Record of Proceedings: January 14, 2014
West Chester Township Board of Trustees –Organizational Meeting and Regular Meeting

Convene: Mr. Jones, Fiscal Officer, called the Organizational meeting to order at 6:00 p.m.
Mr. Jones noted that all three Trustees, Mr. Wong, Mr. Lang, and Mr. Welch, were present.
He proceeded to ask for nominations for President of the Board for 2014.
Mr. Welch nominated Mr. Lang. Mr. Jones asked for other nominations. Hearing none, he closed nominations and called roll on the nomination: Mr. Lang was elected President unanimously.
Mr. Jones then asked for nominations for Vice-President of the Board for 2014. Mr. Lang nominated Mr. Welch for Vice-President. Mr. Jones asked for other nominations. Hearing none, he closed nominations and called roll on the nomination: Mr. Welch was elected Vice-President unanimously.
Thereupon Mr. Jones introduced Mr. Lang and Mr. Welch as the President and Vice-President of the Board respectively, and presented Mr. Lang with the President's gavel.

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Convene: President Lang called the Regular meeting to order.
Roll Call: Mr. Lang, Mr. Welch, and Mr. Wong responded.
Pledge of Allegiance: Repeated by those present.

Citizen's Comments

There were no citizen's comments.

Presentations

Barbara Wilson, Director of Multimedia & Marketing, introduced Gail Webster, noting that Ms. Webster has volunteered for 15 years to lead the "Live the Dream" event planning along with other volunteers. Ms. Wilson also noted this event is planned in conjunction with Liberty Township. Ms. Webster then spoke, saying this is the 15th year of the "Live the Dream; Our Declaration of Unity" program, and the 12th year for "The March for Unity". She said "The March for Unity" would start at noon, Monday, January 16th, Dr. Martin Luther King, Jr. Day, convening at the Union Day School on Cincinnati-Dayton Road, across from the post office. They would march about ½ mile to the West Chester Presbyterian Church where they would be treated to a free lunch, contributed by area restaurants, and entertainment provided by the Lakota West Jazz Combo. That evening at Cornerstone United Methodist Church the Lakota Schools Superintendent would recognize 6 winners of a contest for all Lakota residents in grades 2 through 12, focused on the theme. Ms. Webster said the Principals of Lakota West and East would be the keynote speakers, there would be a community choir singing that evening, and everyone was invited to participate in the choir and that evening's event. She concluded by saying, for the fourth year, there would be a presentation by a local historian at MidPointe

Library at 7:00 on the evening of the 25th; their presentation will be entitled, "Fighting To Be Equals - The African-American soldier in the Civil War".

Action Items – For Approval by Motion

Mrs. Boyko introduced the next item, setting dates for 2014 Trustee meetings, saying their proposed schedule reflects the previous practice of having the meetings on the second and fourth Tuesdays of the month, with exceptions in the months of November and December. Noting potential conflicts, she proposed having one meeting in November on the third Tuesday, and two meetings in December, on the first and third Tuesdays of that month.
MOTION made by Mr. Welch, seconded by Mr. Wong, for the Board to conduct their regular meetings for the year 2014 on the second and fourth Tuesdays of the month at 6:00, with the modifications being that the November meeting would be on the 18th at 6:00 and the December meetings be on the 2nd and 16th at 6:00. Discussion: none **Motion carried unanimously.**

Mr. Lang requested a motion to approve the Trustee Meeting Minutes of October 22, 2013 when Mr. Wong requested additional time to review those minutes as well as the minutes for November 22, 2013 and December 3, 2013. The Board agreed to table these minutes until the next meeting.

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

Requisitions – Greater than $2,500.00

1. Adm $31,163.43 Frost Brown Todd LLC – Legal services through November 30, 2013 (various depts.)
2. Fire $3,726.00 Warren Fire Equipment, Inc. – Repair self-contained breathing apparatus
3. Fire $2,571.75 Assistant Chief Rick Prinz – Reimburse tuition per Township policy

MOTION made by Mr. Wong, seconded by Mr. Welch, to approve payment of requisitions 1 through 3. Discussion: none. **Motion carried unanimously**. (Fiscal Officer note: A motion to approve payment of bills was effectuated later in the meeting at the conclusion of Business Items.)

Personnel Items

There were no personnel items.

Business Items

MOTION made by Mr. Wong, seconded by Mr. Welch, to continue Township volunteer services, committees, and boards. Discussion: Mr. Lang expressed appreciation for the efforts of the Township volunteers. **Motion carried unanimously.**

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MOTION made by Mr. Wong, seconded by Mr. Welch, to appoint Mr. Lang as a representative to the Butler County Emergency Management Agency (BCEMA) Advisory Council, term effective January 1, 2014 through December 31, 2014. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Wong, seconded by Mr. Welch, to appoint Mr. Wong as the West Chester Township representative on the Butler County E911 Planning Committee, term effective January 1, 2014 through December 31, 2014. Discussion: Mr. Lang said he had planned on nominating Mr. Welch to that committee. Mr. Welch responded by saying he wanted to be on that committee. Thereupon Mr. Welch withdrew his second of this motion. The motion failed for lack of a second. Subsequently . . .
MOTION made by Mr. Lang, seconded by Mr. Welch, to appoint Mr. Welch as the West Chester Township representative on the Butler County E911 Planning Committee, term effective January 1, 2014 through December 31, 2014. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Wong, seconded by Mr. Welch, to appoint Mr. Welch as the West Chester Township representative to the 2014 Ohio-Kentucky-Indiana Regional Council of Governments (OKI) Board of Directors, term effective January 1, 2014 through December 31, 2014. Discussion: Mr. Lang said he planned on nominating Mr. Wong to that committee, and asked Mr. Wong if he would be interested. Mr. Wong did not indicate an interest. Mr. Welch said he would like to be on the committee. **Motion carried unanimously.** Mrs. Boyko interjected that Mr. Mike Juengling is the staff alternate for that committee, and that a motion is not required to codify that status.

Mrs. Boyko introduced the next item saying West Chester is allotted two representatives to the TID Board by virtue of its population, and that these positions were previously filled by the Township Administrator and West Chester resident Kathy Carsey. Mrs. Boyko said Ms. Carsey is a civil engineer and praised her contributions to the TID Board's discussions.
MOTION made by Mr. Welch , seconded by Mr. Wong, to re-appoint Township Administrator Judith C. Boyko and West Chester resident Kathy Carsey to the Butler County Transportation Improvement District (TID) Board, terms effective January 1, 2014 through December 31, 2015. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying statute requires this resolution in order to implement the Township Administrator's recently approved contract extension.
MOTION made by Mr. Welch, seconded by Mr. Wong, to approve statutory Resolution No. 01-2014 authorizing West Chester Township to pick up the statutorily required contribution to the Ohio Public Employees Retirement System (OPERS) for the Township Administrator of West Chester Township pursuant to IRC Section 414(H)2 and pursuant to the Township Administrator's employment agreement. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Wong, seconded by Mr. Welch, to not object to a liquor permit transfer from Thomas & King Inc., DBA Applebee's Neighborhood Grill & Bar, to RMH Franchise Corporation, DBA Applebee's Neighborhood Grill & Bar, 6084 Muhlhauser Road. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Welch, seconded by Mr. Wong, to not object to a liquor permit transfer from Golden Chain Corp to Sadhvini Inc. DBA Kadai, 9536 Cincinnati Columbus Road. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko then interjected as a point of order that the "motion to approve payment of bills", as ordinarily addressed as an Action Item, had inadvertently been omitted from the agenda, and suggested that the Board could then pass such a motion.
MOTION made by Mr. Wong, seconded by Mr. Welch, to approve payment of bills. Discussion: none. **Motion carried unanimously.**

First Reading of Resolutions & Reading of Emergency Resolutions

There were no first readings of resolutions or readings of emergency resolutions.

Citizen's Comments

Mark Morris, 8876 Eagleview Drive, said he wanted to pick up where Catherine Stoker left off at her last meeting, adding the Board had unfinished business. He said Mrs. Stoker requested that action be taken against Mr. Jones because she claimed he emailed information before the election that was confidential, but she forwarded his email along with her rebuttal email without so much as redacting any of the information she claimed was confidential. He said the Board was therefore obligated to take the same action against Mrs. Stoker that it did against Mr. Jones, and refer Mrs. Stoker to the Butler County Prosecutor's office and the Ohio Ethics Commission. He then presented a video portion of a Trustee meeting, which he identified as the August 28, 2012 Trustee meeting, showing Mrs. Stoker reading a legal opinion from Law Director Don Crain. Mr. Morris then requested a copy of that opinion from Mrs. Boyko, adding that she would provide him with a copy unless it was also confidential information, in which case the Board needs to refer Mrs. Stoker to the Butler County Prosecutor's office and the Ohio Ethics Commission. He then added that he understood from Mrs. Stoker's email that "everyone has the right to see the legal invoices", however his request for a copy of legal invoices last August were yet to be fulfilled. He then presented a video portion of what he said was the June 26, 2012 Trustee meeting showing Mr. Wong reading from a legal opinion. Mr. Morris then requested a copy of that opinion, adding that the Township would provide him a copy of that legal opinion unless it was also confidential information, in which case the Board needs to refer Mr. Wong to the Butler County Prosecutor's office and the Ohio Ethics Commission. He then asked Mr. Wong if he holds himself to the same standards he held Mr. Jones, saying everyone will be waiting for his answer in his vote. He concluded by saying the trouble with the whole matter wasn't just their hypocrisy, but that Mrs. Stoker's and Mr. Wong's actions preceded Mr. Jones's, they set the standard, yet they admonish him for doing the very same thing they did.

Steven Clark, 7392 St. Ives Place, asked if Mr. Jones's matter were ever referred to court, would he or the Township be paying for his defense. Mr. Lang said they would answer that during Trustee comments.

Citizen (Susan Hendel), name and address unstated, recognized the presence of a Boy Scout troop from St. Anne's Church.

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 & Trustees Comments

Mrs. Boyko said she believes she understood the position of the current Board on the Smith Road Connector, but wanted to make sure she was following any change in direction before cancelling the project, and suggested a need for public discussion. She also said the affected property owners have been apprised of the projects status by staff and as a courtesy to them they should be notified that the project was no longer continuing. Mrs. Boyko then gave a brief synopsis of the project. She then asked the Board, if they were cancelling the new portion of the project, would there be any consideration to allow an overlay of a portion of the existing path along Smith Road. She said the existing path was constructed privately and did not follow their construction specifications, and said they could either provide an overlay or remove the existing path. She said its continued decay posed a safety hazard to users due to its substandard construction. Mr. Wong said he wanted the Smith Road Connecter completed. Mr. Welch said he didn't believe the project should be part of any near term expenditure. Rather, they should explore other ways to get the path built, such as fundraising or business participation in funding the path. He said he did not believe it was a core competency, which it would serve few citizens, and he didn't want to spend the money on it. Mr. Lang said his position hasn't changed: he believed government should not expand its' infrastructure while the private sector was in recession, adding that it was not a core competency. He said the future costs of the project in maintenance and upkeep would exceed the initial $400,000 to $500,000 cost. Mr. Lang then addressed Mrs. Boyko, saying he understood two of the Trustees did not want to proceed with the project. He said he was however open to her comments about addressing the existing path on Smith Road. She said the cost of repairing the overlay would be about $80,000. Mr. Wong interjected his belief that the Smith Road Connector was important, it would connect thousands of homes between east and west West Chester, TIF funds were available for funding, and it would never be constructed if they waited for private funding. Mr. Lang and Mr. Wong exchanged comments about the path and TIF funds. Mrs. Boyko noted there previously was a formal vote by the Board to direct staff to pursue the connector and suggested they have a formal vote to discontinue it. Mr. Welch made a **MOTION** to stop work on the Smith Road Connector and Mr. Lang seconded. Mr. Lang commented that they already had discussion on the matter and called for the roll call vote. The motion passed with Mr. Lang and Mr. Welch voting in affirmatively, and Mr. Wong voting in opposition.

In response to Mr. Morris comments during Citizen's Comments, Mrs. Boyko said the legal opinions he requested, with proper redaction, were a public document per statute. She added that she can't imagine that they just ignored a public records request, saying she'll get with him to find out with whom he made the request.

Mr. Wong said it's his vision for 2014 that West Chester consider building a performing arts center, and he'd like to see a light rail system connecting West Chester to Cincinnati. He had no comment on Mr. Morris's comments.

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Mr. Welch said, regarding Mr. Morris's comments, he wanted to be prudent, think about it, and take it up at a later meeting. Mr. Lang said he wanted to get with the Law Director, that's what he wanted to do before the Board moved so quickly with the decision against Mr. Jones, and he wanted time to think about it as well.

Mr. Welch then commented on things he said while campaigning, asking the Board to consider them and take appropriate action: (1) Stop the zoning practice of accepting anonymous complaints. He said they can create strife among neighbors, and he believed people have a right to face their accuser. (2) That there would be no legal action taken against a business or citizen without approval by the Board of Trustees because the Board is responsible for the fiscal health of the Township, citing potential savings of tens of thousands of dollars. (3) Referencing Resolution 06-2011 adopted by the Board on April 12, 2011, that prohibited commercial vehicles to park within the public right-of-ways in residential neighborhoods, he said the resolution lacked specificity and has in his opinion been misused by the Zoning Department. He said it usually harms self-employed skilled craftsmen in the community. He said the resolution should either be rescinded or clarified. He said he understood the purpose for the resolution was to keep semi-trucks from parking in the right-of-way. Mr. Lang said he voted in opposition to adopting the resolution at the time. He said they should have staff's input with regard how to proceed with that resolution. Mr. Lang said he's always opposed unanimous complaints. Mr. Wong agreed. When asked, Mrs. Boyko suggested that staff draft a written policy for the Board to review in the near term.

With respect to the second item, taking no legal action without approval by the Trustees, Mr. Wong said he wanted a law that would be fairly enforced across the board, without favoritism. Mr. Lang said the buck should stop with the Trustees. Mr. Wong said he wanted the matter discussed with the Law Director. Mr. Lang, addressing Mrs. Boyko, said two of the three Trustees were in favor of such a policy and asked her for direction in order to implement. Mrs. Boyko expressed three potential legal categories for legal action, and asked them to consider what level and degree of notification they would like. She agreed to Mr. Lang's request that she summarize that in a brief.

Mr. Lang referred to and reviewed Mr. Welch's third item, saying he voted in opposition to the resolution at the April 12, 2011 Board meeting. Mrs. Boyko said if they wanted to alter the definition of a "commercial vehicle", they would need to go through the text amendment process of changing the zoning code. If they wanted to alter the governance of the prohibition of commercial vehicles in the right-of-way, they would need to rescind the existing resolution and modifying it to change. She suggested the Board address them separately given the difference between public right-of-way and private property. Mr. Welch said he didn't believe the definition of a "commercial vehicle" had been clearly stated. Discussion followed as to the definition of a "commercial vehicle" and the role of the Zoning Revision Committee. Mrs. Boyko referred to the need to follow the statutory process for changing the zoning code. She expressed understanding that the Board was concerned with the length of time that would require, and advised that a moratorium on enforcement of that resolution could be implemented in the interim. Otherwise they're required to enforce the zoning code, suggesting a moratorium would alleviate that requirement. She asked for clearer direction from the Board. Discussion followed as to how to proceed until there is clarification.

Mr. Welch also said he campaigned to have the Fiscal Officer reinstated into Executive Sessions because the Fiscal Officer is also an elected official and took the same oath as the Trustees. Mr. Wong said it is not wise to have the Fiscal Officer in Executive Session, "particularly when they handle legal matters because this Fiscal Officer, Mr. Jones, had violated that. That's Executive Session matter and that he had exposed it to the public during (Mr. Welch's) campaign." Otherwise, he said he should be invited when it pertained to fiscal matters. Mr. Lang said Mr. Jones had only been invited to one Executive Session the previous year, there was no relevance to what he, Mr. Wong said, and that he agreed with Mr. Welch. Mrs. Boyko referred to the Law Director in the audience as to whether or not a motion was required to allow the Fiscal Officer in Executive Session. Law Director Don Crain said there was no need for a motion because their decision to have the Fiscal Officer attend Executive Sessions was "in the sound discretion of the Board".

Mr. Welch then said he believed the agenda should be changed from "Trustee Comments" to "Elected Official's Comments" because the Fiscal Officer if also an elected official. Discussion ensured. Mrs. Boyko noted the Board had never adopted a formal policy of the Trustee meeting agenda, and suggested they motion this change given the long standing practice of having only "Trustee Comments". Mr. Lang therein asked if there was a **MOTION** to change their agenda from "Discussion Items and Trustee Comments" to "Discussion Items and Elected Official Comments". Mr. Welch so moved and Mr. Wong seconded. The motion passed unanimously.

Mr. Welch then recognized several area businesses.

When asked for comment Mr. Jones said, with respect to him commenting during "Elected Official's Comments", he'll have comments on very few occasions. He said the Board's decision to allow him to speak and to attend executive Sessions was a very positive reflection on the new Board's candor and transparency, as well as respect for the voters. He expressed his appreciation to a majority of the Board for allowing the Fiscal Officer back in Executive Session and said, in the interest of good communication, his participation in the Executive Sessions was "just need-to-know common sense", and West Chester "could now rejoin the common sense community of over 1300 townships in Ohio" that have their Fiscal Officer in their Executive Sessions. Mr. Jones said he trusts people's ability to recognize common sense and, given Mr. Morris's Citizen's Comments, to recognize overt hypocrisy. He said the Board would soon be better focused. He concluded by welcoming Mr. Welch to the Board.

Mr. Lang recognized meeting attendees Mike Campbell from the Butler County Port Authority, and his daughter, Alicia, who was a Political Science and International Business major.

Adjournment

At 7:18 p.m., Mr. Lang asked for a motion to adjourn the Regular meeting and go into Executive Session with legal counsel for the purpose of considering and discussing (1) personnel matters, discuss contract negotiations for certain bargaining unit, (2) acquisitions, sale, or swap of legal property, (3) current or pending litigation. The Board would not return. Motion made by Mr. Wong, seconded by Mr. Welch. Discussion: none. **Motion carried unanimously.**

Respectfully Submitted,

Approved,

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Bruce Jones, Fiscal Officer

George Lang, President

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