

**Record of Proceedings: March 11, 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: Lead by Art Mathews and repeated by those present.

Citizen's Comments

Mr. Lang stated that they would be rendering a decision on the Kroger request that evening and the Board would not be entertaining any comments relating to the Kroger request because the Board held an open Public Hearing on the request the previous Tuesday, and the hearing was subsequently declared closed following public input.

Mark Haverkos, 7356 Wethersfield Drive, commented regarding the proposed \$65,000 contribution by the Township to Partners in Prime on the agenda that evening. He observed that the organization had joined up with another organization in the past year, and he was concerned that the financials for the organization were not readily available. He also said the IRS filing for 2011 was available, it indicated the Butler County senior levy generated over \$1,000,000, adding that one of Partners in Prime's employees was paid over 10% that amount. He concluded by suggesting, if the Township was going to contribute \$65,000 to the organization, he would rather the Township "do something like buy another mobile bus for them for transportation", rather than contribute to a salary or how the organization uses the money.

Carl Rullmann, 8285 Ventle Drive, said the Township still appears to be spending money for legal services at a rate of close to \$300,000 per year, even after litigious matters have subsided. He asked how many issues in a representative month does the Township need legal services. He also noted the agenda item for \$23,000 annual fee to Butler County EMA for operational services, asking what they need our money for, saying he would like to see a breakdown of what expenses they have over \$5,000. He questioned if the Township still needed to subsidize the West Chester Liberty Alliance at \$10,000 per year. He said the \$3,800 spent for the annual membership for the Center for Local Government was well spent and suggested the Township could share legal services with other local governments. He questioned several other agenda items including the \$5,000 for the Cincinnati USA Regional Chamber, the \$3,600 on the SWAT Command vehicle, and \$65,000 for Partners in Prime, saying they were not a core competency.

Art Mathews, 6244 Hillsdale Lane, said he was chairman of the 2014 Union Centre Boulevard Merchant Association Buckeye BBQ Festival, a Rotary Club of West Chester-Liberty signature event. He proceeded to promote the event, saying it will be held on May 16<sup>th</sup> and 17<sup>th</sup> at Union Centre Square, the theme will be "Blues, Brews and BBQs", and gave a litany of enticing activities. He asked the Board to consider contributing to the cost of fireworks.

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 January 28, 2014. Discussion: none. **Motion carried unanimously.**

**MOTION** made by Mr. Welch, seconded by Mr. Wong, to approve the Trustee Meeting Minutes of February 11, 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        \$19,290.70 Frost Brown Todd LLC – Legal services through January 31, 2014 (various depts.)
2. Adm        \$3,840.00 EC Link – Renew hosting and annual maintenance of Township website
3. Adm        \$23,773.62 Butler County Emergency Management Agency – Remit annual fee for operational services
4. Adm        \$10,000.00 West Chester-Liberty Chamber Alliance – Renew Sustaining Gold Level Membership Program for 2014
5. Adm        \$3,825.00 Center for Local Government – Renew membership for 2014
6. Comm Dev \$5,000.00 Cincinnati USA Regional Chamber – Renew Economic Development Partnership for 2014
7. Fire        \$2,654.06 Buckeye Power Sales Co., Inc. – Repair emergency generator at Fire Station 72
8. Police      \$3,600.00 Blust Motor Service, Inc. – Repair and replace component of master brakes on SWAT Command Vehicle
9. Services   \$38,313.46 Clark Equipment DBA Bobcat Inc. – Purchase Bobcat E35 ZTS Compact-Excavator to replace existing equipment (CIP #717)
10. Services   \$2,996.70 John Dsuban Spring Service – Repair broken springs on two (2) salt trucks (#1 and #17)

**MOTION** made by Mr. Welch, seconded by Mr. Wong, to approve payment of requisitions 1 through 10. Discussion: Mr. Welch asked and Mrs. Boyko responded to his questions about the expenditures for and services from EC Link. He indicated he would be interested in looking at another vendor that could provide new capabilities. He had numerous questions for Mrs. Boyko about the West Chester-Liberty Chamber Alliance membership, Cincinnati USA Regional Chamber membership, the Center for Local Government membership, the SWAT vehicle, and Frost Brown Todd LLC expenditures. Mrs. Boyko responded to his satisfaction. **Motion carried unanimously.**



### Personnel Items

Mrs. Boyko introduced the next item saying the motion would permit filling three of eleven such vacant positions. She said all the applicable testing and procedures had been completed. **MOTION** made by Mr. Wong, seconded by Mr. Welch, to fill vacant positions and hire part-time Firefighter/EMTs Bethany Douglas and Jeremy White, and part-time Firefighter/Paramedic Mark Thompson all at the hourly rate of \$15.92 effective March 13, 2014, with a one year probationary period and contingent upon successful completion of applicable testing and procedures. Discussion: Mr. Welch asked Mrs. Boyko for the difference between a firefighter/EMT and a paramedic. She said a paramedic is a designation that requires certification and schooling superior to that of an EMT. She answered Mr. Welch's additional questions pertaining to staffing and qualifications. **Motion carried unanimously.**

**MOTION** made by Mr. Wong, seconded by Mr. Welch, to authorize to hire a complement of twelve (12) seasonal employees for 2014 (six (6) April – October and six (6) May – September). Discussion: none. **Motion carried unanimously.**

### Business Items

Mrs. Boyko introduced the next item by saying Christy Quincy, President, Partners in Prime, gave Partner in Prime's annual report to the Board at the last meeting, showing their annual revenue and expenditures, activities, etc. Mrs. Boyko said the Board approved a descending schedule of contributions to Partners in Prime, as well as the National VOA Museum of Broadcasting, over a five year plan.

**MOTION** made by Mr. Welch, seconded by Mr. Wong, to approve \$65,000.00 contribution to Partners in Prime for 2014. Discussion: In response to Mr. Wong's question Mrs. Boyko said there were two more years remaining in scheduled contributions (subject to Board approval). Mr. Welch asked what would happen after two years and she said they could potentially contribute \$25,000 if the Board so desired. Mr. Lang reviewed the declining contribution and role of Partners in Prime. Mrs. Boyko clarified the contribution schedule saying the contributions began in 2012 and the descending scale began in 2013; this is the third year of the five year schedule. In response to Mr. Welch's inquiries, Mrs. Boyko recognized Community First as Partner in Prime's new parent company, and said the Board's contribution must be spend at Partner in Prime's West Chester Activity Center per agreement. There were additional questions and discussion. Mr. Welch asked if they could table the motion until the next meeting in order to give him the opportunity to review their books and see if they actually need the proposed contribution. Mrs. Boyko asked for clarification as to whose books he was referring, Partners in Prime or Community First. Mr. Welch and Mr. Wong withdrew their motion and second respectively. Mrs. Boyko said she would arrange for Mr. Welch to meet with Christy to review relevant financials. **Motion tabled.**

Mrs. Boyko introduced the next item saying the Board approved a descending contribution schedule for the VOA Museum beginning in 2013 in the amount of \$85,000.

**MOTION** made by Mr. Welch, seconded by Mr. Wong, to approve \$75,000.00 contribution to the National Voice of America Museum of Broadcasting for 2014. Discussion: Mr. Welch asked what happens after the fifth year and Mrs. Boyko said the Township will not make any



additional contributions as the museum is to be self-sustaining. Mr. Lang praised the VOA history, noted recent efforts to salvage the facility, and the formation of a VOA Board; it was created for the purpose of preserving the building, ultimately developing a self-sufficient museum. He said the structure would come back on the township and be a burden to taxpayers if the VOA Board was not successful. This was the reason he supported funding at this time - it would assist the VOA Board in succeeding, rather than the structure being a liability. **Motion carried unanimously.**

**MOTION** made by Mr. Wong, seconded by Mr. Welch, to approve license agreement between West Chester Township and the Rotary Club of West Chester/Liberty for the use of a portion of Township property, 9285 Centre Pointe Drive, and ancillary and adjacent public roadways for the production and presentation of the Buckeye BBQ Fest (May 16 from 6 to 11 p.m. and May 17 from 11 a.m. to 11 p.m.) and authorize the Township Administrator to execute said agreement. Discussion: none. **Motion carried unanimously.**

**MOTION** made by Mr. Welch, seconded by Mr. Lang, to appoint Richard Lenz as a regular member to fill an expired five (5) year term (March 1, 2014 through February 28, 2019) to the West Chester Board of Zoning Appeals (BZA) Discussion: As the appointment of Mr. Lenz, currently an alternate member on the BZA Board, would create a vacancy on that Board for a alternate, Mr. Welch said he would like to appoint Chris Cavens to the alternate position. Mr. Wong said he would like to appoint Jane Armstrong Cobb. It was agreed the Board would vote on the motion on the floor and then address the matter of making an appointment to the alternate position separately. **Motion carried unanimously.**

**MOTION** made by Mr. Welch, seconded by Mr. Lang, to appoint Chris Cavens to an unexpired three (3) year term (March 1, 2013 through February 28, 2016) to the West Chester Board of Zoning Appeals (BZA) as the alternate member. Discussion: none. **Motion carried unanimously.**

**MOTION** made by Mr. Wong, seconded by Mr. Welch, to approve statutory Resolution No. 08-2014 finding 2001 331E excavator is not needed or is unfit for public use, and authorizing the sale of said equipment to Clark Equipment Incorporated DBA Bobcat Company and crediting the sale price of said equipment to the purchase of a Bobcat E35 ZTS excavator from Clark Equipment Incorporated DBA Bobcat Company. 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

Mr. Lang. reminded the audience that the Board would not be entertaining any comments relating to the Kroger request.



Barry Riddell, 8069 Lawrence Drive, had questions pertaining to the website, referring to the EC Link item earlier. He gave his credentials pertaining to the creation and maintenance of websites. He asked what the hosting fee alone was, and asked for a breakdown between maintenance and hosting costs. He also asked the cost for the original construction of the site. Mr. Riddell then gave examples of his server experiences and their costs, adding that he thought the annual cost of \$3840 was excessive and saying the vendor had single-sourced the Township. He said the Township needed a larger pool of providers.

Susan Hendel, 6061 Eaglet Drive, thanked the Board on behalf the Rotary for approving “blues, brews and BBQs”, promising a wonderful event, and she also appreciated that the Board approved the contribution to the VOA Board.

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

**Mrs. Boyko introduced the next item saying the Board conducted a public hearing on the Zoning Map Amendment case #ZMA 05-13 – Crossings of Beckett, at a special meeting on March 4<sup>th</sup>.** She noted that the hearing was opened and closed that same evening, it came to the Board subsequent a recommendation by the Butler County Planning Commission as well as the West Chester Zoning Commission. She said copies of the Resolution inclusive the proposed condition for approval were made available to the audience earlier that evening. A majority of the Board asked her to read the Resolution until they interrupted, recognizing the length of the resolution and the fact it had been provided to the audience. She identified portions of the Resolution that specifically contained 19 conditions and multiple sub-conditions.

**MOTION** made by Mr. Welch, seconded by Mr. Wong, to approve Resolution 07-2014 approving a Zoning Map Amendment from “R-1A” to “C-PUD” and Preliminary Development Plan for case #ZMA 05-13 – Crossings of Beckett. Discussion: Mr. Lang reminded his fellow Trustees “that in reaching a conclusion whether to approve, to modify, or to deny a Zoning Map Amendment, and in this immediate instance, a Preliminary Development Plan, (they) must refer to the Ohio statute and the Township Zoning Resolution and defer to the Township’s Comprehensive Land Use Plan for consistency”.

Mr. Wong said the question was whether or not the application generally satisfied the Land Use Township Comprehensive Land Use Plans, and if it’s consistent. He then read seven criteria. He said he had a real concern with the applicant’s testimony as to when, if ever, Phase II would get developed. Mr. Wong said he looked at the Community Mixed Use as sidewalks and a green buffer zone, as found in Phase I, but not necessarily in Phase II, given the developer’s testimony. He concluded by saying, “With due consideration of this factor, I conclude that the preliminary development plan is not consistent with the Township Land Use Plan and will be detrimental to surrounding residential uses.”

Mr. Welch said he was concerned that Phase I and Phase II were not to be developed together, and there was no clearly defined goal of developing Phase II. He also expressed concerns about the potential for flooding properties to the east and south. Mr. Welch recalled the developer’s testimony, “it would be impossible to develop Phase I and Phase II at the same time. It just can’t be done”, and expressed his resultant concerns as to the financial viability of developing Phase II given the disproportionate amount of open space in Phase II that would be required to buffer the



residents north of Tylersville Road from the commercial activity. He said the probability of Phase II being developed was inordinately low due to the high ratio of open-to-leased space; the lease contracts in Phase II would have to be much higher than prevailing rent on the 747 corridor resulting in an unsustainable financial model. He concluded by saying the buffering was essential to protect and preserve the existing residential uses to the north and the existing planned residential uses to the east.

Mr. Lang expressed his appreciation for Kroger's investment in West Chester, their profit motive, and said he believed the proposed Preliminary Development Plan is generally consistent with the Township Comprehensive Land Use Plan. He gave his reasons and concluded the proposed project would help balance the already existing residential development by adding commercial development. However, it was his opinion the interpretation of the Land Use Plan and the land use designation proposed for the property only worked if the buffers were adequate to mitigate his concerns for the existing and planned residential uses. Mr. Lang said the only way he could interpret that the buffering element was achieved was if the applicant/developer constructed and installed a landscape buffer on the south side of Tylersville Road with Phase I, as well as to the East of the property. He recalled that the applicant/developer testified it cannot provide the proposed buffering on the south side of Tylersville Road with Phase I, only with Phase II, and that was with no guarantee that Phase II would ever occur. Mr. Lang said that condition was critical to meeting the spirit of the land use plan. He concluded by saying landscape buffering was essential to protect the existing residential uses to the north, and the existing and planned residential uses to the east. Though he liked the project, he could not vote to approve the project/application. **Motion defeated unanimously.**

#### Discussion Items & Elected Official Comments

Mrs. Boyko had no discussion items, and neither Mr. Jones nor Mr. Wong had any comments. Mr. Welch said he noted during the Kroger public hearing that people, including opponents, expressed their appreciation for Kroger being a part of West Chester, and he said that was a testament to Kroger. Mr. Lang said he appreciated how civilized everyone behaved, adding it was democracy at its best. In response to the Citizen Comment from Art Mathews, he said the Township had contributed in the past to funding fireworks to benefit the community, and he wanted to let his fellow Trustees know he would not be opposed to that going forward. He asked Mrs. Boyko to look into the possibility of providing funding for fireworks for the BBQ event, and how to do so in the Union Centre area safely. She noted it has not been budgeted, but they would research the matter. Mr. Lang concluded by noting the passing that day of longtime Butler County resident and philanthropist Harry Wilks, relating his personal experiences with him, as well as his contributions to Miami University and the creation of Pyramid Hill.

#### Adjournment

At 7:22 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; contract negotiations for a certain collective bargaining unit, (2) acquisition, sale, or swap of real property, (3) current and pending litigation, adding that the Board would return afterwards.

Motion made by Mr. Welch, seconded by Mr. Wong. Discussion: none. **Motion carried unanimously.**

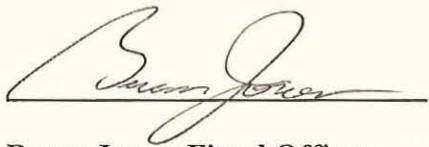
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Mr. Lang reconvened the Regular meeting following Executive Session. He asked for a motion to approve and execute Settlement Agreement, and Full and Final Release of all claims for PERSO claim No. 0TR01446A1. (Fiscal Officer note: The claim number was misstated. The correct number is OTR014446A1.) Mr. Welch so moved, seconded by Mr. Wong. Discussion: Mr. Welch then stated, "...the terms of this settlement are confidential to the extent the law permits, so the Board of Trustees will not be able to deliberate on the matter. A settlement was reached to close the matter in a manner best representing West Chester's commitment to serve the community responsibly. No further comment will be offered on the details of this settlement". Discussion: none. The **motion carried** with Mr. Lang and Mr. Welch voting in favor, and Mr. Wong voting in opposition.

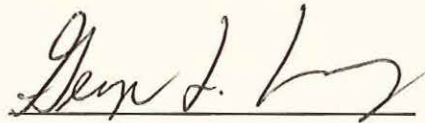
Mr. Lang then declared the meeting adjourned.

**Respectfully Submitted,**

**Approved,**



**Bruce Jones, Fiscal Officer**



**George Lang, President**