Record of Proceedings: August 27, 2013
West Chester Township Board of Trustees - Regular Meeting

Convene: President Wong convened the meeting at 6:00 p.m..
Roll Call: Mr. Wong, Mrs. Stoker, and Mr. Lang responded.
Pledge of Allegiance: Repeated by those present.

Citizen's Comments

Dieter Lubert, 7573 Granby Way, said he's a 10 year West Chester resident, and his concerns were safety and traffic. He noted a new school year had just begun, there were no sidewalks in his neighborhood, and kids were walking in the streets to school. He asked that the Trustees consider allotting a side of the street with a painted line, comparable to Cox Road, for pedestrian traffic so the kids wouldn't have to worry about traffic. He also expressed concern with the traffic congestion on Tylersville between Kingsgate Way and Cox Road. Mr. Lubert also expressed a desire that the Trustees get a Metro bus for passenger service from Tylersville to downtown Cincinnati. Lastly, relating his experience in Colorado, he asked if there was any method for alerting drivers of an oncoming tornado.

Carl Rullmann, 8285 Ventle Drive, spoke on transparency and consistency. First he referenced the agenda item to contract for depository and banking services, saying the agenda did not identify the name of the institution with whom they were going to consider contracting, suggesting a lack of transparency. He also said the Board should not contract with any institution for the proposed 5 year term because too many things could change, and suggested they should change banks more frequently. He expressed concern with the amount of detail and the amount of cash benefit they receive from having a 5 year contract. Regarding consistency, he said the address of properties is usually identified by the Township when they’re declared nuisances or liquor permits, with the exception being zoning matters. More transparency is needed for zoning matters.

Presentations

There were no presentations.

Action Items – For Approval by Motion

Mrs. Stoker asked that the Board defer action on the next agenda item, Trustee Meeting Minutes of August 13, 2013 until she can review them. The other Board members were in agreement.

MOTION made by Mrs. Stoker, seconded by Mr. Lang, 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 $3,603.00 Cincinnati Bell – Renew annual connectivity fees for Phase II Wireless
2. Fire $8,256.50 Vogelpohl Fire Equipment – Purchase 35 replacement helmets (CIP #1051)
3. Fire $6,900.00 Zoll Data Systems, Inc. – Renew maintenance agreement for EMS field reporting software
4. Fire $6,611.11 Viox Services, Inc. – Replace carpet at Fire Station 72 on John Road (CIP #633)
5. Police $102,684.00 Kings Ford – Purchase four (4) 2014 Ford police utility vehicles (CIP #922)
6. Police $63,983.64 Camp Safety Equipment Co. – Equip 2014 police utility vehicles to specifications (CIP #922)
7. Services $29,443.00 Kings Ford – Purchase 2014 Ford F-350 pickup truck with snow removal system (CIP #371)

MOTION made by Mr. Lang, seconded by Mrs. Stoker, to approve payment of requisitions 1 through 7. Discussion: none. Motion carried unanimously.

Personnel Items

There were no personnel items.

Business Items

Mrs. Boyko introduced the next agenda item, saying the Board approved the RFP process at their April 23, 2013 meeting, and Mr. Keim received RFPs. She related the criteria he applied, and that he recommended First Financial Bank. In response to comment during Citizen’s Comments, she said First Financial Bank was not identified on the agenda in order to allow time to give all applicants a courtesy call advising of the recommendation. She also said the contract allows change or to request additional evaluation of other depository services at any time during the 5 year period. She recommended adopting the 5 year term in order to attain the best terms and rates.

MOTION made by Mrs. Stoker, seconded by Mr. Lang, to approve a five (5) year contract (January 1, 2014 to December 31, 2018) with First Financial Bank for depository and banking services and authorize the Township Administrator to execute said agreement. Discussion: Mrs. Stoker said, relative the Citizen’s Comment by Mr. Rullmann, that there’s significant expense in changing banks. Mr. Lang said there’s little difference in banks anymore, but said First Financial Bank has been a great corporate citizen, noting that it donated $250,000 for the Clock Tower at The Square. Mrs. Stoker added that the current banking service provider, Fifth Third Bank, has been an excellent partner with the Township, paying for the concerts at Keehner Park on Saturday nights. Motion carried unanimously.

Mrs. Boyko introduced the next item by reminding the Board of their approval for having their aggregation broker request RFPs from electric suppliers because their current aggregation agreement expires at the end of 2013. She said 40 suppliers were contacted, 9 of them responded
with RFPs, 3 were competitive, 2 of which warranted additional consideration. Ultimately FES (First Energy Solutions) was the most competitive, and they were willing to meet all of the conditions and requirements, including no penalty for early termination, a 24 month fixed rate at 5.02 cents per kilowatt hour. She said this was a better rate than their current aggregation program.

**MOTION** made by Mrs. Stoker, seconded by Mr. Wong, to approve second amendment to the master agreement effective January 1, 2014 through December 31, 2015 between West Chester Township Board of Trustees and First Energy Solutions, Corp. to supply electric and to provide certification and other related administrative services to a governmental aggregator and to authorize the Township Administrator to make non-substantive changes if necessary with Law Director approval and to execute all necessary documents to effectuate the second amendment.

Discussion: Mrs. Stoker commented that residents have the option of opting out at any time. She also said residents have saved together more than $9 million, over $650 each, since implementing aggregation. Mr. Wong said people could opt out without penalty. Mr. Lang said he disagreed, saying Mrs. Stoker’s statistics were disingenuous and terming aggregation a horrible use of government powers, and that the government should not be interfering with free markets. Rather, let business create the market. He said any saving comparison should include what people would save if they had opted out of aggregation and gone elsewhere, and that the Township had opted out of the aggregation program. He said about 40% of the homes in West Chester have opted out and the reason they were doing it is because they have better options than what the government could provide. Mrs. Stoker said aggregation has taken the monopoly away from Duke and provided a market for residents. **Motion carried** with Mrs. Stoker and Mr. Wong voting affirmatively and Mr. Lang voted in opposition.

**MOTION** made by Mrs. Stoker, seconded by Mr. Lang, to advertise request for proposals for Township-wide copier equipment services. 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 August 27, 2013 to be public nuisances as authorized by the Ohio Revised Code. Staff is directed to cause removal of the nuisances identified, and monitor the 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 Mrs. Stoker. (Fiscal Officer note: The subject properties are 8885 Steeplechase Way and 7789 View Place.) Discussion: none.  **Motion carried unanimously.**

**MOTION** made by Mr. Lang, seconded by Mrs. Stoker, to enter into contractual agreement with the Fairfield Police Department for participation in the 2014 Butler County OVI (Operating a Vehicle while Intoxicated) Task Force. Discussion: none.  **Motion carried unanimously.**

**MOTION** made by Mr. Lang, seconded by Mrs. Stoker, to not object to TREX liquor permit transfer from Gone Gumbo LLC DBA J Gumbo’s, Finneytown at 879 W. Galbraith Road to J Gumbo’s West Chester, LLC DBA J Gumbo’s at 6096 West Chester Road  Discussion: none.  **Motion carried unanimously.**
MOTION made by Mr. Lang, seconded by Mrs. Stoker, to not object to a new liquor permit for J Gumbo’s West Chester LLC, DBA J. Gumbo’s, 6096 West Chester Road. 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

Mark Morris, 8876 Eagleview Drive, asked why the Township didn’t have an aggregation program that required residents opt in, rather than requiring them to opt out. He also questioned why the proposed Connector on Smith Road was in green space, on the opposite side of the road from the residents. He said residents would not walk up the road to the traffic light to cross at the crosswalk to use the bike path on the other side that goes back the other direction. He said it would make more sense to put it on the same side of Smith Road as the residents. He also thought it made more sense to allot a portion of Smith Road for a bike path, like Cox Road, than to build a new bike path.

Mark Welch, 5879 Owl Nest Drive, said he supported two of the decisions the Board made that night. He said he understands the expense and complications of leaving an existing bank as a small business person, but he agreed with Mrs. Stoker that the competition will cause the bank to “sharpen their pencil”. Secondly, he agreed with the Board’s decision to contract with First Energy Solutions, disagreeing with Mr. Lang’s position, because his business realized savings of about 15% in his utility bill due to aggregation. He offered to meet with Mr. Lang to better understand his position.

Sue Tanner, 6075 Taylor Ridge, said she’s lived in Beckett Ridge 23 years and said she didn’t believe there was any real effort to notify residents about the proposed YMCA (“Y”) PUD change, and that she only found out by accident. She said Beckett Ridge residents cannot change their neighborhood restrictions but by a 75% quorum and she took issue that the Board could change the PUD “agreement” with the 2,000 residents of Beckett Ridge without their knowledge or representation. She said the intent of the change seemed innocent enough, but expressed concerns with unintended consequences and its precedent. She asked the Board to vote “no” on the proposed change.

Michael Austin, 7825 Glen Oaks Court, reminded the Board that he expressed his opposition at the last meeting to the PUD change to the neighborhood where he’s lived for 32 years. He agreed with the comments by Ms. Tanner that Beckett Ridge residents do not know about the proposed change. He encouraged a “no” vote, and suggested the Board delay action until they speak with residents of Beckett Ridge.

Carl Rullmann, 8285 Ventle Drive, said he didn’t like the idea of using the entrance to the park for the “Y” facility, and there were more reasons than he could fathom at the moment.
Mark David, with Gold Star Chili, expressed his concern with the congestion at the Gold Star Chili location on Tylersville Road. He said he previously spoke to this group a couple years ago, without action, and businesses have been going out of business since. He said the Frickers Restaurant has an option to purchase the former Waffle House building on Kingsgate Way, and there now exists an opportunity to create better access for traffic in a public/private partnership. He said Mrs. Boyko and the County Engineer’s office was going to access the situation the following day, but he wanted to communicate to the Board from a business person’s perspective how problematic traffic is in that area, and that it threatens his continued business.

Peter Tanner, 6075 Taylor Ridge, said he didn’t know anything about the “Y” proposal until the previous week, and encouraged the Board to vote “no”. He also encouraged the Board to get more input from area residents. He added that latchkey may still be provided by the Lakota schools.

Clare Austin, 7825 Glen Oaks Court, said she was more emotional at the last meeting, but would try to make a more rational appeal. She said people are already driving erratically at the intersection of the proposed “Y”, and that’s complicated by new drivers from Lakota West. She urged the Board to vote “no”, delay a vote, or get more information. Mrs. Austin said she believes there’s been a breakdown in communication as residents are not aware of what’s going on in their immediate neighborhood, she agreed with Mr. Tanner and urged the Board to take the time to inform the community, and give them all a chance.

Dan Meehan, 9412 Patti Circle, said he’s always been all in favor of a “Y” or rec center, but it has to go in the right place. He said the “Y” doesn’t belong at the proposed location, rather it belongs near residents and they should be working on a system for pedestrians and bicyclists can get to it. He noted he already sent them a memo saying he believed Kehner Park with the right place, and he felt very strongly about that.

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

Mrs. Boyko introduced the next item, noting the Board conducted a Public Hearing and had a First Reading, and they were to make a decision on the issue. 

MOTION made by Mrs. Stoker, seconded by Mr. Wong, to approve Resolution No. 14-2013 approving a major change to the Beckett Ridge PUD for case MC02-13 – Lakota Family YMCA. Discussion: Mr. Lang said he was unable to attend the last meeting due to the death of the spouse of a business associate and beloved friend, and due to extensive travel in the past two weeks he hadn’t time to review the last meeting; therefore, he had to abstain on the vote. He said he did not have any conflict with the “Y” personally or financially, but he would have to abstain because he didn’t have time to watch the proceedings. Mrs. Stoker said she appreciated the amount of citizen input. She wanted to give some historical background: The property was originally zoned in 1975, the property at issue is privately owned, possibly by a bank. It’s being considered for purchase by a private concern for their business and they would like to conduct their business on the subject property. She said the question before the Board was, “Does this business agree with our land use for this area. That’s the basis for consideration of all requested zoning changes. She noted the Tanner’s concern that they cannot perform some changes to their property without a vote of the homeowner association, however the Board’s issue had nothing to...
do with the rules and restrictions of the homeowners association. She reiterated the question before the Board. She said, though people expressed concern with the number of pools and the kinds of recreation available, those issues were not under consideration. “Does the requested change agree with the land use plan”, was the only consideration. She asked Staff or Mrs. Boyko to advise as to the land use plan for the subject property. Bryan Behrmann returned to the lectern and said the property is defined as “public and institutional”, and read the definition: “Public or semi-public uses such as parks, government buildings, churches, schools and utility services”. Mrs. Stoker then asked him if the requested use agreed with the land use plan, and he replied the “Y” might fulfill the first part of being a public or semi-public entity because it was a non-profit, and, being adjacent to Beckett Park, it would be considered a recreational use at that site. He noted the site was previously owned by a church. Mrs. Stoker noted people’s concerns about notifications, to which Mr. Behrmann commented that a sign advising of the pending public hearing was posted prior to the Zoning Commission public hearing and remained posted for about a month. Mr. Wong asked if it was advertised, and Mr. Behrmann said that they placed a legal advertisement in *The Today’s Pulse Butler County* on July 7, 2013, everyone within 200’ was notified pursuant the Ohio Revised Code, and the scheduled hearings – Zoning Commission as well as the Trustee Public Hearing/agenda were posted on the Township website. Mrs. Stoker suggested they discuss better notification means at another date. Thereupon a vote was conducted on the motion. **Motion carried**: Mr. Wong and Mrs. Stoker voted in favor, and Mr. Lang abstained.

**Discussion Items & Trustees Comments**

Mrs. Boyko said it has been their practice to disallow candidate and political issues signs on Township property except the date of the election, specifically on Township property used for polling locations. She asked if that was the continued position of the Board. Mr. Lang said he supported it so long as signs could be posted after 5:00 p.m. the evening before the election. Mrs. Stoker and Mr. Wong concurred.

Mrs. Boyko then reviewed the status of the proposed Connector path along Smith Road and the preliminary engineering study recently received from the Butler County Engineer’s Office. She said the path would extend from Beckett Ridge Boulevard to just west of Route 747 in the vicinity of Sibcy Cline and the multi-tenant building area. Furthermore, it would consist of an 8’ wide asphalt path with the exception of a 6’ concrete sidewalk in the Kroger vicinity, there would be an overlay onto a path toward Endeavor, and the projected cost would be about $360,000, consistent with their previous projection. She reviewed their contact with impacted property owners and that all 5 of the 6 that they were able to contact were supportive of the project.

**MOTION** then made by Mr. Wong, seconded by Mrs. Stoker, that they ask the County Engineer to complete construction drawings in order to advance the project. Mrs. Stoker seconded.

Discussion: Mr. Lang expressed his continued objection to the project as previously expressed: It was not a responsible use of their money, especially given other things to spend money on and other issues in the Township, referring to Mr. David’s comments earlier. He also applied the Rule of 72, saying the cost of replacement for a path will double over 18 years at a 4% interest rate.
Mrs. Stoker said the Rule of 72 isn’t applicable given the cost history of Township paths she sited. She said the bike path is a great investment for citizens to get around. Mr. Wong said he’s in favor of the path because it offers people options for walking and exercise, and a path is safer than a bike lane. Discussion ensued about transportation options and maintenance costs, followed by a vote on the motion. **Motion carried:** Mr. Wong and Mrs. Stoker voted in favor, and Mr. Lang abstained.

Trustee Comments followed and Mrs. Stoker responded to concern expressed during Citizen’s Comments by Mr. David. She said the Board has desired a “frontage road” (aka service road) for decades, but enough property owners haven’t been supportive. She also noted Tylersville is a county road, not a township road, and that they would like to see the idea of a frontage road advanced.

Mr. Lang responded to a comment by Mr. Morris regarding aggregation options, saying the Board originally voted for citizens to be required to opt out of aggregation as opposed to needing to opt in in order to participate in aggregation. Mrs. Stoker commented that the citizens voted to adopt aggregation with that proviso. Mr. Lang also said he agreed with Mrs. Stoker’s earlier comment that they should probably review the standards for notifying residents about proposed zoning changes and that the 200’ notification requirement is probably inadequate. Mrs. Stoker said she was surprised that the (Beckett Ridge) homeowners association had not received notification about the YMCA proposal, allowing them to have discussed the matter in their own meetings.

**Adjournment**

At 7:20 p.m. Mr. Wong asked for a motion to adjourn the Regular meeting and go into Executive Session with legal counsel for the purpose of considering and discussing: (A) Personnel matters, review of benefits of employees of certain collective bargaining unit; review compensation and benefits of employees of certain collective bargaining unit; acquisition, sale, or swap of real property; current and pending litigation. Mr. Wong said the Board would not return. Motion made by Mrs. Stoker, seconded by Mr. Lang. Discussion: none. **Motion carried unanimously.**

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Bruce Jones, Fiscal Officer

Lee Wong, President

August 27, 2013

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