

Record of Proceedings: **August 8, 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

David Brown, Butler County Deputy Auditor, speaking on behalf of Auditor Roger Reynolds, commented on three items: The Butler County Financial Report for 2016 is out and available online at Butler County Auditor.org. Secondly, the Real Estate Fund Return, a result of excess levy fees, should be available in September. Last year Auditor Reynolds returned about \$170,000 to West Chester Township and hopefully more this year. Thirdly, he commented on the Auditor's efforts to catch gasoline pump skimmers, including installing cameras inside the gasoline pump. He said they haven't found any skimmers in West Chester in over a year.

Charise Peterson, 7324 North Pisgah Drive, said our U.S. Constitution could be in jeopardy because some U.S. Courts use foreign laws, including Sharia law. She said the largest part of Islam is not religious, but political. She continued by saying a majority of Muslims would like our country under Sharia law rather than our constitutional law. She referred to a manual entitled The Reliance of the Traveler and the various Islamic rules in it for governing a society. Ms. Peterson took issue with The Muslim Brotherhood, the Council on American Islamic Relations (CAIR), and The Muslim Student Association. She said the FBI found the archives of The Muslim Brotherhood in 2004 in a north Virginia home and The Explanatory Memorandum stated the goal was to take over the U.S. with stealth by infiltrating the government and organizations, as well as by our laws, and the migration of Muslims into the U.S. As their numbers increase they demand more accommodations and take on more political roles. She concluded by saying we cannot allow Sharia law in our courts.

Jeremiah York, 5373 Blossom Street, referenced the U.S. Constitution wherein it says, it "shall be the supreme law of the land". He said that which the Constitution protects as religious freedom, Sharia law condemns as apostasy. What our Constitutional law protect as freedom of speech, Sharia law condemns as blasphemy. Mr. York identified Muslim countries that will punish people for blasphemy. He said their recent March Against Sharia was characterized by a Muslim leader as "anti-Muslim and anti-Sharia", suggesting Islam and Sharia law are one and the same. He said the western world has not confronted the assault to our liberties for fear of being a victim of terrorism or being called "Islamophobic". He concluded by asking the Board to declare their opposition to Sharia law and any other law that attempts to overthrow or nullify the U.S. Constitution.

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 July 11, 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.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve a lighting district in Glenview Farm Estates at Foxborough, Phase 2D, as illustrated in the attached plan documentation. Discussion: none. **Motion carried unanimously.**

Mr. Fronk submitted the following requisitions greater than \$2,500:

Requisitions – Greater than \$2,500.00

1. Adm \$25,000.00 Strategic HR inc. – Extend interim professional HR placement services (Increase PO #S171271)
2. Adm \$5,372.00 Nuspire Corporation – Renew annual service and support agreement for Sophos anti-virus software
3. Adm \$4,736.00 National Academies of Emergency dba “Priority Dispatch” – Renew annual maintenance and support for emergency medical dispatch software
4. Fire \$23,850.00 Viox Services Inc. – Replace three HVAC systems at Station 74 (CIP #1103)
5. Fire \$3,622.00 Mobiletek Consulting LLC – Purchase two Fujitsu T937 rugged convertible laptops/tablets (CIP #1192)
6. Fire \$11,590.66 Zoll Data Systems Inc. – Purchase mobile inspection software for tablets (CIP #1191)
7. Fire \$5,900.00 Ohio Fire Chief’s Association – Conduct assessment center testing for EMS Captain vacancy
8. Police \$18,585.00 Great Oaks Institute Technology – Basic Police Academy course for new hires
9. Police \$3,792.00 Gall’s LLC – Purchase ballistic vests and nameplates for newly hired Police Officers
10. Police \$3,520.00 Arslan Uniforms Inc. – Purchase uniforms for newly hired Police Officers

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve payment of requisitions 1 through 10. Discussion: none. **Motion carried unanimously.**

Personnel Items

MOTION made by Mr. Wong, seconded by Mr. Lang, to approve 2.5% of applicable current payroll for consideration for 2017 merit performance increases for all qualified non-contract exempt and non-exempt employees, and to approve a not to exceed 4.0% percent increase for any individual employee’s merit performance, and to approve and apply said merit performance

increases effective the first full pay period July 2017, subject to already approved and existing related policies and procedures. Discussion: none. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to hire Mr. Amos Esekwen as a 2017 April through October seasonal employee (Roads) effective July 18, 2017 at the hourly rate of \$11.25. Discussion: none. **Motion carried unanimously.**

Business Items

MOTION made by Mr. Lang that, having reviewed the staff report and affidavit, we declare the property on Birchwood Drive to be a public nuisance as authorized by the Ohio Revised Code. Staff is directed to cause removal of the nuisances identified, and monitor the property for 90 days to require continued compliance. An administrative charge of 25% shall be added to the contractor fee for the property. Motion seconded by Mr. Wong. Discussion: none. (Fiscal Officer Note: The subject property is parcel #M5620-099-000-003.) **Motion carried unanimously.**

Mr. Fronk introduced the next item saying it would place two school resource officers for not more than 15 hours per school week in the library, beginning roughly when school is dismissed at Lakota West. This applies through this December, after which there will be but one officer during the week, 3 hours a day.

MOTION made by Mr. Lang, seconded by Mr. Wong, to approve School Resource Officer Agreement between the West Chester Township Board of Trustees and the MidPointe Library System Board of Library Trustees for the 2017-2018 school year and to authorize the Township Administrator to make non-substantive changes with Law Director approval and to execute the agreement. Discussion: Mr. Wong said this would be good for the community and would be a cost shared by the library. Mr. Lang said this item is a result of the last Lakota levy in which the school board promised to use those funds to provide extra security for the libraries. He said the contract is for West Chester to provide police officers for their libraries, as well as Butler Tech. The Sheriff's department would provide security for the Lakota schools in Liberty Township. He said it will be good for the community, and commended Chief Herzog for creative staffing such that the township would not realize any reduced police coverage as a result of this arrangement, and the school would realize less cost for this security. Mr. Welch observed that many students went to the library from Lakota West after school. He also said this arrangement serves to improve relations between the police and students. **Motion carried unanimously.**

MOTION made by Mr. Lang, seconded by Mr. Wong, to not object to a D5 liquor permit stock transfer for Entertainment, Inc., dba Entertainment Junction, 7379 Squire Court. Discussion: none. **Motion carried unanimously.**

Mr. Fronk introduced the next item saying this pertained to work to be performed between West Chester Road and the interstate. He noted there will be auxiliary projects for which expenses will be brought to the Board at a later date.

MOTION made by Mr. Welch, seconded by Mr. Lang, to reimburse the Butler County Engineers' Office for expenses related to the widening of Cincinnati Dayton Road; not to exceed authorize the township administrator to \$2,500,000.00. (CIP #101) Discussion: Mr. Lang said

this project will open up that corridor and allow businesses to be more profitable. He noted that utilities are being moved and there are additional activities that will continue to cause delays, advising travelers to consider an alternate route. Mr. Wong said the road will be bumpy until the permanent road is installed. **Motion carried unanimously.**

First Reading of Resolutions & Reading of Emergency Resolutions

Mr. Welch said the First Reading for Resolution No. 24-2017 would be read during the 7:00 Public Hearing.

Citizen's Comments

Barry Riddell, 8069 Lawrence Drive, noted a recent issue on Facebook and resurrected his request that the Township purchase "speed monitors". He also suggested a universal key is used to open gas pumps and expressed amazement that the gas pump industry hasn't improved security as it pertains to skimmers.

Philip Corfman, 7568 Kirkwood Drive, said he's the son of David Corfman. He commented on earlier comments by Jeremiah York and Charis Peterson, asking if they favored the abolition of the army. He said anyone who believes the constitution should be followed to the tee should observe that the constitution requires the army be abolished after two years. Reading Article 1, Section 8, Clause 12- "gives Congress the power to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years". He then referenced clause 13 that says "to provide and maintain a navy". He concluded that the Founding Fathers who wrote the constitution did not want a standing army. Mr. Corfman said we need a standing army, but it was his belief one cannot claim to be a perfect defender of the constitution without supporting everything in it. He said the constitution is a very old document and messy at times, and some portions of it are even outdated. He read the Preamble to the Constitution, terming it the spirit of the constitution, and he didn't believe that, "we can accomplish any of those goals . . . without tolerating our neighbors, all of our neighbors."

Dan Richards, 6677 Station Road, responded to Mr. Corfman's comments by saying the reason there's a standing navy is due to the Barbary pirates, who were Islamic. He termed the U.S. constitution the best in the world because of our freedom. He commented on Japanese, racism, the atomic bomb, and teachers. He also commented on a previous citizen's comments who used The Pyramid of Hate to explain the holocaust, suggesting that Islam is going through its own holocaust. Mr. Richards highly objected to the comparison, terming it slanderous and highly anti-Semitic. He said Islam was allied with Hitler during World War II, for which they're unrepentant. He commented on recent riots in Israel, said we're a nation of laws and Islam has a bad history of not obeying laws. He said he's a sinner and God knows his heart, adding that he's very pro-Israel, and predicted future war. He concluded by saying Israel wants peace, and that's what he, Jeremiah York, and Charise Peterson are asking for. He didn't care if anyone calls him a racist, but he wants peace in West Chester for one and all.

Dominick Lejoy, 9398 Ambleside Drive, said the Board derives its authority from the Ohio legislature. He said he's studied Mosaic and Christian law, and sworn his allegiance to the

constitution of the U.S. due to his marine and army reserve service, and federal employment. He referenced the Royal law, a Christian law, that we love our neighbor as our self, and said he would be concerned about the Board if we stopped pledging alliance to the flag each meeting. Otherwise, the Board was doing a great job.

Sharidan Lejoy, 9398 Ambleside Drive, shared three things: (1) She expressed appreciation that the Board extended a Certificate of Appreciation to the Faith Alliance for their Lakota summer lunch program. (2) She thanked the Board for the well maintained Beckett Park facilities, saying her women's group met there recently and enjoyed their event. (3) Regarding the Sharia Law discussion, she referenced Martin Luther King Day, and the need to love and accept our neighbors. She said such discussions only cause suspicions and unrest. She welcomes diversity and did not want Muslims to feel they're unwelcome.

Discussion Items & Elected Official Comments

Mr. Jones observed that school was starting the following week and asked everyone to be extra careful while driving. He also commented on the prospect of his candidacy for trustee this fall, saying there's interest in the community for change on the Board, but, given the current and continued changes to the Township leadership as well as those that could happen, he would not be a candidate in the interest of stability. He asked his fellow voters to focus on stability and concluded by wishing Mr. Welch and Mr. Wong the best in their campaigns for re-election.

Mr. Welch then announced that it was 7:00, time for the previously scheduled Public Hearing, and the meeting would resume with Elected Official's Comments after the hearing. (Fiscal Officer Note: Mr. Lang then left the meeting due to a stomach flu.)

7:00 Public Hearing

At 7:00 p.m. Mr. Welch declared open the Public Hearing for Resolution 24-2017, approving a Zoning Map Amendment from A1 to C-PUD and Preliminary Development Plan for Case #ZMA 02-17 – Butler County Transportation Improvement District at Liberty Way and asked staff to make their presentation. Whereupon Mr. Tim Dawson proceeded to present with a PowerPoint presentation:

Staff report: Mr. Dawson reiterated for the record the case before the Board; #ZMA 02-17 – Butler County TID at Liberty Way. He said the applicant is requesting a Zoning Map Amendment and Preliminary Development Plan. He identified the applicant as Brian Copfer on behalf of Liberty Way Cincy, LLC. He identified the subject property as located at the northeast corner of the intersection of Liberty Way and Hamilton-Mason Road, contained 4.75 acres, and had 1,615' frontage on Hamilton-Mason.

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, as illustrated on the PDP, is consistent with the intent and purpose of the Comprehensive Land Use Plan and the designated Office/ General Retail land use classification, which was adopted in 2013, by achieving compatibility with the surrounding land uses. He termed the proposal complimentary to the surrounding office, retail, and public uses.

Mr. Dawson said the proposed site access ways along Liberty Way/Hamilton-Mason Road would be coordinated with the Butler County Engineer's Office (BCEO) and the cross-access connections stubbed to the adjacent property to the north have been coordinated with Liberty Township for future development.

Mr. Dawson communicated the details of the proposed Preliminary Development Plan, including development of two medical office buildings - which will be constructed in two phases, at two-stories in height - and a total of 95,000 sf. Furthermore, a four-story, 60,000 sf hotel and a single-story, 8,360 sf multi-tenant building is proposed. The latter will consist of retail and a restaurant with a drive-thru use.

Mr. Dawson discussed the storm water drainage plan, site civil engineering, wetland designation, landscaping plan, and signage plan. A Traffic Impact Study is still under review and is a topic of discussion at this time.

Finally, the site will contain three lots and are intended for each to be held under separate ownership. Therefore, a Declaration of Covenants, Conditions, and Restrictions and Reservation of Easements (DCCRRE) needs to be provided, which establishes vehicular cross-access and public use easement agreements; grants legal access throughout the site and to the adjacent property to the north; and defines maintenance responsibilities for all common features and elements throughout the site.

Mr. Dawson said the Trustees were to either approve, 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. In response to Mr. Wong's inquiry, Mr. Dawson said the TIF district was a Butler County TIF.

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

Brian Copfer, Vice President of commercial development for The Miller-Valentine Group, 6680 Sandy Shores Drive, Loveland, said he's been working on the subject development for two and a half years. He said they originally contracted for 90 acres directly to the north, but they downsized the project such that they opted for the subject location. He identified TriHealth as the anchor tenant, adding that they would use 95,000 to 100,000 sf of medical office space in phases. Their goal is to close by the end of the year, start construction as soon as possible, and they have few obstacles.

Mr. Welch asked for comments as follows:

Proponent Comments: none.

Opponent Comments: none.

Neutral Comments:

Ed Conway, 5464 PineVista Drive, suggested there be a bridge to the park, rather than a walkway. He said the walkway would be too dangerous. He said we want to look like West Chester, not Colerain Avenue.

In response to Mr. Welch's question, Mr. Wong said he had no questions.

Hereupon Mr. Dawson read the First Reading of Resolution 24-2017:

“Resolution No. 24-2017 approving a zoning map amendment from A-1 to C-PUD and preliminary development plan for Case #ZMA 02-17 – BC TID at Liberty. 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 A1, Agricultural District, to C-PUD, Commercial Planned Unit Development, and Preliminary Development Plan with the following conditions”, noting there were 24 conditions.

Thereupon Mr. Welch declared closed the Public Hearing for Case #ZMA 02-17 – Butler County Transportation Improvement District at Liberty Way.

Thereupon Mr. Welch resumed the Regular meeting with Elected Official Comments:

Mr. Wong invited everyone in the human race to the Food Truck Rally that Friday.

Mr. Welch, in response to a citizen's comment, said the Township has six speed boxes, four of which were getting old. They're deployed on a weekly basis. He suggested the Trustees could have a future discussion about them in the interest of safety. He also observed that residents requests speed bumps until they damage the resident's car. Mr. Welch Wanted staff to present, possible at the next meeting, the status of the presentation on the body worn police cameras. He hoped they would be deployed in 2017, adding that they're good for the safety of the residents. He also asked for an update from staff their research on medical marijuana, given the township's current moratorium. He also said that he and Mr. Wong attended a fundraiser the previous Friday for the Corey Hood Memorial, the Golden Knight parachutist from West Chester, a Lakota West graduate, who died during an airshow in Chicago several years ago. Mr. Welch spoke about Corey's 14 year service in the Army, including numerous medals, badges, and awards, and five tours of duty. His goal was to be an E7, Sergeant First Class by the time he was 30. He accomplished that by the time he was 28. Mr. Wong said Corey was on active duty, promoting military spirit, and termed him a hometown hero.

Recess to Executive Session

At 7:35 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) Acquisition, sale, or swap of real property, (3) Current or pending litigation. Motion made by Mr. Wong, seconded by Mr. Welch. Mr. Welch said the Board would return to adjourn the Executive Session and

adjourn the Regular meeting. Discussion: none. **Motion carried unanimously.** Mr. Welch declared the meeting in recess.

Post Executive Session/ Adjournment

MOTION made at 7:52 p.m. by Mr. Wong to adjourn the Executive Session and resume the August 8, 2017 Regular meeting, seconded by Mr. Welch. Discussion: none. **Motion carried unanimously.**

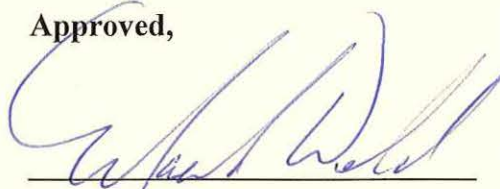
MOTION made by Mr. Wong, seconded by Mr. Welch, to adjourn the August 8, 2017 Regular meeting. Discussion: none. **Motion carried unanimously.**

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Bruce Jones", written over a horizontal line.

Bruce Jones, Fiscal Officer

Approved,

A handwritten signature in blue ink, appearing to read "Mark Welch", written over a horizontal line.

Mark Welch, President