

Record of Proceedings: August 22, 2023
West Chester Township Board of Trustees - Regular Meeting

Convene: Chairperson Becker convened the meeting at 5:00 p.m.
Roll Call: Mrs. Becker and Mr. Welch responded. Mr. Wong was absent.
Pledge of Allegiance: Repeated by those present.

At 5:01 p.m., Mrs. Becker said she would entertain a motion to recess the Regular meeting and go into Executive Session with legal counsel for the purpose of: (1) Conferencing with an attorney for the Township concerning disputes involving the Township that are the subject of pending or imminent court action. O.R.C. 121.22(G)(3); (2) considering confidential information related to the marketing plans, specific business strategy, production techniques, trade secrets, or personal financial statements of an applicant for economic development assistance or negotiating with other political subdivisions respecting requests for economic development assistance. Before voting to enter Executive Session, Mr. Jones, called roll to determine that Executive Session is necessary to protect the interests of the applicant or the possible investment or expenditure of public funds to be made in connection with the economic development project, and that the criteria specified in O.R.C. 121.22(G)(8)(a) and (b) apply. Mr. Welch and Mrs. Becker responded to the roll call affirming same. Thereupon, Mr. Welch motioned to recess into Executive Session pursuant the stated purposes, seconded by Mrs. Becker. **Motion carried.** Mrs. Becker declared the meeting in recess.

Post Executive Session/ Adjournment

MOTION made at 6:00 p.m. by Mr. Welch to adjourn the Executive Session and resume the August 22, 2023 Regular meeting, seconded by Mrs. Becker. Discussion: none. **Motion carried.**

Citizen's Comments

Alex Lee, 9398 Craig Drive and 7903 Spring Garden Court, expressed his concern with congestion and safety during construction around a new Kroger - specifically the new Kroger gas station - on Cox Road construction site, as well as concerns with noise during construction.

Presentations

Chief Joel Herzog, West Chester Police Department, and Chief Rick Prinz, West Chester Fire Department, provided a post-event review of the VOA Country Music Festival.

Action Items – For Approval by Motion

MOTION made by Mr. Welch, seconded by Mrs. Becker, to approve the Trustee Meeting Minutes for August 9, 2023. Discussion: none. **Motion carried.**

MOTION made by Mr. Welch, seconded by Mrs. Becker, to approve payment of bills.
Motion carried.

Mr. Burks submitted the following requisitions greater than \$7,500:

Requisitions – Greater than \$7,500.00

1. Services \$205,901.30 Benchmark Land Management LLC – Increase PO
20230510 to install Union Centre Blvd DDI landscaping
(CIP 821)
2. Police \$34,285.00 Kenwood Dealer Group, Inc. – Purchase one 2020 Honda
Odyssey (CIP 1560)

MOTION made by Mr. Welch, seconded by Mrs. Becker, to approve payment of requisitions 1 and 2. Discussion: In response to Mr. Welch’s question, Services Director Hindupur addressed the Board regarding measures to address erosion at the Union Centre Blvd DDI landscaping.

Motion carried.

Personnel Items

MOTION made by Mr. Welch, seconded by Mrs. Becker, to hire Edward Hitchens to the position of Administrative Professional I, effective August 21, 2023, at the hourly rate of \$21.00. Discussion: The Trustees welcomed Mr. Hitchens. **Motion carried.**

Business Items

MOTION made by Mr. Welch, seconded by Mrs. Becker, to approve Resolution 38-2023 supporting the Westfall Preserve Wetlands Restoration Project in West Chester Township and Mill Creek Alliance’s application for Clean Ohio Fund’s Green Space Conservation Program through the District 10 Natural Resources Assistance Council.

Discussion: Bennett Kotler from the District 10 Natural Resource District Council addressed the Board explaining the project. **Motion carried.**

MOTION made by Mr. Welch, seconded by Mrs. Becker, to approve Resolution 36-2023 finding two police department vehicles not needed or unfit for public use.

Discussion: none. **Motion carried.**

First Reading of Resolutions & Reading of Emergency Resolutions

(Fiscal Officer Note: The First Reading of Resolution 37-2023 was conducted at the Public Hearing scheduled for 7:00 that evening.)

Citizen's Comments

Tim Sherman, 7813 Spring Garden Drive, noting the UCB overpass landscaping maintenance, suggested the township address the tall grass across the Tylersville Road and Cincinnati-Dayton Road overpasses.

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

Mrs. Becker commented and attained comment from Mr. Burks regarding the VOA Country Music Festival, maintenance of the VOA grounds, the economic impact of the festival. She also commented on upcoming events in the township.

Mr. Welch commented on the VOA Country Music Festival's contribution to the Voice of America Museum.

Mr. Jones responded to Mr. Sherman's concern, and expressed his appreciation for the citizen participation that evening.

Mr. Burks commented on the watch party on The Square for the FC Cincinnati soccer match Wednesday.

Adjournment

MOTION made at 6:48 p.m. by Mr. Welch, seconded by Mrs. Becker, to adjourn the August 22, 2023 Trustee meeting. Discussion: none. **Motion carried.**

Public Hearing

Case # ZMA05-23 West Chester Plaza; Kroger

Staff report: Mr. Tim Dawson presented the staff report, including a PowerPoint presentation with aerials, elevations, adjacent properties and their zoning, subject property zoning history, as well as present, and proposed zoning. He also stated staff considerations and comments. 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. Major Change. Mr. Dawson then responded to Trustee questions.

Mrs. Becker then invited the applicant to address the Board:

Ann McBride, McBride, Dale, Clarion, 5721 Dragon Way, suite 300, Cincinnati, representing Kroger, recognized representatives in the audience from Kroger and Regency Centers, as well as other specialties. Ms. McBride stated they were seeking a re-zoning of the entire property to C-PUD and approval of their Preliminary Development Plan. Representatives from her "team"

identified themselves and subsequently addressed questions from the Trustees appropriate for their role.

Mrs. Becker then asked for comments as follows:

Proponent Comments:

Daniel McMackin, 7893 Spring Garden Court, expressed appreciation for the proposal, and its proximity to his mother’s residence.

Opponent Comments:

Tim Sherman, 7813 Spring Garden Drive, stated his concerns: noise from garbage pickup and truck traffic, stagnant lake water, and traffic on Cox Road.

Alex Lee, 9398 Craig Drive and 7903 Spring Garden Court, expressed concern with the development plan and noise.

Zachary Smith, 7983 Spring Garden Court, stated his concerns: water drainage and traffic flow.

Ken Toohey, 10118 Summit Avenue, identified himself as the owner of the Kingsgate Village Apartments, and he was concerned with water drainage, and the ingress and egress into his complex given the proposed entrance to Kroger.

Ken Denning, 7995 Cox Road, expressed concern with construction noise and dust.

Eche Lee, 7903 Spring Garden Court, commented on the trust and support extended to the Trustees in the past, and questioned if there exists a need for another gas station. She was also concerned with traffic flow, noise, and drainage.

Mike Muechen, 8511 Crestmont Drive, stated the future of the out lots was an unknown and suggested they remain zoned residentially until that area has a definite plan to present.

At Mrs. Becker’s request, the Kroger representatives responded to the concerns.

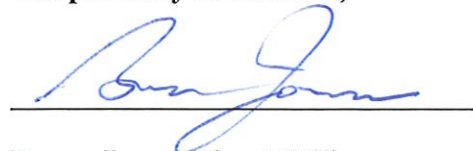
Hereupon Mr. Dawson read the First Reading of Resolution 37-2023:

This is a Resolution approving a g Zoning Map Amendment from R-PUD, C-PUD and R1-A to C-PUD, and Preliminary Development Plan for Case # ZMA05-23 West Chester Plaza; Kroger Marketplace:

“Be it resolved on the basis of the above actions and findings, the West Chester Township Board of Trustees does hereby approve the Zoning Map Amendment and corresponding Preliminary Development Plan with 31 conditions”.

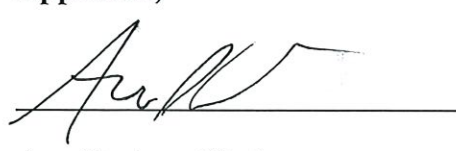
Mrs. Becker declared the Public Hearing closed and meeting adjourned.

Respectfully Submitted,



Bruce Jones, Fiscal Officer

Approved,



Ann Becker, Chairperson