

**RECORD OF PROCEEDINGS**

**MINUTES OF THE  
XENIA TOWNSHIP TRUSTEES:**

**REGULAR MEETING  
SEPTEMBER 4, 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; and 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 accept the bills as presented by the Fiscal Officer, Mrs. Spradlin seconded. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Aye. Motion PASSED by roll call of 3-0.

**RESOLUTION NO. 2014-223**

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

**RESOLUTION NO. 2014-224**

A motion was made by Mrs. Lewis to accept the Work Session minutes from September 20, 2012, Mr. Miller seconded the motion. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Abstain. Motion PASSED by roll call of 2-0.

**RESOLUTION NO. 2014-225**

A motion was made by Mrs. Lewis to accept the Work Session minutes from August 21, 2014, Mrs. Spradlin seconded. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Aye. Motion PASSED by roll call of 3-0.

**RESOLUTION NO. 2014-226**

A motion was made by Mrs. Lewis to accept the Public Hearing for the Flood Plain minutes from February 21, 2013, Mr. Miller seconded. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Abstain. Motion PASSED by roll call of 2-0.

**RESOLUTION NO. 2014-227**

A motion was made by Mrs. Lewis to accept the Regular Meeting minutes from August 21, 2014, Mr. Miller seconded. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Aye. Motion PASSED by roll call of 3-0.

**RESOLUTION NO. 2014-228**

Mrs. Miller said the Road Department requests a fund transfer and she asks for a transfer for the Tax Collection fund. She explained the process she must go through when she receives a check from the State Auditor. She said to get out of compliance they need \$1,200.00 put into the Road and Bridge Tax Collection fund in the Road Department, \$2,000.00 put in the Fire Department fund and \$150.00 put in the Special Assessment fund. Discussion followed. Mrs. Spradlin made a motion to accept the transfer as presented by the Fiscal Officer and listed as Exhibit 1, Mrs. Lewis seconded. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Aye. Motion PASSED by roll call of 3-0.

**RESOLUTION NO. 2014-229**

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**FIRE DEPARTMENT:**

Chief Fox asked for the approval of Ed Harper to attend a Hazard Zone Management seminar Hazard Zone Management seminar Hazard Zone Management seminar. He said the Township would be paying for his hotel room and the cost of the seminar. Mr. Miller made a motion to approve Ed Harper to attend the seminar, Mrs. Lewis seconded. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Aye. Motion PASSED by roll call of 3-0.

**RESOLUTION NO. 2014-230**

**TOWNSHIP ADMINISTRATOR:**

Mr. Miller made a motion to declare the property at 597 S. Columbus St., Parcel M36000200310002800, a nuisance for mowing, Mrs. Lewis seconded. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Aye. Motion PASSED by roll call of 3-0.

**RESOLUTION NO. 2014-231**

Mr. Miller made a motion to declare the property at 1304 Wilberforce-Clifton Rd., Parcel M36000200301007800, a nuisance for mowing, Mrs. Lewis seconded. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Aye. Motion PASSED by roll call of 3-0.

**RESOLUTION NO. 2014-232**

Mr. Miller made a motion to declare the property at 1287 Brush Row Rd., Parcel M36000200270007100, a nuisance for mowing, Mrs. Lewis seconded. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin- Aye. Motion PASSED by roll call of 3-0.

**RESOLUTION NO. 2014-233**

Mr. Miller made a motion to approve the Special Assessments for the Greene County Auditor (labeled Exhibit 2), Mrs. Lewis seconded. Roll Call: Mr. Miller- Aye, Mrs. Lewis- Aye, Mrs. Spradlin-Aye. Motion PASSED by roll call of 3-0.

**RESOLUTION NO. 2014-234**

**ROAD DEPARTMENT:**

Mrs. Lewis said she and Mrs. Spradlin had a couple of questions about licensure, insurance and having current certificates for the electric work. Mrs. Spradlin had a question about whether or not our Road Department would be able to do the trenching. Mr. Stock answered if we were to do the trenching, we'd have to pull the workers off of what they are doing and he is concerned about trenching around the live wires. Mr. Shuey is very confident with Reddy Electric based on the previous work they have done for the Township. He is also confident with Bill's Electric based on how they answered the questions they were presented with. This issue was tabled until the next meeting to be able to get all questions answered.

**TRUSTEES' BUSINESS:**

Mr. Miller said we have a Fire Levy going on the ballot in the November election. The Township has a committee for the levy and Mr. Miller asked if anyone is interested in being a part of that committee to let the Trustees know and to join in a meeting on Monday, September 8<sup>th</sup> at 5:00 p.m.

Mrs. Spradlin said there has been a lot of information going around regarding rezoning of CEMEX owned properties and she has received many of phone calls from concerned citizens. The newspaper article stated the Trustees are doing this to try to look out for the best interest of the residents but she has not heard any residents in favor of the rezoning. She had voted against this and made a motion to withdraw the request for the rezoning of the four parcels. Mrs. Lewis said she spent time talking to the Township attorney and asked advice for best interest of Xenia Township residents. It is inevitable there will be rezoning when annexed into the city of Fairborn. Motion died due to the lack of a second.

**COMMITTEE REPORTS**

Mrs. Spradlin said the Greene County Regional Planning Committee had a meeting set for the 29th but had to cancel due to the lack of action items.

Mr. Stock said he attended the Safety Council meeting in place of Chief Fox to learn about fire extinguisher safety. The meetings take place the first Wednesday of every month. The next meeting will be about Allergies in the Workplace at the Holiday Inn, October 1, 7:30 a.m.

**XENIA TOWNSHIP TRUSTEE'S  
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**GUESTS:**

Mr. Miller opened up the floor for any guests wanting to speak.

Ms. Janis James had the privilege of being serviced by the Township EMTs, she praised them and said they were calm, prompt and professional and overall very pleased with their services.

Mr. Roy Colbrunn, Wilson Dr., congratulated Tim Spradlin, former Fire Chief, longtime firefighter and Township resident, on his retirement as Chief of the Arson Bureau for the State and on a career well spent.

Mrs. Marybeth Smolinski, 3418 West Enon Road, would like to say she will be talking to Fairborn too and it is not inevitable that CEMEX will get their mining. She said her family will keep fighting and will get lawyers if they need to. Her husband and she believe that the only thing that will stop the annexation is to keep that land zoned Agricultural.

Mr. Jan Smolinski, 3418 West Enon Road, questioned the newspaper article and Mr. Stock in the facts of the setbacks to mining in the City of Fairborn. Mr. Stock said he gave the reporter the ordinance from the City of Fairborn. Mr. Smolinski spoke about the buffers. Mr. Stock has not been able to get any information in writing about the buffers. He does not want to see an annexation be approved. He said he attended a citizens' forum in Fairborn and residents were surprised by information he gave them about the CEMEX property surrounded by residential properties, how it had a gas transmission line running through the center of it, and how there is a school within ¼ mile of the transmission line. He said that he and his wife do not want to leave the Township nor does he want to see the Township lose land, however, they do not want to have the worry of blasting near their home. He then explained that if the rezoning of CEMEX gets approved, every property value on West Enon Road will go down.

Mr. Ron Huelsman, Hyde Road, said he's spent fifteen (15) years working in and around CEMEX. He feels they are not good people. He suggested driving down Sand Hill Road and Byron Road to see what CEMEX does with the land for reclamation. He said once the land across from his property becomes zoned as Mining, he will be moving.

Ms. Janis James agreed with Mrs. Smolinski about the rezone not being inevitable. She did not like the newspaper article. She said if the Trustees are looking out for the best interest of the people they need to listen to the people.

Mr. Tim Spradlin, 2033 Hilltop Road, said this action and Mr. Miller's motion will not stop anything from happening. He feels this is ridiculous because CEMEX has attempted this before on their own terms, not with the help of the Trustees, and it did not go through. He asked for Mrs. Lewis and Mrs. Spradlin to revoke the application for the request for rezoning. He feels like it is a mistake. Mrs. Spradlin made a comment that she made the motion earlier in the meeting and it did not get a second.

Mr. John Purdin, 2955 West Enon Road, asked for clarification that CEMEX did not request the rezone, the Trustees did. Mrs. Spradlin said she did not request it. Mr. Purdin asked if the Trustees would be there on Saturday for the meeting at Central State University. Mrs. Lewis responded that they are not allowed. She made a comment that she voted to reopen the case to reconsider it, not to approve of the rezoning. She wanted to make it clear that she has not decided whether she is for or against this. Mr. Purdin asked for clarification--once a zoning board hears a request, they cannot hear it again for another year. Mr. Stock answered yes once a request is heard you cannot ask for same thing for another year. Mrs. Spradlin asked since four (4) parcels were sent to the Zoning Commission, can CEMEX come back and ask for three (3) parcels to be rezoned before the year timeframe. Mrs. Lewis said no as they can object in whole or in part on one request. Mr. Purdin asked how the zoning board is doing a public hearing on their own. Mr. Stock explained the Trustees voted 2-1 to send the request to the Zoning Commission to look at. The Zoning Commission discussed the request and agreed to hold one or multiple public hearings. Four hundred plus letters were sent, a legal notice was published in the newspaper and signs were displayed. At the end of the public hearings the Zoning Commission will vote yes or no. If yes, a resolution will be sent to the Trustees and the whole process begins again with the Trustees holding the public hearings. If the Zoning Commission votes no, the Trustees will not be considering it the request. Mrs. James asked if the legal notice was in the newspaper as she could not see it. Mr. Stock said yes it was in the paper and he will let her know the date.

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**ADJOURNMENT:**

There being no further business, a motion to adjourn was made by Mr. Miller, seconded by Mrs. Lewis. Roll Call vote: All voted Aye. Meeting was adjourned at 8:24 p.m.

XENIA TOWNSHIP BOARD OF TRUSTEES

Resolution # \_\_\_\_\_

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
Scott Miller, Chair

ATTEST:

\_\_\_\_\_  
Amy Lewis

\_\_\_\_\_  
Barbara Miller, Fiscal Officer

\_\_\_\_\_  
Susan Spradlin

mlp