

Record of Proceedings: June 14, 2016
West 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: Repeated by those present.

Citizen's Comments

Dr. Tara Ripley, 6265 Gulfstream Court, said she was a therapist at Professional Psychiatric Services (PPS), and observed a backlash from people who didn't want their services "not in my backyard", though they didn't understand their services. She works mostly with children and adolescence, and gave some background on their needs, adding that they are from our community.

Dr. Anthony Whitaker, 7016 Torrington Lane, said he's an adult psychiatrist, family physician, and an attorney, and reiterated Dr. Ripley's statement that there is a definite needs for services in our area.

Presentations

There were no presentations.

Action Items – For Approval by Motion

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve the Trustee Meeting Minutes for May 24, 2016. Discussion: none. **Motion carried.** Mr. Lang abstained.

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 \$17,365.00 Frost Brown Todd, LLC – Legal services through April 30, 2016 (various departments)
2. Adm \$11,382.66 Nuspire Corporation – Renew annual service and support agreement for Sophos anti-virus software and renew annual service and support agreement for Fortigate firewall hardware and software
3. Adm \$4,736.00 National Academies of Emergency dba "Priority Dispatch" – Renew annual maintenance and support for emergency medical dispatch software
4. Services \$1,527,004.51 John R Jurgenson Co. – Approve paving application for 2016 (CIP #958 and CIP #1028)

5. Services \$344,331.62 American Pavement, Inc. – Approve slurry and microsurface applications for 2016 (CIP # 959 and CIP # 1028)
6. Services \$36,280.91 Miller-Mason Paving Co. – Apply chip seal at West Chester Safety Services Center parking lot (CIP #1213)

MOTION made by Mr. Wong, seconded by Mr. Lang, to approve payment of requisitions 1 through 6. Discussion: none. **Motion carried unanimously.**

Personnel Items

Mrs. Boyko introduced the next item saying Mike Juengling has retired after 45 years of public service, and she's recommending Aaron Wiegand as his replacement. She said he's been with West Chester Township a little over a year serving as the West Chester Business and Attractions Manager. She also noted his public and private sector experience.

MOTION made by Mr. Lang, seconded by Mr. Wong, to promote and appoint Mr. Aaron Wiegand as the West Chester Township Community Development Director effective June 15, 2016 at the annual exempt salary of \$74,000 with a one year probationary period contingent upon successful completion of all applicable testing and procedures, and pursuant to the attached terms of employment. Discussion: Mr. Lang praised Mr. Wiegand's experience in both the public and private sectors. Mr. Wong also expressed his praise for Mr. Wiegand. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying the applicant has completed the referenced applicable testing and procedures.

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve the revised job description for Shift Captain as illustrated in the attached supporting documentation and to promote Lt. Randall Hanifen to the vacant position of Shift Captain effective June 15, 2016, at the annual exempt salary of \$83,662.36 with a one year probationary period, and contingent upon successful completion of applicable testing and procedures. Discussion: Mr. Lang recounted Lt. Hanifen's background, noting that he has a doctorate and he teaches others the skills and knowledge that he has acquired over the years. Mr. Lang also observed the support within the firefighter ranks. Mr. Wong said West Chester has the finest fire department in the county. Mr. Welch advised Lt. Hanifen to execute with excellence. **Motion carried unanimously.** Subsequently, Fire Chief Rick Prinz oversaw the pinning ceremony with Captain Hanifen's wife and son, the latter who performed that actual pinning. Chief Prinz expressed his appreciation for Captain Hanifen's service. Captain Hanifen praised the guys who work on his shift for making his job easy.

Mrs. Boyko introduced the next item saying the applicant was a temp-to-hire candidate and commented that the applicant had completed the applicable testing and procedures.

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve the revised job description for Records Clerk as illustrated in the attached supporting documentation and to hire Ms. Meghan (Alexis) Polly to the vacant position of Records Clerk effective June 20, 2016, at the hourly rate of \$12.72 with a one year probationary period and contingent upon successful completion of applicable testing and procedures. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Wong, seconded by Mr. Lang, to hire Mr. Jared Kirkland to the vacant position of Laborer Operator, effective June 15, 2016, at the hourly rate of \$16.82 with a one year probationary period and contingent upon successful completion of applicable testing and procedures. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to hire four 2016 April through October seasonal employees: Mr. Justin Gassaway-Steere (Cemetery) effective June 1, 2016, Mr. Jonathan Earhart (UCB) effective June 2, 2016, Mr. Ryan Langhorst (UCB) effective June 15, 2016, Mr. Kohlton Armstrong (Roads) effective June 6, 2016; and two 2016 May through September seasonal employees: Mr. Paul Broxterman (Parks) effective June 2, 2016 and Mr. Kavanaugh McCarthy (Parks) effective June 6, 2016, all at the hourly rate of \$11.25. Discussion: none. **Motion carried unanimously.**

Business Items

Mrs. Boyko introduced the next item saying a cost of living pay raise practice was replaced in 2006 with the current performance/merit based compensation program for non-contract employees. She said it has been ten years since the Board studied the entire compensation ranges, and it has been seven years since the Board studied the maximum portion of the range. She said this current study will consider non-contract salaries and benefits and, given the Township's transitioning workforce, it is very timely in order for the Township to be competitive. She said there were six RFP/RFQ submittals, three of which were interviewed, and the recommended applicant, founded in 1976, has expertise in public sector and labor relations.

MOTION made by Mr. Lang, seconded by Mr. Wong, to contract with Clemans Nelson & Associates, Inc. for professional services not to exceed \$45,000 to perform a comprehensive review and analysis of West Chester's compensation program for non-contract positions and employee benefits for all employees and to authorize the Township Administrator to negotiate a contract in substantially the same form as attached with law director approval and execute the contract and all other necessary documents to effectuate said review and analysis. Discussion: Mr. Wong gave a detailed account of the West Chester Township workforce. Mr. Lang said there hasn't been such a study in 10 years and this study will entail both a salary and benefits analysis. He added that we have fewer employers today than 12 years ago due to attrition and the study is "the right thing" for both employees and the taxpayer. Mr. Welch said we need to be competitive and marketable. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying this was a cooperative effort with the Lakota schools, the Butler County Engineer's Office, and the developer across the street, Epcon. The total cost to install the sidewalks is \$45,000, the result of a competitive bid, and the Township will pay \$25,000 and Lakota will pay the balance.

MOTION made by Mr. Wong, seconded by Mr. Lang, to collaborate with Lakota Local School District and contribute not to exceed \$25,000 to the cost of the installation of sidewalks along the north side of Tylersville Road from Wethersfield Way east to the Lakota West Freshman Campus entrance and to authorize the Township Administrator to make payment to Lakota Local School District for said project. Discussion: Mr. Wong supports the issue as a safety matter. Mr. Lang said, though he historically opposes sidewalks and bike paths, local residents Deb Lawrence and Dave Eck persuaded him to support the motion after he witnessed children at risk

walking to school without the sidewalk. He also suggested the HOA around Wethersfield consider paying for/constructing a sidewalk along Wethersfield to hook up with the subject sidewalk. Mr. Welch praised the collaboration, given the need for safety. **Motion carried unanimously.**

MOTION made by Mr. Lang that, having reviewed the staff report and affidavit, we declare the property located at 9767 Butler Warren Road to be a public nuisances 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.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to not object to a liquor permit ownership transfer for Tap & Barrel LLC, 7741 Tylers Place Boulevard. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying this item entailed the extension of Civic Centre Boulevard to Allen Road as well as intersection and beautification improvements, adding that the Township had pledged up to \$5 million to the construction of the project.

MOTION made by Mr. Wong, seconded by Mr. Lang, to accept bid and to approve contract with Kelchner, Inc. for public improvements for the extension of Civic Centre Boulevard and ancillary intersection improvements in an amount not to exceed \$4,435,728.28 and to authorize the Township Administrator to make non-substantive changes with law director approval and execute said contract and all other necessary documents to effectuate the construction project (CIP #562). Discussion: In response to Mr. Wong's question, Mrs. Boyko said construction should commence the beginning of July and be completed, assuming reasonable weather, by November. Mr. Lang said he was pleased the bid was over \$400,000 less than the next lowest bid. Mr. Welch said they are working on making The Streets of West Chester an entertainment district and an economic powerhouse. Mr. Wong said it makes for good traffic flow. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying the Board had designated the Butler County Engineer's Office (BCEO) as its' designated engineer for Limited Home Rule authority. She highly praised the BCEO and asked the Board to support the motion.

MOTION made by Mr. Lang, seconded by Mr. Wong, to authorize and utilize the Butler County Engineer's Office (BCEO) as project manager for the public improvements for the extension of Civic Centre Boulevard and ancillary intersection improvements; to authorize payment to said agency not to exceed \$294,932.00; and to authorize the Township Administrator to execute all necessary documents to effectuate the construction project and the utilization of the BCEO as project manager (CIP #562). Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to accept the following streets in Grace Meadows Sections 2B & 2C (Section 36, Town 3, Range 2) and journalize at 25 MPH, with the provision that all decorative signage and landscaping be maintained by the HOA. Discussion: none. **Motion carried unanimously.**

First Reading of Resolutions & Reading of Emergency Resolutions

Mrs. Boyko introduced the next item saying the resolution is needed in order to reflect any changes in financial incidents, circumstances, or situations., most of which was necessitated by the Board's recent re-funding of bonds.

She proceeded to read, "Resolution 19-2016 amending the Township 2016 Permanent Appropriations for budget year 2016 and declaring an emergency and dispensing with the second reading." The Board had no questions or need for clarification.

Citizen's Comments

Sherry Harbin, representing 9117 Cincinnati-Dayton Road, provided her account of their previous discussions with West Chester Township personnel and Township meetings. She asserted they had verbal approval from Township personnel to proceed with their plans. She questioned "formality" of the approval process, and was unhappy with the delay.

Dr. Muhamed Aziz, 7883 Chestershire Drive, said they, at PPS, were stunned, speechless and confused about the enactment of the moratorium. He said they had been encouraged at an April 12th meeting with Township personnel. He referred to a company from Florida, Lumiere Healing Center, that "only provides drug detox services for addicts". He proceeded to make a comparison and contrast between his company and Lumiere, using a handout he distributed to the Board. (Fiscal Officer Note: The three page handout – one page narrative and two pages of maps – are attached to these minutes for direct reference.) He concluded by making an appeal for justice.

Matt Mullinix, 8356 Country Oaks Station, expressed his opposition to PPS, calling it a safety issue.

Leo Rader, 6439 Club Lane, said he formerly worked as the facility manager for the office across from Dr. Aziz's current office location. He said he was aware of the safety concerns expressed by neighbors to the proposed location, but never observed behaviors from Dr. Aziz's clientele that supported their concerns.

Gene Drozd, 8382 Country Oaks Station, said he understood the need for the services provided by PPS and was not opposed to those services, but not in proximity to so many kids. He was opposed to the location of their service and said it could be provided somewhere else.

Tara Ripley, 6265 Gulfstream Court, said there are mental health issues in the community, observing the five students from Lakota West high had been convicted of attempted murder in the previous three years. She noted some of the services provided by PPS. She said people are misrepresenting the population they serve at PPS, adding that their waiting room is often times filled with children. She added that there isn't a facility nearby that works with children and families. Ms. Ripley said opposition comments were a "scare tactic", not what their agency, PPS represents.

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

MOTION made by Mr. Lang, seconded by Mr. Wong, to declare Emergency Resolution No. 19-2016 an emergency and dispense with the second reading. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve Resolution No. 19-2016 as read and as already declared an emergency. Discussion: none. **Motion carried unanimously.**

Discussion Items & Elected Official Comments

Mrs. Boyko said, according to the former Community Development Director, the recollections from representatives of Professional Psychiatric Services (PPS) is contrary and different from what staff's testimony and insight has been. She also said the moratorium enacted by the Board was to assess and evaluate the impacts, as well as the approach to permitting these types of uses, which is the testimony the Board gave when it enacted the moratorium.

Mrs. Boyko commented on the intern program with the Lakota schools, which she discussed at the Board's May 12th meeting, saying it has been cancelled this year for lack of participation. She observed the Greater Cincinnati Homebuilder's Association was hosting Homearama in West Chester and the economic impact on the area exceeded \$7 million. She also commented on the recent Mass Casualty Training at Hopewell Elementary, and concluded by praising the Township's first responders for their humanity in light of recent traumatic occurrences in the Township.

Mr. Wong expressed his concern about PPS, saying no one has made an issue about Lumiere Healing Center operating in West Chester. He said this was the kind of issue that could cost taxpayers a lot of money in legal fees. He said he hoped the Board would act on this matter quickly.

Mr. Welch commented on the widespread attention given the Township's Mass Casualty exercise. Mr. Lang expressed his appreciation for homebuilders, saying they preceded all the commercial development, assuming significant risks.

Recess to Executive Session

At 7:23 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 (1) personnel matters: discipline, termination, promotion, hiring, or transfer of a current public employee; (b) provision of benefits for certain employees, (2) Acquisition, sale, or swap of real property, (3) Current and pending litigation. Motion made by Mr. Lang, seconded by Mr. Wong. Discussion: Mr. Lang interjected a correction to a comment he made earlier, saying Mrs. Boyko advised him that PPS did not seek a zone change or a BZA, rather they requested a zoning permit which staff has the authority to review. He just misunderstood PPS's original intent. **Motion carried unanimously.** Mr. Welch declared the meeting in recess. He said the Board would return to adjourn the Executive Session, vote on a matter, and adjourn the Regular meeting.

Post Executive Session/ Adjournment

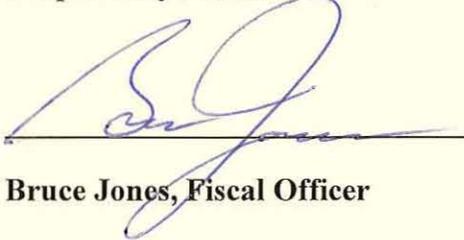
MOTION made at 8:39 p.m. by Mr. Lang to adjourn the Executive Session and resume the June 14, 2016 Regular meeting, seconded by Mr. Wong. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Wong, seconded by Mr. Lang, to approve and execute settlement and release agreement for PERSO claim #OTR017854A1 and if necessary to authorize payment of funds designated therein. Discussion: Mr. Welch read a statement that said the settlement and release agreement settles litigation filed by Sanford LC for the rescission of a zoning certificate and a sexually orientated business license. He said the settlement closing the matter represents West Chester's commitment to serving the community with integrity and fiscal responsibility. It does not assign a fault or admit to the correctness of any claim. **Motion carried unanimously.**

MOTION made at 8:41 p.m. by Mr. Lang, seconded by Mr. Wong, to adjourn the meeting. Discussion: none. **Motion carried unanimously.**

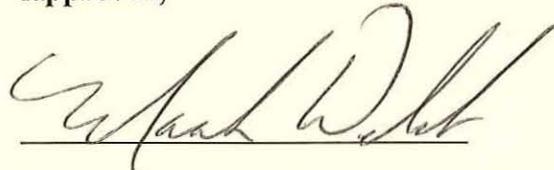
(Fiscal Officer Note: The preceding are narrative minutes. The signatures of the Fiscal Officer and Board President appear immediately below, constituting the entirety of page seven. Following this page are the three pages referred to in the Citizen Comments by Dr. Mohamed Aziz. There are a total of 10 pages in this document.)

Respectfully Submitted,



Bruce Jones, Fiscal Officer

Approved,



Mark Welch, President

Business Comparisons

PPS 'N West Chester 9117 Columbus Cincinnati Road

- **Owner:** West Chester Resident
- **Purchased:** 8/14/2015
- **Zoning:** B-2
- **Land Use:** C

- **Who Do We Treat?**
 - 40% Children
 - 40% Adults with mental health issues
 - 20% drug addiction and addictive behaviors

- **Location:** (see map)
 - On 10+ acres
 - Hickory Dickory Tots is 0.2 miles
 - Shawnee Elementary is 1.1 miles

- **Outcome:**
 - Moratorium was placed on property
 - Thrown under the wheels of public concern

Lumiere Healing Center 7593 Tylersville Road

- **Owner:** Florida Resident
- **Purchased:** 7/29/15
- **Zoning:** B-2
- **Land Use:** C

- **Who Do They Treat?**
 - 100% Adult Drug Addiction services including 30 inpatient beds

- **Location:** (see map)
 - WITHIN the Wetherington Golf Course community
 - NEXT DOOR to ABC Pediatric Therapy Network for Special Needs Children with Autism and other concerns

- **Outcome:**
 - Grand opening for business in two weeks

10/20/15

9117 Cincinnati Columbus Rd

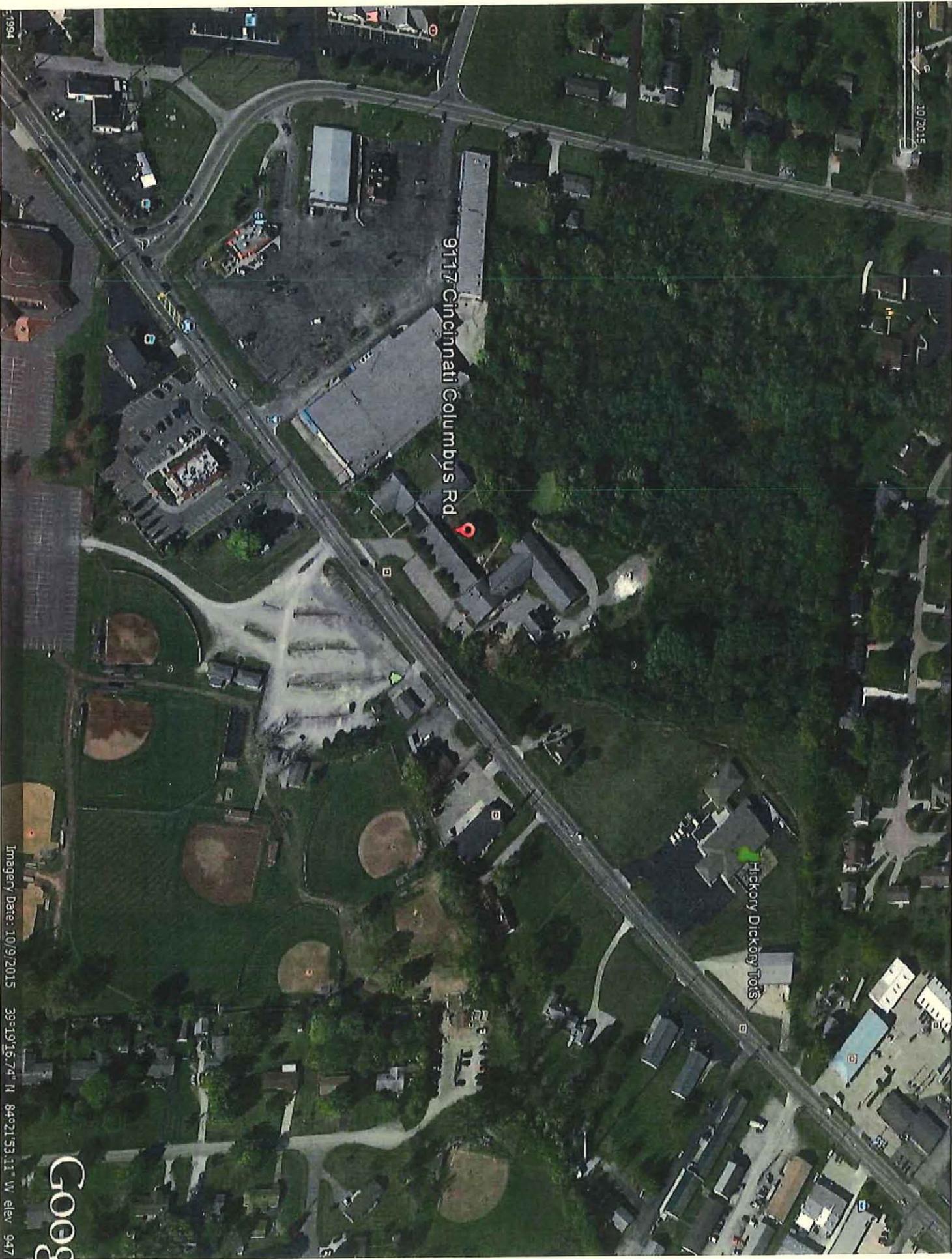
Hickory Dickory Tots

1994

Imagery Date: 10/9/2015

39°19'16.74" N 84°21'53.11" W elev 947

GOOG



5/20/15

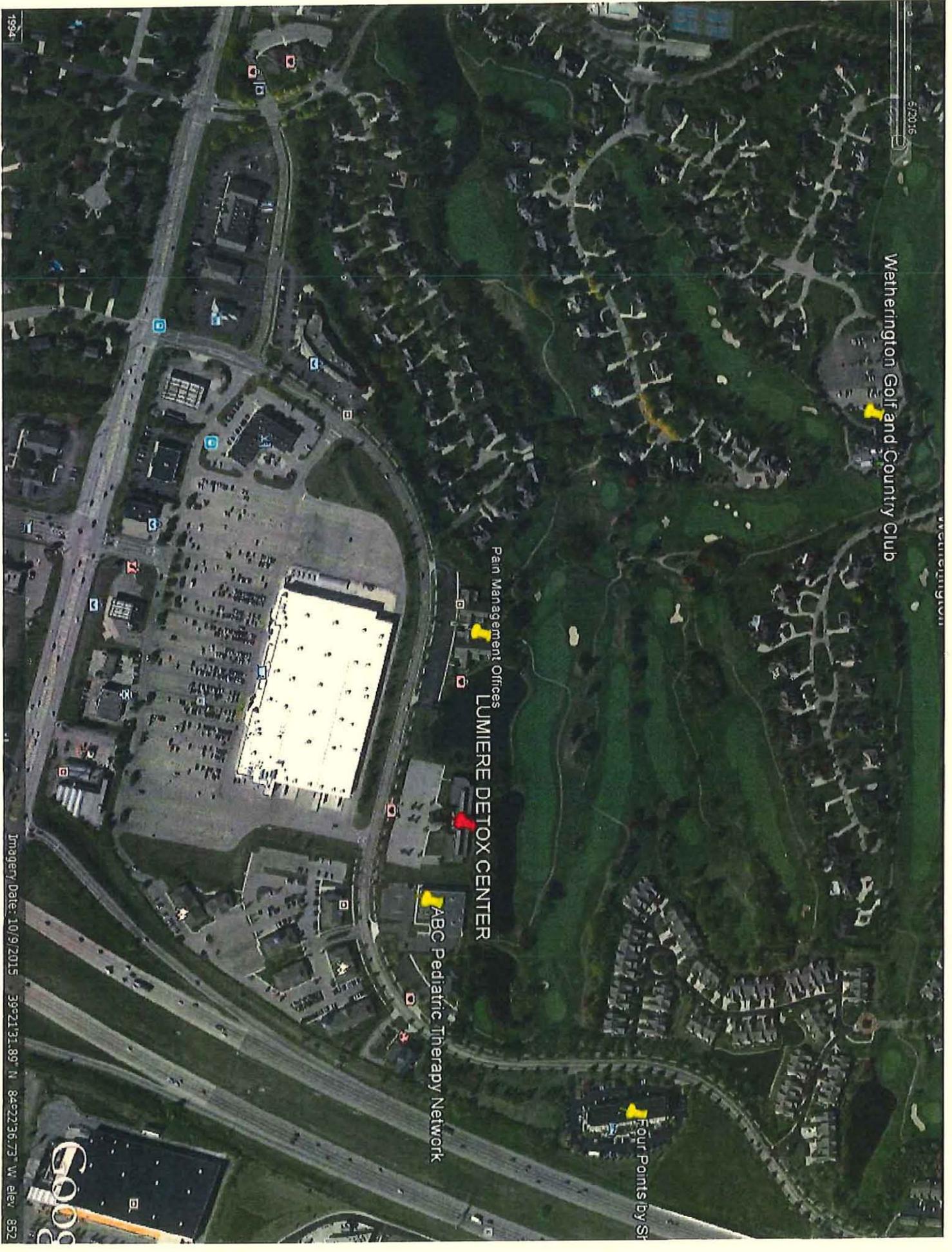
Wetherington Golf and Country Club

Wetherington

Four Points by Sh

Pain Management Offices
LUMIERE DETOX CENTER

ABC Pediatric Therapy Network



1994

Imagery Date: 10/9/2015

39°21'31.89" N 84°22'36.73" W elev 852

