

RECORD OF PROCEEDINGS

**MINUTES OF THE XENIA TOWNSHIP TRUSTEES:
HELD ON: DECEMBER 8, 2011**

**REGULAR MEETING
7:00 pm**

NOTE: These minutes are a summary of the meeting and are not a word for word account of the discussion. The proceedings were electronically recorded on tape, but limited by the quality of the recording equipment. The meeting place was the Xenia Township Office, 8 Brush Row Road, Xenia, Ohio. This was a regularly scheduled meeting on a date established during the reorganization meeting. No additional notices were given.

Scott Miller called the meeting to order at 7:20 pm.

PRESENT: Amy Lewis, Trustee; Scott Miller, Trustee; Jim Reed, Trustee; John Faulkner, Fiscal Officer; David Shuey, Public Works Superintendent; Fire Chief Meyers; and Captain Dean Fox; Rhonda Painter, Zoning Administrator; Stephanie Hayden, Greene County Prosecutor's Office

GUESTS: Carrie Smith, Tim Spradlin and several others see attached list

PUBLIC HEARING ON ZONING TEXT AMENDMENTS

Zoning text amendments to the Zoning Resolution: Sections 600.6 (fees), 700.4 (fees), 20.161 (definition of *Tent*) and 511 (temporary uses). All Trustees read the text and there was no discussion. Lewis moved to approve the text amendments. Reed seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-186.**

TRUSTEE DELIBERATIONS ON CEMEX REZONING REQUEST

The Board held a public hearing on November 9 where they tabled making a decision to the CEMEX rezoning request. Miller explained that they realize this affects a lot of people both neighbors and employees. After deliberation the Board will approve, deny or modify the recommendation for approval from the Zoning Commission. Miller asked the board for comments. Reed said that he thinks they are at the point for modification. Miller read the list of modifications the Trustees have come up with. They include the following:

1. CEMEX will provide a 24-hour hotline telephone number to residents to address issues as they arise.
2. CEMEX will conduct a survey of wells by an independent contractor at 100% CEMEX cost if water wells are within 1300 feet of limestone harvesting. Both CEMEX and the home owner will receive a copy of the water well survey. Survey details are listed in Exhibit A.
3. CEMEX will offer to conduct a residential structure survey by an independent contractor at 100% CEMEX cost on any residential structure within 1300 feet of limestone harvesting. The survey will include structural observations of foundations, exterior walls, interior walls, floors, ceilings, and chimneys. The survey will document the utilized building materials and give photographic documentation of all observations. Both CEMEX and the homeowner will receive a copy of the survey.
4. CEMEX will post a performance and closure bond as provided in Section 411.3.C. of the Xenia Township Zoning Resolution.

Miller asked for a motion to approve the zoning recommendation with the modifications.

Miller then moved to approve the rezone request with the above recommendations. Lacking a second the motion died. Miller then moved to approve the rezone request with only the recommendations from the Zoning Commission as written. Lewis seconded the motion. Miller asked for discussion and went on to explain that this will provide jobs, economic benefit and materials that will be used in the area. He said he is aware that property owners have concerns and that several years ago the Zoning Commission created a committee of residents, experts and CEMEX. This committee spent weeks upon weeks and in the end this resulted in the Mineral Extraction language of the Xenia Township Zoning Resolution that protects both residents and companies. Also, ODNR is present if there are any well problems, and the EPA is present for dust problems. This is step one and just rezones the property from Agricultural to M-3. Next

CEMEX will have to obtain a permit and there are policies and regulations in place they will have to follow. There was no more discussion and a roll call vote was taken. Roll call vote: Lewis-No; Miller-Aye; Reed-No. Motion denied 1-2. **RESOLUTION #2011-187.**

After the roll call vote, Miller did take a couple questions. A female resident asked for clarification. Miller explained the first motion with the modifications died for lack of a second and the second motion to approve as recommended by the Zoning Commission was denied. At this time there was a short break as the residents and representatives from CEMEX left the meeting.

MINUTES:

Work Session—September 14: Lewis moved to approve the minutes. Reed seconded. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

Special Meeting—October 11: Lewis moved to approve the minutes. Reed seconded. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

Regular Meeting—October 13: Lewis moved to approve the minutes. Reed seconded. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

Work Session—October 19: Lewis moved to approve the minutes. Reed seconded. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

Regular Meeting—October 27: Reed moved to approve the minutes. Lewis seconded. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

Regular Meeting—November 10: Remove Scott Miller as being present and clarify Dennis Painter from Rhonda Painter. Reed moved to approve the minutes with these changes. Lewis seconded. Roll call vote: Lewis-Aye; Miller-Absent for this meeting; Reed-Aye. Motion passed 2-0.

Work Session—November 16: Miller moved to approve the minutes. Reed seconded. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

Work Session—November 22: Lewis moved to approve the minutes. Reed seconded. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

Trustees Meeting—November 22: Miller moved to approve the minutes. Lewis seconded. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

Work Session—November 29: Miller moved to approve the minutes. Lewis seconded. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.

FISCAL OFFICER/FINANCE: John Faulkner

Faulkner asked for approval of bills and payroll since the last meeting in the amount of \$37,146.11. Lewis moved to approve the bills and payroll. Miller seconded. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-188.**

The Then and Now PO for Lester Ferguson, attorney for Kil-Kare/CruiseFest needs revised. The original amount allowed was \$3000 and the total bill is for \$7845. The rate per hour is \$250. Lewis asked to table this so she can have time to review the billed charges.

Then and Now PO for Greene County Engineer for roadway line striping needs approval. Lewis moved to approve. Miller seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-189.**

Resolution needed for the Auditor's office for the approval and acceptance of the recently passed road levy. This is a net increase of \$90,000. Lewis moved to approve the resolution. Reed seconded. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-190.**

The Bureau of Workman's Compensation has reversed the audit findings that showed the Township owed \$8,998. This amount was approved and paid by the Township. Faulkner, the public servant, has been looking into this and has questioned the findings from the audit date. There was an error and the amount will be refunded to the Township plus a little more. Faulkner then asked for a reversal of Resolution 2011-124, where Reed made a motion to look into the former Fiscal Officers bond coverage to cover this amount. Miller moved to resend the original Resolution 2011-124 regarding Ms. Seiter and the BWC Audit. Reed seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-191.**

The Township Secretary, Sheryl Blackaby, has audited the 2009 permissive license fees of Xenia City and found \$1,504 that will be refunded to Xenia Township. Reed asked why this always happens and is there someone that can be notified about this. Miller suggested talking to the State Representatives.

The new Exit lights only cost \$300 for a savings of \$1,000. Shuey had quote for \$1,300 and was able to purchase the same lights online for \$300.

DT Derrick farms the property on Brush Row Road and the contract is due to be renewed. This can be done at the next meeting. Faulkner just wanted to bring this to the Board's attention.

ROAD DEPARTMENT: David Shuey

Reed asked about what communication Shuey has had with the Career Center and their plans. Reed feels the Trustees have been left out of the loop and he has had people ask him about traffic and turn lanes. Miller said there was a Township Association meeting at the Career Center and the Superintendent mentioned they plan to have a turn lane. There has been no communication as of yet. Painter explained that the use has been approved but nothing will begin until the fall of 2012.

Miller asked about putting something up at the intersection of SR 380 and W. Krepps Road where the asphalt is breaking because people are cutting the corner. Shuey said it is not legal to put something that close to an intersection.

ZONING DEPARTMENT: Rhonda Painter

The following permits have been issued since November 22:

- None

The amount that CruiseFest owes has not yet been paid, and they only have until January 6 per the court ordered agreement. Miller asked if it was appropriate to send an invoice. It was decided that it was not because it was part of a court-ordered agreement. However, if they do not pay, a contempt motion can be filed for failure to file.

FIRE DEPARTMENT: Chief Daryl Meyers

Meyers asked for the approval of the appointment of Richard Platt as a POC Paramedic. He is currently a paramedic in the Airforce. Miller moved to approve Platt's appointment. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-192.**

Meyers asked for the approval of the appointment of Austin Mellendorf as a part-time firefighter/EMT. He is in paramedic class tonight and could not be here. He will be finished the end of March. Lewis made a motion to approve Mellendorf's appointment. Miller seconded the

motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.
RESOLUTION #2011-193.

Meyers has a PO request for Federal Field Services for the maintenance of the sirens for the amount of \$3,000. This is a budgeted item. Reed asked about the cost. Meyers explained it is \$475 per siren and is a once a year test and any parts or batteries are additional. Reed asked if there was anyone else who can go and test them as he felt this was excessive for just a simple battery test. Reed asked if Meyers would investigate and ask if there is anyone else to check -- maybe, Kris Hagler who is on the Fire Department. Meyers wasn't sure that Kris Hagler would know how these sirens work. Reed said he will ask his consultant. Faulkner said that he thinks that the residents rely on this service, Reed agreed. Meyers said why not ask Tim Spradlin who he used when he was at the Township. Spradlin said that Meyers is right and that with the legal world today it is a good idea to have a company check on them. Spradlin continued that mainly older people listen to them, but if you keep them you are bound to maintain them. It was discussed about getting rid of the sirens. Reed made a motion to approve the PO. Lewis seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0.
RESOLUTION #2011-194.

Information on Med 3000: The rates did increase for 2012 and the Fiscal Officer needs to sign. Reed asked about a resident receiving two different bills. There was a long discussion on the way they bill and different insurances. Miller suggested that if there are questions it would be best to make an appointment with Med 3000 to get answers.

Scott Henry has been with Xenia Township for two years and also works for Washington Township in fire prevention as the department's public education specialist. He recently received the Centerville Noon Optimist 2011 Robert J. O'Toole Award for his fire safety programs and compassion for the citizens of Centerville and Washington Townships.

Chief Meyers is trying to start online training and there are 16 people interested. The cost for the online training is about \$35 per person per year. He is requesting a PO for \$560 to be paid to Health and Safety Institute. Lewis asked about how the training works. Meyers explained that they can get about 1.5 hours each time they are at the computer. There are several trainings that can be utilized. Reed moved to approve the cost. Lewis seconded. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-195.**

TRUSTEES OLD BUSINESS:

Going Places Resolution—Faulkner copied Martin Kim's Power Point presentation and sample resolution from the December 2011 MVRPC meeting. Faulkner made copies available to each Trustee and publically reviewed the Power Point. Lewis asked Faulkner that as the President of the Miami Valley Regional Planning Commission does he recommend the approval. Faulkner responded yes he does recommend the resolution because it is for the vision only. Lewis moved to approve the Going Places Resolution. Miller seconded the motion. Roll call vote: Lewis-Aye; Miller-Aye; Reed-Aye. Motion passed 3-0. **RESOLUTION #2011-196.**

TRUSTEES NEW BUSINESS:

EMA Advisory Board Member: This was discussed and Chief Meyers was asked with no clear answer as to what is expected.

Volunteer Fire Fighter Dependents Board: Faulkner presented the list of Board members and suggested making sure everyone on the Board is still available and would like to continue on the Board. This Board is called upon when there is a line of duty death in the fire/EMS service. They need to appoint the members again. Faulkner asked the Trustees to review the list and see if they are ok with the approval of all Board members.

Old Town Butcher Shop has been given notice to vacate their premise. They would like to stay in business somewhere else in the Township or at the current facility. Miller would like to pursue looking into a place to continue this service. Miller suggested getting Rhonda involved and finding out what their desires are.

UPCOMING MEETING DATES:

December 14, Wednesday, 4:00 pm	Work Session
December 22, Thursday, 8:30 am	Work Session
December 22, Thursday, 10:00 am	Trustee Meeting
December 22, Thursday, 11:30 am	Holiday Luncheon
January 25, 2012, Wednesday, 7:30 am	Chamber of Commerce Benefit Breakfast
February 25, 2012, Saturday	Chamber Awards Dinner

COMMITTEE REPORTS:

Miami Valley Regional Planning:	Met last Thursday and the power presentation was given to the Trustees.
Greene Co Regional Planning Committee:	No report
District Advisory Council of Health Dist:	No report
Water & Wastewater Advisory Committee:	No report
Source Water (1-2 per year):	No report
Safety Council:	Dean Fox attended training yesterday about electrical safety. The next meeting is on January 4, 2012 about Fire Inspections.
Chamber of Commerce:	Their Holiday Party was held tonight and Faulkner and Painter attended.

ADJOURNMENT:

Having completed all of the regular business, Lewis moved to adjourn at 9:20 pm. Reed seconded the motion, all Trustees voted aye and the meeting adjourned.

Scott Miller, Chairman

Amy Lewis, Trustee

Jim Reed, Trustee

ATTEST:

John Faulkner, Fiscal Officer

ccs