

*ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES  
July 21, 2016*

The Board of Township Trustees of Anderson Township (“Board”) held its regular monthly meeting on July 21, 2016, at 5:30 p.m., in the Anderson Center Board Room. Present were the following Board members:

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

Also present at the start of the meeting were Fiscal Officer Ken Dietz, Township Administrator Vicky Earhart, Assistant Administrator for Human Resources Suzanne Parker, and Law Director Margaret Comey.

**Mr. Pappas called the meeting to order and moved to retire to Executive Session to consider the appointment, and employment of a public employee or official as permitted by Ohio Revised Code Section 121.22(G)(1); and to confer with the Law Director concerning disputes that are the subject of pending or imminent court action as permitted by Ohio Revised Code Section 121.22(G)(3). Mr. Gerth seconded the motion. Mr. Dietz called the roll: Mr. Pappas, yes; Mr. Gerth, yes; Ms. Stone, yes.**

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

**Mr. Pappas** welcomed the additional attendees, including a number of citizens and other public officials including: Planning & Zoning Director Paul Drury, Fire Chief Mark Ober, Public Works Director Richard Shelley, Lt. Matt Guy, and Administrative Assistant Molly Mohrfield. He asked them to join him in the Pledge of Allegiance.

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

There was no further discussion.

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

## **PUBLIC HEARINGS AND APPEALS**

**Mr. Pappas** opened the public hearing for the 2017 Preliminary Summary Tax Budget

2017 Preliminary Summary Tax Budget – **Mr. Dietz** explained that each year the Township was required to submit a tax budget for the next fiscal year. There were a few minor changes, but the 2017 tax budget should remain somewhat in line with the 2016 budget. The only number he foresaw changing drastically was the amount of Tax Increment Financing (TIF) dollars to be paid to the Forest Hills School District (FHSD). FHSD would be receiving approximately \$1,500,000 more than last year. That increase was reflected in the budget, although it was a pass through amount. History has proven that the Township typically spends 5% less than what it budgets.

**Mr. Pappas** invited members of the audience and other officials to comment on the 2017 Summary Preliminary Tax Budget

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

**Resolution 16-0721-01: Mr. Gerth moved to approve the 2017 Preliminary Summary Tax Budget as presented by the Fiscal Officer. Ms. Stone seconded the motion.**

There was no further discussion.

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

### **PRESENTATIONS AND RECOGNITIONS**

2016 Beautification Awards – **Mr. Drury** introduced the 2016 Beautification Award winners.

### **PUBLIC FORUM**

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

### **TRUSTEE COMMENTS**

**Mr. Pappas** pointed out that driving in the vicinity of Beechmont and Five Mile had become challenging due to the construction of the Continuous Flow Intersection. He asked that people try to re-route their travels and explained that this was State project. He understood that it was a challenge for staff working with the State and it could also be a challenge not getting the needed information or answers. **Mr. Sievers** added that the confusion was that the Township was a partner in this project but the State was the construction manager. None of the projects taking place throughout the Township were the Townships.

**Mr. Pappas** asked for a moment of silence for the fallen police officers throughout the country.

### **FISCAL OFFICER**

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

### **LAW DIRECTOR**

**Ms. Comey** had nothing requiring Board action.

### **PLANNING & ZONING**

Resolution Determining Existence of Nuisance on Land Owned by Barbara A. Winstead, 8115 Forest Road –

**Resolution 16-0721-02: Ms. Stone moved to adopt a resolution determining existence of nuisance on land owned by Barbara A. Winstead, located at 8115 Forest Road, in Anderson Township, and providing for notice and remediation pursuant to ORC Section 505.87 as follows; Mr. Gerth seconded the motion:**

**RESOLUTION NO. 16-0721-02**

**RESOLUTION DETERMINING EXISTENCE OF NUISANCE ON LAND OWNED BY BARBARA A. WINSTEAD, LOCATED AT 8115 FOREST RD., IN ANDERSON TOWNSHIP, AND PROVIDING FOR NOTICE AND REMEDIATION PURSUANT TO ORC SECTION 505.87**

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

Now, therefore, be it resolved by the Board of Township Trustees (the "Board") of Anderson Township, Ohio (the "Township"), that:

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

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

Section 3. If, within seven (7) days after the giving of the notice or notices provided for in Section 2 hereof, the owner of such land fails to abate, control, or remove the vegetation, garbage, refuse or debris, and no agreement is entered into with the Board under Ohio Revised Code Section 505.87(B)(2) to provide for the abatement, control, or removal, then the Zoning Inspector, on behalf of this Board, shall provide for such abatement, control, or removal and, on behalf of this Board, may employ the necessary labor, materials, and equipment to perform the task. The expenses to be incurred in that regard, in an amount not to exceed \$500.00, are hereby authorized and such sum is hereby appropriated to be paid from the Township General Fund from monies not otherwise appropriated.

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

There was no further discussion.

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

Request to Set Public Hearing for Case Anderson #2-2016 –

**Resolution 16-0721-03: Ms. Stone made a motion to set a public hearing for Thursday, August 18, 2016, at 6:00 PM at Anderson Center, 7850 Five Mile Road, Anderson Township, Ohio for the purpose of hearing Case Anderson #2-2016. Mr. Pappas seconded the motion.**

There was no further discussion.

**Mr. Dietz called the roll: Mr. Pappas, yes; Mr. Gerth, abstained stating “I am recusing myself for professional reasons and to avoid any appearance of improprieties;” Ms. Stone, yes.**

#### **SHERIFF’S OFFICE**

Liquor License Request Transfer – OM SAI Marathon LLC dba Five Mile Marathon, 6790 Kellogg Avenue –

**Resolution 16-0721-04: Mr. Gerth moved not to object to a liquor license transfer request for OM SAI Marathon LLC, dba Five Mile Marathon, 6790 Kellogg Avenue. Ms. Stone seconded the motion.**

There was no further discussion.

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

Liquor License Request Transfer – PNK Ohio LLC dba Belterra Park & Terraces & Aprons, 6301 Kellogg Avenue –

**Resolution 16-0721-05: Ms. Stone moved not to object to a liquor license request for PNK Ohio LLC, dba Belterra Park & Terrace & Aprons located at 6301 Kellogg Avenue. Mr. Gerth seconded the motion.**

There was no further discussion.

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

**PUBLIC WORKS**

Parking Restrictions on Ayers Road –

**Resolution 16-0721-06: Mr. Gerth moved to amend Exhibit A of Resolution No. 04-0520-07, regulating parking on all Township streets with exceptions where consideration of Public Safety permit, by the addition of prohibiting parking on either side of Ayers Road from Asbury Road to 2,198.17 lf. (0.42) miles. Ms. Stone seconded the motion.**

There was no further discussion.

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

**FIRE & RESCUE DEPARTMENT**

Resolution Authorizing Sale of Surplus Equipment to Meigs Township –

**Resolution 16-0721-07: Ms. Stone moved to adopt a resolution authorizing the sale of surplus equipment to Meigs Township (County of Adams), Ohio, pursuant to a contract authorized by Section 505.101 of the revised code as follows; Mr. Gerth seconded the motion:**

**RESOLUTION NO. 16 – 0721 – 07**

**RESOLUTION AUTHORIZING THE SALE OF SURPLUS EQUIPMENT TO MEIGS TOWNSHIP (COUNTY OF ADAMS), 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; and

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

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 \$45,000.00 (the “Equipment”), by sale to the Board of Township Trustees of Meigs Township (County of Adams), Ohio (the “Purchaser”), upon the terms set forth in the Agreement described herein and pursuant to the Board’s authority provided in the Statute.

SECTION 2. That the amount to be paid by the Purchaser as the purchase price for the Equipment shall not be less than \$45,000.00, payable to the Township.

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 to be financially advantageous to the Township, which determination shall be evidenced by her execution of the Agreement.

SECTION 4. That the preambles hereto are and 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.

### EXHIBIT A

#### EQUIPMENT DESCRIPTION

Item(s)	Quantity	Minimum Price	Current Location
Model: 2000 Central States Engine 44KFT4286YWZ19144 "AS IS"	1	\$45,000	7954 Beechmont Anderson Township, OH, 45255

There was no further discussion.

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

Resolution Authorizing Purchase of Heart Monitors –

**Resolution 16-0721-08: Mr. Gerth moved to authorize the purchase of equipment pursuant to Section 505.101 of the Ohio Revised Code as follows; Ms. Stone seconded the motion:**

### **RESOLUTION NO. 16-0721-08**

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

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

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

Section 1. That the Board hereby determines that it is in the best interest of the Township to acquire by purchase certain equipment, to-wit, 2- Heart Monitors ("Equipment"), which Equipment is available for purchase pursuant to state bid through the contract of the State

of Ohio, Department of Administrative Services, General Services Division, Office of Procurement Services.

Section 2. That the maximum amount to be paid as the purchase price for the Equipment is \$55,775.10, for which TIF funds have been previously appropriated by this Board for the purpose and remain otherwise unencumbered.

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

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

There was no further discussion.

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

#### **TOWNSHIP ADMINISTRATOR**

##### Anderson CoWorks Facilities Rental Agreement –

**Resolution 16-0721-09: Ms. Stone moved to adopt the Anderson CoWorks Facilities Rental Agreement in substantially the form before the Board, with such changes thereto not materially adverse to Anderson Township, as the Township Administrator and the Township’s Law Director shall approve, and further authorizes Assistant Administrators, in addition to the Township Administrator, to sign on behalf of the Township. Mr. Gerth seconded the motion.**

There was no further discussion.

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

##### Health Insurance Renewal –

**Resolution 16-0721-10: Mr. Gerth moved to authorize the Assistant Township Administrator for HR to renew the Township’s employee medical insurance plan as presented. Ms. Stone seconded the motion.**

There was no further discussion.

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

Greater Anderson Days – **Mrs. Earhart** announced that the Greater Anderson Days Celebration will be held July 29<sup>th</sup> – 31<sup>st</sup> at Beech Acres Park

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

As there was no further business, the meeting adjourned.

These minutes were approved at the meeting of August 18, 2016.

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Andrew Pappas, President

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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 21<sup>st</sup> day of July 2016, and that said minutes have been duly entered upon the Journal of said Township.

This 21<sup>st</sup> day of July, 2016

\_\_\_\_\_  
Kenneth G. Dietz  
Fiscal Officer

