



## HAMILTON TOWNSHIP

### HAMILTON TOWNSHIP ADMINISTRATION

Darryl Cordrey – *Board Chair*  
Joe Rozzi – *Trustee*  
Mark Sousa – *Trustee*  
Kurt Weber- *Fiscal Officer*

7780 South State Route 48  
Maineville, Ohio 45039  
Phone: (513) 683-8520  
Fax: (513) 683-4325

#### Township Administrator

Brent Centers  
(513) 239-2372

#### Finance Coordinator

Ellen Horman  
(513) 239-2377

#### Human Resources

Kellie Krieger  
(513) 239-2461

#### Economic Development and Zoning

Alex Kraemer  
(513) 683-8520

#### Community Development Coordinator

Nicole Earley  
(513) 683-5320

#### Public Works

Kenny Hickey – Director  
Phone: (513) 683-5360

#### Police Department

Scott Hughes – Police Chief  
(513) 683-0538

#### Fire and Emergency Services

Brian Reese – Fire Chief

7684 South State Route 48  
Maineville, Ohio 45039  
(513) 683-1622  
(513) 899-1967

## TRUSTEE MEETING AGENDA 7/15/2020

6:30 PM

- Roll Call
- Pledge of Allegiance
- Approve of the Clerk's Journal and Accept the tapes as the Official Minutes of the July 1, 2020 Township Trustee Meeting
- Bills before the Board

### Public Comments

### Human Resources

- Roster Update

### New Business

- **Resolution 20-0715**: Adopting Zoning Code Text Amendment for CBD Establishments
- **Resolution 20-0715A**: Approving the Provision of Police Protection Services to the Village of Maineville, Ratifying the Contract Previously Executed by the Township Administrator on behalf of Hamilton Township, and Declaring an Emergency

### Work Session

### Fiscal Officer's Report

### Administrator's Report

### Trustee Comments

### Adjournment

*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)*



Trustee Meeting protocol

June 1, 2020

**Hamilton Township will be opening the Administrative building to public attendance at Trustee meetings with restrictions through July. We hope to be back to unrestricted meetings, beginning in August.**

As attendance at these open meetings is discouraged, the Township will continue streaming the meetings live on Facebook and uploading the video recordings within 24 hours to the Township website.

If you plan to attend a public Trustee meeting, the following protocols will be in place:

- In-person attendance is requested for residents with specific items to address or present to the Board, as there will be limited seating available.
- Social distancing will be practiced with seating arrangements (6 feet).
- Face masks/covers are preferred.
- It is requested that Public Comments are submitted online prior to the meeting to [bcenters@hamilton-township.org](mailto:bcenters@hamilton-township.org) with the subject line: *Public Comments*. However, the opportunity for in-person Public Comments will be made available.
- Any meeting materials (including Agendas) will need to be brought from home as they will not be available for public distribution. Available at: <https://www.hamilton-township.org/meetings/>
- Gatherings before and after the meeting will be prohibited inside the building. Those who gather outside of the building are requested to practice social distancing as directed by Governor DeWine and the State Board of Health.

The safety and health of our staff and residents remain our top priority. We appreciate your willingness to adapt to these unconventional measures during this unprecedented time. Your Trustees are dedicated to bringing Hamilton Township back to normal in a safe and healthy manner and appreciate your patience.

Stay healthy,

Hamilton Township

## Hamilton Township Trustees Meeting

July 1, 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 approve of the clerk's journal and accept the tapes as the Official Meeting Minutes of the June 17, 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 May 31, 2020 – June 13, 2020, Electronic Fund Transfer Direct Deposit Vouchers 1186198855 – 1186198928 and 1186198937 – 1186198940 and void 1184524720 and 1185350108.

Roll call as follows:

Mark Sousa	Yes
Joe Rozzi	Yes
Darryl Cordrey	Yes

Motion made by Mr. Cordrey with a second by Mr. Rozzi to approve the withholding payments for payment cycle May 31, 2020 – June 13, 2020, checks numbered 32190439 – 32190465.

Roll call as follows:

Joe Rozzi	Yes
Mark Sousa	Yes
Darryl Cordrey	Yes

Motion made by Mr. Cordrey with a second by Mr. Rozzi to approve billing invoices for payment cycle June 22, 2020 - June 26, 2020, checks numbered 81628 – 81637 and void 81575.

Roll call as follows:

Darryl Cordrey	Yes
Mark Sousa	Yes
Joe Rozzi	Yes

Motion made by Mr. Cordrey with a second by Mr. Rozzi to approve billing invoices for payment cycle June 29, 2020 – July 3, 2020, checks numbered 81638 - 81684.

Roll call as follows:

Mark Sousa	Yes
Darryl Cordrey	Yes
Joe Rozzi	Yes

### Public Comments

Mr. Cordrey opened the floor to public comments at 6:32pm.

No comments were made therefore Mr. Cordrey closed the floor to public comments at 6:32 pm.

### Human Resources

Mr. Hickey requested a motion to approve of the following cemetery purchases; Betty Redd in the Maineville addition is purchasing lot 200, graves 7 and 8, deed number 2020-6; Mr. and Mrs. Walker are purchasing a deed transfer from Betty Redd in the Murdoch addition lot 131, graves

3 and 4, deed number 2020-7, and finally Ms. Lisa Wilson is purchasing niche 33 and 34 in the Columbarium, deed 2020-8.

Mr. Cordrey made a motion with a second from Mr. Rozzi to approve of the above mentioned cemetery purchases.

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

### **Public Hearing**

Mr. Cordrey made a motion with a second from Mr. Rozzi to open the Public Hearing portion of the meeting.

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

### **-Resolution 20-0701: Adopting Zoning Code Text Amendment for CBD Establishments**

Mr. Yoder gave a summary of how this subject came about; the Board established a one year moratorium for all CBD Oil Establishments and they requested that the Zoning Commission dig a little deeper into the subject; Zoning Commission held three meetings in which they recommended several different regulations; the Trustees held work sessions to go over those regulations and make suggestions of their own. Tonight is the Public Hearing in which advanced noticed was given to let the Public know about this meeting and allow them to attend to give their input as well.

This Resolution would amend the text of the Zoning Code by defining and explaining CBD Oil Establishments. A CBD Establishment is being defined as a retail store that maintains at least 30% of their sales towards physical products of CBD or for which CBD sales serve as at least 30% of the stores principle revenue source. There will be a minimum of 500 feet distance required between two CBD Establishments. No CBD Establishment shall be within 500 feet of a school, CBD Establishments could potentially be allowed within 500 feet of a church, playground, library etc. however they would have to go for an advisability hearing/ conditional use hearing. CBD Establishments are only allowed in the B-1 and B-2 districts.

Mr. Cordrey asked if any comments were submitted online pertaining to this hearing? Mr. Hickey replied that there were none.

Mr. Cordrey asked for clarification on the advisability hearing and if that would require the creation of another Board?

Mr. Yoder explained that there are certain circumstances where in order to obtain a permit, such as a liquor license, there are requirements for an advisability hearing through the State; this is conceptually similar in the fact that it would have to come before a Board of determination, most likely the BZA, who would treat it as a conditional use which determines if the development is harmonious with the location.

Mr. Yoder continued to explain that they are having the hearing tonight however they do not have to vote on anything tonight so he could make the textual changes and add it to the agenda for passage at the next meeting.

Mr. Rozzi questioned if this will affect someone with a home based business for this product?

Mr. Yoder explained that decision will be up to Mr. Kraemer but his opinion is that it may be hard to argue that if someone is selling CBD out of their home that that is a retail space.

Mr. Sousa asked if someone is inventorying this from their home and they do not have a brick and mortar store, are they going to be in violation. We are saying that we are okay with these types of businesses and we are setting parameters for a brick and mortar store, however, we are in a day and age where there is a lot of online activity. Is someone home based putting themselves at risk or should that be addressed as well?

Mr. Yoder does not believe that would constitute as a CBD Establishment but more of an in-home occupation with its own regulations per the Zoning Code.

Mr. Sousa publicly thanked Mr. Kraemer and the Zoning Commission for their work put into this.

Mr. Cordrey made a motion with a second from Mr. Rozzi to close the Public Hearing at 6:43 pm.

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

**New Business**

**-Resolution 20-0701A: Authorizing Administrator to Execute and Record Environmental Covenant for certain Real Estate Owned by the Township**

Mr. Yoder explained that the Peter's Cartridge Factory property is a 71 acre parcel and is an environmental hazard. In 2007, the Township acquired 55 of the original 71 acres; still subject to the environmental hazards that the EPA was working on to fix. When the Township acquired the property, the EPA issued a declaration that restricts the use of the Township's property to only be used for parks. It cannot be used for commercial or industrial development. The EPA worked with the prior owner to clean up the site and in order to do that they took all of the environmental hazards and consolidated them to a four acre portion on the property and placed a cap on it which essentially means that the lead was buried and clay was placed on top of it and then covered with top soil. That cap and that area is to remain undisturbed indefinitely.

This Resolution records the summarized document that Mr. Yoder just explained, for the County Recorder's Office. It will stay on record so that if the property is ever sold or transferred, that property owner will be covered as well.

Mr. Cordrey asked if the Township actively went out and purchased this property in 2005?

Mr. Hickey stated that to his knowledge, this was a deal presented to purchase with the understating that there would be a supercell on the property.

Mr. Weber commented that he believes it was obtained through a grant. The idea was to have some park land at no cost to the Township.

Mr. Hickey explained that an agreement was to place a parking lot on top of the area and have some horse trails throughout this greenspace.

Mr. Sousa asked how we have marked or identified the cell so that we do not risk disturbing the area?

Mr. Hickey explained that there are pins that mark off the space as well as some flags since the Township has to mow it once a year.

Mr. Cordrey made a motion with a second from Mr. Rozzi to approve Resolution 20-0701A.

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

**Fiscal Officer's Report**

Nothing to report at this time. The June financial report will be given at the next meeting.

**Administrator's Report**

Mr. Hickey mentioned that the Fire Department moved into the new Station 76 on June 29<sup>th</sup>.

Chief Reese has signed an agreement with Heritage Fire Equipment to lease a 1994 Pumper starting on July 15<sup>th</sup>. This lease will be for the next 6-9 months and is completely covered by insurance. This is to help us out until we receive a new truck.

Chief Reese would like to offer the Village of Maineville the bell that was at the old Station 76. It has more historic value for the Village of Maineville than for Hamilton Township.

Mr. Hickey explained that Ms. Horman sent the Tax Budget to Warren County this week.

Lastly, the decking on the Overbrook Bridge has been removed. As of now it is mostly on schedule given the circumstances with COVID-19. The estimated time is to have it completed by September of this year.

**Trustee Comments**

Mr. Sousa discussed the lease of the Fire Truck stating that the insurance language is for the length of the time of repair; how do we get closure in determining how long they will cover that for?

Chief Reese mentioned that the estimate from Sutphen mentioned a time period of how long the repair would take. Therefore, that is the length of time that insurance will cover the lease. It will most likely take a year to get a newly built truck so we will probably run out of time and will either have to take on the cost ourselves or go back to the situation now where we're down a truck.

Mr. Sousa publicly thanked Salem for allowing us to use their equipment.

Mr. Rozzi reminded everyone to enjoy the holiday and celebrate Independence Day Safely.

Mr. Cordrey congratulated the Fire Department on getting into the new Station. He thanked the residents for their outpour of support for our Police and Fire Departments. He also encouraged everyone to be safe and get out and celebrate July 4<sup>th</sup>.

**Adjournment**

With no further business to discuss, Mr. Cordrey made a motion with a second from Mr. Rozzi to adjourn at 6:57 pm.

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

## LEGISLATIVE COVER MEMORANDUM

**Introduction:** July 15, 2020

**Effective Date:** Next available date after passage

**Agenda Item:** **Resolution 20-0715**  
A RESOLUTION ADOPTING ZONING CODE TEXT AMENDMENT  
CREATING ZONING AND LAND USE REGULATIONS FOR CBD  
ESTABLISHMENTS

**Submitted By:** Alex Kraemer

**Scope / Description:** This resolution will adopt the Zoning Code Text Amendment creating Zoning and Land Use Regulations for CBD Establishments.

**Budget Impact:** \$0

**Vote Required for Passage:** 2 of 3

The Board of Township Trustees of Hamilton Township, County of Warren, Ohio, met at its regular, 6:30 pm meeting on July 15, 2020 at Hamilton Township, Warren County, Ohio, with the following Trustees present:

Darryl Cordrey – Trustee, *Board Chair*  
Joseph Rozzi – Trustee  
Mark Sousa – Trustee

Mr. \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**HAMILTON TOWNSHIP, WARREN COUNTY 01110  
RESOLUTION NUMBER 20-0715**

**RESOLUTION ADOPTING ZONING CODE TEXT AMENDMENT  
CREATING ZONING AND LAND USE REGULATIONS  
FOR CBD ESTABLISHMENTS**

**WHEREAS**, Ohio Revised Code 519.02 authorizes the Hamilton Township Board of Trustees to regulate the zoning and use of real property located within its territorial boundaries in order to promote the public convenience, comfort, prosperity and general welfare of the Township;

**WHEREAS**, Ohio Revised Code 928.01 defines “cannabidiol” (“CBD”) as the cannabidiol compound derived from the hemp plant and containing a delta-9 tetrahydrocannabinol concentration of not more than three-tenths per cent (0.3%);

**WHEREAS**, Ohio Revised Code 928.02 permits any person, without a license, to possess, buy, or sell products consisting of or infused with CBD;

**WHEREAS**, on December 4, 2019, the Board of Trustees passed Resolution 19-1204B, placing a one-year moratorium on the issuance of zoning permits and approvals for the principal and conditional use of land for hemp-related purposes, such as retail establishments offering CBD for sale, and certified the Resolution to the Hamilton Township Zoning Commission to study the potential need for zoning regulations and, if necessary, develop reasonable regulations regarding the location and operation of CBD establishments within Hamilton Township;

**WHEREAS**, during three (3) public hearings held on January 13, March 9 and May 11, 2020, respectively, the Zoning Commission considered whether zoning regulations for CBD establishments were necessary in Hamilton Township and ultimately recommended approval of a text amendment to the Hamilton Township Zoning Resolution to provide for appropriate and reasonable zoning regulations for CBD establishments;

**WHEREAS**, the Board of Trustees held the requisite hearing on the proposed Zoning Resolution text amendment on July 1, 2020; and



**WHEREAS**, based on the information contained in the staff report pertaining to the proposed text amendment, the recommendation of the Zoning Commission and the Board's own independent judgment as the legislative body for Hamilton Township, the Board of Trustees finds adoption of the proposed text amendment is necessary to promote the public convenience, comfort, prosperity and general welfare.

**NOW THEREFORE, BE IT RESOLVED**, that the Board of Township Trustees of Hamilton Township, Warren County, Ohio hereby adopts the proposed text amendment to the Hamilton Township Zoning Code, setting forth zoning and land use regulations for CBD establishments, in the manner provided in the attached "Exhibit A;"

**BE IT FURTHER RESOLVED**, that this Resolution shall take effect on the earliest date permissible under Ohio law and that, one day after the effective date of this Resolution, the one-year moratorium enacted by Resolution 19-1204B shall automatically expire; and

**BE IT FURTHER RESOLVED**, that all formal actions of the Board of Trustees concerning and relating to the passage of this Resolution were taken in an open meeting of the Board and that all deliberations of the Board which resulted in formal action pertaining to this matter occurred in meetings open to the public and in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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

Darryl Cordrey – Aye \_\_\_\_\_ Nay \_\_\_\_\_  
Joseph Rozzi – Aye \_\_\_\_\_ Nay \_\_\_\_\_  
Mark Sousa – Aye \_\_\_\_\_ Nay \_\_\_\_\_

Resolution adopted this 15<sup>th</sup> day of July, 2020.

Attest:

\_\_\_\_\_  
Kurt Weber, *Fiscal Officer*

Approved as to form:

\_\_\_\_\_  
Benjamin J. Yoder, *Law Director*

I, Kurt 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 Township Trustees of Hamilton Township, County of Warren, Ohio, at its regular meeting on July 15, 2020.

Date: \_\_\_\_\_

\_\_\_\_\_  
Kurt Weber, *Fiscal Officer*

**EXHIBIT A**  
**to Resolution No. 20-0701**

**TABLE 4-2: PERMITTED USE TABLE**

**[UPDATED TABLE]**

\* \* \* \*

4.8.3. Business Uses

\* \* \* \*

O. CBD Establishments

- (1) CBD shall be defined as the cannabidiol compound derived from hemp and containing a delta-9 tetrahydrocannabinol concentration of not more than three-tenths percent (0.3%).
- (2) A CBD Establishment shall be defined as a retail store: (i) maintaining at least thirty percent (30%) of its physical merchandise space for the sale of products consisting of or infused with CBD; or (ii) for which products consisting of or infused with CBD serve as the store's principal revenue source.
- (3) There shall be a minimum 500-foot distance between two CBD Establishments, measured from main entrance to main entrance.
- (4) No CBD Establishment shall be permitted within 500 feet of a school.
- (5) Any CBD Establishment proposed within 500 feet of a church, library, public playground or Township park shall be subject to the conditional use review procedures and criteria provided in Hamilton Township Zoning Code Section 3.8, *et seq.*
- (6) CBD Establishments proposed outside of 500 feet of a school, church, library, public playground or Township park (as otherwise regulated above), shall be permitted only in the B-1 Neighborhood Business District and the B2 General Business District. CBD Establishments shall not be permitted in any other zoning districts.

# LEGISLATIVE COVER MEMORANDUM

**Introduction:** July 15, 2020

**Effective Date:** Next available date after passage

**Agenda Item:** **Resolution 20-0715A**  
A RESOLUTION APPROVING THE PROVISION OF POLICE PROTECTION SERVICES TO THE VILLAGE OF MAINEVILLE, RATIFYING THE CONTRACT PREVIOUSLY EXECUTED BY THE TOWNSHIP ADMINISTRATOR ON BEHALF OF HAMILTON TOWNSHIP, AND DECLARING AN EMERGENCY

**Submitted By:** Kenny Hickey

**Scope / Description:** This resolution approves the provision of police protection services to the Village of Maineville.

**Budget Impact:** \$0

**Vote Required for Passage:** 2 of 3

The Board of Township Trustees of Hamilton Township, County of Warren, Ohio, met at its regular, 6:30pm meeting on July 15, 2020, at Hamilton Township, Warren County, Ohio, with the following Trustees present:

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

Mr. \_\_\_\_\_ introduced the following resolution and moved for its adoption:

**HAMILTON TOWNSHIP, WARREN COUNTY OHIO  
RESOLUTION NUMBER 20-0715A**

**A RESOLUTION APPROVING THE PROVISION OF POLICE PROTECTION SERVICES TO THE VILLAGE OF MAINEVILLE, RATIFYING THE CONTRACT PREVIOUSLY EXECUTED BY THE TOWNSHIP ADMINISTRATOR ON BEHALF OF HAMILTON TOWNSHIP, AND DECLARING AN EMERGENCY**

**WHEREAS**, Ohio Revised Code Sections 505.43 and 737.04 allow an Ohio township and an Ohio municipality, respectively, to enter into contract for police protection;

**WHEREAS**, Council for the Village of Maineville, Ohio has decided it is in the best interest of its citizens to provide all of its police protection services through the Hamilton Township Police Department, with such services commencing as quickly as possible;

**WHEREAS**, the Township’s Police Department has the ability and desire to provide such police protection services to the Village of Maineville on an expedited basis;

**WHEREAS**, given the implied powers conferred on him by the Board of Township Trustees, the Township Administrator executed an Agreement with the Mayor of the Village of Maineville on July 2, 2020 in order for both the Village and Township to plan for, and commence Hamilton Township police protection services within the Village of Maineville as quickly as possible, with such Agreement set to commence on August 1, 2020 for an initial 10-year period; and

**WHEREAS**, the Board of Township Trustees desires to provide the requested police protection services to the Village of Maineville and to formally ratify the Agreement previously executed by the Township Administrator in order to expedite planning and commencement of the involved services;

**NOW THEREFORE**, be it resolved by the Hamilton Township Board Township Trustees, Warren County, Ohio:

**SECTION 1.** The Board approves the attached Agreement between Hamilton Township and the Village of Maineville executed by the Township Administrator on

July 2, 2020. The Board further authorizes the Township Administrator to execute any other documents necessary to put the Agreement into effect and to carry out the purposes of the Township's provision of police protection to the Village.

**SECTION 2.** By unanimous vote of the Trustees, this Resolution is hereby declared an emergency and shall take effect immediately upon passage. Such emergency declaration is necessary to provide for the expedited police protection services requested by the Village of Maineville that would not otherwise be available should such Resolution be passed as a non-emergency measure.

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

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

Resolution adopted this 15th day of July, 2020.

Attest:

\_\_\_\_\_  
Kurt Weber, *Fiscal Officer*

Approved as to form:

\_\_\_\_\_  
Benjamin J. Yoder, *Law Director*

I, Kurt 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 Township Trustees of Hamilton Township, County of Warren, Ohio, at its regular meeting on July 15, 2020.

Date: \_\_\_\_\_

\_\_\_\_\_  
Kurt Weber, *Fiscal Officer*