

XENIA TOWNSHIP ZONING COMMISSION

PUBLIC HEARING

September 23, 2014

6:00 P.M.

THESE MINUTES ARE A SUMMARY OF THE EVENTS OF THE MEETING AND ARE NOT A WORD FOR WORD ACCOUNT OF THE DISCUSSIONS WHICH TOOK PLACE.

This was a continuation of the Xenia Township Zoning Commission Public Hearing held on September 6, 2014, at 9:05 a.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH. 45385.

This Public Hearing was called to order at 6:00 p.m. on September 23, 2014, by Mr. Zweber to continue the discussion of the rezone from Agricultural to M3 (Mineral Extraction and Storage) for the three following parcels: M36000100010000100, 55 Hyde Rd. being 146.16 Acres; M360001000100002000, 3053 Enon Rd. being 137.242 Acres; and M38000100010000600,3238 SR 235 being 6.3 Acres. All parcels are owned by CEMEX, Inc. The following members present: Vice Chair, Jeffrey Zweber, Chairman, Alan King, Virgil Ferguson, Kent Harbison, Willie Washington, Alt. Harold Snyder, Alt. Donna Randall and Alan Stock, Zoning Inspector.

There was a discussion of voting eligible members. There were only three seated members of the Zoning Commission present tonight.

- Motion was made that both alternate members be eligible to vote by Mr. King, seconded by Mr. Washington. All voted AYE.

Donna Randall spoke about Cemex. She feels Cemex is a land owner in the Township and we must work with them. The Zoning Commission represents Cemex also.

Mr. Zweber stated his opinion regarding the rezone. He spoke about the nuisance that Cemex causes to residents living near them. He believes there is a way to deal with these problems. He believes that whatever the Zoning Commission decides, Fairborn City will annex the parcels and allow the zoning change. He would like Xenia Township to find a way to make compatible uses for Cemex and land owners. He does not believe current M-3 Zoning Text as written addresses this. He states he plans to vote against the rezone.

Willie Washington spoke about his involvement in past Cemex Zoning. He believes owners have the right to do what they want as long as it does not negatively affect others. He felt the previous Public Hearing was an attempt to gather information. It turned into negative expressions of feelings about Cemex.

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An audience member spoke about negative effects of noise and blasting on the Career Center and residents. He stated he has seen negative effects such as rocks from blasting on driveways. Also he states residents have had to dig multiple wells because their wells were damaged or collapsed as a result of blasting.

Mr. Zweber stated that dust issues seem to be caused by the Cemex trucks and not by mineral extraction. The route the trucks use should be addressed by Bath Township. They should travel on State Route 235. He feels this problem could be greatly reduced if the trucks were washed better as suggested.

Donna Randall spoke in favor of Cemex. She has seen changes since she has owned her property. Cemex purchased this property for a reason.

Andrea Tyson, W. Enon Rd. spoke about her concern about blasting, dust, noise and traffic. She feels this could be dangerous for the children that come to her property to ride horses. This is their livelihood. She moved to this area for peace and quiet. She doesn't want to see her rural area turned into a commercial business property.

James Ray Tyson, W. Enon Rd. stated that he has had problems with his well.

Emma Snively Dixon, 3377 Snively Rd. stated her farm has been in the family since 1884. She compared this situation to the Costco situation on Wilmington Pike. She feels Xenia Township needs to handle the situation and set up strict guidelines and controls. She feels that if Fairborn does annex the parcels, Xenia Township will have no control over what happens.

Mr. Zweber again stated that he believe that Fairborn will annex these parcels. He believes that Cemex would rather deal with the City of Fairborn than Xenia Township.

Robin Malone, 650 W. Hyde Rd. feels that Cemex does not care to work with us. She feels we are being bullied and there is no winner. It seems to be the lesser of two evils.

Mike Esman, 3380 W. Enon Rd. asked that if Xenia Township does approve the zoning change, can Cemex will go ahead with what they plan to do? Mr. Zweber stated he did not know what Fairborn will do. Mr. Zweber believes Fairborn could throw everything restriction out that the Township puts in place.

Donna Randall said she believes life is not stagnant. Things change and we have to live with some changes or move.

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Alan King stated that the Cemex property is very rare. The presence of cement in this area makes construction cheaper. He feels Xenia Township could make zoning changes to keep Cemex as a good neighbor. If Fairborn annexes these parcels, Xenia Township will have no say. He would like to see a compromise to allow Cemex to stay in Xenia Township, but with restrictions. This may be more attractive and cheaper to Cemex than the annexation deals that they have in place with Fairborn. Mr. King believes Cemex does want to be a good neighbor. He would like to see a compromise. He would like to see them stay in Xenia Township with a mining designation.

Kathy Esman, 3380 W. Enon Rd. stated she does not trust Cemex.

Mr. Zweber named the three restrictions put on this rezone when it was considered in 2011.

1. Reclamation
2. Periodic review of the reclamation bond
3. Establishment of a bond to cover property owners

Mr. Zweber stated that the current motion to rezone has no conditions. He asked for a motion to add these conditions.

Donna Randall made a Motion to add these three conditions to the rezone. Willie Washington asked to change one of the conditions to read: Reclamation to occur annually. He would like this condition so that the property is reclaimed instead of donated.

- Motion to accept these conditions for the Motion to rezone was made by Donna Randall, Willie Washington seconded. All voted AYE. The main motion is amended.

_____ has a question about her artesian well. She is concerned about damage to this well. Mr. Zweber explained that this is the purpose of the bond. This should cover damage suffered by property owners. Mr. Zweber is not sure who will handle this bond.

Nancy Megan, 2975 W. Enon Rd. spoke about her well. She asked what Xenia Township would gain by letting Cemex have this land. She wonders what Xenia Township gains from changing the zoning of these parcels. She feels there is no future for her in her current home. Her home is 700 feet from Cemex. No one wants to buy her home. She will walk away from her property if Cemex gets permission to blast closer to her home. This will result in a loss of her tax money to the Township.

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Mr. Zweber feels Xenia Township could possibly restrict Cemex if they remain part of the Township. He does believe that Fairborn is coming and any restrictions put in place will not matter at that time.

Mr. Zweber asked for a motion to approve the rezone with the restrictions.

- Motion to approve the rezone with restrictions was made by Donna Randall, seconded by Willie Washington. Mr. Zweber called for a roll call vote. Donna Randall, AYE; Harold Snyder, NAY; Willie Washington, AYE; Kent Harbison, NAY; Jeffrey Zweber, NAY. The Motion FAILED by a roll call vote of 3-2.

Mr. Stock spoke about his appreciation for Mr. Zweber's time and service. He stated his appreciation for creating an atmosphere where disagreement can be respectful. He thanked Mr. Zweber again for his service.

Motion to close the Public Hearing was made by Harold Snyder, seconded by Kent Harbison. Meeting adjourned at 7:04 P.M.

ATTEST:

Alan D. Stock, Zoning Clerk

slm