



TRUSTEE MEETING AGENDA 4/7/2022

6:00PM

- Roll Call
- Pledge of Allegiance
- Approve of the Clerk's Journal and Accept the tapes as the Official Minutes of the March 16, 2022 Township Trustee Meeting
- Bills before the Board

Presentations

- Proclamation for Sarcoidosis Awareness Month
- Warren County Drug Task Force annual report
- 2022 Township Retreat recap

Public Comments

Human Resources

- Roster Update
- Cemetery Deed

Public Hearing

- Site Plan Review: Hamkor UZ Mosque – 8665 State Route 48, Maineville, Ohio 45039

New Business

- Motion: Enter into contract with Bill Barnhill for a Concession Stand lease agreement at Testerman Park for the 2022/2023 baseball season
- Resolution 22-0407: Lighting District assessment compensation pursuant to O.R.C. 515.12
- Resolution 22-0407A: Disposal of obsolete property and equipment
- Resolution 22-0407B: Codifying the zoning change located at 6426 State Route 48 from R-1 to B-2

Administrator's Report

Fiscal Officer Comments

Trustee Comments

Executive Session

- In reference to O.R.C. 121.22 (G) (1) and (G) (3)
 - (G) (1): To consider the employment or compensation of a public employee
 - (G) (3): Conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action

Adjournment

HAMILTON TOWNSHIP ADMINISTRATION

Joseph Rozzi – *Board Chair*

Mark Sousa – *Trustee*

Darryl Cordrey – *Trustee*

Kurt Weber - *Fiscal Officer*

7780 South State Route 48
Maineville, Ohio 45039
Phone: (513) 683-8520

Township Administrator

Brent Centers

(513) 239-2372

Police Department

Scott Hughes – Police Chief

Phone: (513) 683-0538

Fire and Emergency Services

Jason Jewett – Fire Chief

7684 South State Route 48

Maineville, Ohio 45039

Phone: (513) 683-1622

Public Works

Kenny Hickey – Director

Phone: (513) 683-5360

Assist. Fiscal Officer

Ellen Horman

Phone: (513) 239-2377

Human Resources

Kellie Krieger

Phone: (513) 239-2384

Economic Development

Zoning Administrator

Lindsey Gehring

Phone: (513) 239-2371

Community Development Coordinator

Nicole Early

(513) 683-5320

The agenda is to give an idea of the various discussions before the Board. The time and order of Agenda items is subject to change in order to maintain efficiency and timeliness of the meetings. Citizens may address the Board under the Public Comment section of the agenda.

The following guidelines protect your rights as well as those of others:

1. Speakers must state their name and full address for the record.
2. The Board Chair will recognize each speaker, and only one person may speak at a time.
3. Speakers will address any and all comments to the Board of Trustees and Fiscal Officer. The Board may request further information from staff at their discretion.
4. Anyone who willfully disrupts a Board meeting may be barred from speaking further, or may be removed from the meeting and detained by officers of the Hamilton Township Police Department. (ORC 505.09; ORC 2917.12)

The HAMILTON TOWNSHIP TRUSTEES

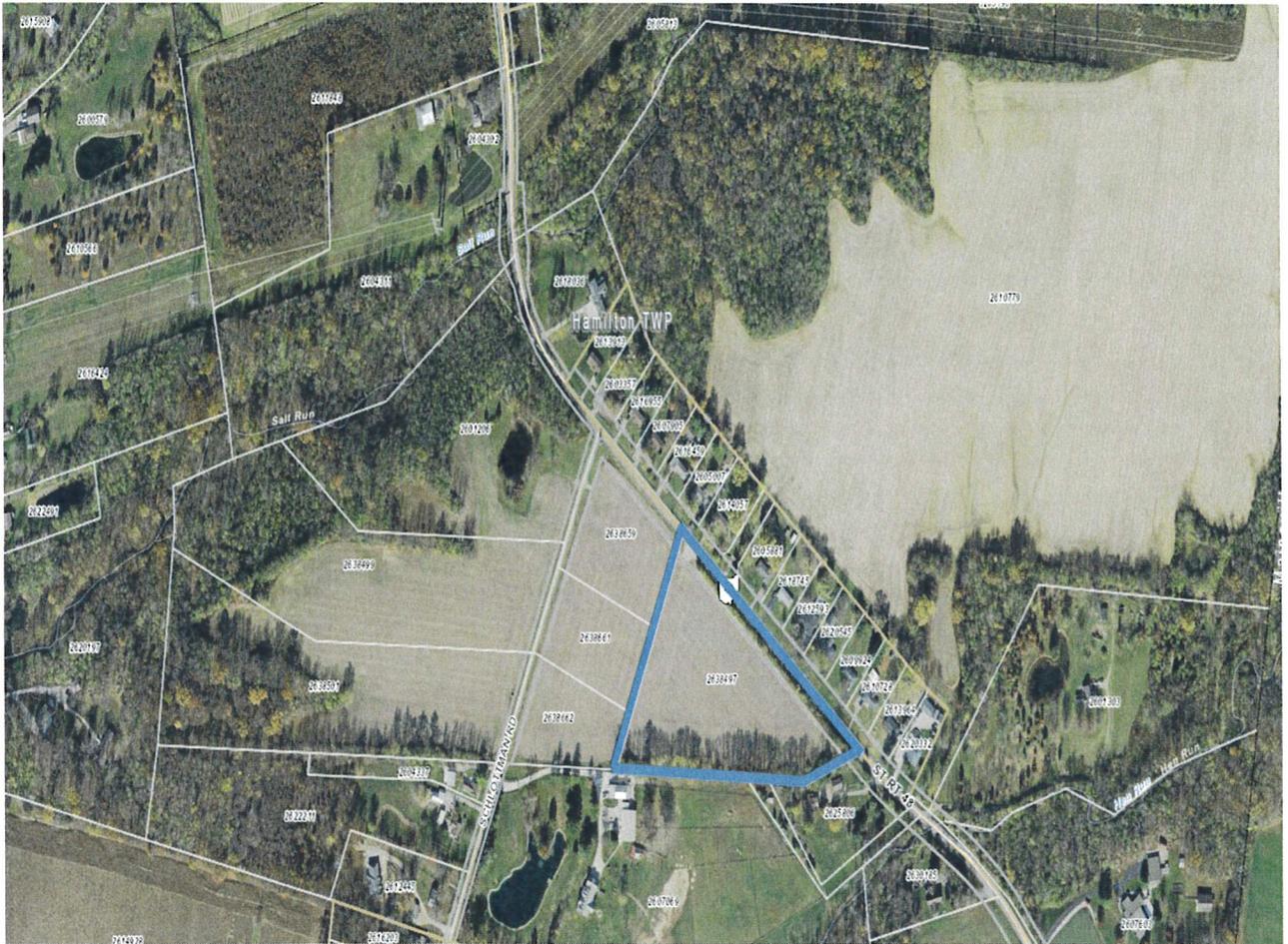
Site Plan Review: Hamkor UZ Mosque

8665 State Route 48, Maineville, OH 45039

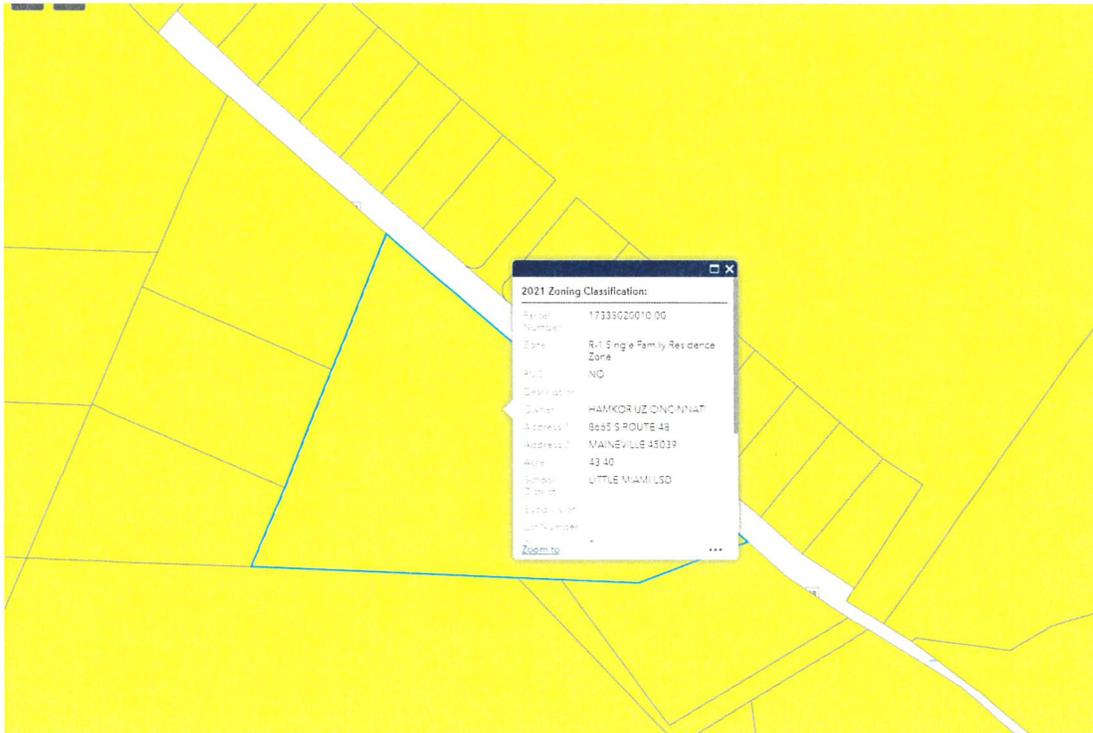
April 7, 2022, 6:00PM

- Owner:** Hamkor UZ Cincinnati Association, 8161 Meeting Street, West Chester, OH 45069
- Applicant:** RIC Construction, Inc., 4221 Malsbury Rd., Suite 104, Cincinnati, OH 45242
- Spokespersons:** David Darwiche and Rob Painter
- Location:** 8665 State Route 48, Maineville, OH 45039; Parcel ID #1733302007
- Size:** 6.7443 acres
- Zoning:** R-1 Single Family Residence Zone
- Request:** Site Plan Review for Hamkor UZ Mosque to construct an 18,972 square foot religious worship facility.
- History:** The property is zoned R-1 Single Family and is currently vacant land
- Project Summary:** The Applicant seeks approval of a Site Plan Review for Hamkor UZ Cincinnati to build an 18,972 square foot facility.
- Project Description:** RIC Construction proposes to build an 18,972 square foot facility to serve the regional Muslim community. This facility will consist of a 2 story main prayer space, a second floor mezzanine, a classroom, an area for ablution (a ceremonial act of washing parts of the body or sacred containers), as well as multiple storage areas. Maximum occupancy is at 690. Access will be from State Route 48. This proposed project will be the first North American location so the project will fully represent the culture.

Site Aerial:



Zoning Map:

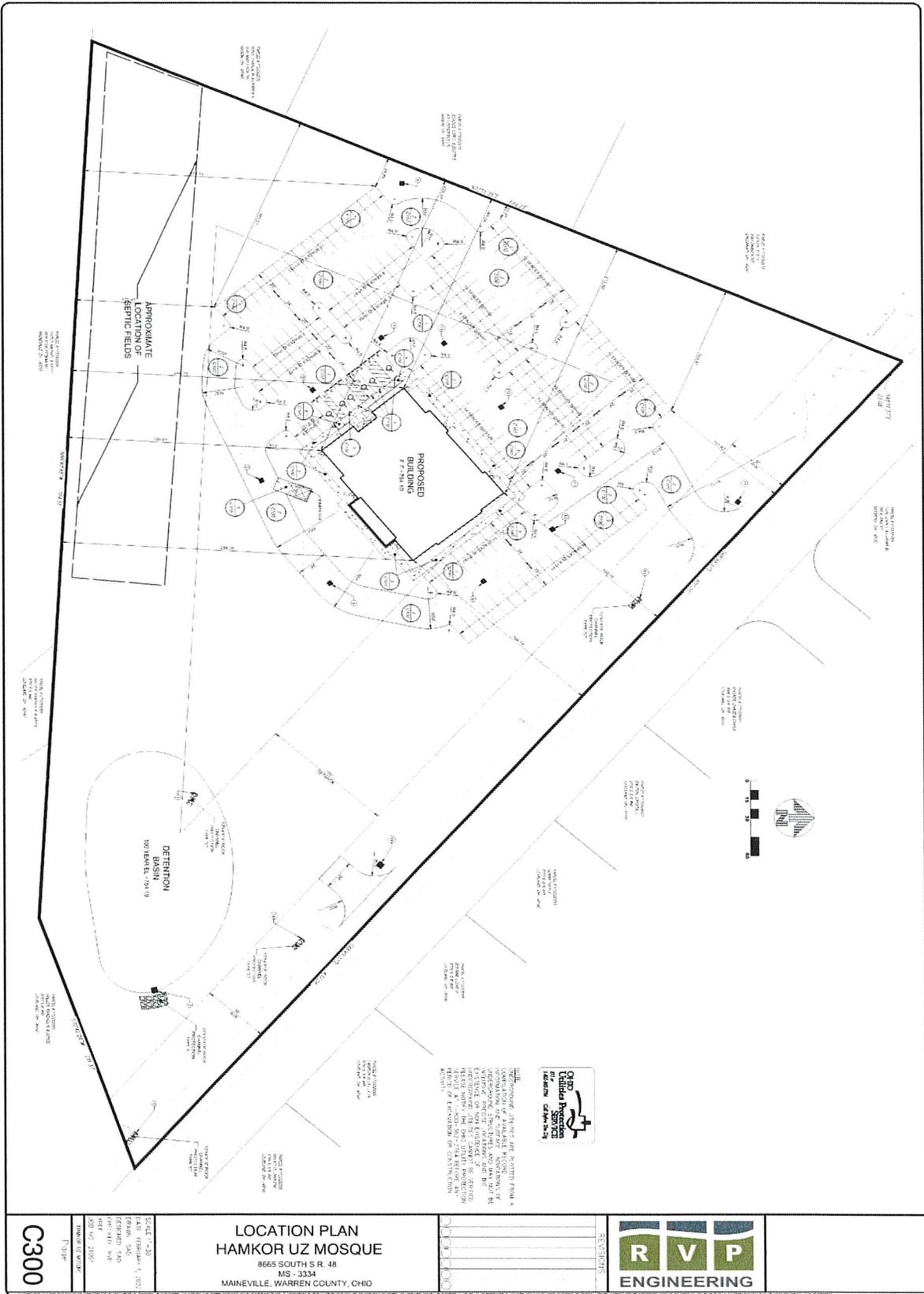


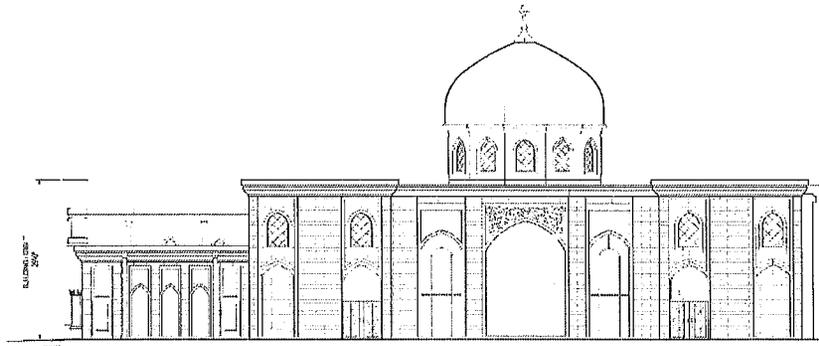
2021 Zoning Parcels

-  B-1 Neighborhood Business Zone
-  B-2 General Business Zone
-  Check
-  M-1 Light Industry Zone
-  M-2 Heavy Industry Zone
-  M-H Mobile Home Park Zone
-  R-1 Single Family Residence Zone
-  R-2 Two Family Residence Zone
-  R-3 Multi-Family Residence Zone
-  R-4 Urban Residence Zone
-  T-C Trailer Camp Zone

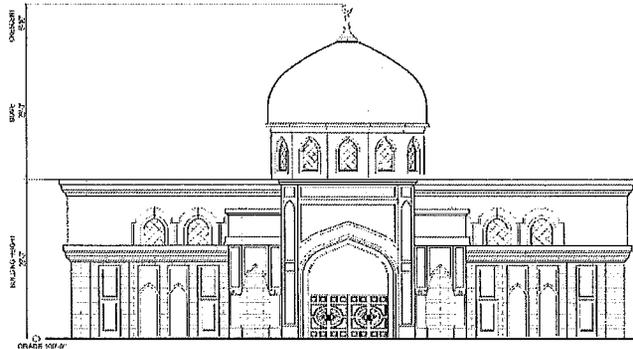
Site is zoned R-1 Single Family Residence Zone

North: R-1 Single Family Residence Zone
South: R-1 Single Family Residence Zone
East: R-1 Single Family Residence Zone
West: R-1 Single Family Residence Zone

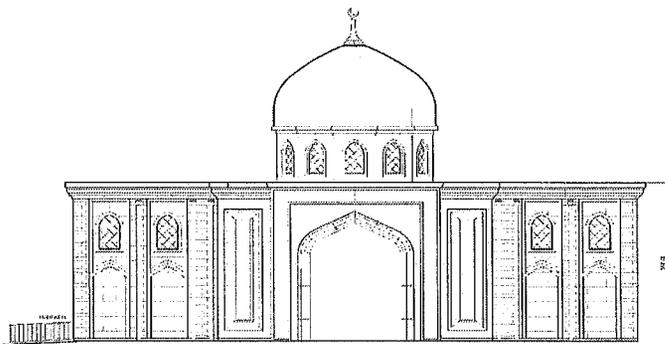




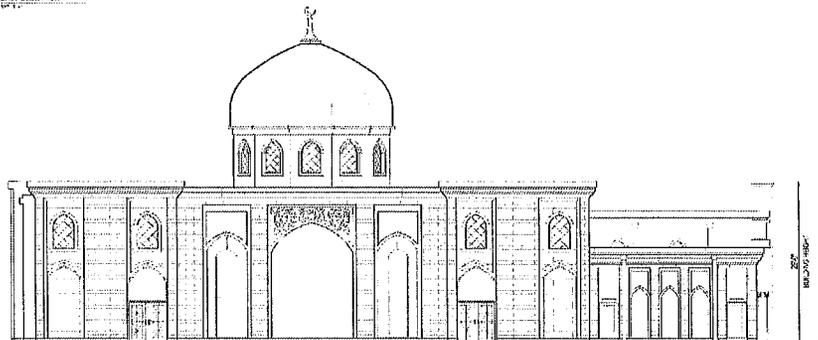
WEST ELEVATION



NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION


 ANDHRA PRADESH ARCHITECTS REGISTRATION BOARD
 REGISTERED ARCHITECT
 HANMORU E.P. CUNGUNNATHI ASSOCIATES

PROJECT: JAGANNATH SWAMY TEMPLE
 NO. 100

 DATE: 01-08-2022
 DRAWING DOCUMENT
 SHEET TITLE: EXTERIOR ELEVATIONS
 A2.0


 ANDHRA PRADESH ARCHITECTS REGISTRATION BOARD
 REGISTERED ARCHITECT
 HANMORU E.P. CUNGUNNATHI ASSOCIATES

PROJECT: JAGANNATH SWAMY TEMPLE
 NO. 100

 DATE: 01-08-2022
 DRAWING DOCUMENT
 SHEET TITLE: EXTERIOR ELEVATIONS
 A2.1

Zoning Requirements:

The Hamilton Township Zoning Code (*HTZC Table 4-2: Permitted Use Table*) allows Religious Places of Worship in the R-1 Single Family Residence zoning district, with use-specific standards.

TABLE 4-2: PERMITTED USE TABLE

USE P = Permitted Use PS=Permitted Use with Use-Specific Standards C = Conditional Use	ZONING DISTRICTS										ADDITIONAL REQUIREMENTS	
	R-1	R-2	R-3	R-4	M-H	T-C	B-1	B-2	M-1	M-2		
PUBLIC AND INSTITUTIONAL USES												
Active Park or Recreation Facility	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See 4.8.5.A
Cemetery	PS	PS	PS	PS			PS	PS	PS	PS		See 4.8.5.B
Community Garden	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	PS	See 4.8.5.C
Cultural Institution	C	C	C	C			P	P	P	P		
Educational Institution	PS	PS	PS	PS			PS	PS	PS	PS		See 4.8.5.D
Hospital	PS	PS	PS	PS			P	P	P	P		See 4.8.5.E
Passive Park, Recreation Facility, or Open Space	P	P	P	P	P	P	P	P	P	P	P	
Public and Government Building or Use	PS	PS	PS	PS	P	P	P	P	P	P	P	See 4.8.5.F
Religious Place of Worship	PS	PS	PS	PS	PS	PS	P	P	P	P	P	See 4.8.5.G
Telecommunication Tower	C	C	C	C	C	P	P	P	P	P	P	See 4.8.5.H

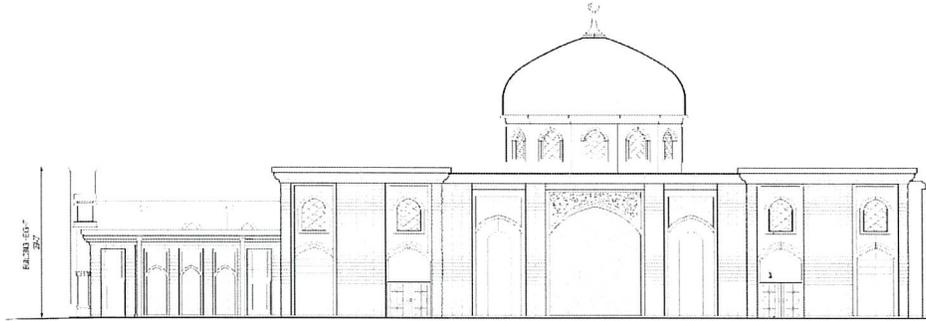
4.8.5. Public and Institutional Uses

G. Religious Place of Worship

- (1) In residential districts, buildings shall be set back a minimum of 100 feet from the side and rear lot line.
- (2) In residential districts, buildings shall be no less than the minimum dwelling size specified for the district in which the building is located.

Architecture:

The Hamilton Township zoning inspector shall review and make decisions on architectural features in accordance with the guidelines and standards set forth in *HTZC Section 6.4*. The façade will consist of limestone.



Parking:

Chapter 7 of the *HTZC* outlines rules on parking, loading and circulation that shall be followed.

Table 7-1 sets the required number of parking spaces for Religious Places of worship at 1 space per 4 fixed seats in the main assembly room.

CHAPTER 7: Parking, Loading and Circulation
Section 7.4. Off-Street Parking Regulations

USE	REQUIRED NUMBER OF PARKING SPACES
PUBLIC AND INSTITUTIONAL USES	
Passive Park, Recreation Facility, or Open Space Public and Government Building or Use	1.0 space per 10,000 square feet of park, recreation, or open space See Section 7.4.2.D
Religious Place of Worship	1.0 space per 4 fixed seats in the main assembly room
Telecommunication	1.0 space per provider

Based on the occupancy load of 690, the minimum number of parking spaces required would be 173. Per *HTZC section 7.4.2.B.1*, any use that requires a site plan review as specified in *Section 3.6 Site Plan Review*, the applicant may request up to a 15 percent reduction in the number of parking spaces required in *Table 7-1: Minimum Off-Street Parking Standards*, without requiring a variance. Such request shall be considered during the site plan review process and shall require approval by the review board.

The applicant is requesting the 15% reduction in parking stating that this religious institution draws many families with elderly relatives and children that ride together, therefore the additional parking is not needed.

If this reduction is approved, their parking spaces would be reduced from 173 to 148 spaces. They will have 142 regular spaces and 6 handicap parking spaces.

HTZC Chapter 7.6.4 states the following in relation to wheel stops and continuous curbs:

- A. Continuous curbs of concrete, asphalt, stone or other similar material at least six inches high and six inches wide shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas, and structures, unless the elimination of this curbing is required to adhere to stormwater management requirements.
- B. Continuous curbs shall be located a minimum of four feet from any structures, buildings, or walls to prevent a vehicle from hitting any structure at the edge of a parking area. See [Figure 7-4](#).
- C. Individual wheel stops may be provided in lieu of continuous curbing only when the parking is adjacent to a landscaped area, and the drainage is directed to the landscaped area.
- D. Parked vehicles may overhang an interior landscaped area no more than 2.5 feet. Wheel stops or curbs shall be provided to ensure no greater overhang or penetration on the landscape area.

7.7. MOBILITY AND SIDEWALKS

7.7.1. Sidewalks Along a Public Street

- A. Any use or building subject to the provisions of this chapter and established after the effective date of this code shall be required to provide a four foot wide sidewalk along all public streets for the full length of street frontage.
- B. Any established use or building that is expanded more than 50 percent of the existing floor area after the effective date of this code shall be required to install a four foot wide sidewalk along all public streets for the full length of street frontage.
- C. All sidewalks shall meet the minimum design requirements of the rules and regulations of the Warren County Subdivision Regulations.

7.7.2. Walkway Connections to Public Sidewalks

- A. There shall be one internal continuous sidewalk of at least four feet in width that provides a direct connection from the public street to the primary customer entrance or to the sidewalk along a multi-tenant building.
- B. Lane striping may be used to designate pedestrian sidewalks.
- C. At a minimum, all internal pedestrian walkways shall be constructed of a surface that is visually distinct from the parking area surface by use of pavers, scored or stamped concrete, or bricks. Applicants are strongly encouraged to physically separate internal walkways from the vehicular circulation drives.
- D. Sidewalks, at least eight feet in width, shall be provided along any facade featuring a customer entrance. At all times, such sidewalks shall maintain a clear pedestrian passage not less than five feet in width. Additionally, such sidewalks shall connect all customer entrances to other internal sidewalks.

Landscaping: Landscaping for any development shall comply with HTZC Chapter 8: Landscaping Regulations. This proposal is unique in that it is located within a residential district, however it is essentially a business use in that district; therefore the requirements will need to be followed for minimum requirements in a business district. The applicant is proposing to preserve the existing trees located along the property line boundaries to the south and the west.

TABLE 8-3: MINIMUM INTERIOR SITE LANDSCAPING REQUIREMENTS

PROPOSED USE	MINIMUM LANDSCAPING REQUIREMENT
All uses in residential districts, excluding lots used for single family and two family dwellings	One tree per 500 square feet, or fraction thereof, of building ground floor area for all structures; each tree shall have a minimum of 2" caliper.
All uses in business districts	One tree per 500 square feet, or fraction thereof, of building ground floor area for all structures, and each tree shall have a minimum of 2" caliper; plus there shall be landscaped areas equal to 20 square feet for every 1,000 square feet of building coverage areas, or fraction thereof. Such landscape areas shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches or other materials designed and located in a manner complimentary to the overall architecture of the surrounding buildings.
All uses in industrial districts	Three trees per 1,000 square feet, or fraction thereof, of building ground floor area for all structures, and each tree shall have a minimum of 2" caliper; plus there shall be landscaped areas equal to 20 square feet for every 1,000 square feet of building coverage areas, or fraction thereof. Such landscape areas shall contain trees, planting beds, hedges, fences, walls, earth mounds, benches or other materials designed and located in a manner complimentary to the overall architecture of the surrounding buildings.
NOTES: Trees planted to satisfy perimeter, vehicular use area perimeter, and interior vehicular use area landscaping requirements may be counted towards the requirements of this section.	

TABLE 8-4: TYPE AND WIDTH OF PERIMETER BUFFER REQUIRED

PROPOSED USE	ADJACENT TO (AVERAGE WIDTH – BUFFER TYPE)[1]			
	RESIDENTIAL DISTRICT	BUSINESS DISTRICT	INDUSTRIAL DISTRICT	FREEWAY, ARTERIAL OR COLLECTOR STREET RIGHT-OF-WAY [2]
Single Family Residence [3]	None	None	None	None
Recorded Residential Subdivision	None	10 feet – Buffer "A"	20 feet – Buffer "C"	50 feet – Buffer "D"
Mobile Home Park	10 feet – Buffer "A"	None	None	10 feet – Buffer "E"
Institutional Use	10 feet – Buffer "B"	None	None	10 feet – Buffer "E"
Business District	10 feet – Buffer "B"	None	15 feet – Buffer "B"	10 feet – Buffer "E"
Industrial District	20 feet – Buffer "C"	15 feet – Buffer "B"	None	10 feet – Buffer "E"
Railroad	20 feet – Buffer "E"	20 feet – Buffer "E"	20 feet – Buffer "E"	None
Utility Substation, Junk Yard, Landfill, Sewage Plant, or Similar Use	50 feet – Buffer "D"	50 feet – Buffer "D"	50 feet – Buffer "D"	50 feet – Buffer "D"
NOTES: [1] The first number listed is the minimum average width of the buffer area, with no width being less than 3 feet. The second is the type of buffer required. Materials required for each buffer type are established in Table 8-5. [2] In business and industrial districts, the right-of-way buffer requirement shall only apply when adjacent to freeway or arterial street rights-of-way that prohibit driveways. [3] This use is individual single family residences that are not part of a subdivision.				

TABLE 8-5: MINIMUM REQUIREMENTS FOR BUFFER TYPES

BUFFER TYPE	MINIMUM PLANT MATERIALS [1]
"A"	1 tree per 40 feet of linear boundary or street frontage, or fraction thereof; trees shall be from Group A, B, C or D. And a continuous combination 6' high planting, hedge, fence, wall or earth mound with no single material being used exclusively for more than 150 linear feet. Alternate materials used for breaks must run for a minimum of 15 linear feet. [2]
"B"	1 tree per 40 feet of linear boundary or street frontage, or fraction thereof; trees shall be from Group A or B. And a continuous combination 6' high planting, hedge, fence, wall or earth mound with no single material being used exclusively for more than 150 linear feet. Alternate materials used for breaks must run for a minimum of 15 linear feet. [2]
"C"	1 tree per 10 feet of linear boundary, or fraction thereof; trees shall be from Group A, B, C or D, with a minimum of 30% from Group D. And a continuous combination 6' high planting, hedge, fence, wall or earth mound with no single material being used exclusively for more than 150 linear feet. Alternate materials used for breaks must run for a minimum of 15 linear feet. [2]
"D"	1 tree per 20 feet of linear boundary, or fraction thereof; trees shall be from Group A, B, C or D, with a minimum of 30% from Group D. And a continuous combination 6' high planting, hedge or earth mound with no single material being used exclusively for more than 150 linear feet. Alternate materials used for breaks must run for a minimum of 15 linear feet. [2]
"E"	1 tree per 30 feet of boundary, or fraction thereof; trees shall be from Group A. And a continuous 6' high planting, hedge, wall, fence or earth mound.
<p>NOTES: [1] Grass or ground cover shall be planted on all portions of the buffer area not occupied by other landscape material. [2] Depending on the site topography, buffer areas may have to be relocated to obtain the desired screening effects. This determination will be made at the discretion of the zoning inspector.</p>	

Per *HTZC Chapter 8.5.5 Service Area and Structure Screening requirements item B*, as shown below, does require the trash receptacle to be screened from view.

B. Items to be Screened

The following areas shall be screened in accordance with this section:

- (1) Large waste receptacles (dumpsters) and refuse collection points (including cardboard recycling containers), but not including drop-off boxes for use by the public (see [Section 4.9.5.G Drop-Off Box](#));
- (2) Loading and service areas, including any areas where commercial vehicles or trailers are stored;
- (3) Outdoor storage areas not subject to the outdoor storage requirements of [Section 6.5 Outdoor Sales, Display and Storage](#); and
- (4) Mechanical equipment, propane tanks, and utility meters not located on, and screened by, the building or structure.

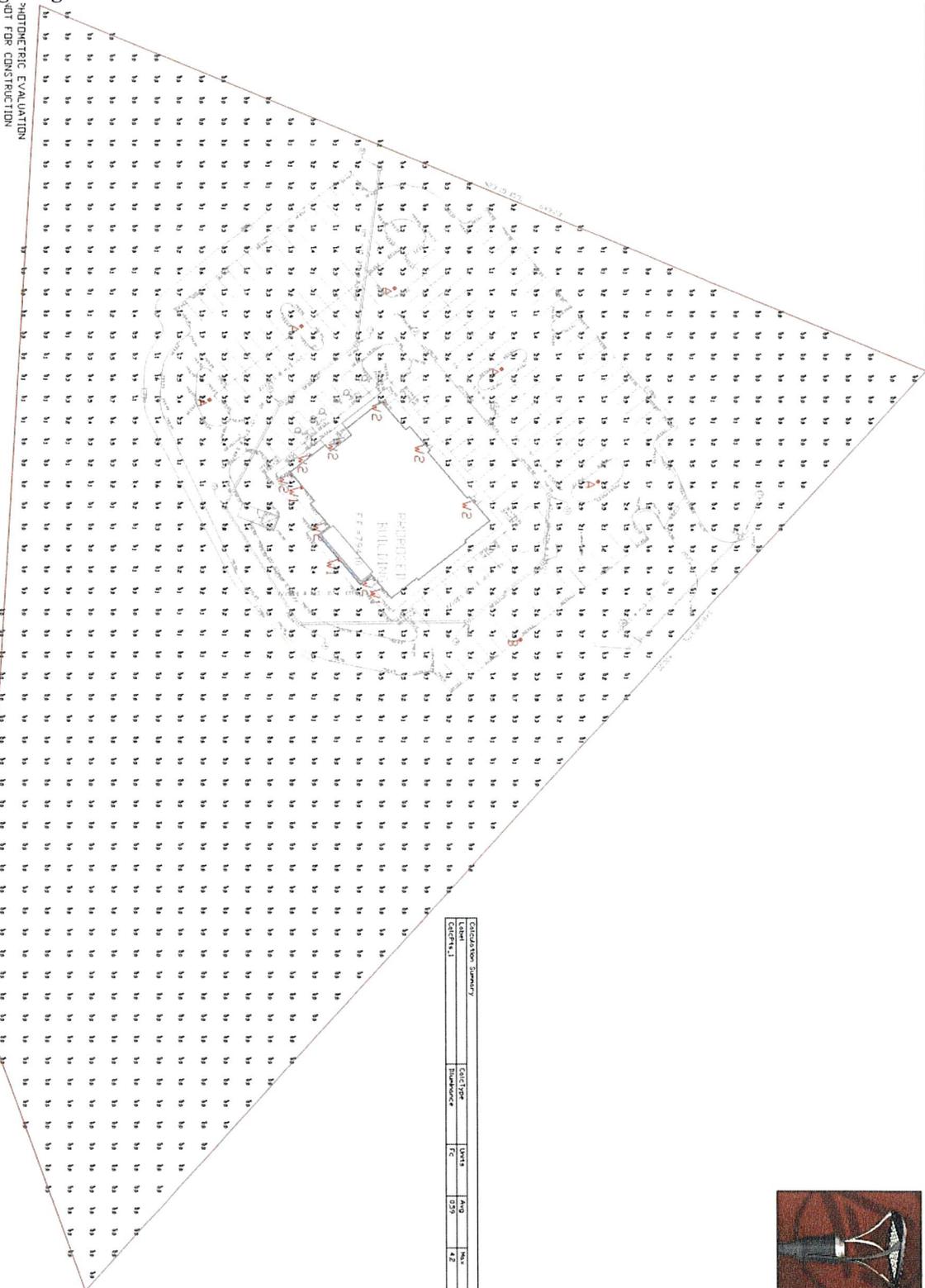
D. Screening Requirements

- (1) All screening shall be approved during the zoning certificate review.
- (2) All items to be screened shall be shielded from view from public roads and adjoining property.
- (3) All items to be screened shall be provided with a visual screen consisting of fences, walls, mounds or plant materials or a combination thereof.
- (4) The screening shall be at least one foot higher than the item to be screened, but shall not exceed 10 feet in height.
- (5) The screening shall extend along three sides of the service area.
 - (a) For areas that require frequent access, such as waste receptacles, a gate shall be required on the fourth side where access is provided.
 - (b) The gates shall be opaque enough to shield from view the interior of the service area.

- (6) Whenever screening material is placed around any waste receptacle unit which is emptied or removed mechanically on a regular basis, a curb to contain the placement of the container shall be provided within the screening material on those sides where there is such material or other protective measures. The curbing shall be at least one foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.
- (7) All plant materials used for required screens around service areas shall be of an evergreen variety.
- (8) If an adjacent building provides screening on one side of the service area, only two sides need to be screened, mounded, or walled, with a gate required in front of the service area. The gate shall be opaque enough to shield from view the interior of the service area.
- (9) Roof mounted mechanical equipment shall be screened by parapet walls or other screening device. (Also see Section 6.4.5.F(3) Roof Mounted Equipment.)
- (10) No interior landscaping shall be required within an area screened for service structures

Lighting:

PHOTOMETRIC EVALUATION
 NOT FOR CONSTRUCTION



Calculation Summary

Light	CalcType	Units	Avg	Max	Min
Footcandle	Footcandle	fc	0.79	4.2	0.0



TABLE 6-3: ILLUMINATION LEVELS AT PROPERTY LINE

ADJACENT LAND USE	ILLUMINATION LEVEL
Residential	0.2 Footcandles
Nonresidential	1.0 Footcandles

- All lighting will be thoroughly reviewed before a zoning certificate may be obtained.

Signage: All signage would be reviewed by staff and approved via a separate Zoning Certificate.

Partner Organization Comments:

Warren County Soil & Water Conservation District:

- Requires facilities with one or more disturbed acres to obtain an Earth Disturbing Permit prior to the start of earthwork and obtain SWPPP (stormwater pollution prevention plan) review and approval.

Warren County Water & Sewer Department Comments:

- Staff is not aware of any comments at this time.

Warren County Health Department:

- The proposed 6.7443 acre lot must have a soil evaluation performed on it in accordance with Ohio Administrative Code 3701-29. Once the soil evaluation is completed, a design will need to be completed in accordance with Ohio Administrative Code 3745-42-05 in order to verify that the development/building is in compliance with the Ohio Administrative Code for on-site sewage treatment. Once the design is completed, an application for a site review must be made to this office with the necessary soil documentation, design, and building plans before the health district can approve the site plan to build.

Warren County Engineer’s Office:

- This project will need to comply with the Warren County Stormwater regulations.

ODOT Comments:

- A TIS as well as a turn lane analysis are required. The applicant has proposed two access points on State Route 48; ODOT has not provided information on the second access.

Staff Recommendation:

Staff recommends APPROVAL of the Site Plan for Hamkor UZ Mosque at 8665 State Route 48, Maineville, OH 45039, with the following conditions:

- 1) **Comply with all regulations in the *Hamilton Township Zoning Code*.**
- 2) **Meet the requirements of all Warren County partner organizations above.**

LEGISLATIVE COVER MEMORANDUM

Introduction: April 7, 2022

Effective Date: Next available date after passage

Agenda Item: **Motion**
To enter into contract with Bill Barnhill for a Concession Lease in Testerman Park.

Submitted By: Kenny Hickey

Scope / Description: This Lease Agreement will allow Mr. Bill Barnhill to operate the Concession Stand at Testerman Park for the 2022/2023 baseball season. Mr. Barnhill has operated the Concession Stand each year since 2016 with no issues.

The only significant change to the Lease Agreement from years past is an increase in dedicated revenue to Hamilton Township from \$750 to \$1,000.

Budget Impact: \$1,000 revenue

Vote Required for Passage: 2 of 3

CONCESSION STAND LEASE

This **CONCESSION STAND LEASE** (this "Lease") is entered into as of this ____ day of April, 2022 (the "Effective Date") by and between **HAMILTON TOWNSHIP, WARREN COUNTY, OHIO** (the "Township") and **BILL BARNILL** ("Lessee") (the Township and Lessee may each be referred to herein as a "Party" and collectively as the "Parties").

- A. The Township owns certain real property on which it operates a public park commonly known as "Testerman Park," located at 8373 Maineville Road, Maineville, Ohio 45039 (the "Park").
- B. The Township owns a shelter house on the park (the "Arbino Shelter House"), which contains concession stand space used for the provision of food and refreshments to patrons of the Park during certain seasonal months, commonly referred to as the Arbino Concession Stand Room (the "Premises").
- C. Lessee desires to lease the Premises from the Township, and the Township agrees to lease the Premises to Lessee, pursuant to the terms and conditions of this Lease.

1. **Lease Term; Rent.** The Township hereby leases the Premises to Lessee for the period beginning on April 1, 2022 (the "Commencement Date") and ending on October 31, 2023 (the "Term"). Lessee shall pay annual Rent to the Township in the total amount of One Thousand Dollars and 00/100 (\$1,000), which shall be submitted to the Township in a lump sum payment due no later than April 1st of each calendar year while the Lease remains in effect.

2. **Authorized Use.** Lessee shall solely use the Premises for the purpose of operating a refreshment stand serving patrons of the Park (the "Authorized Use"). The Authorized Use shall be permitted to occur during the months of April, May, June, July, August, September and October (the "Seasonal Months"). The Township shall have no duty or responsibility to engage in the Authorized Use, or assist Lessee in its performance of the Authorized Use or any activity related thereto. The Township shall be entitled to restrict any food or beverage Lessee offers on the Premises if the Township determines, in its sole discretion, such restriction is in the best interests of the public. Lessee shall conduct the Authorized Use in compliance with all applicable federal, State and local laws, regulations and rules (including but not limited to regulations and rules of the State of Ohio Department of Health and the Warren County Board of Health) (collectively, "Applicable Law"), and the terms and conditions of this Lease.

If Lessee desires to engage in the Authorized Use outside of the Seasonal Months, Lessee shall obtain the Township's prior written consent to Lessee's operation outside of the Seasonal Months. Lessee shall be required to pay the Township a fee of Fifty Dollars and 00/100 (\$50) per day on which Lessee engages in the Authorized Use outside of the Seasonal Months, which fee shall be submitted to the Township on or before the first day of the immediately following month. The fee set forth herein shall be in addition to the Rent set forth in Section 1 above.

Lessee understands that this Lease authorizes Lessee to engage in the Authorized Use at the Park on a nonexclusive basis. Nothing contained herein shall be construed as restricting or prohibiting the Township from providing food and beverages to Park patrons or allowing other individuals or entities to provide or sell food and beverages to Park patrons.

3. Lessee Obligations. During the Lease Term, Lessee shall:

- A.** Not operate or permit any type of food cooking device that requires or produces an open flame within any enclosed structure, or under any roof or overhang, on the Premises;
- B.** Operate the Premises, and engage in the Authorized Use, in accordance with all Applicable Law, and with the ordinary skill and care of vendors in the industry operating under similar conditions;
- C.** Maintain the Premises and immediately surrounding area of the Park in a clean and sanitary manner, and free of trash, litter and other debris;
- D.** Maintain a total of six (6) designated fifty (50) gallon garbage cans within the Premises for the purpose of collecting trash, litter and debris associated with the Authorized Use;
- E.** Collect all trash, litter and debris associated with the Authorized Use in sealed heavy-duty plastic garbage bags and dispose of the same in designated Township dumpsters located at the Park;
- F.** Engage in the Authorized Use during normal Park hours, and during the hours of any recreational or public activity scheduled by the Park Board Advisory/Maintenance Supervisor, and athletic associations and other groups authorized by the Township to hold events at the Park;
- G.** Post standard operating hours for the Premises on both the inside and outside of the main serving door windows thereon;
- H.** Refrain from making any alterations, additions or improvements to the Premises without the express prior written consent of the Township;
- I.** Refrain from assigning, pledging, encumbering or subletting the Premises, in whole or in part, to any other individual or entity without the express prior written consent of the Township;
- J.** Furnish to the Township a minimum of three (3) keys to the Premises;
- K.** Ensure the restrooms connected to the Premises are open for public use while Lessee engages in the Authorized Use, and closed and secured when Lessee is not engaged in the Authorized Use;
- L.** Perform routine background checks of all Lessee employees to ensure all employees are appropriately qualified to engage in the Authorized Use, ensure all employees are fourteen (14) years of age or older, and ensure at least one (1) adult (eighteen (18) years or older) is working on the Premises at the same time as any employee under the age of eighteen (18) years old; and
- M.** Report any observed or suspected unlawful, dangerous or suspicious behavior or activity occurring at the Park to the appropriate Township authorities, and cooperate in any investigation conducted at the Park by Township authorities.

4. **Township Obligations.** During the Lease Term, the Township shall:

A. Perform general maintenance activities on the Park;

B. Make the Premises available for Lessee's use in accordance with the terms and conditions of this Lease; and

C. Provide space to Lessee within a structure located on the Park for the storage of a golf cart or other vehicle of comparable size owned and/or maintained by Lessee, to be used for the sole purpose of selling or distributing food and beverages to patrons of the Park as an extension of the Authorized Use ("Mobile Vending"). The Township reserves the right to restrict or prohibit Mobile Vending activities at the Park if the Township determines, in its sole discretion, such restriction is in the best interests of the public.

5. **Liability Insurance.** Lessee shall keep and maintain at all times during the Term general liability insurance coverage for bodily injury and property damage, including limited contractual liability coverage, in not less than the following amounts: (i) \$2,000,000 in the general aggregate; (ii) \$1,000,000 per occurrence; and (iii) \$1,000,000 in automobile liability coverage. Such insurance shall cover all Lessee representatives, staff, agents, employees, members, volunteers, participants, guests and invitees engaged in the Authorized Use at the Park. Lessee shall provide the Township with a certificate or certificates evidencing its maintenance of such insurance policy or policies prior to the Commencement Date. Lessee shall immediately notify the Township in the event the insurance coverage required hereunder, or any portion thereof, is canceled, revoked or lapses during the Term of this Lease. Cancellation, revocation or lapse of the insurance coverage or any portion thereof shall be grounds for the Township's immediate termination of the Lease.

6. **Condition and Maintenance of the Park.** The Parties understand and agree that the Township shall have no duty to inspect, repair or maintain the Park or the Premises for the purposes of Lessee's use thereof or this Lease. Lessee acknowledges and agrees that it has had a reasonable opportunity to inspect the Premises and accepts the Premises in their "as-is" condition, subject to any and all faults therein and hazards thereon, whether known or unknown. Lessee further acknowledges the Township has not made, does not make, and specifically negates and disclaims any representations, warranties, promises, agreements or guaranties of any kind or character whatsoever, whether express or implied; oral or written; past, present or future; or arising by operation of law with respect to the suitability or safety of the Park or the Premises for the Authorized Use. Lessee shall be responsible, at its sole cost and expense, for maintaining the Premises in a good and suitable condition for the Authorized Use during the Lease Term.

Should the Authorized Use damage or unreasonably alter the state or condition of the Park or the Premises, as determined in the Township's sole discretion, Lessee hereby assumes all responsibility, liability and expense for returning the damaged or altered property to the same condition in which it existed on the Commencement Date.

7. **Assumption of Risk.** Lessee acknowledges and agrees that the Authorized Use poses certain inherent risks, dangers and hazards which may arise from foreseeable and unforeseeable causes, and which cannot be fully eliminated. Lessee freely and voluntarily agrees to assume all risks, dangers and hazards, and all liability for any and all loss, injury and/or damage sustained by an individual arising out of, or in any way related to, the Authorized Use.

8. **Waiver; Release; Indemnification.** Lessee hereby agrees to indemnify, defend and hold harmless the Township and all of its officers, representatives, agents, employees, successors and assigns (collectively, the "Released Parties") from and against any and all claims, actions, losses, damages, fines,

penalties, liability and expense (including reasonable attorneys' fees) in connection with damage to real or personal property, loss of life and/or personal injury arising out of, or in any way related to, the Authorized Use or Lessee's use of the Premises pursuant to this Lease. Lessee hereby knowingly and voluntarily waives any and all claims against the Released Parties for any damage to real or personal property, loss of life and/or personal injury arising out of, or in any way related to, the Authorized Use or Lessee's use of the Premises pursuant to this Lease.

9. Termination. The Lease is intended to terminate at the conclusion of the Lease Term set forth in Section 1 above but may be earlier terminated in accordance with this Section. This Lease may be immediately terminated by the Township upon written notice to Lessee in the event the Township: (i) becomes aware that Lessee has violated any Applicable Law, or any term or condition set forth in this Lease; or (ii) requires the Premises for any public purpose. Either Party may terminate this Lease at any time, for any reason or no reason, upon at least thirty (30) days' prior written notice to the other Party.

In the event the Township terminates the Lease prior to its natural expiration without cause (*i.e.* not due to any breach on the part of Lessee), the Township shall remit a portion of the Rent paid by Lessee for the applicable year, commensurate with the remaining time left in the Lease Term as of the termination date.

Within twenty-four (24) hours of the Lease termination date, Lessee shall completely remove all of Lessee's personal property from the Premises (and any other area of the Park in which Lessee property is stored with the consent of the Township) and surrender the Premises in as good condition as they existed as of the Commencement Date (reasonable wear and tear accepted).

10. Written Notices. Any notice required under this Lease shall be in writing and sent via personal delivery, or certified or overnight mailing to the recipient-Party at its below-listed address (which may be changed at any time upon notice to the other Party):

If to the Township:

Hamilton Township
c/o Brent Centers, Township Administrator
7780 South State Route 48
Maineville, Ohio 45039

If to Lessee:

Bill Barnhill
612 Eagles Nest Court
Maineville, Ohio 45039

11. Miscellaneous. The Parties acknowledge that this Lease constitutes the entire agreement and understanding between the Parties, and supersedes any prior representations, warranties, promises, covenants, agreements or guarantees of any kind or character whatsoever, whether express or implied, oral or written, between the Parties. Each Party represents and warrants that it has had an opportunity to consult with independent legal counsel of its choosing in entering into this Lease, and freely and voluntarily accepts and agrees to be bound by the terms and conditions set forth herein. This Lease may only be modified in a writing signed by both Parties. Any provisions of this Lease later held by a court of competent jurisdiction to be unenforceable for any reason shall be deemed severed and void, and all remaining provisions shall continue in full force and effect. Lessee may not assign this Agreement, in whole or in part, to any person or entity without the Township's prior written consent.

By executing this Lease below, the Parties hereto accept, and agree to be bound by, the terms and conditions set forth in this Lease.

**HAMILTON TOWNSHIP,
WARREN COUNTY, OHIO**

LESSEE

Brent Centers
Hamilton Township Administrator

Bill Barnhill

Date: _____

Date: _____

**APPROVED BY THE HAMILTON TOWNSHIP
BOARD OF TRUSTEES:**

Resolution No. _____

Date Passed: _____

LEGISLATIVE COVER MEMORANDUM

Introduction: April 7, 2022

Effective Date: Next available date after passage

Agenda Item: **Resolution 22-0407:**
A RESOLUTION AUTHORIZING COMPENSATION TO ELLEN HORMAN
PURSUANT TO O.R.C. 515.12

Submitted By: Brent Centers

Scope / Description: O.R.C. 515.12 “(A) All officers shall receive for services performed under sections 515.01 to 515.16 of the Revised Code the same fees allowed for other similar services.

The township fiscal officer shall receive for the fiscal officer's services the sum of fifty cents from each lot or land owner for whom a notice is prepared and the sum of fifty cents for each annual assessment certified to the county auditor.

All payments for the services of township officials shall be included in the cost of the lighting district or relocation and assessed against the property. The compensation shall be in addition to all other compensation provided by law.

(B) The board of township trustees may, by resolution, employ additional personnel in place of the township fiscal officer to prepare and certify notices for each lot or land owner and shall pay a reasonable sum not to exceed fifty cents for each lot or land owner for whom a notice is prepared and a reasonable sum not to exceed fifty cents for each annual assessment certified to the county auditor. The actual cost of the additional personnel, together with other reasonable expenses incurred by the board, shall be assessed proportionately against each lot or land owner and shall be included in the cost of the lighting district or relocation.”

Fiscal Officer Weber has elected to delegate the responsibilities and monetary collections to Ellen Horman (Assistant Fiscal Officer) for the Lighting District duties.

Budget Impact: \$0.50 per unit to Ellen Horman

Vote Required for Passage: 2 of 3

The Board of Trustees of Hamilton Township, County of Warren, Ohio, met at a regular session at 6:00 p.m. on April 7, 2022, at Hamilton Township, Warren County, Ohio, with the following Trustees present:

Joe Rozzi – Trustee, *Board Chair*
Mark Sousa – Trustee
Darryl Cordrey - Trustee

Mr. _____ introduced the following resolution and moved its adoption:

**HAMILTON TOWNSHIP, WARREN COUNTY OHIO
RESOLUTION NUMBER 22-0407**

**A RESOLUTION AUTHORIZING COMPENSATION TO ELLEN HORMAN
PURSUANT TO O.R.C. 515.12**

WHEREAS, Township has authorized and is maintaining several lighting districts; and,

WHEREAS, the Township Fiscal Officer and Ellen Horman, the Assistant Fiscal Officer, provide services in connection with computing and certifying the assessment for each lot in each lighting district each year; and

WHEREAS, O.R.C. 515.12 authorizes compensation of the Fiscal Officer and additional personnel who act on behalf of the Township Fiscal Officer to prepare certified notices for each lot or land owner in connection with the lighting district assessment; and

WHEREAS, Ellen Horman worked computing and certifying the assessments in addition to her regular duties as Assistant Fiscal Officer.

NOW, THEREFOR, BE IT RESOLVED, by the Board of Trustees of Hamilton Township, Warren County, Ohio:

SECTION 1. That the Board of Trustees authorizes payments of Fifty Cents (\$.50) for each lot in each lighting district for which 2022 assessments, payable in 2023, were computed and certified as compensation for preparing and certifying assessments to each landowner, said payments to be made to Ellen Horman pursuant to O.R.C. 151.12.

SECTION 2. The actual cost of the Fifty Cents (\$.50) payment, together with other reasonable expenses incurred by the Township, will be assessed proportionately against each lot and shall be included in the cost of operating each lighting district.

SECTION 3.

This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the Township, and therefor this Resolution shall be in full force and effective immediately upon its adoption without further public reading.

Mr. _____ seconded the Resolution and the following being called upon the question of its adoption, the vote resulted as follows:

Joe Rozzi –	Aye _____	Nay _____
Mark Sousa –	Aye _____	Nay _____
Darryl Cordrey –	Aye _____	Nay _____

Resolution adopted this 7th day of April, 2022.

Attest:

Kurt E. Weber, *Fiscal Officer*

Approved as to form:

Benjamin J. Yoder, *Law Director*

I, Kurt E. Weber, Fiscal Officer of Hamilton Township, Warren County, Ohio, hereby certify that this is a true and accurate copy of a Resolution duly adopted by the Board of Trustees of Hamilton Township, County of Warren, Ohio, at its regularly scheduled meeting on April 7, 2022.

Date: _____

Kurt E. Weber, *Fiscal Officer*

LEGISLATIVE COVER MEMORANDUM

Introduction: April 7, 2022

Effective Date: Next available date after passage

Agenda Item: **Resolution 22-0407A**
A RESOLUTION DECLARING CERTAIN PROPERTY AS OBSOLETE,
SURPLUS, NO LONGER NEEDED FOR PUBLIC USE, AND
AUTHORIZING ITS DISPOSAL

Submitted By: Chief Hughes

Scope / Description: This is property that Chief Hughes has deemed obsolete and/or unusable. This property ranges from Toughbooks, gym equipment, office chairs, etc. All items are listed on Exhibit A.

No single item is valued over \$2,500.

Although the equipment on Exhibit A is deemed obsolete to the Hamilton Township Police Department, the Blanchester Police Department who will find use in the equipment. Therefor the Township will be donating the equipment to the Blanchester Police Department instead of disposing of the equipment.

Budget Impact: \$0

Vote Required for Passage: 2 of 3

The Board of Trustees of Hamilton Township, County of Warren, Ohio, met at a regular session at 6:00 p.m. on April 7, 2020 at Hamilton Township, Warren County, Ohio, with the following Trustees present:

Joe Rozzi- Trustee, *Chair*
Mark Sousa – Trustee
Darryl Cordrey - Trustee

Mr. _____ introduced the following resolution and moved its adoption:

**HAMILTON TOWNSHIP, WARREN COUNTY OHIO
RESOLUTION NUMBER 22-0407A**

A RESOLUTION DECLARING CERTAIN PROPERTY AS OBSOLETE, SURPLUS, NO LONGER NEEDED FOR PUBLIC USE, AND AUTHORIZING ITS DISPOSAL

WHEREAS, Hamilton Township owns various equipment and inventory that the Board has determined is obsolete, unneeded for public use, and unfit for Township use;

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

- SECTION 1.** The equipment and inventory listed in EXHIBIT A is hereby declared to be surplus property which is unfit for the use by the Township, and is obsolete.
- SECTION 2.** No single item listed in EXHIBIT A has a value greater than \$2,500.00.
- SECTION 3.** The Township Administrator or delegate is hereby directed to dispose of the items in EXHIBIT A in accordance with Ohio Revised Code Section 505.10.
- SECTION 4.** This Resolution shall take effect on the earliest date allowed by law.

Mr. _____ seconded the Resolution and the following being called upon the question of its adoption, the vote resulted as follows:

Joe Rozzi –	Aye _____	Nay _____
Mark Sousa –	Aye _____	Nay _____
Darryl Cordrey –	Aye _____	Nay _____

Resolution adopted this 7th day of April 2022.

Attest:

Kurt E. Weber, *Fiscal Officer*

Approved as to form:

Benjamin J. Yoder, *Law Director*

I, Kurt E. Weber, Fiscal Officer of Hamilton Township, Warren County, Ohio, hereby certify that this is a true and accurate copy of a Resolution duly adopted by the Board of Trustees of Hamilton Township, County of Warren, Ohio, at its regularly scheduled meeting on April 7, 2022.

Date: _____

Kurt E. Weber, *Fiscal Officer*

Equipment List

Description	Serial Number
Panasonic Toughbook CF-33	AB0123456789-0FTSA16759
Panasonic Toughbook CF-33	AB0123456789-8ATSA13092
Panasonic Toughbook CF-33	AB0123456789-8ATSA13082
Body Solid Work Out Equipment	N/A
Office Furniture	N/A
Chairs	N/A
Misc. Duty Equipment	N/A

LEGISLATIVE COVER MEMORANDUM

Introduction: April 7, 2022

Effective Date: Next available date after passage

Agenda Item: **Resolution 22-0407B**
A Resolution approving a zone change from R-1 Single Family Residence to B-2 General Business for the property located at 6426 State Route 48, Hamilton Township, Warren County, Ohio 45039

Submitted By: Lindsey Gehring

Scope / Description: This Resolution will memorialize the approved rezone by the Board of Hamilton Township Trustees on March 16, 2022 for the property located at 6426 State Route 48 in Hamilton Township from R-1 to B-2 for purposes of Economic Development.

Budget Impact: \$0

Vote Required for Passage: 2 of 3

The Board of Trustees of Hamilton Township, County of Warren, Ohio, met at a regular session at 6:00 p.m. on April 7, 2022, at Hamilton Township, Warren County, Ohio, with the following Trustees present:

- Joe Rozzi – Trustee, *Chair*
- Mark Sousa – Trustee
- Darryl Cordrey -Trustee

Mr. _____ introduced the following resolution and moved its adoption:

**HAMILTON TOWNSHIP, WARREN COUNTY OHIO
RESOLUTION NUMBER 22-0407B**

A RESOLUTION APPROVING A ZONE CHANGE FROM R-1 SINGLE FAMILY RESIDENCE TO B-2 GENERAL BUSINESS FOR THE PROPERTY LOCATED AT 6426 STATE ROUTE 48, HAMILTON TOWNSHIP, WARREN COUNTY, OHIO 45039.

WHEREAS, on February 14, 2022, after proper notice having been given, the Hamilton Township Zoning Commission held a public hearing to consider the application of David Korte, Executor of Estate, (the “Applicant”), and Myers Y. Cooper Company, (the “Spokesperson”), for a proposed amendment to the zoning map of Hamilton Township (the “Application”); and

WHEREAS, the Application, includes the real property located at 6426 State Route 48, in Hamilton Township and consists of approximately 1.37 acres and is designated by Warren County Auditor’s Parcel Number 16-05-226-0050 (the “Real Property”);

WHEREAS, the Applicant has submitted plans and specifications for the Real Property considered in the zoning amendment; and

WHEREAS, the Application is a request to change the zoning on the Real Property from “R-1 Single Family Residence Zone” to “B-2 General Business District”; and

WHEREAS, on February 14, 2022, the Hamilton Township Zoning Commission recommended approval of the Application and communicated that recommendation to the Board of Township Trustees; and

WHEREAS, on March 16, 2022, after proper notice having been given, the Board of Township Trustees of Hamilton Township held a public hearing to consider the proposed amendment contained within the Application and the plans and specifications submitted; and

WHEREAS, upon conclusion of the public hearing, the Board of Township Trustees of Hamilton Township considered, in an open meeting, the proposed amendment to the Hamilton

Township Zoning Map and the recommendation of the Warren County Regional Planning Commission, the Hamilton Township Zoning Commission and the testimony and evidence presented at the public hearing;

NOW THEREFORE, BE IT RESOLVED by the Board of Township Trustees of Hamilton Township, Warren County, State of Ohio

SECTION 1. The recommendation of the Hamilton Township Zoning Commission is hereby approved such that the Application for an amendment to the Hamilton Township Zoning Map is granted so that the zoning on the Real Property contained in the Application is hereby changed from "R-1 Single Family Residence Zone" to "B-2 General Business".

SECTION 2. Any use and improvements made to the Real Property which is the subject of this Resolution shall be constructed exactly in compliance with the plans specifications and drawings submitted and the conditions set forth on Exhibit A to this Resolution.

SECTION 3. No Zoning Certificate shall be issued by the Zoning Administrator until:

- A) a Zoning Compliance Plan in compliance with this Resolution has been received and approved by the Zoning Administrator;
- B) all documents submitted for zoning certificates are fully coordinated and consistent with the approved Zoning Compliance Plan;

No building permit for actual construction shall be issued by the Warren County Building Commissioner before a Zoning Certificate is received from the Zoning Administrator.

SECTION 4. No Final Zoning Certificate shall be issued by the Zoning Administrator until the development complies with all requirements contained in this Resolution and the Zoning Compliance Plan and, unless waived by the Zoning Administrator, the following documents are received and approved by the Zoning Administrator:

- A) a summary report from the Warren County Engineer certifying that the approved plans and specifications for roadway and access improvements, either on-site or off-site, have been completely implemented, and that required rights-of-way have been dedicated;
- B) a summary report from the developer's registered engineer or surveyor as required by and addressed to the Warren County Director of Public Works Department certifying that the approved plans and specifications for storm drainage improvements have been completely implemented; the Director of Public Works shall inform the Zoning Administrator when such letter is received and approved;

- C) a summary report from the Warren County Sewer District or Warren County Board of Health certifying that the approved plans and specifications for sanitary sewer and waste water treatment have been completely implemented;
- D) a summary report from the registered landscape architect who prepared the plan, certifying completion of the landscape plan, and soil erosion and sedimentation control measures as specified on the approved plan and noting any deviations and the reasons for such deviations;
- E) a summary report from the Hamilton Township Fire Chief certifying that the approved plan and specifications for fire prevention and control have been completely implemented, and
- F) a summary report from the applicant's registered engineer, surveyor or attorney certifying that required easements for access, utilities, or other purposes have been recorded in the Office of the Warren County Recorder.

SECTION 5.

All aspects of the development of the Real Property including, but not limited to, drainage, property improvements, landscaping, and ground cover, as set forth in the plans, specifications, covenants, conditions, requirements and limitations of the Zoning Compliance Plan and contained in this Resolution shall be continually maintained by the owners of the property. Any failure to so maintain the development shall be considered a violation of the Zoning Resolution and shall be subject to all penalties and remedies thereunder.

Mr. _____ seconded the Resolution and the following being called upon the question of its adoption, the vote resulted as follows:

Joe Rozzi -	Aye _____	Nay _____
Mark Sousa -	Aye _____	Nay _____
Darryl Cordrey -	Aye _____	Nay _____

Resolution adopted this 7th day of April, 2022.

Attest:

Kurt E. Weber, *Fiscal Officer*

Approved as to form:

Benjamin J. Yoder, *Law Director*

I, Kurt E. Weber, Fiscal Officer of Hamilton Township, Warren County, Ohio, hereby certify that this is a true and accurate copy of a Resolution duly adopted by the Board of Trustees of Hamilton Township, County of Warren, Ohio, at its regularly scheduled meeting on April 7, 2022.

Date: _____

Kurt E. Weber, *Fiscal Officer*

EXHIBIT A

Conditions

1. The development shall comply in all respects with Warren County Partner Organizations
2. Except as approved at Stage 2 or Stage 3 site plan reviews, the development shall comply in all respects with the Hamilton Township Zoning Resolution