

**Record of Proceedings:  
West Chester Township Board of Trustees –  
Organizational Meeting & Regular Meeting**

**January 13, 2015**

Fiscal Officer Jones opened the Organizational meeting of the Board at 6:04 p.m.. He explained the meeting was the annual organizational meeting for the Board pursuant statute, noted Mr. Lang and Mr. Welch were present, and Mr. Wong was absent. He opened the floor to nominations for President of the Board for 2015. Mr. Welch nominated Mr. Lang for President. Having no other nominations for President, nominations were closed. Mr. Jones conducted a roll call vote on the nomination of Mr. Lang for President of the Board for 2015. Mr. Lang was elected West Chester Board of Trustees President for 2015. Mr. Jones then opened the floor to nominations for Vice President of the Board for 2015. Mr. Lang nominated Mr. Welch for Vice President. Having no other nominations for Vice President, Mr. Jones conducted a roll call vote on the nomination of Mr. Welch for Vice President of the Board for 2015. Mr. Welch was elected Vice President. Thereupon Mr. Jones recognized Mr. Lang and Mr. Welch as the President and Vice-President of the Board for 2015.

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Convene: President Lang convened the Regular meeting at 6:07 p.m.  
Roll Call: Mr. Lang and Mr. Welch responded. Mr. Lang said Mr. Wong had hoped to attend, but was absent due to a family commitment that took priority.  
Pledge of Allegiance: Led by Joseph Shucker from Boy Scout Troop 947, based out of Lord of Life Lutheran Church, and repeated by those present.

Citizen's Comments

Jim Carroza, 7075 Pinemill Drive, thanked the Board for putting the "Pro Poultry issue" in the rear view mirror, adding he hoped it did not return though he thought some people wanted it to return. He also thanked Mr. Welch for the idea of checking with some of Money Magazine's Top 50 Places to Live. Mr. Carroza said he contacted nine of these communities regarding issues about which he was concerned for purposes of comparison: regarding commercial vehicles in residential and commercial areas, he said most all of them had some form of regulations, and some communities had very strict regulations. He hoped the Board would take a stronger look at regulating vehicles in residential and commercial areas. He said he hoped the Board would reconsider anonymous complaints in the future, adding that all nine communities permitted anonymous complaints from residents. One in Minnesota however only required that the complainant be identified if the complainant completed a state complaint form, thus complying with their state law.



### Presentations

Mrs. Boyko presented to Ms. Gail Webster the Martin Luther King, Jr. Proclamation – Live the Dream: Our Declaration of Unity Celebration of Dr. Martin Luther King, Jr. – on behalf of the Board of Trustees and the Fiscal Officer. She lauded Ms. Webster for her efforts in leading the commemoration of Dr. King’s life and message. Ms. Webster said everyone was welcome to attend/participate in the commemorations. They would start with “The March for Unity”, convening at the Union Day School at noon and marching to the Presbyterian Church where they’ll have a free lunch. There will then be a program that evening at Cornerstone United Methodist Church at 7 p.m. featuring two keynote speakers. A lobby display will precede it, opening at 6:30, and feature 489 student essays on the topic of the current effectiveness of non-violent protests. All were written by students from within the Lakota district boundaries. There will be a Black History Month lecture on February 11<sup>th</sup> at MidPoint/West Chester Library at 7 p.m. with a presentation by Eric Gutttag on the 13<sup>th</sup> Amendment. She concluded by thanking the Board for its support of the program and noting that everyone is invited to attend these events.

### Action Items – For Approval by Motion

**MOTION** made by Mr. Welch, seconded by Mr. Lang, to set dates for 2015 Trustee Meetings. Discussion: Mr. Lang noted those dates are the second and fourth Tuesdays of every month with two exceptions: November, when there will be but one meeting, on the 17<sup>th</sup>, and December, when the meetings will be on the first and third Tuesdays. These modifications are to accommodate seasonal holidays. **Motion carried.**

**MOTION** made by Mr. Welch, seconded by Mr. Lang, to approve the Trustee Meeting Minutes of December 16, 2014. Discussion: none. **Motion carried.**

**MOTION** made by Mr. Welch, seconded by Mr. Lang, to approve payment of bills. Discussion: none. **Motion carried.**

Mrs. Boyko submitted the following requisitions greater than \$2,500:

### Requisitions – Greater than \$2,500.00

1. Adm    \$20,006.20    Frost Brown Todd, LLC – Legal services through November 30, 2014 (various departments)
2. Adm    \$3,849.00    ESRI Inc. – Renew annual license and maintenance for Arc-GIS
3. Adm    \$3,680.04    X-IO Technologies – Renew annual maintenance and support agreement for storage area network (SAN)

**MOTION** made by Mr. Welch, seconded by Mr. Lang, to approve payment of requisitions 1 through 3. Discussion: none. **Motion carried.**



### Personnel Items

**MOTION** made by Mr. Welch, seconded by Mr. Lang, to hire Jason Nocero as an on-call snow plow operator on an as needed basis for the 2014-2015 winter season effective January 8, 2015, at the hourly rate of \$15.00. Discussion: none. **Motion carried.**

### Business Items

**MOTION** made by Mr. Welch, seconded by Mr. Lang, to continue Township volunteer services, committees, and boards. Discussion: Mr. Welch observed that there are 175 positions on these boards and committees with some people serving in multiple capacities. He expressed his appreciation for the residents that volunteer their time for the benefit of the community. Mr. Lang shared in that sentiment. **Motion carried.**

Mrs. Boyko introduced the next item saying it was practical and essential for the township to adopt tax-exempt debt compliance policies and procedures which she attributed to the increased complexity of federal tax law. These policies and procedures were drafted with the advice of bond counsel.

**MOTION** read by Mr. Lang, made by Mr. Welch, seconded by Mr. Lang, to adopt the Tax-Exempt Debt Policies and Procedures, and authorize the Township Administrator to make non-substantive changes with Law Director approval to remain compliant with applicable laws and regulations and advice of Township bond counsel. Discussion: none. **Motion carried.**

**MOTION** made by Mr. Welch, seconded by Mr. Lang, to not object to a new liquor permit for Demnika LLC, 6069 West Chester Road. Discussion: none. **Motion carried.**

Mr. Lang then explained that the next item on the agenda, the first reading of a resolution, would not occur until after the scheduled 7:00 Public Hearing to which the resolution pertained, and moved to the next agenda item, Citizen Comments.

### Citizen's Comments

There were no citizen's comments.

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

There were no second readings & vote on pending resolutions, or vote on emergency resolutions.

### Discussion Items & Elected Official Comments

Mrs. Boyko said all proposed zoning text changes have been consolidated and reduced to writing, noted that Mr. Welch requested one modification that will be addressed by staff, and asked for the Board's direction as to how they wanted to proceed. Aside from that she added that the Board could consider changing the resolution such that animal husbandry, poultry and the keeping of chickens is a conditional use, or let it remain in its current form as a matter subject to a variance. Mr. Welch said poultry can remain as a variance. Mr. Lang and Mr. Welch agreed



that all of the proposed changes should be on the next regular meeting agenda if it was agreeable with Mr. Wong. Otherwise, if Mr. Wong preferred to wait, they could wait until the first meeting in February.

Mr. Jones expressed his appreciation to the three members of the Board for their cooperation in the past year, citing the processing of minutes as the most high profile example. He observed that they've submitted proposed changes to him in advance of the meeting, thereby making it possible for him to incorporate those changes into the minutes in advance of the meeting. That, in turn, enabled the Board to then approve those minutes at the meeting, making it possible for him to have the minutes available for public access on the township website the very next day. He said their cooperation has served the public good, and they made it possible.

Mr. Welch expressed his gratitude to Mr. Jones for doing a great job with the minutes. He also said he was beginning his second year on the Board and expressed his gratitude for the opportunity to serve the community. He was gratified that people trust him to make decisions for the well-being of the community.

Mr. Lang expressed his appreciation to Mr. Welch for being on the Board, saying he's made some real positive and powerful changes in his first year on the Board. Mr. Lang then expressed congratulations to Ohio State University and their fans for the OSU victory in the collegiate football championship.

At 6:28 p.m. Mr. Lang read a **MOTION**, made by Mr. Welch and seconded by Mr. Lang, to recess the regular meeting and go into Executive Session with legal counsel for the purpose of considering and discussing (1) personnel matters, to include contract negotiations for a certain collective bargaining unit, and discipline, termination, or promotion of certain public employees, (2) Acquisition, sale, or swap of real property, and (3) current and pending litigation.

Discussion: none. **Motion carried.** Mr. Lang announced that he Board would return at 7:00 p.m. for their previously scheduled public hearing

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### **7:00 Public Hearing**

**At 7:06 p.m. Mr. Lang declared open the public hearing** to consider a zoning change case, Resolution 23-2014 approving a Zoning Map Amendment From "R-1A" to "R-PUD" and Preliminary Development Plan for Case #ZMA 04-14; Villas at Park Place Expansion.

Staff report: Mr. Michael Juengling reiterated for the record the case before the Board; Case #ZMA 04-14 - Villas at Park Place Expansion. He identified the location of the subject property as the southwest corner of Tylersville and Beckett Roads (see slide #1, attached). Mr. Juengling stated the applicant, Park Place West Chester LLC, was requesting a Zoning Map Amendment for 14.113 acres from R-1A to Residential Planned Unit Development (R-PUD) and Preliminary Development Plan approval. Mr. Juengling presented the staff report and a PowerPoint presentation that included: aerials, current zoning in the area, proposed Zoning Map, proposed Preliminary Development Plan (slide #2), the three proposed patio home floor plans, Villas at



Park Place photos, current Land Use Plan for the area, a drawing of the Blue Line Stream showing the buffer from the stream (slide #3), cross access connection, staff comments, outside agency comments, and site views. Mr. Juengling said the access road off Beckett Road would involve a 60' easement, was not a part of this proposal (slide #4), and would therefore remain R-1A. He said the final development would entail a total of 42 owner occupied patio homes, net density of 3.44 units per acre, anticipated home value between \$300,000-\$500,000 per home, unit sizes between 1,500 and 3,000 sq. ft., and 13.46% open space relative the 10% requirement. He said the Comprehensive Land Use Plan calls for "Residential Transitional" in the area, subsequently giving the definition of same. He noted a similar application was submitted in July of last year and it received a recommendation of approval from both the Butler County Planning Commission and West Chester Zoning Commission, however the applicant withdrew his request prior to the Trustees rendering a decision. Mr. Juengling said the difference in the application is that the current application, as noted, excluded the access road off Beckett Road and the interior road layout varies somewhat. He said an appropriate cross access easement should be provided at the western end of the access road off Beckett Road and recorded before both phases – dissected by said access road – are given final approval. Noting the Blue Line stream along the western portion of the property, said staff recommended that the applicant coordinate with the Butler County Flood Plain Administrator to insure that all development is compliant with all federal, state and local regulations. They also recommended that the Butler County Flood Plain Administrator provide either written authorization for a building encroachment within the 75' stream buffer area, or move the proposed building outside of the stream buffer area. Staff also recommended a landscape buffer along Beckett and Tylersville Road, and elsewhere internally. Where there were highly visible building elevations, 50% brick and/or stone exterior was advised. Mr. Juengling also noted the West Chester Zoning Commission had a public hearing on November 17, 2014 and it recommended approval with conditions. Furthermore, the Butler County Planning Commission held a public hearing for this case on November 10, 2014 and recommended approval with conditions. He also communicated comments from the West Chester Fire Department, Butler County Engineer's Office, Butler County Soil and Water Conservation, as well as the Butler County Water and Sewer Department. He confirmed that the applicant's previous application was withdrawn between the first reading and the second reading. With that neither Mr. Welch nor Mr. Lang had any questions or need for clarification.

Mr. Lang then invited the applicant to address the Board:

Dave Labus, 8000 Park Place Circle, began by explaining why he withdrew his previous application: he was advised to allow the proposed access road from Beckett Road to remain in its current zoning so that it could potentially be rezoned under a commercial PUD, and there would be no access road issue for a commercial development to the west of this property given the access to Beckett Road. Otherwise, his development is conceptually the same. Mr. Labus commented on their adjoining development, noting how all 43 units are sold out.

In response to Mr. Lang's question for Mr. Welch as to whether or not he had any questions or need for clarification, Mr. Welch asked if any of their homes had basements. Mr. Labus answered they do not because they focus on single floor living and hoped to keep people in their home long term. He confirmed for Mr. Lang that he was comfortable with all the conditions of the township staff and the various Butler County departments. Mr. Lang confirmed with Mr.



Welch that he had no other questions for staff. Mr. Lang then sought comment from the audience:

Proponent Comments- no one responded.

Opponent Comments- no one responded.

Neutral Comments- no one responded.

Mr. Lang confirmed with Mr. Welch that he had no need for clarification from staff.

**First Reading of Resolutions & Reading of Emergency Resolutions**

Thereupon Mr. Juengling read the first reading as follows: Resolution no. 01-2015, Resolution approving a zoning map amendment from "R-1A" to "R-PUD" and Preliminary Development Plan for case #ZMA 04-14 – Villas at Park Place Expansion: 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 Zoning Map Amendment and Preliminary Development Plan for the aforesaid application with the following conditions", noting there were 14 conditions on the resolution, highlighting several of them.

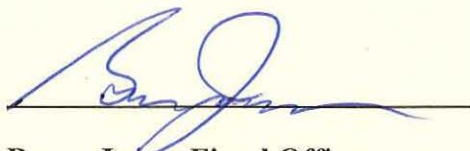
Hereupon Mr. Lang closed the public hearing for case #ZMA 04-14 – Villas at Park Place Expansion.

**Adjournment**

**MOTION** made at 7:30 p.m. by Mr. Welch, seconded by Mr. Lang, to adjourn the meeting. Discussion: none. **Motion carried.**

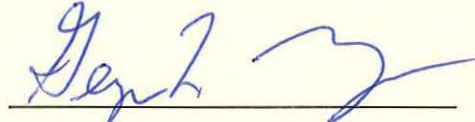
(Fiscal Officer Note: The preceding six pages are narrative minutes. The signatures of the Fiscal Officer and Board President appear immediately below this notation. The following four pages - video slides - referenced herein, pertain to the Public Hearing. There are a total of 10 pages in this document.)

**Respectfully Submitted,**



**Bruce Jones, Fiscal Officer**

**Approved,**

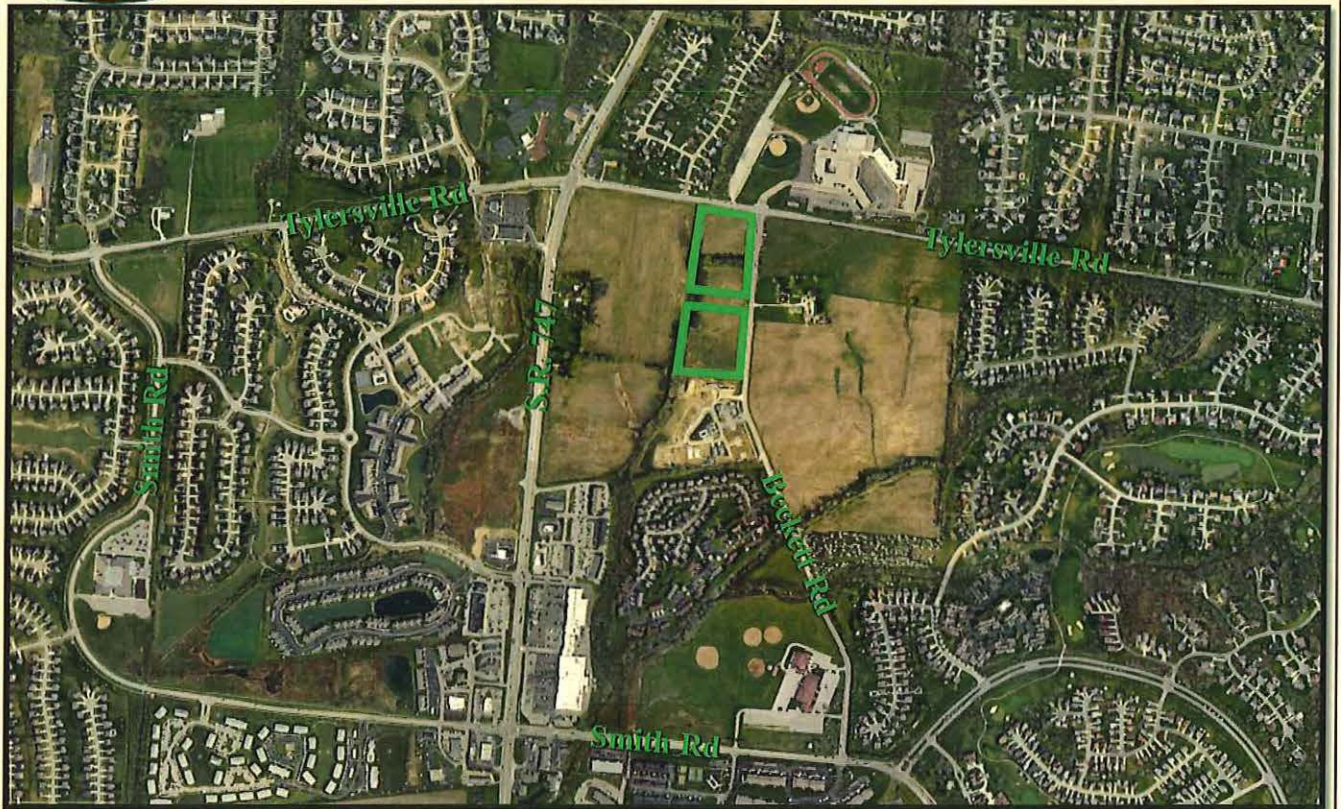


**George Lang, President**

West  
OHIO  
Chester

# Aerial

WEST CHESTER BOARD OF TRUSTEES





**PROPOSED**

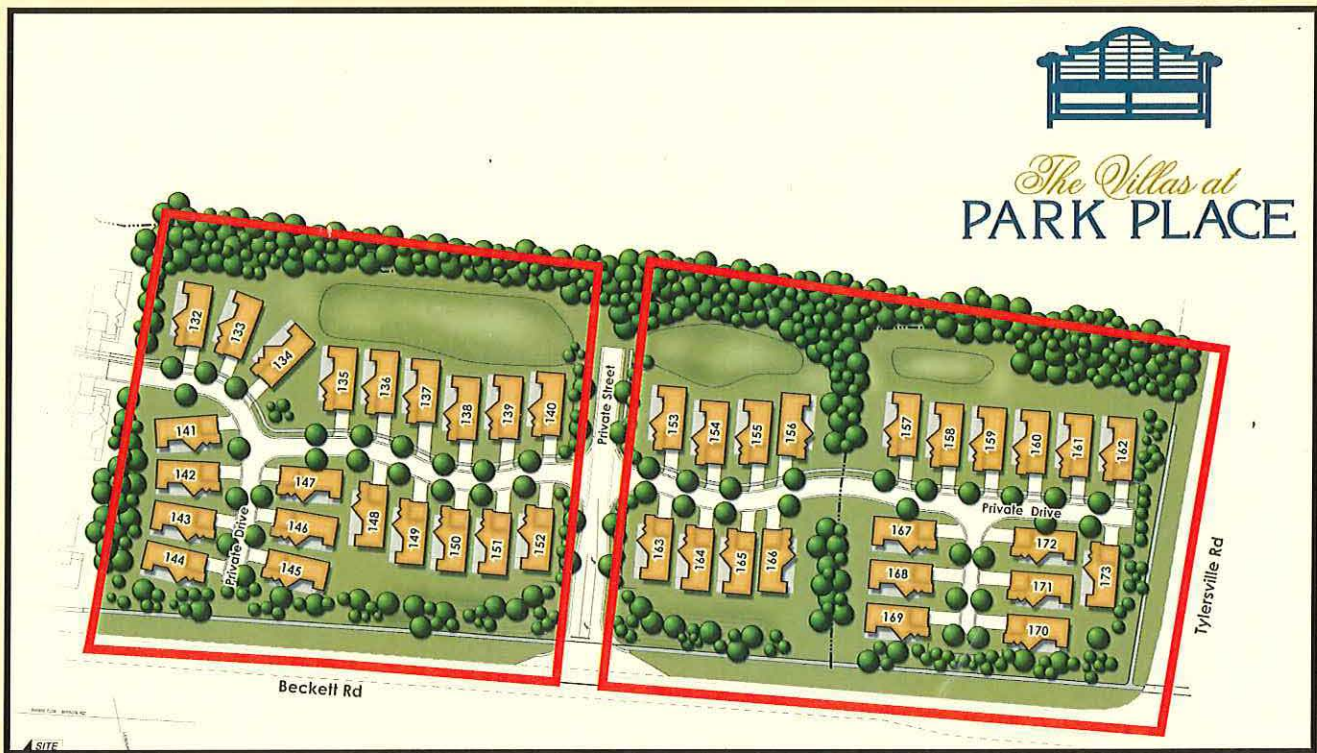


# Preliminary Development Plan

WEST CHESTER BOARD OF TRUSTEES



*The Villas at*  
**PARK PLACE**

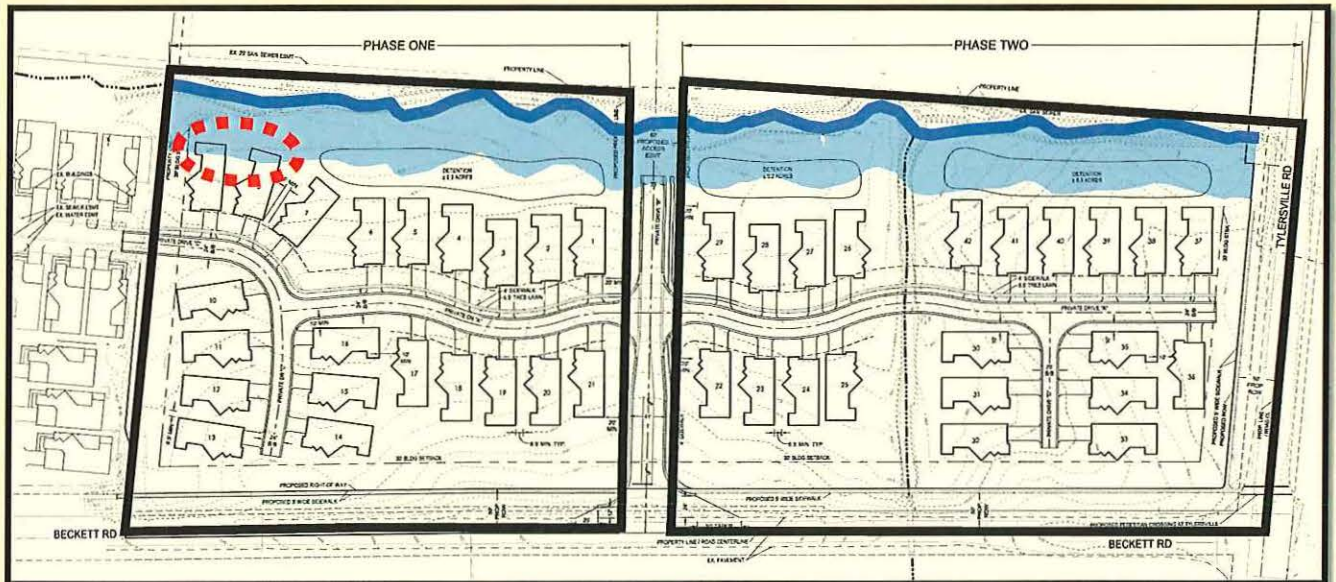






# Blue Line Stream

WEST CHESTER BOARD OF TRUSTEES

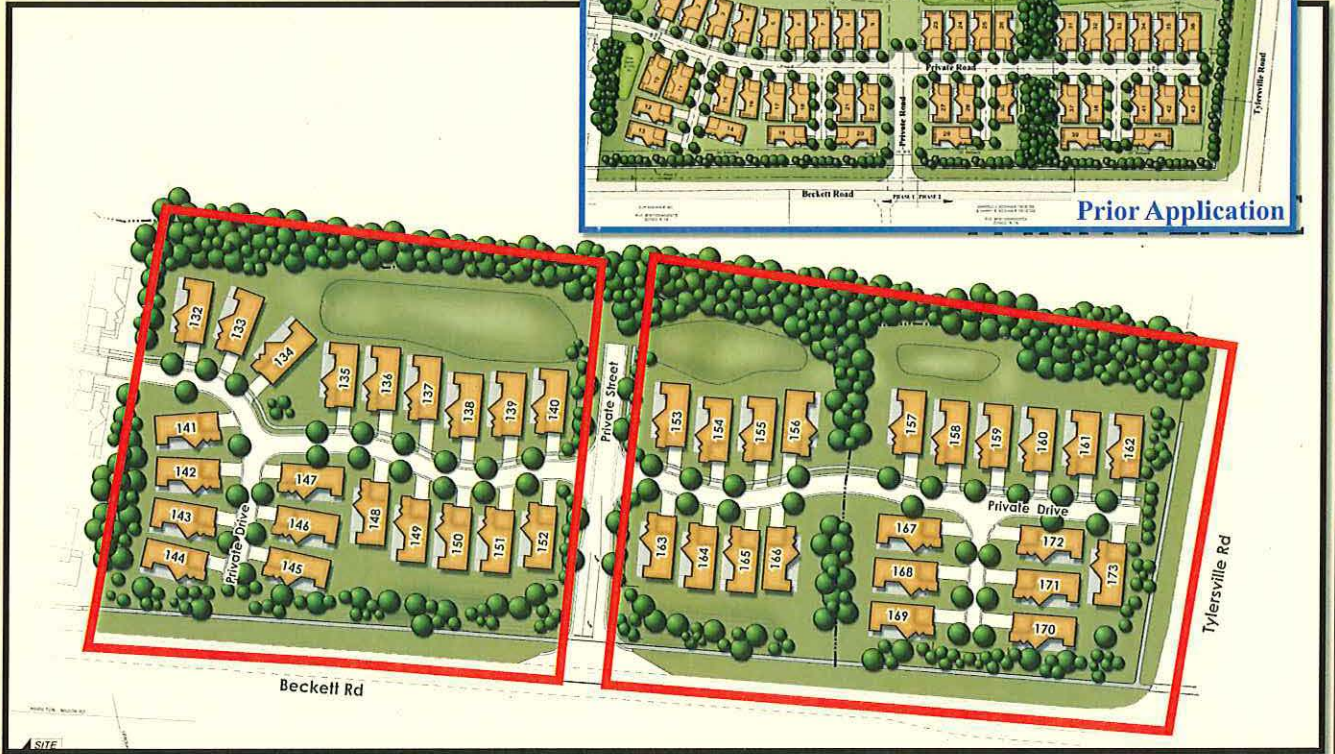






# Preliminary Development Plan

WEST CHESTER BOARD OF TRUSTEES



SITE