

Record of Proceedings: June 11, 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

There were no citizen's comments.

Presentations

There were no presentations.

Action Items – For Approval by Motion

MOTION made by Mrs. Stoker, seconded by Mr. Lang, to approve the Trustee Meeting Minutes of April 23, 2013 with all the changes she submitted. Discussion: Mrs. Stoker noted the agenda minutes for April 23rd did not include all her changes. Mr. Jones confirmed that it has all of them with one exception, to be included. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to approve the Trustee Meeting Minutes of May 14, 2013. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to approve the Trustee Meeting Minutes of May 28, 2013. Discussion: Mr. Wong said he wanted a comment he made in that meeting questioning the effect of the solid waste matter included in the minutes. Mr. Jones indicated that was fine, but he didn't know what was missing and asked Mr. Wong to send him something. The Board agreed to postpone action on these minutes until the next meeting, thus Mrs. Stoker withdrew her second. **Motion failed for lack of a second.**

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 | \$11,765.87 | Security Confidence – Renew annual service and support agreements for firewall and antivirus applications |
| 2. Adm | \$3,500.00 | South Ohio Horizons LLC – Pay tuition for VMware vSphere training |
| 3. Fire | \$3,374.00 | F.E.S. - Fire & Security, LLC – Perform annual fire prevention system testing |

4. Police \$5,336.00 General Advertising Products – Purchase promotional items for educational and safety events

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

Personnel Items

Mrs. Boyko introduced the next agenda item saying the staffing for records clerks in the police department had been reduced from 5 five years ago to now 3, and one of them is off due to an extended illness. The reduction to 3 records clerks is creating difficulty in their ability to produce accurate and timely police records. She also noted public records requests have increased approximately 15% in the last year, and requests for expungements have increased 161% over the past 5 years, most significantly last year. These are the reasons the police chief is requesting a part-time, temporary staffing person for a limited time period to maintain accurate and timely police records.

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to contract with this temporary staffing service (Office Team/Robert Half International) for the Records Clerk position in the Central Records Section and approve an agreement not to exceed \$10,800.00, and authorize the Township Administrator to execute said agreement. Discussion: none. **Motion carried unanimously.**

Business Items

Mrs. Boyko introduced the next agenda item saying the effective date would be Friday, July 12, 2013, and that it would require a closing of a portion of Beckett Road. She said this is the second year, and noted the Board had not previously expressed any concerns.

MOTION made by Mrs. Stoker, seconded by Mr. Lang, to approve a license agreement between West Chester Township and Neurosurgery Fitzpatrick Chiari Foundation (NFCF) for the use of the Muhlhauser Barn and a portion of Beckett Park, 8558 Beckett Road, for the production and presentation of the LEI 5K Run/Walk & LEI Fest and authorize the Township Administrator to execute said agreement. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next agenda item - proposed amendments to the Butler County Solid Waste Management Plan - saying she presented this subject at the last Board meeting for discussion purposes. It entails a budgetary section change that would reduce the generation fee charged to solid waste haulers. She said the Board reached consensus and directed her to draft a resolution ratifying the amendment, to be sent to the Butler County Recycling and Solid Waste District.

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to approve statutory Resolution No. 08-2013 ratifying amendments to the Butler County Solid Waste Management Plan recommended by the Butler County Recycling and Solid Waste District to revise the solid waste generation fee and amend Section VIII of the Solid Waste Management Plan of Butler County, Ohio Discussion: none. **Motion carried unanimously.**

MOTION made by Mrs. Stoker 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 11, 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 Mr. Lang. Discussion: none. (Fiscal Officer note: The ten subject properties were 6533 Timberwolf Court, 5976 Glenn Trace Lane, 9497 Twin Valley Court, 7320 Paige Court, 7883 Chestershire Drive, 8783 Rambling Ridge Drive, 8185 Ventle Drive, 7124 Gregory Creek Lane, 7136 Pinemill Drive, 6860 Fountains Boulevard.) **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to not object to a liquor permit transfer from KWAK Business LLC, DBA Asiana Restaurant, to MIN Enterprises LLC, DBA Asiana Korean Restaurant, 6875 Fountains Blvd, Unit G. Discussion: none. **Motion carried unanimously.**

First Reading of Resolutions & Reading of Emergency Resolutions

Mrs. Boyko explained that this agenda item – Resolution No. 09-2013 - pertained to the public hearing scheduled for 7:00 p.m. and the Board agreed to defer action on this item until the hearing.

Citizen's Comments

Carl Rullmann, 8285 Ventle Drive, commented that complex legislation results in unintended consequences. He said legislation can control people's behavior, but questioned whether they reflect the betterment of society. Mr. Rullmann suggested that once officeholder's get elected, their friends and associates are heard, constituting special interests. As an example, he cited what he termed the "mishandled crosswalk" issue at Eaglet Drive. In contrast he referred to what he termed "unreasonable application of zoning rules", citing a tax practitioner and a Maud resident/businessperson as examples. He concluded by asking the Board, "which are more important and have more value . . . the rules, which are continually made more detailed and cumbersome, or the individual people, the least of these whom you purport to serve?"

Mark Morris, 8876 Eagleview Drive, said he was advised at a previous Trustee meeting that the Trustees are in charge of the Zoning Department, and questioned why the Trustees develop Union Centre Boulevard, but ignore Route 42. He said Route 42 looks like it did 40 years ago, saying there were dilapidated businesses, some without driveways. He questioned why the Zoning Department would choose to harass a businessperson for wearing a costume to promote their business, but ignore the need to upgrade Route 42. He concluded by referring to the City of Mason portion of Route 42 saying it, in contrast, has 4 lanes and trees in the middle.

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

Mrs. Boyko introduced the next agenda item: Resolution No. 07-2013 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. She noted that the Board conducted a public hearing and First Reading for this zoning map amendment case at its' last meeting on May 28th, and the matter is on the agenda for a Second Reading and the Board's action on the Resolution.

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to approve Resolution No. 07-2013.
Discussion: none. **Motion carried unanimously.**

Discussion Items & Trustees Comments

Mrs. Boyko had nothing to discuss.

Mrs. Stoker expressed condolences for the passing of police Lt. Jon DeWitt, noting his many years of dutiful service to West Chester, and that he leaves a wife and two teenage children. She also said she would like to begin a discussion and a vote on the proposed bike path. She indicated that Mr. Lang was not present when there were previous discussion and they wanted to proceed when he was present. She proposed that they move forward with it, saying it's important to connecting miles of existing bike paths, but also because it would contribute to the ambiance that makes West Chester one of the most desirable places in the country to live, citing past recognition by Forbes and Money magazines. She said we need to have the amenities that attract high caliber employees for our high caliber businesses. Mr. Lang said he understood that they were already moving forward, but only waiting on information from Mrs. Boyko. He asked Mrs. Boyko for clarification. Mrs. Boyko said a majority of the Board directed her several meetings ago to create a schedule of critical action items; the Board indicated they would like for her to proceed presenting same. Mrs. Boyko said a basis summary amounts to: preliminary and final engineering, updates to property owners, approvals and authorizations from the Board, the bidding process and actual construction. She said a conservative estimate to fulfill all of the steps would be about a year, and a more condensed schedule would be about 9 months. She indicated the Butler County Engineer's office was considering the installation of a turning lane onto Beckett Road, at the traffic light near Beckett Ridge Boulevard, but she could not say how that would impact the schedule. She said they would need to meet with property owners once preliminary plans were developed, and keep the Trustees informed of any impact on property owners that affect the project. Final construction drawing and specifications would then be prepared, enabling detailed cost estimates, followed by meeting property owners again. Potential easements could then be identified. Then they could approve and advertise for bids. Advise property owners of the construction schedule. Then commence construction. Mr. Lang expressed the reasons he remained opposed to the project, and asked Mrs. Boyko if perhaps they should wait to proceed until after the impacted property owners had been contacted. Mrs. Boyko indicated they previously contacted a majority of the property owners as part of the OKI application process. Mr. Lang said he would like to make this a discussion item for their next meeting so Mrs. Boyko can summarize everything she said and give it to the Board so they have time to look at it and discern it before they actually decide to move forward. Mrs. Stoker said

she had no objection to that, and responded to Mr. Lang's objection to the proposed bike path, adding reasons she supported the bike path, and Mr. Lang responded in-kind. Mr. Wong contributed as well. Mrs. Boyko asked the Board, with regard to their expectations, what information did they want in advance, prior to the next meeting. Mr. Lang said he wanted the conceptual timeline for pursuing the bike path. Mrs. Stoker said, as everyone should be present at the next meeting, she would like for the Board to discuss the project and vote whether or not to go forward with it. Mr. Wong asked where Mr. Lang got his information about the bike paths in West Chester and Mr. Lang referred him to the May 8, 2011 edition of *The Cincinnati Enquirer*.

Mrs. Stoker also responded to the Citizen's Comment by Mr. Morris, saying Route 42 existed long before Union Centre Boulevard, the appearance of 42 was "grandfathered in", the work on 42 was 100% controlled by the Ohio Department of Transportation (ODOT), ODOT was not receptive to suggestions by the Township, and Mr. Morris's comments should be directed to ODOT.

Mr. Wong observed that there are evening concerts at The Square and Keehner Park on Thursday and Saturday respectively.

Adjournment

At 6:43 p.m., Mr. Wong 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) Review and retention, tenure, or evaluation of a public employee, (b) Review compensation and benefits of certain non-contract employees, (2) Acquisition, sale, or swap of real property, (3) Current and pending litigation. The Board would return before 7:00 p.m. for a public hearing on the Land Use Plan. Motion made by Mr. Lang, seconded by Mrs. Stoker. Discussion: none. **Motion carried unanimously.**

At 7:00 p.m. Mr. Wong declared open the public hearing to consider proposed amendments to the West Chester Township Land Use Plan:

Staff Report: Mr. Behrmann said he wanted to present the updated Land Use Plan and take public comment. He said the last major update to the Land Use Plan was 2004 with specific location changes made since. Typically Land Use Plans should be updated every 5 to 10 years, the Land Use Planning Committee initiated the update process in May, 2011, meeting monthly for 19 months. All of their recommendations are included in the draft documented presented to the Board. They completed their draft plan update in December, 2012, it was then posted on the Township website this past January. A public hearing of the Land Use Planning Committee and the Zoning Committee was held on March 18th. No action was taken at that meeting, though the Land Use Planning Committee met later that month to discuss all the public input from the public hearing and proposed changes as a result of the input. On April 15th the Land Use Planning Committee and Zoning Committee again met for a public hearing on the plan, inclusive the proposed changes, allowing for additional public input and issued a recommendation of the plan he was presenting.

Mr. Behrmann said the entire text of the plan had been updated, identifying some specific examples. He referred to graphic #19 in the Appendix - Changes to Proposed Land Use Map – which identified specific changes on a map of the Township (see attached, below, graphic #19 on page 7). He said the rationale for the recommended changes are summarized in the appendix. Mr. Behrmann then reviewed some of the proposed changes. He concluded by saying the Trustees are to accept the Zoning Commission's and Land Use Planning Committee's recommendations of approval, approve with modification, or refuse the proposed update to the Comprehensive Land Use Plan.

Questions from the Board: Mr. Lang applauded the staff for all the work they did on the plan, and he asked about a parcel at the southwest corner of Cox and Liberty Way. Mr. Behrmann indicated the subject parcel had already been changed.

Mr. Behrmann then introduced members of the Land Use Planning Committee in attendance: Larry Brueshaber, Board Chairman, Ray Bowman, Vice Chairman, Jose Castrejon, Mike Skolnick, and Wally Schulze.

Mrs. Stoker expressed her appreciation for their work and Mr. Wong added his thanks.

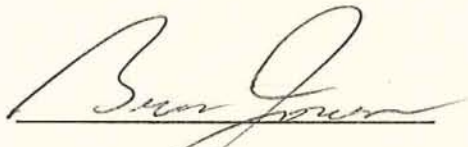
Proponent/ Opponent/ Neutral comments: There were none. (Fiscal Officer note: Mr. Rullman briefly commented during Neutral Comments from his seat, but they were inaudible.)

First Reading of Resolutions & Reading of Emergency Resolutions

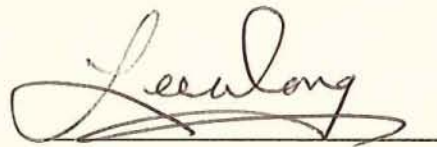
Mr. Behrmann read Resolution No. 09-2013: Resolution approving an update to the West Chester Township Comprehensive Land Use Plan – Now therefore, be it resolved that on the basis of the above actions and findings the West Chester Township Board of Trustees does hereby concur with the recommendations of the West Chester Zoning Commission and West Chester Land Use Planning Committee and does hereby approve the proposed update to the Comprehensive Land Use Plan with the following conditions, whereupon Mr. Behrmann noted there were 3 conditions listed on the draft resolution.

Mr. Wong thanked the members of the Land Use Planning Committee. **Thereupon Mr. Wong closed the public hearing.**

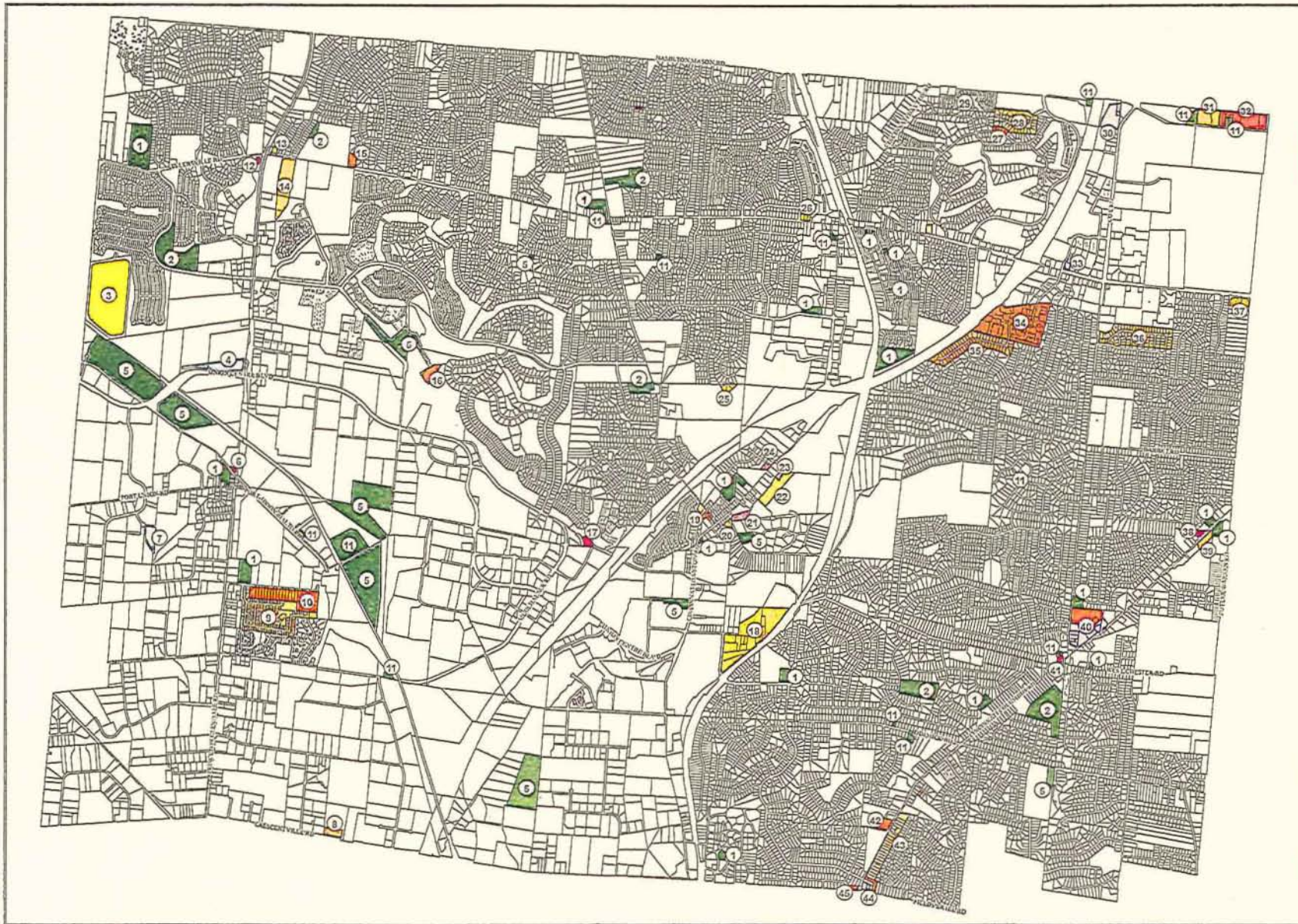
Mrs. Boyko recommended a motion to adjourn the meeting. Mr. Lang so moved, seconded by Mrs. Stoker. Discussion: none. **Motion carried unanimously.**



Bruce Jones, Fiscal Officer



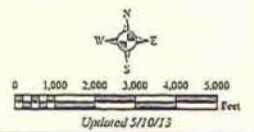
Lee Wong, President



**COMPREHENSIVE
LAND USE PLAN**

PROPOSED LAND USE

- Manor Single-Family
- Estate Single-Family
- Suburban Single-Family
- Multi-Family
- Planned Community
- Community Mixed Use
- Downtown/Regional Center
- Highway Services
- General Retail
- Neighborhood Retail
- Office/General Retail
- General Office
- Office-Light Industrial
- Office / Light Ind / Gen Ret
- General Industrial
- Light Industrial
- Public & Institutional
- Residential Transitional
- Office/Res Transitional
- Historic Preservation
- Open Space



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**Graphic 19
CHANGES TO
PROPOSED LAND USE**

