

**Record of Proceedings: October 23, 2012**  
**West Chester Township Board of Trustees - Regular Meeting**

Convene: Vice President Wong convened the meeting at 6:00 p.m..

Mr. Wong announced that Mrs. Stoker was absent due to a death in the immediate family.

Roll Call: Mr. Wong and Mr. Lang responded. Mrs. Stoker was absent.

Pledge of Allegiance: Repeated by those present.

Citizen's Comments

Mrs. Boyko said she wanted the Board and the public to know there would be neither discussion or a vote on the proposed no parking zones as previously discussed by the Board. The next Trustee meeting at which it will be discussed is scheduled for November 13<sup>th</sup>.

**Citizen's Comments:**

Tom Breon, 5052 Park Ridge Court, said he wanted to bring to the attention of the Board the proposed zoning change by Kroger for 35 acres at the corner of Tylersville and Route 747, an area currently proposed for R-1A zoning, and not for low traffic businesses. He asked the Board to have their eyes and ears open, and be prepared to deliberate.

Tom Eggert, 7672 Wethersfield Drive, said Kroger wants the zoning at the corner of Tylersville and Route 747 changed to CPUD, it would be detrimental to the people living on Wethersfield Drive. He referenced the zoning resolution including article 26.11, citing the requirements for approval of the proposed development plan. He asked the Board that if the matter comes before them that they "not inflict detrimental harm on (our) neighborhood".

Tedi-Lea DeBruler, 7391 Wethersfield Drive, spoke about the proposed Kroger development and the impact on the safety of the children in the neighborhood. She noted the location of Wethersfield Drive in relation to area schools, said there are no sidewalks on Wethersfield, and that children do walk about their neighborhood. She said that Wethersfield would become a thoroughfare from Hamilton-Mason to Tylersville to the proposed new Kroger, and was concerned their kids would become "road kill".

Carole Replogle, 5069 Westsand Court, commenting on the proposed Kroger zoning change, said the increased traffic coupled with other activity is just an accident waiting to happen. Her main concerns were traffic and the safety of the residents.

Greg Smith, 7367 Wethersfield Drive, said he appreciated that shopping is close to his residential area, and that it includes a separation between the two. He expressed concern with increased traffic and speeding on Wethersfield. He asked the Trustees to consider the impact the proposed new Kroger would have on the safety of residents of Providence Manor.

Jerome Kearns, Executive Director of the Butler County Children's Service, communicated the services his agency performs, that Issue 24 will generate approximately \$15 million annually if approved by voters at the November 6<sup>th</sup> election. He said this funding enables them to leverage an additional \$11 million in federal funds. Furthermore, their 2013 revenue will be approximately \$26 million, but will decrease in 2014 to just under \$3 million unless Issue 24 is approved by voters. He noted fiscal restraints by his agency in recent years, said this levy is not a new levy but a renewal levy, and would cost the owner of a \$100,000 home about 17 cents a day.

### Presentations

There were no presentations

### Action Items – For Approval by Motion

Mr. Wong suggested they delay action on the August 28, 2012 minutes and October 9, 2012 minutes until Mrs. Stoker was present. Mr. Lang concurred.

**MOTION** to approve payment of bills: Mr. Lang motioned approval, seconded by Mr. Wong. Discussion: none. **Motion carried.**

Mrs. Boyko submitted the following requisitions greater than \$2,500:

### Requisitions – Greater than \$2,500.00

1. Adm \$4,000.00 The Plant Detail – Design and install outdoor holiday light displays
2. Fire \$6,900.00 ZOLL – Renew annual EMS field reporting software maintenance agreement

**MOTION** for approval of requisitions 1 and 2 was made by Mr. Lang, seconded by Mr. Wong. Discussion: none. **Motion carried.**

### Personnel Items

**MOTION** made by Mr. Lang to hire five (5) part-time firefighter/EMT/Paramedics to fill vacant positions: Kristina Bodley, Ethan Black, Christopher Goodin, Chad Engman, Jason Jeffers effective October 30, 2012, all at the hourly rate of \$15.61 with a one year probationary period and contingent upon successful completion of applicable testing and procedures. The motion was seconded by Mr. Wong. Discussion: none. **Motion carried.**

### Business Items

Mrs. Boyko reiterated her previous two Discussion Item comments about the proposed 911 NexGen phone system agreement with Butler County, said it will be an additional annual cost of approximately \$350 in electrical costs to the Township, and believed the Board is well advised of this agenda item, noting a sample motion had been prepared for them if they wished to proceed.

**MOTION** made by Mr. Lang to approve Memorandum of Understanding between the West Chester Township Board of Trustees and the Butler County Board of County Commissioners to host equipment for the Butler County 911 phone system in the West Chester Township data center and to authorize the Township Administrator to make non-substantive changes if necessary with Law Director approval and to execute said Memorandum of Understanding. The motion was seconded by Mr. Wong. Discussion: none. **Motion carried.**

Mrs. Boyko said the Board approved a six (6) month agreement with MetroParks at the Board of Trustees' April 24th meeting in which MetroParks could use the Township's maintenance garage and equipment at VOA Park, and in return, MetroParks would mow and care for the Township retained grounds, including the Daisaku Ikeda Tree Grove, and the properties housing the VOA Museum and retention/detention ponds. The arrangement has served both entities well and the following motion is intended to accommodate a longer duration.

**MOTION** made by Mr. Lang to approve a three (3) year Maintenance and Use Agreement between the West Chester Township Board of Trustees and the Board of Park Commissioners of MetroParks of

Butler County, Ohio effective November 1, 2012 to October 31, 2015 to use and maintain the maintenance garage and equipment and maintain the Township grounds at the Voice of America Park in substantially the same form as attached and to authorize the Township Administrator to make non-substantive changes with Law Director approval and to execute all other necessary documents and to authorize the Township Administrator to execute said agreement.

The motion was seconded by Mr. Wong. Discussion: Mr. Wong said this is good cooperation between West Chester and the county, and that we'll save approximately \$16,000 a year.

**Motion carried.**

**MOTION** made by Mr. Lang that, having reviewed the staff report and affidavit, we declare the properties listed on the West Chester Township Board of Trustees meeting agenda dated October 23, 2012 to be a public nuisance as authorized by the Ohio Revised Code.

Staff is directed to cause removal of the nuisances identified, and monitor these properties for 90 days to require continued compliance. An administrative charge of 25% shall be added to the contractor fee for these properties. Motion seconded by Mr. Wong. Discussion: none. (Fiscal Officer note: The two subject properties were 7923 Merryman Way and 8304 Grey Fox Drive.)

**Motion carried.**

Mrs. Boyko said, pursuant the Ohio Revised Code and if declared by resolution, the Board can find any personal property valued in excess of \$2,500 that are no longer needed, obsolete, or unfit for Township purposes, they can be declared as surplus and advertised for sale at public auction. Such is the case for the two items identified in the following motion.

**MOTION** made by Mr. Lang to approve the motion as read by Mrs. Boyko, as follows: Statutory Resolution No. 14-2012 finding a 1997 Ford Crown Victoria and 1999 Chevrolet Blazer are not needed, obsolete, or are unfit for public use and authorizing the sale of said vehicles by public auction. Motion seconded by Mr. Wong. Discussion: none. **Motion carried.**

**MOTION** made by Mr. Wong not to object to liquor permit transfer from White House Inn, Inc. to Casa Bianca LLC, 4940 Muhlhauser Road. Motion seconded by Mr. Lang. Discussion: none. **Motion carried.**

**MOTION** made by Mr. Lang not to object to liquor permit transfer from Grand Ole Pub, Inc. DBA Grand Ole Pub to Chic's Sports Bar & Grille, LLC DBA Chic's Sports Bar & Grill, Suite L 1 & Patio, 8177 Princeton Glendale Road. Motion seconded by Mr. Wong. Discussion: none. **Motion carried.**

**MOTION** made by Mr. Lang not to object to new liquor permit for Rave Cinemas LLC DBA Rave West Chester, 9415 Civic Center Boulevard. Motion seconded by Mr. Wong. Discussion: Mr. Lang asked Mrs. Boyko if Rave would confine consumption of alcohol to the same area that they will serve alcohol, and she responded that she believed they will permit patrons to take alcohol into the theatre areas. Mr. Lang expressed his concern that it would make it easy for someone to share the alcohol with a minor and, as that would be in violation of their license,

Rave would need to figure out how to enforce compliance themselves. Mr. Wong commented that they always hire an officer at the theatre. **Motion carried.**

**MOTION** made by Mr. Lang to accept the following streets in Grace Meadows, Phase 1, Block A, Section 36, Town 3, Range 2, to be dedicated and journalized at 25 MPH and with notation all landscaping and decorative signs are the responsibility of the HOA where applicable:

Sun Lin Court 566.00'/0.11 mile  
Eleventh Hour Lane 566.82'/0.11 mile  
Ferdinand Drive 1,118.66'/0.21 mile  
Grace Meadows Way 235.09'/0.04 mile

**Total 2,486.57' / 0.47 miles**

Motion seconded by Mr. Wong. Discussion: none. **Motion carried.**

**MOTION** made by Mr. Lang to accept the following streets in Foxborough, Phases 2D and 2E, Section 12, Town 2, Range 2, to be dedicated and journalized at 25 MPH and with notation all landscaping and decorative signs are the responsibility of the HOA where applicable:

Overglen Drive 1,263.08/0.24 mile  
Silver Fox Court 728.50' /0.14 mile  
Keltner Drive 247.57' / 0.05 mile

**Total 2,239.15' 0.43 miles**

Motion seconded by Mr. Wong. Discussion: Mr. Lang confirmed with Mrs. Boyko that the motion is properly stated for Silver Fox Court and not Silver Fox Drive. **Motion carried.**

**MOTION** made by Mr. Lang to accept the following streets in Glenview Farms at Foxborough Phases 1A and 1B Section 12, Town 2, Range 2 and Phase C Section 6, Town 2, Range 2 and Section 12, Town 2, Range 2 to be dedicated and journalized at 25 MPH and with notation all landscaping and decorative signs are the responsibility of the HOA where applicable

Guildford Lane 730.86'/0.14 mile  
Keltner Drive 2,103.72'/0.40 mile  
Clawson Court 417.63/ 0.08 mile  
Glenview Farm Drive 505.69'/0.10 mile

**Total 3,757.90' 0.72 miles**

Motion seconded by Mr. Wong. Discussion: none. **Motion carried.**

#### First Reading of Resolutions & Reading of Emergency Resolutions

There were no first readings of resolutions or readings of emergency resolutions.

#### Citizen's Comments

Mark Haverkos, 7365 Wethersfield Drive, said he was the President of the Providence Manor Home Owners Association (HOA) and it consisted of 265 homes. He commented on the proposed Kroger zoning change, a development formally known as Beckett Crossing. He said people bought their homes believing there would be a buffer area between their homes and commercial development on the other side of Tylersville. He said the developer, speaking at the Zoning Commission meeting, said their plan was good "for us", but should have said it was good "for them". Their presentation excluded visuals showing the nearly 500 homes they would be impacting. He also said Kroger has submitted numerous amendments since the Zoning

Commission meeting to amend their plans to include other businesses such as a tire store, an oil change shop, car wash, and numerous fast food businesses. He questioned whether such businesses constituted a buffer zone. He concluded by saying the Zoning Commission is appointed by the Trustees, they would be invited to their next HOA meeting to explain their vote if the plan is approved. Commission members therefore represent the Trustees, and the Trustees

Dan Meehan, 9412 Patti Circle, said it was pitiful the Trustees approved a liquor license for a movie theatre, it will be a problem for the police to police, and there will be a problem with minors.

Michael Gyamfi, 4397 Leed Point Court, apartment 268, thought it was curious the former Biggs location is empty and that it hasn't been suggested Kroger could move into that location, enabling the Township to utilize an unutilized location.

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

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

Discussion Items & Trustees Comments

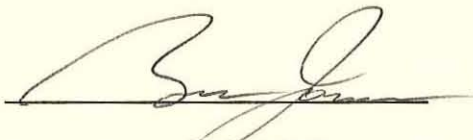
Mr. Wong noted the Lakota Schools were rated Excellent with Distinction this past week for the eleventh year in a row, it spoke well for the community, and he congratulated them.

Mr. Lang said the Excellent with Distinction rating spoke well for the Lakota Schools District considering they haven't passed a levy, resulting in significant cuts in their budget, yet have been able to be a very successful school district.

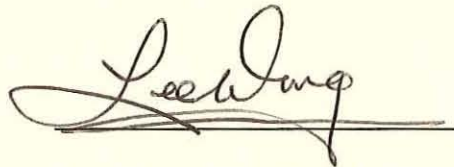
Mr. Wong expressed his appreciation for the citizen's comments, but said it would be inappropriate for the Trustees to comment at this time on the proposed Kroger zoning change because it was still subject to a vote by the Zoning Commission.

Adjournment

At 6:39 p.m. Mr. Lang motioned to adjourn the meeting, seconded by Mr. Wong. Discussion: none. **Motion carried.**



**Bruce Jones, Fiscal Officer**



**Lee Wong, Vice President**