

Record of Proceedings: **July 8, 2014**
West Chester Township Board of Trustees - Regular Meeting

Convene: President Lang convened the meeting at 6:00 p.m.
Roll Call: Mr. Lang, Mr. Welch, and Mr. Wong 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 Mr. Welch, seconded by Mr. Wong, to approve the Trustee Meeting Minutes of June 24, 2014. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Welch, 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 \$10,659.60 Frost Brown Todd LLC – Legal services through May 31, 2014
(various departments)
2. Fire \$23,116.22 Clarke Power Services, Inc. – Repair engine on Vehicle 502,
Engine 74
3. Fire \$7,300.00 Zoll Data Systems, Inc. – Purchase Zoll ePCR Interface EMS and
Fax Server Utility Software (CIP #1136)
4. Police \$2,998.00 Cellebrite USA Corp. – Renew annual software agreement for
Cellebrite Universal Forensic Extraction Device (UFED) System
5. Services \$4,800.00 Gary Balsler – Refund cost of six (6) graves purchased in 2003
6. Services \$37,543.00 Mid-Miami Roofing, Inc. – Replace salt dome roof located on
Cincinnati-Dayton Road (CIP #1029)
7. Services \$218,682.04 American Pavements, Inc. – 2014 slurry seal contract (CIP #933)
8. Services \$1,654,543.64 John R. Jurgensen Company – 2014 paving contract (CIP #668 &
#1025)

MOTION made by Mr. Wong, seconded by Mr. Welch, to approve payment of requisitions 1 through 8. Discussion: Mr. Wong questioned the addition of a 10% contingency to the contract related to item #6. Mrs. Boyko said such a contingency is added to all of the Township's capital projects to address potential emergencies, or "unknowns" in construction projects, and the

contingency is added in order to avoid the construction delays that would otherwise be attributable to waiting until the next Trustee meeting for Board approval. She said there's no guarantee that the contingency will be utilized. In response to Mr. Wong's request for clarification, Mrs. Boyko said the actual quote was for \$34,000 with the additional 10% applied in the requisition. Mr. Lang said the practice of building a 10% contingency into capital projects has been in effect since he's been on the Board. Mr. Lang observed that the 6 graves refunded in Brookside Cemetery are now available and encouraged citizens to consider purchasing. Mr. Welch observed the amount of roads that will be covered by the slurry and resurfacing contracts in the requisitions. **Motion carried unanimously.**

Personnel Items

There were no personnel items.

Business Items

Mrs. Boyko introduced the next item saying the Union Centre Boulevard Merchant Association transitioned last year from a multi-day Bash event to a Food Truck Rally.

MOTION made by Mr. Welch, 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 Food Truck Rally (Friday, August 8 from 11 a.m. to 10 p.m.) and authorize the Township Administrator to execute said agreement. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying this improvement and beautification assessment was first approved on August 10, 2004 by the Board, applied in September of 2004, statute permits the assessment for a maximum of 10 years regardless of need, and it needed to be extended for another 10 years at a cost of \$165,000. She said a public hearing is required and the affected property owners will be notified of the hearing date.

MOTION read by Mr. Lang, made by Mr. Wong, and seconded by Mr. Welch to set July 22nd at 7:00 p.m. for a public hearing to declare and renew the method of apportioning and paying the compensation, damages, and costs of the maintenance for the beautification improvements for the Union Centre Road District – Interchange and Boulevard Landscape Improvement and Maintenance (suggested date and time July 22, 2014 at 7:00 p.m.). Discussion: Mr. Welch asked if the work was being performed on public or private property. Mrs. Boyko said all the work was being performed in the right of way or in the easement. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying it related to Butler Tech's BioScience building, providing background on the facility. She noted that they already walked the proposed roadway, as required by statute.

MOTION read by Mr. Lang, made by Mr. Welch, seconded by Mr. Wong, to approve statutory Resolution No. 13-2014 declaring the necessity of constructing Capstone Boulevard, a certain road improvement, commencing at Cincinnati-Dayton Road and Highland Greens Drive and traveling westerly and southwesterly to a developable site to promote economic development in

West Chester Township, Butler County, Ohio and authorizing the Township Administrator to take all necessary actions and execute all documents to facilitate and implement this resolution. Discussion: none. **Motion carried unanimously.**

MOTION read by Mr. Lang, made by Mr. Wong that, having reviewed the staff report and affidavit, we declare the property listed on the West Chester Township Board of Trustees meeting agenda dated July 8, 2014 to be a public nuisance as authorized by the Ohio Revised Code.

Staff is directed to cause removal of the nuisances identified, and monitor the property for 90 days to require continued compliance. An administrative charge of 25% shall be added to the contractor fee for the property. Motion seconded by Mr. Welch. Discussion: none. (Fiscal Officer Note: The subject property was 7446 Jerry Drive.) **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying it is a revision of the agreement last approved in the early '90's, and the Butler County Hazardous Material Response team and coalition asked that it be "refreshed" by the participating entities. She said West Chester is the largest user of their services due to our multiple and diverse industrial entities.

MOTION made by Mr. Wong, seconded by Mr. Welch, to approve revised Butler County Hazardous Material Mutual Aid Agreement and authorize the Township Administrator to execute said agreement. Discussion: Mrs. Boyko responded to Mr. Lang, confirming that there were no substantive changes to the agreement. They then reviewed the participating entities within Butler County. **Motion carried unanimously.**

First Reading of Resolutions & Reading of Emergency Resolutions

Mrs. Boyko read Emergency Resolution No. 15-2014 adopting the 2015 tax budget and authorizing the establishment of the "Capstone Boulevard Fund" and "Capstone Debt Service Fund" and declaring an emergency and dispensing with the second reading. She explained that submittal of the tax budget is required by statute, must be filed by July 15th, and was submitting it to the Board for timely submittal to the Butler County Budget Commission. She said it also entails the creation of two new funds, explaining that the Township would secure bonds to pay for Capstone Boulevard and that cost, in turn, would be assessed Butler Tech. The Board had no questions.

Mr. Lang then advised everyone that the next agenda item pertaining to Resolution No. 14-2014 would be postponed until the public hearing scheduled for 7:00 because the hearing pertains to that resolution.

Citizen's Comments

There were no citizen's comments.

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

MOTION made by Mr. Welch, seconded by Mr. Wong, to declare Emergency Resolution No. 15-2014 an emergency. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Wong, seconded by Mr. Welch, to approve Resolution No. 15-2014.
Discussion: Regarding the two Capstone funds, Mr. Lang noted the substantial economic impact this development will have on the Township. **Motion carried unanimously.**

Discussion Items & Elected Official Comments

Mrs. Boyko said she has been meeting with Mr. Welch about the zoning text amendments initiated by the Trustees and hoped it would be helpful for him to determine how he would like to proceed. When asked for comment, Mr. Welch said the process was moving along. Regarding the RFP for professional services and qualifications for the natural gas and electric aggregation program, Mrs. Boyko noted she contacted Mark Burns, the current broker for this program. She advised him that they would not be renewing his contract. She said she hoped the Board would have a broker because the Township had inadequate staff to perform that service. Mrs. Boyko said PUCO identifies nearly 30 brokers domiciled in Ohio for this service on its' website. She said there are utilities that also provide that service and gave an overview of the service model they offer.

Mr. Jones recounted his comment at the last meeting that processing of the meeting minutes had improved since the beginning of the year such that all the meeting minutes were current and available to the public the day after the meeting they're approved, but wanted the Trustees to know that he appreciated the cooperation they've extended him to make that possible.

Mr. Lang expressed his appreciation for the birthday of his wife, Debbie, though he couldn't celebrate it with her that evening due to the meeting.

At 6:30 p.m., Mr. Lang 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) discuss contract negotiations for a certain collective bargaining unit, (b) consideration of candidates for employment, (2) acquisition, sale, or swap of real property, (3) current and pending litigation. Motion made by Mr. Wong, seconded by Mr. Welch. Discussion: none. **Motion carried unanimously.**

Mr. Lang then commented that the Board would return at 7:00 for the public hearing on case #14-2014.

At 7:00 p.m. Mr. Lang declared open the public hearing for MC02-14 Highland Square, Christian Brothers Automotive Corporation.

Staff Report: Mr. Behrmann said the subject property is located on the east side of Cincinnati-Dayton Road, approximately 2000 feet north of the I-75 interchange. He stated that the property was originally rezoned to C-PUD in March, 1995 as part of the Cin-Day Properties approval, which included the conversion of the single-family houses to office/retail uses with a shared access road behind the buildings. Mr. Behrmann provided the subsequent history of the C-PUD,

its subsequent reconfigurations, including a Revised Preliminary Development Plan that was approved in March, 2004 that made modifications to the road layout and reconfigured four outlots on the south side of the development, which was then referred to as Highland Square. He then identified nearby businesses and that access to the subject property would be via a shared access with Chase Bank.

Mr. Behrmann stated the Land Use Plan for the subject site recommends General Retail, and the applicant was requesting a Major Change to the PUD, which included the addition of auto repair as a permitted use on a portion of Outlot 2, a use which was specifically limited to Lots 15 and 16 of the original C-PUD, and amending the Preliminary Development Plan by subdividing original Outlot 2 (1.927 Acres) into a 0.678 acre lot to be utilized by an auto repair business, and a 1.249 acre lot for a future use. Therefore, based on the defined criteria of a Major Change, the proposed request requires Board of Trustee approval.

During his staff report, Mr. Behrmann presented a PowerPoint presentation that included aerials of the previously approved Cin-Day Properties PUD plan with original boundaries, the PUD's history, proposed Major Change, preliminary site plan, revised preliminary site plan, proposed building elevations, pictures from other Christian Brothers sites, proposed landscape plan, Land Use Plan for the site, staff comments, outside agency comments, and site views.

Mr. Behrmann said the Butler County Planning Commission conducted a public hearing on May 13, 2014 and they recommended approval of the request with conditions. He stated the comments submitted by the West Chester Fire Department and the Butler County Engineer's Office.

He concluded his presentation by saying that evening was the first reading of the request and that, at the second reading, the Trustees are to accept the Zoning Commission's recommendation of approval, approve with modifications, or deny the Major Change to the PUD unless additional information is necessary.

Mr. Behrmann then responded to Trustee questions, saying there were 26 parking spaces, two of which were handicap designated, and there would be four employees.

The applicant, Jonathan Wakefield, Development Director for Christian Brothers Automotive, then addressed the Board. He responded to the Trustee's concerns, and discussed their business model and practices. He stated that they have no outside storage at night. All cars in for repairs will be parked inside at night, with the exception of customer emergencies. He stated that the business hours will be Monday through Friday, with Saturdays only during the first 180 days of business. He passed out a document with stipulations that he asked be included/attached in the PUD re-zoning, including limited hours of operation and no outside storage of anything. He said they do not have any class 3B fluids on their premises, their fluids are stored in above ground tanks, and noted their environmental safeguards.

Mr. Lang asked if there were any Proponent Comments.

Proponent Comments:

Jeff Chamot, representing property owner Neyer Properties, 2135 Dana Avenue, Cincinnati, said they supported the project and believed the applicant would be a great fit for the community. The Board had no questions for him.

As no one else indicated a desire to express additional proponent comments, Mr. Lang then closed the proponent comments portion of the hearing and opened the opponent comments portion of the hearing.

Opponent Comments:

Dan Meehan, 9412 Patti Circle, expressed his concern that automotive related businesses – sales, repair, maintenance - tend to proliferate in an area once they locate in a given area, citing several examples. Recalling the restrictions the applicant asked be included, he said it was important to include them if it was legal to do so. Otherwise, he questioned what might become of the facility if the applicant no longer continued operations there. He also said the surface on the south side of the building should be required to be improved. Lastly, Mr. Meehan questioned why staff did not make recommendations for the applications they receive.

As no one else indicated a desire to express additional opponent comments, Mr. Lang then closed the opponent comments portion of the hearing and opened the neutral comments portion of the hearing. No one responded.

Mr. Lang then asked Mr. Welch and Mr. Wong if they needed clarification from staff on any points presented, including comments from proponent and opponent comments. Both gentlemen indicated they had no further questions. Mr. Lang thereupon asked staff to conduct the first reading of the Resolution. Whereupon Mr. Behrmann read as follows:

Resolution No. 14-2014 - Resolution approving a Major Change to a PUD for case #MC02-14, Highland Square lot 2: 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 proposed Major Change to the PUD for the aforesaid application with the following conditions . . .” Mr. Behrmann then noted that there were 6 conditions on the Resolution.

MOTION then made by Mr. Wong to close the public hearing, seconded by Mr. Welch. Discussion: none. **Motion carried unanimously.**

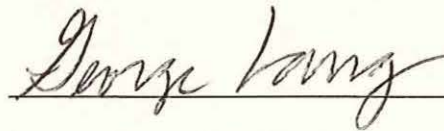
Thereupon Mr. Lang declared the meeting adjourned.

Respectfully Submitted,



Bruce Jones, Fiscal Officer

Approved,



George Lang, President