

Record of Proceedings: March 14, 2017
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: Repeated by those present.

Citizen's Comments

There were no citizen's comments.

Presentations

There were no presentations.

Action Items – For Approval by Motion

Mr. Welch observed that the Trustee Meeting Minutes for February 28, 2017 were tabled until the next meeting in order to make changes.

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

1. Adm \$26,518.17 Frost Brown Todd, LLC – Legal services through January 2017 (various departments)
2. Adm \$47,038.06 Dell Marketing L.P. – Renew annual Microsoft license and software
3. Adm \$7,951.00 Precision Laser & Instrument, Inc. – Replace GPS mapping Device and associated equipment and update existing software (CIP #1308)
4. Police \$10,152.32 IVideo Technologies, LLC – Replace audio visual equipment in the police briefing/training room (CIP #1238)
5. Services \$28,750.00 Viox Services, Inc. – Allocate cleaning fees for 2017 Muhlhauser Barn rentals (before reimbursement)

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

Personnel Items

There were no personnel items.

Business Items

Mrs. Boyko presented the next item saying the grant money, if awarded, would be applied to the \$300,000 cost of battery powered EMS cots for existing ambulances and life squads.

MOTION made by Mr. Lang, seconded by Mr. Wong, to apply for the Bureau of Workers' Compensation Safety Grant not to exceed \$40,000.00 for battery operated and powered patient cots and to authorize the Township Administrator to accept grant if awarded. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to apply for the 2017-2018 Ohio EMS and Trauma Grant not to exceed \$6,000.00 for ambulatory child safety restraints and to authorize the Township Administrator to accept grant if awarded. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to apply for the 2017-2018 Public Utilities Commission of Ohio Hazardous Materials Training Grant in the amount of \$5,470.58 for employee training at the Security and Emergency Response Training Center and to authorize the Township Administrator to accept grant if awarded. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to not object to a D5I and D6 liquor permit transfer from Jeannette Adams, dba Jeannettes Delicacies, 5595 Beckett Ridge Boulevard, Suite B, to Jeannettes Delicacies, LLC, dba Jeannettes Delicacies, 9536 Cincinnati Columbus Road. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying the Board authorized staff to advertise for bids at its January 24th meeting, and she was presenting the lowest and most responsive bid from G.M. Pipeline.

MOTION made by Mr. Lang, seconded by Mr. Wong, to accept bid and approve contract with G.M. Pipeline for the 2017 storm pipe replacement program per the specifications as advertised not to exceed \$279,514.88 and to authorize the Township Administrator to execute said contract and all other necessary documents to effectuate the project. 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

Randy Simmons, 5924 Owl Nest Drive, commented on the February 28th meeting, observing that Mr. Wong motioned that the Township meeting protocol follow Robert's Rules of Order. Mr. Simmons suggested the township had already adopted Robert's Rules of Order in order to insure an orderly demeanor during its meetings. He asked Mr. Wong, what rule of order was violated when he, Mr. Wong, refused to second the motion to adjourn the January 10th township meeting? Mr. Simmons said the township codified Resolution 23A-97 in 1997 in order to have orderly

citizen input. He said Mr. Wong's motion was viewed by many as disingenuous as he, Mr. Wong, was the one "who broke from the spirit of Robert's Rules of Order during the January 10th meeting and went directly against Resolution 23A-97", by encouraging non-constituents to speak and by not seconding the motion to adjourn the meeting after citizens had spoken in accordance with Robert's Rules of Order. He said that resulted in the meeting spiraling out of control. It was his opinion that Trustees should not pander to some constituents at the expense of other constituents. Rather they should remain neutral in the proceeding until deliberations have occurred and a vote is taken.

Marci Meyers Addington, 9581 Semaphore Court, commented on separation of church and state, saying, "That was not a non-denominational prayer". She asked, "Since you have an invocation at every meeting, why isn't it on the agenda?" She submitted what she termed non-denominational prayers, told the Board they needed to remember they represent all of us no matter the religious background, and offered to give a non-denominational prayer.

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

Mrs. Boyko introduced the next item saying sexual encounter establishments could be prohibited because they are not a protected, free speech activity, as opposed to sexually oriented businesses which has protected free speech. Because the relative zoning provisions were revised in 2016, it is now necessary to amend relative Township ordinance. She then read, "Resolution No. 06-2017 rescinding and replacing Resolution No. 15-2011 to govern and regulate sexually oriented businesses and employees pursuant to Sections 503.51 and 503.52 of the Ohio Revised Code and as authorized by the Township Limited Home Rule provisions of Ohio Revised Code Chapter 504."

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve Resolution No. 06-2017 as read. Discussion: Mr. Lang noted the history of a sexually encounter business in the township, and that the Township subsequently learned of the legal distinction between a sexual encounter business and a sexually oriented business, and acted based on opposition by constituents.

Motion carried unanimously.

Mrs. Boyko presented the next item by reviewing the public hearing history of case ZMA10-16, Cooper Meadows Self Storage. She then conducted the Second Reading of Resolution 07-2017, approving Zoning Map Amendment 10-16, Cooper Meadows Self Storage: "Now therefore, be it resolved 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 Zoning Map Amendment from R-PUD, Residential Planned Unit Development, to C-PUD, Commercial Planned Unit Development district, and Preliminary Development Plan with 15 conditions".

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve Resolution No. 07-2017 as read. Discussion: none. **Motion carried unanimously.**

Mr. Welch then said the Board would not be acting on Resolution No. 08-2017 because the applicant had withdrawn their application and will re-submit. He then read an email received by Mrs. Boyko earlier that day from Pastor Lonnie Snell from New Life Chapel in which they

withdrew their application, ZMA 11-16, and said they would re-submit for a zoning amendment to a PUD district.

Mrs. Boyko presented the next item by noting the Board conducted a Public Hearing for this application at its February 28, 2017 meeting. She then conducted the Second Reading.

“Resolution 09-2017, approving Major Change 12-16, Keefe; Tract 1; Lot 1; Chick-Fil-A: Now therefore, be it resolved 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 Zoning Commission and does hereby approve the Major Change of the Keefe property, Tract 1, Commercial Planned Unit Development District and Preliminary Development Plan with 12 conditions”.

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve Resolution No. 09-2017 as read. Discussion: Mr. Lang reviewed the changes to the immediate area since the CPUD was first approved in 2004. He said the Board was unable to deny a zoning matter solely on traffic concerns and issues, but he understood the concerns of the residents of The Preserves of Wetherington and would do everything he could to mitigate their traffic concerns. Mr. Welch observed that the residents of The Preserves of Wetherington currently need to cross three lanes of traffic in order to travel north toward the Tylers Place/Liberty Way intersection. He identified several options for those residents to leave their neighborhood, though he would also do everything he could to mitigate their traffic concerns. Mr. Wong said they have studied this matter thoroughly and have made the right decision. **Motion carried unanimously.**

Mrs. Boyko presented the next item by reviewing the public hearing history of case ZMA13-16 Rinck Farm II, Cooper Meadows Self Storage. She then conducted the Second Reading.

“Resolution 10-2017, approving case ZMA13-16: Now therefore, be it resolved 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 Zoning Commission and does hereby approve of the Zoning Map Amendment from B2, General Business District, to M1, Light Industrial District.”.

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve Resolution No. 10-2017 as read. Discussion: none. **Motion carried unanimously.**

Discussion Items & Elected Official Comments

Mrs. Boyko was asked to respond to the citizen’s comment about the invocation. She said this was previously addressed. She said it has been the practice of the Board, in the interest of separation of church and state, to have the invocation prior to the official opening of the meeting. Thus, as it is not part of the meeting, it is not on the agenda. She noted that staff has thoroughly pursued participation from all of the houses of worship in West Chester, and the Board can direct her to pursue another course of action if it wishes. Mrs. Boyko gave an update of the sole source open data platform: In September, 2016 the Board declined to participate in the State Treasurer’s Open Checkbook program and directed her to pursue an open data platform vendor. An RFP/RFQ was subsequently issued to responses. Mrs. Boyko said the platform would provide data to fulfill public interest, as well as integrating, mapping, and cross referencing the data platforms in the Township’s various departments which currently function in isolation. Such integration would hopefully enable the departments to assist one another. She’s researched

and concluded that the implementation was do-able and the cost was reasonable. OpenGov is the recommended vendor. She asked the Board if it concurred with this recommendation, and allow her to negotiate a contract for their consideration. All three Trustees concurred.

Mr. Welch commented regarding the separation of church and state matter that there are occasions in which no one agrees to speak words of wisdom prior to the meeting, so the Board proceeds with the meeting without any such words. Mr. Lang observed that the Board has had people from multiple faiths, including rabbis, the mosque, the Sikh faith as well as other faiths. He said they could arrange for Ms. Addington to share some words before they open the meeting. Mrs. Boyko asked the Board to define the terms for inviting audience members and how to vet those participants.

Mr. Jones recognized OpenGov as the same company that provides the State Treasurer's Open Checkbook offering. He said it made sense to use OpenGov to provide this much more robust product, and, as he's advocated from the beginning, it'll be a good tool to advance the Township's efficiencies.

Mr. Wong observed that the Shamrock Shuffle would be on March 18th and have over 5,000 participants.

Mr. Lang thanked staff for all the work they've done to advance the open data initiative. He said it'll make transparency easier for the public and provide the Township with a lot more tools.

Mr. Lang praised Mr. Jones for originally bringing the sole source open data platform discussion to the Board's attention and pushing it forward. He also recognized John Sams in the audience, a Services Department employee, and thanked him for explaining the difference between chip seal, slurry, and asphalt. Lastly, Mr. Lang reflected on Elected Official's Comments during the last meeting and proposed a new meeting practice:

MOTION made by Mr. Lang, seconded by Mr. Welch, to rotate the order of the votes, starting the next meeting. Discussion: none. **Motion carried.** Mr. Wong voted in opposition.

Mr. Welch commented on Mr. Wong's motion at the last meeting that the Board adopt Robert's Rules of Order. He said he was confused with "why" the motion. He researched and found that Robert's Rules of Order allow a lot of liberty, including "if members do not act according to the organization's rules they could be subject to disciplinary procedures. Such actions could range from censure to the extreme of expulsion from the organization". Mr. Welch told Mr. Wong, based on Robert's Rules, he "displayed an act unbecoming an officer of the Board when he applauded after the first West Chester resident commented at the January 10, 2017 meeting when he gave a very defensive, emotional, and loud, pro-union speech to the crowd arguing against worker's choice". "With the applause approval, you set the stage for an unruly and chaotic meeting because you encouraged the crowd to be rude, insolent and disrespectful to differing opinions." He continued by citing possible negative repercussions from such conduct, and he was still asking "why". Mr. Wong responded that he was elected by the people of West Chester and he didn't have to take "bullying". Substantial discussion ensued between Mr. Welch and Mr. Wong regarding Citizen's Comments protocol in general and specifically the January 10th meeting.

Executive Session

At 6:54 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:

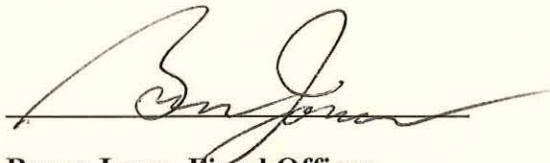
(a) contract negotiations for a certain collective bargaining unit; (b) discipline, termination, promotion, hiring, or transfer of a current or candidate public employee; (c) provision of benefits for public employees, (2) Acquisition, sale, or swap of real property. Motion made by Mr. Lang, seconded 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 Regular meeting respectively. He declared the meeting in recess.

Post Executive Session/ Adjournment

MOTION made at 7:31 p.m. by Mr. Lang to adjourn the Executive Session and resume the March 14, 2017 Regular meeting, seconded by Mr. Wong. Discussion: none. **Motion carried unanimously.**

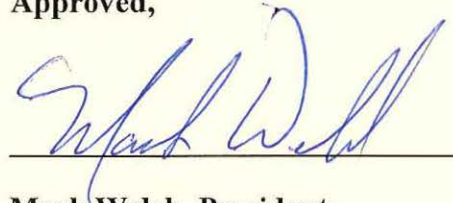
MOTION made by Mr. Wong, seconded by Mr. Lang, to adjourn the meeting. Discussion: none. **Motion carried unanimously.**

Respectfully Submitted,



Bruce Jones, Fiscal Officer

Approved,



Mark Welch, President