

# RECORD OF PROCEEDINGS

Minutes of

UNION TOWNSHIP ZONING COMMISSION

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

DECEMBER 10 20 08

The December 10, 2008 meeting of the Union Township Zoning Commission was called to order at 7:00 PM by Chairman Ken Sands, with an invitation to the Pledge of Allegiance. Also in attendance were Vice Chairman Eric Louis and member Don Grove. Messrs. Shannon and Obermeyer were absent. Cory Wm. Wright, Interim Township Administrator, represented the Planning & Zoning Department. The minutes of the October 8, 2008 meeting were unanimously approved as distributed. Case #1-08-T was heard.

Mr. Wright introduced Case #1-08-T, initiated by the Board of Trustees relative to Article 4, as a result of recent changes enacted by the Ohio Legislature amending the prescribed powers of township zoning as found in Section 519.12 of the Ohio Revised Code. This one word text change was initiated to maintain congruence with all relevant portions of state code, specifically changing Section 413 requiring a unanimous vote of the Board of Trustees to overturn recommendations for approval, denial, or modification by a Zoning Commission to a majority vote. This change is consistent with House Bill 562 adopted and effective September 23, 2008.

Mr. Louis adamantly expressed his disapproval of the action of the legislature, believing it dramatically alters the effectiveness of the Zoning Commission, making it possible for two people to override the recommendations of the five Commission members and the remaining Trustee. Mr. Grove agreed with that opinion, but believed that the Commission had no alternative but to conform to the state.

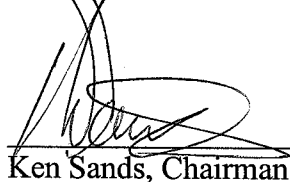
Mr. Louis moved that regarding Resolution 08-23, the Zoning Commission finds that the proposed Text Amendment to the Union Township Zoning Resolution reflects the recent change in Section 519.12 of the Ohio Revised Code initiated by House Bill 562. Prior to this latest revision of the ORC, a unanimous vote by the Township Trustees was required to deny or modify the Zoning Commission's recommendations. The newly revised section 519.12.H now only requires a majority vote of the Township Trustees to deny or modify the Zoning Commission's recommendations, thus diminishing the authority and effectiveness of the Township Zoning Commission. As our zoning resolution must comply with the ORC regulations, this Commission, unfortunately, has no option other than to recommend the text amendment be adopted. Mr. Grove seconded the motion.

Mr. Sands asked to modify the motion by requiring "the unanimous" to be revised to "a majority," and in doing so appropriately modify the article. Mr. Louis and Mr. Grove agreed to the amended motion.

ROLL CALL: Mr. Louis, aye; Mr. Grove, aye; Mr. Sands, aye.

Mr. Grove expressed appreciation for the quick removal of most political signage after the election and Mr. Louis extolled the virtues of the Union Township Citizen Police Academy and highly recommended it, having just finished the excellent program. With no further business to come before the Commission the meeting was adjourned by unanimous vote at 7:07 PM.

Approved by:



Ken Sands, Chairman