

**Record of Proceedings:** **September 13, 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.

Mr. Lang interjected he would need to leave the meeting at approximately 6:30 because he's the Township representative to the Butler County Emergency Management Agency, and they were having their quarterly meeting at 7:00 that evening in Hamilton.

Citizen's Comments

There were no citizen's comments.

Presentations

Roger Reynolds, Butler County Auditor, presented Fiscal Officer Jones, on behalf the Township, a check for \$170,589.71, the result of surplus levy fees. He explained that the cost to operate the Real Estate Department in his office is paid by levy fees, he's reduced this operating cost from \$4 million to \$2 million annually since he's taken office due to innovations, and the resultant surplus is to be returned to the entities that operate the levies, pursuant statute. He expressed his pleasure that he was returning these funds to the place he grew up. Mr. Lang observed that Mr. Reynolds has returned in excess of \$600,000 in surplus levy fees since he took office.

Action Items – For Approval by Motion

**MOTION** made by Mr. Lang, seconded by Mr. Wong, to approve the Trustee Meeting Minutes for August 23, 2016. Discussion: none. **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:

1. Adm        \$37,744.83 Frost Brown Todd, LLC – Legal services through July 31, 2016  
(various departments)
2. Fire        \$8,500.00 ZOLL Data Systems, Inc. – Renew annual EMS reporting software  
maintenance agreement
3. Police      17,035.00 Atlantic Signal – Purchase 18 SWAT communication headsets (CIP  
#1207)
4. Police      \$5,681.00 3M Cogent Systems – Renew one year maintenance agreement for the  
Automated Fingerprint Identification System (AFIS)

Requisitions – Greater than \$2,500.00

**MOTION** made by Mr. Lang, seconded by Mr. Wong, to approve payment of requisitions 1 through 4. Discussion: none. **Motion carried unanimously.**

Personnel Items

Mrs. Boyko introduced the next item saying a previous Board had approved a compliment of 73 part-time firefighters and the Township currently has 18 vacancies. Hiring the five part-time firefighter/EMTs as proposed would reduce the vacancies to 13.

**MOTION** made by Mr. Lang, seconded by Mr. Wong, to hire five part-time firefighter/EMTs to fill vacant positions effective September 16, 2016 at the hourly rate of \$16.25 with a one year probationary period, and contingent upon successful completion of applicable testing and procedures: FF II/EMTs Laurence Baibak, Corey Brown, Joshua Lentz, Francis Puglielli and Michael Taylor. Discussion: none. **Motion carried unanimously.**

Business Items

**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 September 13, 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: none.

(Fiscal Officer Note: The subject properties were 8360 Todd Creek Circle, 7906 Orchard Court, 4855 Brantford Court, 5939 Tylersville Road.) **Motion carried unanimously.**

**MOTION** made by Mr. Lang, seconded by Mr. Wong, to not object to a new D2 and D3 liquor permit for Swing 365, LLC, dba Swing 365, 6088 West Chester Road. Discussion: none.

**Motion carried unanimously.**

**MOTION** made by Mr. Lang, seconded by Mr. Wong, to not object to a new D2 and D3 liquor permit for Haveli, LLC, dba Haveli Indian Grill & Cuisine, 9446 Water Front Drive.

Discussion: none. **Motion carried unanimously.**

**MOTION** made by Mr. Lang, seconded by Mr. Wong, to not object to a new D5 liquor permit for C & E Sports Management, LLC, dba Rialto Sports, 9230 Port Union Rialto Road.

Discussion: none. **Motion carried unanimously.**

First Reading of Resolutions & Reading of Emergency Resolutions

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

### Citizen's Comments

Mohamed Aziz, 7883 Chestershire Drive, commented that we are going through a drug overdose epidemic that's been especially well publicized for the greater Cincinnati area. He said these people are stereotyped and become "refugees" in society, adding that we want them to disappear. They disappear until they overdose, die, or commit illegal activities. He said West Chester Township has said they do not want these kind of patients in their back yard, and they placed a moratorium on their project for that specific reason, as well as to perform studies. He said the situation was much more urgent than West Chester Townships' desire to study the situation. He questioned why shut down the business, rather than study while allowing business development concurrently. He said the subject property is zoned B2 which accommodates the services they would provide, which he asserted Mrs. Boyko confirmed for Mr. Lang. Dr. Aziz said the drug overdoses that are publically recognized are just the tip of the iceberg. He remained hopeful West Chester would welcome their patients, whom he said come from everywhere, including the PYO and West Chester homes.

Gene Drodz, 8382 Country Oak Station, said its okay for neighbors of the proposed facility to say, "not here", adding that the proposed location wasn't the only place the facility could locate. He said it could be located where there wasn't opposition, where there weren't children, and not next door to a residential neighborhood, a daycare, and a ball park. Mr. Drodz said the thousand signatories to their petition in opposition to the facility hope Dr. Aziz could find another location.

Charis Peterson, 7324 N. Pisgah, said she obtained signatures to the petition because they were unhappy with the proposed facility. She said they were not opposed to people receiving treatment, but opposed to the location as proposed.

(Fiscal Officer Note: Trustee Lang left the meeting at 6:26 p.m. for his previously announced commitment.)

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

Mrs. Boyko introduced the next item saying the Board had identified several significant community matters in the past 12 months that they've studied, and determined could be addressed with zoning text amendments. She said they were in the categories of variance standards, types of cellular wireless telecommunication towers, sexually oriented businesses, sexual encounter businesses, and institutional care facilities, adding that the Permissible Use by District Table had been updated to reflect these proposed changes. This Resolution does not approve any amendments, but simply initiates a process to propose the amendments through the public hearing process. She said there would be two public hearings in October (Fiscal Officer Note: the two Public Hearings will be before the Butler County Planning Commission and the West Chester Township Zoning Commission) to address these prior to the Trustee's public hearing sometime in November. She gave definition to what qualified as an institutional care facilities, specifically noting that an addiction services facility could be in a B2 District, but require a Conditional Use approval through the Board of Zoning Appeals. Mrs. Boyko said she disclosed to the Board during the First Reading that the Second Reading would entail

modifications to the Permissible Use by District Table, which would be part of the Board's consideration of the Resolution.

**MOTION** made by Mr. Welch, seconded by Mr. Wong, to approve Resolution No. 25-2016 initiating proposed text amendments to the West Chester Township Zoning Resolution concerning and governing various community Matters. Discussion: As Mrs. Boyko announced during the first reading of Resolution 25-2016, there are corrections to the Permissible Use by District Table that must be captured for the second reading. If the Board wanted to accept the corrected Permissible Use by District Table, Mr. Welch said a motion to accept the corrections was required before they voted on the pending motion. For clarity and edification purposes regarding Permissible Use by District Table the West Chester Board of Trustees finds the Permissible Use by District Table does not include or did not include all possible zoning districts for related uses within the township. The West Chester Board of Trustees sought to include all of the districts in the Permissible Use by District Table. It was noted Mrs. Boyko had stated there are only a few changes from the First to the Second Readings. If the Board wanted to accept the corrected Permissible Use by District Table, a motion to accept the corrections was required before they voted on the pending motion. Subsequently . . .

**MOTION** was made by Mr. Welch to approve the revisions to the permissible use by district table as illustrated and attached to this second reading.

Mr. Wong asked if it included the institutional care facility. Mr. Welch answered it did. Mr. Welch proceeded to give definition to the process, saying an addiction treatment facility would need to go before the Board of Zoning Appeals as a site specific conditional use situation. Mrs. Boyko explained that the latter motion pertained to accepting the changes to the Permissible Use by District Table and needed to be addressed first. Mr. Wong seconded the motion. **Motion carried.**

Mr. Welch commented the revisions to the Permissible Use by District Table had been accepted. In order to incorporate the just approved revisions to the Permissible Use by District Table and amend Resolution 25-2016 from its First Reading to its Second Reading, Mr. Welch amended his original motion and Mr. Wong amended his second to the initial motion to approve the Second Reading for Resolution 25-2016, and accepted the revised Permissible Use by District Table. With that, Mr. Welch noted the motion on the floor, now amended with the modified Permissible Use by District Table, was included as part of the Board of Trustees' disposition on Resolution 25-2016. Discussion on the now amended original motion: Substantial discussion followed Mr. Wong's suggestion that references to institutional care facilities be removed from the Resolution. Mrs. Boyko cited the definition as to what is and what is not an institutional care facility, and said they would be evaluated accordingly in the application process. Having concluded discussion, Mr. Welch then asked for the roll call on "the amended motion on the floor to approve Second Reading Resolution No. 25-2016 initiating proposed text amendments to the West Chester Township Zoning Resolution concerning and governing various community matters with the revised Permissible Use by District Table". **Motion carried.**

Mrs. Boyko introduced the next item, noting the processing of the application, including that the Board had conducted a Public Hearing on August 23, 2016, and that eleven conditions had been applied to the Resolution.

**MOTION** made by Mr. Welch, seconded by Mr. Wong, to approve Resolution No. 26-2016 approving a zoning map amendment from M-1 and A-1 to C-PUD and preliminary development plan for Case #ZMA 03-16 – The Fields at Liberty Way. Discussion: none. **Motion carried unanimously.**

Discussion Items & Elected Official Comments

No one had any comments.

Adjournment

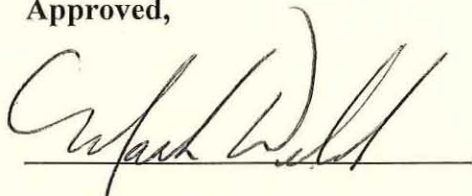
**MOTION** made at 6:51 p.m. by Mr. Wong, seconded by Mr. Welch, to adjourn the meeting. Discussion: none. **Motion carried unanimously.**

**Respectfully Submitted,**



**Bruce Jones, Fiscal Officer**

**Approved,**



**Mark Welch, President**