

RECORD OF PROCEEDINGS

MINUTES OF THE XENIA TOWNSHIP TRUSTEES:

REGULAR MEETING
JULY 17, 2014 7:00 PM

Note: These minutes are a summary of the discussion and are not a word for word account of the discussions. The proceedings were electronically recorded. The meeting place was the Xenia Township Office, 8 Brush Row Road, Xenia, Ohio.

PRESENT: Scott Miller, Chairman; Amy Lewis, Trustee; Susan Spradlin, Trustee; Barbara Miller, Fiscal Officer; Alan Stock, Administrator.

Meeting was called to order at 7:13 p.m. All participated in the Pledge of Allegiance. This was a Regular Trustees Meeting advertised on the Xenia Township website within 24 hours of scheduling this meeting.

READ FILE:

Nothing in the read file

FISCAL OFFICER/FINANCE:

A motion was made by Mrs. Lewis to approve the bills as presented by the Fiscal Officer, seconded by Mrs. Spradlin. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Aye. Motion PASSED by roll call of 3-0.

RESOLUTION NO. 2014-180

A motion was made by Mrs. Lewis to approve the payroll as presented by the Fiscal Officer, seconded by Mrs. Spradlin. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Aye. Motion PASSED by roll call of 3-0.

RESOLUTION NO. 2014-181

A motion was made by Mrs. Lewis to approve the Public Hearing minutes from June 20, 2013, seconded by Mr. Miller. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Abstain. Motion PASSED by roll call of 2-0.

RESOLUTION NO. 2014-182

A motion was made by Mrs. Lewis to approve the Work Session minutes from July 11, 2013, seconded by Mr. Miller. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Abstain. Motion PASSED by roll call of 2-0.

RESOLUTION NO. 2014-183

A motion was made by Mrs. Lewis to approve the Public Hearing minutes from July 11, 2013, seconded by Mr. Miller. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Abstain. Motion PASSED by roll call of 2-0.

RESOLUTION NO. 2014-184

A motion was made by Mrs. Lewis to approve the Regular Meeting minutes from July 11, 2013, seconded by Mr. Miller. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Abstain. Motion PASSED by roll call of 2-0.

RESOLUTION NO. 2014-185

A motion was made by Mrs. Lewis to approve the Work Session minutes from July 18, 2013, seconded by Mr. Miller. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Abstain. Motion PASSED by roll call of 2-0.

RESOLUTION NO. 2014-186

A motion was made by Mrs. Lewis to approve the Regular Meeting minutes from July 18, 2013, seconded by Mr. Miller. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Abstain. Motion PASSED by roll call of 2-0.

RESOLUTION NO. 2014-187

A motion was made by Mrs. Spradlin to accept the Work Session minutes from July 3, 2014, seconded by Mrs. Lewis. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Aye. Motion PASSED by roll call of 3-0.

RESOLUTION NO. 2014-188

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A motion was made by Mrs. Spradlin to accept the Regular Meeting minutes from July 3, 2014, seconded by Mrs. Lewis. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Aye. Motion PASSED by roll call of 3-0.

RESOLUTION NO. 2014-189

FIRE DEPARTMENT:

Chief Fox said that Rusty Cross had passed all the evaluations and the required background check and he recommended that he be hired as a part-time firefighter for Xenia Township. A motion was made by Mr. Miller to appoint Mr. Rusty Cross as a part-time firefighter and Intermediate EMT at the hourly rate of \$12.09. Mrs. Lewis seconded. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Aye. Motion PASSED by roll call of 3-0.

RESOLUTION NO. 2014-190

Chief Fox said the new Durango is in but it will be another month before it will be ready for service. This is a replacement to the vehicle that had hail damage from two years ago.

TRUSTEES' BUSINESS:

Mr. Miller asked for a motion to approve the Amended 2014 Tax Budget as presented. Mrs. Lewis made the motion, Mr. Miller seconded. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Nay. Motion PASSED by a roll call of 2-1.

RESOLUTION NO. 2014-191

Mr. Miller spoke to the audience about the 2015 Tax Budget having to be done in July and is a snapshot look into the next year. They do a formal budget toward the end of the year or beginning of next year. Mrs. Lewis said this has to be filed by the next day. Mrs. Lewis made the motion to approve the 2015 Tax Budget as presented, Mr. Miller seconded. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Nay. Motion PASSED by roll call of 2-1.

RESOLUTION NO. 2014-192

Mrs. Miller said, for the record, that the Fiscal Officer is responsible for turning in the Tax Budget, which was just passed by two board members, and she refuses to sign it because it was not presented to her prior to the meeting. Mrs. Lewis then said for the record to Mrs. Miller that Mr. Stock had sent out emails to all the elected officials stating that it was everyone's responsibility to meet with him to discuss the budget ; this didn't come as a surprise; Mrs. Miller had printed copies for the Trustees; Mrs. Lewis had contacted Mrs. Miller; others contacted her; Mrs. Spradlin spent a great deal of time on it; it has been a point of discussion for quite a few meetings. Mrs. Miller said Mr. Stock is the Administrator/Zoning Inspector and she cannot dictate his time. She said she is the part-time Fiscal Officer which is pretty open to when Mr. Stock has time. She said if he had the time to go to the Auditor's Office and meet for 90 minutes, couldn't he have invited her to go to the meeting too. Mr. Stock said he went to talk to them about the Amended 2014 Budget because Mrs. Miller asked him to go, and he reported back to her after the meeting. Mrs. Miller said this was part of the 2015 Tax Budget--Mr. Stock said it was totally separate. Mrs. Miller disagreed saying there is a carryover from 2014 to 2015 so it goes together.

Mr. Miller opened Trustee discussion only for the rezoning request for the Trustees. Mr. Miller said about three years ago, CEMEX had submitted a request to rezone three parcels of land around the State Route 235 and West Enon Road to be able to mine the limestone out of that area. The Zoning Commission approved the request and sent their recommendation to the Board of Trustees who denied the request. At this time CEMEX still has a desire to utilize that land for the mining operation. As they were denied the rezoning in Xenia Township, they have gone to the City of Fairborn and initiated proceedings to have land annexed into the City of Fairborn. This annexation will affect Xenia Township in a variety of different ways, mainly on some of the taxes that help operate Xenia Township. A question came up between the Trustees about initiating a rezoning of that land from Xenia Township. Mr. Miller explained the ways a parcel of land can be requested to be rezoned—by a property owner, by trustees as a board, or by a zoning board. Because of the economic impact to Xenia Township and how it will affect the residents of Xenia Township that border that area, Xenia Township has specific rules about mining, more clearly about the setbacks and things of that nature. The City of Fairborn relies on ODNR rules which are less restrictive setbacks than those of Xenia Township. He

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feels Xenia Township's setbacks protect the property owner better. For this reason, the Trustees have considered sending this issue back to the Zoning Commission to ask them to look into it. If the Zoning Commission concurs and approves it, the request will come back to the Trustees for another vote. At the Zoning Commission level and the Trustees' level there will be public hearings for public input concerning the issue. If the request to the Zoning Commission passes tonight anyone who has an opinion on this matter can come back for the public hearings. A guest made a statement that she got an email inviting her to this Trustees' Meeting to discuss any concerns on this issue, and then expressed her opinion about how the email she received is misleading about when the residents are able to discuss this issue. Mr. Jan Smolinski of 3418 West Enon Road feels like CEMEX has had every opportunity to submit the zoning change since the previous one was turned down approximately three years ago. Mr. Smolinski asked whether or not CEMEX has even decided what they would like to do with their land and why the Trustees are initiating an action on proceeding with the rezoning when CEMEX doesn't know whether or not they would like to continue with changing the zoning class to M-3, Mineral Extraction and Storage. Mrs. Spradlin said for the record she did not initiate this. She said in the meeting minutes they just approved "Mr. Miller made an announcement that for the purpose of the next meeting for Trustees' Business to request the Zoning Commission reopen the case of the Cemex properties that were applied for originally for mining and to make sure the public is made aware." Mr. Smolinski asked if Cemex had contributed to Mrs. Spradlin's campaign. She answered no; she paid for all of it herself. Mr. Smolinski asked if Cemex had contributed to Mr. Miller's campaign. Mr. Miller answered yes. Mr. Smolinski said Mrs. Spradlin (before becoming a Trustee) requested that the Zoning Commission consider a longer setback from blasting near residential properties but they have heard nothing about it. Mr. Stock said the Zoning Commission sets its own agenda. Mr. Smolinski said it looks like Cemex has friends in the Township office. He said the citizens formed a committee which negotiated with Cemex through the years. He said there is no reason to believe once annexed by Fairborn the property will be rezoned for mining. He feels it is ridiculous to go through the whole process again. Mr. Smolinski said the application allocates a 150-acre buffer between mining and residential. Mrs. Spradlin confirmed this. Mr. Stock said this is true for the first two parcels (in Bath Township), but nothing about acreage in Phase 2. Mr. Smolinski said there is already a buffer as long as keeping the property zoned Agriculture. Mr. Stock said it is improper for Trustees to hear comments for or against the rezoning before the Zoning Commission hears them. The email requested input about whether the request should be sent to the Zoning Commission not whether properties should be rezoned at this time. Mrs. Spradlin questioned whether the Trustees' are permitted to rezone anyone else's property without the owner requesting it—this snips away the process of zoning. Mr. Stock explained how and why the Trustees' can initiate a rezoning without the property owners approval. Mrs. Lewis said another concern was if the properties are annexed, the Township will lose control over how Cemex can proceed. Question is whether the Township would be better off if they asked the Zoning Commission to revisit the case and she is looking at how this affects the Township as a whole. Mr. Smolinski said if they annex and Fairborn will not rezone the properties, Cemex can detach from Fairborn. He said the only thing Fairborn will benefit is City income tax on employees. The amount of tax base the Township is losing on 350 acres in CAUV status is nominal. Mr. Miller said the major reach into Xenia Township with that annexation gives Cemex the opportunity to finger out even more—this is the part he does not think is appropriate. The residents who attended the meeting were concerned with the amount of space between their property lines and the blasting site as well as the two Township homes that lie in the middle of the blasting site. With no further comments, a motion was made by Mr. Miller to return this issue to the Xenia Township Zoning Commission to consider the rezoning of the three following parcels: M36000100010000100, M36000100010000200, and M38000100010000600 from Agricultural to M-3 (Mineral Extraction and Storage). Mrs. Lewis seconded, stating for the record that she is neither for nor against the rezoning of these parcels and only agreeing to return this issue to the Zoning Commission. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Nay. Motion PASSED by roll call vote of 2-1.

RESOLUTION NO. 2014-193

ROAD DEPARTMENT:

Mr. Miller said Xenia Township is in the process of turning in an application to the Ohio Public Works Commission for grant money for one of the roads within the Township. The grant would be used to rebuild Washington Road. If the Township were to get the grant, it could be in excess of \$300,000. For the record, it will be certified that Xenia Township will allot \$100,000 to the Road and Bridge Fund 2031-330-599-0121 in the 2015 Budget.

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ADJOURNMENT:

There being no further business, a motion to adjourn was made by Mrs. Lewis, seconded by Mr. Miller. Roll Call vote: All voted Aye. Meeting was adjourned at 7:57 p.m.

XENIA TOWNSHIP BOARD OF TRUSTEES

Resolution # _____

Date Approved: _____

ATTEST:

Scott Miller, Chair

Amy Lewis

Barbara Miller, Fiscal Officer

Susan Spradlin