

## Regular Meeting of the Board of Trustees

May 8, 2018

1. **Opening of Meeting**
2. **Executive Session 6:00 PM**
3. **Pledge of Allegiance 7:00 PM**
4. **Meditation (Moment of Silence)**
5. **Fiscal Office – Approval of Minutes from April 10<sup>th</sup> and April 24<sup>th</sup>**
6. **Presentations**
  - a. The Giving Trees – Dr. R. Alan Wight
7. **Citizens Address: Questions Concerning Today’s Agenda**
8. **Administrative Reports**
9. **Trustees’ Report**
10. **Public Hearings (Action Required)**
  - a. ZA2018-01: (Text Amendment Medical Marijuana)
11. **New Business**

### **Public Safety**

- a. Motion to Authorize the Hire of Part-Time Fire & EMS Personnel (Fire)
- b. Motion to Authorize the Hire of Co-Op (Fire)
- c. Motion to Make Capital Purchase: Gear Washer Extractor Machine (Fire)
- d. Motion to Authorize the Acceptance of Donated Money (Fire)

### **Public Services**

- a. Motion to Authorize the Hire of Summer Camp Director
- b. Motion to Authorize the Hire of Summer Camp Assistant Director
- c. Motion to Authorize the Hire of Summer Camp Counselors
- d. Motion to Make Capital Purchase: Chemical Control Pump for Sprayground
- e. Resolution Authorizing the Filing of Grant Application with Natureworks

### **Planning & Zoning**

- a. Resolution Declaring Nuisance and Ordering Abatement

### **Administration**

- a. Motion to Authorize the Acceptance of Donated Money
- b. Resolution Appointing Jeffrey Weckbach to the Position of Assistant Township Administrator and Approving Attached Contract

COLERAIN



**COLERAIN**  
EST. 1794

- 12. Fiscal Office Report
- 13. Citizens Address
- 14. Executive Session - if needed
- 15. Adjournment

**COLERAIN**

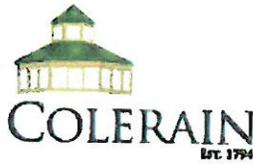
# Public Hearing

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## **Text Amendment – ZA 2018-01 Medical Marijuana**

### Rationale:

The Township Trustees have implemented two moratoriums to prohibit the cultivation, processing and retail dispensing of medical marijuana. The proposed amendment is a more permanent measure to prohibit these uses in all business and residential districts. The detailed analysis is included in the attached report.



## ZONING RESOLUTION TEXT AMENDMENT

Medical Marijuana

May 8, 2018

Prepared By: Marty Kohler

Senior Planner

### AMENDMENT SUMMARY:

The purpose of the zoning text amendment is to prohibit the cultivation, processing and retail dispensing of medical marijuana in all Colerain zoning districts. This is accomplished by defining the various aspects of medical marijuana and adding the uses to the table of uses in commercial and residential zones. In August 2017 the Colerain Township Trustees adopted Resolution No. 38-17 imposing a one-year extension of a previous moratorium on the issuance and processing of permits allowing retail dispensaries, cultivators, or processors of medical marijuana within Colerain Township. On February 13, 2018, the Colerain Township Board of Trustees made a motion to initiate this text amendment. The Zoning Commission followed suit with a motion to initiate the text amendment on February 20, 2018.

### BACKGROUND:

Ohio House Bill 523 effective September 8, 2016 legalized medical marijuana in Ohio. Rules for the administration of the program are still in the development phase, however the HB 523 gives local communities the ability to regulate or prohibit certain aspects of the program. Local communities do not have the ability to prohibit the usage of medical marijuana by individuals if properly prescribed by a physician. HB 523 separates the licensing of facilities for the cultivation, processing and dispensing of medical marijuana and gives local communities the ability to regulate these aspects of the program.

According to research by the Hamilton County Regional Planning Commission staff, the following area communities have taken steps to regulate medical marijuana:

#### ***Columbia Township***

As of November 14th, 2017, Columbia Township adopted Resolution No. 2017-36, initiating the prohibition of medical marijuana cultivating and processing in Columbia Township, and to limit the number and location of marijuana retail dispensaries to property located in the unincorporated area. Columbia Township, pursuant to its powers under the Ohio Revised Code, has limited permitted dispensaries to one, depicted in the same unincorporated area. The resolution does not prohibit research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

#### ***Liberty Township***

As of January 2018, Liberty Township approved a proposed text amendment similar to the current proposal by Colerain Township, to prohibit the cultivation, processing, and retail dispensing of medical marijuana in their March 2018 update of the Township Zoning Resolution.

### ***Sycamore Township***

As of May 2, 2017, Sycamore Township adopted Resolution No. 2017-47 initiating a change to the text of the Sycamore Township Zoning Resolution to prohibit medical marijuana cultivators, processors, and retail dispensary establishments licensed under Ohio Revised Code Chapter 3796 within the unincorporated territory of Sycamore Township. The section prohibiting cultivators, processors, and retail dispensary establishments does not apply to the in-patient dispensing of medical marijuana by a licensed hospital.

### ***Symmes Township***

Symmes Township adopted a standalone resolution on September 6, 2016, prohibiting the establishment and operation of medical marijuana cultivation, processing, and retail dispensaries as a land use matter in Symmes Township. This resolution did not amend the Symmes Township Zoning Resolution.

### **PROPOSED TEXT AMENDMENT:**

The proposed amendment has two key components. The first is a definition to the meaning of the term “Medical Marijuana” which is to be added to Chapter 16 of the Zoning Resolution. The second is to add “Medical Marijuana” to the table of land uses in both residential zones (section 7.2.1) and commercial zones (section 8.2). The table of uses gives the ability to categorize uses as “P” permitted, “P\*” permitted with stipulations, “C” conditional subject to BZA review, and shaded to indicate that the use is prohibited within the zoning district. The proposal is that the use table is shaded for “medical marijuana” in all residential and commercial zone classifications. This shading indicates that any use falling within the definition of “Medical Marijuana” is prohibited in all zoning districts of the township.

### **GENERAL DISCUSSION**

This text amendment is intended to be somewhat proactive with respect to the changes in Ohio law. Once the final rules on this program are released sometime this fall, licenses will be issued for cultivation, processing and dispensing of medical marijuana within still undefined parameters. Once establishments receive Zoning Certificates for operation the use is “Grandfathered” as a permitted use and the Township will need to accept unanticipated consequences of the new use. By prohibiting local use, the Township will have the ability to learn from other communities about possible negative impacts of the new use. It is easier to add the medical marijuana uses back into the Zoning Resolution in the future rather than to try to prohibit the uses one they have already been established. Based on track records for other communities who permit medical marijuana in the future, Colerain may decide to allow any or all aspects of the cultivation, processing and dispensing of medical marijuana and can place stipulations on any of these functions as deemed appropriate.

## **CONFORMANCE WITH COMPREHENSIVE PLAN:**

The Colerain Comprehensive Plan makes no specific reference to the use of medical marijuana. The Township has taken measures in the past to regulate businesses that potential have negative impacts such as alternative financial lenders.

## **REGIONAL PLANNING REVIEW**

The Hamilton County Regional Planning Commission reviewed the proposed amendment at their April 5, 2018 meeting and voted unanimously in favor. During discussions the Commission members expressed concerns that the State Legislature may make further changes to the legislation to retract the local option to regulate if too many communities vote to totally prohibit medical marijuana. They were also concerned about the lengthy amendment process necessary if Colerain decides to take a different approach in the future.

## **COLERAIN TOWNSHIP ZONING COMMISSION REVIEW**

On April 17, 2018 the Zoning Commission held a public hearing after which they unanimously voted to recommend approval of the proposed amendment.

## **RECOMMENDATION:**

STAFF RECOMMENDS APPROVAL AS PRESENTED.



# COLERAIN POLICE DEPARTMENT

4200 SPRINGDALE ROAD ● COLERAIN, OHIO 45251 ● 513-321-COPS

[WWW.COLERAINPOLICE.ORG](http://WWW.COLERAINPOLICE.ORG)



**Mark C. Denney, CLEE**  
Chief of Police

**Michael Owens, CLEE**  
Support Services Commander

**To: Jenna LeCount**  
**From: Mark C. Denney**  
**Re: Marijuana Dispensary Concerns**

In regards to the pending question about allowing marijuana dispensaries in Colerain Township, the Police Department has several concerns.

First, the possession, cultivation and distribution of marijuana remain a violation of federal law. Any business set-up in violation of this law faces the possibility of legal action from Federal law enforcement. Attorney General Sessions has communicated a desire to enforce existing law and oppose the trend to legalize marijuana.

Another concern is the fact that dispensaries not only possess drugs, but also large sums of cash. Funds derived from the cultivation or selling of illegal drugs are not generally permitted in accounts held by federally insured banks. This causes the accumulation of large sums of money, which make them attractive candidates for armed robberies.

Another trend witnessed by other states that have enacted these laws is the presence of "black market" dealers near established dispensaries. These dealers undercut the cost of the State-sponsored dispensaries, establishing open-air drug markets near these stores.

I would urge the Township to oppose the establishment of any medical marijuana dispensaries in Colerain Township. Given the fact that is many negatives to this and very few, if any, positives, I do not see the wisdom of testing the waters in our community. The only revenue the Township would see would be the tax on property value. That revenue would hardly cover the additional costs of public safety resources they would need to operate safely.

**The Board of Trustees of Colerain Township, County of Hamilton, Ohio, State of Ohio**, met in regular session at \_\_\_\_\_ p.m., on the 8<sup>th</sup> day of May, 2018, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Greg Insko, Raj Rajagopal, Dan Unger

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

**RESOLUTION NO. \_\_\_\_\_ -18**

**RESOLUTION ADOPTING TEXT AMENDMENTS TO THE COLERAIN TOWNSHIP ZONING RESOLUTION REGARDING PROHIBITION OF THE CULTIVATING, PROCESSING AND RETAIL DISPENSING OF MEDICAL MARIJUANA**

WHEREAS, a proposed text amendment to Article 7.2.1 Residential Uses, Article 8.1 Business Uses and Article 16.2 Definitions to add the use categories of Medical Marijuana as prohibited uses to all Residential and Business Zoning Districts was initiated by Motion of the Colerain Zoning Commission and transmitted to the Regional Planning Commission; and

WHEREAS, the Regional Planning Commission unanimously recommended approval on April 5, 2018; and

WHEREAS, the Colerain Township Zoning Commission held a public hearing and unanimously recommended approval on April 17, 2018; and

WHEREAS, the Board of Trustees held a public hearing on May 8, 2018, and, at the conclusion of the public hearing, at least a majority voted to accept the recommendation of the Zoning Commission set out in **Exhibit A**;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of Colerain Township, Hamilton County, Ohio, that the Board does hereby adopt the Amendment to the Colerain Township Zoning Resolution attached hereto as **Exhibit A**; and

**BE IT FURTHER RESOLVED** by the Board of Trustees of Colerain Township, Hamilton County, Ohio, as follows:

1. The text amendment hereby adopted is in furtherance of the health, safety, morals and welfare of the public and the residents of Colerain Township; and
2. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of any of its committees that resulted in such formal

action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code; and

3. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading; and

4. That this Resolution shall be effective at the earliest date allowed by law.

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

Vote Record: Greg Insko \_\_\_\_\_, Raj Rajagopal \_\_\_\_\_, Dan Unger \_\_\_\_\_

ADOPTED this 8th day of May, 2018.

BOARD OF TRUSTEES

\_\_\_\_\_  
Greg Insko, Trustee

\_\_\_\_\_  
Raj Rajagopal, Trustee

\_\_\_\_\_  
Dan Unger, Trustee

Attest:

\_\_\_\_\_  
Heather E. Harlow  
Colerain Township Fiscal Officer

Resolution approved as to form:

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Lawrence E. Barbieri (0027106)  
5300 Socialville Foster Rd., Suite 200  
Mason, OH 45040  
(513) 583-4200  
Colerain Township Law Director

**AUTHENTICATION**

This is to certify that this Resolution was duly passed and filed with the Colerain Fiscal Officer,  
this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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Heather E. Harlow  
Colerain Township Fiscal Officer

## NEW BUSINESS

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Department: Colerain Township Department of Fire & Emergency Medical Services

Department Head: Frank Cook, Chief of Department

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a. Motion Authorizing Part-Time Department of Fire & EMS Hires

Recommend adoption of a motion to *conditionally* hire the following candidates as part-time fire department employees at the specified hourly pay rates:

- Austin Walter – Firefighter Paramedic: \$15.93,
- Benjamin Stoeppel – Firefighter Emergency Medical Technician (EMT): \$14.50 per hour, and
- Natasha Simmons – Firefighter EMT: \$14.50 per hour.

Rationale:

The aforementioned recommended candidates are replacements for part-time firefighter EMT employees that have recently separated from the department. The hiring of the three candidates will be contingent upon successful completion of all applicable pre-employment evaluations and procedures. Their start date will be effective as soon as possible after Sunday, May 20, 2018, following compliance of the aforementioned conditions with a one-year probationary period.

b. Motion Authorizing Part-Time Co-op Fleet Maintenance Student Hire

Recommend adoption of a motion to hire Mr. Corbin Ralston in the capacity of a part-time co-op student in the Division of Fleet Maintenance at an hourly rate of \$12.00 per hour. Mr. Ralston is currently a student of the *Commercial Truck & Equipment Program* at Colerain High School's Career Center. His work hours will not exceed 30-hours per week.

Rationale:

The aforementioned recommended candidate will provide the department access to the latest talent pool of potential employees and continue the department's partnership with the school's program; and additionally, it will provide the student with valuable work experience. The co-op employee will work under close supervision of the fleet manager and technicians in assisting with mechanical repair and preventative maintenance work on motorized vehicles and power equipment in the Fleet Division.

c. Motion to Execute Contract with Machinex Company of Cincinnati, Ohio for the Purchase of a Commercial-Grade Turnout Gear Washer Extractor Machine

Recommend adoption of a motion to purchase from the Machinex Company of Cincinnati, Ohio a firefighter turnout gear washer extractor machine in the amount \$10,997.60 minus a grant award of \$9,164.67 from the State of Ohio Bureau of Workers Compensation. The Department of Fire & EMS's obligation is \$1,832.93

Rationale:

## NEW BUSINESS

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The purpose of the washer extractor equipment allows for the immediate decontaminating of personal protective clothing (i.e., protective coats, trousers, gloves, hoods, etc.) following its use during firefighting and hazardous materials incidents. Currently, three of the five fire stations are equipped with this equipment. The Department of Fire & EMS was the recipient of a *Firefighter Exposure to Environmental Elements Grant* award in November 2017.

This purchase was included in the 2018 Capital Budget.

d. Motion Authorizing the Acceptance of Donated Money

Recommend adoption of a motion to accept a \$100.00 donation from Mr. John Sadler, 7077 Okeana-Drewersburg Rd., Okeana, OH 45053.

Rationale:

The donation (cash) was provided in remembrance of Captain Robin Broxterman and Firefighter Brian Schira.

# Memo



**To:** Frank Cook, Fire Chief  
**From:** Mike Adler, Fleet Manager  
**Date:** April 25, 2018  
**Re:** Co-op position

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This is a proposal and recommendation for the hiring of Corbin Ralston as a co-op part-time Fleet Mechanic in May 2018.

I met Corbin at the Butler Tech Vocational Industrial Clubs of America (VICA) Diesel Competition at Colerain High School in March 2018. Corbin is currently a junior in the Commercial Truck & Equipment Program at Butler Tech (Colerain High School). I was impressed with his skills and his performance in the competition. He placed in the top 5 of the 22 students that competed in the Junior and Senior level. Corbin comes highly recommended by his Diesel instructor, John McDaniel. I invited Corbin to tour the shop in April 2018 and discussed our expectations for the position to determine how he would fit. I was impressed with his enthusiasm and how he represented himself. I think he would be a very good fit for this position.

Corbin would be available to begin after the school year has ended and would work a maximum of 30 hours per week through the summer. When the 2018/19 school year begins in August he would be available to work partial days in accordance with the Butler Tech co-op program (hours to be determined – max 30 hours).

If you have any questions or would like to discuss this further please let me know.



**Bureau of Workers'  
Compensation**

13430 Yarmouth Drive  
Pickerington, OH 43147

Governor John R. Kasich  
Administrator/CEO Sarah D. Morrison

www.bwc.ohio.gov  
1-800-644-6292  
Phone: 614-895-8622  
Fax: 1-866-336-8352

November 15, 2017

Assistant Fire Chief Will K. Mueller  
Colerain Township  
4200 Springdale Road  
Colerain Township, OH 45251-1441

Policy number: 33120204  
Application number: 05-0143

Dear Assistant Fire Chief Will K. Mueller:

Congratulations! We have approved Colerain Township's application for the Firefighter Exposure to Environmental Elements Grant (FEEEG) project requesting \$9,164.67. Your obligation of the total project of \$10,997.60 is \$1,832.93. The following equipment is approved under this grant award as detailed in the attached approved grant budget:

- (1) Continental EH040 Gear Washer/Extractor;
- (1) 6" Continental Steel Base for the EH040;
- (1) Fire Soap Automatic Soap Dosing System, and
- Installation

You may expect to receive your award within eight weeks from the date of this letter. If you enrolled in electronic funds transfer, you may expect the direct deposit into the account specified on your vendor information form.

When you receive your grant funds, you must complete the action steps as listed below

- ◇ **Purchase and implement** the approved intervention equipment within 90 days after the date on the grant check or electronic fund transfer (EFT).
- ◇ Forward itemized invoice(s) pertaining to all approved equipment purchased showing either "Stamped" Paid in Full or "Typed-Written" Paid in Full within 120 days of receiving BWC grant check or electronic fund transfer (EFT).

Please see the enclosed *Employer Action Steps* for details on the above items.

BWC stands ready to assist you with your safety needs. If you would like to speak with a Division of Safety & Hygiene consultant or have questions about the SIG program, please call 1-800-644-6292, and listen to the options.

Sincerely,

Ibraheem (Abe) Tarawneh, PhD  
Superintendent  
Division of Safety & Hygiene

Enclosure

cc: BWC Finance Division  
BWC Field Operations  
File

## Employer Action Steps

Steps	Action steps	Date completed
1	<p>Purchase and implement the approved intervention <u>only</u> after receiving grant funds. You must make the <u>intervention purchase and implement the intervention equipment</u> within 90 days after the date on the grant check or EFT. Your participation in the FEEEG program commences on the date of the grant check or EFT.</p>	
2	<p>Within 120 days after the date of the grant check or EFT, you must provide BWC with the following:</p> <ul style="list-style-type: none"> <li>◊ A copy of the original approved budget;</li> <li>◊ Itemized invoice(s) pertaining to all approved equipment purchased showing either "Stamped" Paid in Full or "Typed-Written" Paid in Full within 90 days of receiving BWC grant check or electronic fund transfer (EFT).</li> <li>◊ Copies of the front and back of all canceled check(s) or online bank statements issued that demonstrate that you paid all invoices associated with the intervention in full, and all BWC and employer contributions were fully used in the manner intended.</li> </ul> <p>Forward the aforementioned documentation to BWC Safety Intervention Grants Program, 13430 Yarmouth Drive, Pickerington, Ohio 43147-8310 c/o Safety Intervention Grants program coordinator</p> <p><i>IRS 1099 requirement – All grant recipients will be issued a 1099 for their BWC paid grant funds. This does not preclude employers from providing BWC proof of spending verification for the use of the grant funds within 120 days after the date of the grant check as described above.</i></p> <p><i>Note: The issuance of a 1099 does not preclude BWC from seeking administrative, civil and/or criminal sanctions if you do not reimburse the bureau all unused grant money and/or funds deemed misappropriated.</i></p>	
3	<p>Submit one-year case study including Cost Benefit Analysis (CBA). You must provide a case study one year from the intervention date. Submit this within 30 days of the one-year reporting period. BWC will require employers who fail to adhere to the reporting requirements to reimburse the full amount of the grant.</p> <p>Case study - Under development</p>	
4	<p>Program completed upon submission of one year case study.</p>	

**(Note: Employers who fail to adhere to the regulations, terms and/or conditions of the FEEEG program may be required to reimburse us, up to the full amount of the grant, and may face civil and/or criminal sanctions )**





## Price Quotation

7654 Production Drive,  
Cincinnati, OH 45237  
Tel: 513-771-4020  
Fax: 513-771-0317  
email: machinex@machinexonline.com  
www.machinexonline.com

<b>Sold To:</b>		<b>Colerain Township</b>	<b>Date:</b>	<b>8/12/2017</b>
<b>Address:</b>		<b>3251 Springdale Rd.</b>	<b>Number</b>	<b>42859.53</b>
		<b>Cincinnati, OH 45251</b>	<b>Page</b>	<b>1</b>
		<b>Attn: Bob Rielage</b>		
Item	Qty	Description	Unit Price	Total
	1	<b>Continental EH040 Gear Washer-Extractor</b> Washes 4 sets of separated shells or liners Soft mount, no anchoring required. Logi Control - completely programmable wash cycles that will comply with NFPA standards Top mounted detergent/supply hopper Connections for liquid chemical injections - signals & ports Titan steel cabinet and stainless steel cylinder, wheel and faceplate. 208-240/60/1	\$8,967.60	\$8,967.60
	1	<b>6" Continental Steel Base for the EH040</b>	\$530.00	\$530.00
	1	<b>Fire Soap Automatic Soap Dosing System</b> Includes flush manifold, control w/ solenoid, remote start button, fittings required and (2) 5 lb. Cakes of soap, good for 100 washes. Wall mounted behind machine.  Included: Start-up, connection verification, programming to meet NFPA standards, demonstration, training and maintenance review on site. Price includes freight with lift gate service to your location Pallet jack will be required or fork truck to move off lift gate  Estimate for installation is \$750. Installation includes leveling machine and connecting to utilities located within 3 to 5 feet of machine location. Required are 3/4" hot & cold water valves, 3" floor drain behind washer and 208-240/60/1 electric brought to a box on the wall behind the machine. 20 amp breaker.	\$750.00	\$750.00
		<b>Tax Exempt - Please Provide Tax Exempt Certificate</b>		
<b>TOTAL</b>				<b>\$10,997.60</b>

**Machinex Terms & Conditions:**

- *Payment Terms for Equipment Orders: 50% with Order & 50% Prior to Shipment.*
- *Payment of Parts & Service: Due Upon Receipt or Net 10 with Approved Credit Application (furnished upon request).*
- *Credit Cards Accepted for Amounts up to \$500. A 2% Transaction Fee is Applied for Larger Amounts.*
- *Equipment Lead Times Vary from 6 to 8 Weeks Unless Otherwise Stated.*
- *Standard Manufacturer's Parts Warranties Apply. A Machinex Labor Warranty is not Included Unless Otherwise Written Above.*
- *Prices Quoted are Valid for 30 Days.*

*Your signature indicates acceptance of these terms and conditions and of the above sales agreement and ALSO an acceptance of our complete terms and conditions. Hard copies of the complete terms and conditions will be provided upon request.*

**SIGNATURE** \_\_\_\_\_

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

## NEW BUSINESS

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Department: Public Services

Department Head: Kevin Schwartzhoff, Director of Public Services

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a. Motion Authorizing the Hire of Sumer Camp Director

Recommend that we hire Jenna Hilgefert as Summer Camp Director effective May 14, 2018 at an hourly rate of \$15.00 contingent upon successful background investigation.

Rationale:

Miss. Hilgefert is currently a psychology major at Wright State University. She has experience providing childcare, and currently serves as a cheerleader coach and has a leadership role in her sorority. Miss Hilgefert was also a Colerain Township summer camp participant growing up.

b. Motion Authorizing the Hire of Summer Camp Assistant Director

Recommend that we hire Miranda Elliot as Summer Camp Assistant Director effective May 14, 2018 at an hourly rate of \$12.50 per hour contingent upon successful background investigation.

Rationale:

Miss Elliot holds a Bachelor's Degree from the University of Cincinnati. She is certified in First Aid and CPR and brings experience as a day camp counselor as well as before and after school programs.

c. Motion Authorizing the Hire of Summer Camp Counselors

Recommend we hire the following list of applicants as Summer Camp Counselors effective May 14, 2018 at an hourly rate of \$9.50 contingent upon successful background investigation.

1. Kevin McMillian
2. Rachel Ashton
3. Briana Axton
4. Madison Meade
5. Alyssa Knizer

Rationale:

Mr. McMillian has Participated in summer camp as a child. Has Bachelors in marketing & entrepreneurship. Interested in outdoor activities and games.

Miss Ashton Participated in our summer camp program. Previous experience is a day camp counselor. Certified in First Aid and CPR. Attending college in the fall.

## NEW BUSINESS

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Miss Axton has previous camp counselor experience. She is certified in First Aid and CPR and her interests include outdoor activities, crafts and gaming.

Miss Meade participated in summer camp as a child. Her interests are arts and crafts, drawing & knitting. Involved in Leadership Club at school.

Miss Knizer was a counselor at Camp Joy for three years. She is a graduate of McCauley High School. Her interests are theater, dance, volleyball and soccer. She also participated in summer camps as a child.

- d. Motion to Make Capital Purchase: Chemical Control Pump for Spray Ground  
Recommend the purchase of a chemical control pump from PSS Consultants for \$5,000 per the attached proposal.

Rationale:

The chemical control pump adjusts the PH of the water using muriatic acid and adjusts the amount of chlorine we add to sanitize the water. The original pump was purchased in 2011 when the spray ground opened. Both muriatic acid & chlorine are very corrosive and are hard on pumps. Currently, we are doing much of our water quality control by hand because our current pump is not dependable.

PSS Consultants is the contractor that built our spray ground and handles all of our technical maintenance operations & repairs. The cost of the control is \$5,000.00

This item was included in our 2018 Capital Budget.

- e. Resolution Authorizing the Filing of Grant Application with Natureworks  
Recommend approval to authorize Kevin Schwartzhoff to submit a grant application with Ohio Department of Natural Resources Natureworks grant program.

Rationale:

The grant will request \$150,000 from the NatureWorks grant program for funding to replace Megaland Playground at Colerain Park. The minimal match of 25% or \$50,000 will be required by the Township.

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at \_\_\_p.m., on the 8<sup>th</sup> day of May, 2018, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Mr. Greg Insko, Mr. Raj Rajagopal and Mr. Dan Unger

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

**RESOLUTION NO.: \_\_\_\_\_-18**

**RESOLUTION AUTHORIZING DIRECTOR OF PUBLIC SERVICES KEVIN SCHWARTZHOFF TO FILE AN APPLICATION WITH NATUREWORKS**

**WHEREAS**, the State of Ohio, through the Ohio Department of Natural Resources, administers financial assistance for public recreation purposes, through the State of Ohio NatureWorks grant program, and;

**WHEREAS**, the Colerain Township Board of Trustees desires financial assistance under the NatureWorks Grant Program;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Trustees of Colerain Township, Hamilton County, Ohio, as follows;

1. The Colerain Township Board of Trustees approves Director of Public Services, Kevin Schwartzhoff, to file an application for financial assistance with NatureWorks.
2. Kevin Schwartzhoff, Colerain Township Director of Public Services, is hereby authorized and directed by the Board to execute and file an application with the Ohio Department of Natural Resources and to provide all information and documentation required to become eligible for possible funding assistance.
3. That the Colerain Township Board of Trustees does agree to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the NatureWorks Grant Program.
4. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.
5. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading.
6. This resolution shall take effect at the earliest period allowed by law.

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

Vote Record: Mr. Insko \_\_\_\_\_ Mr. Rajagopal \_\_\_\_\_ and Mr. Unger \_\_\_\_\_

ADOPTED this \_\_\_\_\_ day of May, 2018.

BOARD OF TRUSTEES:

\_\_\_\_\_  
Greg Insko, Trustee

\_\_\_\_\_  
Raj Rajagopal, Trustee

\_\_\_\_\_  
Dan Unger, Trustee

ATTEST:

\_\_\_\_\_  
Heather E. Harlow,  
Fiscal Officer

Resolution prepared by and approved as to form:

\_\_\_\_\_  
Lawrence E. Barbieri (0027106)  
5300 Socialville Foster Rd., Suite 200  
Mason, OH 45040  
(513) 583-4200  
Colerain Township Law Director

The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio, met in regular session at \_\_\_\_\_ p.m., on the 8th day of May, 2018 at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Greg Insko, Raj Rajagopal, Dan Unger

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

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION DECLARING NUISANCE AND ORDERING ABATEMENT**

**WHEREAS** Uncontrolled vegetation and/or refuse and debris were reported and determined to exist at the properties listed below:

<u>Address</u>	<u>Book-Page-Parcel No.</u>
7175 Sheed	510-0222-0074
6683 Springdale	510-0350-0068

**WHEREAS** Ohio Revised Code Section 505.87 provides that, at least seven days prior to providing for the abatement, control or removal of any vegetation, garbage, refuse, or debris, the Board of Trustees shall notify the owner of the land and any holders of liens of record upon the land; and

**WHEREAS** Ohio Revised Code Section 505.87 provides that, if the Board of Trustees determines within twelve consecutive months after a prior nuisance determination that the same owner's maintenance of vegetation, garbage refuse, or other debris on the same land in the township constitutes a nuisance, at least four days prior to providing for the abatement, control or removal of the nuisance, the Board must send notice of the subsequent nuisance determination to the landowner and to any lienholders of record by first class mail; and

**WHEREAS** In accordance with Ohio Revised Code Section 505.87, the Township Trustees have the authority to contract to abate the nuisances and have the costs incurred assessed to the property tax bills; therefore

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of Colerain Township, Hamilton County, Ohio, as follows:

1. That this Board specifically finds and hereby determines that the uncontrolled growth of vegetation and/or the refuse and debris on each of the said properties listed above constitute a nuisance within the meaning of Ohio Revised Code Section 505.87, and the Board directs that notice of this action be given to owners of the said property and lienholders in the manner required by Ohio Revised Code Section 505.87;
2. That this Board hereby orders the owners of said property to remove and abate the nuisances within seven days after notice of this order is given to the owners and lienholders of record and within four days after notice of this order is given to the owners and lienholders of record for properties previously determined to be a nuisance. If said nuisances are not removed and abated by the said owners, or if no agreement for removal and abatement is reached between the Township and the owners and lienholders of

record within four or seven days after notice is given, the Zoning Inspector shall cause the nuisances to be removed, and the Township shall notify the County Auditor to assess such cost plus administrative expense to the property tax bills for the said parcel, as provided in Ohio Revised Code Section 505.87;

3. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code; and

4. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading.

5. That this Resolution shall be effective at the earliest date allowed by law.

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

Vote Record: Mr. Insko \_\_\_\_\_, Mr. Rajagopal \_\_\_\_\_, Mr. Unger \_\_\_\_\_

ADOPTED this 8th day of May, 2018.

BOARD OF TRUSTEES:

\_\_\_\_\_  
Greg Insko, Trustee

\_\_\_\_\_  
Raj Rajagopal, Trustee

\_\_\_\_\_  
Dan Unger, Trustee

ATTEST:

\_\_\_\_\_  
Heather E. Harlow,  
Colerain Township Fiscal Officer  
Resolution prepared by and approved as to form:

\_\_\_\_\_  
Lawrence E. Barbieri,  
5300 Socialville Foster Rd., Suite 200  
Mason, OH 45040 (513) 583-4200  
Colerain Township Law Director

## AUTHENTICATION

This is to certify that this Resolution was duly passed and filed with the Colerain Township Fiscal Officer this 8st day of May, 2018.

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Heather E. Harlow  
Colerain Township Fiscal Officer

## NEW BUSINESS

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Department: Administration

Department Head: Geoff Milz

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a. Motion to Authorize the Acceptance of Donated Money

Recommend the acceptance of a \$250.00 donation from The Giving Trees organization for the purpose of purchasing fruit trees and perennial shrubs for “The Orchard” in Northbrook.

Rationale:

The Giving Trees - An Ohio Valley Edible Resources and Forest Initiative seeks to plant edible fruit and nuts trees to create food forests (20-100+ trees) throughout the Cincinnati Tri-State region. Edible forest gardens are perennial, polyculture, and orchard crop systems that will come into production 3-7 years from their initial plantings. This initiative builds on the success and works in conjunction with the Civic Garden Center’s school and community garden programs.

A Greater Northbrook applied for the funds with the hope that the proceeds would be donated to the township for the specific purpose of purchasing the trees and shrubs on their behalf. In their grant application they say:

“In speaking with families and kids, we’ve identified this area as a potential gathering spot and learning center. Our children don’t get outside enough, and rarely have grown a flower or vegetable garden. That’s where we hope Giving Tree can help. We have an area we call “The Orchard,” that really isn’t the true definition of an orchard, just trees that line the driveway entrance to the shopping center. We would love to plant fruit trees and low growing bushes and offer opportunities to the kids to care for and maintain the health of this area. Planting, caring for, and ultimately, picking the fruits of their labor. There is no better way to create a nurturer of our planet than by teaching our youngest members to become good stewards of nature. And adults, too!”

b. Resolution Appointing Jeffrey Weckbach to the Position of Assistant Township Administrator and Approving Attached Contract

Recommend the approval of the attached resolution.

Rationale:

Mr. Weckbach is a graduate of Northern Kentucky University where he earned a Bachelors of Science in Economics with a minor in Public Administration; a Bachelors of Arts in Criminal Justice with a second major in Political Science and a Bachelors of Arts in Philosophy with a minor in Geography. He is also a graduate of Northern Illinois University with a Masters of Public Administration.

Mr. Weckbach’s most recent government experience is with Hamilton County where he served as Senior Policy Manager.

**The Board of Trustees of Colerain Township, County of Hamilton, State of Ohio**, met in regular session at \_\_\_\_p.m., on the **8<sup>th</sup>** day of May, 2018, at the Colerain Township Administration Building, 4200 Springdale Road, Cincinnati, Ohio 45251, with the following members present:

Mr. Greg Insko, Mr. Raj Rajagopal and Mr. Dan Unger

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

**RESOLUTION NO.:** \_\_\_\_\_ **-18**

**RESOLUTION APPOINTING JEFFREY WECKBACH, JR. TO THE POSITION OF ASSISTANT TOWNSHIP ADMINISTRATOR AND APPROVING ATTACHED CONTRACT**

**WHEREAS**, the position of Assistant Administrator is needed to facilitate the efficient administration and conducting of Township business; and

**WHEREAS**, the position of Assistant Administrator is vacant by virtue of Geoff Milz' promotion to Township Administrator; and

**WHEREAS**, Jeffrey Weckbach has the experience, knowledge, leadership skills, commitment to the community and understanding of Colerain Township policies necessary to serve as the Assistant Township Administrator;

**WHEREAS**, the Board desires to appoint Jeffrey Weckbach to the position of Assistant Administrator; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Trustees of Colerain Township, Hamilton County, Ohio, as follows;

1. The Board of Trustees hereby appoints Jeffrey Weckbach to serve as Assistant Township Administrator who shall perform all duties assigned by the Township Administrator.
2. The Board hereby approves the Employment Agreement of Jeffrey Weckbach to serve as Assistant Township Administrator which is attached hereto, incorporated herein and designated Exhibit A, which will replace and supersede all prior Employment Agreements.
3. That it is hereby found and determined that all formal actions of this Board concerning and relating to the passage of this Resolution were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.
4. That the Board by a majority vote hereby dispenses with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of the Resolution upon its first reading.

5. This resolution shall take effect at the earliest period allowed by law.

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

Vote Record: Mr. Insko \_\_\_\_\_ Mr. Rajagopal \_\_\_\_\_ and Mr. Unger \_\_\_\_\_

ADOPTED this \_\_\_\_\_ day of May, 2018.

BOARD OF TRUSTEES:

\_\_\_\_\_  
Greg Insko, Trustee

\_\_\_\_\_  
Raj Rajagopal, Trustee

\_\_\_\_\_  
Dan Unger, Trustee

ATTEST:

\_\_\_\_\_  
Heather E. Harlow,  
Fiscal Officer

Resolution prepared by and approved as to form:

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Lawrence E. Barbieri (0027106)  
5300 Socialville Foster Rd., Suite 200  
Mason, OH 45040  
(513) 583-4200  
Colerain Township Law Director

## EMPLOYMENT AGREEMENT

THIS AGREEMENT dated \_\_\_\_\_ is entered into between the Board of Trustees of Colerain Township, Hamilton County, Ohio, hereinafter referred to as the "Board" or "Trustees" and Jeffrey A. Weckbach, Jr., hereinafter sometimes referred to as "Employee".

### WITNESSETH:

WHEREAS, the Board desires to employ the services of the Employee as Assistant Administrator of Colerain Township; and

WHEREAS, Employee desires to accept employment as Assistant Administrator of Colerain Township.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

#### Section 1. Duties

The Board hereby employs the Employee as Assistant Administrator of Colerain Township to perform all duties as specified by law and resolution and to perform such other duties as assigned by the Administrator. The Employee is normally expected to maintain office hours from 8:00 a.m. to 4:30 p.m., Monday through Friday. The Employee is normally expected to attend all meetings of the Board of Trustees.

#### Section 2. Term

The term of this agreement shall begin on June 11, 2018 and shall remain in effect until December 31, 2020 unless sooner terminated pursuant to Section 3 of this Agreement. During the first six months of the contract, employee shall be on probation. The provisions of Section 3(A) of this Agreement do not apply during the probationary period or in the event the Agreement expires by its terms. In the event the parties mutually desire to extend the employment relationship beyond December 31, 2020, they shall exercise best efforts to discuss terms during the period beginning 90 days prior to the termination date, and enter into a revised Agreement consistent with such discussions.

#### Section 3. Termination and Severance Pay

A. In the event Employee is terminated by the Board before the expiration of the term of this agreement, without just cause, and during such time that Employee is willing and able to perform his duties under this agreement, the Board agrees to continue to pay Employee's salary for a period of six (6) months after the date of termination and to continue health insurance coverage for a period of six (6) months (or in the event Employer is not able to maintain Employee's health insurance coverage pursuant to the terms of the plan, then Employer shall pay to Employee for a period of six (6) months the cost of health insurance premiums at a rate that will continue substantially similar health benefits for Employee as provided under the plan), plus the cash value of any accrued vacation time. The parties agree that the within severance pay provision shall constitute Employee's sole and exclusive remedy for the breach of this agreement.

B. In the event Employee is terminated by the Board before the expiration of the term of this agreement with just cause, the Board shall have no obligation to pay the severance sum set forth in Section 3.A.

C. In the event that the Board refuses, at any time during the term of this agreement, following written notice, to comply with any provision benefiting Employee herein, or Employee resigns following a suggestion by the Board that he resign, then the Employee may, at his option, be deemed to be “terminated without just cause” at the date of such refusal to comply, or suggestion within the meaning and context of the severance pay provision herein contained.

D. In the event Employee desires to voluntarily resign his position with the Board before the expiration of the above term of this employment, then Employee shall give the Board twenty-one (21) days’ notice in advance, unless the parties agree otherwise in writing. In the event Employee voluntarily resigns his position, he shall not be entitled to the severance pay provisions contained in Section 3(A) hereof.

E. For the purposes of Section 3. hereof, “just cause” shall mean incompetence, inefficiency, dishonesty, drunkenness, criminal or immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, failure of good behavior, any breach of employee’s duties under this agreement or any other act of misfeasance, malfeasance or nonfeasance in office as determined by a majority of the Trustees.

#### Section 4. Compensation

The Board agrees to pay Employee for his services rendered pursuant hereto at an annual rate of \$85,000 payable on a bi-weekly basis at the same time as other employees of the Board are paid. At the completion of six months, the annual salary shall be increased to \$90,000. Said annual compensation shall be reviewed annually by the Board of Trustees, on or about January 1<sup>st</sup> of each year. While it is recognized that the Employee must devote considerable time outside the normal working hours to the business of the Board, no additional compensation will be granted to the Employee for such additional time.

#### Section 5. Benefits

The Employee shall be entitled to such other benefits as the Board provides to other employees of the Board including health insurance, dental insurance, vision insurance, life insurance, PERS, vacation, personal, and sick leave, as provided in the Colerain Township Employee Personnel Policies. Accumulated, unused vacation and sick leave will be subject to the policies adopted by the Board for all nonunion township employees. In addition, beginning on January 1, 2020, employer will pick up and pay 50% of the employee’s contribution to PERS to be treated as a fringe benefit.

#### Section 6. Mileage Reimbursement

The Township will pay mileage for business related purposes at the Standard Mileage Rate set by the United States Internal Revenue Service.

Section 7. Indemnification

The Board shall defend, hold harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the reasonable performance of Employee's duties as Assistant Administrator.

Section 8. Amendments

This Agreement may be modified or amended at any time by mutual written consent of the parties hereto.

Section 9. Severability

If any part of this agreement is found to be unconstitutional or unenforceable by a Court of competent jurisdiction, or legislative or administrative tribunal, then such decisions or legislation shall apply only to the specific provision of this agreement. The parties hereto will meet and discuss the abrogated provision. The remainder of the agreement shall remain in full force and effect to the extent reasonable in light of the abrogated provisions.

Section 10. Review

The Board and Employee shall exercise best efforts to review Employee's performance hereunder not less frequently than annually during the term of this Agreement.

IN WITNESS WHEREOF, the parties have executed this agreement on the \_\_\_\_ day of May, 2018.

Employee

BOARD OF TRUSTEES

\_\_\_\_\_

By: \_\_\_\_\_

Jeffrey A. Weckbach, Jr.

Greg Insco

By: \_\_\_\_\_

Raj Rajagopal

By: \_\_\_\_\_

Dan Unger

Prepared by and approved as to form:

\_\_\_\_\_

Larry Barbieri, Law Director