

**December 22, 2020**

**Salem Township Trustees - At the Salem Township Conference Room**

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The Salem Township Board of Trustees met on December 22, 2020 in regular session at the Salem Township Fire Station Conference Room for the purpose of transacting the business of the Township. Trustee Susan Ramsey called the meeting to order at 7:00pm with Trustee Ralph Blanton and Trustee Heath Kilburn present. Mrs. Ramsey led all those present in the pledge to the flag.

**Others present:** Greg Gatman, Ron Brinkman, Bob Stewart, Theresa & Ron Paynter, Drew Newport, Cory Wells and Rick Perkins

**Zoning:**

At this time Trustee Susan Ramsey presented a Site Plan Review Hearing under Salem Township Zoning Code.

This matter is before the Salem Township Board of Trustees on the filing of an application for Site Plan Review pursuant to Salem Township Zoning Code Section 5.15

Site Plan Application Number 101-2020 was filed by lessee Drew Newport on November 25, 2020, concerning Parcel # 1431354034, in Salem Township.

Mrs. Ramsey ask the Zoning Inspector, was this public notice provided for this hearing, and was a complete Site Plan Application filed at least 15 days prior to this hearing as required by sec. 5.15? **Mr. Mike Yetter, Zoning Inspector replied yes.**

Mrs. Ramsey ask the Zoning Inspector, were comments solicited from any state, local, or federal agencies, including the Warren County Regional Planning Commission, and did any agencies provide any comments? **Mr. Mike Yetter, Zoning Inspector replied yes from Warren County Regional Planning Commission.**

Mrs. Ramsey ask zoning inspector to read the comments and recommendations that were provided. **Mr. Yetter provided copies to the Trustees and read the Warren County RPC comments and recommendations.**

Mrs. Ramsey ask the Zoning Inspector, was this matter first heard by the Salem Township Zoning Commission as required by Sec. 5.15(E)(1)? If so, what was the Zoning Commission's decision on the site plan? **Mr. Mike Yetter, Zoning Inspector replied yes, Salem Township Zoning Commission held a hearing on Wednesday December 9, 2020, and voted unanimously to approve the site plan subject to the recommendations of the county planning department.**

**ORDER OF THE HEARING, AND RULES OF CONDUCT**

This is a quasi-judicial hearing in which sworn testimony must be heard, first the board will hear from the zoning inspector Mike Yetter, then the board will hear from the applicant Drew Newport, and then the board will hear from any witnesses the applicant has brought to testify on his behalf in support of the site plan, then the board will hear from anyone that wants to testify in opposition to the site plan.

Cross examination is permitted, anyone who has provided sworn testimony and identified themselves as an Opponent to the site plan may cross examine the Applicant or his witnesses, and/or the Zoning Inspector.

The Applicant can cross examine any person that provides sworn testimony as an opponent, and/or the Zoning Inspector.

Finally, the board may ask relevant questions at any time of any witnesses who is under oath to clarify any evidence.

**ADMINISTERING THE OATH**

Mrs. Ramsey ask that at this time would the zoning inspector, the applicant, and any and all witnesses that intend on testifying, stand and raise your right hand - **At this time: Mike Yetter, Zoning Inspector, Mr. Drew Newport, lessee and Mr. Rick Perkins stood. Mrs. Ramsey ask: Do you swear or affirm to tell the truth and nothing but the truth, if you do say I do. They all said I do.**

**TESTIMONY / PUBLIC PORTION OF HEARING**

Hear from Zoning Inspector, affirm he was sworn in – **Mr. Yetter was sworn in and reviewed the site plan that was provided by the lessee with the Trustees. His concern is the vinyl signage. Mr. Yetter will find out if that is allowed in the zoning code.**

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Hear from Applicant, state name and addresses, affirm he was sworn – **Mr. Drew Newport was sworn in and asked if the Trustees had any questions for him. Mrs. Ramsey ask about the proposed border? Mr. Newport said he wasn't sure what else he could use that would be movable. Mrs. Ramsey ask if it's going to be a Buy Here/Pay Here type business? Mr. Newport stated it would not be. It will be a Cash and Financing used vehicle lot.**

Hear from any witnesses in support of application, one at a time, state name, address, affirm swearing. **None at this time.**

Hear from any witnesses in opposition to application, one at a time, state name, address, affirm swearing. **Mr. Rick Perkins lives at 6090 Main St (across from the proposed business) was sworn in and informed the Trustees that is opposed to them approving this. His concern of this type of business going in is the Environmental hazard. The Oils, Fuels, etc. from these used cars is not good for the environment.**

Opposing witnesses, only after they have testified may each be given an opportunity to cross examine or ask questions of the applicant, or his witnesses, or the zoning inspector

Applicant may then cross examine any opposing witnesses, or the zoning inspector.

**At this time meeting Guest Teresa Paynter asked if she could ask a question. Mrs. Ramsey sworn her in and allowed her ask her question. Mrs. Paynter asked Mr. Drew Newport what type of vehicles he was having on his lot – to address Mr. Perkins concerns for the environment. Mr. Newport assured everyone that these used vehicles will be in good condition and not dripping oils or fuel. He also wanted to clarify that he will not be working on these vehicles at the lot.**

Note, be sure to have each witness identify any exhibits they have submitted to the board by giving them a letter, or number, example: Applicant's Exhibit 1, or Mrs. Smith's Exhibit A. **None at this time.**

#### **CLOSE PUBLIC PORTION OF THE HEARING**

**Mrs. Ramsey ask if there are no further witnesses, entertain a motion to close the public portion of the hearing, Mr. Blanton made a motion to close the public portion of the hearing. Mr. Kilburn second, roll call, Mrs. Ramsey, Yea – Mr. Blanton, Yea – Mr. Kilburn, Yea. No more testimony can be taken at this time.**

#### **DELIBERATIONS**

Immediately after the hearing is closed, entertain a motion to enter into deliberations, you may entertain a motion to deliberate in public or deliberate in private. *ONLY CONSIDER THE ZONING CODE & EVIDENCE WHEN DELIBERATING*

**Mr. Blanton made a motion to enter into deliberations in private. Mr. Kilburn second, roll call, Mrs. Ramsey, Yea – Mr. Blanton, Yea – Mr. Kilburn, Yea.**

**Mr. Blanton made a motion to enter back into the public meeting. Mr. Kilburn second, roll call, Mrs. Ramsey, Yea – Mr. Blanton, Yea – Mr. Kilburn, Yea.**

#### **COMPLETING DELIBERATION**

**The Trustees are back on the record in the matter of Site Plan Application Number 101-2020 filed by lessee Drew Newport on November 25, 2020, concerning Parcel # 1431354034, in Salem Township, having finished the deliberations....**

#### **DECISION**

**Mrs. Ramsey stated on the record to entertain a motion to grant approval subject to conditions. Those conditions are:**

- a. Signage – would like for it to be a constructed sign. No vinyl.**
- b. Fencing – No 5 gallon buckets. A fixed fence.**
- c. A detailed landscaping plan that identifies street trees and a landscaped area along the front façade of the building.**
- d. A lighting plan that identifies the location and intensity of lighting, if proposed.**
- e. Dimensions of parking spaces; for sale spaces; and access aisles.**
- f. Dimensions of the building and the setback distances.**
- g. Address trash receptacles and their location and screening.**

**Mr. Kilburn second, roll call, Mrs. Ramsey, Yea – Mr. Blanton, Yea – Mr. Kilburn, Yea.**

**Issue written decision letter with date to Applicant.**

Note, the Decision is appealable to common pleas court by anyone with legal standing, so a written decision must be provided with a date, the decision is effective when it is written and dated, and under current township zoning if the site plan is approved the decision can expire if the site is not developed with 1 year. **Mr. Mike Yetter will provide a formal written decision from tonight's meeting.**

**Other Zoning Business: Zoning Inspector Mr. Mike Yetter presented:**

- Board Zoning Appeals Member Renewal: Scott Charleton term good through 12-20-2025. Mr. Blanton made a motion to approve the renewal of Scott Charleton. Mr. Kilburn seconded the motion.

Vote: Mr. Blanton – yea                      Mrs. Ramsey - yea                      Mr. Kilburn – Yea

- Salem Township Zoning Commission – Need to Appoint 2 board members to terms. Mr. Bob Stewart volunteered. Term will end 12/2025. Theresa Paynter volunteered; she will be the alternate for the term ending 12/2025. Mr. Blanton made a motion to approve the volunteers of Bob Stewart and Teresa Paynter. Mr. Kilburn seconded the motion.

Vote: Mr. Blanton – yea                      Mrs. Ramsey - yea                      Mr. Kilburn – Yea

- BZA & STZC members need to be paid for the 2020 meetings attended. Mr. Yetter asked that their pay of \$25 be per case that is heard. Mrs. Ramsey made a motion to approve \$25 per case that is heard for the BZA & STZC members that attend said meetings. Mr. Kilburn seconded the motion.

Vote: Mr. Blanton – yea                      Mrs. Ramsey - yea                      Mr. Kilburn – Yea

Mr. Yetter thanked the trustees and gave the list to the Fiscal Officer 2019 meetings and payees to see that they are paid.

- The STZC met on 12/9/20 and approved rezoning to Pierce property to R1. The public hearing with the trustees for the final decision is set for January 12, 2021 at 7 pm during the Regular scheduled meeting.
- January 26<sup>th</sup> Regular Scheduled meeting WCRPC plan to attend and go over Zoning Articles 1 & 2
- Current Violation Report Update:
  - ❖ Justin Gandee - Letter came back – Pros office to send another one
  - ❖ Alvin Bishop - Letter has been sent from Pros Office
  - ❖ Laura Haffis Property – Letter sent with picture of property to the bank
  - ❖ Charles Gundy – Letter needs to be sent
  - ❖ Chris Gilton – Conditional – case pending. Mrs. Ramsey informed Mr. Yetter that she was contacted by one of the neighbors of this property and they do believe that they are running a business from there and they were not happy. Mr. Yetter will look further into it.
  - ❖ Andrew Brady – Under investigation

**Guest comments:**

- Greg Gatman asked they look at the streetlight that is out on his street – the shield needs replaced. Mr. Blanton said he will look into it.
- Theresa Paynter reported that a street light is out on Ward Rd. Mr. Blanton said that he will look into it.

**Cemetery updates:** None

**Meeting Minutes:** The trustees read the minutes from the December 8, 2020 meeting. Mr. Blanton made a motion to approve the minutes. Mr. Kilburn seconded the motion.

Vote: Mr. Blanton – yea                      Mrs. Ramsey - yea                      Mr. Kilburn – Yea

**Fire Department: Chief Harrison presented:**

- Medicount Management Services rates went up after nine years from 6.5% to 6.75%. Would like to renew. Mr. Kilburn made a motion to approve the renewal of the Medicount Management Services contract. Mr. Blanton seconded the motion.

Vote: Mr. Blanton – yea                      Mrs. Ramsey - yea                      Mr. Kilburn – Yea

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- **Removal of Daniel Flanders – he did not make it through his probation.** Mr. Kilburn made a motion to remove Daniel Flanders. Mr. Blanton seconded the motion.

Vote: Mr. Blanton – yea                      Mrs. Ramsey - yea                      Mr. Kilburn – Yea

**Trustee Ralph Blanton reported:**

- Presented the Trustees with the current wages of the two road crew employees again and asked that they consider an increase for 2021. Mrs. Ramsey said that she would like to see the road crew employees on a pay scale in the future with formal yearly reviews. Mr. Blanton agreed with formal yearly reviews. Mr. Kilburn made a motion to an increase of \$.25 per hour effective first pay in 2021 for Greg Webb and Mike Gilbert, two road crew employees. Mr. Blanton seconded the motion.

Vote: Mr. Kilburn - yea      Mr. Blanton – yea      Mrs. Ramsey – No

- Presented the Trustees with the current wages of the surrounding Fire Chiefs and asked that they consider an increase for Fire Chief Harrison for 2021. He pointed out that the Chief helps with many other projects such as Insurance, Technical support and etc. for the township. Mrs. Ramsey asked Chief Harrison if he budgeted for a wage increase of 3% in his budget? He replied yes. Mrs. Ramsey made a motion to a 3% raise for the Fire Chief Bill Harrison effective first pay in 2021. Mr. Kilburn second the motion.

Vote: Mrs. Ramsey – yea                      Mr. Kilburn - yea                      Mr. Blanton – yea

- Presented the trustees with estimates from the WC Engineers office for suggested 2021 Projects that were suggested last meeting: Approximately \$124,000 for Shawhan, Twin Lakes, Grey Fox and Red Fox. Bennett Rd. that needs full depth restoration and inspect culverts estimated around \$150,175. He suggests that we look at 2021 for paving Bennet. Mr. Kilburn made a motion to approve the \$124,000 for Shawhan, Twin Lakes, Grey Fox and Red Fox and \$150,175 for Bennett Rd. Mrs. Ramsey second the motion.

Vote: Mrs. Ramsey – yea                      Mr. Kilburn - yea                      Mr. Blanton – yea

**Trustee Heath Kilburn reported:**

- Road crew guys did a good job on installing the signage. The grant project is complete and was a success.

**Trustee Susan Ramsey reported:**

- She has contacted and updated Mr. Brewsaugh, who attended the last meeting and asked to be updated on the Alvin Bishop open case.

**Fiscal Business: Mrs. VonHolle, Fiscal Officer:**

- Approval of Amended Certificate in the amount of \$16,573.05 for funds received for the Covid Cares Act Fund. Mr. Blanton made a motion to approve the Amended Certificate in the amount of \$16,573.05 for funds received for the Covid Cares Act Fund. Mr. Kilburn second the motion.

Vote: Mr. Blanton – yea                      Mrs. Ramsey – yea                      Mr. Kilburn – yea

- Approval of Resolution 20-04 Annual Temporary Appropriation for 2021. Mr. Blanton made a motion to approve Resolution 20-04 Annual Temporary Appropriation for 2021. Mr. Kilburn second the motion.

Vote: Mr. Blanton – yea                      Mrs. Ramsey – yea                      Mr. Kilburn – yea

- Presented the trustees with bills that are ready for payment. Mr. Blanton made a motion to approve to pay the bills as presented. Mr. Kilburn seconded the motion.

Vote: Mr. Blanton – yea                      Mrs. Ramsey – yea                      Mr. Kilburn – yea

**Adjournment:** With no further business to come before the board, Mr. Blanton made a motion to adjourn the meeting at 8:46pm. Mr. Kilburn seconded the motion.

Vote: Mr. Blanton – yea                      Mrs. Ramsey – yea                      Mr. Kilburn – yea