

RECORD OF PROCEEDINGS

**MINUTES OF THE
XENIA TOWNSHIP TRUSTEES:**

**REGULAR MEETING
MAY 3, 2018**

6:00 P.M.

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 was held at the Xenia Township Office, 8 Brush Row Road, Xenia, Ohio. This was a Regular Trustee Meeting advertised on the Xenia Township website within 24 hours of scheduling this meeting.

Chair Steve Combs called the Regular Meeting to order at 6:00 p.m.

ROLL CALL: Scott Miller, Trustee; Steve Combs Trustee, Chair; Susan Spradlin, Trustee; Alan Stock, Township Administrator.

Mr. Combs stated that the Fiscal Officer could not be in attendance tonight.

All participated in the Pledge of Allegiance.

IN THE READ FILE:

Xenia Community Festival, Greene County Combined Health District (10), Xenia Planning & Zoning Agenda.

FIRE DEPARTMENT:

Chief Fox advised that four employees attended FDIC. He stated that there was a lot of information there about crash equipment. The attendees shared what they learned and saw at the Conference. There was discussion about equipment for the Fire Department.

ADMINISTRATOR:

Mr. Stock asked if the Trustees would consider approval of a Purchase Order for \$2,980.60 to Megacity from 2031-330-323-0100 for Fire Alarm System for 125 Fairground Road. He advised to the need for this system at that location. He explained the quotes that were received for this work.

Mr. Miller moved to approve the Purchase Order to Megacity for Fire Alarm Systems from 2031-330-323-0100. Mr. Combs seconded the motion. Roll Call: Mrs. Spradlin – aye, Mr. Miller – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

RESOLUTION NO. 2018-055

Mr. Stock advised that there was a need for a resolution for the Approval of CareWorksComp in Group rating as our Third-Party Administrator for Ohio Bureau of Workers Compensation (OBWC). Mr. Stock advised that he received quotes from two companies and he explained how both companies compare.

Mr. Combs moved to approve CareWorksComp as the Third-Part Administrator for OBWC. Mrs. Spradlin seconded the motion. Roll Call: Mrs. Spradlin – aye, Mr. Miller – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

RESOLUTION NO. 2018-056

Mr. Stock advised that he had received more information about the \$5.00 increase on annual auto registration fees. He stated that in order for this to happen there would have to be three public hearings with the Greene County Commissioners. The Greene County Commissioners would have to approve the increase. Mr. Stock stated that the funds would be distributed by law to the Greene County Engineer, and he would then divide it out to the jurisdictions. He stated that this increase would go in perpetuity, however the next Engineer would not be bound to distribute it the same way or to continue it at all. However, the next Engineer would have to go before the Greene County Commissioners to have a change done. Mr. Stock advised that by the Trustees passing this resolution it would only help and show support for when this goes to the Commissioners. There was discussion about how funds were dispersed throughout the County. The Trustees asked Mr. Stock to keep them informed on this issue.

**XENIA TOWNSHIP TRUSTEES
REGULAR MEETING, MAY 3, 2018**

Mr. Stock advised this year for the Community Clean Up Days the Township had five dumpsters and did one less week than last year. He stated that last year the cost was \$3,113.02 and this year was \$3,986.80. He explained the costs for this year and which dumpster were used the most. Mr. Stock stated that he received many glowing reviews about the program and that one person asked if it could be done more than once a year.

Mr. Stock advised to the cemetery headstone restoration project and that there was about \$9,451 in Cemetery funds. He stated that he asked Grave Groomers for estimates for work that could be done. Mr. Stock stated that Friends Cemetery was 100% complete and Stevenson Cemetery was about 45% complete. He stated that he will continue to give the Trustees updates as he received them.

Mr. Stock stated that he had an update on the cell phones upgrade. He stated that the Road Department had not received Cell phones since 2012. He stated that he was looking into the best way to upgrade and explained what he had found out so far.

FISCAL OFFICER:

Mr. Stock stated that the Fiscal Officer was at another event because her and her family was being honored at that event. Therefore, he would be filling in for her tonight and he had passed out the monthly financials.

Mr. Stock presented the payroll. Mr. Miller moved to approve the payroll as presented. Mr. Combs seconded the motion. Roll Call: Mrs. Spradlin – aye, Mr. Miller – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

RESOLUTION NO. 2018-057

Mr. Stock presented the bills. Mr. Combs moved to approve the bills. Mr. Miller seconded the motion. Roll Call: Mrs. Spradlin – aye, Mr. Miller – aye, Mr. Combs – aye. Motion **PASSED** by roll call of 3-0.

RESOLUTION NO. 2018-058

Mr. Stock stated that there had been work done on Hilltop Road and that six areas were being worked on and will get paved by the end of June. Mrs. Spradlin suggested keeping an eye on Ludlow Road as well, since State Route 235 was closed there is a lot of traffic diverting to Ludlow Road. She stated that this road is starting to chip away because of the extra use.

Mr. Miller suggested Mr. Stock talk with Mr. Pile about being a man down and think about a possible temporary worker. Mr. Stock advised that they had been looking for workers and have had an application submitted.

TRUSTEE BUSINESS:

Mr. Combs stated that the next item on the agenda was a discussion regarding the upcoming Referendum for Tuesday's Election. He stated that it was unfortunate that these minutes would not be approved before Tuesday's election. He stated that he wished that could be different but that was the way it had to be. He asked Mr. Stock to briefly review B-3 and M-1 zoning and elaborate on them and try to answer the questions and misconceptions that are out there for the public. Mr. Stock advised that he spoke with a Xenia Township resident today, a Trustee from Caesars Creek Township, and had taken calls due to some confusion. He stated that one of the things that the Xenia Gazette had seemed to put the Trustees in a bad light and the Trustees had not done their jobs. He stated that the Zoning Commission had held two public hearings regarding the rezoning of the parcel to B-3. He stated that the Trustees held two Public Hearings and regardless of what was in the newspaper everything the Trustees did was accurate and correct. He stated that the Trustees did their job by hearing both sides of this issue, reading the information given and voting his or her conscience. Mr. Stock advised that the B-3 Highway Business District has 28 things that are the principle permitted uses and there are conditional uses, and one of the conditional uses, and the only district that has Store and Locks as a conditional use, was the B-3 District. Mr. Stock advised that a few months ago the Trustees were looking at the Adult Entertainment section of the Zoning Resolution, and an error was found in the documents from 2012. Mr. Stock advised that the Trustees at that time would only allow Adult Entertainment in a M-3 District. Mr. Stock

**XENIA TOWNSHIP TRUSTEES
REGULAR MEETING, MAY 3, 2018**

stated that this rezoning does not have anything to do with Adult Entertainment not only because it was in the incorrect rezone, but the setback needs for Adult Entertainment could not be met on this parcel. He stated that there was no possible way that Adult Entertainment could happen on this redistrict or with the other portion that Kil-Kare owns. Mr. Combs thanked Mr. Stock and stated that he thought that helped clarify some things for this issue.

Mr. Combs stated that it was unfortunate that these minutes would not be available before the Election on Tuesday and he stated that he would stand by the vote of the Xenia Township Residents. Mr. Combs wanted to clarify where he stood on the subject of Store and Locks and Adult Entertainment in Xenia Township. Mr. Combs stated that he was a business man and he supports the growth of other businesses in the Township so long as they were healthy and wholesome in his mind and provided a service to the community. He stated that anyone who wanted to suggest that he was in favor of Adult Entertainment in Xenia Township was a liar. He is not in favor of it and any person that says this is a liar, because it was absolutely not be the truth.

Mr. Miller stated that this case came before the Trustees a few months back. He stated that Kil-Kare has been in Xenia Township for about 60 years. He explained the history of ownership and the difficulties that came with other owners. He stated that after that point in time a new owner came in and is a local businessman. Mr. Miller state that if anyone had done business with this man, they would see the investment that he had made into Kil-Kare with the intent to protect the racers on the property. He stated that safety feature had been added as well as updating the facilities. Mr. Miller stated that a person could go out to the facility and talk to some of the employees to find out what was done out there. He stated that it may not be the best run business in the Township, but it was one of the top when it came to the professionalism. Mr. Miller stated that this business is very seasonal because of the racing season. He stated that this would allow him to have a year-around income to help run this facility. He stated that he did not have a problem with this as long as the business was operating with the community in mind, the customers in mind, with employees in mind, and with integrity and the environment in mind. If a business can do this and thrive then they have a good business going for themselves, and he believes that was what was happening here. Mr. Miller stated that Tuesday he would be voting for this and hopes that other residents will do the same.

Mrs. Spradlin stated that they had public hearings in 2016 and 2017 and does not think it negates her going down those paths again. She stated that the whole thing was not to question the integrity of the previous owners of Kil-Kare but as she had stated in the meeting, what happens if Kil-Kare was sold. Mrs. Spradlin asked Mr. Foiles, who was in attendance, who owned Kil-Kare right now. Mr. Foiles stated that David Coteral owns Kil-Kare. Mrs. Spradlin stated that she had a paper from the State of Ohio that shows that it was sold. Mr. Foiles advised that it was under agreement, but no money has been exchanged and the agreement had not been fulfilled for years. Mr. Foiles stated that if the sale does go through the parcel in question was not included in that sale, it had been separated off for the Store and Locks. Mr. Foiles stated that this was not in place when they originally filed for this rezoning, he stated that the sale came about in January. Mrs. Spradlin asked if Mr. Coteral owned the property and the business at this time and Mr. Foiles stated that he did. Mrs. Spradlin advised that there was someone else claiming to own Kil-Kare. Mr. Foiles stated that when you buy a car, you don't own it until you make the last payment, this person has not made the first payment. Mrs. Spradlin stated that her concern was what would happen if the property was sold. She stated that this was not about Dave or Marshall's character, she thinks that Mr. Foiles had treated the Fire Department, the Township, the community as respectfully as he could. She stated that this has nothing to do with that, but some property owners got a petition together to get the referendum. These people got 360 signatures on that petition, so it was not just certain people it was the residents of Xenia Township saying they wanted this issue on the ballot, so they could make their choice. She stated that she had not been approached by anyone having a problem with storage lockers, but what she heard people had a problem with was the B-3 zoning and that was what brought about the referendum as she understood. She stated that she was not here to encourage anybody to vote one way or the other, but to vote their conscience and what each resident would feel to be right.

**XENIA TOWNSHIP TRUSTEES
REGULAR MEETING, MAY 3, 2018**

Mr. Combs stated that he was a little confused about the ownership thing and stated that it did not matter who owned, in his mind, because eventually everyone in this room would be dead and there would be different Trustees, have different owners of Kil-Kare, that was just life. He stated that it was the right of any owner to sell their property. He stated that he hopes everyone was listening to Mr. Stock about the zoning, and if the concern was Adult Entertainment, and this seemed to be a part of the concern, it would not be a possibility there.

Mr. Combs asked about the Trustee discussion regarding 2018 Year of the Trails. Mr. Miller stated that he would like to table this discussion until he received more information. Everyone agreed this would be tabled for now.

ROAD DEPARTMENT:

UPCOMING MEETING DATES:

May 17, Trustee Meeting

May 22, Zoning Commission

May 29. Joint Trustee/Zoning Board meeting

GUESTS:

Barbara Hawkins, 945 Hawkins Road, she wanted to tell the Trustees that she felt they were doing their job the best they could, and she respects that. She stated that her first statement was very emotional in expressing her disappointment with the whole situation, but the community needs to stop and step back to ask some serious questions. She stated the referendum was about Xenia Township citizens to be able to vote for or against the rezoning of the property on Dayton-Xenia Road from Agriculture to Highway Business B-3. She stated that this referendum was on the ballot because two Trustees, Mr. Miller and Mr. Combs, voted for the zoning change with Mrs. Spradlin voting no. She stated that the main reason for opposing the zoning change was the fact that the Township Trustees and Zoning representative ignored recommendations from the County Planning Commission and their own Township Zoning Resolutions. She stated that the County Planning Commission recommended that such development be a Planned Unit Development. She stated that the Zoning Commission denied an identical request to B-3 on this parcel in 2016, and Beaver Creek Township denied a request for a zoning request as well in 2016. She read over the recommendation from the Greene County Regional Planning Commission. She stated that nothing had changed from the 2016 request to this current request. She asked what happened to get this approved. She stated that storage Units were not an approved use in the B-3 Zoning and there was not a clear explanation of the usage for all, but one acre out of the almost 23 acres. She stated that she did not have an issue with Storage Units, she was not against progress if it was a well thought out plan presented in a clear and transparent manner. Mrs. Hawkins stated that there were clear and understandable opposing recommendations from the local officials including Trustee Spradlin. While there have been confusions about B-3 zoning, the people opposing this change were accused of presenting misinformation about the possible uses. She stated she had learned a word from Alan King, a member of the Zoning Commission. She stated that Mr. King stated it was not speculation it's canard, expressly cooked up to cause a negative reaction. She stated that the idea of Adult Entertainment was not made up by anyone other than the Xenia Township Officials themselves. It has been on Xenia Township's website for five plus years hidden in Xenia Township's Zoning Resolution Section 527 and even in the minutes of the January 30, 2018 Joint Zoning Commission and Trustee meeting. She stated that in the minutes Mr. Stock stated that there were two types of Adult Entertainment and they were allowed in B-3, M-1, M-2 and M-3. She asked what assistance was there to explain the concern further. She stated that Mr. Foiles stated that as long as he was at Kil Kare there would not be any Adult Entertainment, but according to the State there was a new owner. She stated this could be true until the property was sold so even if this usage was not going to happen, it could be a possibility. She stated that given the right circumstances Adult Entertainment was a possibility. She stated that there were many uses in B-3 that should concern the citizens of Xenia Township. She stated that since 1814 the Hawkins have owned land, and all they are asking for was safe, clear, transparent and responsible zoning. She stated that Mr. Foiles had done a great job at Kil Kare and it has improved immensely under his management

**XENIA TOWNSHIP TRUSTEES
REGULAR MEETING, MAY 3, 2018**

and ownership, but that may not always be the case. She thanked the Trustees for allowing her to speak. The Trustees thanked Mrs. Hawkins.

Neil Ferguson, 620 W. Krepps, he stated that he feels the same as Mrs. Hawkins. He stated that he spent many years racing at Kil Kare and has never apologized for the noise he made. Mr. Ferguson stated that Kil Kare was there, it was good entertainment and he has no problem with racing or storage lockers. He stated that he understands why they want to expand with the rezone, because it would elevate the price of the property. Mr. Ferguson stated that this could be sold for thousand more with the B-3 zoning. He stated that if they want to put a store and lock do it or forget it and do something else with it.

Marshall Foiles, 3002 Hoop Road, he stated that the Adult Entertainment had been addressed and it could not happen. He stated that this was false news put out there. Mr. Foiles stated that they did not want Adult Entertainment, he stated that he supports FFA, 4-H, and the Greene County Fair, veteran's groups and citizens would attest that Kil Kare supports all these groups. He stated that he does not want Adult Entertainment and it could not go there as Mr. Stock had stated earlier. He stated that this was put out there to get people fired up and excited, but yet he took the abuse for it. He stated that it was simple, he wanted to put in a Store and Lock. He has pictures of Hawkins children and the projects he had purchased from them during the Greene County Fair. He stated that he respects people on both sides. He stated the newspapers, social media and tv have put things out there so they can sell newspapers and such. He thanked the Trustees for allowing him to speak.

Mr. Combs asked if anyone else had any comments, hearing and seeing none he stated that he hopes people get out and vote. He stated whatever the turnout he would support how the residents vote on this issue.

COMMITTEE REPORTS:

Greene County Regional Planning, Mr. Combs stated that spoke about land bank and the demolition situation.

Safety Council, Chief Fox stated that they spoke about driver safety, texting and driving and that fatalities were down so far this year.

ADJOURMENT:

Mrs. Spradlin moved to adjourn at 7:47 p.m. Mr. Combs seconded the motion. Roll Call: Mrs. Spradlin-aye, Mr. Miller-aye, Mr. Combs-aye. Motion **PASSED** by roll call of 3-0.

Xenia Township Board of Trustees

Date Approved: _____

L. Stephen Combs, Chair

Resolution # _____

Attest:

Scott Miller

Alan Stock, Township Administrator
MEH

Susan Spradlin