

# RECORD OF PROCEEDINGS

**MINUTES OF THE  
XENIA TOWNSHIP TRUSTEES:**

**LISTENING SESSION  
July 24, 2017**

**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 8 Brush Row Road, Xenia, Ohio. This was a Listening Session advertised on the Xenia Township website within 24 hours of scheduling this meeting.

Chair Steve Combs called the Listening Session to order at 6:00 p.m. Mr. Combs explained the Listening Session was to gather information from the public regarding the Firearm Exceptions Section 4A. He stated that there were copies of the Firearms Policy by the door.

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

Everyone stood and participated in the Pledge of Allegiance.

We ask that you come to the podium and state your name and address. He stated that anyone wanting to speak does need to be a Xenia Township resident, and please keep your comments to about five minutes.

Mr. Combs state that he wanted to start the meeting with reading a letter received from Dan Robinette, Xenia Township resident/farmer in favor of the exception.

Mr. Miller stated that there were four possible exceptions in the policy. Mr. Combs asked if he should read the exceptions portion of the policy and then read the section of the policy.

Dan O'Callaghan, 1075 US 42 E; he stated he has issues with the entire policy. He stated that the only exception for this policy was for employees, there were no exception for the public/resident. Mr. O'Callaghan stated that Conceal Carry works primarily because the bad guy does not know who could be carrying a weapon. He stated that if a full exception policy was implemented it becomes a public record, so any bad guy that does homework, can look at the public record, and learn who has the ability to carry and this person would become the first target. He stated that this would negate the element of surprise. Mr. O'Callaghan continued stating that this would be picking and choosing who could exercise their constitutional rights here. He stated that an employee of the Fire Department is not allowed to carry at all according to this policy. He stated that the policy should be that carry is allowed by anyone with a conceal carry permit with no exception required. The only exception should be that an employee cannot take a weapon on an emergency call. He stated that he did not think the policy was fully thought out, and thinks that adding an exception policy could be viewed as encouraging conceal carry. He stated that a bad guy would be a bad guy that the sign on the door was not going to stop them. The policy is not going to stop them so he would open it up for John Q Public that has a conceal carry permit and address the issues where there are concerns with liability. Mr. Combs asked if Mr. O'Callaghan was stating that if the Township were to open it up to the public the Township would have less liability versus having exceptions. Mr. O'Callaghan agreed and stated that because the Ohio Revised Code gives the Township a liability blanket exemption as long as it was being followed. Mr. O'Callaghan stated that this exception to the policy gives the appearance that the Township is trying to control the issue.

Patricia O'Callaghan, 1075 US42 E; asked if the people who have been hired to work for the Township, had been hired on with the understanding that they were giving up their second amendment right for this job. Mr. Stock advised that they had never had the opportunity before House Bill 199, so the employees were not giving anything up because it was not available in a governmental building.

Ed Chamless, 960 Stover Drive; stated that if he cannot have his gun with him while at work but wants to go somewhere after then he would have to go home to get his weapon. Mr. Stock advised no, whether an employee or not a person can have their

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weapon locked in their vehicle while at work. There was discussion about where people can carry according to HB199.

Dustin Miller 950 Hook Road; stated that it seems odd that the State has passed a law that when you come to work you cannot conceal carry. He thinks there is more liability by not allowing them to than going with what the State has already passed. He believes that allowing one person at the Township to possess a firearm is a great step in the right direction, but thinks it should be allowed overall. He stated that the law-abiding citizen will follow it, but it is the non-abiding citizen that does not care what the law says.

Dan O'Callaghan wanted to follow up with the Ohio Revised Code (ORC) is very clear with a conceal carry individual and that person assumes full responsibility for liability of their actions. So, in his opinion the Township is taking away that individual's liability and taking it on itself.

Janis James, 691 N. Bickett Road; she wants to thank the Trustees for having this Listening Session and getting the citizens out and listening to them. She wanted to go on record saying that she thinks Mr. Stock does an amazing job as the Township Administrator. She stated that she does not think this is about gun control or conceal carry. She stated that the question was whether the Administrator should carry a concealed weapon. She wants to understand why this is necessary, what are the dangers in the Township. Would it be better to hire a trained law enforcement officer instead of carrying a weapon? She stated that she does not see where carrying a weapon would make the Township safer. She does not see where there is a safety issue at a Trustee meeting that someone needs to be carrying a gun. She asked what would really be needed. She gave examples of public shootings around the country and whether there were other options.

Dustin Miller asked what makes this place so dangerous, what makes all the schools a dangerous place either, who expected mass murders at school. He stated that being prepared for something and a person with a conceal carry does not have the right to pull their weapon on a person for any reason but only if a person is threatening bodily harm.

Janis James stated that it is the assessment of the situation that makes the difference. She stated that just because a person feels threatened does not mean that a person is. She stated that a person would benefit from learning more, she gave statistics about marksmanship and feeling threatened.

Mr. Combs stated that there have been some very good input this evening and different views. He wished there had been more turnout for this meeting.

Pat O'Callaghan stated that she has much respect for Mrs. James and respect for other viewpoints. She stated that earlier it was asked, what had changed in 213 years. She stated that every level of government in this country right now acknowledges the heroine epidemic and that this has driven people to support their habit. This is only one example of the growth of instability in this country that she considers it a real threat for any one. She stated that a concealed carry person was not compelled to act as a law enforcement officer would have to act. She stated that she can defend herself if her assessment of a situation deemed it necessary. However, she also has the decision of whether or not to act and people who have had concealed carry training understands the personal responsibility for not doing any harm if that person can but also has the right to defend oneself. She stated that the policy should be rewritten because if a person applies for this exception then it becomes a public record and anyone can request that information.

Mr. Miller stated that everyone's input was appreciated

Ed Chamless stated that his concern and possible misunderstanding was that it was discussed about arming the Township Administrator to carry a firearm. He thought this would be making him a law enforcement officer. He stated that he feels unless he

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had law enforcement training that he should not be saddled with the responsibility of being a law enforcement officer. Mrs. Spradlin stated it was originally requested that way, but things had changed. Mr. Chamless stated that since things had changed he would not have an objection. Mrs. Spradlin stated that there have been a few things that had changed through the process and she believes there may be more changes as they continue to discuss it.

Dan O'Callaghan, stated that it is perception of what this exception policy does and the policy would in fact make him a constable.

Mr. Combs asked Dustin Miller if ODOT had any exception or what is their policy. Dustin Miller stated that things have changed in the last six months. He stated that six months ago no one could bring any kind of weapon on the property but now an employee can carry at work and keep it in his locked vehicle. He stated that there was a lot of debate happening with this topic as well. Mr. Stock asked for clarification about the locked vehicle and whether this was a personal vehicle. Dustin Miller stated that he was referring to a personal vehicle, not in a State vehicle or building. He stated that many years ago, in the 80's, an employee did come in and shoot the place up, no one was hurt but the person had problems.

Mr. Combs thanked everyone for their input and asked if there was anything else that someone would like to add. Mrs. Spradlin stated that there needs to be an element of surprise. She stated that she went through ALICE training at her church and it would be the pastor's decision on who would be the right person to carry a weapon in the church. She stated that she learned there were several people who had been packing a weapon in a purse and in coats. She stated that it helps when people know who should be the person that is supposed to be popping up with a weapon and not be surprised by a bunch of different people doing the same. She stated that it is important to have a plan and who the players would be, whether that is publicized or not is what needs to be discussed with legal counsel for the Township. She stated that she agreed with Mr. O'Callaghan when he said that they need to work on the policy.

Mr. Combs advised that this meeting gave the Trustees more to think about and asked if any there were any other comments. Mr. Miller stated that he spoke with Sheriff Fisher and he would be willing to come in and speak as well on this issue.

**ADJOURNMENT:**

Mr. Combs moved to adjourn at 6:41 p.m. Mrs. Spradlin seconded the motion. Roll Call: Mrs. Spradlin – aye, Mr. Miller – aye, Mr. Combs – Aye. Motion passed 3-0

**Xenia Township Board of Trustees**

Date Approved: \_\_\_\_\_

\_\_\_\_\_  
L. Stephen Combs, Chair

Resolution # \_\_\_\_\_

Attest:

\_\_\_\_\_  
Scott Miller

\_\_\_\_\_  
Alan Stock, Township Administrator

\_\_\_\_\_  
Susan Spradlin

MEH