

MINUTES, WEEK OF DECEMBER 28 2021

The Board of Trustees met on Tuesday, December 28, 2021, at the Butler Township Government Center, 3780 Little York Road, Dayton Ohio, at 6:00 p.m. for a Regular Session to transact the business of the township.

Ken Betz, President called the meeting to order.
Missy Pruszynski was excused from the meeting.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

The Workshop Minutes of November 23, 2021, Workshop Session, were submitted for approval. Mike Lang made a motion to approve the Workshop Session Minutes of November 23, 2021, as submitted, with Ken Betz seconding and approving the motion.

The Minutes of November 23, 2021, Regular Session, were submitted for approval. Mike Lang made a motion to approve the Regular Session Minutes of November 23, 2021, as submitted, with Ken Betz seconding and the motion.

The Workshop Minutes of December 14, 2021, Workshop Session, were submitted for approval. Mike Lang made a motion to approve the Workshop Session Minutes of December 14, 2021, as submitted, with Ken Betz seconding and approving the motion.

HEARING OF THE PUBLIC

Jeff Jacobs of 7358 McSmith Court informed the board of a new organization called "butlerpeople.org". He indicated that this organization was formed because of some recent zoning issues. The first concern was pertaining to the rezoning of the Murlin Heights property, which occurred in 2019, and the Sudachi Gateway Concept Plan. He noted that only 27 owners were required to be notified for the rezoning of the Murlin Heights property from cemetery to commercial. He noted issues with the notification process, but acknowledged other jurisdictions operate with similar requirements. His concerns covered property values, safety, and crime. He said he believed that only a few people received those notices and that the process should be changed to require all residents be notified when a zoning change is requested, and that those letters should all be sent by registered mail. He indicated that he spoke with 13 people that said they did not remember receiving notification of the hearing and questioned if the township may have decided to not mail them to everyone on the list.

He also noted the rezoning on Little York Road from residential to commercial, and that they only had a 2 week notice. He explained the information regarding the rezoning meeting of the Little York Road property, and again noted everyone should have been notified. He said this type of action causes distrust between the township and residents. He further stated at that meeting, the homeowners did not feel like the township took them serious. It was then noted that the rezoning on Little York Road, was denied by the Trustees.

Trustee, Mike Lang wanted to clarify that he recognizes most of the names on the list and knows some did receive notification, and added that he remembers some of them attending the hearing. He objected to the comment made about the notices not being mailed and it was an invalid statement, due to the rezoning notices being sent 2 years ago. He pointed out that the township has no indication that the letters were not sent out.

Mike Neff, property owner, stated that he was at the rezoning meeting for the Little York Road property, but indicated that he did not recall the notification for the Murlin Heights rezoning meeting. He referred to comments that were made at the meeting by both the applicant and the township.

Mr. Jacobs indicated that everything done at any meeting will be posted on butlerpeople.org. He also requested that the trustees cancel the zoning change

approved for 8515 North Dixie Drive (the Murlin Heights property). Mr. Jacobs said that residents are scared and upset regarding the Sudachi Gateway Plan and that the residents do not want the expansion on Little York Road or North Dixie Drive, and noted it is a buffer zone separating the residents from Miller Lane. He explained that he had spoken with the Administrator to address his concerns. He told her that he had spoken to numerous residents that did not want the redevelopment and the criminal activity from Miller Lane to spill over onto North Dixie Drive. He mentioned the Administrator disagreed with his comments.

Trustee, Mike Lang asked Administrator, Erika Vogel to provide context to the statement.

Township Administrator, Erika Vogel stated there was a lot of discussion on the subject of the Sudachi Gateway Plan. She explained to Mr. Jacobs that the township would like it to be a local destination for the residents. She further explained that Mr. Jacobs had indicated that he would like Miller Lane to go away and she explained that Miller Lane is not going away. She indicated that the township wants to continue to make improvements to make that area better.

Mr. Jacobs said he questioned the Administrator about the pan handling and indicated that the residents did not want the pan handling to move over to North Dixie Drive. He said she may view it differently, because she does not live in the township.

Trustee, Mike Lang stated the comment he directed was not fair, was totally improper, and it is unconstitutional to impose a residency on employees in a government entity in the State of Ohio. He stated that someone should not be judged by where they live or work.

Mr. Jacobs asked if they wanted him to leave the meeting. Trustee, Mike Lang stated no, and asked Mr. Jacobs to stick to his concerns.

Mr. Jacobs indicated that the Administrator's goals vary from the goals of the residents.

Trustee, Mike Lang stated that the Administrator's goals are the trustees' goals; the Administrator takes direction from the board of trustees. He stated that the board of trustees are aware of every decision made and voted on. He stated those decisions are discussed, and policy is made by trustees, and the Administrator carries out those decisions.

He questioned about the wetlands that would be destroyed in the Sudachi Gateway Plan.

Trustee, Mike Lang stated that the plan has residences, not just businesses and the wetlands are also included in the plan.

Trustee, Ken Betz asked Mr. Jacobs to review the plan again and noted that the wetland area was considered within the plan. He then asked him to move forward with his concerns.

Mr. Jacobs stated that the people in the township would like something different to happen to that property.

Township Administrator, Erika Vogel stated that when they were notified about the potential wetland, the school district was notified and also the consultant. She indicated that the consultant stated there would be no problem preserving that area as part of that plan, adding detention, and an additional buffer area for the residential uses. It was noted that issue was addressed at the beginning, and noted that the wetland is a small portion of the property.

Mr. Jacobs continued to state that several residents do not want the development. He then noted some of the comments from the website created. He stated that the residents want to keep the buffer of North Dixie Drive and Little York Road in place

and do not want any additional traffic. He further noted that the residents also want to keep the crime contained to Miller Lane.

Mr. Jacobs stated that a letter was sent to Mr. O'Leary asking to take the Murlin Heights property off the market, but he has not received a response. He stated that he believes there should be a park built there instead. He said he would like a meeting with the school board to discuss his concerns and what residents want to see there.

Trustee, Mike Lang stated that would be good, because the development of the land is controlled by the owner of the property. He also told Mr. Jacobs that he is sure Mr. O'Leary will get back with him.

Mr. Jacobs questioned things that were said at multiple meetings involving the wetland. Township Administrator, Erika Vogel stated that she was only involved in one meeting that involved the wetland. It also included Rob O'Leary and Nancy Clayborn. She indicated at that meeting it was expressed that everyone had the same desire to preserve the wetland area as part of the development.

Trustee, Mike Lang commented that the school board has undeveloped land that can be sold for revenue. He stated, township residents would be upset if forced to vote for or turn down a levy that would increase their property taxes, when the school can make money selling it for their future needs.

There was additional discussion regarding what type of commercial uses could be considered. Mr. Jacobs then referred to the Salem Mall and the crime issues in Trotwood. Trustee, Ken Betz asked if Mr. Jacobs to please proceed with his concerns regarding the property.

Mr. Jacobs asked the board again if they wanted him to leave. Trustee, Ken Betz said he did not say that, he asked Mr. Jacobs to again proceed with his concerns.

Township Administrator, Erika Vogel stated that the property is zoned 'Local Commercial Service District', which is designed for smaller scale retail and restaurants. She indicated that the property is zoned like the rest of the N. Dixie Drive area.

Mr. Jacobs stated police reports needed to be reviewed regarding all the criminal activity currently going on. He also noted he did not wish it to overflow onto North Dixie Drive.

Trustee, Mike Lang stated that the police reports have been reviewed and the township is aware of problem areas. He further commented that whoever purchases and develops the property will also look into the matters involving any traffic issues and crime.

Mr. Jacobs stated that if the plan is approved, he would suggest to residents not to vote for any future tax levies in the township. Trustee, Mike Lang stated that the fact is, there currently is no development and no one has purchased the property. He stated that the township has a plan drawn out that would protect the residents, preserve the wetland, and would bring in a small amount of retail.

Mr. Jacobs stated that the plan is about money and what is good for the township. He stated that his organization will recommend that no one shops at Sam's Club or other township businesses, and the organization would file a referendum on the Murlin Heights property.

Trustee, Mike Lang pointed out again that everything is published on the agendas, the minutes, and on the website. He further stated that the board follows everything under the Ohio Public Records Law and Sunshine Law. He noted that it is the trustees' job to provide information to the residents and encourage civic involvement. He stated the developer will review environmental concerns and the township will consider all activity that would affect property values, traffic, crime,

and safety. He further stated, the township has to provide smart planning in any area of future development.

Township Administrator, Erika Vogel stated that the purpose of the Sudachi Gateway Plan is so the township can be more restrictive for development, have a plan in place to guide better development, and establish certain requirements, so it would be a good development for the entire township. She noted the district is not in the JEDZ, and there is no income tax driving the need for commercial tax revenue.

Trustee, Mike Lang stated that the school board wants to sell the property at Murlin Heights and the township has to be proactive to be able to control what that might be.

Trustee, Mike Lang wanted to thank Mr. Jacob's for his concerns and noted he encourages civic involvement and feedback from the community. He informed Mr. Jacobs that the school board initiated the rezoning for the Murlin Heights property and he would need to get with Mr. O'Leary and the school board about any change of zoning or selling of the property. He also noted to Mr. Jacobs that they have no evidence of anything improper that could undo the zoning change at that location. Trustee, Mike Lang stated that all procedures and laws according to policy were met at the time of the hearing. All information was published into the meeting agendas, posted on the website, and no ethic law was broken.

Fiscal Officer, Greg Brush stated to Mr. Jacobs that this board only wants to do what is right for the township. He stated that the trustees and staff work hard to be the best for the township as whole and stated that Mr. Jacobs was out of line with some of his comments he made to the board during the meeting. Mr. Brush apologized to the board for his interruption, but found Mr. Jacobs to be very unprofessional and disrespectful.

Trustee, Ken Betz and Trustee, Mike Lang thanked Mr. Jacobs again for his comments.

ADMINISTRATOR'S RECOMMENDATIONS

Resolution #21-59 was submitted. Administrator, Erika Vogel stated after further consultation with the State Auditor's Office, staff is requesting to void Resolution 21-58, authorizing the transfer from the FEMA fund and making the adjustments in appropriations for payments made during 2021. All other payments and reimbursements will be finalized upon receiving the remaining funds from the State in 2022.

Mike Lang noted that this request was anticipated and made a motion to approve Resolution #21-59, Resolution Authorizing Adjustments for Payments Made from the FEMA Fund, for Grant Funds Received in FY2021, as submitted, with Ken Betz seconding and approving the motion.

Gregory Brush called the roll for a vote: Ken Betz – Yes, and Mike Lang – Yes. **Resolution #21-59 was approved, 2-0.**

Resolution #21-60 was submitted. Administrator, Erika Vogel stated that this resolution establishes meeting times, board appointments, membership dues and other business of the Township. She noted that the only change made from 2021 to 2022 is changing the meeting time for the Zoning Commission from 5:30p.m. to 6:30p.m.

Mike Lang made a motion to approve Resolution #21-60, Resolution Approving the Reorganization and Business Affairs of Butler Township for Fiscal Year 2022, as submitted, with Ken Betz seconding and approving the motion.

Gregory Brush called the roll for a vote: Ken Betz – Yes, and Mike Lang – Yes. **Resolution #21-60 was approved, 2-0.**

Resolution #21-61 was submitted. Administrator, Erika Vogel stated this resolution is passed each year to establish the OPERS Conversion Plan for sick, vacation and personal leave for township employees.

Mike Lang made a motion to approve Resolution #21-61, Resolution Adopting the 2022 Annual OPERS Conversion Plan, as submitted, with Ken Betz seconding and approving the motion.

Gregory Brush called the roll for a vote: Ken Betz – Yes, and Mike Lang – Yes. **Resolution #21-61 was approved, 2-0.**

Resolution #21-62 was submitted. Administrator, Erika Vogel noted that on December 14, 2021 the Trustees held a Workshop Meeting reviewing all the changes noted on the Temporary Appropriations, Revenue Budget, and Certificate of Total Amount from all Sources Available for Expenditure and Balances during Fiscal Year Ending December 31, 2022 with no amendments made.

No discussion was made on this agenda item.

Mike Lang made a motion to approve Resolution #21-62, Resolution Approving the Temporary Appropriations, Revenue Budget, and Certificate of the Total Amount from all Sources Available for Expenditure and Balances for Butler Township during the Fiscal Year Ending December 31, 2022, as submitted, with Ken Betz seconding and approving the motion.

Gregory Brush called the roll for a vote: Ken Betz – Yes, and Mike Lang – Yes. **Resolution #21-62 was approved, 2-0.**

Resolution #21-63 was submitted. Administrator, Erika Vogel stated there are 4 junk vehicles located at 7476 Brantford Road, where the township has initiated nuisance abatement on 2 separate occasions. The remaining items are 4 junk vehicles which the township is requesting to have removed, per the ORC Section 505.871, assessing any fees pertaining to the removal of the vehicles.

No discussion was made on this agenda item.

Mike Lang made a motion to approve Resolution #21-63, Resolution Authorizing the Removal of Junk Motor Vehicles from Private Property Located at 7476 Brantford Road, as submitted, with Ken Betz seconding and approving the motion.

Gregory Brush called the roll for a vote: Ken Betz – Yes, and Mike Lang – Yes. **Resolution #21-63 was approved, 2-0.**

Resolution #21-64 was submitted. Administrator, Erika Vogel stated this resolution includes salary and hourly increases for 2022 for unclassified employees of Butler Township such as department heads, fire captains, and part-time employees.

No discussion was made on this agenda item.

Mike Lang made a motion to approve Resolution #21-64, Resolution Authorizing 2022 Salary and Hourly Increases for Unclassified Employees of Butler Township, as submitted, with Ken Betz seconding and approving the motion.

Gregory Brush called the roll for a vote: Ken Betz – Yes, and Mike Lang – Yes. **Resolution #21-64 was approved, 2-0.**

Resolution #21-65 was submitted. Administrator, Erika Vogel stated all final appropriation and revenue reports for FY2021 were submitted to the Board for final review and are attached to the resolution.

No discussion was made on this agenda item.

Mike Lang made a motion to approve Resolution #21-65, Resolution Approving the Final Revenue and Appropriation Budgets for 2021, as submitted, with Ken Betz seconding and approving the motion.

Gregory Brush called the roll for a vote: Ken Betz – Yes, and Mike Lang – Yes. **Resolution #21-65 was approved, 2-0.**

Motion to Declare Fire Department Items Surplus and Authorize the Sale of Specified Items on GovDeals

Township Administrator, Erika Vogel stated that the attached list from the Fire Chief includes 2 air compressor units that are no longer needed and to sale those items on GovDeals.

No discussion was made on this agenda item.

Mike Lang made a motion to Declare Fire Department Items as Surplus and Authorize the Sale of Specified Items on GovDeals, with Ken Betz seconding and approving the motion.

Gregory Brush called the roll for a vote: Ken Betz – Yes, and Mike Lang – Yes. **Motion was approved, 2-0.**

Motion to Approve a Grave Buy Back Request from Lee Jackson in the amount of \$1,000

Township Administrator, Erika Vogel stated Mr. Jackson has relinquished his deed dated June 10, 2015. The Service Director is requesting the board's consideration to buy back graves 5 & 7, lot 874, old section, in Polk Grove Cemetery.

No discussion was made on this agenda item.

Mike Lang made a motion to approve a grave buy back from Lee Jackson, lot 874, and grave 5 & 7, old section, in Polk Grove Cemetery for \$1,000, with Ken Betz seconding and approving the motion.

Gregory Brush called the roll for a vote: Ken Betz – Yes, and Mike Lang – Yes. **Motion was approved, 2-0.**

Motion to Amend Resolution 21-55 for the 2022 County Overlay Program

Township Administrator, Erika Vogel stated the revised estimate and final estimate came in lower than expected at \$255,574.00. Staff indicated that it was originally approved on November 23, 2021 at \$293,000.00. Staff noted the only modification is an increase in the Morris TIF of \$1,796.32 to complete Town Center Drive.

No discussion was made on this agenda item.

Mike Lang made a motion to amend Resolution 21-55 for the 2022 County Overlay Program for \$255,574, with Ken Betz seconding and approving the motion.

Gregory Brush called the roll for a vote: Ken Betz – Yes, and Mike Lang – Yes. **Motion was approved, 2-0.**

PRESENATIONS:

Proclamation for Ken Betz, Trustee

A request was submitted to approve the Proclamation for Ken Betz, recognizing his years of dedication and service to Butler Township. He was appointed as Trustee on January 23, 2017, to fill an unexpired term, and then was elected on November 7, 2017, and served as Trustee through December 31, 2021. During his tenure he worked to improve the financial stability of the organization, and promote the health, safety and welfare of Butler Township. Furthermore, acknowledging his service to the residents, expressing appreciation in the many committees he proudly served on, and to proclaim Thursday, December 30, 2021 as "Ken Betz Day" in Butler Township.

Proclamation for Mike Lang, Trustee

A request was submitted to approve the Proclamation for Mike Lang, recognizing his years of dedication and service to Butler Township. His career started as a Firefighter and Emergency Medical Technician for the Butler Township Fire Department for 15 years. Also, he faithfully served and acknowledges his devotedness to helping the residents as Trustee for the last 12 years, and to proclaim Friday, December 31, 2021 as “Mike Lang Day” in Butler Township.

Informal Business:

Fire Chief Alig gave his heartfelt thanks and appreciation to both Trustees. He noted that he has been very grateful for his experience at the township. He thanked the trustees for their service and dedication to the residents and to the township.

Service Director, Jeff Barnett also provided his thanks to the trustees. He further commented that on a personal note, he valued the team work and friendship that they both provided. He stated that it was an honor and pleasure working with both of them.

Fiscal Officer, Gregory Brush wanted to provide his appreciation, and acknowledge the loyalty and the great work that was completed under their tenure. He expressed his sincere gratitude for both, contributing their knowledge and time, by making Butler Township become the exceptional organization it is today.

Township Administrator, Erika Vogel stated that she was beyond grateful to have the opportunity to work with both Trustees. She stated that Trustee Lang has been with the township since the beginning of her career at Butler in 2013. She noted that it has been a pleasure to work on numerous projects as a team. She provided them both with recognition for the many accomplishments made, and devotion they both provided to the township, staff, and also by making Butler Township a great place to work.

Trustee, Mike Lang wanted to say the staff has been an amazing team and it makes the trustees’ job so much easier. He further said that when he became trustee 12 years ago, and looking at present day, there have been so many positive advancements in the township. However, he noted to staff that there would always be challenges, tax levies, and problems, but it is how you address those problems and obstacles that set you apart from everyone else in the township. He stated that he appreciates all of staff’s great words, and appreciates the Fiscal Officers words made tonight.

Trustee, Mike Lang went further to state that there was something that does not make him happy. He stated that he does not have patience for others making up statements without any basis or fact, and putting misinformation on a website that he finds reprehensible. He also noted, he is all about public discourse. As trustee, he has been in the meeting hall when it was completely filled with residents trying to do what is right. To have someone, with their own personal agenda, come in with statements, which are attacks on the township and staff is just wrong. He noted that having the townships ethics called in to play, after serving for 12 years as trustee is very sad, but wished the individual well in his plans.

Trustee, Ken Betz stated that the comments that were made regarding the police department were not justified, and were involving a previous Police Chief. He noted further that he feels the same as Trustee Lang does about the current staff being an incredible team. He explained that having a great group of individuals working together makes their job as trustee even better. He then wanted to wish everyone the best of luck, and wished the best to the next group.

Mike Lang reported that the trustees have reviewed the financial statements and made a motion for approval to pay the bills of the township, as submitted, with Ken Betz seconding and approving the motion.

Mike Lang made a motion to adjourn the regular meeting at 7:36p.m.

MISSY PRUSZYNSKI
PRESIDENT

GREGORY A. BRUSH
FISCAL OFFICER