

Record of Proceedings:

September 23, 2014

West Chester Township Board of Trustees - Regular Meeting

Convene: President Lang convened the meeting at 6:03 p.m.

Roll Call: Mr. Lang, Mr. Welch, and Mr. Wong responded.

Pledge of Allegiance: Led by Joseph Zehenny and repeated by those present.

Mr. Lang then declared that agenda item #18 had been removed because the applicant had withdrawn their application. He said the withdrawn agenda item was the 1st Reading of Resolution No. 18-2014 approving a Zoning Map Amendment from "CBD" and "CPUD" to "SP-PUD" and Preliminary Development Plan for case # ZMA 01-14 — Town Centre Mixed Use.

Citizen's Comments

Gene Drozd, 8382 Country Oaks Station, asked the Board to hold off any vote to renew the West Chester baseball agreement. He said he was with another organization that's been in the community for 55 years and would like to have input into the matter before there's a final vote.

Robert Quatkemeyer, 7817 Manor Drive, said he was there as a representative of the Pisgah Youth Organization (PYO) as well as the Quatkemeyer Foundation. He also asked the Board to postpone a vote on the West Chester Baseball Partnership Agreement. He said Gene Drozd, Kenny Gallow, and Jay Basil, representing three organizations, were involved in the original agreement when Dave Gully was here and they were promised there wouldn't be any changes to the agreement without input from the baseball community. Mr. Quatkemeyer said he originally advised that a business model would not work, and that tax documentation should be made available. He concluded by saying there was no reason why the agreement needed to be addressed that evening because scheduling and field commitments would not be made until November, and he wanted a couple weeks to review the agreement.

Roger Melford, 8125 Woodward Drive, said he's lived here since 1978 and was active in the Pisgah Youth Organization since then, identifying his numerous roles. He also asked that the vote on the West Chester Baseball Partnership Agreement be delayed so the PYO could have input and use of the fields.

Presentations

Mike Juengling, Community Development Director, said he wanted to introduce Mr. Joseph Zehenny, CFO/Treasurer of DRT Medical, and that they were there to ask for approval of an Enterprise Zone program application. He proceeded to give an overview: they applied through the Ohio Enterprise Zone Program for a tax abatement, they're currently located at 5317 and 5319 Muhlhauser Road, have 12 employees, their current lease has expired, they would like to purchase 5.9 acres on the southeast corner of Rite Track Way/Union Centre Boulevard and construct a 30,000 Sq. Ft. office and manufacturing facility. Mr. Juengling identified DRT Medical as a stand-alone subsidiary of DRT Holdings that specializes in manufacturing medical

instruments and related medical devices. He said they would relocate from their current facility to the new one, and hire ten employees, averaging \$70,000 yearly wages, in the next three years. The total investment would be \$4 million and they would have an average payroll of \$1.5 million annually. He said the Community Development Department presented the project to the West Chester Enterprise Zone Committee which unanimously recommends to the Board of Trustees a 7 year, 55% exemption on the new real property investment based on retention of the existing West Chester company, noting it entailed two of their targeted sectors: manufacturing and biomedical. He said it was also based on job retention and the projected expansion, the stated wages, and the economic impact. He said if approved, the approval would be contingent on DRT Medical compensating the effected school district with annual payments for the term of the program, as well as other terms in the Enterprise Zone Agreement including annual payments to Butler County and the West Chester Development Council. The agreement would be subject to review by the Butler County Prosecutor and approval by the Butler County Commissioners. If approved by the Trustees that evening the application would be presented to the commissioners on September 29th.

Mr. Zehenny then addressed the Board giving the history and composition of DRT Holdings. He said they manufacture easy open cans, as well as contract manufacturing in medical and power system – aerospace parts and power generation parts. They will do 3D printing in the new facility, which will entail about 30,000 sq. ft. versus their current 11,000 sq. ft. facility. Mr. Wong confirmed with Mr. Zehenny that the project would entail construction of a new building and that salaries would approximate \$65,000 to \$70,000 annually.

MOTION read by Mr. Lang, made by Mr. Welch to approve DRT Medical, LLC – Morris' application to the State of Ohio Enterprise Zone Program for a 55% exemption on the new real property investment of \$4.0 million for a term of 7 years based on: (1) the retention of an existing West Chester company, in two of our targeted sectors (manufacturing and biomed); (2) the retention of 12 high-paying jobs (average salary \$66,700/yr.) and the creation of 10 new full-time permanent positions at same or higher salary; and (3) the local economic impact of a \$4 million investment in real property improvements will also further root DRT Medical, LLC – Morris more firmly in the West Chester community. The Enterprise Zone Agreement is contingent on: (1) DRT Medical, LLC - Morris compensating the affected school district by annual payment for the term of the program; (2) the company's compliance with other program requirements set forth in the Enterprise Zone Agreement, including annual program fees to Butler County and the West Chester Development Council; (3) conformance with applicable land development regulations; and (4) subject to review by the Butler County Prosecutor's Office and approval by the Butler County Commissioners. Should DRT Medical, LLC - Morris fail to maintain operations at the Project Site for the term of the Enterprise Zone Agreement, West Chester may exercise its right under the Ohio Revised Code 5709.631, in cooperation with Butler County, to require the company to repay the total tax benefit received while operating at the Project Site. Motion seconded by Mr. Wong. Discussion: none. **Motion carried unanimously.**

Action Items – For Approval by Motion

MOTION made by Mr. Wong, seconded by Mr. Welch, to approve the Trustee Meeting Minutes of September 9, 2014. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Wong, seconded by Mr. Welch, 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 \$40,068.10 Intergraph – Upgrade I/Map Editor with GEOMEDIA, public safety system mapping software (CIP #1069)
2. Adm \$18,300.00 Industrial Communication and Sound – Consolidate and replace C-Cure security system infrastructure (Phase I) (CIP # 485)
3. Adm \$3,951.87 Dell Marketing L.P. – Upgrade C-Cure data server (Phase I) (CIP #485)
4. Fire \$3,150.00 Priority Dispatch – Renew annual maintenance agreement for emergency medical dispatch software
5. Services \$4,120.00 The McLean Company – Repair Cimline machine

MOTION made by Mr. Welch, seconded by Mr. Wong, to approve payment of requisitions 1 through 5. Discussion: Mr. Welch confirmed with Mrs. Boyko that items 1 through 3 were primarily necessitated by system changes/upgrades. **Motion carried unanimously.**

Personnel Items

MOTION made by Mr. Wong, seconded by Mr. Welch, to hire Mr. Ryan Brandner to a vacant position of Facility Technician, effective September 24, 2014 at a rate of \$24.05 per hour, with a one (1) year probationary period and contingent upon successful completion of applicable testing and procedures. Discussion: Mr. Lang expressed appreciation that someone works for the township almost a decade, works hard, and gets promoted. **Motion carried unanimously.**

Business Items

Mrs. Boyko introduced the next item saying the it was a discussion item for the Board at their August 26th meeting at which time they received a presentation, noting the current baseball complex agreement with the West Chester Baseball Partnership expires at the end of this year. The agreement allows for two 5 year renewals. Mrs. Boyko said it was the Board's prerogative to either renew with the current provider or make other arrangements. She said they issued an RFP in 2009 for any interested parties to serve as manager/operator/programmer and user of the facility. She said West Chester Baseball Partnership was the only entity to submit an RFP, and an agreement was negotiated. Mrs. Boyko said West Chester Baseball Partnership have requested concessions in the newly proposed renewal agreement. Prior to the agreement with the West Chester Baseball Partnership, there was an agreement with the West Chester Baseball Organization from 2005 to 2010, about which she gave a brief history, noting they were no longer interested in serving in this role after 2010.

MOTION made by Mr. Welch, seconded by Mr. Wong, to continue the West Chester Baseball Partnership (WCBP) manager/operator proposal to program, manage, operate, and maintain the West Chester Baseball Complex (WCBC) and to approve the West Chester Baseball Complex Concession Agreement: First Renewal Agreement between the West Chester Board of Trustees and the West Chester Baseball Partnership (WCBP) in substantially the same form as attached subject to the general services administration (National Park Service) approval and to authorize the Township Administrator to make non-substantive changes with Law Director approval and execute said agreement and all other necessary documents. Discussion: Mr. Wong said, in light of the three citizen comments, it would only be fair to postpone a vote on this item and allow the PYO the opportunity to review the proposal. He also said he didn't think an RFP was advertised this time. Mr. Welch said he thought there was ample time for the issue to be vetted, and, as a renewal, wasn't sure if an RFP was necessary. Mr. Lang said the Board has been working diligently on this issue since May and discussing publically since December, and when they did advertise for an RFP the township only received one response, from the West Chester Baseball Partnership. Substantial discussion followed:

Mr. Lang asked Mrs. Boyko to explain why she advised that this item not be postponed until the next meeting, and she said the West Chester Baseball Partnership advised her that they could not make scheduling commitments for next year in a timely manner if this item were postponed. She also reviewed the processing of the matter and the Board's direction. Mr. Lang gave the history of the agreement, commenting that he didn't think this Board would approve such an agreement today if it were new because it wasn't a core competency of the Township. However, as the baseball facility exists and there's already an agreement with an organization that manages it and wants to continue, they're proceeding with an agreement. Mr. Lang said the West Chester Baseball Partnership has invested significant money into the facility and he's comfortable with proceeding to vote that evening. Mrs. Boyko said the West Chester Baseball Partnership has been fulfilling their annual financial obligation, though they would like to have it waived if needed. Mr. Wong questioned whether the West Chester Baseball Partnership could fulfill their obligation going forward, and asked that the vote be delayed in order that the PYO could review the matter. Mr. Welch questioned what the PYO could offer that the West Chester Baseball Partnership could not fulfill. Mrs. Boyko very briefly explained the agreement with the PYO to maintain the Keehner Park fields and how it compares with the request by the West Chester Baseball Partnership. To Mr. Welch's question, what would happen if the PYO were given until the next meeting to review the agreement proposed by the West Chester Baseball Partnership, Mr. Lang suggested it could take several more months to then vet a PYO proposal, significantly postponing scheduling next year's baseball games. Mr. Welch said he wanted to move forward that evening with a vote. **Motion carried** with Mr. Lang and Mr. Welch voting in favor, and Mr. Wong voting in opposition.

Mrs. Boyko introduced the next item saying the current agreement with Donellon-McCarthy would expire December 31, 2014, and it was a one year extension from a previous 5 year agreement.

MOTION made by Mr. Welch, seconded by Mr. Wong, to advertise request for proposals (RFP) for Township-wide copier equipment services. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Welch, seconded by Mr. Wong, to approve agreement between West Chester and the City of Fairfield for Fairfield's administration of the Butler County OVI Task Force Grant and authorize the Township Administrator to execute said agreement. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying this item was part of an ongoing process initiated by the petition from Butler Tech for the construction of a Bioscience Academy. She said there are several documents yet to be signed before she would recommend the Board execute any contract to bid the award of this project, but asked to proceed to advertise for competitive bids.

MOTION made by Mr. Wong, seconded by Mr. Welch, to advertise for competitive bids for construction of Capstone Boulevard and improvements to Highland Greens Drive. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Wong, seconded by Mr. Welch, to enter into a participation agreement with the City of Cincinnati to maintain the Automatic License Plate Recognition (ALPR) Camera System and authorize the Township Administrator to execute said agreement. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Welch, seconded by Mr. Wong, to not object to a new liquor permit for Betty M Vatter, DBA Heritage Pub, 9303-C Cincinnati-Columbus Road. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying this statutory resolution pertained to township property valued at less than \$2500 that does not meet the needs or demands of the township, and is deemed unfit or obsolete for public use.

MOTION made by Mr. Wong, seconded by Mr. Welch, to approve statutory Resolution No. 19-2014 declaring surplus items for Disposal. Discussion: none. **Motion carried unanimously.**

First Reading of Resolutions & Reading of Emergency Resolutions

Mrs. Boyko read Resolution No. 20-2014 accepting the amounts and rates as determined by the 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. She explained that the Board is required to report their annual tax levies to the county auditor by October 1st. The Board had no questions or requested any clarification.

Mrs. Boyko introduced the next item saying the Board originally adopted Resolution 09-2014 on March 25th of this year, a 6 month moratorium on the enforcement of the West Chester Zoning Resolution as it pertained to the parking of commercial vehicles on residential property and the definition of what constituted a commercial vehicle. Mrs. Boyko read Emergency Resolution No. 21-2014 to extend the moratorium on the enforcement of the West Chester Township Zoning Resolution as it pertains to the parking of commercial vehicles on residential property and the definition of commercial vehicles for a period of nine (9) months or until such time the West Chester Township Zoning Resolution can be redrafted and amendments adopted

per Ohio Revised Code and declaring an emergency and dispensing with the second reading. The Board had no questions or requested any clarification.

Mrs. Boyko introduced the next item saying the Board likewise originally adopted Resolution 10-2014 on March 25th of this year, a 6 month moratorium on the enforcement of the West Chester Zoning Resolution as it pertained to individuals wearing costumes as a means of advertising or promoting an establishment, a product, goods or services. Mrs. Boyko read Emergency Resolution No. 21-2014 to extend the moratorium on the enforcement of the West Chester Township Zoning Resolution as it pertains to individuals wearing costumes as a means of advertising or promoting an establishment, a product, goods or services for a period of nine (9) months or until such time the West Chester Township Zoning Resolution can be redrafted and amendments adopted per Ohio Revised Code and declaring an emergency and dispensing with the second reading. The Board had no questions or requested any clarification.

Mr. Lang then stated that the next agenda item, item #17 could not be addressed until 7:00 as it was advertised for hearing at 7:00.

Citizen's Comments

Mark Morris, 8876 Eagleview Drive, observed that the Board was going to vote on two zoning moratorium resolutions, but said the Board needed a permanent solution, and a resolution without any gray areas in order to keep the township out of a law suit like the Liberty Tax issue.

Mike Tafuri, 9941 Mistymorn Lane, Symmes Township, said he's a co-owner of Dinglehouse Irish Pub. He said was sad to hear that the application to develop the Towne Centre had been withdrawn. They invested heavily in Dinglehouse based on the understanding their location would be the downtown center for West Chester. Instead, they're across the street from a cornfield, identifying several failed businesses in the immediate area. He noted the lack of foot traffic and the potential it offered. Mr. Tafuri expressed support for apartments in the area and his hope that the area would get developed as they had been promised.

Mr. Lang then put Citizen Comments on hold, to be resumed after the scheduled 7:00 public hearing.

7:00 Public Hearing

At 7:00 p.m. Mr. Lang declared open the public hearing to consider a zoning change case, Resolution 23-2014 approving a Zoning Map Amendment From "R-1A" to "R-PUD" and Preliminary Development Plan for Case #ZMA 03-14; Villas at Park Place Expansion.

Staff report: Mr. Bryan Behrmann reiterated for the record the case before the Board; Case #ZMA 03-14 - Villas at Park Place Expansion. He identified the location of the subject property as the southwest corner of Tylersville and Beckett Roads (see slide #1, attached). Mr. Behrmann stated the applicant, Park Place West Chester LLC, was requesting a Zoning Map Amendment for 14.82 acres from R-1A to Residential Planned Unit Development (R-PUD) and Preliminary Development Plan approval. Mr. Behrmann presented the staff report and a PowerPoint

presentation that included: aerials, current zoning in the area, proposed Zoning Map, proposed Preliminary Development Plan (slide #2), proposed patio home floor plans, Villas at Park Place photos, current Land Use Plan for the area, a drawing of the Blue Line Stream showing the buffer from the stream (slide #3), cross access connection, staff comments, outside agency comments, and site views. He said it would entail a total of 43 owner occupied patio homes, net density of 2.90 dwellings per acre, and approximately 43% open space. He said the Comprehensive Land Use Plan does recommend "Residential Transitional" for this site, subsequently giving the definition of same. He said staff recommended that the applicant coordinate with the Butler County Flood Plain Administrator to insure that all development is compliant with all federal, state and local regulations. They also recommended that the Butler County Flood Plain Administrator provide either written authorization for a building encroachment within the 75' stream buffer area, or move the building outside of the stream buffer area. For the benefit of improved traffic circulation in the area a non-restrictive cross-access easement should be provided on the subject property (slide #4) from Beckett Road to the west side property line. Staff also recommended a landscape buffer along Beckett and Tylersville Road, and elsewhere internally. Where there was elevated building exposure, 50% brick and/or stone exterior was advised. Mr. Behrmann also noted the West Chester Zoning Commission had a public hearing on August 18, 2014 and it recommended approval with conditions. Furthermore, the Butler County Planning Commission held a public hearing for this case on August 12, 2014 and recommended approval with conditions. He also communicated comments from the Butler County Engineer's Office, Butler County Soil and Water Conservation, as well as the Butler County Water and Sewer Department. Mr. Behrmann concluded by saying the hearing that evening constituted the first reading of this request, and at the second reading the Board would either accept the Zoning Commission's recommendation of approval, approve with modifications, or deny the submitted Zoning Map Amendment and Preliminary Development Plan, unless additional information is necessary.

In response to Mr. Lang's question to the other trustees as to whether or not they had any questions or need for clarification, Mr. Wong asked if there was an easement from the proposed Beckett Road entrance for future development on the west side. Mr. Behrmann said there wasn't currently, but they're recommending it for a future connection. Mr. Welch asked if Phase 1 and Phase 2 were roughly equal in economic impact. Mr. Behrmann deferred to the applicant. Mr. Welch also asked if "patio home" precluded a second floor, if they included 2 car garages, as well as the price point mix, and Mr. Behrmann responded.

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

Dave Labus, 8000 Park Place Circle, commented on their adjoining development, its history, and how this development differed in response to market demand. In response to the term "patio community", he said his development was a condominium community, explaining the distinction. He said they target the empty-nester community, gave additional insights and demographics, adding that all of their homes all have 2½ car garages. He said they were generally in agreement with all the recommendations of the township staff and the various Butler County departments.

In response to Mr. Lang's question for the other trustees as to whether or not they had any questions or need for clarification, Mr. Welch asked if any of their homes had basements. Mr. Labus answered they do not because they focus on single floor living, "without the burden of steps". The trustees said they had no questions or need for clarification.

Proponent Comments: no one responded.

Opponent Comments:

Dan Meehan, 9412 Patti Circle, said he was not necessarily against the project, but he was surprised the fire department would require a hammer head, or "T" at the end of the street because fire trucks would need to back out of the street. He had several concerns regarding density, and parking/driveway setbacks.

Neutral Comments: no one responded.

Mr. Lang then asked the other trustees if they had any need for clarification from staff. Both Mr. Welch and Mr. Wong responded negatively.

Thereupon Mr. Behrman read the first reading as follows: Resolution no. 23-2014, Resolution approving a zoning map amendment from "R-1A" to "R-PUD" and Preliminary Development Plan for case #ZMA 03-14 – Villas at Park Place Expansion: Now therefore be it resolved that 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 proposed Zoning Map Amendment and Preliminary Development Plan for the aforesaid application with the following conditions", noting there were 15 conditions on the resolution.

Thereupon Mr. Lang closed the public hearing portion and the reopened the regular meeting, resuming with Citizens Comments.

Kim Angelo, 8435 Eagleridge Drive, said she was concerned about squatters living in foreclosed homes in West Chester, referencing a home on Eagleridge. She said it did not reflect well on West Chester when people can just move into a vacant home, and questioned what West Chester could do about it.

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

MOTION made by Mr. Wong, seconded by Mr. Welch, to declare Resolution No. 20-2014 an emergency and dispense with the second reading. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Welch, seconded by Mr. Lang, to approve Resolution No. 20-2014. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Welch, seconded by Mr. Lang, to declare Resolution No. 21-2014 an emergency and dispense with the second reading. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Welch, seconded by Mr. Lang, to approve Resolution No. 21-2014. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Welch, seconded by Mr. Wong, to declare Resolution No. 22-2014 an emergency and dispense with the second reading. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Welch, seconded by Mr. Wong, to approve Resolution No. 22-2014 as read and already declared an emergency. Discussion: none. **Motion carried unanimously.**

Discussion Items & Elected Official Comments

Mr. Jones expressed his appreciation for the many volunteer efforts of West Chester resident Karen Holtkamp who was moving out of West Chester. He also commented that he just received notification that he was about to become a grandfather.

Mr. Wong observed that *Money Magazine* had just selected West Chester among the Top 50 Best Places to Live in the U.S., noted it was the third or fourth time, and read a portion of the write-up. He thanked the residents, businesses, chamber, and township employees for all contributing to this success.

Mr. Welch said we were selected as #30 and likewise thanked all for their contribution.

Mr. Lang also expressed his appreciation for the recognition. He said West Chester had previously been ranked barely in the top 100 and we were “dinged” for lacking a medical facility. However the private sector, led by a group of UC physicians, initiated development of our medical facilities. He praised developers, recognizing several in the audience, for risking their time, talent, and treasure to create their vision, from which we all now benefit. Mr. Lang then presented Mrs. Boyko with a plaque from Butler Metro Parks where they’re installing two all-weather soccer fields.

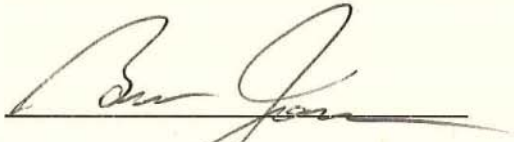
Adjournment

At 7:37 p.m., Mr. Lang asked for a motion to adjourn 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, (b) Discipline, potential demotion, and promotion of certain public employees. The Board would not return. Motion made by Mr. Welch, seconded by Mr. Wong. Discussion: none. **Motion carried unanimously.**

(Fiscal Officer Note: The preceding nine pages are narrative minutes. The signatures of the Fiscal Officer and Board President appear immediately below this notation. The balance of

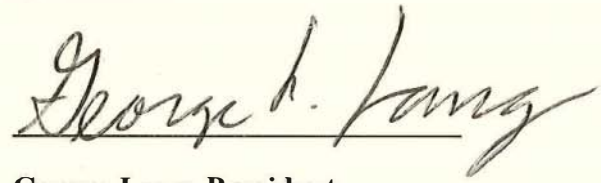
this page is otherwise intentionally left blank. The following four pages - video slides -
referenced herein, pertain to the Public Hearing. There are a total of 14 pages in this document.)

Respectfully Submitted,



Bruce Jones, Fiscal Officer

Approved,



George Lang, President

West
OHIO
Chester Aerial

WEST CHESTER BOARD OF TRUSTEES





Preliminary Development Plan

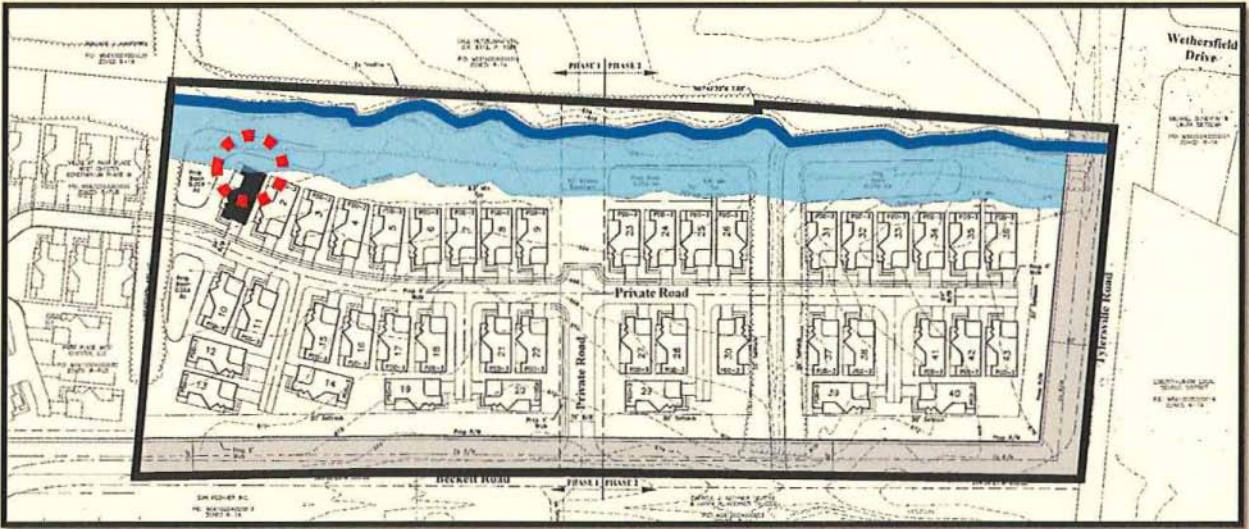
WEST CHESTER BOARD OF TRUSTEES





Blue Line Stream

WEST CHESTER BOARD OF TRUSTEES





Cross-Access Connection

WEST CHESTER BOARD OF TRUSTEES

