

ANDERSON TOWNSHIP BOARD OF TOWNSHIP TRUSTEES

July 15, 2024

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

**Mrs. Stone** called the meeting 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, Anderson Township Fire & Rescue Chief Richard Martin, Sheriff's Department Lt. Dave Downing, Administrative Assistance Molly Mohrfield, Facilities Manager Mark Magna, Fiscal Office Clerk Katie Arnold, Director of Finance Tammy Disque.

**MOTION TO ADOPT AGENDA**

**Mrs. Stone** moved to adopt the agenda as presented. **Mrs. Lausten** seconded the motion.

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

**Adult Use Cannabis**

**Mrs. Earhart** presented the Adult Use Cannabis resolution the Board passed and recommended removing the location restrictions from the resolution. She asked the Board to adopt the below resolution.

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

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

**RESOLUTION NO. 24 – 0715 – 01**

**RESOLUTION LIMITING THE NUMBER OF ADULT USE CANNABIS OPERATORS PERMITTED 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

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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, 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

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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;

**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 permitted within the unincorporated territory of the Township under the Statute shall be limited to two.

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

SECTION 3. That this Resolution supersedes Resolution No. 24-0502-05 duly passed by this Board on May 2, 2024, which prior Resolution is hereby repealed as of this date.

SECTION 4. 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.

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**Public Safety Levy**

**Mrs. Earhart** presented the data regarding General Fund, grants, Covid funds, TIF funds, and public safety levy needs and asked the Board what additional information it needed.

**Mr. Gerth** asked about expenditure increases, including additional personnel, for the past three years.

**Mrs. Earhart** stated the cost of everything has gone up while receipts have stayed flat.

The Board discussed increased staff cost, increased runs, increased cost associated with each run, the aging population, and their choice to age in place.

**Mrs. Lausten** did not think residents would tell the Board when a good time to go out for a levy. She stated it was up to the taxpayers to decide.

**Mr. Gerth** stated the Township's most important job is safety. He asked for clarification on the effects if the levy fails.

**Mrs. Lausten** thanked Mrs. Earhart for all the data.

**Mrs. Stone** advocated lobbying the legislature to allow TIF dollars for more public safety expenditures.

**Mrs. Earhart** discussed allowable TIF dollars expenditures.

**Mr. Gerth** relayed conversations he had about TIF dollars being used for staffing.

The Board discussed TIF funds in general.

**Mr. Sievers** mentioned the Township had not placed a bond issue on the ballot in many years.

**Mrs. Earhart** presented expenditure cuts the Township had made and how they were reflected in the data. She mentioned that staff worked with the care facility managers to reduce Fire and EMS department runs.

**Mr. Johnson** reviewed the expenditure estimates and what did and did not come out of TIF.

**Chief Martin** stated a fire engine's life is about 20 years. **Mrs. Earhart** stated the Township must replace three Sheriff cruisers each year. Vehicles are allowable TIF expenditures.

**Mrs. Lausten** mentioned that schools also increase EMS runs.

**Chief Martin** reviewed the Beechmont station coverage. He mentioned that aging at home, injuries from falls, and Riverbend impacted the numbers.

**Mrs. Earhart** stated 911 calls are not all the runs. The runs are also non-emergency calls, including for community services. She said emergency preparedness is also part of the need.

The Board discussed the presented projection, which is for five years.

**Mr. Gerth** stated he wanted the lowest millage possible. He stated a hotel and cannabis would supplement revenue.

**Mrs. Stone** stated she wanted the money to last.

**Mrs. Lausten** stated she thought there might not be another chance in three and half years to go back to the voters and ask for more.

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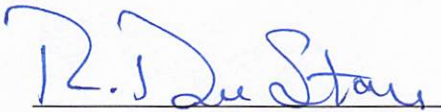
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**Mrs. Stone** stated it was an additional twenty-five dollars a year to go for the middle value. The Board agreed it would not go for the highest millage.

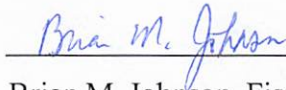
**MOTION TO ADJOURN-**

**Mrs. Stone** moved to adjourn the meeting at 3:37 PM. **Mrs. Lausten** seconded the motion.

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



R. Dee Stone, Chair

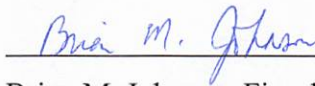


Brian M. Johnson, Fiscal Officer

**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 19<sup>th</sup> day of September 2024 and that said minutes have been duly entered upon the Journal of said Township.

This 19<sup>th</sup> day of September 2024.



Brian M. Johnson, Fiscal Officer