

Record of Proceedings: October 11, 2016
West Chester Township Board of Trustees - Regular Meeting

Convene: President Welch convened the meeting at 6:01 p.m.

Roll Call: Mr. Welch, Mr. Lang, and Mr. Wong responded.

Pledge of Allegiance: Led by West Chester Township Police Officer Whittton's three children, Audrey, Todd, and Taylor, and repeated by those present.

Citizen's Comments

There were no citizen's comments.

Presentations

Ed Johnson, President of the West Chester Baseball Partnership, presented a proposal for the Partnership to partner with the township on the purchase of artificial turf on two of the fields at the baseball complex. Mr. Johnson noted that the Partnership has managed the baseball complex for a number of years, saying their focus has been to increase tourism into the Township by increasing the number of teams that travel to and play at the baseball complex from out of town. He said hotel bookings have increased by 150% since 2012. Subsequently, he projected a 25% increase a year through 2020. Mr. Johnson identified some of the competing baseball complexes in the region and said the West Chester complex needs to be competitive with them to be relevant. He said an artificial turf increases the likelihood teams will not have their games rained out, some of whom travel a great distance. He said the Partnership was proposing that two of the four fields, the larger fields, have artificial turf installed on the infield at a projected cost of \$400,000, or \$200,000 per field. Mr. Johnson said the advantages for the ballpark is (1) there would be fewer rainouts, (2) much less maintenance, (3) strong marketability to local and travel teams, (4) added revenue opportunities with a longer season, (5) provides leverage with local high school fields, and (6) keep the West Chester Baseball Complex a top destination for youth baseball. He said it would not be necessary to turf the outfields. He said their estimate was on the high side, and most of the cost would be attributable to installing drainage underneath the turf. Mr. Johnson said they propose the Township finance the total cost up front. The Partnership estimates it could generate an additional \$20,000 to \$30,000 a year in revenue to pay its portion of the expense; \$200,000 or 50% – over 10 years at \$20,000 per year. He said a second option would be for the Township to finance the cost and the Partnership repay 100% of the cost at \$40,000 a year for 10 years, though he said that would be challenging, citing a questionable revenue stream. He concluded by saying the Partnership believes it's yet possible that the artificial turf could be installed before the next season, and asked the Board if they had any questions.

In response to Mr. Wong's question as to how much costs could be reduced by installing artificial turf, Mr. Johnson said materials could be reduced resulting in about \$5,000 in savings, reduced dirt and dirt conditioner usage might be another \$4,000-\$5,000 in savings, and noted reduced man hours in maintaining the field. In response to Mr. Wong's question as to the lifespan of the artificial turf, Mr. Johnson said he understood an infield's life to be about 10 years.

Mr. Lang indicated he would like to see a pro forma for projections, suggesting the West Chester Visitor's Bureau Council could help in that regard.

Mr. Welch inquired about the need to replace the turf after 10 years. Mr. Johnson said it would need to be replaced, though it should cost about half because the drainage infrastructure would already be in place and only the turf itself would need to be replaced. He also commented on continued maintenance requirements for the artificial turf.

Mrs. Boyko said funding was available because it is a TIF eligible expense, and cited hotel stays as the return on investment for the Township. She said West Chester receives about 30% of the hotel business for their tournaments and, though the hotels are often booked, they anticipate a 25% increase per year. If, however, those new revenues are not realized, the Partnership had agreed to pay the difference in the shortfall. Mrs. Boyko asked the Board for their direction going forward. Mr. Welch said he would like to look into it and would like to see a pro forma. Mr. Lang said the baseball complex was constructed before anyone from the current Board was elected to the Board, and it wasn't consistent with the core competencies the Township should focus on which, in his opinion, were police, fire, and roads. He explained the Township still owns the fields, but the Board brought in people from the private sector to manage it. He said the Partnership's proposal was worth exploring to see if it made sense long term. Mr. Wong agreed, adding that he would like to see the pro forma. Mr. Welch expressed praise for the volunteers who manage the complex, terming it "a labor of love".

Action Items – For Approval by Motion

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve the Trustee Meeting Minutes for September 27, 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:

Requisitions – Greater than \$2,500.00

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| 1. Fire | 6,900.00 | Ohio Fire Chief's Association – Conduct assessment center testing for Assistant Fire Chief of Operations |
| 2. Fire | 4,850.00 | Overhead Door of Cincinnati Inc. – Repair garage door at Fire Station 72 |
| 3. Fire | 3,797.00 | First In-Last Out Fire and Safety Equipment – Replace aged and worn fire hose (CIP #1176) |
| 4. Services | \$6,225.00 | Capital Electric Line Builders – Install radar traffic signal control on International Boulevard at Muhlhauser Road (CIP #958) |
| 5. Services | \$6,000.00 | Winter Equipment Company, Inc. – Purchase snow plow parts |

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve payment of requisitions 1 through 5. Discussion: none. **Motion carried unanimously.**

Personnel Items

Mrs. Boyko introduced the next item by introducing HR Specialist Jessica Chaney to provide background on the Personnel matter. Ms. Chaney said Chief Herzog approached the Township about retiring effective October 31st and being rehired November 1st so he could receive retirement benefits. She reviewed his employment history with the Township, as well as reviewing the statutory requirements for retire-rehire, noting he fulfilled those requirements. If his retire-rehire is approved by the Township, the Township's payment for his pension would be reduced from 18.1% to 14% to OPERS, he would enter into a five year employment agreement with the Township wherein his salary would be reduced by 10%, and he would receive reduced paid time off. The Board had no questions for Ms. Chaney.

MOTION made by Mr. Lang, seconded by Mr. Wong, to accept the retirement resignation of Joel Herzog and approve the rehiring in his current position as West Chester Chief of Police pursuant to terms of an employment agreement. Discussion: Mr. Wong praised Chief Herzog and the practice of promoting from within, though he was not in favor of retire-rehire. He said the agreement does not guarantee that Chief Herzog would stay with the Township for the five years. Mr. Wong said 72% of the Lieutenants and Sergeants in our police department are eligible to retire within the next five years. He said he was concerned with the continuity of leadership, which was the reason he was not in favor of retire-rehire in principal. He noted he retired from the military after 20 years, and that people are replaced once they retire. Mr. Lang disagreed with Mr. Wong. He said this was a great means of creating succession planning, affording the Township a limited period of time to groom an internal candidate for a smooth transition. He added Chief Herzog had a tremendous amount of intellectual capital and the retire-rehire gave the Township a way to transition such that everybody wins. Mr. Lang also noted Chief Herzog's benefits will be reduced to that of a new employee, including a reduction in paid vacation from six weeks a year to two weeks a year. This will amount to a savings for the Township of about \$25,000 per year. He explained that Chief Herzog will receive the retirement funds that have been deposited into his retirement account over the years, which are his funds once they're deposited. He said it was a win-win-win: The Township retains Chief Herzog's intellectual capital, Chief Herzog can receive his retirement benefits, and taxpayers will realize the benefit of his intellectual capital at a significantly reduced rate. He concluded by noting that the Board voted five or six years ago during contract negotiations to permit our police officers to retire-rehire without Board approval, similar to other departments. For these reasons he supports the motion. Mr. Welch said he agreed with Mr. Lang. He commented he campaigned on no retire-rehire, but he's viewing this as a matter of logic: Chief Herzog was selected to be the Chief from a nationwide search, he may work beyond the five year agreement, and he offers the Township a lot of experience and intellectual capital, making retire-rehire the right thing to do today. Mr. Wong said he agreed with his colleagues. **Motion carried. Mr. Wong opposed.**

Mrs. Boyko introduced the next item saying Lt. Gutman had successfully completed all applicable testing and procedures.

MOTION made by Mr. Wong, seconded by Mr. Lang, to approve the revised job description for Police Captain as illustrated in the attached supporting documentation and to promote Lieutenant Joseph S. Gutman to the position of Captain effective October 12, 2016 at the annual exempt salary of \$97,000 with a one year probationary period and contingent upon successful

completion of applicable testing and procedures. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying Sergeant Whitton had successfully completed all applicable testing and procedures.

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve the revised job description for Police Lieutenant as illustrated in the attached supporting documentation and to promote Sergeant Christopher J. Whitton to the rank of Lieutenant effective October 12, 2016 at the annual salary of \$87,466.60 per the collective bargaining agreement with a one year probationary period and contingent upon successful completion of applicable testing and procedures. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying Officer Lovell had successfully completed all applicable testing and procedures.

MOTION made by Mr. Lang, seconded by Mr. Wong, to promote Police Officer Paul B. Lovell to the rank of Sergeant effective October 12, 2016 at the annual salary of \$76,057.92 per the collective bargaining agreement with a one year probationary period and contingent upon successful completion of applicable testing and procedures. Discussion: none. **Motion carried unanimously.**

Mr. Lang praised police officers for their courage and the three officers specifically. He said our police department and the security they provide makes West Chester a great place to live. Mr. Wong noted West Chester was a great place to live in part due to our police department, and thanked their families for supporting them. Mr. Welch said police officers are fulfilling their calling, and praised them for their service.

Thereupon Chief of Police Joel Herzog and the three now-promoted officers walked to the center of the dais, and Chief Herzog pinned badges on Captain Gutman, Lieutenant Whitton, and Sergeant Lovell.

Business Items

Mrs. Boyko introduced the next item saying the Board made amendments in 2009 and 2011 to a service agreement approved in 2007 between West Chester Township, Scott Street Partners, and Duke Realty for the construction of Civic Centre Boulevard. In 2013 Duke Realty sold their property to Bass Pro Shop, consequently the improvements the developer was to make were not realized. Subsequently a new agreement was negotiated with the new parties, Bass Pro Shops and an adjoining property owner. She said the Board was being asked in this item to discharge all previous service agreements, leaving the service agreement the Board approved in April, 2016.

MOTION made by Mr. Lang, seconded by Mr. Wong, to release extinguish and discharge in full the liens, rights and interests granted under the service agreement among West Chester Township, Scott Street Partners-X, LLC and Duke Realty Ohio, including the first amendment and the second amendment to the service agreement, and to authorize the Township Administrator with Bond Counsel approval to take action on and execute any and all other necessary documents to effectuate the release and discharge. Discussion: none. **Motion carried unanimously.**

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 October 11, 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 five subject properties were 30 Jolena Court, 8951 Steeplechase Way, 8885 Steeplechase Way, 7964 Honeysuckle Lane, 7779 View Place.) **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying Haveli LLC was previously approved for a D2 permit, and is now requesting approval for a D1 permit because such a permit has become available.

MOTION made by Mr. Lang, seconded by Mr. Wong, to not object to a new liquor permit for Haveli LLC DBA Haveli Indian Grill & Cuisine, 9446 Water Front Drive Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item identifying the terms of the provisional condition as stipulated by the Liquor Commission.

MOTION made by Mr. Lang, seconded by Mr. Wong, to not object to new D2 and D3 liquor permits for Steiner Investments I LLC at the southwest corner of Tylers Place Boulevard and Liberty Way with provisional condition a liquor permit application will be subsequently submitted when an actual building is constructed and business located. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying it codifies maintenance responsibilities for portions of Crescentville Road and Fields-Ertel Road within West Chester Township.

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve a Cooperative Maintenance Agreement in substantially the same form as attached among the Board of County Commissioners of Butler County; City of Sharonville; and West Chester Township Board of Trustees for general maintenance of Crescentville Road from Cincinnati Dayton Road west to Chesterdale Road and Fields Ertel Road from U.S. Route 42 east to the City of Sharonville corporation line and to authorize the Township Administrator to make non-substantive changes if necessary with Law Director approval and to execute the agreement and all other necessary documents to effectuate the agreement. 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

Lisa Siegmann, 8100 Clearmeadow Drive, voiced her concern about the moratorium placed on drug and/or addiction centers. She was concerned that children would travel through the woods behind the proposed center on Route 42 where unsavory people could hang out.

Amy Peters, 8106 Brookfield Drive, said she lives in the same neighborhood as Ms. Siegmann, but has no problem with the proposed center. She expressed concern for people with a drug problem, saying those people such a facility to get help. She said not everyone wants to stop the center.

Jay Carringer, 7969 Larrywood Drive, agreed there is a need for such a facility, but he was really concerned with sexual predators in an unsecured facility in the proposed area.

Joy Sandberg, 8015 Autumn Lane, observed that the PYO is operated by volunteers, but said the baseball complex is operated by persons who are compensated.

Greg Ernst, 7097 Butterwood Drive, said the Board should not be intimidated by federal lawsuits, but recognize the 1100 residents who have objected to the proposed facility on Route 42. He said they have lots of paperwork that shows the facility will generate increased police calls, and that alone would jeopardize West Chester from being recognized as a Top 50 community in which to live. He's the President of the PYO and concluded by saying they have been serving the community since 1959, taking care of Keehner Park and Shawnee Fields. They give back to the community. He said the facility would place their kids in serious jeopardy. He expressed concern that the PYO could lose 100-200 kids a year to the programs Mason or Sharonville.

Mike Burks, 8111 Wells Crossing, said he has nothing against the rehab unit, but everything against the location of the unit. He said he's in his sixth week with the Citizen's Police Academy and it's fantastic. He was very impressed with the personnel in our police department. He said people, not the police, need more training so they know what the police go through.

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

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

Discussion Items & Elected Official Comments

Mr. Wong expressed his appreciation for everyone who comments on PPS (Professional Psychiatric Services), but asked Mrs. Boyko to confirm that PPS does not treat sex offenders. She did not know if PPS would be treating sexual addiction. Mr. Wong confirmed for Mrs. Boyko that it was his understanding that PPS would not treat for sex addiction.

Mr. Lang recognized Liberty Township Trustee Steve Shramm who was in the audience, adding that West Chester Township works well with Liberty Township for their collective success.

Recess to Executive Session

At 7:08 p.m., Mr. Welch asked for a motion to recess 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

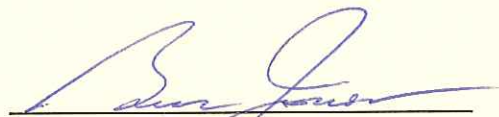
real property, (3) Current and pending litigation. Motion made by Mr. Lang, seconded by Mr. Wong. Discussion: none. **Motion carried unanimously.** Mr. Welch had said the Board would return after Executive Session to adjourn the Executive Session and the resume the Regular meeting respectively, and declared the meeting in recess.

Post Executive Session/ Adjournment

MOTION made at 7:38 p.m. by Mr. Wong to adjourn the Executive Session and resume the October 11, 2016 Regular meeting, seconded by Mr. Welch. Discussion: none. **Motion carried.** (Fiscal Officer Note: Trustee Lang was not present due to another obligation.)

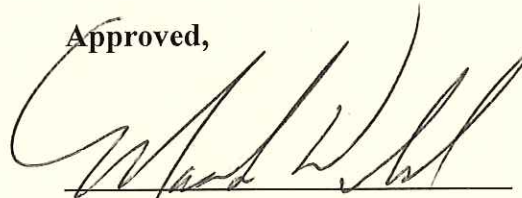
MOTION made by Mr. Wong, seconded by Mr. Welch, to adjourn the October 11, 2016 Regular meeting. Discussion: none. **Motion carried.**

Respectfully Submitted,



Bruce Jones, Fiscal Officer

Approved,



Mark Welch, President