Convene: President Lang convened the meeting at 6:01 p.m.
Roll Call: Mr. Lang, Mr. Welch, and Mr. Wong responded.
Pledge of Allegiance: Repeated by those present.

Citizen’s Comments

Deiter Lubert, 7573 Granby Way, thanked the Township maintenance personnel for their work at the Pumpkin Festival. He also praised the new turn lanes on Kingsgate at Tylersville, but complained that there wasn’t a sidewalk for residents along Kingsgate to use to get to Tylersville, or a walkway on Kingsgate for children to use from the Hopewell schools. He concluded by noting dead trees were being removed from Keehner Park and he was “hoping for the next springtime there will be a lot of shady trees”.

Presentations

There were no presentations.

Action Items – For Approval by Motion

MOTION made by Mr. Welch, seconded by Mr. Wong, to approve the Trustee Meeting Minutes of September 22, 2015. Discussion: none. Motion carried unanimously.

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

MOTION made by Mr. Welch, seconded by Mr. Wong, to approve an addition to a lighting district in Brenner Woods, Section 8, as illustrated in plan documentation. Discussion: none. Motion carried unanimously.

MOTION made by Mr. Welch, seconded by Mr. Wong, to approve an addition to a lighting district in Glenview Farm Estates at Foxborough, Phase 2B, as illustrated in plan documentation. Discussion: none. Motion carried unanimously.

MOTION made by Mr. Welch, seconded by Mr. Wong, to approve an addition to a lighting district in Grace Meadows, Section 2E, as illustrated in plan documentation. Discussion: none. Motion carried unanimously.

MOTION made by Mr. Welch, seconded by Mr. Wong, to approve an addition to a lighting district in The Oaks of West Chester, Section 2, as illustrated in plan documentation. Discussion: none. Motion carried unanimously.

Mrs. Boyko submitted the following requisitions greater than $2,500:
Requisitions – Greater than $2,500.00

1. Adm $44,228.33 Frost Brown Todd – Legal services through August 31, 2015 (various departments)
2. Adm $81,017.80 Lumenate Technologies LP – Replace Township network switching equipment (CIP #732)
3. Adm $5,251.00 The Plant Detail – Design and install outdoor holiday lighting and seasonal displays on Township property
4. Adm $2,970.00 Force Science Institute – Tuition for six (6) attendees at Training for Body Cameras and Other Recordings in Law Enforcement
5. Services $5,000.00 Winter Equipment Co. Inc. – Purchase snow plow parts
6. Services $13,500.00 Southeastern Equipment Co Inc. – Rent salt loader for 2015-2016 winter season
7. Services $5,625.00 Red Wing Shoe Store – Purchase twenty-five (25) pairs of safety work boots per collective bargaining agreement

MOTION made by Mr. Wong, seconded by Mr. Welch, to approve payment of requisitions 1 through 7. Discussion: In response to Mrs. Boyko’s comment that approximately 19% of the legal bills in item 1 were attributable to litigation expenses realized in 2014, Mr. Wong asked why legal expenses from 2014 are now being submitted. Mrs. Boyko attributed the delay to the fact they’re litigation related and the processing of documentation through our litigation insurer, PERSO. She said the delay is neither normal nor ideal, and usually much faster. Motion carried unanimously.

Personnel Items

Mrs. Boyko introduced the next item saying the vacancy was attributable to a retirement and the placement constitutes an internal promotion.

MOTION made by Mr. Wong, seconded by Mr. Welch, to promote Katie L. Brown to the vacant position of Communications Supervisor, effective October 14, 2015 at the hourly rate of $28.20 with a one (1) year probationary period and contingent upon successful completion of applicable testing and procedures. Discussion: none. Motion carried unanimously.

Business Items

Mrs. Boyko introduced the next item saying the agreement was with the Communication Officers, and entailed an immediate 2% lump sum payment, and a 2% pay increase for the second and third years of the agreement. Furthermore, the employee’s share of their health insurance will increase to 16% January 1, 2017, and 17% January 1, 2018.

MOTION made by Mr. Wong, seconded by Mr. Welch, to approve employment agreement between West Chester Township Board of Trustees and Fraternal Order of Police, Ohio Labor Council, Inc. (FOP-OLC) effective October 1, 2015 – September 30, 2018. Discussion: Mr. Welch congratulated the FOP, Law Director Crain, and Mrs. Boyko for their work in creating a “win-win” agreement. Mr. Lang echoed Mr. Welch’s comments, and observed the long term savings to be realized by taxpayers from lump sum payments because they are not subsequently
compounded. Furthermore, he noted the increased employee share of healthcare costs, adding that there was no employee share as of approximately 10 years ago. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying the Board contracted with Energy Alliances Inc. last year to represent West Chester Township as both a broker and an agent in the electric aggregation program and the natural gas aggregation respectively, and the Board contracted with Energy Alliances to serve as the agent for the Township’s natural gas supplier, Constellation. She recalled that the Board authorized her at the last meeting to negotiate and accept a price and contract on behalf the Board for the electric aggregation program. The negotiated price is 5.69 cents per kilowatt hour, and Energy Alliances recommends this rate through Dynergy Energy Services. She termed this a very competitive price for a 36 month period. She asked the Board to authorize her to execute the contract.

**MOTION** made by Mr. Welch, seconded by Mr. Wong, to approve a master agreement in substantially the same for as was attached for a thirty-six (36) month term effective December 2015 through December 2018, or Duke Energy’s last December, 2018 meter read closest this date between West Chester Township Board of Trustees and Dynergy Energy Services (East), LLC, to provide certified electric supply services and certification and other administrative services to a government aggregator; and to authorize the Township Administrator to make non-substantive changes if necessary with Law Director approval and to execute any and all necessary documents to effectuate the agreement. Discussion: Mr. Lang said he believed this was a really good move for our taxpayers, commenting that our previous broker would often times only get one or two responses to his RFP. He said there were four responses to this RFP. He concluded by saying he thought the current regulatory environment was such that the 36 month rate lock was good for West Chester residents. **Motion carried unanimously.**

**MOTION** made by Mr. Wong, seconded by Mr. Welch, to approve statutory Resolution No. 25-2015 finding a 1989 Sutphen Pumper Fire Apparatus is not needed or is unfit for public use, and authorizing the sale of said apparatus by sealed bid. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying it entailed a grant that would enable the Township to be reimbursed up to $12,000 for efforts to reduce OVI violations.

**MOTION** made by Mr. Welch, seconded by Mr. Wong, to enter into contractual agreement with the City of Oxford Police Department for the participation in the 2016 Butler County OVI Task Force and authorize the Township Administrator to execute said agreement and authorize the Township Administrator to execute said agreement. Discussion: none. **Motion carried unanimously.**

Mrs. Boyko introduced the next item saying it enabled the Township to perform snow removal on new, undedicated streets upon request by the developer.

**MOTION** made by Mr. Wong, seconded by Mr. Welch, to approve statutory Resolution No. 26-2015 authorizing the removal of snow and ice from undedicated roads in accordance with Ohio Revised Code Section 505.82. Discussion: Mr. Wong asked how long it takes for a street to become dedicated. Mrs. Boyko said it generally takes a year after the street has been paved before the Township accepts those streets. **Motion carried unanimously.**
First Reading of Resolutions & Reading of Emergency Resolutions

Mr. Lang said the two First Readings on the agenda pertained to two Public Hearing scheduled for 7:00 that evening, therefore they would be read with those hearings.

Mrs. Boyko read Resolution 27-2015 authorizing issuance and sale of not to exceed $2,350,000 road improvement special assessment bond anticipation notes, first (2015) renewal and declaring an emergency and dispensing with the second reading.
She explained that this note constituted a renewal and pertained to constructing the roadway for the Butler Tech BioScience facility, as previously approved by the Board, and Butler Tech would be reimbursing the Township for this expense through a special assessment. This Resolution constitutes a reissuance of the previously approved note, reducing the note by anything Butler Tech is paying ahead and in advance, and placing it for the next year until we can go in for a bond issuance. The Board had no questions.

Citizen’s Comments

Diane Wiater, 5664 Whitehouse Court, said she first addressed the Board in September regarding her concern and praised Services Director Franck for advancing her request for a feasibility study for stream restoration project in the Red Mill Farms area. She said she’s spoken to professionals who said land erosion was a challenge in the area. She concluded by saying she was there to keep the issue in the forefront and termed it not an isolated problem, rather a problem for the Township at large.

Jerry Pitman, 5654 Whitehouse Court, a neighbor of Ms. Wiater, who said he was there to lend his support to her and having a feasibility study of stream restoration.

Deiter Lubert, 7573 Granby Way, reiterated his interest in having a sidewalk on Kingsgate Way.

Barry Riddell, 8069 Lawrence Drive, expressed his appreciation for Services Director Frank’s responsiveness in addressing a dangerous intersection in Maud. He also observed that there are many areas in West Chester that do not have sidewalks and, for that matter, it wouldn’t be feasible to have them constructed.

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

MOTION made by Mr. Welch, seconded by Wong, to declare Emergency Resolution No. 27-2015 an emergency and dispense with the second reading. Discussion: none. Motion carried unanimously.

MOTION made by Mr. Wong, seconded by Mr. Welch, to approve Resolution No. 27-2015 as read and as already declared an emergency. Discussion: none. Motion carried unanimously.

Discussion Items & Elected Official Comments

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Mr. Wong responded to Mr. Lubelt’s comments, saying Kingsgate Way was a high density area and asked if there was any possibility of putting a sidewalk there. Mr. Lang said it comes down to who’s going to pay for the sidewalks. He also observed that developers have been required to install sidewalks in the newer subdivisions. He said the Township could levy an assessment on the property owners for the sidewalks or the Township could explore paying for it, but he was open to considering options. It was agreed Mrs. Boyko would look into the cost of a sidewalk from Granby Way to Tylersville Road.

Mr. Lang said the political and landscape of West Chester is going through some vast changes given the retirement of Speaker of the House John Boehner and the passing of Carlos Todd, expressing praise for both of them. He also noted the retirement of Liberty Township Trustee Dave Kern. Mr. Lang also observed that Homearama 2016 will be hosted at The Oaks of West Chester, and a large entertainment venue will open in West Chester in 6 to 9 months.

Recess to Executive Session

At 6:42 p.m., Mr. Lang 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) discipline, termination, or promotion, hiring, or transfer of a current or candidate public employee, (2) Acquisition, sale, or swap of real property, (3) Current and pending litigation. Motion made by Mr. Welch, seconded by Mr. Wong. Discussion: Mr. Lang said the Board would return to the dais for the 7:00 Public Hearings. Motion carried unanimously. Mr. Lang declared the meeting in recess and said the Board would return at 7:00.

Post Executive Session

7:00 Public Hearings

Mr. Lang resumed the Regular meeting at 7:05 p.m. and declared open the public hearing for zone change case ZMA06-15, Tekulve Office/Warehouse and Storage.

Mr. Wong motioned to adjourn the Executive Session and resume the Regular meeting, seconded by Mr. Welch. Discussion: none. Motion carried unanimously.

Staff report: Mr. Tim Dawson, West Chester Township Planner, reiterated for the record the case before the Board; Case ZMA06-15, Tekulve Office/Warehouse and Storage, Zone Map Amendment from R1A, suburban residential district and B2, General Business District (see slide #1) to C-PUD, commercial planned unit development district, and identified West Chester Office Park, LLC as the applicant. He identified the subject property as 7.71 acres with approximately 550’ of frontage, located on Cincinnati-Columbus Road, approximately 1700’ south of Butler-Warren Road (see slide #2, attached). Mr. Dawson presented the staff report and a PowerPoint presentation that included: aerials, current zoning in the area, proposed zoning map, and the Preliminary Development Plan Mr. Dawson stated the West Chester Township Comprehensive Land Use Plan designates the property as a General Retail land use classification, and the
proposed change was in conformance with the Land Use Plan. The applicant was requesting the change in order to retain the existing businesses and develop the rear of the property with two self-storage buildings (see slide #3). He also communicated recommendations/conditions from staff, as well as the West Chester Fire Department, ODOT, and the Butler County Engineer’s Office. Mr. Dawson also noted that the Butler County Planning Commission held a public hearing for this case on September 8, 2015 and it recommended approval with conditions. Furthermore, the West Chester Zoning Commission had a public hearing on September 21, 2015 and it recommended approval with conditions. He advised the Board that, at the second reading, they are to approve, approve with modifications, or deny the submitted Zoning Map Amendment from R-1A and B-2 to C-PUD and the Preliminary Development Plan, unless additional information is deemed necessary to make an informed decision. Mr. Lang then solicited questions from the Board.

Mr. Wong asked if the storm drainage was on the same elevation as the residential, saying he didn’t want to see any overflow into the residential district if there was a big storm. Mr. Welch questioned the buffering on the west side of the property, vehicular access from the north, the storm water detention area, and sidewalk considerations. Mr. Dawson responded to these questions, and noted there were no objections raised by surrounding property owners at the Zoning Commission meeting.

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

Carrie Critz, 9230 Link Road, Loveland, spoke on behalf of the applicant, Joe Tekulve. She responded to a concern expressed by the Mr. Wong regarding grass clippings. Otherwise, she said she didn’t have a formal presentation and no further comments.

Proponent Comments: no one responded.

Opponent Comments: no one responded.

Neutral Comments: no one responded.

In response to Mr. Lang’s question as to whether they needed any further clarification from staff, Mr. Welch and Mr. Wong responded they did not.

Hereupon Mr. Dawson read the First Reading of the Resolution, Resolution 28-2015, Resolution Approving a Zoning Map Amendment from R1A and B2 to C-PUD and Preliminary Development Plan for case ZMA06-15, Tekulve Office/Warehouse and Storage: “Now therefore be it resolved that 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 proposed Zoning Map Amendment and Preliminary Development Plan for the aforesaid application with the following conditions”, noting there were 16 conditions on the Resolution.

Thereupon Mr. Lang closed the hearing for ZMA06-15, Tekulve Office/Warehouse and Storage, at 7:29 p.m. and declared open zone change case, ZMA07-15, Springs at West Chester.

October 13, 2015
Staff report: Mr. Michael Juengling reiterated for the record the case before the Board; Case ZMA07-15, Springs at West Chester, Zone Map Amendment from M-2, General Industrial, to R-PUD. He identified the applicant as Continental 323 Fund LLC, He identified the subject property as 19.31 acres, located on West Chester Road approximately 345’ west of Union Centre Boulevard (see slide #4, attached). Mr. Juengling stated the West Chester Township Land Use Committee approved an amendment to the West Chester Township Comprehensive Land Use Plan on May 26, 2015 for reclassification of the property from Office/General Retail land use classification to Downtown Regional Center land use classification (see slide #5), noting text changes. The applicant was proposing 308 apartment units in 14 buildings, or 16.96 dwelling units per acre (see slide #6). He provided details on the composition of the buildings and garage availability. Mr. Juengling presented the staff report and a PowerPoint presentation that included: aerials, current zoning in the area, building renderings, proposed zoning map, and the Preliminary Development Plan. He also communicated substantial staff recommendations/conditions, as well as those from the West Chester Fire Department, Butler County Health Department, as well as the Butler County Soil and Water Conservation District. Mr. Juengling also noted that the Butler County Planning Commission held a public hearing for this case on September 8, 2015 and it recommended approval with conditions. Furthermore, the West Chester Zoning Commission had a public hearing on September 21, 2015 and it recommended approval with conditions. He concluded by advising the Board that at the second reading they are to approve, approve with modifications, or deny the submitted Zoning Map Amendment from M-2 to R-PUD and the Preliminary Development Plan, unless additional information is deemed necessary to make an informed decision. Mr. Lang then solicited questions from the Board.

Mr. Welch clarified with Mr. Juengling that there will be a retention pond on the property, not a detention pond.

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

Sarah Johnson, W134 N8675 Executive Parkway, Menomonee Falls, Wisconsin, representing Continental 323 Fund, LLC, gave background information on Continental Properties, including their projects throughout the country. She observed what has changed since their presentation earlier this year, and gave a video presentation illustrating the proposed development, and described the overview. She also presented a PowerPoint presentation with an aerial view, site plan details, common area and interior amenities, market demographics, community outreach, tax analysis, office analysis, as well as renderings and site elevations. Mr. Lang then solicited questions from the Board. Mr. Welch had questions pertaining to facility entrances, ingress and egress, garage availability, interior amenities, rental range, and rent per square foot. Mr. Wong also asked about the rental range. Mr. Lang asked about Continental’s project specialties. She responded to their questions, and said Continental was not concerned about the conditions expressed by staff.

Proponent Comments: Cindy King, 5623 West Chester Road, gave her understanding of the definition of “urban design” as applied to the proposal. Mr. Juengling said the proposal is to be urban, but does not need to be flat roofed.

Opponent Comments: no one responded.

October 13, 2015
Neutral Comments: no one responded.

Hereupon Mr. Juengling read the First Reading of the Resolution, Resolution 29-2015, Resolution Approving a Zoning Map Amendment from M2 to R-PUD and Preliminary Development Plan for case #ZMA07-15, Springs at West Chester: "Now therefore be it resolved that 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 proposed Zoning Map Amendment and Preliminary Development Plan for the aforesaid application with the following conditions", noting there were 10 conditions on the Resolution.

Thereupon Mr. Lang closed the public hearing at 8:32 p.m. for ZMA07-15, Springs at West Chester, to recess.

Recess to Executive Session

... and Mr. Lang asked for a motion to recess the Regular meeting and go into Executive Session with legal counsel for the purpose of considering and discussing current and pending litigation. Motion made by Mr. Wong, seconded by Mr. Welch. Discussion: Mr. Lang said the Board would return to the dais from recess to adjourn the Executive Session and the Regular meeting respectively. Motion carried unanimously. Mr. Lang declared the meeting in recess.

Post Executive Session

At 9:37 p.m. Mr. Wong motioned to adjourn the Executive Session, seconded by Mr. Welch. Discussion: none. Motion carried unanimously.

Adjournment

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

(Fiscal Officer Note: The preceding eight pages are narrative minutes. The signatures of the Fiscal Officer and Board President appear immediately below, constituting the entirety of page 8. Following this page are six pages referenced herein pertaining to the Public Hearings. There are a total of 14 pages in this document.)

Respectfully Submitted,

Bruce Jones, Fiscal Officer

Approved,

George Lang, President

October 13, 2015
Springs at West Chester
Springs at West Chester