

Hamilton Township Trustee Meeting

March 6, 2024

Trustee Board Chairman, Darryl Cordrey, called the meeting to order at 6:00 p.m. Mr. Rozzi, Mr. Sousa and Mr. Cordrey were present.

Roll call as follows:

Darryl Cordrey	Yes
Joe Rozzi	Yes
Mark Sousa	Yes

The *Pledge of Allegiance* was recited by all.

A motion was made by Mr. Cordrey, with a second by Mr. Rozzi, to approve the clerk's journal as the Official Meeting Minutes of the February 21, 2024, Trustee Special Meeting.

Roll call as follows:

Joe Rozzi	Yes
Mark Sousa	Yes
Darryl Cordrey	Yes

A motion was made by Mr. Cordrey, with a second by Mr. Rozzi, to approve the bills as presented before the Board.

Roll call as follows:

Mark Sousa	Yes
Darryl Cordrey	Yes
Joe Rozzi	Yes

Presentation

Warren County Sheriff Office- Sheriff Larry Sims

Sherrif Sims gave the 2023 statistics in Warren County. He explained that the County is now using drones for search and rescue calls, with great success. Since his last time at Hamilton Township, the Sherrif's Office has a new facility that is completely debt free. Sherrif Sims is in his last year, retiring after serving sixteen years with the Warren County Sherrif Office and thanked Hamilton Township with their support and cooperation within his time of service.

Mr. Rozzi and Mr. Sousa congratulated Sherrif Sims on his retirement and thanked him for his 16-years of service with Warren County.

Mr. Cordrey asked Sherrif Sims if there are any challenges for Waren County.

Sheriff Sims explained like other surrounding counties, drug use and mental health issues are on the rise. He also wants to bring awareness that schools are requiring more School Resource Officers. The Sheriff is confident that if the County and Townships keep communicating as they have, improvements will continue. He ensured the Board that the Sheriff's Office has a great relationship with the Federal Departments, DEA, and Homeland Security, and will continue to be on top of the issue with the U.S.-Mexico border.

Butler, Clermont, & Warren County Workforce- Ms. Traci Stivers, Director

The BCW Workforce is a State and Federal Government program, everything they offer is free of charge because all services are funded by the Department of Labor or grants. The Workforce has two missions, to see people employed with meaningful jobs and to support business owners. For business owners, they help with marketing, high school job fairs so they can reach graduating seniors, and job training programs. Many times, jobs will require previous experience, the Workforce will reimburse a business a percentage paid to a fresh high school graduate for six months for on-the-job training with a maximum of two years. Information on job seeking programs can be found on their website (<https://bcworkforce.com/>).

Work Session

Dog Barking Resolution

Mr. Cordrey: The proposed resolution would pertain to more dense/residential areas versus rural?

Mr. Ben Yoder: What the law allows us to do is regulate noise as it relates to those portions of the Township that are zoned for residential use. That could be defined as 10 acres or two acre lots, that is up to the Board to decide. You can still have large acre lots and houses built close to one another, where dog barking can still be an issue.

Mr. Cordrey: This is more of a subdivision issue than the rural areas of the Township.

Mr. Sousa asked Assistant Chief Short if a majority of the complaints are coming from R-3, high density subdivisions.

Asst. Chief Short: Correct, if passed, the Police Department would continue to enforce with due diligence. Warnings will be given to the dog owner, if not multiple times before any enforcement on the action will be given. Officers will do their best to try to mediate the problem before taking any type of criminal action for a barking dog.

Mr. Yoder: In the resolution we're proposing, it states that the dog barking must be obnoxious to person of reasonable sensibilities, and then if needed add at the property line.

Mr. Rozzi: Who determines the noise is unreasonable?

Mr. Yoder: Ultimately the court will make the decision based off of the citations from the Police Department.

Mr. Sousa questions if sound meters can determine if the dog barking is unreasonable.

Mr. Cordrey answered that it may not always be the pitch, more so dogs that are left outside for a long length of time.

Mr. Yoder pointed out that different breeds have different decibels, making the sound meter not a reliable source for tracking. Also, an officer would have to stay at the scene to determine exactly how long the dog is barking if a time limit were given to the resolution.

Mr. Cordrey: Does the resolution limit dogs only being outside barking?

Mr. Yoder: The Board can put limitations if needed to only pertain to dogs outside.

Mr. Wright: Chapter three in the resolution list parameters as to the type of discretions that the officers will reasonably use, proximity to property lines, time of day and so forth.

Mr Cordrey opened the floor to public comments at 6:37 p.m.

Mr. Paul Sisk: He thinks that the resolution should be for all areas zoned residential and for all animals, giving discretion to the police, then let it go to court.

Ms. Ruby Foust: She lives in a condominium in Miami Bluff. Her neighbor's deck is close to her bedroom window. The neighbor will let their German Shepard out throughout the middle of the night and let it bark. The issue is not with the length of time the dog is barking, but the time of day.

Mr. Ryan Ziemba: He feels like the Township is a place where you can go outside and enjoy the peace and quiet. He would like to maintain that, rather than feeling like he has to go inside because of obnoxious dog barking while outside on his own property.

Mr. Ray Warrick: He does not agree with the resolution and suggests the Police Department continue with disorderly conduct citations.

Mr. Dan Phipps: Suggest the Board limit the resolution to the Urban Service Area and high-density locations. He is afraid that this resolution will weaponize neighbors that do not like one another.

Mr. Sousa assured Mr. Phipps that this issue will not be a high priority issue for the Police Department but there needs to be measures in place to rectify the situation when it becomes unreasonable.

Mr. Cordrey closed the public comments at 7:10 p.m.

Mr. Rozzi: Though his neighborhood may not have this problem, he is aware of other dense neighborhoods in Hamilton Township that are affected. He believes that at this time the resolution should be confined to high density neighborhoods like Regency Park and Willow Pond.

The Board agrees that the resolution should be focused on high density areas and make changes if needed in the future. The resolution will come in front of the board at the March 20th meeting for a vote.

General Noise Resolution

Mr. Yoder: The Board could pass a statutory resolution that says no person shall generate or maintain louder raucous noise in such a manner as to disturb the peace and quiet of surrounding properties. This could be confined to properties zoned for residential and based off decimal levels and time of day. During the day the allowed general noise level anywhere in the Township can be up to 70 decibels between 7:00 AM and 10:00 PM, with exceptions such as permitted events and construction. Between 10:00 PM and 7:00 AM, there is a quiet time that allows noise up to 50 decibels total. Section 3 states no person shall operate a sound amp generating or amplifying device from a motor vehicle in a manner which causes a loud raucous noise to emanate from a vehicle at a volume which can be heard by a person of ordinary sensibilities that distance of 100 feet or more from the vehicle. Jake Breaking from semi-trucks is included in Section 3 but regulating can be difficult. Section 4 states exemptions to the resolution such as sirens, trash trucks and construction.

Mr. Cordrey: He questions the use of fireworks because we have certain dates allowed in Ohio Law.

Mr. Yoder: Fireworks would be covered under the section for exemption.

Mr. Rozzi: He believes that events should require a permit as an authorized special event if it exceeds the decimal range for afterhours. Fireworks should remain as an exemption for holidays.

Mr. Cordrey: He wants to make sure trash trucks can keep their normal schedule. The last thing he wants are trucks operating during rush hour or while kids are getting off the buses. Lastly, he wants to make sure the noise complaints are call driven and not a top priority for the Police Department.

Assistant Chief Short: Agrees with Mr. Cordrey that enforcement measures will be call driven/reactive and the department will better use their resources elsewhere rather than actively looking for noise violations.

Mr. Soua: Asks Mr. Yoder how uncommon is it today for a township our size to not have a noise ordinance in place?

Mr. Yoder directed the question to Mr. Wright.

Mr. Wright: He thinks that fifty percent, if not the majority of, home rule townships and cities in Ohio have a noise ordinance.

Mr. Sousa asked Assistant Chief Short if both the animal and general noise resolutions are needed based on previous complaints.

Assistant Chief Short: He anticipates more usage with the barking dog ordinance versus the general ordinance, most noise complaints are animal driven. Other noise complaints would fall back to a disorderly conduct citation.

Mr. Cordrey opened the floor to public comments.

Mr. Ron Saresky: Request a variance for neighborhood events and music venues such as the Monkey Bar that has bands playing until 11:00 p.m.

Mr. Phipps commented that industrial companies look at zoning codes and the noise ordinance could deter them from coming to Hamilton Township.

Mr. Yoder confirms that the industrial areas could be exempted.

Mr. Ziemba: He agrees with Mr. Phipps about protecting the businesses that are here especially agriculture, but with the growing neighborhoods, many with half acre lots, the Board should be proactive and put the ordinance in place before it becomes a bigger problem.

The Board discussed having different time restrictions based on weekday verse weekends. Also, have residents notify the Police Department or Township of events.

Semi-Truck Parking in Residential Zones

Mr. Yoder: The added language to the existing Parking Code pertaining to cabs and semi-trucks, says no commercial vehicle or trailer shall be parked on any residential street for one period of eight or more consecutive hours, or for a length of time more than three separate days in any given month without the abutting property owners expressed consent. Zoning regulations already prevent parking of commercial vehicles on residential lots unless it is greater than two acres.

Mr. Wright and Assistant Chief Short defined the commercial vehicles as any vehicle that weighs a gross limit of 26,000 pounds, covering most Class A and B vehicles. This definition will exclude commercial vehicles such as company vans, small trucks, and RVs.

Mr. Sousa: Can this be enforced on roads that have not been handed over to the Township?

Mr. Yoder: He believes that the language is vague enough that the term road covers both dedicated and non-dedicated roads.

Mr. Cordrey: If the developer still owns the road, is it not considered a private drive? It takes some roads years to get turned over to the Township and he understands the frustration of the residents.

Mr. Yoder agrees that the resolution can define all residential roads regardless of dedication.

Mr. Wright: Roads are often dedicated early and may have a one- or two-year lag until it's turned over to the Township. Dedication usually occurs when the County Planning Commission approves the subdivision plat. The roads are considered a public right-of-way and enforcement can take place.

Mr. Cordrey opened the floor to public comment at 7:10 p.m.

Mr. Brad Turner: He found out that many of the streets in the Providence subdivisions have not been formally turned over when he first brought the issue of semi-trucks to the Board two weeks ago. Mr. Turner greatly appreciates the discussion and work efforts of the Board and Chief Hughes and what the resolution is leaning towards.

Assistant Chief Short stated that because of ORC laws, enforcement on private drives or nondedicated roads cannot take place.

Mr. Yoder: Back to the parking code, jurisdictionally it says the provisions of the parking code shall apply to all public rights of way located within the unincorporated portions of the Township, so private drives would be excluded.

Public Comment

Mr. Cordrey opened the floor to public comments not pertaining to the work session discussions, in which there were none.

New Business

Resolution No. 2024-0306A- Article V Convention of State

Mr. Sousa appreciates Mr. Sisk’s help with the Convention of State information that he brought in front of the Board last Fall.

Mr. Cordrey made a motion with a second from Mr. Rozzi to approve Resolution 24-0306A, a resolution urging the Ohio General Assembly to take all necessary action to add Ohio to the roll of states which have adopted resolutions to trigger an Article V Convention of States.

Roll call as follows:	Joe Rozzi	Yes
	Mark Sousa	Yes
	Darryl Cordrey	Yes

Resolution No. 2024-0306B-Reciprocal Easement and Subsequent Easement Agreement with Beaver creek Site Management, LLC.

Mr. Wright: Beaver creek Site Management, LLC has a property under contract in South Lebanon fronting Grandin Road and Striker Road on which it plans to develop a single-family residential neighborhood. Beaver creek has asked for a sanitary sewer easement so that they can extend public sanitary sewer from offsite, through the Township parcel, to provide sewer to their proposed development. The Township would benefit from having sewer located on our property as it would increase the value of our site for either our future purposes or to possibly sell the site in the future to a private user. Beaver creek shall install emergency access bollards within the right-of-way of Honeysuckle Lane for Fire and Police Departments and to prevent an influx of cut-through traffic from the proposed development into the existing Willow Pond neighborhood.

Mr. Cordrey: The Honeysuckle access will ease the minds of Willow Pond residents.

Mr. Sousa: Will there be a shared greenspace maintenance agreement with Beaver creek and Miami Bluff?

Mr. Wright: He has shared the contact information with both Beaver creek and the Miami Bluff HOA to come up with an agreement regarding greenspace maintenance of the access entrance.

Mr. Cordrey made a motion with a second from Mr. Rozzi to approve Resolution 24-0306B, a resolution authorizing the Township Administrator to enter into an agreement for reciprocal easement and subsequent easement agreement with Beaver Creek Site Management, LLC and declaring an emergency.

Roll call as follows:	Mark Sousa	Yes
	Joe Rozzi	Yes
	Darryl Cordrey	Yes

Resolution No. 2024-0306C- Authorizing Private Sale of Unneeded and Unfit-For-Use Property

Mr. Cordrey made a motion with the second from Mr. Rozzi to approve Resolution 24-0306C, a resolution authorizing private sale of unneeded and unfit-for-use property in the Police Department

Roll call as follows:	Darryl Cordrey	Yes
	Joe Rozzi	Yes
	Mark Sousa	Yes

Motion- Motion to approve Professional Engineering Services for the Mounts Park Restoration Improvement Project.

Mr. Wright: Earlier this winter the Township, in concert with Goodhue Consulting, Inc., advertised for Request for Qualifications from engineering firms to assist with the reconnaissance and design of stream alignments, landfill cap restoration and other improvements to the Township's Mounts Park. We received submittals from six engineering firms. Stantec Consulting Services, Inc. of Cincinnati scored the highest, so our consultant Paul Goodhue followed up with them to have them submit a detailed scope and fee proposal for the design project. To accommodate our priorities of tasks and the budget, Stantec revised their Scope and Fee proposal to have a lower base fee of \$262,385 and additional categories of "if-authorized" items totaling \$94,134 if we have them all performed.

Mr. Cordrey made a motion with a second from Mr. Rozzi to authorize the Township Administrator to enter into the Professional Engineering Services contract for the Mounts Park

Stream Restoration and Improvement Project with Stantec Consulting Services, Inc. in the total amount of \$307,105 with the base work in the amount of \$262,385 to proceed at this time.

Roll call as follows: Joe Rozzi Yes
Mark Sousa Yes
Darryl Cordrey Yes

Motion- Motion to authorize and Concession Stand Agreement with William Barnhill at Testerman Park for the 2024 seasonal operations.

Nicole Earley: This is a standard annual agreement. Last year was the most profitable year to date.

Mr. Sousa: Thanked Ms. Earley, Don Pelfrey, and the legal team for putting the agreement together.

Mr. Cordrey made a motion with a second from Mr. Rozzi to authorize the Township Administrator to execute the concession stand operator agreement with William Barnhill at Testerman Park for 2024 seasonal operation.

Roll call as follows: Darryl Cordrey Yes
Joe Rozzi Yes
Mark Sousa Yes

Motion- Motion to approve the amendment of the Hamilton Township roster as presented.

Mr. Cordrey made a motion with a second from Mr. Rozzi to approve the amendment of the Hamilton Township roster as presented.

Roll call as follows: Mark Sousa Yes
Joe Rozzi Yes
Darryl Cordrey Yes

Public Comments

Mr. Cordrey opened the floor to public comment at 7:58 p.m., in which there were none.

Fiscal Report

Kurt Weber: January 2024 Fiscal Report-

Through the end of January, we have \$16.7 million budgeted anticipated revenue. The final appropriations/expense budget was \$19.5 million, we spent a little over \$1.4 million which is 7.3%. The total cash balance overall is \$18.3 million and the unencumbered fund balance is \$4.4 million. Some of the higher fund balances consist of General Funds at \$375,000, Road & Bridge at \$1.2 million, Police Department \$2.1 million, and Fire/EMS at \$1.8 million.

Hamilton Township will receive the first draw of Property Taxes in April, the second draw in September.

Mr. Weber will give the February Report during his last meeting on March 20, 2024.

Administrators Report

Mr. Wright gave the following updates for the Administrator Report:

- Public Works and Fire Departments are coordinating with a plumber to have the hydrant installed at Marr Park this month. A waterline will serve the fire training tower and community garden at Marr Park, the
- In Parks and Recreation, Nicole reports that the Township Eagle Scout candidate is currently completing the boxes for the raised garden beds at Marr Park. Residents and non-residents interested in reserving a garden plot can get information from the Township Facebook page or call Nicole here at the office.
- The replacement roof, gutter and downspouts replacement project for the Administration and Police Building will start next week. The contractor will be dropping off a dumpster and the building materials tomorrow.
- Cathy, Heather, and Cory have completed the initial rollover for zoning permit applications to the new online software iWorks. It is now live and residents and business owners may submit applications online using a portal on our website.
- We welcomed new police officer Seth Garrison to our team this week and he is excited to meet members of our community.
- Stephens Road will be closed for tree clearing between Hargus Drive and Village Green Parkway will be closed for one (1) week starting Monday, March 18th, 2024, weather permitting.

Trustee Comments

Mr. Rozzi thanked the presenters for coming to the meeting tonight.

Mr. Sousa attended a meeting regarding the proposed State Route 48 widening and bridge replacement in South Lebanon. He urges resident to attend the next meeting on March 13th from 6:30 p.m. to 8:30 p.m. at the Kings Elementary School. Mr. Weber added that this meeting will be an open house with virtual options and personnel that will answer any questions about the intended construction.

Mr. Cordrey welcomed back Mr. Pelfrey and thanked the staff again for their hard work at the Retreat. Reminder that the Hop into Spring event will be held Saturday, March 16th from 10 a.m.- 1 p.m. at Testerman Park. He congratulated the following businesses for placing in the Warren County's Best List:

- Monkey Bar (1st Place)- Best Bar and Pub
- Valley Vineyard (1st Place)- Best Date Night
- Blooms & Berries (2nd Place)- Best Fun on the Farm

Adjournment

With no further business to discuss, Mr. Cordrey made a motion with a second from Mr. Rozzi to adjourn at 8:18 pm.

Roll call as follows:	Darryl Cordrey	Yes
	Joe Rozzi	Yes
	Mark Sousa	Yes