

XENIA TOWNSHIP BOARD OF TRUSTEES
PUBLIC HEARING FOR MAP AMENDMENT TO THE XENIA TOWNSHIP
ZONING RESOLUTION
SECTION 413 WELL FIELD PROTECTION OVERLAY DISTRICT

MARCH 16, 2022

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

The Xenia Township Board of Trustees scheduled a public hearing on March 16, 2022 at 6:00 p.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH, 45385 with the following members present:

Attendees: Steve Combs, Trustee, Chair, Scott Miller, Trustee, Jeremy VanDyne, Trustee, Jacqueline Robinson, Fiscal Officer, and Alan Stock, Zoning Inspector.

Mr. Combs called the meeting to order at 6:05 P.M. Mr. Combs asked everyone to stand and participate in the Pledge of Allegiance.

Mr. Stock advised of the exhibits:

Exhibit 1: Letter of Conveyance, Resolution and Minutes from the Zoning Commission Public Hearing

Exhibit 2: Effected area

Exhibit 3: Greene County Regional Planning and Coordinating recommendation

Exhibit 4: Letter with recipients

Exhibit 5: Check List

Exhibit 6: Agenda

Exhibit 7: Verification; Sign, website, newspaper notifications

Exhibit 8: Public Comments

Mr. Stock advised that the requirements for the Ohio Revised Code had been met, so the Trustees can proceed with the Public Hearing.

Joe Bates, Water Treatment Supervisor at City of Xenia Water Treatment Plant, stated that he has been at the Water Plant for 7 years, he went on to state that the plant produces 3.3 million gallons of water a day and that in 2021, the plant produces 1.24 billion gallons. He stated that there are 11 production wells in the area and there are also 9 monitoring wells that are tested every spring by Wood PLC. He further stated that they also hired Wood PLC to redo the one (1) year, five (5) year Time of Travel with their new technology. He stated that the plant is set up to produce 8 million gallons a day, but are only producing 3.3 million a day now. He stated that Wood PLC updated the map to also include Yellow Springs and to highlight roadways.

Jeremy VanDyne, Trustee, asked if Jacoby Road was where the Yellow Springs wellfield is.

Joe Bates, Water Treatment Supervisor at City of Xenia Water Treatment Plant, answered that is correct. He further stated that he had worked at that plant for 10 years as the superintendent. He went on to say that Yellow Springs does not have well field protection like Xenia has. Mr. Bates stated that this was basically only an update from the last map that was in 2006.

Scott Miller, Trustee, asked what the maximum amount of water produced in a day from the plant.

Joe Bates, Water Treatment Supervisor at City of Xenia Water Treatment Plant, stated that the most water he has seen produced in a day was 6 million gallons during the week of hydrant flushing and that was pushing the plant to the maximum. He further stated that the plant usually wants down time to back wash and clean the filters and that there was very little time to accomplish that week. He further stated that the plant is designed to produce 10 million gallons a day, but the map is for 8 million gallons a day.

Scott Miller, Trustee, asked if the proposed roundabout on State Route 235 and US 68 would affect the wellfield.

Joe Bates, Water Treatment Supervisor at City of Xenia Water Treatment Plant, stated that there is a monitoring well that would be in the middle of the circle, but there are plans to move that well. He further stated that he had asked about the roundabout causing more wrecks and thus having more spillage, he stated he was informed there would be less wrecks because of the roundabout.

Steve Combs, Trustee, Chair, opened the floor to public comments.

There were no guests.

Jeremy VanDyne, Trustee, asked what the red and yellow lines on the proposed map meant.

Alan Stock, Zoning Inspector, explained that the red line is the one (1) year Time of Travel and the yellow line is the five (5) year Time of Travel. He went on to state that every resident in both areas was notified of this map amendment. He further stated that the Zoning Commission wanted to over communicate with the community because there has not been an updated map since 2006. Mr. Stock went on to say that the inspections for the wellfield is preset properties, so not every property in the one (1) year does not get an inspection.

Steve Combs, Trustee, Chair, asked if there were any new properties affected by the updated map.

Alan Stock, Zoning Inspector, stated that there are between 17-19 new properties on the map. He further stated that only the newly affected properties could have been notified, but the Zoning Commission desired to notify everyone on the updated map.

Steve Combs, Trustee, Chair, asked if there were only two (2) calls regarding the Public Hearing.

Alan Stock, Zoning Inspector, stated that there had only been two (2) calls for this Public Hearing, but the Zoning Commission had 4-5 and 19 people at their hearing.

Jeremy VanDyne, Trustee, asked if anyone had been opposed to this map amendment at the Zoning Commission Hearing.

Alan Stock, Zoning Inspector, stated that there was no opposition and that those who called or came to the hearing only was seeking education.

Steve Combs, Trustee, Chair, made a final call for public comments. No Comments. Close public comments.

Scott Miller, Trustee, asked Mr. Bates if the Overlay map expansion was initiated by the Water Treatment Plant.

Joe Bates, Water Treatment Supervisor at City of Xenia Water Treatment Plant, stated that this was initiated by the Water Treatment Plant.

Scott Miller, Trustee, asked if a zoning application was submitted.

Alan Stock, Zoning Inspector, stated that he would like to clarify that the Water Treatment Plant did not ask for this amendment, but rather the Zoning Commission asked for it since it had not been updated since 2006. He further stated that the one (1) year five (5) year Time of Travel is not new, only new to a few people.

Joe Bates, Water Treatment Supervisor at City of Xenia Water Treatment Plant, stated that Greene County had requested a copy of the updated map because of plans on Hilltop Road. If Greene Counties plans are approved, the Water Treatment Plant will produce another map for them.

Alan Stock, Zoning Inspector, stated that Greene County will be asking for our one (1) year five (5) year Time of Travel map because part of their one (1) year five (5) year Time of Travel will intersect with Xenia Township.

Scott Miller, Trustee, asked if Greene County plans would affect Xenia Township.

Alan Stock, Zoning Inspector, stated that he suspects that either their one (1) year or five (5) year would encroach on Xenia Township. He further stated that Greene County has plans with an overlay.

Steve Combs, Trustee, Chair, asked if Mr. Stock had read Greene County Regional Planning recommendation.

Alan Stock, Zoning Inspector, read Exhibit 3, Greene County Regional Planning recommendation.

Scott Miller, Trustee, asked why there was not an application or a fee for this map change.

Alan Stock, Zoning Inspector, stated that the Zoning Commission initiated the map change and that we do not charge ourselves for requested changes

Scott Miller, Trustee, stated that Source Water Protection has been in existence since the one (1) year Time of Travel was put into place, he asked when the five (5) year had been added.

Joe Bates, Water Treatment Supervisor at City of Xenia Water Treatment Plant, stated that the old map is dated 2006, so he would assume that it was in 2006.

Scott Miller, Trustee, stated that he has been part of the Source Water Committee most of his Trustee career and that he attends 90% of the meetings. He further stated that the intention was that if the City of Xenia had a need or desire for a map change, the city would apply for a permit. He went on to say that the Water Plant resides in the Township, but the Township does not operate the plant, does not do distribution for the plant other than a few residents that utilize the water. Mr. Miller stated that for the map to go from one (1) to five (5) years is an expansion and will affect more properties.

Mr. Miller went on to say that he has had discussions about hazmat incidents within the protected area and would like for 911 dispatch and GIS to implement a plan so all First Responders would know that there is a protection area. He further stated that Greene County did it for Beaver Creek and that Xenia has the opportunity to do the same. He stated that he has a conversation with 911 dispatch and they are aware the plan can exist, but they are not aware of how to put it into place. He went on to say that the city has not stepped up to accomplish things they have asked for in the past, so he does not see a reason to expand to the five (5) year Time of Travel Map.

Mr. Miller then suggested to suspend the hearing for 90 days, and then reconsider where the city is at, weather they have a desire to peruse this plan or if they can put into place things they have talked about in the past. He further stated that Source Water Protection is updating the map for the right reason, but that the city needs to step up. He further stated that if the city wanted to be on the plan, they need to step up and do the work that goes along with it.

Steve Combs, Trustee, Chair, spoke to Mr. Miller stating that he had been on the Source Water Protection, then asked Mr. Miller if he didn't feel good about the city asking for the map changes.

Scott Miller, Trustee, stated that there are people that has bent over backwards to help the city with Source Water Protection over the years. He stated that on US 68 there are two (2) major water lines that travel from the plant into the city. He further stated that township residents pay 150% more for water than city residents do. He went on to state that the township has paid the zoning inspectors salary to go on the inspections for multiple years. He stated that he did not want to take away from what the city was trying to accomplish, but that the city needs to have the best interest of everyone involved and that he does not see that in this case.

Steve Combs, Trustee, Chair, asked who at the city was not stepping up to the plate and meeting expectations.

Joe Bates, Water Treatment Supervisor at City of Xenia Water Treatment Plant, stated that the answer was above him, that he can propose things to the ones above him, but that he was a supervisor and did not make decisions.

Jeremy VanDyne, Trustee, stated that the director of the water plant, director of public works, city council, and city manager are the ones that make decisions. Mr. VanDyne went on to say that he has complete ignorance on the subject and will agree with the recommendations Mr. Miller has. He went on to say that Green County has put into place securities for Beaver creek and asked if that was what was lacking in this case.

Scott Miller, Trustee, stated that the area has two (2) fire departments that respond to the area, Xenia Township and Xenia City. He stated that the city responds to the water plant and probably to the wells around it. He went on to say that the intent with GIS is to have an overlay embedded into the maps so if there is a call about a property or road in the overlay so if there is a spill or anything with ah hazmat angle, the responders will know who to contact to clean up the spill. He also stated that the overlay will give the first responders notice to look for protentional safety concerns for the water, and that everyone should be working toward the same safety goal.

Joe Bates, Water Treatment Supervisor at City of Xenia Water Treatment Plant, asked if the City of Xenia had been presented with this proposal.

Scott Miller, Trustee, stated that the City of Xenia had been presented with this proposal.

Joe Bates, Water Treatment Supervisor at City of Xenia Water Treatment Plant, commented that this should be emphasized with the city.

Jeremy VanDyne, Trustee, stated that it is important to have safe drinking water. He said that the entire city and some township residents are dependent on the water plant for water. He

further stated that it should be important to protect the water wells because no one wants to have contaminated water.

Joe Bates, Water Treatment Supervisor at City of Xenia Water Treatment Plant, commented that he appreciates the concerns, but that the water way would be protected automatically with a call to the EPA or Hazmat.

Scott Miller, Trustee, stated that the calls would have to be initiated first, and that someone would have to recognize that they were in a sensitive area.

Joe Bates, Water Treatment Supervisor at City of Xenia Water Treatment Plant, stated that there are signs posted with numbers to call in the protected areas.

Jeremy VanDyne, Trustee, stated that before becoming a Trustee, he did not know the well field existed, and that most people wouldn't know unless they are part of it or seen it. He further stated that most people wouldn't know what well field protection area signs meant.

Joe Bates, Water Treatment Supervisor at City of Xenia Water Treatment Plant, stated that most people do not know where their water comes from.

Jeremy VanDyne, Trustee, stated that he would follow Mr. Miller for a recommendation for vote.

Steve Combs, Trustee, Chair, asked if there was a suggestion for a vote or a continuation.

Scott Miller, Trustee, stated that he suggested that there be a 90-day continuation to give the city a chance to try and get some of these proposals dealt with. He also stated that the city should file an application. He further stated that he applauded the Zoning Commission for initiating this hearing, but that the township has revenue and part of that revenue is from zoning fees.

Steve Combs, Trustee, Chair, asked if Mr. Miller was wanting to give the city a wake-up call.

Scott Miller, Trustee, stated that was basically the plan.

Steve Combs, Trustee, Chair, asked if Mr. VanDyne was ok with that.

Jeremy VanDyne, Trustee, stated that he was fine with that.

Scott Miller, Trustee, asked Mr. Stock if he had any comments.

Alan Stock, Zoning Inspector, stated that this was not an expansion of the five (5) year inspections and not an addition to inspect the five (5) year area. He further stated that since 2006, there has been a one (1) year and five (5) year Time of Travel Map that has nothing to do with inspections. He stated that there is not an expansion in inspections, simply a map change. He went on to say that the inspections have never been solely on the township, but a collaboration with the water plant, and that the township does not go on inspections without a

representative from the water plant. Mr. Stock went on to say that this is a zoning map and that there is nowhere in the zoning text that says there is to be an inspection, only that there could be an inspection. He stated that nowhere in the zoning text does it state that there is to be 911 dispatch, he stated that is a smart thing to do.

Mr. stock stated that the ORC allows for a vote of yes, no, a small modification, or a 30-day continuation. He further stated that a 30-day continuation would be for something the trustees would like to see happen that is not in the zoning text.

Steve Combs, Trustee, Chair, stated that Mr. Miller is the representative for the Source Water Committee and that he would follow the recommendations of Mr. Miller.

Scott Miller, Trustee, stated that there should be a 90-day continuation to give the city a reasonable amount of time to accomplish this. He stated that a 30-day continuation would make it difficult for the city to accomplish the proposal. He went on to state that he was trying not to vote no. he stated that the Zoning Commission had put effort into this and he does not want to have to rehash it later.

Mr. Miller made a motion for a continuation.

Steve Combs, Trustee, Chair, asked Mr. Bates if he was able to address these concerns with the water plant.

Joe Bates, Water Treatment Supervisor at City of Xenia Water Treatment Plant, stated that they were not looking to add inspections to the five (5) year, only looking for a map amendment, and only inspecting the one (1) year.

Scott Miller, Trustee, asked what the purpose for the five (5) year was then.

Joe Bates, Water Treatment Supervisor at City of Xenia Water Treatment Plant, stated that the five (5) year was a potential contamination area.

Scott Miller, Trustee, stated that if there were inspections anywhere on the map, the township should be involved with the inspections.

Joe Bates, Water Treatment Supervisor at City of Xenia Water Treatment Plant, stated that the properties are in Xenia Township, so the township would be involved with inspections.

Scott Miller, Trustee, stated that if you're going to just put a line on a map and not do inspections, why not just hang the map on a wall and know it exists. Why put a boundary if there is not a particular purpose for it.

Joe Bates, Water Treatment Supervisor at City of Xenia Water Treatment Plant, stated that if there was a spill in the five (5) year area, they'd know to take appropriate actions to clean it up.

Alan Stock, Zoning Inspector, stated that the five (5) year comes into play when the plant is at its maximum water production. That if the plant was using more water, the five (5) year would come into play.

He further stated that by ORC standards, only a 30-day continuance is allowed, but that two more 30-day continuations are allowed after that. He further stated that a continuation is only allowed for a specific reason that relates to the zoning map or zoning text.

Jeremy VanDyne, Trustee, asked Mr. Miller if the continuation was so the city could put into place an emergency response plan with dispatch and GIS for contaminations.

Scott Miller, Trustee, stated that he would like for them to take the steps that they have spoken about and put them into place. To take the boundaries of the map and make a viable method for public safety. He further stated that his intent was to get this issue dealt with dispatch and to show first responders a tool that was created so they can be aware of potential contaminants to the water.

Joe Bates, Water Treatment Supervisor at City of Xenia Water Treatment Plant, stated that awhile back there was a wreck on US 68 by the water plant. He stated that he asked the firefighter at the scene if he was aware of the protected area, the firefighter was not aware they were in a protected area. Mr. Bates went on to say that he was all for getting more information to first responders about the protected area.

Jeremy VanDyne, Trustee, stated that dispatch would tell first responders that they are in a water protection area, he also stated that with both the city and the county in charge of dispatch, he did not see how that could be accomplished.

Steve Combs, Trustee, Chair, stated that instead of a resolution vote, they should have a 30-day continuation to give the city time to come up with a plan.

Scott Miller, Trustee, stated that they should also apply for a permit.

Steve Combs, Trustee, Chair, stated that Mr. Miller is the representative for Source Water Protection Committee and that he did not want to go against his recommendations.

Alan Stock, Zoning Inspector, asked what the committee had to do with zoning regulations and a map amendment.

Scott Miller, Trustee, stated that a map amendment has everything to do with Source Water.

Alan Stock, Zoning Inspector, stated that he had asked the question to the Chair.

Steve Combs, Trustee, Chair, stated that he could not specifically answer the question, but that Mr. Miller is the representative for the committee and that Mr. Miller may have other concerns that he is not expressing at the moment.

Alan Stock, Zoning Inspector, stated he was not the Zoning Inspector going against what had been said, that he was making sure that things were being done by ORC and Zoning standards. He further stated that whatever happens at the hearing, would show what was known and not known about the Zoning Resolution. He went on to say that he would speak with dispatch and that hopefully something could be put into place by 30-days.

Steve Combs, Trustee, Chair, stated that it was only 30-days and that he was certain that something will happen by then.

Jeremy VanDyne, Trustee, stated that the point of contention with the ORC is that there is not an application. He further stated that the Zoning Commission brought this to the table and that we cannot charge ourselves.

Alan Stock, Zoning Inspector, stated that asking for an application is effectively saying no and that the entire process would have to start over again.

Jeremy VanDyne, Trustee, stated that he did not want that to happen.

Alan Stock, Zoning Inspector, stated that he wanted the trustees to make a decision within the power that they have according to the ORC. He further stated that the 911 dispatch would be a great thing.

Jeremy VanDyne, Trustee, stated that since the Zoning Commission brought this map update to the trustees, the township would not charge themselves. He further stated that the application was mute to him and that he did not care about the application. He stated that the only stand the township had to force the city and county's hand to implement an overlay through 911 dispatch was a 30-day continuation.

Scott Miller, Trustee, seconded the motion for continuation.

Steve Combs, Trustee, Chair, meeting continued until April 7, 2022 at 6:00 PM

CONTINUED FROM MARCH 16, 2022

APRIL 7, 2022

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

The Xenia Township Board of Trustees scheduled a public hearing on April 7, 2022 at 6:00 p.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH, 45385 with the following members present:

Attendees: Steve Combs, Trustee, Chair, Scott Miller, Trustee, Jacqueline Robinson, Fiscal Officer, and Alan Stock, Zoning Inspector.

Mr. Combs called the meeting to order at 6:08 P.M. Mr. Combs asked everyone to stand and participate in the Pledge of Allegiance.

Mr. Stock advised of the exhibits:

Exhibit 10: Agenda

Exhibit 11: Compliance with Notification

Exhibit 12: Sign in sheet

There was no, guests, public comment was closed.

Scott Miller, Trustee, stated that there has not been and conversations with the City of Xenia staff since March 16, 2022. He went on to state that the Source Water Protection Committee has taken many steps to safeguard the wellfield area, and at this point he does not see that the City of Xenia has any interest in it. Mr. Miller stated that he would like another 30-day continuation.

Steve Combs, Trustee, Chair, asked that for the betterment of Xenia Township, should they just go ahead and approve the map amendment and overlook the City of Xenia's disinterest in the matter?

Scott Miller, Trustee, stated that the water plant and the well fields are assets of the city, although they do benefit some township residents that use city water. He went on to state that the city's has not been interested, nor have they participated in the issue since Source Water Protection has been involved. He further stated that he did not see a reason to deal with this matter, but that he does not want to shut it down, but the city needs to step up to the plate.

Steve Combs, Trustee, Chair, asked that if the city does not show any more interest in the issue, what would then happen to the proposed map amendment.

Scott Miller, Trustee, stated that he would vote "no" if the city did not prove interest and desire to step up to the plate.

Steve Combs, Trustee, Chair, asked Mr. Stock, Zoning Inspector if he had anything to add.

Alan Stock, Zoning Inspector, stated that he has information that needs to be put in as Exhibit 14: Source Water Protection Meeting Minutes. Mr. Stock stated that Mr. Miller is frustrated,

understandably so, because this discussion for the overlay started on June 5, 2018. Mr. Stock went on to say that Source Water Protection is formed by EPA standards and has to be protected by zoning within its jurisdiction. Mr. Stock read portions of the Source Water Protection Meeting Minutes. In 2019, Mr. Miller stated that he would carry the ball on the 911 Dispatch overlay, Mr. Miller stated that he would be the one from Source Water to carry that burden. Mr. Miller brought up the topic again in early 2021. Mr. Stock entered Exhibit 15: conversation with Chief Beegle and Mindy Lane, 911 Dispatch Chief, dated February 11, 2021. The document was a discussion of the overlay and the different zones within the 911 overlay. Mr. Stock went on to say that he and Chief Beegle sat down and looked at the storm water protection area and the different zones it affects. Chief Beegle took the information to the Fire Chief Association meeting in mid-2021, no fire chief has gotten back to Chief Beegle on this issue. Mr. Stock stated that he had another conversation with Chief Beegle and Mindy Lane on March 18, 2022. Mr. Stock also stated that he contacted Beaver Creek Township to see if they have applied the 911 overlay in their district yet, they have not responded as of yet. He stated that Xenia Township has their affected zones set up, but is waiting to see if Beaver Creek Township has a protocol. Mr. Stock stated that the City of Xenia, 911 and one City Council Member has agreed to make this a priority. He stated that he has not heard on the progress, but wanted to give background to show that there has been movement on the issue. Mr. Stock then entered Exhibit 16: Xenia Township Resolution for Wellfield Protection. Mr. Stock read a paragraph from the resolution stating that a spill was to be self-reported within five (5) minutes and no longer than two (2) hours. Mr. Stock stated that the Resolution does not say anything about 911 Dispatch. He went on to say that what is being asked for is holding up a map amendment which is a text amendment applied to an area because the city hasn't stepped up and accomplished a good thing, and a thing that is needed. He further stated that Xenia Township, although a good thing, does not have a map or text amendment for 911 Dispatch. Mr. Stock stated that the map amendment does not correlate with the map amendment at hand.

Scott Miller, Trustee, stated that once he sees something tangible that the City of Xenia has plans to take steps in accomplishing the 911 overlay, he would be willing to deal with the map amendment. Mr. Miller called for another 30-day continuation.

Steve Combs, Trustee, Chair, asked Mr. Stock, Zoning Inspector since Trustee VanDyne is not present, if he would still be able to vote.

Alan Stock, Zoning Inspector, stated that Trustee VanDyne no longer has a vote because you are required to be a part of the entire discussion.

Steve Combs, Trustee, Chair, asked Mr. Stock, Zoning Inspector if from this point forward the map amendment would only be on, he and Trustee Miller.

Alan Stock, Zoning Inspector, stated that is correct. He further stated that in the event that there was a vote of one “no” and one “yes”, that the recommendation of the Zoning Commission would stand.

Scott Miller, Trustee, asked to see that in the Zoning Resolution.

Alan Stock, Zoning Inspector, stated that he called Regional Planning for the information.

Scott Miller, Trustee, asked to see the information.

Alan Stock, Zoning Inspector, stated that he received verbal information, but that he would get it in writing.

Scott Miller, Trustee, asked if that was part of the Zoning Regulations.

Alan Stock, Zoning Inspector, stated that it was ORC (Ohio Revised Code) Standards.

Steve Combs, Trustee, Chair, stated that regardless of how he feels about the topic, that is now only the two of them voting and that it would be a standoff. He asked Trustee Miller what exactly he wanted to see happen.

Scott Miller, Trustee, stated that he had a conversation with the City of Xenia Fire Chief. 3

Steve Combs, Trustee, Chair, asked Trustee Miller if what he wanted to happen would come from the Fire Chief.

Scott Miller, Trustee, stated that the Fire Chief has the ability to accomplish this. He further stated that it lies in the hands of the City Manager, that he has the ability to approve it and move it forward.

Steve Combs, Trustee, Chair, asked Trustee Miller if the Fire Chief was aware of what he was asking for.

Scott Miller, Trustee, stated that he and the Fire Chief has had discussion about this issue. He went onto say that Beaver Creek Township has laid down a templet for Xenia to utilize. He further stated that it is a matter of the city following through with this and making it happen, not just saying it will happen.

Steve Combs, Trustee, Chair, asked Trustee Miller if he had made a motion for another 30-day continuation.

Scott Miller, Trustee, stated that he had made a motion for another 30-day continuation.

Steve Combs, Trustee, Chair, seconded the motion for a 30-day continuation.

Jacqueline Robinson, Fiscal Officer, did roll call.

Trustee Miller AYE

Trustee Combs AYE

Steve Combs, Trustee, Chair, stated that Motion Carried for another 30-day continuation.

Alan Stock, Zoning Inspector, stated that the date, time and location of the next hearing needed to be set. Mr. Stock also asked who would be bringing something forward at the next hearing.

Scott Miller, Trustee, stated that it would be City of Xenia staff unless they do something withing the next 30-days.

Alan Stock, Zoning Inspector, asked how the city would know that they are to do this? He asked Trustee Miller if he was to take responsibility, or if he was to take responsibility to inform the city of what they are to do.

Scott Miller, Trustee, stated that he would leave it to Mr. Stock to handle unless the city had questions then they can contact him.

Alan Stock, Zoning Inspector, asked if he could tell the city to contact Trustee Miller.

Scott Miller, Trustee, stated that the city could contact him, if needed.

Alan Stock, Zoning Inspector, stated that if Trustee Miller wanted him to contact the city to tell them to contact Trustee Miller, he co that.

Scott Miller, Trustee, stated that the city was well aware of his request, and thy could contact him with any questions.

Alan Stock, Zoning Inspector, asked Trustee Miller when the last time was that he contacted the city with this request.

Scott Miller, Trustee, stated that he did not know the exact date.

Alan Stock, Zoning Inspector, asked Trustee Miller if it had been within the past year.

Scott Miller, Trustee, stated that it had been within the past year.

Steve Combs, Trustee, Chair, asked when the first meeting of May was.

Alan Stock, Zoning Inspector, stated that the next meeting in May was May 5.

Will Urschel, 2624 Ketki Court, Xenia, Ohio, Vice-Chair of Xenia City Council, went to the podium to speak.

Scott Miller, Trustee, stated that they were in a public hearing concerning the One (1) year, Five (5) year Time of Travel. He went on to state that the Trustees were working to resolve the

situation and looking to do another 30-day continuation. He asked Mr. Urschel if he was aware of any movement in the city to accomplish the 911 Overlay request.

Will Urschel, 2624 Ketki Court, Xenia, Ohio, Vice-Chair of Xenia City Council, stated that there was a discussion at the Safety Committee Meeting with the Fire Chief and the Dispatch Chief about getting an overlay on the 911 Dispatch. He stated that dispatch said that they can do the overlay, but they need the information from fire to accomplish it. He went on to say that he spoke with the Fire Chief, and that the Fire Chief agrees with the overlay, but there is a lot of things going on at the city. Mr. Urschel stated that he asked the Fire Chief to move the overlay up to top priority.

Scott Miller, Trustee, asked what the date was for the first discussion about the overlay was at Source Water Protection.

Alan Stock, Zoning Inspector, stated that the first conversation about the overlay was June 5, 2018.

Will Urschel, 2624 Ketki Court, Xenia, Ohio, Vice-Chair of Xenia City Council, stated that he told the Fire Chief that they have a request from the Township Trustees and that they are looking to help with the project. He went on to state that he did not know the history or what else is going on. He went on to say that this was his last conversation about this subject with the Fire Chief about two (2) weeks ago. He stated that the overlay will be on the next City Council agenda. Mr. Urschel stated that dispatch says that they need information from the fire department to accomplish this overlay. Mr. Urschel then asked if this overlay already exists and if it could be passed to the city.

Scott Miller, Trustee, stated that the engineer that the city hired created the maps.

Will Urschel, 2624 Ketki Court, Xenia, Ohio, Vice-Chair of Xenia City Council, stated that City Council was scheduled to meet again in three (3) weeks.

Scott Miller, Trustee, asked Mr. Urschel to mention that this has been going on for four (4) years now.

Will Urschel, 2624 Ketki Court, Xenia, Ohio, Vice-Chair of Xenia City Council, stated that he did not know that until now.

Scott Miller, Trustee, stated that Source Water Protection is a committee set up between the city and townships to protect the wellfields. He went on to state that some Xenia Township also benefit from the wellfields. He stated that this overlay has been a goal since 2018, and the overlay has been discussed in the meetings with city employees present. He went on to say that the overlay has been with the city since 2018 and it has never gone anywhere. Mr. Miller stated that Beaver Creek has helped by doing theirs first and creating a template for the city to follow.

Will Urschel, 2624 Ketki Court, Xenia, Ohio, Vice-Chair of Xenia City Council, stated that he would get a date to the trustees as to when this overlay will be done.

Scott Miller, Trustee, stated that would be helpful and thank you.

Steve Combs, Trustee, Chair, meeting continued until May 5, 2022 at 6:00 PM

CONTINUED FROM APRIL 7, 2022

MAY 5, 2022

The Xenia Township Board of Trustees scheduled a public hearing on May 5, 2022 at 6:00 p.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH, 45385 with the following members present:

Attendees: Steve Combs, Trustee, Chair, Scott Miller, Trustee, Jeremy VanDyne, Trustee, Jacqueline Robinson, Fiscal Officer, and Alan Stock, Zoning Inspector.

Mr. Combs called the meeting to order at 6:03 P.M. Mr. Combs asked everyone to stand and participate in the Pledge of Allegiance.

Mr. Stock advised of the exhibits:

Exhibit 13: Sign in Sheet

Exhibit 14: Source Water Protection Committee Minutes

Exhibit 15: Email from Mindy Lane about Fire Quadrants

Exhibit 16: Zoning Text for Well Field Protection Overlay District

Exhibit 17: Verification of Continuation on Website and Sign

Exhibit 18: Robert's Rule Order for Approval of Meeting Minutes

Exhibit 19: Robert's Rule Order for Voting

Exhibit 20: Zoning Change/Amendments Flow Chart

Exhibit 21: Ohio Township Association Overview of Zoning

Exhibit 22: Ohio Revised Code 519.12, Amendments to Zoning Resolution

There were no guests and public comment was closed on March 16, 2022.

Scott Miller, Trustee, stated that he had a discussion with the Chair of the Source Water Protection Committee, Mr. Ellis, and brought him up to date on the Public Hearing. Mr. Miller stated that Mr. Ellis understands the desires of the Trustees to get this done and done right and that he understands why the Trustees are holding off on making a decision.

Steve Combs, Trustee, Chair, asked if Mr. Ellis was in favor of the Trustees holding off on voting.

Scott Miller, Trustee, stated that Mr. Ellis had no problem with holding off on voting because of the Trustees desired outcome. Mr. Miller stated that Mr. Ellis questioned the purpose of the five (5) year Time of Travel since there will not be inspections conducted in that area. Mr. Miller further stated that there is no benefit to the five (5) year Time of Travel.

Steve Combs, Trustee, Chair, stated that this hearing has been going on for a while, he asked Trustee Miller what the outcome would be if the City of Xenia refused to do what he wants done.

Scott Miller, Trustee, stated that at some point they could turn down the map amendment or they could move forward. He went on to ask if there was benefit to the amendment. He further stated that the Fire Chief of Xenia City could put the 911 Dispatch into place.

Steve Combs, Trustee, Chair, stated that according to Mr. Stock, the Fire Chief was busy.

Alan Stock, Zoning Inspector, stated that the Fire Chief has other top priorities and that this has not made it to the top yet. He went on to state that the Fire Chief is working towards it, but he has other priorities at this time.

Jeremy VanDyne, Trustee, stated that Xenia Township has to work with Xenia City and Greene County to accomplish the 911 Dispatch, and asked if Greene County has been involved to date.

Scott Miller, Trustee, stated that Greene County has been involved in the Source Water Protection area with this project. He went on to state that Greene County accomplished the 911 Dispatch in Beaver Creek Township, because Greene County has well fields in Beaver Creek Township.

Jeremy VanDyne, Trustee, asked if Spring Valley has well fields.

Scott Miller, Trustee, stated that Spring Valley could go through Xenia Dispatch center.

Jeremy VanDyne, Trustee, asked if anything was in place for Spring Valley.

Scott Miller, Trustee, stated that it would take someone at Xenia Dispatch to make that happen. He went on to state that Xenia Fire Department has the information to proceed with the 911 Dispatch, but has not yet.

Jeremy VanDyne, Trustee, stated that we need Xenia Fire Department to make this happen with dispatch because the relationship between the two is comparative to all the other organizations.

Scott Miller, Trustee, stated that was his assumption also.

Alan Stock, Zoning Inspector, reintroduced Exhibit 15, an email between Mindy Lane, Dispatch Center, Alan Stock, Zoning Inspector, and Greg Beegle, Xenia Township Fire Chief. Mr. Stock stated that there is already a 1 Year 5 Year Time of Travel in place, and that the EPA wants both. He went on to say that the map update was wanted because it changed sixteen (16) parcels from 2006. He further stated that the Trustees could choose not to accept the new map, but there is already an established map from 2006.

Scott Miller, Trustee, stated that only the 1 Year Time of Travel was approved in 2006, the City of Xenia had the 5 Year Time of Travel drawn up, but it was never approved.

Alan Stock, Zoning Inspector, stated that the difference between the 1 Year and 5 Year is the difference of Time of Travel, and that only the 1 Year has been chosen to be inspected because of the time, effort and money involved with inspecting the 5 Year.

Jeremy VanDyne, Trustee, asked if Mr. Stock does the inspections.

Alan Stock, Zoning Inspector, stated that he and someone from the Water Department inspect the 1 Year Time of Travel twice a year, and that the inspections are split between Commercial and Residential.

Scott Miller, Trustee, stated that only the 1 Year Time of Travel is inspected.

Alan Stock, Zoning Inspector, stated that was because that was all that was approved.

Jeremy VanDyne, Trustee, asked what the contention was other than the City of Xenia not putting the 911 Dispatch together.

Scott Miller, Trustee, stated that Source Water Protection established a group to protect the wellfields and to instill good practices. He stated that they have test wells that they pull samples from to determine the condition of the well field at any given time. He went on to say that the 1 Year Time of Travel Map was created before 2004, and at some point, they looked at the 5 Year Time of Travel, but it was never brought to Local Zoning for approval. Source Water Protection allowed the City of Xenia to bring the 5 Year Time of Travel, but if it is not inspected, what would be the purpose of it. Mr. Miller went on to state that the Trustees are trying to get the City of Xenia to establish a policy for hazmat so if there ever is a spill, it would be dealt with appropriately.

Jeremy VanDyne, Trustee, stated that he understood Mr. Millers point, but that this could be drug out for months waiting for the City of Xenia to do something for the 911 Dispatch.

Scott Miller, Trustee, stated that they needed to give the City of Xenia time to address the issues and, if they cannot address them, the Trustees will need to make a decision whether or not to approve the map.

Jeremy VanDyne, Trustee, asked Mr. Miller how many more township resources are they willing to use on this issue.

Steve Combs, Trustee, Chair, asked Mr. Miller if he has a timeframe as to how long to give the City of Xenia to accomplish the 911 Dispatch.

Scott Miller, Trustee, stated that by mid-summer and if the City of Xenia hasn't dealt with it by then, he is in favor of turning down the map amendment.

Alan Stock, Zoning Inspector, asked if the Trustees had received and read Section 413 of the Zoning Resolution. He went on to ask where in that section it mentions anything about 911 Dispatch. He went on to state that the Trustees are asking for a very good procedure to be developed, but it is not what the public hearing is about. Mr. Stock stated that the public hearing is only about a map amendment, and not a text amendment, which is what the 911 Dispatch would be. He went on to say that the Trustees do not have the authority to make a text amendment because only a map amendment has been asked for, not text.

Scott Miller, Trustee, stated that the establishment of the 1 Year 5 Year Time of travel affects properties in Xenia Township, but that the guarding of the wellfield is the City of Xenia's responsibility and they do not care enough to protect it. Mr. Miller went on to ask why Xenia Township should put extra parameters on the residents when the City of Xenia will not do 911 Dispatch for the area.

Alan Stock, Zoning Inspector, stated that he has sat in on meeting for Source Water Protection, and to say that the City of Xenia does not care about the well field is a gross exaggeration. Mr. Stock went on to state that the EPA stated that we are the jurisdiction that is to protect the well field.

Scott Miller, Trustee, stated that he has had City of Xenia water employees state that they cannot the support they need or backing from City Management.

Alan Stock, Zoning Inspector, asked what the water department needed backing to accomplish. He went on to state that there are two issues, a 911 Dispatch for the protected areas and the 1 Year 5 Year Time of Travel map amendment.

Scott Miller, Trustee, stated that if the City of Xenia has a desire to have the 5 Year Time of Travel put into place, they would have contacted Xenia Township to ask what steps were required to accomplish that, and that has not happened.

Steve Combs, Trustee, Chair, asked Mr. VanDyne if he felt informed enough to make a decision on the matter since he had been absent for a hearing.

Jeremy VanDyne, Trustee, answered that yes, he was informed enough to make a decision.

Steve Combs, Trustee, Chair, asked Mr. VanDyne if he had any questions for either Mr. Stock or Mr. Miller.

Jeremy VanDyne, Trustee, asked Mr. Stock if the Trustees had the authority to hold up the ruling for the reasons that they have been.

Alan Stock, Zoning Inspector, answered that in his opinion that he did not think they had the authority to hold it up for a text amendment when only a map amendment has been asked for.

Scott Miller, Trustee, asked Mr. Stock to seek legal counsel on the matter.

Steve Combs, Trustee, Chair, called for a motion to continue.

Scott Miller, Trustee, seconded the motion.

Roll Call:

Steve Combs YEA

Scott Miller YEA

Jeremy VanDyne NAY

Steve Combs, Trustee, Chair, stated that his patience was running thin on the matter. He went on to say that he is trying to give the City of Xenia time to make something happen with the 911 Dispatch. He further stated that if there was a spill, someone would show up to take care of it.

Scott Miller, Trustee, stated that someone would show up if they realize there is a need. He went on to say that First Responders could dismiss a spill without the 911 Dispatch overlay.

Jeremy VanDyne, Trustee, stated that he does not believe it to be the Trustees responsibility to change the minds of the City of Xenia. He went on to state that they are not putting the effort into the 911 Dispatch and that we are wasting our resources in the process.

Steve Combs, Trustee, Chair, Public Hearing will be continued until June 2, 2022 at 6:00 PM.

CONTINUED FROM MAY 5, 2022

JUNE 2, 2022

The Xenia Township Board of Trustees scheduled a public hearing on June 2, 2022 at 6:00 p.m. at the Xenia Township Trustees Office, 8 Brush Row Road, Xenia, OH, 45385 with the following members present:

Attendees: Steve Combs, Trustee, Chair, Jeremy VanDyne, Trustee, Jacqueline Robinson, Fiscal Officer, and Alan Stock, Zoning Inspector.

Mr. Combs called the meeting to order at 6:04 P.M. Mr. Combs asked everyone to stand and participate in the Pledge of Allegiance.

Mr. Stock advised of the exhibits:

Exhibit 23: 2004 Text and Map Amendment

Exhibit 24: Agenda

Exhibit 25: Sign in Sheet from May 5, 2022

Exhibit 26: EPA 1 Year 5 Year Time of Travel

Exhibit 27: Esquire Yoder Advise on Trustee Voting

Exhibit 28: Esquire Haller/Caldwell Advice on Trustee Authority

Exhibit 29: Verification of Continuation

Exhibit 30: Resolution 2022-101

There were no guests and public comment was closed on March 16, 2022.

Alan Stock, Zoning Inspector, read Exhibit 28, Conditional Approval of Township Zoning Amendments by a Board of Township Trustee from Steven Haller, Prosecuting Attorney and Ashley Caldwell, Assistant Prosecuting Attorney.

Motion to approve the Map Amendment to The Xenia Township Zoning Resolution Section 413 Well Field Protection Overlay District Resolution Number 2022-101 was made by Jeremy VanDyne and seconded by Steve Combs.

Steve Combs, Trustee, Chair, called for a vote.

Steve Combs AYE

Jeremy VanDyne AYE

Steve Combs, Trustee, Chair, closed the Public Hearing at 6:15 P.M.

ATTEST:

Alan D. Stock, Zoning Inspector

