

Record of Proceedings: August 23, 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

There were no citizen's comments.

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 August 9, 2016. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Wong, seconded by Mr. Lang, 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. Fire \$12,800.00 Ohio Fire Chief's Association – Conduct assessment center testing for Fire Lieutenant vacancy
2. Police \$5,767.50 RJ Wagner Marketing, Inc. – Purchase three bulletproof vests for SWAT team
3. Police \$5,733.14 Cellebrite USA, Corp. – Renew maintenance and support for Cellebrite Universal Forensic Extraction Device (UFED) System for mobile data recovery
4. Police \$4,000.00 Gall's LLC – Purchase uniforms for two new police officer hires

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve payment of requisitions 1 through 4. Discussion: none. **Motion carried unanimously.**

Personnel Items

MOTION made by Mr. Wong, seconded by Mr. Lang, to approve 2.0% of applicable current payroll for consideration for 2016 merit performance increases for all qualified non-contract, exempt and non-exempt employees and to approve a not to exceed percent 4.0% increase for any individual employee's merit performance and to authorize the township administrator to approve and apply said merit increases effective the first full pay period July 2016 subject to already

approved and existing related policies and procedures. Discussion: Mr. Lang noted there were across-the-board pay increases until 2006, but have since implemented this merit performance policy which he termed more business and performance oriented. He also observed that employees formally paid zero percent of the health insurance, but taxpayers are realizing savings because employees are now paying 15-20% of their insurance premium. **Motion carried unanimously.**

Business Items

MOTION made by Mr. Lang that, having reviewed the staff report and affidavit, we declare 6492 Coachlight Way and 8563 Steleta Drive to be public nuisances as authorized by the Ohio Revised Code. Staff is directed to cause removal of the nuisances identified, and monitor these properties for 90 days to require continued compliance. An administrative charge of 25% shall be added to the contractor fee for the properties. Motion seconded by Mr. Wong. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying police are often dispatched along with EMT services, but arrive sooner than the EMT's and the presence of AEDs in police vehicles serve public safety.

MOTION made by Mr. Wong, seconded by Mr. Lang, to apply for a grant from Firehouse Subs Public Safety Foundation Automated External Defibrillator (AED) for ten AED in car units for police vehicles and to authorize the Township Administrator to accept said grant if awarded. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying storm water pipe replacement had previously been bid this year, but there remained significant budget dollars still available to bid again another set of capital improvements. This item pertained to awarding that bid.

MOTION made by Mr. Lang, seconded by Mr. Wong, to accept and award 2016 supplemental storm water pipe replacement bid to W.G. Stang, LLC for construction services to replace storm water pipe infrastructure (CIP #961) not to exceed \$100,948.76, and to authorize the Township Administrator to execute said bid. Discussion: none. **Motion carried unanimously.**

First Reading of Resolutions & Reading of Emergency Resolutions

Mrs. Boyko introduced the next item saying Resolution 25-2016 initiates the process to address several community matters through the Zoning Resolution text amendment process. This Resolution enables the Board to merely consider these matters through the public hearing process. Matters to be considered are variance standards, wireless communication towers, sexually oriented businesses, institutional care facilities, and permissible uses by district table. She commented that the permissible use by district table would be amended between the First Reading and the Second Reading to further address the changes and insure that all of the current and permitted uses on the zoning code are reflected on that table.

Mrs. Boyko read Resolution No. 25-2016 initiating proposed text amendments to the West Chester Township Zoning Resolution concerning and governing various community matters. The Board had no questions or need for clarification.

Mrs. Boyko read Resolution No. 27-2016 accepting the amounts and rates as determined by the Butler County Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor, and declaring an emergency and dispensing with the second reading. The Board had no questions.

Citizen's Comments

Joe Wieland, 7911 Tara Drive, referenced a study from La Roche, Waller, and Wentland that residential substance abuse facilities adversely impact the price of neighboring homes. He provided a copy for the Trustees.

Tim Heenan, 8850 Brook Knoll Drive, wanted Dr. Aziz to know that people do not oppose what he's doing. They don't want it at that particular location.

Gene Drodz, 8382 Country Oak Station, said people are opposed to Dr. Aziz's location, not his work. He said their petition in opposition to PPS's proposed facility was up to 727 signatures, 244 that have done so online for a total of 971 people who do not feel the proposed PPS facility is in the correct location. He said there were at least 25 businesses in the surrounding area that signed a petition saying same.

Joy Samberg, 8015 Autumn Lane, asked how the speed limit on Bethany Road near Lakota East High School could be reduced.

Tom O'Brien, 9139 Revere Run, thanked the Board for the moratorium and its tolerance for misinformation.

Amy Dunfee, 7951 Tara Drive, said she's previously worked in a nursing home following her work in a psychiatric facility, and she said there's a big difference between the two. She expressed concern that people were not being given specific information about the proposed PPS facility. She also commented on the predictability of patient's violent behavior, sex offenders, the strain on first responders' services and the disruption to the quiet of the neighborhood. She concluded by questioning what safety measures could be developed to address these concerns.

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

MOTION made by Mr. Lang, seconded by Mr. Wong, to declare Emergency Resolution No. 27-2016 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. 27-2016 as read and as already declared an emergency. Discussion: none. **Motion carried unanimously.**

Discussion Items & Elected Official Comments

Mrs. Boyko responded to the citizen's comments about the speed limit on Bethany Road, noting Bethany Road is located in Liberty Township, and agreed to facilitate communication between

the citizen, a West Chester resident, and Liberty Township officials so they would know her concern.

Mr. Welch commented that the First Reading of Resolution 25-2016 was simply to initiate the proposed amendments changes to the West Chester Township Zoning Resolution and it would be voted upon at the next meeting. The actually changes would be addressed in the coming months.

Recess to Executive Session

At 6:34 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: (a) provision of benefits and compensation for non-contract employees; (b) contract negotiations for a certain collective bargaining unit, (2) acquisition, sale, or swap of real property, (3) current and pending litigation. Motion made by Mr. Lang, seconded by Mr. Wong. Discussion: none. **Motion carried unanimously.** Mr. Welch said the Board would return after Executive Session for the 7:00 Public Hearing on Case #03-16, The Fields at Liberty Way.

Post Executive Session

MOTION made at 7:06 p.m. by Mr. Lang to adjourn the Executive Session and resume the August 23, 2016 Regular meeting, seconded by Mr. Wong. Discussion: none. **Motion carried unanimously.**

7:00 Public Hearing

At 7:06 pm Mr. Welch declared open the Public Hearing for Case #ZMA 03-16 – The Fields at Liberty Way and asked staff to make their presentation. Whereupon Mr. Tim Dawson proceeded to present with a PowerPoint presentation:

Staff report: Mr. Dawson reiterated for the record the case before the Board; #ZMA 03-16 – The Fields at Liberty Way. He said the applicant is requesting a Zoning Map Amendment; District Reclassification from M-1 (Light Industrial District) and A-1 (Agricultural District) to C-PUD (Commercial Planned Unit Development District) for two hotels and future development.

He identified the applicant as HiFive Design Group, Inc. He identified the subject property as the southwest corner of the intersection of Liberty Way and Cox Road (slide #1, attached) consisting of 5 parcels, 2 of which are owned by Tylers Place Associates, LLC and the other 3 are owned by Hotel Simplified, LLC. There are a total of 13.35 acres.

Mr. Dawson presented the staff report and a PowerPoint presentation that included: aerials, current land use maps, current zoning, and the Preliminary Development Plan (PDP). The proposed development, as illustrated on the PDP, is consistent with the Comprehensive Land Use Plan and the designated Office/ General Retail land use classification. He termed the proposed hotels complimentary to the proximity of the I-75 corridor, the area interchanges,

as well as area hospitals, entertainment attractions, commercial corridors, and the many activities at the Voice of America Park (slide#2).

Mr. Dawson observed, as shown on the PDP, there are two access ways proposed along Cox Road: A temporary, full-access way for the development of Lots 1 and 2, which will become a "right in/right out" access way upon construction of the future, permanent, full-access way to the south (slide #3). Mr. Dawson communicated the details of the proposed Preliminary Development Plan (slide #4), including development of lots one and two, the extended stay hotel and conventional hotel respectively, and future retail development on the southern portion of the site. Floor plans were not provided at the PDP stage, but the applicant has indicated the principal hotel use will not include restaurants, though it will include limited meeting space.

Considerations to be given to the Zoning Commission at the Final Development Plan (FDP) stage will address the following concerns of the PDP, to include: A detailed storm water drainage plan; All recommendations of the Traffic Impact Study; All general site design standards; Secondary site access requirements to accommodate emergency services. Floor plans to verify all uses; A public access easement for the portion of the sidewalk located along the Cox Road frontage, which is located on private property; Vehicular cross-access easements to provide for granting legal access throughout the site in order to access the future, full-movement access way. Landscaping and signage details that meet all WCT requirements, and a Property Owner's Association (POA), which will be responsible for the maintenance of all common areas and common features. A slide (#5) illustrated the proposed elevations.

Mr. Dawson said the Trustees were to either approve the application, approve with modifications, or deny the submitted Zoning Map Amendment and Preliminary Development Plan.

Mr. Welch then solicited questions or need for clarification from staff from the Board. In response to Mr. Wong's inquiry, Mr. Dawson said lot one would consist of a five story Hyatt Regency extended stay hotel and lot 2 would consist of a Holiday Inn Express. In response to Mr. Welch's inquiry, he said as the southern portion is developed, the right in/right out access - initially a temporary access way, would be created concurrent with the creation of a full access way on the southern portion of the property. Traffic signaling would be negotiated at that time if it warrants a traffic signal. Furthermore, there are no plans for modifying the intersection at Liberty Way at this time.

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

Blake Helms, HiFive Design Group, 202 West Main Street, Mason, said Mr. Dawson "gave an excellent presentation that pretty much covered all of the bases". He said they had read staff's comments from both the county and the township and agreed with them, and were working to implement them. He offered to answer questions from the Board. They had no questions for him.

Mr. Welch asked for comments as follows:

Proponent Comments: none.

Opponent Comments:

Joy Samberg, 8015 Autumn Lane, questioned how people would enter the subject property, and said she believes we need to step back and consider how to manage traffic in that area.

Neutral Comments: none.

In response to Mr. Welch's question as to whether either of his peers had any additional questions, neither had any.

Hereupon Mr. Dawson read the First Reading of Resolution 26-2016:

"Resolution No. 26-2016 approving a zoning map amendment from M-1 and A-1 to C-PUD and preliminary development plan for Case #ZMA 03-16 – The Fields at Liberty Way. Now therefore, be it resolved 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 application for a Zoning Map Amendment and Preliminary Development Plan with the following conditions", noting there were 11 conditions.

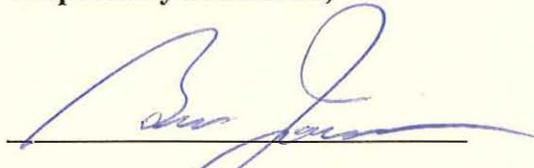
Thereupon Mr. Welch declared closed the Public Hearing for Case #ZMA 03-16 – The Fields at Liberty Way.

Adjournment

MOTION made at 7:28 p.m. by Mr. Lang, seconded by Mr. Wong, to adjourn the August 23, 2016 meeting. Discussion: none. **Motion carried unanimously.**

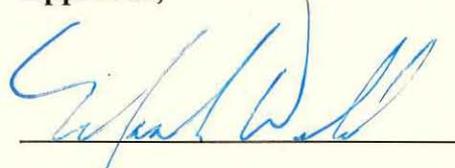
(Fiscal Officer Note: The preceding six pages are narrative minutes. The signatures of the Fiscal Officer and Board President appear immediately below, constituting the entirety of page six. Following this page are three pages referenced herein pertaining to the Public Hearing. There are a total of nine pages in this document.)

Respectfully Submitted,

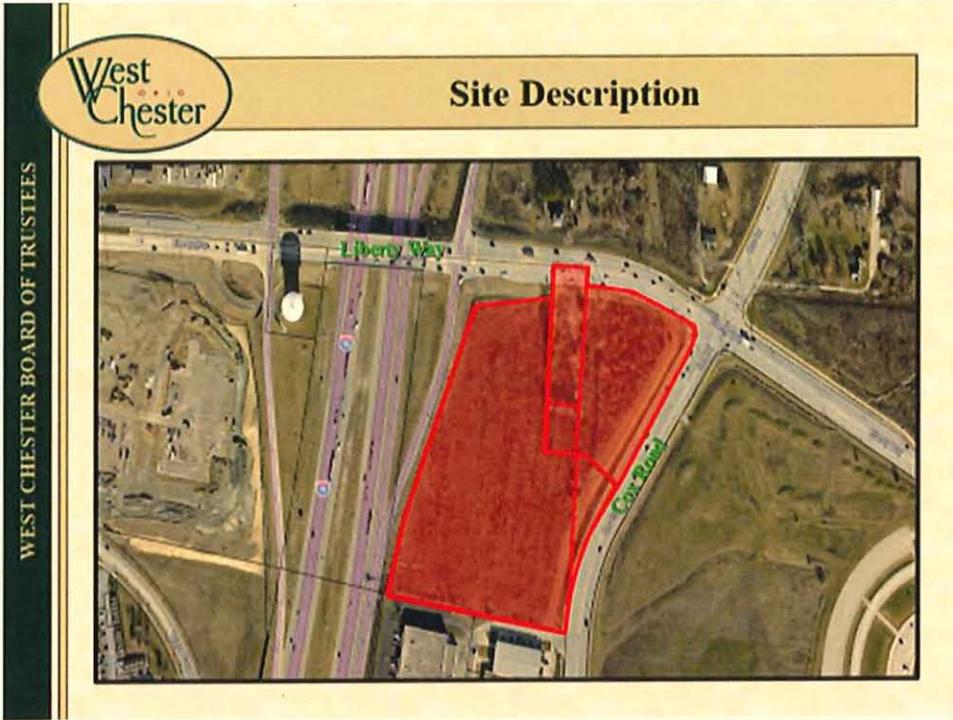


Bruce Jones, Fiscal Officer

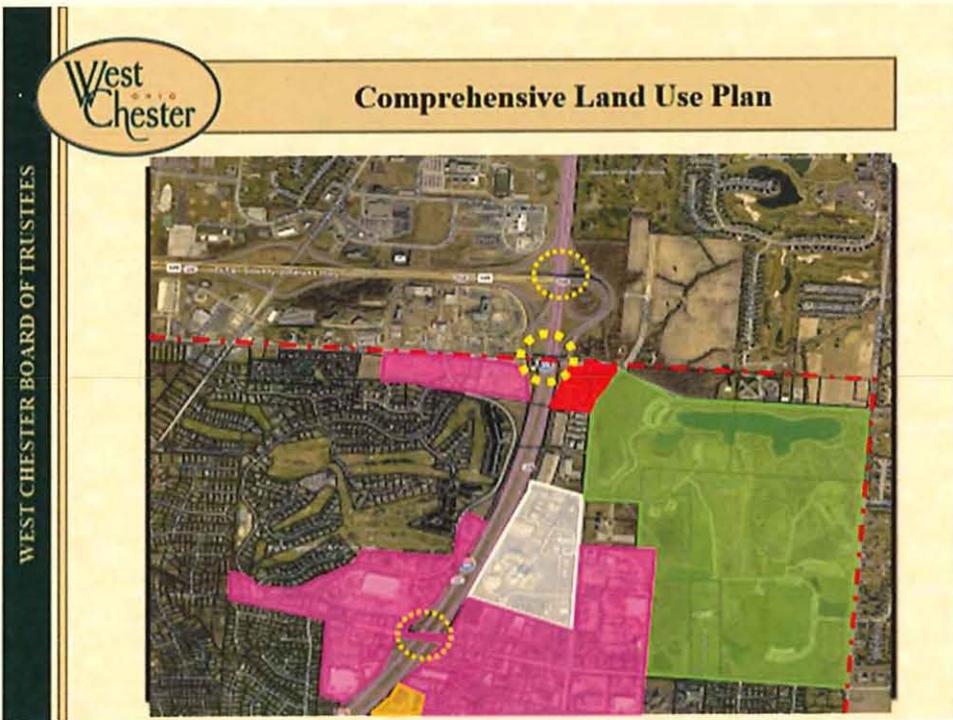
Approved,



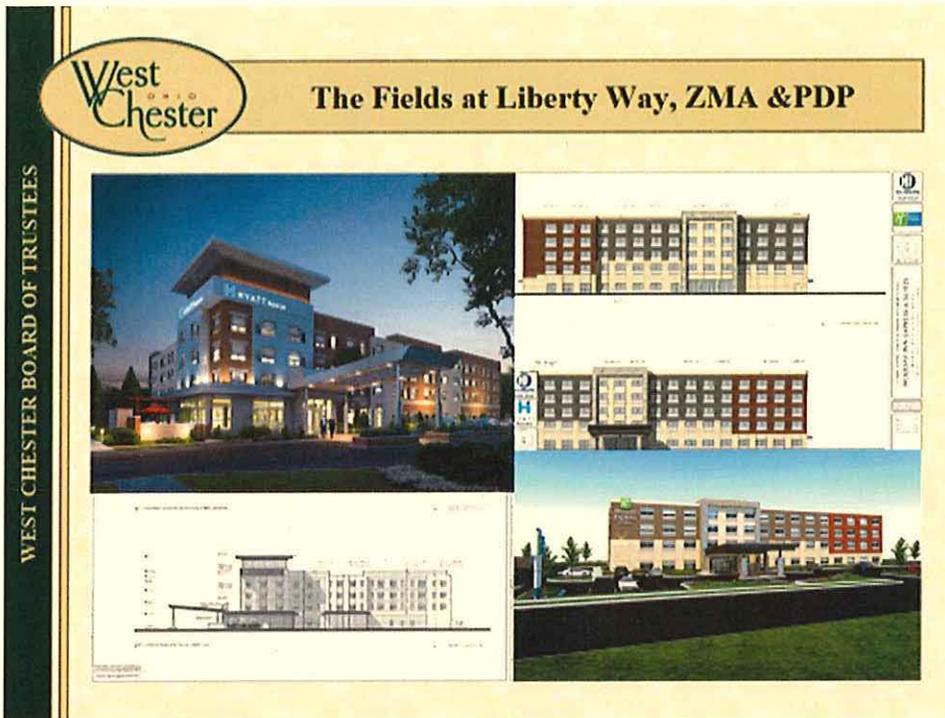
Mark Welch, President



Slide 1.



Slide 2.



Slide 5.