

## Hamilton Township Trustees Meeting

May 20, 2020

Trustee Board Chairman, Darryl Cordrey, called the meeting to order at 6:30 pm. Mr. Cordrey, Mr. Rozzi, and Mr. Sousa were present.

The *Pledge of Allegiance* was recited by all.

Motion made by Mr. Cordrey with a second by Mr. Rozzi to amend and then approve of the clerk's journal and accept the tapes as the Official Meeting Minutes of the May 6, 2020 Trustee Meeting.

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

Motion made by Mr. Cordrey with a second by Mr. Rozzi to approve Payroll for pay cycle April 19, 2020 – May 2, 2020, Electronic Fund Transfer Direct Deposit Vouchers 1183851647 – 1183851718.

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

Motion made by Mr. Cordrey with a second by Mr. Rozzi to approve the withholding payments for payment cycle April 19, 2020 – May 2, 2020, checks numbered 32053115 – 32053123 and 32053139 – 32053152.

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

Motion made by Mr. Cordrey with a second by Mr. Rozzi to approve Payroll for pay cycle May 3, 2020 – May 16, 2020, Electronic Fund Transfer Direct Deposit Vouchers 1184524688 – 1184524762 and 1184525267 – 1184525270.

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

Motion made by Mr. Cordrey with a second by Mr. Rozzi to approve the withholding payments for payment cycle May 3, 2020 – May 16, 2020, checks numbered 32091851 – 32091859 and 32091900 – 32091913 and 32091917 – 32091920.

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

Motion made by Mr. Cordrey with a second by Mr. Rozzi to approve billing invoices for payment cycle May 4, 2020 – May 8, 2020, checks numbered 81491 and void 81450.

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

Motion made by Mr. Cordrey with a second by Mr. Rozzi to approve billing invoices for payment cycle May 11, 2020 – May 15, 2020, checks numbered 81492 - 81499.

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

Motion made by Mr. Cordrey with a second by Mr. Rozzi to approve billing invoices for payment cycle May 18, 2020 – May 22, 2020, checks numbered 81500 - 81528.

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

**Public Comments**

Mr. Cordrey opened the floor to public comments at 6:33 pm.

Carol Komescher submitted her concerns via email to Mr. Centers about water runoff around the township.

All three Trustees commented about the unprecedented rainfalls we received and how we need to continue to work with the County to create a plan to help with these concerns.

**New Business**

-Motion: Market increase for Medicount rates

This will increase our EMS Medicount billing rates to comparable rates with surrounding communities and provide a more stable base to our EMS Billing Fund.

Chief Reese explained that Medicount has suggested this adjustment for a while now. This will put us into a mid-range in the county with how we will bill for transport. We still only take in what insurance pays; we do not bill the residents so they should not see a difference.

Mr. Sousa commented that he is fine with this increase as it has been a while and will likely be some time before they are adjusted again.

Mr. Cordrey agrees as the new rates are pretty comparable to other communities here in the county.

Mr. Cordrey made a motion with a second from Mr. Rozzi to make a market increase for our Hamilton Township Medicount Billing Rates.

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

-Resolution 20-0520: State Capital Transportation Improvements Grant

This is a Resolution authorizing Hamilton Township to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement program(s) and to execute contracts as required.

This project is to fund the Baxter bridge total restoration project. This is a 51-49 grant. The total project cost is \$133,500. Hamilton Township would pay 51% of the project at \$68,085. If approved, the program would fund 49% of the project at \$65,415. There is no cost to apply for the grant.

Mr. Rozzi asked what the turnaround is for a grant like this?

Mr. Centers responded that it is hard to say especially with the current conditions. Things have been slower at the State level. Typically grants are due by April and with that the funds are usually available next year. This being a mid-year grant, we should know by the end of the year if we are getting granted the funds or not for the following year.

Mr. Rozzi asked what fund the money would come out of to which Mr. Centers explained that it would come out of the new levy fund.

Mr. Cordrey asked if this is a project that we will do even if the grant does not come through?

Mr. Centers explained that it is. This is on the resurfacing list but bridges cost more than our standard resurfacing so this is the one we would want to apply for.

Mr. Rozzi asked what the issue is with the bridge.

Mr. Hickey explained that it is disintegrating. There has been some work done on it before but it is something we were pushing off. This was actually brought before the Board last year and 2021 was our projected year to do the work.

Mr. Rozzi asked how far off Baxter is the bridge?

Mr. Hickey explained that it's roughly a mile to a mile and a half until you get to this section.

Mr. Sousa asked if Mr. Hickey has any history with applying for this kind of grant. Are they supply and demand or are there economic components to their decision?

Mr. Hickey explained that this is our second time applying. The last time we did not get approved however Neil Tunison with Warren County suggestion that we try again.

Mr. Cordrey made a motion with a second from Mr. Rozzi to approve Resolution 20-0520.

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

-Resolution 20-0520A: Rivercrest Subdivision acceptance

This is a Resolution accepting public streets for maintenance and setting speed limits on Section Two, in the Rivercrest subdivision, dispensing with the second reading and declaring an emergency.

This will allow Hamilton Township to accept Section 2 of the Rivercrest subdivision from Warren County as Hamilton Township streets and establish the Township speed limit of 25 mph. This Resolution is declared an emergency measure necessary for the immediate preservation of the peace, health, safety, and welfare of Hamilton Township. The reason for the emergency is to provide an immediate establishment of a safe speed.

Mr. Rozzi asked how much road is being accepted?

Mr. Hickey mentioned that this is less than ¼ mile.

Mr. Cordrey made a motion with a second from Mr. Rozzi to approve Resolution 20-0520A.

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

-Resolution 20-0520B: Hawthorn Manor Subdivision acceptance

This is a Resolution accepting public streets for maintenance and setting speed limits on Section Five A, B, and C, in the Hawthorn Manor subdivision, Hamilton Township, dispensing with the second reading and declaring an emergency.

This will allow Hamilton Township to accept Section 5 A, B, and C of the Hawthorn Manor subdivision from Warren County as Hamilton Township streets and establish the Township speed limit of 25 mph. This Resolution is declared an emergency measure necessary for the immediate preservation of the peace, health, safety, and welfare of Hamilton Township. The reason for the emergency is to provide an immediate establishment of a safe speed.

Mr. Cordrey made a motion with a second from Mr. Rozzi to approve Resolution 20-0520B.

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

-Resolution 20-0520C: Increase in appropriations (Police and Public Works)

This is a Resolution authorizing and approving an increase in Township appropriations in the Police District and Gasoline Tax Fund in the Police Department and Public Works Department to reconcile budgets for calendar year 2020.

This appropriation is for the security access points upgrade in the Administration/Police Department and Public Works buildings. This was an unexpected cost associated with the construction of the new Fire Station 76. To maintain security access into all Hamilton Township buildings, the Administration/Police Department and Public Works building will need to be upgraded to meet the standards of the new Fire Station 76 security access points. The General Fund will also be paying \$4,437.56 but does not need to re-appropriate funds.

Mr. Rozzi mentioned that with the new standards, the key cards would not match so everyone would need to carry two different cards?

Mr. Centers explained that is correct. It would not make our system obsolete however it would not be compatible as there would be two different systems.

Mr. Cordrey made a motion with a second from Mr. Rozzi to approve Resolution 20-0520C.

Roll call as follows: Darryl Cordrey Yes

Joe Rozzi	Yes
Mark Sousa	Yes

-Resolution 20-0520D: Lighting District Delegation

This Resolution provides compensation to Ellen Horman pursuant to O.R.C. 515.12

This provides Ellen Horman \$.50 for each lot of the Lighting District. This work is assigned to the Fiscal Officer or designee per the Ohio Revised Code. Fiscal Officer Weber is delegating these duties to Ms. Horman along with the compensation that the work entails.

Mr. Cordrey explained that this is not an additional tax on the residents.

Mr. Sousa questioned that this is done due to money collected through a special assessment for lighting anywhere in the township that we are financially responsible for maintaining.

Mr. Weber stated that if we look at our property taxes, there is a special assessment for a lighting district and that's what this is.

Mr. Cordrey made a motion with a second from Mr. Rozzi to approve Resolution 20-0520D.

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

-Resolution 20-0520E: Obsolete Property

This is a Resolution declaring certain property as obsolete, surplus, no longer needed for public use, and authorizing its disposal.

This is property that Chief Hughes has deemed obsolete and/or unusable. This property includes three computer Monitors and one USB printer. No single item is valued over \$2,500.

Mr. Rozzi asked what happens to the items to which Chief Hughes responded that they will be destroyed.

Mr. Cordrey made a motion with a second from Mr. Rozzi to approve Resolution 20-0520E.

**Work Session**

-Zoning for CBD Oil establishments

Mr. Kraemer gave a brief background stating that in December 2019 the Board of Trustees passed a one year moratorium on all CBD Oil establishments and asked the Hamilton Township Zoning Commission to look further into this. The Zoning Commission held three meetings in

January, March and May. They were able to speak with Doctor Duane Titus with Maineville Family Chiropractic to get his professional, medical opinion. Our legal council also attended the meetings to give their input.

There were a few rounds of discussion and ultimately the Board looked at what other municipalities are doing in the region. Deerfield Township is considering limitations as well so we looked at their recommendations as a guideline. The following are recommendations made by our Zoning Commission:

- Set a definition to define what a CBD Oil establishment is. A CBD Oil establishment is any retail space that maintains at least 30% of physical square footage for the sale of cannibidoil related products as its principle revenue source.
- There shall be a cap on the number of CBD Oil establishments permitted to operate at any one time in Hamilton Township. The cap shall be one CBD store per 8,000 residents as determined by the most recent Census data, not to exceed 4 total CBD stores in Hamilton Township. The Zoning Director will maintain a record of the number of existing stores operating in the Township and a zoning certificate approval will certify each store.
- Additionally there shall be at least a 500 foot buffer between each store, measured from one main entrance to the next main entrance. An exception is when there is separation between two retail strip centers. There also shall not be two CBD stores located adjacent to one another in the Township.
- Only permitted in B-1 and B-2 commercial zoning districts.

Mr. Cordrey questioned if the number used to calculate the cap of stores includes incorporated and unincorporated areas?

Mr. Centers explained that we can only enforce unincorporated.

Mr. Cordrey then asked if Maineville or South Lebanon could then allow other stores to open in their jurisdictions even if they do not meet the buffers that would be set for the Township?

Mr. Centers stated that because both entities have their own zoning and their own law enforcement that is correct.

Mr. Cordrey asked if there was any discussion about limits for how close these establishments can operate near schools?

Mr. Kraemer explained that there was a lot of discussion on that specific concern however it was not included in the recommendations because CBD is already sold in stores like Kroger, CVS and Walgreens. Kroger is within walking distance to South Lebanon Elementary already so we did not want to negatively impact the smaller “Mom and Pop shops” per say, when the larger stores already sell it. It is not their principle use but they do have it for sale in their stores.

Mr. Cordrey expressed concerns about the esthetics of advertisements near schools.

Mr. Sousa commented that he agrees with the direction of the Zoning Commission as South Lebanon is the only school that is immediately bordered by business zoned property where we would even have the potential for a development like this. Thinking about long term and how businesses and society is changing, he is comfortable without a recommendation for proximity to schools.

Mr. Rozzi expressed his concern for restricting business. This is medicinal and becoming more widely accepted. He asked if there are communities out there where these businesses are going on every street corner?

Mr. Kraemer reminded the Board that discussion for that took place and they found that the City of Montgomery has one, Anderson Township has one, and West Chester Township has one. So there has not been a proliferation in those municipalities.

Mr. Cordrey stated that he is not against a business like this but does have concerns about having a business lot where this could potentially go, next to a school and on a main drag. Do we want to plan for now or say okay we will take these recommendations as they are and go with it?

Mr. Rozzi is not in favor of a cap. He does not think an onslaught of CBD businesses will happen in the township. This is becoming more widely accepted for therapeutic uses. He questioned why we were looking into that.

Mr. Kraemer stated that the Zoning Commission did have discussion as to why we were even looking into this. Some CBD products can contain THC which is a component that can cause someone to fail a drug test so he believes that is why they proposed a cap.

Mr. Rozzi asked what the limit is that these stores can carry for THC content.

Mr. Kraemer responded that it is .3%. Dr. Titus did caution the consumer to look out for testing of the products for quality assurance.

Mr. Sousa questioned that if limits were set now and things changed down the road, could this be revised? Mr. Kraemer nodded in response that it could.

Mr. Rozzi asked if we can place signage restrictions?

Law Director, Mr. Yoder, stated that it would be difficult to place signage restrictions for one business and not another. Signage restrictions in general are tough.

Mr. Kraemer mentioned that some of the Zoning Commission members visited the Anderson Township store and said that it is a very nice and esthetically pleasing business. “Your CBD” store is the franchise that appears to be popping up in the Cincinnati area.

Mr. Centers explained that we did have one apply here in Hamilton Township but since it was during this process it did not move forward. However, the plans were very clean and did not appear to draw in a negative crowd but was geared more towards medicinal use.

Mr. Sousa does not want to be restrictive in the businesses that come to the Township since we have struggled in the past to get non-residential development here.

Continued discussion took place of adding a buffer pertaining to schools.

Mr. Rozzi asked if this is still an ongoing discussion in Deerfield Township or have they set parameters?

Mr. Yoder explained that the recommendation has gone to the Trustees however, they did not want to conduct a public hearing via Zoom Meetings.

All three Trustees agreed they would like to have language clarified and bring this back at a later date for movement.

- Discuss Public Meetings

Mr. Cordrey stated that he would like to see the meetings opened back up to the public. We can set some social distancing guidelines in place but this is the people’s government so he would like to get things back in order.

Mr. Rozzi and Mr. Sousa agreed that they also would like to open the meetings back up. Continued streaming of the meetings online was a suggestion as well.

Mr. Cordrey stated that he would even be in favor of continuing to accept public comments via email.

Mr. Centers asked if the Board would like staff input to which they all responded yes.

We have staff members that have some concerns about engaging the public. We do have some protocols put into place that opening up wouldn’t align with. We have trainings scheduled that we had to contact the Health Department to get guidelines for. Typically we do not have large crowds that attend the meetings however if we have public hearings for things such as the CBD Oil establishments, that could pack the hall.

Mr. Cordrey explained that he would not be comfortable holding public hearings without input from the community so hosting those online is not ideal. He is willing to make accommodations so staff feels comfortable.

Mr. Centers also commented that we have greater attendance when the meetings are streamed online.

Mr. Yoder reminded the Trustees that they can be flexible with how each meeting is conducted.

The next meeting will be held in person and parameters will be set for anyone wishing to attend.

### **Fiscal Officer's Report**

Mr. Weber explained that this report is reflected through the end of April. Being four months into the year puts us at 33% through the year and we did receive our first draw from Warren County. With that we received a little more than 5.1 million dollars which puts our revenue to date at 49% of our anticipated revenue for the year. We are right on schedule with our funds.

License plate fees and gas tax may be depleted some due to COVID-19. Those are such a small factor of our revenue that we are still okay. This revenue is usually collected 30-60 days in the rears. So it will be interesting to see what May and June bring with those funds.

For the month of April we spent \$941,000. For the year we have spent a little more than \$4.6 million which equates to 34% of our budget.

Mr. Cordrey commented that we most likely will not see an effect on property taxes until later in the year as they are collected roughly six months in the rears.

Mr. Sousa mentioned checking with the Warren County Auditor, Matt Nolan, to see if there is any delinquency.

### **Administrator's Report**

Mr. Centers mentioned that this coming Tuesday, May 26<sup>th</sup>, we will have full Administrative staff back in the office. As mentioned, protocols are in place and everyone has masks if they wish to wear them in case they need to come in contact with the public.

The audit will begin next week as well.

Our life safety inspection passed at the new fire station and we were granted our temporary occupancy permit. You will most likely see us do a soft move-in with some furniture and non-essential items. We still do not have a permanent move in date.

## **Trustee Comments**

Mr. Sousa thanked Alex for his work with the Zoning Commission on the CBD items. He's also been timely in his outreach for grass complaints around the township as well. Mr. Sousa also mentioned interest rates have obviously fallen with this pandemic so our investments were getting us a good return last year but since those rates have taken a turn it might be good to look at other options. The LCNB money market option was giving us a good yield on all of our excess cash that was not with RedTree, has died to near zero so it might be worth it to look at what liquid options the State has available to get us a little better return.

Mr. Rozzi congratulated the Little Miami Seniors. He thanked Chief Hughes and the Police Department for handling the neighborhood parades for them. He encouraged residents to move safely about the Township as our restaurants and businesses open back up.

Mr. Cordrey congratulated the graduating classes of Little Miami and Kings High Schools and thanked everyone involved for the celebrations for them. We are rated the 12<sup>th</sup> safest community in Ohio which is a testament to the work of our Police Department. He also encouraged everyone to practice social distancing not only for themselves but out of respect for others as well.

## **Executive Session**

Mr. Cordrey made a motion with a second from Mr. Rozzi to enter into Executive Session at 7:34 pm in reference to O.R.C. 121.22 (G) (1): to consider the compensation of a public employee or official.

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

Mr. Cordrey made a motion with a second from Mr. Rozzi to come out of Executive Session at 8:00 pm.

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

Mr. Cordrey made a motion to extend Fire Chief Brian Reese's contract through April 17, 2023 and increase his salary to \$100,048. There was a second from Mr. Rozzi.

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

## **Adjournment**

With no further business to discuss, Mr. Cordrey made a motion with a second from Mr. Rozzi to adjourn at 8:00 pm.

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