

Record of Proceedings: May 23, 2017
West Chester Township Board of Trustees - Regular Meeting

Convene: President Welch convened the meeting at 6:00 p.m.

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

Pledge of Allegiance: Repeated by those present.

Citizen's Comments

David Haley, 7370 Kingsgate Way, suite F, said he's pursuing a Level 2 marijuana cultivation license and has approached the Township zoning and planning personnel about a parcel he believes would be a good fit for it. He said he won't force his way into the Township if the Township is not amenable to this business. Mr. Haley noted his experience in patient care and said he approaches medical marijuana from that perspective. He hoped physicians would consider medical cannabis an alternative to prescription opiates for pain management.

Presentations

There were no presentations.

Action Items – For Approval by Motion

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve the Trustee Meeting Minutes for May 9, 2017. 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

1. Fire \$10,340.00 Fitness and Rehab Solutions – Purchase two replacement elliptical machines, one each for Fire Station 73 and 74 (CIP #1328)
2. Fire \$6,948.21 Linehaul Heavy Duty LLC – Rebuild transmission and replace a power component on vehicle 405 (Engine 71)
3. Police \$7,000.00 Daum & Associates – Perform required testing for the position of Police Officer
4. Police \$2,616.67 Viox Services Inc. – Repair overhead exit door in Police Department sally port
5. Services \$15,000.00 Valley Asphalt Corporation – Purchase asphalt for in-house repair of various Township streets
6. Services \$15,000.00 Northcoast Products – Purchase pavement materials for in-house repair of various Township streets

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve payment of requisitions 1 through 6. Discussion: none. **Motion carried unanimously.**

Personnel Items

Mrs. Boyko introduced the next item saying the Management Analyst position is new and a result of the OpenGov initiative. The Township previously had two full-time HR positions, but this item would reclassify one of them to part-time.

MOTION made by Mr. Wong, seconded by Mr. Lang, to create the Management Analyst position and reclassify an HR Specialist position from full-time to part-time; to approve job descriptions for both positions; to approve the revised organizational chart; and to authorize the Township Administrator to amend or revise other organizational documents and procedures to effectuate the positions. Discussion: In response to Mr. Wong's question, Mrs. Boyko said both positions would be direct reports to the Township Administrator. **Motion carried unanimously.**

Mrs. Boyko introduced the next item noting Mrs. Byrd's experience with West Chester Township and her previous data analyst experience in a marketing capacity.

MOTION made by Mr. Lang, seconded by Mr. Wong, to promote Mrs. Kellie Byrd to the newly created position of Management Analyst effective July 5, 2017 at an annual non-exempt salary of \$60,944.00 with a one year probationary period and contingent upon successful completion of applicable testing and procedures. Discussion: Mr. Wong said he was pleased with the internal promotion and people's potential for upward mobility within. Mr. Welch said he was glad that there would be someone assigned specifically to this task. Mr. Lang said he was impressed with Ms. Byrd's customer service skills. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying this item is necessitated by the vacancy created by the promotion of Mrs. Byrd.

MOTION made by Mr. Lang, seconded by Mr. Wong, to promote Mrs. Felicia Krutka to the vacant position of Finance and Information Technology Administrative Assistant effective July 5, 2017 at the hourly rate of \$16.80 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 this item fills two vacant positions.

MOTION made by Mr. Lang, seconded by Mr. Wong, to hire Mr. Eric Johansing and Mr. Russell Cheesman to the vacant positions of career Firefighter/Paramedic effective May 28, 2017 at the annual salary of \$54,365.02 per collective bargaining agreement with a one year probationary period and contingent upon successful completion of applicable testing and procedures. Discussion: Mr. Lang observed the passing of Firefighter/Medic Tim Burns and his interest in firefighting since he was 12 years old, inspired by his father, a firefighter. He noted Firefighter/Medic Burns's friendship to Chief Prinz dating back to when they were Cub Scouts. He also observed the relationships between firefighters and their families, and praised them for their heroism. Mr. Welch praised Chief Prinz for his honor and integrity. He also observed a new Ohio law that expands benefits for firefighters that contract cancer from their employment. He applauded the West Chester firefighters in attendance. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to hire two May through September 2017 seasonal employees all at the hourly rate of \$11.25: Mr. Nicholas Maksimoski (Roads) effective May 17, 2017 and Mr. Andrew Peace (Roads) effective May 22, 2017. Discussion: none.

Motion carried unanimously.

Business Items

Mrs. Boyko introduced the next item saying the BCEO was recommending that West Chester Township expand its contract with CH2MHill, who had previously performed data and traffic analysis, to now perform preliminary engineering work for modifications to the Union Centre Boulevard overpass prior to the Board's approval of the project in March. She said, relative the overall cost of the project, CH2MHill's cost was well within industry standards.

MOTION made by Mr. Lang, seconded by Mr. Wong, to accept the BCEO (Butler County Engineer's Office) recommendation and expand contract with CH2MHill, Inc. in substantially the same form as attached for professional preliminary and final engineering design services and construction drawings to upgrade and improve the Union Centre Boulevard interchange, interstate ramps, and ancillary intersections not to exceed \$750,000.00; and to authorize the Township Administrator to make non-substantive changes with Law Director approval and to execute the contract and any and all other documents necessary to effectuate the contract and project. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying the Law Director's firm advised there are additional free speech protections afforded to vendor solicitation, and recommended minor changes to a previous Resolution. The measure will amend solicitation hours. The Township will provide residents a "no soliciting" placard. She said there would be no charge to residents.

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve statutory Resolution No. 19-2017 rescinding and replacing Resolution No. 28-2014 and adopting revised regulations establishing the time and manner of transient vendor solicitations and the procedures for obtaining a transient.

vendor solicitation permit in West Chester Township. 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 May 23, 2017 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: Mr. Lang said these nuisances appear this time of year, and many of the properties are in foreclosure.

(Fiscal Officer Note: The 13 subject properties were 10043 Woodbine Avenue, 8939 Seminary Street, 6990 Emery Court, 8757 Bluebird Drive, 7422 Barret Road, 7727 West Chester Road, 7384 Birchwood Drive, 7914 Merryman Way, 7904 Merryman Way, 7645 Kennesaw Drive, 4851 Brantford Court, 8052 Quail Meadow Lane, 9424 Civic Centre Boulevard.) **Motion carried unanimously.**

First Reading of Resolutions & Reading of Emergency Resolutions

Mr. Welch said the only First Reading pertained to the 7:00 Public Hearing and it would be read at that time.

Citizen's Comments

David Haley, 7370 Kingsgate Way, Suite F, said he wanted to resume his comments from the first Citizen's Comments. He said the driving force for him to start a medical marijuana business was because it posed an alternative to opioid medications. It would not be addictive like opiates which could lead to heroin use. He gave some background on his proposed business. Mr. Haley also expressed a need to educate people that marijuana was not to be condoned for recreational use, and he hoped he could bring medical marijuana to West Chester.

David Corfman, 7568 Kirkwood Drive, said he was concerned that the property on Kennesaw identified as a nuisance property was an address error. He said the referenced property is located near his home and the yard looks fine.

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

Mrs. Boyko observed that the Board determined in July of 2016 that it did not want to act so as to regulate medical marijuana in the Township at that time. Ohio's Medical Marijuana Control Program (OMMCP) is the body governing these types of operations and they have adopted cultivator rules. The dispensation and retail sale rules will be created this September. Mrs. Boyko asked the Board how it would like to proceed. The Board was in agreement that it would like to wait until the state completes its codification of the matter before acting. In response to Mr. Lang's question about whether indoor cultivation would be considered agricultural for property taxation, Mrs. Boyko said she believed the Level 2 licensing would be treated as agricultural, but she'll research further. Mr. Welch said he'd like to investigate this issue carefully because West Chester is a family friendly community. There was discussion about imposing a moratorium, but the Board concluded they would wait until they had more information.

Mrs. Boyko also recognized this week, May 21-27, 2017, as National Public Works Week, as well as Emergency Medical Services Week.

Mr. Jones thanked Mr. Welch and Mr. Lang for their comments about Firefighter/Medic Burns and our firefighters. He also asked that we receive an update on the OpenGov initiative in August.

Mr. Wong expressed his sorrow for Firefighter/Medic Burns and family, and noted a fundraiser for the family at Top Golf. He also encouraged everyone to honor people on Memorial Day who are still serving in the armed forces as well as those who gave their life serving our country.

Mr. Lang thanked Fiscal Officer Jones for being the catalyst for bringing forward Open Gov. He also observed that the funeral for Lt. Tim Burn was attended by all of his pervious fire chiefs.

MOTION made by Mr. Lang, seconded to Mr. Wong, to recess the Regular meeting at 6:57 p.m. for a short break before the 7:00 Public Hearing. Discussion: none. **Motion carried unanimously.**

MOTION made at 7:02 p.m. by Mr. Lang, seconded to Mr. Wong, to resume the May 23, 2017 Regular meeting. Discussion: none. **Motion carried unanimously.**

Public Hearing 7:00 p.m.
ZMA01-17 – New Life Chapel

At 7:03 pm Mr. Welch declared open the Public Hearing for Resolution 20-2017 approving a Zoning Map Amendment from R-1 to C-PUD and Preliminary Development Plan for Case #ZMA01-17 – New Life Chapel. He asked staff to make its presentation, whereupon Mr. Tim Dawson proceeded to present with a PowerPoint presentation:

Staff report: Mr. Dawson said the applicant was New Life Chapel and their agent was Ascent, and reiterated for the record that they were requesting a Zoning Map Amendment from R-1, Suburban Residence District, to a C-PUD, as well as a Preliminary Development Plan.

He identified the subject property as having approximately 875' of frontage along Cincinnati-Dayton Road, approximately 230' north of Cresthaven Avenue, and consisting of 18.1 acres.

Mr. Dawson presented the staff report and a PowerPoint presentation that included: aerials, current land use maps, current zoning, and the Preliminary Development Plan (PDP). The proposed development is a consolidation of the parcels affording a transition from the more intense commercial properties to the north to the less intense residential properties to the south. as illustrated on the PDP, is consistent with the Comprehensive Land Use Plan and the designated Office/ General Retail land use classification. Though the Preliminary Development Plan entails the entire development, construction will occur in phases which he identified in detail. Mr. Dawson also noted that the development fulfills the Township's parking and open space requirements, as well as measures the applicant will take to be consistent with the recommendations of the Comprehensive Land Use Plan.

Mr. Dawson commented on the Comprehensive Land Use Plan's and the BCEO's access requirements, the site civil engineering plans, as well as additional conditions.

Mr. Dawson said the Trustees were to either approve the application, approve with modifications, or deny the submitted Zoning Map Amendment and Preliminary Development Plan.

Mr. Welch then solicited questions or need for clarification from staff from the Board. There were none.

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

Lonnie Snell, 6754 Old Station Drive, senior pastor at New Life Chapel, gave the background of his church, their ambitions, and desire for a church home of their own.

Mr. Welch asked for comments as follows:

Proponent Comments:

Eric Dolby, 8096 Chesnut Hill Lane, accompanied by his wife, Amanda, spoke about the hope, healing, and spiritual restoration goals of the church. He commented on the church's successes in helping teens, individuals, and families. He said the church would be a tool for further impact the community on a larger scale.

Tempal Hick, 8164 Dimmick Road, said she and her husband own two business in West Chester, and observed the impact the church has had on West Chester. She said their own church would enable them to expand their ability to give back.

Troy Meyers, 5933 Whitehorse Court, accompanied by his wife, Tania, owners of Troy's Café, said their close ties to the community. He asked the Board to approve the re-zoning so the church could expand their impact on the community.

Nancy Brinker, 9338 West Chester Park Court, related her son's ability to improve his life through his spiritual growth and participation in New Life Chapel. She praised the church's positive impact on the lives of men.

Ruth Snell, 6754 Old Station Drive, said they love West Chester and the opportunities they've had here, saying they strive to "give back", to contribute to the community. She cited examples of contributions made to the community by their congregation. She observed the many people in attendance who attend New Life Chapel.

Opponent Comments: none.

Neutral Comments:

Ryan Berlin, business located at 7242 Tylers Corner Place, said he and his wife have three businesses in West Chester, and he he's looking for land to build upon. He said the decisions being made have a huge impact on the decisions he makes.

In response to Mr. Welch's question as to whether either of his peers had any additional questions, neither had any.

Hereupon Mr. Dawson read the First Reading of Resolution 20-2017:

"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 R1, Suburban Residence District, to C-PUD, Commercial Planned Unit Development District, and Preliminary Development Plan with the following conditions", noting there were 24 conditions.

Mr. Welch said he traditionally closes the public hearing; however, in this immediate instance, not establishing any precedent, he requested a motion to continue this public hearing until

Tuesday, June 13, 2017 at 6:15 p.m. at the West Chester Township Administration Building for the sole purpose to meet statutory requirements to vote on the major change case. Although the public hearing is continued, there will be no additional public comment.

MOTION made by Mr. Lang, seconded by Mr. Wong, to continue the public hearing for case# ZMA 01-17 – New Life Chapel until Tuesday, June 13, 2017 at 6:15 p.m. at the West Chester Township Administration Building for the sole purpose to meet statutory requirements to vote on the major change case. Although the public hearing is continued, there will be no additional public comment at that time. In response to Mr. Welch’s question, the applicant, Mr. Snell indicated he had no objection to the motion. Discussion: none. **Motion carried unanimously.** Thereupon, Mr. Welch said, “The public hearing for case # ZMA 01-17 – New Life Chapel is continued until Tuesday, June 13, 2017 at 6:15 p.m. at the West Chester Township Administration Building for the sole purpose to meet statutory requirements to vote on the zoning map amendment case. Although the public hearing is continued, there will be no additional public comment. This announcement serves as statutory notice for the continued public hearing.”

Mrs. Boyko, in response to Mr. Lang’s earlier question about the ad valorem taxation of agriculturally zoned property used for medical marijuana, interjected that the property would be taxed based on a fair market commercial basis, not agricultural.

Recess to Executive Session

At 7:39 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. Mr. Welch said the Board would return to adjourn the Executive Session and resume the Regular meeting. Motion made by Mr. Lang, seconded by Mr. Wong. Discussion: none. **Motion carried unanimously.** Mr. Welch declared the meeting in recess.

Post Executive Session/ Adjournment

MOTION made at 8:05 p.m. by Mr. Lang to adjourn Executive Session and resume the May 23, 2017 Regular meeting, seconded by Mr. Wong. Discussion: none. **Motion carried unanimously.**

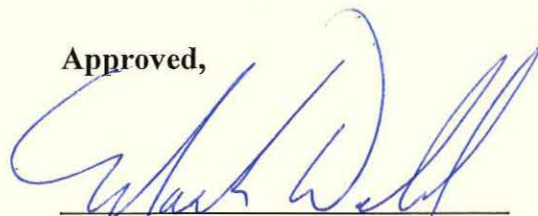
MOTION made by Mr. Lang, seconded by Mr. Wong, to adjourn the May 23, 2017 Regular meeting. Discussion: none. **Motion carried unanimously.**

Respectfully Submitted,



Bruce Jones, Fiscal Officer

Approved,



Mark Welch, President