Record of Proceedings:January 26, 2016West Chester Township Board of Trustees - Regular Meeting

Convene: President Welch convened the meeting at 6:00 p.m. Roll Call: Mr. Welch, Mr. Lang, and Mr. Wong responded. Pledge of Allegiance: Led by Boy Scout Jude Sadler and repeated by those present.

Citizen's Comments

There were no citizen's comments.

Presentations

Ohio Enterprise Zone Program Presentation:

Aaron Wiegand, West Chester Community Development Manager of Business Retention & Expansion, introduced Mr. John Planes, CEO of Planes Enterprises and Mr. David McGlen, V.P. of Business Innovation. Mr. Wiegand said Planes has been in West Chester since 1999, was one of West Chester's largest employers, and was looking to expand. The expansion would entail a 65,000 sq. ft. addition to their existing facility on Cincinnati-Dayton Road, including 6,000 sq. ft. of interior office renovation. Their proposal would add 30 new, full time jobs. The West Chester Enterprise Zone Committee met and recommended that a 7 year, 55% Enterprise Zone agreement be offered to Planes. The Lakota School District has already been in negotiations on a school compensation agreement which their Board is expected to act upon at their next meeting on February 8th. The state of Ohio had approved a job creation tax credit the day before (January 25th), for the project.

Mr. Planes then spoke about his company. He said Planes Moving & Storage dated back to 1921 and they're currently pursuing global workplace solutions. He noted they have other locations and suggested there was an interest in Columbus, Ohio for their location. He concluded by expressing his appreciation for and thanks to the Board.

MOTION was made by Mr. Lang, seconded by Mr. Wong, to approve John Planes Enterprises' application to the State of Ohio Enterprise Zone Program for a 55% exemption on the new real property investment of \$2.64 million for a term of 7 years based on (1) the retention and expansion of an existing company in the corporate headquarters sector; (2) retention of 194 jobs in West Chester as well as the creation of 30 new full-time, permanent positions; (3) the expansion eliminates the risk of relocation to another community because the company's operational needs have been met; (4) the new real property improvements will generate new tax revenue, providing for long-term growth and sustainability. The Enterprise Zone Agreement is contingent on: (1) John Planes Enterprises compensating the affected school district by annual payment for the term of the program; (2) the company's compliance with other program requirements set forth in the Enterprise Zone Agreement, including annual program fees to Butler County and the West Chester Development Council; and (3) conformance with applicable land development regulations; and (4) subject to formal review by the Butler County Prosecutor's Office and approval by the Butler County Commissioners. Should John Planes Enterprise Zone

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Agreement, West Chester may exercise its right under the Ohio Revised Code 5709.631, in cooperation with Butler County, to require the company to repay the total tax benefit received while operating at the Project Site. Discussion: Mr. Lang commented how Planes had always been a great corporate citizen, the compensation package amounted to about \$40,000 per new employee, and shared a personal testimony as to the competence and professionalism of Planes. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve the Trustee Meeting Minutes of January 12, 2016. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve addition to a lighting district in Grace Meadows Subdivision, Phase 1B, as illustrated in the attached plan documentation. Discussion: none. **Motion carried unanimously**.

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve payment of bills. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko submitted the following requisitions greater than \$2,500:

Requisitions - Greater than \$2,500.00

1. Adm	\$14,715.00	Cohen & Associates – Perform professional pre-employment evaluation and assessment services as needed
1000 7011 1000		
2. Adm	\$6,075.00	Personnel Profiles of Cincinnati, Inc. – Purchase on-line candidate
		assessment tests as needed
3. Adm	\$3,849.00	ESRI Inc. – Renew annual license and maintenance for ARC-GIS for
		mapping and asset management software
4. Fire	\$7,293.41	Cincinnati Radiator Inc. – Repair and replace parts on Vehicle 502, 2002
		Sutphen Pumper
5. Police	\$5,000.00	Galls, LLC – Purchase uniforms
6. Services	\$18,000.00	Kleingers & Associates – Expand scope of design and legal services for
		public roadway and intersection improvements at Allen Road, Windisch
		Road and Civic Centre Boulevard (Increase PO # S143388)
7. Services	\$3,267.68	Viox Services, Inc Repair Roads and Maintenance north garage door
		at Safety Services Center

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve payment of requisitions 1 through 7, with item five being contingent upon the Board approving item 10 (hiring two police officers). Discussion: none. **Motion carried unanimously.**

Personnel Items

MOTION made by Mr. Lang, seconded by Mr. Wong, to hire Ms. Susan Farver-Springer as oncall snow plow operator on an as needed basis for the 2016 winter season at the hourly rate of \$15.00 effective January 27, 2016. Discussion: none. **Motion carried unanimously.** Mrs. Boyko introduced the next item noting current and anticipated vacancies, and the benefits of utilizing a temporary placement service. The contract would purchase up to 600 hours of service, though the Township could use less, and be charged accordingly, or terminate the contract without penalty.

MOTION made by Mr. Lang, seconded by Mr. Wong, to contract with Office Team (Robert Half International) for temporary placement services not to exceed \$11,538.00 for a Records Clerk position in the Central Records Section of the Police Department and authorize the Township Administrator to execute an agreement. Discussion: Mr. Welch asked if the cost was all inclusive, and Mrs. Boyko answered affirmatively. **Motion carried unanimously**.

Mrs. Boyko introduced the next item saying there are four vacant police officer positions, two of which Chief Herzog would like to fill at this time.

MOTION made by Mr. Lang, seconded by Mr. Wong, to hire Mr. Adam N. Gecewich and Mr. Gabriel K. Staton as full-time police officers both effective January 27, 2016 at the annual salary of \$54,303.19 per the collective bargaining agreement with a one (1) year probationary period contingent upon completion successful of applicable testing and procedures and to approve the revised job description as attached. Discussion: Reserved until after the swearing-in ceremony. **Motion carried unanimously.**

Thereupon Chief Herzog introduced Mr. Grecewich and Mr. Staton, commenting that they finished at the top of a five month testing process. Mr. Jones then swore in the two new West Chester police officers.

Mr. Lang expressed his appreciation to the two and their families. Mr. Wong then congratulated them, noted they were the best in an equal opportunity process, and advised them to recognize that those police officers in attendance were present as an expression of support for them and their collective teamwork. He also commended the department for solving a recent murder investigations. Mr. Welch said he believed being a police officer was a calling, a ministry, and thanked the police officers in attendance for their service.

Business Items

Mrs. Boyko introduced the next item saying the Township has been working with Careworks for about 20 years and thought perhaps it was time to see what else is out there to enhance the Townships workers' compensation insurance program.

MOTION made by Mr. Wong, seconded by Mr. Lang, to advertise RFQ/RFP for Managed Care Organization (MCO) professional services for medical claims management for the Township's Bureau of Workers' Compensation insurance program. Discussion: Mr. Lang disclosed that his business does nothing with workers' compensation and did not believe he bore a conflict. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve license agreement between West Chester Township and the Community Foundation of West Chester/Liberty for the use of a portion of Township property at 9285 Centre Pointe Drive, and ancillary and adjacent public roadways, for the production and presentation of the Shamrock Shuffle 5k/10k – walk/run and block party on March 19, 2016 from 7 a.m. to 12:30 p.m. and authorize the Township Administrator to execute said agreement. Discussion: none. **Motion carried unanimously.** Mrs. Boyko introduced the next item saying the UDF across the street had a potential leak in one of their tank. The store has abated the leak, however periodic tests are required using an off-site well and, given the topography slopping toward the Township building, they seek an access agreement in order to install and monitor for run off. If the Township later objects to continued testing and monitoring, it can terminate the agreement.

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve an access agreement in substantially the same form as attached between the West Chester Township Board of Trustees and United Dairy Farmers for 9113 Cincinnati-Dayton Road, and to authorize the Township Administrator to make non-substantive changes if necessary with Law Director approval and to execute the agreement and all other necessary documents to effectuate the agreement. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang that, having reviewed the staff report and affidavit, we declare 7904 Wise Avenue to be a public nuisance as authorized by the Ohio Revised Code. Staff is directed to cause removal of the nuisances identified, and monitor this property for 90 days to require continued compliance. An administrative charge of 25% shall be added to the contractor fee for this property. Motion seconded by Mr. Wong. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying it commits the Township to be part of the program. **MOTION** made by Mr. Lang, seconded by Mr. Wong, to approve statutory Resolution No. 02-2016 affirming obligation for West Chester Township's share of the Butler County Engineer's 2016 paving program. Discussion: none. **Motion carried unanimously**.

First Reading of Resolutions & Reading of Emergency Resolutions

Mr. Welch said there were two Public Hearing to be conducted at 7:00 and their respective Resolutions would be read at that time.

Citizen's Comments

Mark Haverkos, 7356 Wethersfield Drive, said he's been a member of the Providence Manor HOA for the past 10 years and president for the HOA for the past three. He said the HOA was responsible for all the storm sewers in the private easements of the homeowners and the township was responsible for what's in the street and within the easement. He advised that their HOA has been replacing galvanized pipe in the sewer lines the past several years because of its age, and the township had adjoining pipe that is or will be failing soon. The pipe was supposed to last 20 years and now it's on year twenty five. He concluded by suggesting the township may soon be realizing such expenses in residential neighborhoods such as theirs, and may want to account for that in its budget process.

Second Reading & Vote on Pending Resolutions & Vote on Emergency Resolutions

There were no second readings & vote on pending resolutions, or vote on emergency resolutions.

Discussion Items & Elected Official Comments

Mrs. Boyko expressed her appreciation to staff, Ken Keim, and the department heads for their work in developing the budget. She told the Trustees to give them input if they would like to see something different or something change in the budget.

Mr. Lang commended Mrs. Boyko and her staff for their work on the budget.

Recess to Executive Session

At 6:38 p.m., Mr. Welch asked for a motion to recess the Regular meeting and go into Executive Session with legal counsel for the purpose of considering and discussing current and pending litigation. The Board will return to the dais from recess at 7:00 p.m. to adjourn the Executive Session and resume Regular meeting to hear our Public Hearings. Motion made by Mr. Lang, seconded by Mr. Wong. Discussion: none. **Motion carried unanimously.** Mr. Welch declared the meeting in recess.

Post Executive Session/ Adjournment

MOTION made at 7:00 p.m. by Mr. Lang to adjourn the Executive Session, and resume the January 26th Regular meeting for the purpose of conducting two Zoning Map Amendment Public Hearings, seconded by Mr. Wong. Discussion: none. **Motion carried unanimously.**

7:00 Public Hearings

Mr. Welch declared open the Public Hearing for Zone Change case #MC-11-15, – WCP R-PUD - Chesterwood Village.

Staff report: Mr. Tim Dawson reiterated for the record the case before the Board; Case #MC-11-15, identified Hillandale Communities as the applicant, and that they were requesting a Major Change to West Chester Plaza R-PUD and Preliminary Development Plan for Carepointe Nursing Facility He identified the subject property as located along Chesterwood Blvd., consisting of 6.887 acres (see slide #1). He presented the staff report and a PowerPoint presentation that included: aerials, current zoning in the area, proposed zoning map, and the Preliminary Development Plan. Mr. Dawson gave a case history dating back to September 29, 1986 when West Chester Plaza was originally approved as an R-PUD (slide #2). Phase 1 of Chesterwood Village was approved August 30, 1996, Phase 3 on November 4, 1996, and Phase 2 on December 1, 1997 (slide #3). On March 22, 2005 a Major Change and Preliminary Development Plan was approved for a living facility consisting of 94 units and other amenities. He said they now seek a Major Change to a R-PUD and Preliminary Development Plan for an a larger, 125 unit skilled nursing facility (slide #4), consisting of a nursing/rest home use, an office use, as well as other specified amenities. He continued to present a PowerPoint presentation that included architectural designs, elevations. He said the current proposal would increase the property to include an existing portion of the Church of the Nazarene's property, which does not conform to the current Land Use Plan recommendation for a Public and Institutional Land Use. The proposal also reduces the building design from three story to one story, allowing for a more

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residential transition to the residential properties to the south. The residential transition contrast was discussed further. An approval to this current proposal shall only grant changes to the Major Change and Preliminary Development Plan approved March 22, 2005, Trustee Resolution No. 04-2005, as it is illustrated on the proposed Preliminary Development Plan (slide #5). The West Chester Plaza Residential Planned Unit Development (R-PUD) shall otherwise remain subject to the restrictions as previously approved. A detailed drainage plan with the Final Development Plan would be submitted for review by the Butler County Engineer's Office to insure adequate storm water detention. Mr. Dawson characterized the proposed plan as consistent with the intent and purpose of the Comprehensive Land Use Plan (slide #6).

He also communicated numerous West Chester Community Development Department conditions as well as recommendations/conditions from the West Chester Fire Department, Butler County Engineer's Office, and the Butler County Soil and Water Conservation District. He also noted that the Butler County Planning Commission held a public hearing for this case on December 8, 2015 and it recommended approval with conditions as it was generally consistent with the Comprehensive Plan for Butler County. Furthermore, the West Chester Zoning Commission had a public hearing on December 21, 2015 and it recommended approval of the proposed Major Change to a PUD and Preliminary Development Plan with conditions. He said the Trustees were to approve the application, approve with conditions or modifications, or deny the submitted Major Change to a PUD and the Preliminary Development Plan, unless additional information is deemed necessary to make an informed decision. Mr. Welch then solicited questions from the Board.

Mr. Wong asked for the location of the pedestrian walk, specifically from Kohls, which Mr. Dawson identified and Mrs. Boyko clarified. Mr. Wong also asked if the storm water issues had been addressed, which Mr. Dawson referred to the BCEO. Mrs. Boyko said the Board addresses whether or not the proposal meets the general Land Use Plan, and the details are addressed after the zone change is approved, and then the Final Development Plan; staff will make sure the details are addressed. The Board had no questions.

Mr. Welch then invited the applicant to address the Board:

Randall Woodings, from the architectural firm Kontogiannis & Associates, 400 South Fifth Street, Columbus, said his company has been the architects for Hillandale since the original project in 1996. They began work on this project in 2013. He said they met with neighbors to address any problems, and it was agreed the applicant would take care of landscaping concerns along their properties. The Board had no questions for him.

Proponent Comments: there were none.

Opponent Comments: there were none.

Neutral Comments:

Ryan Ertel, with Regency Centers, owners of the nearby Kroger shopping center, saying that at some point his company would like to build a new Kroger on the property. He hoped the proposal would move forward, but wanted assurance the water detention pond would be addressed such that their plans to build would not be hampered.

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Paul Albin, 7883 Spring Garden Court, Asked if the vegetation on the south side of the proposed development was going to be irrigated, and Mr. Dawson confirmed that it would be irrigated.

In response to Mr. Welch's question to his peers as to whether they had any questions, they indicated they did not.

Hereupon Mr. Dawson read the First Reading of the Resolution, Resolution 03-2016:

"Resolution Approving a Major Change and Preliminary Development Plan for Case #MC-11-15-WCP R-PUD – West Chester Plaza R-PUD/Chesterwood Village: Now therefore be it resolved that on the basis of the above actions and findings, the West Chester Township Board of Trustees does hereby concur with the recommendation of approval of the West Chester Township Zoning Commission and does hereby approve the proposed Major Change and Preliminary Development Plan for the aforesaid application with the following conditions . . . " He noted there were 15 conditions.

******* Thereupon Mr. Welch declared closed the Public Hearing for Case #MC 11-15, West Chester Plaza – R-PUD - Chesterwood Village, and declared open Case #ZMA 08-15, Keefe Property, Tract 2 and 3. ********

Staff report: Mr. Tim Dawson reiterated for the record the case before the Board; Case #ZMA 08-15, Keefe Property, Tracts 2 and 3, identified Liberty Investments LLC as the applicant, and that they were requesting a Zoning Map Amendment and Preliminary Development Plan for Keefe Property, Tract 2 and 3, for a Special Purpose-Planned Unit Development (SP-PUD). He identified the subject property as fronting Liberty Way, Tylers Place Blvd., and Preserve Place, and consisting of 19.31 acres (see slide #7). He presented the staff report and a PowerPoint presentation that included: aerials, current zoning in the area, proposed zoning map, and the Preliminary Development Plan. Mr. Dawson said the current development was C-PUD. He gave a case history of the property dating back to March 9, 2004 when it was rezoned from Agricultural, A-1, to C-PUD, and a Final Development Plan was approved on May 17, 2004. A Revised Preliminary Development Plan for Tract 1 was subsequently approved July 21, 2014, a Final Development Plan was approved August 18, 2014, and a Final Development Plan for Tract 1, lots 1 and 2 was approved August 17, 2015. Mr. Dawson said the purpose for the Zoning Map Amendment is a Preliminary Development Plan for a mixed use development consisting of retail, office, restaurant, and residential uses: a total of 150, 395 sq. ft. of retail, office, and restaurant use is proposed on tract 2, lot 1 (slide #8). He noted 37% open space is being provided, though 15% is the requirement. The proposal meets or exceeds the required number of parking spaces. On Tract 3, lot 2 the applicant is proposing six 4 story residential buildings, each containing 16 multi-family units per building, as well as 8 two story carriage houses, with 2 car garages. The four story buildings will have underground garages. This tract will have 51% open space, though 15% is required. The applicant is providing the required 208 parking spaces. Elevations were provided. Mr. Dawson said the proposed land uses conform to the Comprehensive Land Use Plan recommendation of Office/Residential Transitional land use classifications (slide #9). The 15.53 units per acres exceeds the Land Use Plan recommendation of 5 units per acre, however the density of commercial uses on the previously approved

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Preliminary Development Plan is reduced from 195,000 sq. ft. to 175,000 sq. ft. which provides for more of a transition to the surrounding residential property.

Mr. Dawson also communicated numerous West Chester Community Development Department conditions as well as recommendations/conditions from the West Chester Fire Department, Butler County Engineer's Office, and the Butler County Soil and Water Conservation District. He also noted that the Butler County Planning Commission held a public hearing for this case on December 8, 2015 and it recommended approval with conditions as it was generally consistent with the Comprehensive Plan for Butler County. Furthermore, the West Chester Zoning Commission had a public hearing on December 21, 2015 and it recommended approval of the proposed Zoning Map Amendment and Preliminary Development Plan with conditions. He said the Trustees were to approve the application, approve with conditions or modifications, or deny the submitted Zoning Map Amendment and the Preliminary Development Plan, unless additional information is deemed necessary to make an informed decision.

Mr. Welch then solicited questions from the Board. Mr. Dawson clarified for Mr. Wong where a fountain would be located in the storm water detention basin. Otherwise, the Board had no questions.

Mr. Welch then invited the applicant to address the Board:

Justin Leyda, Vice President of Development for Steiner + Associates - the property developer, 4016 Townsfair Way, Columbus, 43219: He said they had been considering the site while they were developing Liberty Center and submitted an option for the land as early as summer. Mr. Leyda explained how they're challenged by the dry detention basin as well as a drop in topography in areas of the property. He said they've met with neighbors in order to identify and address their concerns. Mr. Leyda identified their goals when they began, explained their revised detention basin, explained the various factors in their mixed-use development while illustrating varied designs, architectural elements, and elevations. Mr. Leyda then introduced Mr. Steiner.

Yaromir Steiner, same address as Mr. Leyda, spoke at length regarding the project. He said it will be the highest price point in the residential market, and is designed for empty-nesters. Mr. Steiner noted it will entail European, urban features, discussed the parking amenities, and commented on changing demographic housing behaviors. He said they will address neighbor's lighting/privacy concerns by undertaking significant earthwork and landscaping.

In response to Mr. Welch's question as to whether either of his peers had any additional questions, Mr. Lang asked if any of the restaurants would have a drive-through. Mr. Leyda responded they would not. Mr. Lang asked what would be the square footage of the grocery. Mr. Leyda said that was to be determined, but he anticipated in the 25, 000 to 34,000 sq. ft. range. Mr. Lang asked if there might be any cigar smoking areas on the property, but the applicant couldn't answer the question at this time. Lastly, Mr. Lang asked if pets would be weight limitations. Mr. Leyda commented that the residential areas will feature very large terraces. The Board had no further questions.

Proponent Comments:

Tom Hayden, 7394 Sea Pines Place in adjoining Harbor Village where he was president of the HOA: He said the project was probably the best, most complimentary project possible for the location, and he was all in favor of it.

Tom Humes, 4000 Executive Park Drive, Cincinnati, 45241, identified himself as the owner of the land the project would be built upon. He expressed excitement for the project and respect for Yaromir Steiner's vision. Mr. Humes said Steiner would be "pushing the envelope" and building something very special. He concluded by saying he supports the project from the standpoint as not only the property owner, but the best interest of the community and all involved.

Opponent Comments:

Mark Dunaway, 7099 Wetherington Drive, said he and several of his neighbors were not notified and included in discussions with the developer. He said they had no opportunity for input, expressed concern with the buffering between his neighbors and the development, as well as lighting, the detention basin's backflow, and the lack of a berm given the detention basin's proximity to their homes.

Bob Barnes, 7111 Wetherington Drive, said he concurred with Mr. Dunaway and was unsatisfied that they had not been invited to discussions with the developer.

Karen Barnes, 7111 Wetherington Drive, stressed her concerns with the lighting, given the higher elevations of the residential development.

Neutral Comments:

Sang Tran, 5714 Preserve Place, said she was for the plan, but was concerned with lighting from the development, and if it would affect her water pressure.

The Board concurred that the applicant be invited to respond to the concerns expressed by neighbors.

Mr. Steiner and Mr. Leyda then returned to the lectern. Mr. Leyda said they'll have a separate water system from the Liberty Center, therefore there should not be any issue with water pressure. Mr. Steiner expressed regret that the neighbors who spoke in opposition had not been contacted. He added that their outreach to the neighbors was not a requirement, but a courtesy. Regarding lighting, he said they'll be building one story structures by the basin, by their neighborhood. He said they would be happy to meet with them. Mr. Leyda said the Final Development Plan will entail the finished product.

Mr. Lang asked staff if the roads would stay private. Mr. Dawson said the Township will require that there are cross access easements throughout the site, but lots 1 and 2 would be private.

In response to Mr. Welch, Mr. Wong and Mr. Lang indicated they had no further questions.

Hereupon Mr. Dawson read the First Reading of the Resolution:

"Resolution 04-2016, approving a Zoning Map Amendment from Commercial Planned Unit Development to Special Purpose, Planned Unit Development and Preliminary Development Plan for Case #ZMA 08-15, Keefe Property, Tract 2 and 3: Now therefore

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be it resolved that on the basis of the above actions and findings, the West Chester Township Board of Trustees does hereby concur with the recommendation of approval of the West Chester Township Zoning Commission and does hereby approve the proposed Zoning Map Amendment and Preliminary Development Plan for the aforesaid application with the following conditions . . . " He noted there were 20 conditions.

At 8:50 p.m. Mr. Welch then declared closed the Public Hearing, Case # ZMA - 08-15 – Keefe Property, Tracts 2 and 3.

Adjournment

MOTION made by Mr. Lang, seconded by Mr. Wong to adjourn the January 26, 2016 meeting. Discussion: none. **Motion carried unanimously.**

(Fiscal Officer Note: The preceding are narrative minutes. The signatures of the Fiscal Officer and Board President appear immediately below, constituting the entirety of page ten. Following this page are five pages referenced herein as "slides" pertaining to the Public Hearings. There are a total of 15 pages in this document.)

Respectfully Submitted,

Bruce Jones, Fiscal Officer

Approved,

George Lang, Vice President















