

Record of Proceedings: October 9, 2018
West Chester Township Board of Trustees - Regular Meeting

Convene: President Wong convened the meeting at 6:04 p.m.
Roll Call: Mr. Wong, Mrs. Becker, and Mr. Welch responded.
Pledge of Allegiance: Repeated by those present.

Citizen's Comments

Ed Conway, 5464 Pine Vista Court, asked that someone look into a non-working streetlight at the corner of Delview and Tylersville, as well as low hanging pine tree branches on a section of Tylersville.

Bryan Morales, 7522 Timberdale Drive, asked about the status of the Station Road schoolhouse, noting that RFPs were to be submitted by the conclusion of that day.

Mark Henn, 8897 Cincinnati-Dayton Road, owner of Harvest Financial Advisors, commented on Resolution 22-2018 which was an agenda item that evening.

Presentations

Kate Lobenthal, Butler County Council on Aging, gave an update on the Council on Aging, including services and funding. She responded to questions from the Board.

Cathy Walton, West Chester Township Business Attraction and Expansion Manager, spoke regarding the Project Toaster Enterprise Zone Agreement, which is an agreement between the Township and Kemba Credit Union. Given Kemba's need to expand and construct a larger facility, as well as its ability to relocate elsewhere, it applied for a tax abatement. The West Chester Enterprise Zone Committee has recommended a seven year, 75% tax abatement. She added that Kemba had negotiated with the Lakota School Board and Butler Tech to reduce its contribution to the school district. Kemba Credit Union President Dan Sutton then spoke, saying he appreciated the Board's recommendation to the Butler County Commissioners. Mr. Wong noted it would be an \$8 million real estate expansion.

Action Items – For Approval by Motion

MOTION made by Mrs. Becker, seconded by Mr. Welch , to approve the Trustee Meeting Minutes for September 11, 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. Burks submitted the following requisitions greater than \$2,500:

Requisitions – Greater than \$2,500.00

1. Adm \$23,158.24 Frost Brown Todd – Legal services through August 31, 2018 (various departments)
2. Adm \$19,904.78 Kronos Inc. – Renew annual support for TeleStaff scheduling and payroll functions of public safety departments
3. Adm \$17,352.21 Dell Marketing L.P – Purchase 16 computers per five (5) year replacement plan (various departments)
4. Adm \$8,000.00 The Plant Detail – Purchase holiday lights for The Square at Union Centre and Community Christmas Tree at Township Hall
5. Adm \$2,845.35 OTARMA - Remit payment to Ohio Township Association Risk Management Authority (OTARMA) for deductible
6. Fire \$491,614.00 Vogelpohl Fire Equipment Inc. – purchase 2018 demo engine fire apparatus to replace vehicle 405, 2005 Sutphen Pumper (CIP# 954)
7. Fire \$18,893.00 Lifesize Inc. – Renew annual contract for Fire Department Teleconferencing System
8. Fire \$5,900.00 Ohio Fire Chief’s Association – Purchase custom-designed promotional test for four (4) candidates in the Shift Captain process
9. Fire \$5,100.00 Phoenix Safety Outfitters – Purchase uniforms for eight (8) new hires per Collective Bargaining Agreement
10. Police \$21,619.00 Reconrobotics, Inc. – Purchase Throwbot Xt Audio kit and accessories for the SWAT Team (CIP# 1422)
11. Police \$5,440.00 Ohio Calibration Laboratories, LLC – Purchase two (2) stalker two-zone directional radar units (CIP# 1416)
12. Services \$18,850.00 Southeastern Equipment Co Inc. – Allocate five (5) months’ rental fees for Case 621 Wheel Loader
13. Services \$4,950.00 Multi Service Technology Solutions – Purchase steel toed safety boots per Collective Bargaining Agreement
14. Services \$3,289.11 Vulcan Inc. – Purchase street sign materials to upgrade damaged, stolen or faded signs

MOTION made by Mrs. Becker, seconded by Mr. Welch, to approve payment of requisitions 1 through 14. Discussion: Mr. Burks said the robot purchase would save lives. Fire Chief Rick Prinz responded to Mr. Welch’s question about a trade-in value for the vehicle 405, 2005 Sutphen Pumper. He also commented, with pictures, on the significant frame rust realized by that vehicle and the need to take it out of service. Chief Prinz responded to Mr. Welch’s question about the custom-designed promotional test. Communications Director Dennis Dick responded to Mrs. Becker’s question about TeleStaff scheduling and payroll. **Motion carried unanimously.**

Personnel Items

Mr. Burks introduced the next item by expressing his appreciation to all parties involved for their efforts in forming an agreement.

MOTION made by Mr. Welch, seconded by Mrs. Becker, to approve employment agreement between West Chester Township Board of Trustees and Fraternal Order Of Police, Ohio Labor

Council, Inc. (FOP-OLC) effective October 1, 2018 – September 30, 2021. Discussion: Mr. Welch echoed Mr. Burk's praise. **Motion carried unanimously.**

Mr. Burks introduced the next item saying

MOTION made by Mrs. Becker, seconded by Mr. Welch, to transfer Nicole M. Wissel to the vacant position of Administrative Assistant in Administration effective October 10, 2018 at the hourly rate of \$20.00, with a 90-day probationary period and contingent upon applicable testing and procedures. Discussion: none. **Motion carried. Mrs. Becker abstained.**

MOTION made by Mr. Welch, seconded by Mrs. Becker, to rehire Matthew Metzner to fill vacant position of part-time Firefighter/EMT effective October 10, 2018 at the hourly rate of \$17.07 with a one (1) year probationary period and contingent upon successful completion of applicable testing and procedures. Discussion: none. **Motion carried unanimously.**

Business Items

Mr. Burks introduced the next item by describing the subject program.

MOTION made by Mrs. Becker, seconded by Mr. Welch, to approve participation in the Greater Cincinnati Energy Alliance's Efficiency Partnership Program and authorize Township Administrator to sign a Memorandum of Understanding setting the terms of the partnership. Discussion: Mrs. Becker said she appreciated the non-profit push toward energy efficiency, but did not believe this should be a part of township government. She noted the memorandum allows the entity access to any of the township facilities and thought it would be a bad precedent. Mr. Welch said the program did not provide data to support the conclusion that savings would be realized. Mr. Wong confirmed with Mr. Burks that there would be no cost to the Township. **Motion failed unanimously.**

Mr. Burks introduced the next item saying Strategic Benefits Solutions proposed a 4.99% increase of the Aetna insurance coverage and other proposals entailed an increases from two to three times as much.

MOTION made by Mrs. Becker, seconded by Mr. Welch, to approve a contract and premium rates with Aetna medical insurance for January 1, 2019 through December 31, 2019 and to authorize Township Administrator to execute the contract and any other documentation necessary to effectuate said contract. Discussion: none. Mrs. Becker voted to abstain and Mr. Welch asked that the time for discussion be re-opened, which his peers agreed to: Mr. Welch noted the contract included 90% coverage for abortions with no conditions. He said he was against abortion on demand with the exception of rape, incest, and the mother's health. He asked if that coverage could be removed from the contract. Mr. Welch suggested there might be better alternatives for the mother. Mrs. Becker said people can do what they want with their life and their body, but she didn't think taxpayer money should be going toward abortions. She said she had already spoken to Mr. Burks about this and understood changing the coverage would impact existing agreements with the township bargaining units. Mr. Burks asked Law Director Don Crain to comment on the impact removing abortion coverage would have on our collective bargaining agreements. Mr. Crain confirmed that this would be a collective bargaining issue and said how it should be addressed. Mr. Wong then proceeded with the vote; Mr. Welch voted no and Mr. Wong voted yes. **Motion failed.**

Mr. Burks introduced the next item saying the Township has always had a credit card policy, but never had a designated person serving in a compliance capacity as required by new legislation.

MOTION made by Mrs. Becker, seconded by Mr. Welch, to adopt credit card policy and appoint Mrs. Kellie Byrd, Management Analyst, and Mrs. Felicia Krutka, Administrative Assistant, as the Compliance Officers for the credit card controls pursuant to House Bill No. 312. Discussion: none. **Motion carried unanimously.**

MOTION made by Mrs. Becker that, having reviewed the staff report and affidavit, we declare 7222 West Hartford Court and 8095 Timberjack Way to be public nuisances as authorized by the Ohio Revised Code.

Staff is directed to cause removal of the nuisances identified, and monitor the 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. Welch. Discussion: none. **Motion carried unanimously.**

Mr. Burks introduced the next item by noting the presentation earlier in the meeting.

MOTION made by Mr. Welch, seconded by Mrs. Becker, to recommend terms of an Enterprise Zone Agreement of seven (7) years, 75% with Kemba Credit Union to the Butler County Commissioners. Discussion: Mr. Welch termed it a “no brainer”. **Motion carried unanimously.**

Public Hearing 7:00 p.m.

Case #ZMA01-18; The Village North

Staff report: Mr. Tim Dawson identified the applicant as Village North, LLC, and presented the staff report, including a PowerPoint presentation, aerials, staff comments, and case history. Mr. Dawson concluded by saying the Trustees were to either approve the application, approve with modifications, or deny the submitted Zoning Map Amendment and Preliminary Development Plan. No one on the Board had any questions.

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

Neil Hughes, President of Southeast Investment Realty, based out of Atlanta, Georgia. He spoke at length regarding his proposed 47 acre development, located at the northwest corner of Liberty Way and Butler-Warren Road. Michael Copfer, Vice President of Land Acquisition for Hills Properties, 4901 Hunt Road, Cincinnati, then commented on the project and the housing amenities.

Mr. Wong then asked for comments as follows:

Proponent Comments:

Barry Speath, 7762 Lakota Springs Drive, identified himself as the Special Trustee of the

Davis family trust that owns part of the property under consideration. He read a letter from several of the Davis children who expressed their wholehearted support for the project. Jeff Hitchcock, 7191 Keltner Drive, said the project offers him and his wife the option for staying in the community and having a high quality home with various amenities they would enjoy.

Opponent Comments:

Alex Casnelli (inaudible), 724(inaudible) Tylers Corner Drive, identified himself as a business owner and resident of Heritage Club in Warren County, commented in opposition to the proposal.

Damon Lander, 7358 Shady Hollow Drive, questioned the sustainability of the project and traffic safety, the feasibility of a bridge or tunnel connecting with the VOA Park, and environmental impacts.

Dave Lindenschmidt, 6626 Station Road, said there was inadequate parking in the project.

Neutral Comments: none.

Thereupon Mr. Wong closed the public portion of the hearing, and Mr. Dawson read the First Reading of Resolution 21-2018:

This is a Resolution approving a Zoning Map Amendment from A-1 to SP-PUD and Preliminary Development Plan for Case No. ZMA 01-18, Davis Property/Village North:

“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 Zoning Map Amendment from A-1, Agricultural District, to SP-PUD, Special Purpose Planned Unit Development District and Preliminary Development Plan with the following 28 conditions”.

Mr. Wong said the Board would consider the Second Reading at its October 23 meeting.

Public Hearing 7:00 p.m.

Case # ZTA06-18; Text amendment to the West Chester Township Zoning Resolution

Staff report: Mr. Tim Dawson reiterated for the record the case before the Board, identified the West Chester Board of Trustees as the applicant, and said the text change pertained to the Olde West Chester Road Corridor Overlay District, specifically Article 33.08, Access Management Requirement. He presented the staff report, including a PowerPoint presentation, aerials, staff comments, and case history. The text would change from “requirement” to “recommended/recommend”. Mr. Dawson concluded by saying the Trustees were to either approve the application, approve with modifications, or deny the submitted Zoning Text Amendment. No one on the Board had any questions.

Mr. Wong then asked for comments as follows:

Proponent Comments: none.

Opponent Comments: none.

Neutral Comments: none.

Hereupon Mr. Dawson read the First Reading of Resolution 22-2018:

This is a Resolution approving a Zoning Map Amendment from A-1 to I-PUD and Preliminary Development Plan for Case No. ZMA 03-18, Brate Property:

“Now therefore, be it resolved on the basis of the above actions and findings, the West Chester Township Board of Trustees does hereby approve of said text amendments to the West Chester Zoning Resolution known as Case ZTA06-18 as initiated by the West Chester Board of Trustees, Resolution 06-2018 for the foresaid application as documented and demonstrated in Attachment “A”.

Mr. Wong said the Board would consider the Second Reading at its October 23 meeting.

Mr. Wong declared the hearing closed.

MOTION made by Mr. Welch, seconded by Mrs. Becker, to consider letter of acknowledgement for requested TREX liquor permit transfer for Canvas Chaos and authorize Township Administrator to execute any documentation necessary to effectuate the TREX. Discussion: none. **Motion carried unanimously.**

MOTION made by Mrs. Becker, seconded by Mr. Welch, to not object to a new D1 liquor permit for Taz Fresh West Chester, LLC dba Tazikis Mediterranean Café, 7841 Tylersville Road. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Welch, seconded by Mrs. Becker, to not object to a C1, C2, D6 transfer liquor permit from Intime Solutions 514 LLC, 8212 Princeton Glendale Road to Intime Solutions 514, LLC bda Beckett Wine & Spirits, 8211 Princeton Glendale Road. Discussion: none. **Motion carried unanimously.**

Mr. Burks introduced the next item saying the city of Oxford is the local sponsor of the program, and the West Chester Township Police Department is compensated up to \$12,000 for its participation.

MOTION made by Mrs. Becker, seconded by Mr. Welch, to enter into contractual agreement with the City of Oxford Police Department for participation in the Butler County OVI Task Force. Discussion: none. **Motion carried unanimously.**

Mr. Burks introduced the next item saying it applies to property valued at less than \$2,500.

MOTION made by Mr. Welch, seconded by Mrs. Becker, to approve statutory Resolution No. 20-2018 finding two (2) Stalker Two-Zone Directional radar units are not needed or are unfit for public use, and authorizing the sale of said equipment to Ohio Calibration Laboratories and crediting the sale price of said equipment to the purchase of two (2) new stalker two-zone

directional radar units from Ohio Calibration Laboratories. Discussion: none. **Motion carried unanimously.**

MOTION made by Mrs. Becker, seconded by Mr. Welch, to approve second amendment to facility maintenance service contract between West Chester Township and Viox Services, Inc. for predictive and preventive maintenance services and janitorial services for multiple Township buildings for 36 months effective October 1, 2018 – September 30, 2021, not to exceed \$410,000.00 for fixed fees and not to exceed \$50,000.00 for variable fees for any year of the contract, and authorize Township Administrator to make non-substantive changes if necessary with Law Director approval and execute said agreement. Discussion: none. **Motion carried unanimously.**

Mr. Burks introduced the next item saying this item is necessitated due to the implementation of a Divergent Double Diamond interchange on UCB in 2019, which will have an adverse impact on the landscaping.

MOTION made by Mrs. Becker, seconded by Mr. Welch, to authorize to advertise Request For Qualifications (RFQ) for landscape architecture services at the Union Centre Blvd. interchange. Discussion: none. **Motion carried unanimously.**

Mr. Burks introduced the next item saying this fulfills a statutory requirement.

MOTION made by Mr. Welch, seconded by Mrs. Becker, to approve statutory Resolution No. 19-2018 surplus items for disposal. Discussion: none. **Motion carried unanimously.**

MOTION made by Mrs. Becker, seconded by Mr. Welch, to approve the Duke Energy UCB street lighting upgrade in the amount of \$442,399.86 (CIP# 765) and authorize the Township Administrator to make non-substantive changes if necessary with Law Director approval, and execute said agreement. Discussion: In response to Mr. Welch's observation regarding the financing terms offered by Duke Energy, Services Director Tim Franck said they would be opting to repay the cost over three years. **Motion carried unanimously.**

First Reading of Resolutions & Reading of Emergency Resolutions

The first readings of resolutions or readings of emergency resolutions were read at the 7:00 Public Hearings.

Citizen's Comments

There were no citizen's comments.

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

There were no second readings, or votes on pending resolutions or emergency resolutions.

Discussion Items & Elected Official Comments

Mr. Burks apologized for the long agenda. He noted October 7-13 was National Fire Prevention Week.

Mr. Jones, referencing the agenda item in which a majority of the Board approved the transfer of Nicole Wissel, praised her, saying she would be a real asset to the Administration.

Mr. Welch noted Pumpkin Fest was the coming Saturday at Keehner Park.

In response to Mrs. Becker's question, Mr. Burks said three Township staff members would review the submittals to the Station Road Schoolhouse RFPs and submit them to the Trustees. He said there were five RFPs.

Mr. Wong noted that West Chester was again ranked number 38 in the Top 50 Places to Live, and the only community in Ohio to be recognized as such. He asked if a monument could be erected in the Township to promote that recognition. Mr. Burks said that would be incorporated into the new Township branding initiative. Furthermore, Mr. Wong initiated discussion regarding the zoning resolution and "grandmother's suite" or in-law's suite. Mr. Dawson said he would get zoning text information to the trustees the next day.

Mr. Burks thanked the Board for its participation in drafting of the Organizational Strategic Plan.

Recess to Executive Session

At 9:05 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) personnel matters: (a) candidates for employment; discuss contract negotiations for a certain collective bargaining unit; (b) discipline, termination, promotion, hiring, or transfer of a current or candidate public employee; (c) provision of benefits for a contract employee, (2) Acquisition, sale, or swap of real property, (3) Current and pending litigation. Motion made by Mr. Welch, seconded by Mrs. Becker. Mr. Wong said the Board would return to adjourn the Executive Session and to adjourn the Regular meeting. Discussion: none. **Motion carried unanimously.** Mr. Wong declared the meeting in recess.

Post Executive Session/ Adjournment

MOTION made at 10:13 p.m. by Mr. Welch to adjourn the Executive Session, seconded by Mrs. Becker. Discussion: none. **Motion carried unanimously.**

MOTION made by Mrs. Becker, seconded by Mr. Welch, to adjourn the October 9, 2018 Regular meeting. Discussion: none. **Motion carried unanimously.**

Respectfully Submitted,



Bruce Jones, Fiscal Officer

Approved,



Lee Wong, President