

Record of Proceedings: June 28, 2016
West Chester Township Board of Trustees - Regular Meeting

Convene: President Welch convened the meeting at 6:00 p.m.
Roll Call: Mr. Welch, Mr. Lang, and Mr. Wong responded.
Pledge of Allegiance: Repeated by those present.

Citizen's Comments

David Brown, representing the Butler County Auditor's office, reported on "skimmers" on area gas pumps, specifically West Chester Township.

Presentations

There were no presentations.

Action Items – For Approval by Motion

MOTION made by Mr. Lang seconded by Mr. Wong, to approve the Trustee Meeting Minutes for June 14, 2016. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to establish a commercial lighting district and to certify assessment to the applicable property owners to be charged for the operational and maintenance costs of the applicable lights pursuant to Ohio Revised Code section 515.01. Discussion: none. Mrs. Boyko interjected as a point of order that the motion pertained to establishing a lighting district for the extension of Civic Center Boulevard. **Motion carried unanimously**

MOTION made by Mr. Lang, seconded by Mr. Wong, 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 \$30,488.61 Frost Brown Todd, LLC – Legal services through May 31, 2016
(various departments)
2. Adm \$4,364.13 Ohio Township Association Risk Management – Remit payment for deductible for certain litigation
3. Fire \$6,370.00 Vogelpohl Fire Equipment – Purchase twenty-six replacement firefighting helmets (CIP #1178)

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve payment of requisitions 1 through 3. Discussion: none. **Motion carried unanimously.**

Personnel Items

Mrs. Boyko introduced the next item saying the Township usually has two HR Specialists, but they had only one employee for the last 9-10 months. She also said an HR Specialist and an HR Generalist are synonymous positions and the term of the contract was just over four and half months, allowing them time to identify a permanent employee.

MOTION made by Mr. Lang, seconded by Mr. Wong, to contract with Office Team (Robert Half International) for temporary placement services not to exceed \$20,000.00 for an HR Specialist 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: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying the Township regrets losing this long term employee, a labor operator, but must as a result of a workers compensation injury that prevents him from returning to work.

MOTION made by Mr. Lang, seconded by Mr. Wong, to release a contract employee for medical separation. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying the applicant had successfully completed applicable testing and procedures.

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve the revised job description for the Fire Department Administrative Assistant as illustrated in the attached supporting documentation, and to promote Mrs. Jennifer Whittaker to fill the vacant position of Administrative Assistant effective June 29, 2016, at the hourly rate of \$19.34 with a one year probationary period, and contingent upon successful completion of applicable testing and procedures. Discussion: none. **Motion carried unanimously.**

Business Items

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve license agreement between West Chester Township and Union Centre Boulevard Merchant Association for the use of a portion of Township property, 9285 Centre Pointe Drive and ancillary and adjacent roadways, for the production and presentation of the Union Centre Boulevard Food Truck Rally (Friday, August 12 from 11:30 a.m. to 10:30 p.m.), and authorize the Township Administrator to execute said agreement. Discussion: none. **Motion carried unanimously.**

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 June 28, 2016 to be public nuisances 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: Mr. Lang observed that several commercial properties were included, and all but one of the properties was not in foreclosure. (Fiscal Officer Note: The 11 subject properties were 8052 Quail Meadow

Lane, 5618 Tylersville Road, 8367 Cincinnati Dayton Road, 6963 Tylersville Road, 7708 Parktown Drive, 10170 Summit Avenue, 8916 Walnut Ridge, 8872 Cincinnati-Dayton Road, 7859 Butler Warren Road, 7683 Tylersville Road, 7859 Kingsgate Way.) **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to not object to liquor permit transfer from Munafo, Inc., dba Munafo's Party Store, 9153 Cincinnati Columbus Rd., to Incept 16, Inc., dba Fine Wine and Spirits, 9153 Cincinnati Columbus Rd. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to not object to Liquor Agency Contract for Incept 16, Inc., dba Fine Wine and Spirits, 9153 Cincinnati Columbus Rd. Discussion: none. **Motion carried unanimously.**

First Reading of Resolutions & Reading of Emergency Resolutions

Mrs. Boyko read Resolution No. 20-2016 adopting the 2017 tax budget, and declaring an emergency and dispensing with the second reading. She explained that the Board is required by statute to approve a budget for the following year by July 15th. The budget is then submitted to the county Budget Commission. The Board had no questions.

Citizen's Comments

John Carr, 8053 Seabury Court, said he's assisted working families for the better part of his life. He took issue with what he termed unfounded accusation made at the last meeting about Professional Psychiatric Services and did not like the rhetoric used to support opinions. He attributed the remarks to "not in my back yard" thinking. He posed the question, do drug treatment centers bring more crime to an area? Citing statistics he commented people should be more concerned with a liquor store than a drug treatment center. He also cited statistics for drug overdose deaths, and mental health and suicide in Butler County and Ohio. Mr. Carr said the proximity of the proposed services would be close, making their use timely. He said he hoped no one ever saw a loved one beg for help for then, "not in my back yard" does not matter.

Randy Simmons, 5924 Owl Nest Drive, thanked Township personnel for helping him with an issue in front of his home relating to ice build-up.

Sherry Harbin, representing 9117 Cincinnati-Columbus Road, referred to the April 12th trustee meeting, saying that was when the township placed a moratorium on their facility. She explained the perspective of their facility, terming it a "big puzzle" why a moratorium was placed. She attributed the moratorium to an effort to assist the Lumiere Healing Center to get a competitive edge over competitions like theirs and Beckett Springs. She also said the Lumiere was next to a school for special needs children, a reason given for the moratorium. She said the Township could have invoked a moratorium before Lumiere opened, rather than afterwards yet before they, professional Psychiatric Services proposed opening. She termed the moratorium a puzzle loaded with hidden drives and motives. She also said neither they nor Lumiere did PR work, but the decision was influenced by the owner of the property at 7593 Tylers Place,

John Cacaro who sold the property to Lumiere under Smart Management LLC. She said Smart Management made a 100% profit on the property in a few years and Lumiere was given a substantial jump start while the Township shut down every potential competitor. Mohamed Aziz, 7883 Chestershire Drive, gave the stated reasons for the moratorium. He said Mrs. Boyko attempted to make a comparison between their proposed facility and the experience by the city of Silverton, and he disputed a comparison. He then suggested Mrs. Boyko would propose resolution of the issue comparable to that proposed by Silverton. Dr. Aziz said litigation would come through once there's another vacant property, the loss of economic development, and misuse of taxpayer money. He then characterized Mrs. Boyko's goal as changing the zoning on the subject property from B2 and its use, and said she must be held personally accountable. He concluded by saying the moratorium was discriminatory against him and his business, and his patients, who are protected by the ADA. Dr. Aziz told the Trustees they were ill advised if Mrs. Boyko or the Township legal counsel advised them to maintain the moratorium. The cost of litigation would be very high. He didn't believe discussion were moving an inch, all the while they were losing time, services, and money. He promised the Board that evening would be the last time they came there to talk, and asked the Board to immediately lift the moratorium. (Fiscal Officer Note: At the conclusion of these minutes is a one page document submitted by Mr. Aziz during his comments.)

Gene Drodz, 8382 Country Oaks Station, said he was an officer and Trustee of the Pisgah Youth Organization (PYO). He said he was appalled by the rhetoric from the podium, and said there were other suitable places to locate the proposed facility. He said it's okay for citizens to petition and object with "not in my backyard". He acknowledges the need for services but asked the Board to keep it out of their backyard.

Tim Heenan, 8850 Brook Knoll Drive, suggested "not in my backyard" might also be "it's not appropriate here", making reference to methadone use. He expressed concern with bringing people into a residential area with such needs, and people just don't want it there. He concluded the moratorium was appropriate if they needed more time to look into the facility further. Mr. Heenan said businesses are all against the proposed facility at that location.

Roger Melford, 8125 Woodward, Drive, gave a detailed account of his roles with PYO. He said everyone he's spoken to about the proposed facility and the location believe it's the worst idea they ever heard of. He gave his understanding of the various services that would be provided, understood the location was attractive because it was centrally located, suggesting it might draw court ordered patients from various areas. He concluded by saying people think another location would be best for the community.

Laurie Schaber, 8976 Revere Run, said she's been a nurse and in the medical field over half of her life, and she gave her experience with drug addiction and mental health issues. She said people are "not in my back yard" until you tell them what's going on there and there exists a need to educate the people of West Chester.

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

MOTION made by Mr. Lang, seconded by Wong, to declare Emergency Resolution No. 20-2016 an emergency and dispense with the second reading. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve Resolution No. 20-2016 as read and as already declared an emergency. Discussion: none. **Motion carried unanimously.**

Discussion Items & Elected Official Comments

Mrs. Boyko responded to the citizen's comments about the proposed facility on Cincinnati Columbus Road, saying they were attributable when people are responding to limited information, rather than the free flow of information. She said it was important to contest several of the previous statements made for the public record from a factual perspective. She said the Board initiated the moratorium, the Board approved the moratorium, and the Board directed staff to understand various qualities/features related to the proposed project and similar uses, and the Board wanted time to study their findings. Mrs. Boyko said Dr. Aziz did recently provide a very comprehensive and inclusive packet of information which she provided to the Board of Trustees. She said staff and legal counsel are proceeding as "agents" for the Board and are researching various perspectives as to the impacts of the services proposed. She said she never made a comparison to Silverton, rather it was part of the research compiled for the Board's determination as to how they should proceed. Mrs. Boyko said she was troubled by the comment that the business did not have a very good PR campaign, saying she never made such a reference.

Mr. Jones wished everyone a safe and vigilant Independence Day. He said he was troubled by the release of the Benghazi investigation hearings, that people without conscience don't care about our freedoms, and it would take people of conscience to protect our freedoms. He asked people to be vigilant this Independence Day.

Mr. Wong said he served 20 years in the military so he could defend the Constitution; he then read the Fourteenth Amendment, Section 1 and said he would not vote for a president who's a racist. With that being said, he expressed his reservation with the moratorium and why he previously supported it. He then cited what he termed misinformation as well as the requirement Dr. Aziz was subjected to. He said we don't have an impact study, only legal bills, asserting he was "fed with all kinds of misinformation". Mr. Wong said there was no need for plans from Lumiere. He said we'll be sued and then settle. He said he regretted voting for the moratorium, it's out of control, and "we are throwing Dr. Aziz under the public bus". He said the moratorium should be immediately rescinded.

Mr. Lang said he was and still is for the moratorium because the question was, "does this make sense for this location?" He suggested he believed we're pretty closing to wrapping up the research and getting a report. He expressed appreciation for John Carr's research and asked that he share his statistics and sources with staff. He said he was disappointed with Ms. Harbin's comments, and the only reason they were discussing this was because of "not in my backyard", "does that business make sense in that location". Mr. Lang said the other comments given were just a distraction from reality. He said he has not come to a conclusion on the issue and he

doesn't take kindly to legal threats. Regarding legal bills, he said we'll get sued either way. He expressed appreciation for Mr. Heenan's comments and addressed Mr. Melford's comments. He concluded by saying he was not compelled to lift the moratorium because he felt we were so close to completing the research.

Mr. Welch said he agrees with Mr. Lang's comments. He added, in response to Ms. Harbin's comments, there was no conspiracy, and he believes they have a PR problem. Mr. Welch said he was still for the moratorium and "we're close". He said PPS's failure to bring in the neighbors is the reason there is an issue. There was no ulterior motive. He also defended Mrs. Boyko, terming her "one of the most upstanding, honest people I know". Mr. Welch concluded his comments by praising Mrs. Wilson, West Chester Integrated Multimedia & Marketing Director for her handling of controversial comments in a Facebook exchange. Mr. Wong agreed that the Township must have one source for communicating information.

Recess to Executive Session

At 7:50 p.m., Mr. Welch 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) discipline, termination, or promotion, hiring, or transfer of a current public employee; (b) provision of benefits for a contract employee, (2) Acquisition, sale, or swap of real property, (3) Current and pending litigation. Motion made by Mr. Lang, seconded by Mr. Wong. Discussion: none. **Motion carried unanimously.** Mr. Welch declared the meeting in recess and said the Board would return after Executive Session to adjourn the Executive Session and the Regular meeting respectively.

Post Executive Session/ Adjournment

MOTION made at 8:49 p.m. by Mr. Wong to adjourn the Executive Session and resume the June 28, 2016 Regular meeting, seconded by Mr. Lang. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Wong, seconded by Mr. Lang, to adjourn the meeting. Discussion: none. **Motion carried unanimously.**

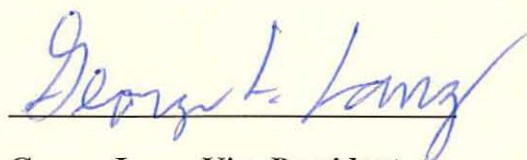
(**Fiscal Officer Note:** The preceding are narrative minutes. The signatures of the Fiscal Officer and Board President appear immediately below, constituting the entirety of page six. Following this page is the one page referred to at the conclusion of the Citizen Comments by Dr. Mohamed Aziz. There are a total of seven pages in this document.)

Respectfully Submitted,



Bruce Jones, Fiscal Officer

Approved,



George Lang, Vice President

Two Projects.. Lots of Discrepancies

Silverton

West Chester

Discrepancies

- Originally Zoned Residential
- Permitted Use: Assisted Living
- Service expansion planned was from 2,200 SF to 70,000 SF.
 - We proposed 3 phases of the project for planning
- Received Approval as Planned Institutional Development
- Zoning certificate expired. NEVER a moratorium.
 - Silverton proposed upon re-application for PPS to do Phase 1 only and use 30% of the building.
 - So 30% PID and 70% Residential = hornets nest.
- CURRENTLY Zoned B-2
- Permitted Use: Hospital and Medical Services
- Service expansion planned is from 10,000 SF to 30,000 SF.
 - We are only proposing ONE phase and only ONE phase.
- No need for re-zoning (currently?)
- Moratorium placed on a building already zoned hospital/medical offices.

Similarities

- Outcome:
 - Litigation and loss of taxpayer money
 - Vacant property with damage and destruction
 - Loss of Business Development for the Silverton area with loss of jobs, tax revenue and economic growth
- Outcome:
 - ← Anticipate same outcome as Silverton if Moratorium is not lifted

*Submitted by PPS
board of trustees meeting during
w/ citizens' comments*