

**Record of Proceedings: December 5, 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. Wong, and Mrs. Becker responded.

Pledge of Allegiance: Repeated by those present.

Citizen's Comments

(Fiscal Officer Note: Mr. Welch prefaced Citizen Comments with the following statement from legal counsel:

“It is the Township's goal to run its meetings as efficiently and effectively as possible. While the Township welcomes the input of its residents, it is in the interest of the Township Board of Trustees and the meeting attendees to conduct meetings in a manner that promotes the timely and orderly discussion and resolution of Township business. In line with these goals, we wish to remind all attendees that the public comment period is reserved for the discussion of matters related to the meeting agenda or business of the Township. Comments are limited to those that are relevant to Township business or topics under consideration during the meeting. Tangential or disruptive comments directed at specific individuals or matters beyond the scope of Township business will not be permitted. If any such comments arise, you will be directed to return the focus of your comments to the topic at issue before the Board, or end your comments so that the meeting may proceed in accordance with the Board's meeting policies and procedures. Any individual who refuses to comply with these directions will be immediately escorted from the meeting. We appreciate your cooperation.”)

Marcee Meyers Addington, 9581 Semaphore Court, referenced an article in the newspaper about pedestrian walkways, suburbs of the future, and sustainability. She expressed her concern that West Chester Trustees were “lukewarm, at best” about walkability, noted West Chester has less and less area to develop, and hoped the Township had put some criteria in for sidewalks. She hoped the Township look at walkability.

David Corfman, 7568 Kirkwood Drive, commented on the issue of medical marijuana, saying the Administration had looked at the reasons why the Township should not allow medical marijuana rather than the reasons why it should. He said it was a quality of life issue and asked why West Chester couldn't be one of the leading communities in dispensing medical marijuana

Presentations

There were no presentations.

Action Items – For Approval by Motion

**MOTION** made by Mr. Wong, seconded by Mrs. Becker, to approve the Trustee Special Meeting Minutes for November 13, 2017. Discussion: none. **Motion carried unanimously.**

**MOTION** made by Mr. Wong, seconded by Mrs. Becker, to approve the Trustee Special Meeting Minutes for November 14, 2017. Discussion: none. **Motion carried unanimously.**

**MOTION** made by Mrs. Becker, seconded by Mr. Wong, to approve the Trustee Meeting Minutes for November 14, 2017. Discussion: none. **Motion carried unanimously.**

**MOTION** made by Mr. Wong, seconded by Mrs. Becker, to approve payment of bills. Discussion: none. **Motion carried unanimously.**

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

Requisitions – Greater than \$2,500.00

1. Adm           \$24,246.38 Frost Brown Todd, LLC – Legal services through October, 2017 (various departments)
2. Adm           \$6,000.00 Five Visual Communication & Design – Design and print the 2018 Community Guide for program and event information
3. Police       \$12,339.00 Lexipol, LLC – Renew annual online subscription services for law enforcement risk management policies and resources
4. Police       \$4,308.00 LeadsOnline, LLC – Renew one year subscription for access to Online investigative depository

**MOTION** made by Mrs. Becker, seconded by Mr. Wong, to approve payment of requisitions 1 through 4. Discussion: Mrs. Becker commented on the assistance she received from Mr. Fronk to understand these requisitions. **Motion carried unanimously.**

Personnel Items

Mr. Fronk introduced the next item saying the contract was for three years at an annual salary of \$135,000 a year and was renewable.

**MOTION** made by Mr. Wong, seconded by Mrs. Becker, to approve and execute an employment agreement with Mr. Larry D. Burks for the position of West Chester Township Administrator. Discussion: Mr. Wong noted this entailed a nationwide search resulting in over 50 applicants. Mr. Burks was from a comparable size community in Nebraska. He observed that Mr. Burks has expertise in economic development and he, Mr. Wong, was looking forward to having Mr. Burks. Mrs. Becker said Mr. Burks professionalism is continue the high level of professionalism and excellence in the Township, and she was looking forward to what changes he may introduce. Mr. Welch appreciated that Mr. Burks was direct in his communication and diligent in his preparation, and he'll maintain the service level to which we're accustomed. Mr. Wong and Mr. Fronk commented they expect to identify Mr. Burks' starting date with him when they met with him again Thursday. **Motion carried unanimously.**

Mr. Fronk introduced the next item saying this would fill one of two vacancies in this role. **MOTION** made by Mrs. Becker, seconded by Mr. Wong, to hire Mr. David A. Beall to the vacant position of Communications Officer effective December 19, 2017 at the non-exempt hourly rate of \$21.08 with a one year probationary period and contingent upon successful

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

Mr. Fronk noted the applicants' education, that she was hired in a temporary capacity in the police department in April of this year, was hired as a part time registrar in September, performed exceptionally well, and now promoted to the stated position.

**MOTION** made by Mr. Wong, seconded by Mrs. Becker, to hire Ms. Jannell Jean Murrell to the vacant position of Police Technician effective December 11, 2017 at the non-exempt hourly rate of \$16.80 with a one-year probationary period commencing from the start date of her part-time employment and contingent upon successful completion of the hiring process. Discussion: Mr. Welch commented on this position resulting from the implementation of body worn cameras. **Motion carried unanimously.**

### Business Items

Mr. Fronk introduced the next item saying employees could voluntarily purchase the referenced life insurance and said they would be responsible for the entire cost.

**MOTION** made by Mrs. Becker, seconded by Mr. Wong, to contract with Principal Life Insurance for voluntary life insurance for January 1, 2018 through December 31, 2018 and to authorize the Township Administrator to execute a contract and any other documentation necessary to effectuate said contract. Discussion: none. **Motion carried unanimously.**

### First Reading of Resolutions & Reading of Emergency Resolutions

Mr. Welch observed that the two agenda items for First Readings would be addressed during the Public Hearings scheduled for 7:00 that evening.

### Citizen's Comments

There were no citizen's comments.

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

Mr. Fronk said the processing of this matter going forward would entail a public hearing on the proposed text amendment before the Townships' Zoning Commission later this month, followed by the First Reading of the text amendment at the Trustees' first meeting in January, followed by a Second Reading the following meeting.

**MOTION** made by Mrs. Becker, seconded by Mr. Wong, to approve Resolution No. 33-2017 prohibiting marijuana cultivators, processors, and retail dispensaries within West Chester Township and initiating proposed text amendment to the West Chester Township Zoning Resolution to reflect this prohibition. Discussion: Mrs. Becker accounted for her due diligence on this issue, said she believed they were doing the right thing, and asked if a sunset provision could be incorporated so the Board could re-visit the issue in several years. Mr. Fronk responded that the Resolution they're addressing constitutes the Boards' application to amend the Zoning Resolution with new text. When that resolution is processed, the Board can approve, disapprove, are approve it with modifications. Mr. Welch commented that the Zoning Commission meeting

that addresses proposed text amendment is December 18<sup>th</sup>, the Trustees' January 9<sup>th</sup> meeting with entail the First reading of the proposed Resolution followed by a Second Reading on January 23<sup>rd</sup>. **Motion carried unanimously.**

“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 application for a Zoning Map Amendment and Preliminary Development Plan with the following conditions”, noting there were 11 conditions.

#### Discussion Items & Elected Official Comments

Mr. Jones commented that it had previously been said that the processing of the medical marijuana matter would include a hearing before the Butler County Planning Commission. He said he was a member of the Butler County Planning Commission, the matter is on their December 12<sup>th</sup> agenda, but the Commission does not have the authority to effectively veto the proposal. Rather it could merely extend suggestions for the West Chester Zoning Commission. Mr. Jones also responded to Mrs. Becker's question about possibly implementing a sunset provision into the medical marijuana resolution, noting that the Board has continuing jurisdiction over its resolutions. He observed as an example of the Boards' ability to re-visit a Resolution it previously approved, a Resolution that the Board adopted four or five years ago, but rescinded at the last Trustee meeting. Lastly, Mr. Jones wished Happy Hanukah to his Jewish friends. Mrs. Becker extended her thanks to everyone for assisting her in her new role, and said she looks forward to serving West Chester.

Mr. Wong welcomed Mrs. Becker, and said they can work together to be a very effective Board. He responded to Marcee Myer Addington's comments by saying the Township is working on a public-private partnership that may result in a sidewalk from Beckett Ridge Boulevard to the Freshman school.

Mr. Welch reminded everyone that there would be a Pearl Harbor Remembrance Thursday morning at the cemetery. He noted that Ben Roethlisberger donated a K-9 to the Township's Police Department. Mr. Welch concluded by explaining how a sidewalk may develop from Beckett Ridge Boulevard to the Freshman school.

#### Recess to Executive Session

At 6:31 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) the employment and compensation of public employee, sale and disposition of public property, negotiations with public employees concerning compensation and other terms of employment, and pending or imminent litigation. Motion made by Mrs. Becker, seconded by Mr. Wong. Mr. Welch said the Board would return to adjourn the Executive Session and resume the Regular meeting, and conduct the Public Hearing. Discussion: none. **Motion carried unanimously.** Mr. Welch declared the meeting in recess.

Post Executive Session

**MOTION** made at 7:03 p.m. by Mr. Wong to adjourn the Executive Session and resume the December 5, 2017 Regular meeting, seconded by Mrs. Becker. Discussion: none. **Motion carried unanimously.**

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**7:00 Public Hearing – First of Three**

At 7:03 pm Mr. Welch declared open the Public Hearing for a no parking zone for the entire length and both sides of International Boulevard, and the south side and cul-de-sacs of Spellmire Drive. He asked Police Chief Herzog to make his presentation. Whereupon Chief Herzog proceeded to present with a PowerPoint presentation:

Staff report: Chief Herzog said this problem has been ongoing for several years and proposed solutions have not been successful. Chief Herzog presented a PowerPoint presentation: He identified the areas where semi-truck congestion exists, saying trucks were waiting to get into US Foods for deliveries before US Foods accepted deliveries at 6:00 a.m.. Consequently they back up in the immediate area onto International Boulevard and Spellmire Court. He said the trucks “stack up” so as to block both sides of the street and even in between, resulting in the trucks being three wide on the street, completely blocking the street. Altercations have resulted and emergency vehicles cannot access the businesses on Spellmire or International Boulevard. His proposed solution was to have “No Parking” signs erected on all of International Boulevard, the south side of Spellmire, and both of the cul-de-sacs on Spellmire where there are fire hydrants.

Mr. Welch then solicited questions from the Board.

In response to Mr. Wong’s inquiry as to where the trucks are to go if they cannot park at this location, Chief Herzog said they would need to find another location. He affirmed for Mrs. Becker that Spellmire was the only access for fire/emergency responders. He also affirmed that a fire truck could access the businesses if the trucks were restricted to parking on one side. Mrs. Becker asked if the trucks were driven by US Foods drivers. Discussion ensued that the trucks were not driven by US Foods employees, rather sub-contractors and different trucking companies. That’s where there’s been a breakdown in communication advising that they’ll be cited for blocking the roadway.

Mr. Welch asked for comments as follows:

Proponents:

Jim Golem and Joe Hatter, representing CTL Aerospace Inc., 5616 Spellmire Drive, expressed their support for the proposed “No Parking” signs. Mr. Golem said they have 117 employees arriving for the start of the first shift at 7:00 a.m., while third shift employees are leaving, all the while trucks blocking their roadway to their parking lot. He said the street is blocked throughout the day causing their employees to arrive late. Mr. Hatter said the south end of International Boulevard gets lined up with trucks such that trucks cannot turn onto International from west

bound Crescentville Road, causing vehicles to attempt to pass the trucks on Crescentville, nearly resulting in head-on collisions. He's also witnessed altercations and expressed concern that someone may get hurt. Mr. Golem also expressed concern for safety, adding that fire trucks could not access their building due to access being blocked by the semi-trucks.

Rob Obermue, 11590 Century Boulevard, spoke as the representative for the ownership group and management of the Spellmire Building, located directly across from US Foods. He affirmed that this has been an ongoing problem. He also noted that people cannot get out of their parking lot once they get in due to the blockage. He acknowledged Mr. Wong's concern, but said US Foods has a logistical issue they need to work out. He concluded by noting his work on the matter with Chief Herzog.

**Opponent Comments:**

Alan Shadler, representing US Foods, said they know a problem exists, adding that the truck drivers are over-the-road truck drivers and US Foods has no control over them. He said they spent several months passing out notification to the drivers telling them they cannot park there, and advising them to arrive 15 minutes before their appointment time. He said they have taken several corrective steps: they've moved their receiving time from 6:00 to 7:00 - enabling them to get their trucks off their lot faster - plus they also have a person manning their gate in order to get the trucks on their lot faster. "At some point there has to be something with no parking out there because it's been a huge problem" and it's been going on for several years.

Neutral Comments: none.

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

Thereupon Mr. Welch declared closed the Public Hearing for a no parking zone for the entire length and both sides of International Boulevard, and the south side and cul-de-sacs of Spellmire Drive.

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**7:00 Public Hearing – Second of Three**

At 7:21 pm Mr. Welch declared open the Public Hearing for Resolution #35-2017 approving a Zoning Map Amendment from A-1 to R-PUD and Preliminary Development Plan for Case #ZMA 04-17 – Powell Property; Hearthstone. Mr. Tim Dawson proceeded to present with a PowerPoint presentation:

Staff report: Mr. Dawson stated the applicant was Bob Hutsenpiller who was requesting a Zoning Map Amendment from A-1 to R-PUD and Preliminary Development Plan for the construction of independent senior living units.

He identified the subject property as located on Cincinnati-Dayton Road, approximately 1000 feet from Tylersville Road, it has approximately 60' of frontage, and it consists of 6.73 acre. Mr. Dawson's PowerPoint presentation 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 Comprehensive Land Use Plan recommended development characteristics, which is proposed as a single-story, residential use with buffering. He said it was not consistent, however, with the intent and purpose of the characteristics by exceeding the recommended medium density, which is recommended to not exceed five dwelling units per acre; 39 units are proposed for the 6.78 acres or 5.8 units per acre. The units are to be restricted to an age range of 55 years and older as independent living units, which typically consists of a lower tenant density of only one or two tenants per unit, compared to a typical family unit. Mr. Dawson said draft legal documents are being reviewed by Township legal counsel to determine that they address the age restriction, and require additional plans and list amenities at the Final Development Plan stage to ensure consistent development characteristics. Subsequently Mr. Dawson identified a variety of requirements and considerations for approval of the proposal.

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 by the Board. Mr. Wong noted the density variance from the recommended density. Mr. Dawson confirmed for Mr. Welch that these are to be rental units.

Mr. Welch then invited the applicant to address the Board, however the applicant was not present.

Mr. Welch asked for comments as follows:

Proponent Comments:

Keith Wren, 6805 Tylersville Road, said he owns the subject property adjoining to the north and he lives there. He said he couldn't ask for better neighbors than senior citizens.

Opponent Comments:

Roger Holland, 6738 Timberwood Drive, said his property adjoins the subject property to the southwest. He's enjoyed having the property as it is and his preference is to have no neighbors. He recognized that the Township will realize increased tax revenue. He noted there are many ground hogs on the subject property, estimating there are 30 or 40 living there. He suggested a reconfiguration of the proposal so as to have more green space and fewer units per acre.

Nancy Turner, 6762 Timberwood Drive, said she would not have a berm behind her house, which adjoins the subject property, because it couldn't be fit in. She wanted the proposal changed so as to move some of the units away from her home. She questioned if the units could be rented for \$1,400 per unit.

Neutral Comments: none.

Mr. Welch questioned whether either of his peers had any additional questions. Mr. Wong said he was concerned with the density, as well as the height of the project and water flow.

Mr. Dawson said there's drainage included in the proposal, including a retention basin. Regarding density, Mr. Dawson said a deed restriction with an age restriction would address that concern.

Hereupon Mr. Dawson read the First Reading of Resolution 35-2017:  
"Resolution No. 35-2017 approving a zoning map amendment from A-1 to R-PUD and preliminary development plan for Case #ZMA 04-17 – Powell Property; Hearth-Stone. 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 A-1 to R-PUD and Preliminary Development Plan with the following conditions", noting there were 21 conditions.

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

Thereupon Mr. Welch declared closed the Public Hearing for Case #ZMA 04-17 – Powell Property; Hearth-Stone.

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### **7:00 Public Hearing – Third of Three**

At 7:45 pm Mr. Welch declared open the Public Hearing for Resolution #36-2017 approving a Major Change to an R-PUD and Preliminary Development Plan for #MC 05-17 – Anthem House Church. Whereupon Mr. Tim Dawson proceeded to present with a PowerPoint presentation:

Staff report: Mr. Dawson noted the applicant is Alton Alexander and Mr. Alexander was proposing a Major Change to the R-PUD and Preliminary Development Plan in order to construct a single story, 7,241 square foot church. He identified the subject property as being located on Cincinnati-Dayton Road directly across from Fox Plum Drive, having approximately 450' of frontage on Cincinnati- Dayton Road, and consisted of 5.41 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). He noted the Board had approved a ZMA from A-1 Agricultural District to an R-PUD as well as the PDP on June 9, 2015. This entailed 10 single family lots. Mr. Dawson explained that the reason for the application is that, although the proposed church use is a principle permitted use within an R-PUD District, the subject site's previously approved Preliminary Development Plan (PDP) (Resolution #13-2015) only included the specified residential use within the R-PUD District. Therefore, the proposed change of use, which is an increase in intensity from the previously approved residential use, and the development characteristics of the proposed PDP will need to be considered in regard to mitigating any detrimental impacts to existing residences. He explained that the use will be consistent with "typical church activities", but will not entail a school other than Sunday school. He said they should specify activities and accessories so that surrounding residences will not be adversely effected. Subsequently Mr. Dawson identified a variety of requirements and considerations for approval of the proposal.



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 invited the applicant to address the Board, however the applicant was not present.

Applicant:

Alton Alexander, 6781 Devon Drive, Liberty Township, said they planted a church a just over a year ago and had not considered building a church until they compared the cost of renting relative to this option. He noted his roots in the community and he expressed appreciation for Tim Dawson's help in the matter. He confirmed that he's the pastor of the church.

Mr. Welch asked for comments as follows:

Proponent Comments: None.

Opponent Comments:

Bill Marsh, 7419 Cincinnati-Dayton Road, said he owns the property to the north of the subject property. He said he doesn't oppose the project, but is concerned with traffic safety. He provided examples of traffic problems along that section of Cincinnati-Dayton Road.

Neutral Comments: None.

Mr. Dawson said the Trustees were to 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 his peers - they expressed none.

Hereupon Mr. Dawson read the First Reading of Resolution 36-2017:

Resolution No. 36-2017 approving a Major Change to an R-PUD and Preliminary Development Plan for case #MC 05-17 – Anthem House Church.

“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 Major Change to an R-PUD and a Preliminary Development Plan with the following conditions”, noting there were 24 conditions.


Thereupon Mr. Welch declared closed the Public Hearing for Case #MC 05-17 - Anthem House Church.

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Adjournment

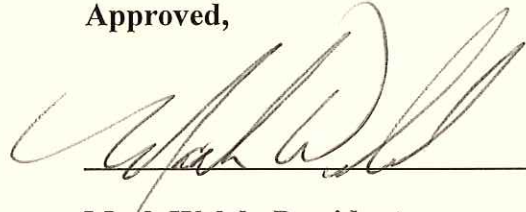
**MOTION** made at 8:05 p.m. by Mr. Wong, seconded by Mr. Becker, to adjourn the December 5, 2017 Regular meeting. Discussion: none. **Motion carried unanimously.**

**Respectfully Submitted,**

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

**Bruce Jones, Fiscal Officer**

**Approved,**

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

**Mark Welch, President**