

Record of Proceedings: October 25, 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

Dieter Lubert, 7573 Granby Way, congratulated the West Chester maintenance personnel for removing dead trees from Keehner Park. He also expressed concern with the safety of school children walking along Kingsgate without a sidewalk.

Presentations

Mrs. Boyko prefaced the presentation by Mr. Peter Boesen, Managing Partner of Mercedes Benz West Chester, observing that several months ago Mr. Boesen approached the Board of Trustees indicating Mercedes Benz of West Chester requested Township consideration for a public-private partnership to construct, operate, and maintain a highway interstate electronic reader sign along its I-75 frontage just south of the Union Centre interchange.

Mr. Peter Boesen, Managing Partner of Mercedes Benz West Chester, then began his presentation by introducing the two partners present with him, Steve Zubieta and David Peterson. He reviewed the proposal as outlined by Mrs. Boyko using a PowerPoint presentation. He said they noticed the one thing that was missing when they bought the dealership was walk-in traffic. He said traffic was going to the Liberty Center instead. His proposal is to promote the dealership and the community with a high definition LED sign (see slides 1 and 2). He said the IKEA sign really doesn't grab your attention. He provided additional benefits for the sign (see slide 3), and said they originally proposed the Township pay 75% of the initial cost of the sign (see slide 4) and the dealership would pay maintenance, electricity, upkeep, and graphic design for events on an ongoing basis. However, they have changed their proposal to splitting it 50-50. He then introduced David Peterson to present: Mr. Peterson said people may be suspect of the proposal, but they "need to do something to get the knowledge and interest level in this community at a little quicker pace". He said the sign would be the fastest and most certain way to get their message out, saying it would be good for local businesses.

In response to Mr. Welch's questions, Mr. Boesen and Mr. Peterson estimated costs, the estimated life of such a sign, sign composition and maintenance costs, and the presence of a warranty. Mr. Peterson said they would research these issues and provide their findings to the Board. In response to Mr. Lang's question, they reviewed the concept for the sign, and confirmed his understanding of shared costs. Mr. Lang said the two critical questions for the Board was (1) the zoning issue and (2) funding, including, is it a wise use of taxpayer's funds. In response to Mr. Wong's question as to whether the sign could be paid for from TIF funds, Mrs. Boyko said, "maybe": The only way it would be TIF eligible is if over 50% of the sign copy was dedicated solely to Township events, news, and relevancy, including non-for-profit entities. In response to Mr. Wong's question, Mrs. Boyko said there would need to be a zoning change because the Central Business District does not permit interstate billboards or signs. In response

to Mr. Welch's question, she said Mr. Boesen had already applied for a zoning change from Central Business District to Commercial Planned Unit Development District, and is to be heard at the November Zoning Commission meeting. She provided policy consideration, said they could be making the most restrictive district the least restrictive district, and added that she wouldn't be doing her job if she didn't provide the Board policy insights. Mr. Peterson said he wanted to go on record that they never considered selling copy on the sign, and he considered that very inappropriate behavior.

Action Items – For Approval by Motion

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve the Trustee Meeting Minutes for October 11, 2016. 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 \$16,086.70 Frost Brown Todd, LLC – Legal services through September 30, 2016
(various departments)
2. Fire \$30,690.40 PicturePhone, Inc. – Upgrade and repair video conferencing
equipment in all fire stations
3. Fire \$6,091.30 Vogelpohl Fire Equipment – Perform annual bench testing of Self
Contained Breathing Apparatus (SCBA) and masks
4. Police \$40,932.60 Vance Outdoors, Inc. - Purchase ammunition to replenish depleted
inventory
5. Police \$19,035.90 Vance Outdoors, Inc. – Purchase duty weapons, including holsters and
magazine pouches, to replace existing inventory (CIP #290)
6. Police \$17,775.40 Vance Outdoors, Inc. – Purchase mounted lights for departmental
guns and shotguns (CIP #996)

7. Services \$25,000.00 Snow Plow Contractors – Subcontract for cul-de-sac snow removal
for 2016-2017 winter season
8. Services 9,442.00 John Dsuban Spring Service – Replace frame rails on 2001
International Dump Truck

9. Services \$8,484.00 Ziegler Tire – Purchase 22 tires for five salt trucks and a John Deere
road mower
10. Services \$6,207.00 Viox Services – Paint ceilings in Township Hall and lobby and
various common areas in Administration building (CIP #1089)
11. Services \$4,824.67 Kleem, Inc. – Purchase bulk street sign materials

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve payment of requisitions 1 through 11. Discussion: none. **Motion carried unanimously.**

Personnel Items

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve complement of 13 on-call snow plow operators and hire on an as needed basis in some instances retroactively for the 2016-2017 winter season. Discussion: none. **Motion carried unanimously.**

Business Items

Mrs. Boyko introduced the next item saying the Board adopted Resolution 25-2016 at its September 13th meeting this year, and the appropriate entities have conducted their pre-requisite public hearings. The next step is for the West Chester Board of Trustees to conduct their public hearing, which the motion addresses. She noted the suggested date of November 8th is also the date of the election and the meeting would need to re-locate because township hall is also used as a polling location. Mrs. Boyko said the proposed zoning text amendments pertain to variance standards, permissible use by district tables, types of cellular wireless communication towers, sexually oriented businesses, and institutional care facilities.

MOTION made by Mr. Lang, seconded by Mr. Wong, to set special meeting date for public hearing for the Board of Trustees initiated text amendments to the West Chester Township Zoning Resolution and the suggested date and time of November 8, 2016 at 6:00 p.m. at Miami University Voice of America Learning Center. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Wong, seconded by Mr. Lang, to approve statutory Resolution 30-2016 finding duty weapons and accessories are not needed or are unfit for public use; authorizing the sale of said equipment to Vance Outdoors Inc.; and crediting the sale price of said equipment to the purchase of additional necessary equipment. Discussion: none. **Motion carried unanimously.**

First Reading of Resolutions & Reading of Emergency Resolutions

Mrs. Boyko introduced the next item advising how undedicated streets and roads are maintained in the township. The subject Resolution establishes the process consistent with the appropriate Ohio Revised Code section.

Mrs. Boyko then read, "Motion to approve Resolution No. 31-2016 authorizing the removal of snow and ice from undedicated roads in accordance with Ohio Revised Code Section 505.82 and pursuant to limited home rule authority provided under Ohio Revised Code Chapter 504, and declaring an emergency and dispensing with the second reading". The Board had no questions.

Citizen's Comments

Dieter Lubert, 7573 Granby Way, said a big bottleneck is created on I-75 because West Chester wishes to create more businesses. He also said there is a need for recycling trash cans in Keehner Park. He concluded by saying, in his country of origin, police officers retire when they retire, and the township could have arranged a replacement.

Joy Sandberg, 8015 Autumn Lane, accompanied by and speaking for Donna Croweak, 9134 Cincinnati-Columbus Road, expressed concern as a single, female shopkeeper located directly across from the unsecured drug rehabilitation center proposed for Route 42. She commented on her experience with heroin addiction in her family. She offered suggestions for how the facility should be securely designed and operated.

Gene Drozd, 8382 Country Oak Station, spoke on behalf of the PYO Trustees and Board members, and several nearby business owners. He said their goal is to maintain the safety of their youth as it pertains to a 60 bed multi-faceted rehabilitation facility that's being proposed. He said their mission is to ensure that the PPS facility not be constructed at the proposed site. Mr. Drozd said over 1200 residents agreed by signing their petition in opposition to the proposal. He said it appeared from an October 19th Pulse Journal article the township's approach would not prevail, and they would be saddled with some form of concentrated drug and psychiatric rehab facility located "way too close and near to our children". He said there's evidence the PYO enrollment and property values would be diminished. He expressed dissatisfaction with the zoning resolution, saying common sense was lacking. He said they did not believe the spirit of the ADA Act was to be enacted in this case, rather "there's more to the story". He said he hoped the Trustees would share why the judge has as much as ordered the township to settle with PPS. He requested that PPS insure the safety of their children, and propose a business model that could be voluntarily adjusted not to accept in-patients, not to treat patients with methadone, soboxone, or other like drugs, and to not operate a pharmacy on the property. He also insisted on a fencing system with video, installation of a berm around the property, and monitoring persons ingress and egress, as well as the parking areas, using security personnel. He hoped PPS would do all possible to accommodate their new neighbors, and if not, he said the Trustees should "fight the fight". He concluded by asking how the proposed zoning text amendment would factor in to a settlement of the Township's lawsuit.

Joy Sandberg, 8015 Autumn Lane, spoke as a mother of three boys, as a PTO Board member at Hopewell Elementary and Hopewell Junior, and as a resident. She was speaking because she was angry, citing her reasons, and felt the Trustees were letting her down. She read the ADA definition of "disability".

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

MOTION made by Mr. Lang, seconded by Wong, to declare Emergency Resolution No. 31-2016 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. 31-2016 as read and as already declared an emergency. Discussion: none. **Motion carried unanimously.**

Discussion Items & Elected Official Comments

Mrs. Boyko reviewed the remaining 2016 Trustee meeting dates for 2016, and confirmed with the Board that staff would address political signs on Township property as they have in the past.

Mr. Lang clarified the policy toward political signs with Mrs. Boyko. Addressing Ms. Sandberg, Mr. Lang also commented that he's as frustrated as she, though he couldn't comment given the lawsuit. He also stated the times for trick-or-treat on October 31st, asking that everyone be on the lookout for children, and noted the election on November 8th. Pursuant Mr. Welch's request, Mrs. Boyko commented on the ADA Act. She said she was not an attorney, but commented there is case law in which treatment for addiction is recognized as a disability, and that it cannot be prohibited. She said the zoning code did not address treatment facilities, rather it was all part of medical type of facilities. The current zoning text consequently did not provide a means for managing these types of facilities. Mr. Welch echoed Mr. Lang's frustration with the proceeding of this matter. He asked the people who commented that they continue to trust their trustees.

Recess to Executive Session

At 7:10 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) Current and pending litigation. Motion made by Mr. Lang, seconded by Mr. Wong. Discussion: none. **Motion carried unanimously.** Mr. Welch declared the meeting in recess.

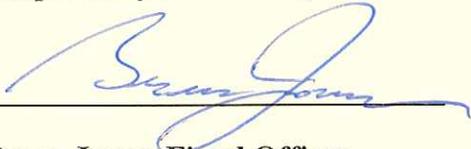
Post Executive Session/ Adjournment

MOTION made at 7:33 p.m. by Mr. Wong to adjourn the Executive Session and resume the October 25, 2016 Regular meeting, seconded by Mr. Lang. Discussion: none. **Motion carried unanimously.**

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

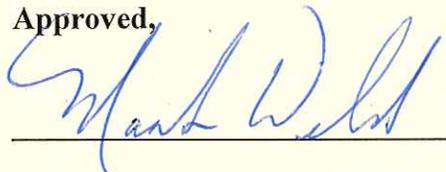
(Fiscal Officer Note: The preceding five pages are narrative minutes. The signatures of the Fiscal Officer and Board President appear immediately below, constituting the entirety of page five. Following page five are three pages of slides referenced herein pertaining to the Mercedes Benz presentation. There are a total of eight pages in this document.)

Respectfully Submitted,



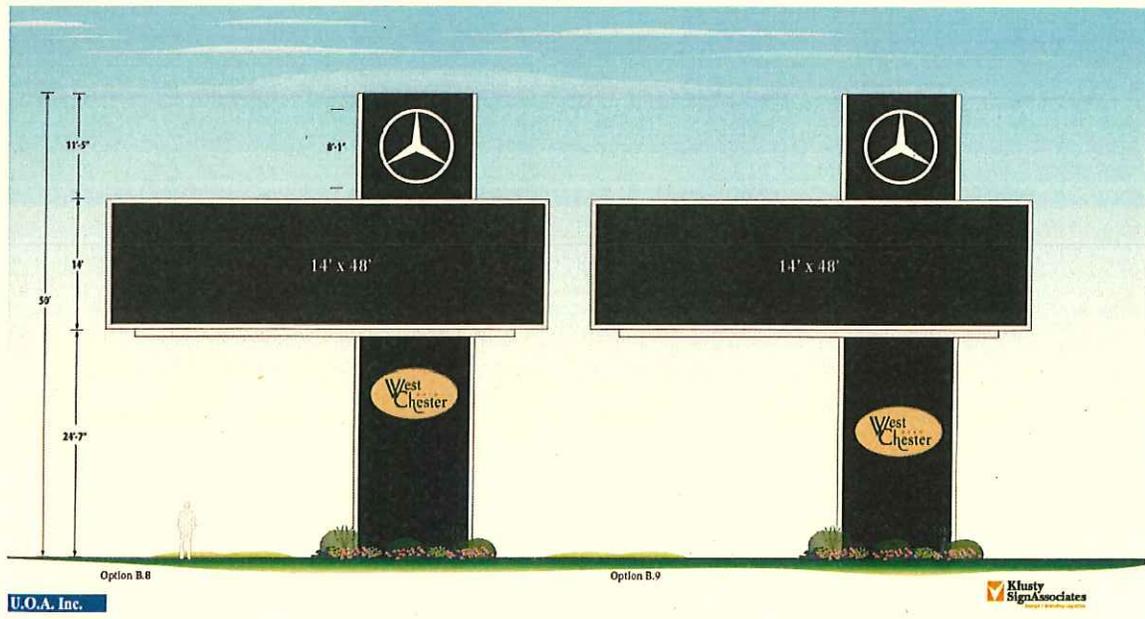
Bruce Jones, Fiscal Officer

Approved,



Mark Welch, President

Slide 1.



Slide 2.





Mercedes-Benz

Slide 3.

July 13, 2016

Mercedes-Benz of West Chester
authorized retailer

Dear Judi,

Relationships, cooperation, and collaboration can almost always be found at the core of business success. This truth is never more apparent than in the strategic partnership formed between an Automobile Dealership and the Community where it resides. West Chester Township and Mercedes-Benz of West Chester have a mutually beneficial opportunity to reinvigorate and strengthen our business endeavors.

With the growing local competition, we need to take actions to ensure that Consumers do not bypass our West Chester exit and proceed directly to Liberty Township and beyond to fulfill their wants and needs. The sign we are proposing is certainly one of those necessary actions. What we are requesting is that the Township assume seventy-five per cent of the initial cost (proposal attached) of the sign. Mercedes-Benz of West Chester is prepared to then be responsible for the on-going expenses such as an employee to handle the graphic design, maintenance, upkeep and of course the electric power—this will serve to equalize the cost over the long term. We also propose to equalize our usage (possibly 5-6 slides in rotation) by assigning a couple slides to the Community/Township and a couple to Mercedes-Benz of West Chester and a "Welcome to West Chester" slide in-between. The key is to work together and keep a long term perspective on this as we will each have busy or peak times where we are going to need to promote events, sales etc. Once again, we need to work together and understand that we each will have times we'll need to heavy up exposure. Our key placement with a maximized exposure off of the 75 will be great for both of us. It will pull prospective shoppers not only in our direction but will also allow us to focus on West Chester events and locations, such as a few that immediately come to mind:

- Thursday night after hours on the square (which is now being upstaged by Liberty's concerts).
- Saturday Farmers Market on the square (Liberty now has theirs on Tuesdays that they are promoting heavily).
- August Food Truck Rally.
- Touch-a-Truck at the square.
- We need people to support the Streets of West Chester's shops, restaurants, the new Main Event and the soon to be open Top Golf.
- Our Police Department—We need to support our men in blue like never before! For example, do people know they can take self-defense though the department? Does Liberty offer that?
- Promote sports (Friday Night Lights), theatre and music events at the local schools.
- Let's put us on the map!

In summary, this proposal and our joint effort presents a win/win! More money spent in West Chester ultimately means more tax dollars for the community. As well as, the more Mercedes-Benz sold locally equals even more tax dollars as these are "big ticket" items. Wouldn't it be nice to sit back in a year and say "the promotion of West Chester Township with more visitors has been a huge success and has at the same time created the largest High Line Auto Dealership not only in the City of Cincinnati, but in the whole Midwest. Mercedes-Benz is probably the most recognizable International Brand and one we can be proud to have associated with the Township of West Chester.

Last, the goal is to work through the Variance Process, counting on a positive outcome. Then get the footings poured and infrastructure in the ground by the end of the 3rd quarter. Ultimately working to get the sign up sometime in October to then promote West Chester and Mercedes-Benz of West Chester in the biggest shopping time of the year—November and December (always our biggest months).

The sign will stand as the gateway to West Chester. Let's always be highlighting **WEST CHESTER**----where we all love to work, eat, play and live!

With Appreciation,



Peter Boesen

5897 Muhlhauser Road
West Chester, Ohio 45069

Telephone (513) 870-1000
Fax (513) 870-1025

www.westchesterMB.com

May 19, 2016

ULTIMATE OUTDOOR ADVERTISING WEST CHESTER, OH	SELLING PRICE
Watchfire - LED units	\$ 400,000.00
Watchfire - freight to site	\$ 1,337.02
World Wide Sign - sign & pole cover	\$ 172,135.00
Pro Fab - billboard structure	\$ 73,625.00
Solid Metal Group -	\$ 2,522.00
KSA - Installation materials	\$ 16,100.00
KSA - Installation labor	<u>\$ 10,080.00</u>
	\$ 675,799.02
7% sales tax	<u>\$ 47,305.93</u>
	\$ 723,104.95
West Chester Township permit	\$ 150.00
Butler County permit - \$10. per \$1000.	\$ 6,660.00
Engineer sealed drawings	INCLUDED
Staff time to secure permits	<u>\$ 175.00</u>
	\$ 730,089.95