

**Record of Proceedings:
West Chester Township Board of Trustees –
Organizational Meeting and Regular Meeting**

January 9, 2018

Fiscal Officer Jones opened the Organizational meeting of the Board at 6:00 p.m.

Mr. Jones explained they were beginning with the annual Organizational meeting for the Board to be followed by the Regular meeting, confirmed that all three Trustees were present, whereupon he opened the floor to nominations for President of the Board for 2018. Mrs. Becker nominated Mr. Wong. Having no other nominations for President, nominations were closed. Roll call was conducted on the nomination and all three Trustees voted affirmatively. Mr. Wong was elected President of the West Chester Township Board of Trustees for 2018.

Thereupon Mr. Jones opened the floor to nominations for Vice President of the Board for 2018. Mr. Welch nominated Mrs. Becker. Having no other nominations for Vice President, nominations were closed. Roll call was conducted on the nomination and all three voted affirmatively. Mrs. Becker was elected Vice President of the West Chester Township Board of Trustees for 2018. Mr. Jones then presented the gavel to Mr. Wong.

Convene: Mr. Wong convened the meeting at 6:02 p.m.
Roll Call: Mr. Wong, Mrs. Becker, and Mr. Welch responded.
Pledge of Allegiance: Repeated by those present.

Citizen's Comments

Dan Richards, 6677 Station Road, asked the status of the Station Road schoolhouse since the courts ruled on the suit. He suggested citizens be told about things ahead of time instead of being surprised. He commented regarding an upcoming zoning appointment that the Board should get a conservative person because people were scared, adding that the Board has a bad reputation on zoning. He cited his personal experience.

Joy Sandburg, 8015 Autumn Lane, commented on the vote to be conducted that evening to ban medical marijuana. She gave examples of historical marijuana use. She questioned how the Board could permit the drug rehabilitation center on Cincinnati-Columbus Road, yet deny medical marijuana in the township. She said she was left to wonder the direction of West Chester Township.

Presentations

Mr. Fronk presented a Proclamation - Live the Dream: Our Declaration of Unity Celebration of Dr. Martin Luther King, Jr. – to Ms. Gail Webster, event organizer. After Mr. Fronk read the proclamation, Ms. Webster identified events scheduled for the January 15th celebration. She said the event is a West Chester/Liberty combined event, and it has the support of the Lakota Local schools.

Action Items – For Approval by Motion

MOTION made by Mr. Welch, seconded by Mrs. Becker, to approve dates for 2018 Trustee Meetings. Discussion: The Board agreed to have but one meeting in December and that would be on the second Tuesday of the month, the 11th. **Motion carried unanimously.**

MOTION made by Mrs. Becker, seconded by Mr. Welch, to approve the Trustee Meeting Minutes for December 19, 2017, 2018. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Welch, seconded by Mrs. Becker, to approve payment of bills. Discussion: none. **Motion carried unanimously.**

Mr. Fronk submitted the following requisitions greater than \$2,500:

Requisitions – Greater than \$2,500.00

1. Fire \$2,904.00 Best One Tire & Service of Mid America – Purchase and install four rear tires for vehicle #797
2. Fire \$3,000.00 William Jeremy Hess – Reimburse tuition in accordance with Article 22 of the Collective Bargaining Agreement and Township guidelines
3. Fire \$4,915.00 VFIS of Ohio / Ohio Public Risk Insurance – Renew annual Accident & Sickness Insurance Policy
4. Fire \$5,085.00 Tri-State Public Safety – Purchase and installation of emergency light equipment for vehicle #1217

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

Personnel Items

Mr. Fronk introduced the next item commenting on several aspects of the agreement, terming it “fair”. He noted the firefighters did not get a raise in the last contract, and the raises in this contract are consistent with those awarded by an arbitrator to the FOP patrol officers and sergeants.

MOTION made by Mr. Welch, seconded by Mrs. Becker, to approve Collective Bargaining Agreement effective January 1, 2018 to December 21, 2020 between the West Chester Township Board of Trustee and the International Association of Fire Fighters, Local 3518 Discussion: Mr. Welch thanked the parties involved for quickly hammering out an agreement. Mrs. Becker praised a health/safety aspect of the agreement wherein a second suit is being provided the firefighters because of their exposure to carcinogens while on a fire run. A second suit provides the firefighters with another suit should they go on another run during a shift – a suit that doesn’t hold the carcinogens from the first run. Mr. Wong said our firefighters deserve everything they get. **Motion carried unanimously.**

Mr. Fronk introduced the next item saying it would fill a recent vacancy.

MOTION made by Mrs. Becker, seconded by Mr. Welch, to contract with Office Team (Robert Half International) for temporary placement services not to exceed \$12,600.00 for a part-time

Records Clerk position and to authorize the Township Administrator to execute an agreement in substantially the same form as attached and make non-substantive changes with law director approval Discussion: Mr. Fronk confirmed for Mr. Welch that this is a part-time position. Mr. Fronk also said the Police Chief wishes to reorganize such that one full-time position will be replaced with two part-time positions. **Motion carried unanimously.**

Business Items

MOTION made by Mr. Welch, seconded by Mrs. Becker, to continue volunteer services, committees, and boards. Discussion: Mr. Welch questioned the frequency with which some committees meet and their need. Discussion ensued as to volunteerism on the committees. Mr. Fronk offered to draft policies and procedures for the committees not bound by statute. Mrs. Becker confirmed that they were voting that evening to continue the committees, but they would work on a process for citizens to volunteer for them. **Motion carried unanimously.**

Mr. Fronk introduced the next item by noting Trustee Lang was our representative in 2017. **MOTION** made by Mr. Wong, seconded by Mr. Welch, to appoint Mrs. Becker as the West Chester Township representative to the Butler County Emergency Management Agency (BCEMA) Advisory Council (term effective January 1, 2018 through December 31, 2018). Discussion: none. **Motion carried unanimously.**

Mr. Fronk introduced the next item by noting Mr. Wong was our representative in 2017. **MOTION** made by Mr. Welch, seconded by Mrs. Becker, to appoint Mr. Wong as the West Chester Township representative on the Butler County E911 Planning Committee (term effective January 1, 2018 through December 31, 2018). Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Welch, seconded by Mrs. Becker, to approve a 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 17, 2018, from 7:00 a.m. to 12:30 p.m., and authorize the Township Administrator to execute said agreement. Discussion: none. **Motion carried unanimously.**

MOTION made by Mrs. Becker, seconded by Mr. Welch, to approve Statutory Resolution No. 02-2018 finding a 1985 Ford Ranger with existing fixtures is not needed and is unfit for the use for which it was acquired, and authorizing the sale of said vehicle and existing fixtures at public auction. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Welch, seconded by Mrs. Becker, to not object to a D2, D2X and D3 liquor permit transfer from Sadvini Inc., DBA Kadai, 9536 Cincinnati Columbus Road Unit 4, to Ravs Hyderabad House Inc., DBA Ravs Hyderabad House, 9536 Cincinnati-Columbus Road, Unit 4. Discussion: none. **Motion carried unanimously.**

First Reading of Resolutions & Reading of Emergency Resolutions

Resolution No. 01-2018 establishing the rules of conduct for West Chester Township Trustee Meetings and declaring an emergency and dispensing with the second reading. Mr. Fronk said this will not only codify the conduct for Trustee meetings into a policy, but also reinforces the procedure already in place for Trustee meetings. He said it reflects the Boards' discussion during its December 5th meeting in that it specifies comments be directed to township business items. In response to Mr. Wong's question to his peers as to whether they had any questions, they reviewed Section 4 of the Resolution. Mrs. Becker asked if the Board President could exercise discretion during the first Citizen Comments and permit additional comment beyond five Citizen Comments. Mr. Welch observed that a majority of the Board had previously allowed exceptions. Mr. Wong expressed concern that a precedent would be set if additional people are permitted to speak beyond the agreed five. Mr. Welch said they could comment during the second Citizen's Comments. Mrs. Becker said she didn't want to pigeon hole the Board into a set of rules that it may end up breaking at some point, but not have any resolutionary power to do so. Mr. Wong said the Citizen Comment signup sheet is set out 15 minutes before the meeting and any interested person should make a point of arriving early enough to be among the five to speak during the first Citizen Comments. Mrs. Becker said she was looking for an element of flexibility. Mr. Wong said the Board needed to set rules, allow 10 minutes, and then get on with township business. Mr. Fronk acknowledged that the two subsequent Resolutions on the agenda would be read at the 7:00 Public Hearings.

Citizen's Comments

Dan Richards, 6677 Station Road, said he couldn't recall a first comment session on the Station Road schoolhouse sale. Rather it just went to a vote. He also observed that many supporters of the Montessori school were in attendance at the meeting where the Station Road schoolhouse was voted upon. Mr. Richards also said the Board of Zoning Appeals identified how the school violates the zoning code. He said the matter of fences and dumpsters was not addressed in the submitted plans, to his knowledge. He said the Board should give the school to the Historical Society because the school will destroy the historical nature of the schoolhouse. Mr. Richards also objected to Habitat for Humanity being allowed to have a property on Station Road. On another matter he expressed concern that there was no security for the meetings, suggesting that people should be screened with a wand before coming in. He concluded by saying the zoning board needs to be nice to the residents rather than "playing gotcha".

Joy Sandburg, 8015 Autumn Lane, asked that the Board refrain from acting on the Resolution pertaining to rules of conduct in order that residents have an opportunity to review it. She also said agenda items 14 and 15 included a public reading, but she didn't hear a public reading of either. Mr. Wong then commented that there would be a public reading of those resolutions at their 7:00 Public Hearings. She also noted she couldn't read proposed Resolution 01-2018 on the township website. Lastly, she thought it hypocritical that the Board approved the drug rehabilitation center on Cincinnati-Columbus Road, in the residents' backyard, but deny medical marijuana because it would be in the Boards' back yard. Mr. Wong interrupted her, advising it

was time for the 7:00 Public Hearings. She was advised she could resume her comments afterward when Citizen Comments would continue.

7:00 Public Hearing

At 7:00 p.m. Mr. Wong declared open the Public Hearing for Case #ZMA 06-17 - Farmer Property.

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 06-17 – Farmer Property. He identified the applicant as Kim Daugherty on behalf of the Shirley Farmer Trust. He said the applicant is requesting a Zoning Map Amendment from A-1 (Agricultural District) to O-1 (low intensity Office District). He identified the subject property as located on Liberty Way, approximately 550’ east of Cincinnati-Dayton Road. There are a total of 1.64 acres with approximately 240’ of frontage.

Mr. Dawson presented the staff report and a PowerPoint presentation that included aerials, current land use maps, and current zoning. The proposed development is consistent with the Comprehensive Land Use Plan and the designated Office/Residential Land Use classification. It serves as a transitional area because it’s located between residential and commercial areas, and is complimentary to both. The applicant has stated the proposed zoning map amendment from A-1 to O-1 is intended to market the property for those permitted uses in the O-1 zoning district that are considered to be low-intensity, office uses. Access consolidation requirements were also explained, as well as applying O-1 zoning district development standards to any future construction plans.

Mr. Dawson said the Trustees were to approve, approve with modifications, or deny the submitted Zoning Map Amendment. The Board had no questions for staff.

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

Doug Daugherty, husband of the applicant, who is the trustee for the trust of her deceased mother, said the reason for the request was to rezone the property consistent with surrounding properties. The Board had no questions for him.

Mr. Wong asked for comments as follows:

Proponent Comments: none.

Opponent Comments: none.

Neutral Comments:

Joy Samberg, 8015 Autumn Lane, asked if the consolidation of entry ways onto Liberty Way would have the effect of increasing traffic speed.

In response to Mr. Wong'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 03-2018:
"Resolution No. 03-2018 approving a zoning map amendment from M-1 and O-1 for Case #ZMA 06-17 - Farmer Property. 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 from A-1, Agricultural District, to O-1, Low Intensity Office District for Case #ZMA 06-17, noting there were no conditions for the Resolution.

Thereupon Mr. Wong declared closed this Public Hearing.

Public Hearing

Mr. Wong declared open the Public Hearing for Case #ZTA 07-17 - Zoning Text Amendment. Whereupon Mr. Tim Dawson proceeded to present with a PowerPoint presentation:

Staff report: Mr. Dawson said the West Chester Board of Trustees was requesting a Zoning Text Amendment for the Permissible Uses by District Table in the Township Zoning Resolution. He proceeded to state the origin of Ohio's Medical Marijuana law and the authority granted to the Township to address the issue. He noted the Board had reviewed the research conducted by staff and had proposed a text amendment in order to preserve the existing high-quality development and property values from the unknown consequences of this newly enacted legislation. Therefore, the Board was seeking to prohibit cultivators, processors, and retail dispensaries of medical marijuana within the Township through an adopted amendment to the to the Permissible Uses By District Table, included in the West Chester Township Zoning Resolution. Mr. Dawson said the Butler County Planning Commission and the West Chester Township Zoning Commission had forwarded recommendations of approval of the proposed text amendments.

Mr. Wong asked his peers if they have any questions or request for clarification. Mrs. Becker commented in response to Ms. Sandburg's Citizen Comment that the resolution would prohibit the sale of medical marijuana in the township, but people could still use medical marijuana with a prescription.

Mr. Dawson said the Trustees were to either approve, approve with modifications, or deny the proposed text amendments to the West Chester Zoning Resolution.

Mr. Wong asked for comments as follows:

Proponent Comments: none.

Opponent Comments: none.

Neutral Comments:

Joy Samberg, 8015 Autumn Lane, asked the Trustees how they in good conscience could ban medical marijuana, but allow a drug rehabilitation center in the township. She said the Board was talking out both sides of its mouth.

Hereupon Mr. Dawson read the First Reading of Resolution 04-2018:
“Resolution No. 04-2018 adopting a Zoning Text Amendment to the West Chester Township Zoning Resolution prohibiting medical marijuana cultivators, processors, and retail dispensaries within West Chester Township. Now therefore, be it resolved on the basis of the above actions and findings, the West Chester Township Board of Trustees does hereby approve said text amendment to the West Chester Township Zoning Resolution, known as Case ZTA 07-17, and as initiated by West Chester Township Board of Trustees, Resolution 33-2017 for the aforesaid application as documented and demonstrated in Attachments A and B with the following conditions”, noting there were two conditions pertaining to Attachments A and B.

Thereupon Mr. Wong declared closed the Public Hearing.

Citizen’s Comments, Continued

Dennis Bradbury, 9023 and 9031 Cincinnati Dayton Road, commented about the evening of the Station Road schoolhouse vote, saying the room was packed with supporters of the sale from the Community Montessori School. He asked the Board to explain how they knew to be present that evening. He said the Community Montessori School was breaking the law four times a day and the Board empowers them to do it. He asked the Board to move forward and address that problem. He suggested the Board doesn’t address it because the business involves children, but would address it if it were any other kind of business. He concluded by asking why they would have children in the middle of a public street four times a day, and slander anyone who comes to the podium to speak about it.

Marcie Meyers Addington, 9581 Semaphore Court, commented on the question of security, saying she hoped there would never be armed guards and metal detectors when entering Township Hall. She acknowledge that people do have disagreements, but people can control themselves and not be fearful for our lives.

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

MOTION made by Mr. Welch, seconded by Mrs. Becker, to declare Emergency Resolution No. 01-2018, establishing the rules of conduct for West Chester Township Trustee meetings, and declaring an emergency and dispensing with the second reading. Discussion: Mrs. Becker asked if a vote could be postponed until the next meeting so people can have an opportunity to look at it. Mr. Fronk consulted with the Law Director, who was present, and reported the Board could motion to table the Emergency Reading.

MOTION made by Mr. Welch, seconded by Mr. Wong, to table a vote on the Emergency Reading of Resolution No. 01-2018. Discussion: Mr. Welch had commented that this action would give people an opportunity to look at it. **Motion carried unanimously.**

Discussion Items & Elected Official Comments

Mr. Jones commented on the discussion the Board had earlier about the frequency with which some committees meet and their need, suggested the Board have the ad hoc committees and boards make an annual presentation in order to find out what they're doing. Mr. Jones also commented he was looking forward to this Board, thought it was going to be a good, open minded Board with good discussions, and had a very good feeling about this Board going forward.

Mrs. Becker commended the road crews for taking care of the roads this winter. She also commended the fire department for its efforts at a recent house fire near her home. She expressed her appreciation for West Chester Hospital, and commended the committee that has put on the Martin Luther King event for 19 years.

Mr. Welch commented on the medical marijuana matter, saying it will be a state law effective September, 2018, and affirmed that people can use it with a prescription, comparing that to buying a vehicle outside of West Chester, yet using it in West Chester.

Mr. Wong suggested the Board could not comment on the Station Road schoolhouse while in litigation, but Mr. Fronk said the matter was no longer being litigated. Mr. Wong suggested the Board rotate leadership such that the Vice President be the President the following year and the member Trustee would become the Vice President. Mr. Welch said they could think about it. He said being the President was a job and entailed a lot of preparation. If rotation makes sense in the future they can look at it. Mrs. Becker wanted time to see what other communities were doing. Mr. Wong said, since he's retired from his day job, he has time to prepare for the meetings.

Recess to Executive Session

At 7:33 p.m., Mr. Wong 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) sale and disposition of public property, personnel matters; (2) the employment and compensation of a public employee. Mr. Wong said the Board would return to adjourn the Executive Session and to adjourn the Regular meeting. Motion made by Mr. Welch, seconded by Mrs. Becker. Discussion: none. **Motion carried unanimously.**

Post Executive Session/ Adjournment

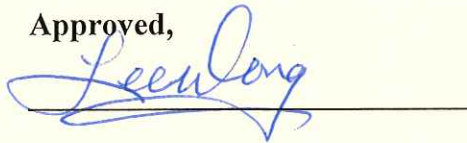
MOTION made at 8:17 p.m. by Mr. Welch to adjourn Executive Session and resume the Regular meeting, seconded by Mrs. Becker. Discussion: none. **Motion carried unanimously.**
MOTION made by Mrs. Becker, seconded by Mr. Welch, to adjourn the Regular meeting. Discussion: none. **Motion carried unanimously.**

Respectfully Submitted,



Bruce Jones, Fiscal Officer

Approved,



Lee Wong, President