

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES
Planning Meeting May 2nd, 2024

R. Dee Stone, Trustee Chair
Lexi Lausten, Trustee Vice Chair
Joshua S. Gerth, Trustee
Brian M. Johnson, Fiscal Officer

At 8:41 AM **Mrs. Stone called the meeting at to order** and welcomed attendees including: Fiscal Officer Brian Johnson, Township Administrator Vicky Earhart, Assistant Township Administrator for Operations Steve Sievers, Assistant Township Administrator for Human Resources Suzanne Parker, Planning & Zoning Director Paul Drury, Public Works Director Eric Luginbuhl, Law Director Margaret Comey, Anderson Township Fire & Rescue Chief Richard Martin, Sheriff's Department Lt. Dave Downing, Fiscal Office Clerk Katie Arnold, Director of Finance Tammy Disque, Event Coordinator Jennifer Sanders, Administrative Assistant Molly Mohrfield

MOTION 24 – 0502 – 01

Mr. Gerth moved to appoint Steve Sievers as Anderson Township's representative on the Intermodal Coordinating Committee of the Ohio-Kentucky-Indiana Regional Council of Governments and Paul Drury as alternate for FY 2025, both to be installed by the OKI President. Mrs. Stone seconded the motion.

Mr. Johnson called the roll: Mrs. Lausten, absent; Mr. Gerth, yes; Mrs. Stone, yes.

Minutes

MOTION 24 – 0502 – 02

Mr. Gerth moved to approve the minutes from March 7, 2024, meeting as presented. Mrs. Stone seconded the motion.

Mr. Johnson called the roll: Mrs. Lausten, absent; Mr. Gerth, yes; Mrs. Stone, yes.

There was no further discussion.

Resolution Authorizing Payment

Mr. Gerth moved to approve the below resolution. Mrs. Stone seconded the motion.

Mr. Johnson called the roll: Mrs. Lausten, absent; Mr. Gerth, yes; Mrs. Stone, yes.

RESOLUTION NO. 24 – 0502 – 03

RESOLUTION AUTHORIZING PAYMENTS

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

SECTION 1. This Board hereby authorizes the payment of that certain Purchase Order No. 30883, dated April 4, 2024, of Tecta America Zero Company in the amount of \$8,118.00, which funds are hereby appropriated for the payment of office and barn roof repair at Clough Stone House.

SECTION 2. This Board hereby authorizes the payment of that certain Purchase Order No. 30895, dated April 10, 2024, of Beck Consulting, Inc. in the amount of \$3,500.00, which funds are hereby appropriated for the payment of appraisal report for property located at 4169-4175 Round Bottom Road.

SECTION 3. This Board hereby authorizes the payment of that certain Purchase Order No. 30903, dated April 15, 2024, of Market Place Printing, LLC in the amount of \$75,000.00, which funds are hereby appropriated for *Anderson Insights*.

SECTION 4. This Board hereby authorizes the payment of that certain Purchase Order No. 30883, dated April 4, 2024, of Tecta America Zero Company in the amount of \$8,118.00, which funds are hereby appropriated for the payment of Clough Stone House barn & office roof repair.

SECTION 5. That this Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this resolution were taken in open meetings of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Ohio Revised Code Section 121.22, except as otherwise permitted thereby.

There was no further discussion.

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Appropriation Changes

Advance required regarding a reimbursable grant for Fire Prevention & Safety. The general fund will be repaid once grant money is received.

01.1900.01 Advance - Out	\$11,790.00
55.0100.10 Advance - In	\$11,790.00

RESOLUTION NO. 24 – 0502 – 04

Mr. Gerth moved to adopt the appropriation changes as presented. Mrs. Stone seconded the motion.

Mr. Johnson called the roll: Mrs. Lausten, absent; Mr. Gerth, yes; Mrs. Stone, yes.

There was no further discussion.

Public Safety Projections

Mrs. Lausten arrived at 8:53 AM.

Mrs. Earhart presented public safety finances and stated a formal presentation is planned for the May 16th meeting. **Mrs. Disque** presented detailed public safety expenditures with and without TIF and COVID funds. There was discussion regarding historical and projected revenue and expenditures, fluctuations, and options.

Mrs. Lausten asked about billing. **Mrs. Earhart** reviewed ATFD billing history. There was a detailed discussion that included EMS runs, billing, residents, non-residents, and collections.

Chief Martin presented department challenges and possible solutions for the next collective bargaining agreement.

Mrs. Earhart updated the Board on increased costs in the Sheriff's Department.

Conversation regarding budgets and services for both departments resulted.

Potential Community Survey Concerning Pools, Senior Center, Recreation Center

Mrs. Earhart stated the Park District, Township, and School Board met and discussed community needs. She gave an update on the topics discussed, including an indoor recreation facility, community pool, and a potential survey to determine what residents' priorities are. The Board discussed funding the survey and what served the most public need. **Mrs. Earhart** stated she would respond to the Park District that the Township would take the lead on the community survey and invite the School Board to participate.

Tax Increment Financing

Mrs. Earhart reviewed the various TIF funds and expenditures allowed from each.

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There was discussion about allocating TIF dollars to Township roads that are the County's responsibility. Residents are most impacted when roads such as Clough Pike need attention. It was noted that more tax-exempt entities have bought property, which exempts the property from real estate taxes. Therefore, those entities utilize Township services but provide no tax revenue.

Legislative Update

Resolution Regarding Recreational Cannabis Dispensaries

Mrs. Earhart and **Mrs. Comey** reviewed the current Legislature statutes and informed the Board of all the options available for action.

Detailed discussion ensued.

Mrs. Stone moved to adopt the below resolution. **Mrs. Lausten** seconded.

Mr. Johnson called the roll: **Mrs. Lausten, yes; Mr. Gerth, yes; Mrs. Stone, yes.**

RESOLUTION NO. 24 – 0502 – 05

**RESOLUTION LIMITING THE NUMBER AND LOCATION OF ADULT USE
CANNABIS DISPENSARIES WITHIN THE UNINCORPORATED TERRITORY OF
ANDERSON TOWNSHIP**

WHEREAS, pursuant to initiative petition, at the general election held on November 7, 2023, the majority of electors of the State of Ohio and of Anderson Township, Ohio voted in favor of Issue 2, pursuant to which Chapter 3780 of the Ohio Revised Code (the "Statute") regarding adult use cannabis control to authorize and regulate the cultivation, processing, sale, purchase, possession, home grow, and use of adult use cannabis by adults at least twenty-one years of age ("Adult Use Consumers"), has been enacted;

WHEREAS, the Statute deals with adult use cannabis and is distinguished from Chapter 3796 of the Ohio Revised Code which contains a set of rules and regulations for medical marihuana in Ohio;

WHEREAS, "adult use cannabis", "cannabis" and "marihuana" are all defined under the Statute to mean "marihuana" as defined Section 3719.01 of the Ohio Revised Code, which deals with controlled substances, which definition states that, "Marihuana" means all parts of a plant of the genus cannabis, whether growing or not; the seeds of a plant of that type; the resin extracted from a part of a plant of that type; and every compound, manufacture, salt, derivative, mixture, or preparation of a plant of that type or of its seeds or resin; that, "Marihuana" does not include the mature stalks of the plant, fiber produced from the stalks, oils or cake made from the seeds of the plant, or any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted from the mature stalks, fiber, oil or cake, or the sterilized seed of the plant that is incapable of germination; and that "Marihuana" does not include "hemp" or a "hemp product" as those terms are defined in section 928.01 of the Revised Code";

WHEREAS, under the Statute, among other things, a Division of Cannabis Control (the "Division") within the Department of Commerce, has been established, authorized to license,

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regulate, investigate and penalize adult use cannabis operators, adult use testing laboratories, and individuals required to be licensed, and authorized to adopt rules necessary for the administration, implementation and enforcement of the Statute;

WHEREAS, the Statute prohibits an adult use cannabis operator or adult use testing laboratory from operating without a license issued by the Division pursuant to the Statute (“License”);

WHEREAS, the Statute defines “Adult Use Dispensary” as a person licensed pursuant to Section 3780.15 of the Statute, the Statute and any rules promulgated thereunder to sell adult use cannabis as authorized;

WHEREAS, applicants for Licenses must demonstrate that the operations will not be located within five hundred feet of a prohibited facility consistent with the Statute *unless the prohibited facility was located within five hundred feet after the applicant filed the application with the Division, or after the applicant, or the applicant owners, was operating under Chapter 3796 of the Ohio Revised Code at the same location, or unless otherwise authorized by the Statute;*

WHEREAS, “prohibited facility” is defined in the Statute to mean “any church, public library, public playground, public park, or school, as defined in Section 3796.30 of the Ohio Revised Code”; wherein “school” includes a child care center, a preschool, or a public or nonpublic primary or secondary school;

WHEREAS, *Section 3780.25 of the Statute sets forth the local authority regarding adult use cannabis operators, and, with stated exceptions, enables a board of township trustees to adopt a resolution, by majority vote to prohibit or limit the number of adult use cannabis operators permitted under the Statute within the unincorporated territory of the township; exceptions to such a prohibition including, among others, (i) existing cultivators, processors, or dispensaries who have a certificate of operation that has not been revoked, (ii) adult use cultivators, adult use processors, and adult use dispensaries that are co-located on the same or contiguous parcels, and (iii) dispensaries, or their owners, who have a certificate of operation and who are not co-located with a licensed operator, unless a majority of township trustees pass a resolution after the license is issued and within one hundred twenty days from license issuance, prohibiting the operation of the adult use dispensary within the unincorporated territory of the township; provided that with respect to dispensaries noted in clause (iii), the adult use dispensary license holder may pursue a referendum;*

WHEREAS, Section 3780.25 of the Statute prohibits a board of township trustees from, among others, limiting research related to marihuana, levying any tax, fee, or charge on adult use cannabis operators, their owners or their property which is not generally charged on other businesses in the township; prohibiting or limiting home grow otherwise authorized under the Statute;

WHEREAS, Section 3780.22 of the Statute provides for an adult use tax at the rate of ten percent (10%) on the sale of adult use cannabis by adult use dispensaries to adult use consumers in accordance with the Statute, which adult use tax is in addition to the tax levied or collected under Chapter 5739 of the Ohio Revised Code on adult use cannabis sales by adult use dispensaries to adult use consumers;

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WHEREAS, the Statute creates (for the purpose of receiving and distributing, and accounting for, revenue received from the adult use cannabis sales tax) the following funds in the state treasury: (1) the adult use tax fund; (2) the cannabis social equity and jobs fund; (3) the host community cannabis fund; (4) the substance abuse and addiction fund; and (5) the division of cannabis control and tax commissioner fund;

WHEREAS, all monies collected from the aforesaid tax levied under the Statute are required to be deposited into the adult use tax fund which shall be quarterly distributed as follows: thirty-six per cent to the cannabis social equity and jobs fund; *thirty-six per cent to the host community cannabis facilities fund*; twenty-five per cent to the substance abuse and addiction fund; and three per cent to the division of cannabis control and tax commissioner fund; and the director of the Office of Budget and Management shall transfer amounts of the funds as required in the Statute under Section 3780.23 thereof;

WHEREAS, since the effectiveness of the Statute, bills have been proposed in the General Assembly which could impact the share of the adult use cannabis sales tax credited to the host community cannabis facilities fund and, thus distributed to a township where adult use cannabis dispensaries lawfully operate;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Township Trustees (the “Board”) of Anderson Township, Hamilton County, State of Ohio (the “Township”);

SECTION 1. That pursuant to Section 3780.25 of the Statute, this Board hereby determines that the number of adult use cannabis operators dispensing adult use cannabis within the unincorporated territory under the Statute shall be limited to two dispensaries, and that such adult use cannabis dispensaries shall be located only within an “E” Retail Business Zoning District within the unincorporated territory of the Township, on Beechmont Avenue, between Five Mile Road and the Clermont County line; on Beechmont Avenue, between the Beechmont Levee and the City of Cincinnati corp. line; and Kellogg Road, between Sutton Road and Four Mile Road..

SECTION 2. The preambles to this Resolution are hereby deemed for all purposes to be integral parts of this Resolution.

SECTION 3. That this Board hereby finds and determines that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal actions were taken in meetings open to the public, in compliance with all legal requirements, including (without implied limitation) Ohio Revised Code Section 121.22, except as otherwise permitted hereby.

There was no further discussion.

HB 315

Mrs. Earhart presented the Township Omnibus bill. The impacts include modifying notification requirements, historical committee, vehicle license plates, and economic development.

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Report of Senate Select Committee on Housing

Mrs. Earhart outlined the reports' status.

HB 386 Phase Out State Income State; Repeal Commercial Activity Tax

Mrs. Earhart gave a brief update on the bill and its impact. A brief discussion ensued.

HB 507 Legal Safe Harbor for Political Subdivisions

Mrs. Earhart updated the Board on the Safe Harbor bill and its impact.

National League of Cities - 2024 Presidential Election

Mrs. Earhart reported about the local government initiative in the 2024 presidential election. The Board thanked Mrs. Earhart for her the legislative updates.

Event Rental Revenue / Expenditures

Ms. Sanders presented data for Township-owned venue rental rates and provided information about the policies. Ms. Sanders answered Trustee questions about the department's operation and about the different facilities and events. The Board thanked Ms. Sanders for the information. There was discussion regarding additional ways the building could provide additional revenue.

Village of Newtown Fire Contract

Mrs. Earhart noted there was a meeting regarding the fire contract renewal.

Bed Tax Expansion

Mrs. Earhart reviewed the resolution allowing places with more than five rooms for rent to collect tax. There was discussion of taxing short-term rentals with more than five rooms.

Mrs. Earhart stated staff would investigate the next steps for a short-term rental tax.

Operations Center Update

Mr. Sievers stated the final proposal from MSA had not arrived. He gave an update on the Operations Center and stated the earliest date for construction would be early 2026.

I-275 and Five Mile Interchange Upgrades

Mr. Sievers gave options for traffic improvements on Five Mile Road at I-275 and each plan's advantages and disadvantages.

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There was discussion centered around area improvements and future traffic patterns.

Sustainable Landscapes

Mr. Magna presented notes on sustainable landscapes. **Mrs. Stone** stated she was receiving questions from residents. **Mr. Drury** presented nuisance complaint examples. There was discussion regarding neglect, whether guidance needed to be provided, and that Township Greenspace provides sustainability for the community.

Speed Humps

Mrs. Earhart reviewed the pros, cons, and costs of speed humps. **Mr. Sievers** outlined studies that showed the unintended outcomes and gave alternative methods of changing driving habits. **Lt. Downing** outlined the data from multiple speed studies around the Township.

Mr. Gerth stated this was one of the most requested things residents ask him about and it was his duty to inquire about it. Additionally, he requested articles in Anderson Insights (AI) about it.

Mrs. Earhart informed the Board that staff regularly have internal discussions when new things, like the addition of concrete speed cushions on Beechmont Avenue, arise.

Mrs. Stone stated she wanted an article in AI discussing Cincinnati's new speed humps and the Township's opinion. **Mrs. Lausten** agreed and stated it was constant re-education.

Chickens and Bees

Mr. Drury stated they investigate every complaint, and that any regulation should be enforceable. Discussion regarding regulations followed. Current regulations remained in place.

Temporary Signage Enforcement

Mrs. Earhart, wanting to clarify the policy, stated that signs violating regulations are removed and logged.

Mr. Drury said it was a safety issue. He stated the policy is content neutral and does not distinguish between business or political. **Mr. Drury** gave statistics on illegal signs.

Mrs. Stone and **Mrs. Lausten** agreed with the sign policy and the enforcement.

Art Plan Steering Team

Ms. Donovan stated the committee decided the first piece of art will be installed at the Five Mile Trail, the second at the Little Miami Trail, and that staff has moved to the next step.

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Utility Box Wraps

Ms. Donovan stated the average lifespan is five-six years and the average cost is \$1,100-\$1,500. She said there are an additional 20 boxes available to wrap and asked the Board for guidance.

There was discussion about additional wraps and limitations imposed by Hamilton Count. The Board asked staff to work with Hamilton County for revised parameters with images.

Walls Greenspace Repatriation

Ms. Clingman informed the Board of possible impact the Native American Graves Protection and Repatriation Act on Township Greenspace.

Staffing

Mrs. Parker and **Mr. Drury** updated the Board on the search for a new planner. **Mrs. Lausten** outlined possible hiring incentives.

Chief Martin and **Mrs. Parker** summarized the retirement wave for firefighter leadership and possible solutions for upcoming vacancies.

Mr. Luginbuhl and **Mr. Parker** discussed possible future vacancies in Public Works.

Capital Projects

Ms. Earhart outlined changing accounting software, a new billing company for EMS, and reminded the Board changing software was a time-consuming process for staff members.

Executive Session – Mrs. Stone moved to retire to Executive Session to consider the appointment or employment of a public employee or official as permitted by Ohio Revised Code Section 121.22 (G)(1) and to consider the sale of property as permitted by Ohio Revised Code Section 121.22 (G)(2). Mrs. Lausten seconded the motion.

Mr. Johnson called the roll: Mrs. Lausten, yes; Mr. Gerth, yes; Mrs. Stone, yes.

Mrs. Stone moved to return from Executive Session. Mrs. Lausten seconded the motion.

Mr. Johnson called the roll: Mrs. Lausten, yes; Mr. Gerth, yes; Mrs. Stone, yes.

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Decision Arising from Executive Session

RESOLUTION NO. 24 – 0502 – 06

Mrs. Stone moved to appoint Jeff Rosa and Richard Shelley to the Anderson Township Park District Board of Commissioners for three-year terms that begin on May 13, 2024. **Mr. Gerth** seconded the motion.

Mr. Johnson called the roll: Mrs. Lausten, yes; Mr. Gerth, yes; Mrs. Stone, yes.

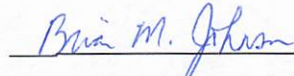
MOTION TO ADJOURN

Mrs. Stone moved to adjourn the meeting. **Mrs. Lausten** seconded the motion.

Mr. Johnson called the roll: Mrs. Lausten, yes; Mr. Gerth, yes; Mrs. Stone, yes.



R. Dee Stone, Chair



Brian M. Johnson, Fiscal Officer

CERTIFICATION

The undersigned duly elected and acting Fiscal Officer of Anderson Township, Hamilton County, Ohio, hereby certifies that the foregoing is a true excerpt from the minutes of a regular meeting, including the roll call votes thereat, of the Board of Township Trustees of said Township held on the 20th day of June 2024, and that said minutes have been duly entered upon the Journal of said Township.

This day 20th day of, June 2024.



Brian M. Johnson, Fiscal Officer