversely affect the delivery of government services (i.e. water, sewer, garbage).
4. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. The additional 10' of parking area allow for the site to meet the required number of parking spaces.

Article 5.2, 7- to allow two accessory structures in the side yard, where they are only permitted in the rear yard.

The aforementioned variance shall be approved for the following reasons:

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021

1. The variance is not substantial. The proposed location of the accessory structures is consistent with a variance granted to an adjacent accessory structure, also in the Planned Retail Business District.
2. The essential character of the neighborhood will not be substantially altered, and adjoining properties will not suffer a substantial detriment as a result of the variance. The proposed accessory structures will match the character of the proposed residential building and have a height similar to the surrounding out lot commercial buildings.
3. The variance will not adversely affect the delivery of government services (i.e. water, sewer, garbage).
4. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance. The proposed side yard accessory structures would have very little impact on surrounding properties due to the provided setbacks and percentage of occupied space.

Article 5.3, D, 3- to allow parking stalls to have a length of 18', where 19' is required, and to allow parallel parking stalls to have a length of 20', where 23' is required.

The aforementioned variance shall be approved for the following reasons:

1. The variance is not substantial. Staff finds that the 1' reduction in parking stall lengths provides adequate space for vehicles to maneuver in the residential use. In addition, there are only seven parallel parking spaces which are located to the rear of the building.
2. The essential character of the neighborhood will not be substantially altered and adjoining properties will not suffer a substantial detriment as a result of the variance. All adjacent retail uses provide 19' parking stall lengths, however the staff feels the length reduction is not substantial and would have little impact on maneuverability. The applicant stated that these spaces will be primarily for residents and will have less turnover than a typical retail store use.
3. The variance will not adversely affect the delivery of government services (i.e. water, sewer, garbage).
4. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Article 5.3, D, 3- to allow 22' drive aisles, where 24' is required.

The aforementioned variance shall be approved for the following reasons:

1. The variance is not substantial. The proposed 22' drive aisles, are only being shown on interior drive aisles, maintaining that the drive aisles surrounding the parking lot will be 24' wide, allowing larger vehicles maneuverability around the site.
2. The essential character of the neighborhood will not be substantially altered, due to the main drive aisles meeting the zoning requirement.
3. The variance will not adversely affect the delivery of government services (i.e. water, sewer, garbage).

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021

4. The property owner's predicament cannot be feasibly obviated through some method other than a variance. The applicant demonstrated that they need the total number of parking spaces, due to no off street parking options for this site. In addition, the applicant modified the parking plan by request of the Zoning Commission to reduce the extent of the variance requested to only the interior drive aisles.

Article 5.3, L, 5, b- to allow no landscaping buffer along residential lot lines, where a minimum of one evergreen or shade tree per 30 lineal feet of parking surface, and one shrub per five lineal feet of parking surface shall be planted along the perimeter of a parking areas is required.

The aforementioned variance shall be approved for the following reasons:

1. The variance is not substantial. The adjacent residential lots are heavily screened and buffered by very steep elevation changes, existing vegetation, and grade change to Clough Creek.
2. The essential character of the neighborhood will not be substantially altered and adjoining properties will not suffer a substantial detriment as a result of the variance. Staff feels that due to the topography and natural features surrounding the site that enough buffer and screening is provided to not change the character of the neighborhood.
3. The variance will not adversely affect the delivery of government services (i.e. water, sewer, garbage).
4. The spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

The Zoning Commission hereby **denies** the following variance from the Anderson Township Zoning Resolution:

Article 5.5, G, 1- Freestanding Signs: To allow the existing freestanding sign, granted through Case 6-1999 BZA, a height of 30'-3", and 187.5 SF to remain, where the maximum height from grade is 15' (fifteen feet), and maximum area is 100SF in the "E" and "EE" Zoning District.

1. The property in question will yield a reasonable return without a variance. A 15' sign, with a maximum area of 100SF will allow for proper visibility from Beechmont Avenue as well as the potential for wall signage on the apartment building.
2. The variance is substantial. The applicant is requesting to keep the existing freestanding sign, which is double the maximum height that is allowed and substantially larger in area than permitted in this zoning district.
3. The essential character of the area will be altered. If the sign were to be brought into compliance, it would still be visible on Beechmont Avenue.
4. The spirit and intent behind the zoning requirement would not be observed by granting this variance. The Zoning Commission believes that with redevelopment of the property, the signage should come into compliance with current regulations of 15' tall and 100SF, as was approved in 2018. In addition, the height of the building will allow for wall signage that will be visible from Beechmont Avenue.

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021

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

As recommended by the Anderson Township Zoning Commission, and/or by this Board:

1. A detailed landscaping plan that meets the minimum standards of the Zoning Resolution shall be submitted as part of the Final Development Plan.
2. That all requirements of the Ohio Department of Transportation shall be met, including any modifications to the west cross access drive connecting the site with 5194 Beechmont Avenue.
3. The exterior of the proposed enclosure containing a compacter, dumpster, and space for bulk storage shall match the character of the residential building.
4. Future expansions will be subject to Article 5.1, C of the Zoning Resolution, General Development Pan Provisions.
5. That a signage plan be submitted during Final Development Plan approval, which is in compliance with the Anderson Township Zoning Resolution.

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

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

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021*

- (5) The authorized Fire Prevention Officer under the jurisdiction of the Board regarding Fire Prevention concepts.

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

SECTION 6. Occupancy Permit

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

- (a) A letter from the County Engineer certifying that the approved plans and specifications for right-of-way and access improvements, on-site and off-site, have been completely implemented;
 - (b) A summary report from the Applicant's registered engineer or surveyor as required by and addressed to the Director of Public Works certifying that the approved plans and specifications for storm drainage improvements have been completely implemented; Director of Public Works shall inform the Anderson Township Zoning Inspector when such report is received and accepted.
 - (c) A letter from the Metropolitan Sewer District or O.E.P.A. certifying that the approved Plan and specifications for sanitary sewer and wastewater treatment have been completely implemented;
 - (d) A summary report from the registered landscape architect who prepared the landscape plan, attesting to completion of the landscape plan and soil erosion and sedimentation control measures, noting any deviations and the reasons for such deviations;
 - (e) A letter from the authorized Fire Prevention Officer under jurisdiction of the Board, certifying that the approved plan and specifications for fire prevention have been completely implemented;
 - (f) A letter from the Ohio Department of Transportation stating that all applicable requirements have been fulfilled.
2. No Certificate of Occupancy shall be issued before the development complies with all of the terms, covenants, and conditions of approval, as imprinted on the Final Development Plan and contained in this Resolution.

SECTION 7. Maintenance of Improvements:

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

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021

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

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

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

SECTION 10. This Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

There was no further discussion.

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

Mr. Rosenberger asked for clarification regarding the free-standing sign. **Mr. Drury** explained that the applicants were requesting approval to allow the existing freestanding sign, granted through Case 6-1999 BZA, a height of 30'-3", and 187.5 square feet to remain. The maximum height of a sign allowed in the "E" or "EE" Zoning District was 15', with a maximum area of 100' square feet. **Mr. Pappas & Mrs. Stone** stated that they would like to be consistent with the Zoning Commission's recommendation.

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 January financial reports were available for review.

Appropriation Changes –

Resolution 21-0218-03: Mr. Pappas moved to adopt the appropriation changes as recommended by the Fiscal Officer. Mrs. Stone seconded the motion.

Record of Proceedings

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021*

Appropriation Increase

GENERAL

01.1600.08 +\$90,000 Recreation Other – Property taxes

PUBLIC WORKS***

04.1100.02 +\$140,000 Employer Retirement Contribution
04.1200.01 +\$200,000 Salaries
04.1200.02 +\$ 62,000 Road Repair Materials
04.1200.04 +\$ 9,000 Medicare

There was no further discussion.

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

Minutes –

Resolution 21-0218-04: Mrs. Stone moved to approve the minutes of November 16, 2020; with minor corrections. Mr. Gerth seconded the motion.

There was no further discussion.

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

Resolution 21-0218-05: Mrs. Stone moved to approve the minutes of December 17, 2020; with minor corrections. Mr. Pappas 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 Appoint Comprehensive Plan Steering Team –

Resolution 21-0218-06: Mrs. Stone made a motion to appoint Dan Barlow, Julie Bissinger, Jeff Bruenderman, Erica and Mike Carducci, Andy Collins, Erin Cox, Lisa Daley, Ron Edgerton, Turpin Fischer, Brian Gay, Nick Gressle, Annie Horn, Ken James, Wade Johnston, Lauren Jordan, Katherine Keough-Jurs, Tim Kloppenborg, Rob Knarr, Mark Kobosuk, Pinky Kocosis, Tim Kreimer, Ken Kushner, Abbe Lackmeyer, Norma McDonald, Andy Meyer, Dean Niemeyer, Scot Prebles, Amy Richardson, Karen Ringswald Egan, Jeff Rosa, David Rutter, Paul Sheckels, Cody Swords, Marcus Thompson, Brent Van Lue, Susan Wheatley, Dominic Wolfer, Brandon Woodard, and Tom Zins, to the 2021

Record of Proceedings

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021*

Anderson Township Comprehensive Plan Update Steering Team. 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 (new) for Cabo Bravo, LLC located at 7625 A Beechmont Avenue –

Resolution 21-0218-07: Mr. Pappas moved not to object to a new liquor license request for Cabo Bravo LLC, located at 7625 A Beechmont Avenue. 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

Mr. Luginbuhl had nothing requiring Board action.

FIRE & RESCUE

Resolution Authorizing Sale of Quint –

Resolution 21-0218-08: Mrs. Stone moved to adopt a resolution authorizing the sale of surplus equipment to Great Oaks Institute of Technology and Career Center, Cincinnati, Ohio, pursuant to a contract authorized by Section 505.101 of the Revised Code as follows; Mr. Pappas seconded the motion:

RESOLUTION NO. 21 – 0218- 08
RESOLUTION AUTHORIZING THE SALE OF SURPLUS EQUIPMENT TO GREAT OAKS INSTITUTE OF TECHNOLOGY AND CAREER CENTER, CINCINNATI, OHIO, PURSUANT TO A CONTRACT AUTHORIZED BY SECTION 505.101 OF THE REVISED CODE

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

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

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021*

WHEREAS, the Great Oaks Institute of Technology and Career Center, Cincinnati, Ohio is an Ohio joint vocational school district;

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

SECTION 1. That this Board hereby determines that the Equipment described herein is not needed for public use and hereby expresses its intent to sell the equipment identified on Exhibit A "as is" and valued at \$50,000.00 (the "Equipment"), by sale to the Great Oaks Institute of Technology and Career Center, Cincinnati, Ohio, an Ohio joint vocational school district and political subdivision (the "Purchaser"), upon the terms set forth in the Agreement described herein and pursuant to the Board's authority provided in the Statute.

SECTION 2. That the amount to be paid by the Purchaser as the purchase price for the Equipment shall not be less than \$50,000.00, payable to the Township as follows: \$40,000 in immediately available funds on the date of delivery of the Equipment to Purchaser, together with a certificate of Purchaser for training services of Seller's firefighters valued at \$10,000, to be utilized at Seller's convenience.

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

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

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

There was no further discussion.

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

ADMINISTRATION

OTARMA Insurance Renewal –

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021

Resolution 21-0218-09: Mr. Pappas moved to authorize the renewal of the Township's property and casualty insurance coverage with the Ohio Township Association Risk Management Authority, for the 2021 policy year. Mrs. Stone seconded the motion.

There was no further discussion.

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

Annual Inventory Filing with the Fiscal Officer as Required by Ohio Revised Code 505.04 – Mrs. Earhart explained that the Ohio Revised Code required that the Board of Trustees provide an inventory on the second Monday of January, each year, of all materials, machinery, tools, and other Township supplies. That inventory must then be kept in the Fiscal Office. Township Administration maintains such an inventory for insurance purposes and would be presenting a hard copy to the Fiscal Office to comply with the statutory requirement.

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

As there was no further business, the meeting adjourned.

These minutes were approved at the meeting of April 15, 2021.

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 18th day of February 2021, and that said minutes have been duly entered upon the Journal of said Township.

This 15th day of April, 2021.

Kenneth G. Dietz
Fiscal Officer

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
February 18, 2021*