

**Record of Proceedings: May 28, 2013**  
**West Chester Township Board of Trustees - Regular Meeting**

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

Roll Call: Mr. Wong, Mrs. Stoker, and Mr. Lang responded.

Pledge of Allegiance: Repeated by those present.

Citizen's Comments

Dieter Lubert, 7573 Granby Way, said he wanted to talk about safety because he's a walker, hiker and biker. Specifically, he expressed concern that there were no sidewalks on Cox Road for children to use going to/coming from school. He expressed concern for public safety at the intersections of Tylersville and Cox Roads, and Tylersville and Kingsgate Drive. He also commented on Keehner Park and the VOA Park.

Presentations

There were no presentations.

Action Items – For Approval by Motion

Mrs. Stoker apologized, saying she did not have an opportunity to review either the April 23<sup>rd</sup> or May 14<sup>th</sup> meeting minutes that were on the agenda. Mr. Lang noted she submitted proposed changes to the April 23<sup>rd</sup> minutes. He said he was of the impression Mr. Jones incorporated all of them, asking Mr. Jones for clarification. Mr. Jones said all of Mrs. Stoker's submittal was included with one exception. He explained that it was not included due to the uncertainty of Mrs. Stoker's characterization of Mr. Lang's position on an issue, defining him, though Mr. Lang was absent at the time she made the comment. Mr. Jones said, under the circumstances, the exclusion was a courtesy he would extend to any of the Trustees. Mrs. Stoker said she did not have an opportunity to read the email Mr. Jones sent with that explanation. The Board agreed to postpone action on these two meeting minutes until the next meeting.

**MOTION** made by Mr. Lang, seconded by Mrs. Stoker, 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           \$14,728.40 Dell Marketing L.P. – Purchase computer hardware per replacement program (various depts.)
2. Comm Dev   \$5,000.00 Cincinnati USA Regional Chamber – Renew Economic Development Partnership for 2013
3. Fire           \$4,783.25 Warren Fire Equipment, Inc. – Perform annual bench testing of Self Contained Breathing Apparatus (SCBA) and masks
4. Fire           \$12,827.46 Bound Tree Medical LLC – Purchase bulk EMS supplies



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|--------------|-------------|---|
| 5. Fire      | \$8,478.34  | Midwest Medical Supply – Purchase bulk EMS supplies   |
| 6. Fire      | \$7,553.95  | Henry-Schein Matrix Medical – Purchase bulk EMS supplies  |
| 7. Fire      | \$3,225.00  | Vidacare Corporation – Purchase bulk EMS supplies   |
| 8. Police    | \$3,000.00  | Force Science Institute, LTD – Pay tuition for Force Science Certification Course   |
| 9. Services  | \$37,499.18 | Butler County Water and Sewer – Reimburse for materials to be purchased for the VOA water main extension project (CIP #506) |
| 10. Services | \$20,000.00 | Brewpro – Purchase crack seal for Cimline machine   |
| 11. Services | \$10,000.00 | Terry Asphalt Materials, Inc. – Purchase crack seal for Durapatcher machine   |

**MOTION** made by Mr. Lang, seconded by Mrs. Stoker, to approve payment of requisitions 1 through 11. Discussion: none. **Motion carried unanimously.**

#### Personnel Items

**MOTION** made by Mr. Lang, seconded by Mrs. Stoker, to hire (1) April – October seasonal employee: Alexander Vohland (replacement) (Parks); and (1) May – September seasonal employee: Jay Koepfle (Parks) both effective May 22, 2013, both at the hourly rate of \$11.25. Discussion: none. **Motion carried unanimously.**

#### Business Items

**MOTION** made by Mr. Lang, seconded by Mrs. Stoker, to approve statutory Resolution No. 06-2013 amending Resolution 57-2004; authorizing West Chester Township to pick-up the statutorily required contributions to the Ohio Police and Fire Pension Fund for applicable employees of West Chester Township. Discussion: Mr. Lang expressed appreciation for Mrs. Boyko’s explanation of the legal meaning of the term “pick-up”, adding the township was not paying the employee’s portion of the pension contribution. He said this resolution was necessary because the Ohio Revised Code modified the percentages the employee has to pay to their retirement plan. Mrs. Stoker said the increased deduction amount was being deducted from the employee’s paychecks. **Motion carried unanimously.**

**MOTION** made by Mrs. Stoker, seconded by Mr. Lang, to appoint Michael Juengling, Community Development Director, to the Ohio-Kentucky-Indiana Regional Council of Governments (OKI) Intermodal Coordinating Committee (term effective July 1, 2013 through June 30, 2014). 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 May 28, 2013 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 Mrs. Stoker. Discussion: none. (Fiscal Officer note: The sixteen subject properties were 8818 LeSourdsville-West Chester Road,



Corner of Cox Road & Joan Drive (parcel #M5620-094-000-103), 7886 LeSourdsville-West Chester Road, 7682 Christine Avenue, 8435 Meadowlark Court, 9109 Wintergreen Drive, 9567 Oleary Drive, 7110 Tylersville Road, 7987 Fourth Street, 7564 Bridgeford Court, 6368 Oregon Pass, 7873 Kingland Drive, 7160 Forestview Drive, 7623 Whitehall Circle West, 7312 Kingsgate Way, 10166 Summit Avenue.) **Motion carried unanimously.**

**MOTION** made by Mr. Lang, seconded by Mrs. Stoker, to not object to a liquor permit transfer from Barrington of West Chester LLC, DBA Barrington of West Chester, to SHP IV Barrington of West Chester LLC, 1st Floor, 7222 Heritage Spring Drive. Discussion: none. **Motion carried unanimously.**

**MOTION** made by Mrs. Stoker, seconded by Mr. Lang, to not object to a new liquor permit for Learning Kitchen LLC DBA The Learning Kitchen, 7659 Cox Lane. Discussion: none. **Motion carried unanimously.**

**MOTION** made by Mrs. Stoker, seconded by Mr. Lang, to accept bid from Advanced Contractors and Estimators, Inc. for the 2013 Storm Water Pipe Replacement Program not to exceed \$86,110.75 and authorize the Township Administrator to execute said bid. Discussion: none. **Motion carried unanimously.**

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

Mrs. Boyko explained that this agenda item – Resolution No. 07-2013 - pertained to the public hearing scheduled for 7:00 p.m. and the Board agreed to defer action on this item until after the hearing.

#### Citizen's Comments

There were no citizen's comments.

#### Discussion Items & Trustees Comments

Mrs. Boyko recognized Fire Chief Goller and Police Technician John Hunkler, who represent the Township on the Greater Hamilton Safety Council, noting their participation enables the Township to receive workers' compensation rate deductions. She also said they received a Board of Directors Outstanding Effort Award at their 2012 Annual Banquet.

Mrs. Boyko also gave an update of the Butler County Solid Waste Management Plan Amendment. She said the plan was required by legislation and the Board originally ratified the plan in 2005. The plan was updated in 2011, however the currently proposed policy amendment is to reduce the generation fee charged to solid waste haulers – Rumpke, CSI, Waste Management, etc. - from \$2.00 per ton to \$1.00 per ton. The proposed reduction requires an amendment to the budgetary section of the plan. Another proposed budgetary change is to reduce roadside collection service from \$56,000 to \$27,000 annually. She said they do not effect recycling costs or the recycling incentive paid to the Township. This would result in a monthly saving to the average resident of approximately 11 cents. The purpose for presenting this to the



Board was that ratification of these changes is required by jurisdictions comprising 60% of the county's population. She said the County has a deadline of June 30<sup>th</sup> for ratification and asked the direction of the Board. In response to Mrs. Stokers' question as to whether or not the changes would have any impact on the Township's finances, Mrs. Boyko indicated it would not. Mrs. Stoker asked if the solid waste haulers would be required to pass along the 11 cents to residents, and Mrs. Boyko said it is being passed on. Mr. Wong asked Mrs. Boyko if there would be no reduction in the recycling money that is coming back to the Connections Plan. Mrs. Boyko confirmed there would be no change in the recycling incentive paid for the drop boxes. Mrs. Stoker asked if they could proceed on the matter at this time, but Mrs. Boyko indicated they would need to prepare a formal resolution for the next meeting.

Mr. Lang had no comments.

Mrs. Stoker commented how there was a very stirring Memorial service at the cemetery the day before, and recognized veteran Mr. Wally Schulze in the audience.

Mr. Wong said he appreciated the citizen's turnout and participation at the Trustee meetings.

#### Initial Adjournment

Mrs. Boyko advised how to adjourn and thereupon Mr. Wong entertained a motion at 6:26 p.m. to adjourn the regularly scheduled regular meeting and go into Executive Session with legal counsel for the purpose of considering and discussing (1) personnel matters; review of benefits and duties of certain non-contract and contract employees, review of the retention, tenure, or evaluation of a public employee, review compensation and benefits of certain non-contract employees, (2) acquisition, sale, or swap of real property, (3) current and pending litigation. He said the Board would return. Mr. Lang made the motion, seconded by Mrs. Stoker. Discussion: Mr. Lang clarified that the Board would be returning at 7:00 for the sole purpose of a public hearing regarding the Group Health Associates zoning application - not regarding any matter from their Executive Session. **Motion carried unanimously.**

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**At 7:00 p.m. Mr. Wong reconvened the regular meeting** and roll call was taken: Mr. Wong, Mrs. Stoker, and Mr. Lang responded. Mr. Wong declared open the public hearing for Group Health Associates, Case #ZMA 01-13:

Staff Report: Mr. Behrmann reported the subject property is located on the east side of Tylersville Road, approximately 1700' south of Tylersville Road. The applicant is requesting a Zoning Map Amendment for 6.94 acres from "R-1A" to "C-PUD" as well as approval of the Preliminary Development Plan. The Applicant is Duke Realty Ohio. Visuals were shown defining the property site. He pointed out the surrounding property zoning. The plan entails a 52,000 sq. ft. medical office building, plus a second phase comprised of a 20,000 sq. ft., two story addition adjoining to the east. The applicant proposed 35% open space, well in excess of the 15% required by the PUD regulations. A north side access drive and a south side access drive were identified, as well as a retention pond toward the rear of the property. The Proposed



Land Use was defined. Mr. Behrmann then expressed comments and recommendations by Staff. Site views were shown in all directions. Mr. Behrmann said the West Chester Zoning Commission conducted a public hearing on April 15, 2013, and it recommended approval with conditions that were incorporated into the draft resolution. The Butler County Planning Commission also conducted a public hearing on April 9, 2013 and also recommended approval of the application with conditions. The Butler County Engineer's Office expressed several concerns that will be addressed in the Final Development Plan, the West Chester Fire Department had three comments, the Butler County Environmental Services had two comments, and the Butler County Soil and Water Conservation had a comment. Mr. Behrmann said the First Reading is prepared for this meeting. At the Second Reading, he said the Trustees can accept the Zoning Commission's recommendation of approval, approve with modification or deny the submitted Zoning Map Amendment and Preliminary Development Plan, unless additional information is necessary.

Questions from the Board: Mrs. Stoker asked if the applicant was going to have pitched roofs, similar to surrounding commercial properties. Mr. Behrmann said he didn't know what would be the appearance of the roof because the applicant hasn't presented preliminary architectural plans at this time.

Applicant presentation: Jay Smith with Duke Realty identified himself as the applicant, said they would be the owner and developer of the project, and that Group Health Associates would be the sole tenant in the building. He said the additional 20,000 sq. ft. second phase would constitute an option for future expansion. He said he's discussed landscaping with the property owner to the east and is nearing resolution of a right-in/right-out access easement agreement with the property owner to the south. He said they do not have any issue or concerns in complying with the Staff recommendations and conditions, or those of county officials. To Mrs. Stoker's previous question as to whether or not they would have a pitched roof similar to surrounding commercial properties, he said the building would have a flat roof. He then introduced Randy Hammond, Director for Support Services for Group Health Associates, who explained Group Health Associates. In response to Mr. Wong's question as to whether or not the proposed facility would be pedestrian accessible, the applicant said there would be a sidewalk all along Route 747, as well as interior sidewalks.

Proponent comments: Steve Hunt, attorney with Aronoff, Rosen and Hunt, said he represents Hutzelman Farms. They are the owners of the 20 acre commercial site directly across from the subject property. He said they support the project, but his purpose for commenting is to be sure everyone is in agreement that the previously referenced north access drive is merely temporary. He said his client is in the process of developing their property, they have a previously ODOT approved curb cut where they'll eventually have a traffic light, and they want it understood that Duke will re-align their temporary curb cut in direct alignment with their ODOT approved curb cut. He said his client asked that he make that statement for the record.

Opponent comments: There were none.

Neutral comments: There were none.

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

Mr. Behrmann read Resolution No. 07-2013: Resolution approving a Zoning Map Amendment from "R-1A" to "C-PUD" and Preliminary Development Plan for case #ZMA 01-13 – Group Health Associates – Medical Office Building. 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 Zoning Map Amendment from R-1A" to "C-PUD" and Preliminary Development Plan for the aforesaid application with the following conditions, whereupon Mr. Behrmann noted there were 10 conditions.

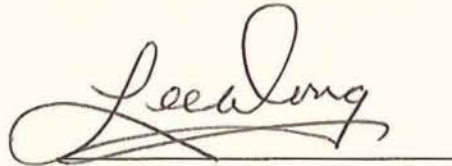
**Thereupon Mr. Wong closed the public hearing.**

**Adjournment**

At 7:20 p.m., Mr. Lang motioned, seconded by Mrs. Stoker, to adjourn the Regular meeting. Discussion: none. **Motion carried unanimously.**

A handwritten signature in cursive script, appearing to read "Bruce Jones", written over a horizontal line.

**Bruce Jones, Fiscal Officer**

A handwritten signature in cursive script, appearing to read "Lee Wong", written over a horizontal line.

**Lee Wong, President**