

## RECORD OF PROCEEDINGS

### MINUTES OF THE XENIA TOWNSHIP TRUSTEES:

REGULAR MEETING  
September 6, 2012 7:00 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 place was the Xenia Township Office, 8 Brush Row Road, Xenia, Ohio.

PRESENT: Jim Reed, Chairman; Amy Lewis, Trustee; Scott Miller, Trustee; Barbara Miller, Fiscal Officer; Alan Stock, Administrator.

Meeting was called to order at 7:00 P.M.

Mr. Reed assured the audience at no time had there been a meeting or would there be a meeting to shut Kil-Kare Speedway down. He said they are looked at as a viable resource in the community. Mr. Reed believed people were misled that there was going to be a vote tonight and there is no record of any discussions about shutting Kil-Kare down. He said racing is 100% safe in Xenia Township.

The pledge was given.

Amy Lewis thanked everyone for coming out, and said she wasn't sure where the rumors got started. She felt fully confident if there was an issues with Kil-Kare, they could speak to the owners and get the problem resolved. She stated the Trustees received a few letters from people, and she said one of the letters from Mr. and Mrs. William Wright brought up the fact that they are not just discussing someone's business but others in the community are being affected who make money off Kil-Kare. Mrs. Lewis said she would not make a decision unless it is based on good reasoning, and said they wanted to keep businesses in the Township. She appreciated everyone coming, and she stated the new owner has tried to go above and beyond to fix any problems that may exist.

#### **GUEST:**

Gene Fischer, Greene County Sheriff's, stated he was here not to take sides on this issue. He said the owner came to them at the beginning of the year and said they wanted to turn Kil-Kare into more of a family atmosphere and asked for the Sheriff's Department help. Mr. Fischer discussed the incident reports from 2010, 2011, and as of Tuesday 2012.

Wes Miller, Kil-Kare worker, said he had heard some rumors about Kil-Kare, and asked if the Trustees were trying to push items through on their agendas without any public input. Mr. Reed said this whole situation arose because of a Conditional Use case that the Board of Zoning Appeals, BZA heard. He explained the BZA is a quasi-judicial board that acts on their own, and is not a board the Trustees are involved in. Mr. Reed stated Kil-Kare applied for a Conditional Use case in February requesting an expansion of uses to do festivals, concerts, etc. and this is what this is all about. He said the request was granted on the main parcel at the February meeting. Kil-Kare also owns numerous parcels around the main parcel, so when the first case was applied for no neighbors were notified because their notification requirement is for 500 feet. Mr. Reed explained when Kil-Kare applied for the second Conditional Use case for the expanded uses more residents were notified and there was quite a bit of opposition shown at that BZA meeting. He said Kil-Kare withdrew their application, and that the Board of Trustees has not been involved with either two Conditional Use cases.

Ed Crouden, Kil-Kare worker/racing, thanked the Fire Department and the Sheriff's Department for saving his life eight years ago when he went into cardiac arrest. He said Kil-Kare is his life and is a good place to let kids and grandkids go. He said he never saw anything happen at Kil-Kare that they couldn't control in a professional manner especially with the Greene County deputies being there.

Roy Hess, Greene County resident and member of the National Pontiac Club, stated in 2009 there was a car show and a convention that was held at the Nutter Center. Mr. Hess said in order to have the car show and convention come to the area the other criteria was to have a drag race/strip. He explained in 2009 the convention brought approximately 10,000 visitors to Greene County and they spent an estimated 3 million dollars in Greene County. He said they were going to try to bring the convention back to the area next year, and if the drag strip was closed down they would not be able to have it here which would mean the area would lose out on a lot of money.

A citizen comment, no name given, stated the new owner had nothing to do with the CruiseFest Event that took place 2011. She said her son races at Kil-Kare and it is a family sport for them. She read a letter from her son about his experiences racing at Kil-Kare.

John Mitchell, racer at Kil-Kare, said he has raced since 1970. He stated Kil-Kare has a Christian background. Mr. Mitchell said Kil-Kare has a prayer and a national anthem is played before a race starts. He said he has three generations that have raced at Kil-Kare. Mr. Mitchell said the Zoning Board has been against three aggregate businesses, and he didn't want the Zoning Board against Kil-Kare and run them out.

Sherry Lake, lived in area since 1997, stated he has children with disabilities. She said since Mr. Cotterel has taken over Kil-Kare it has been a friendlier environment for people with disabilities. Ms. Lake said he felt it has become a better and safer place, and is the only place to take children to in the area since the bowling alley and swimming pool closed. She hoped Kil-Kare never shuts down.

Mike Cappell, with the firm Keating, Muething & Klekamp of Cincinnati, representing Kil-Kare Inc., discussed the complaints that were addressed at the August Board of Zoning Appeals meeting. He said the complaints lack evidence and is not the opinion of the greater Xenia Township community. Mr. Cappell said Kil-Kare is under new ownership, Mr. Cotterel purchased Kil-Kare in 2012, and his goal is to turn it into a family friendly, year-around entertainment facility for Xenia Township. He explained some of the events would be carnivals, music festivals, haunted trails, and Christmas theme activities. Mr. Cappell said the Board of Zoning Appeals approved a Conditional Use case in the spring, and then they applied for another Conditional Use case in August. He reviewed the complaints made by citizens at the August BZA meeting, and responded to the comments about noise levels, hours of operation, the CruiseFest event, and taxing of police. He stated the complaints of a few disgruntled property owners should not obscure the good work Mr. Cotterel has done to improve Kil-Kare or his planned future improvements.

Bruce Parsons, resident of Xenia Township, owner of Parsons Body Shop and Towing in Xenia Township, stated he lives seven and a half miles from Kil-Kare and he never hears the drag strip. He explained he receives a lot of work from people who race at Kil-Kare and thought the new ownership of Kil-Kare would boost the economy for Xenia Township and the surrounding communities.

Barbara Miller, Xenia Township Fiscal Officer, Xenia resident, explained she lives within a mile of Kil-Kare and she never hears them. She said the noise level is not a concern for her, and that Kil-Kare brings revenue to Xenia Township. She explained she is comfortable now with her daughter working there, and she hoped the issue was resolved tonight.

A citizen spoke, no name given, racer at Kil-Kare, stated he lives 70 miles away and it sounded like to him the issue was with the noise and not shutting down the track. He said he showed up at the meeting tonight to show his support for Kil-Kare. He stated the race track was probably there before most of the people moved into the area.

Dave Cotterel, owner of Kil-Kare Inc., thanked everyone who came out to show their support. He stated Mr. Reed said at the beginning of the meeting that racing isn't under

fire and that the issue was with the expanded uses. Mr. Coterel explained Mr. Reed approved the first Conditional Use case when it went through BZA with no argument. He thought all the parcels were included in the first application, but found out when they went to apply for the haunted trail application they were told it was not a parcel that would allow that type of use and they would need to apply for another Conditional Use application to include the rest of the parcels. He said Mr. Reed will tell you racing isn't under fire but all a person had to do was request a copy of the last meeting and listen to the audio tape and that person would hear they are under fire.

Mr. Reed said he wanted to correct a statement that was made because Mr. Coterel. He said the decision was made by the BZA and has nothing to do with Trustees.

Scott Miller, Township Trustee, stated he has been a Trustee for the past six years, and they go through extensive efforts to work with the businesses in the Township. He said it is his desire to see the businesses in the area thrive the best they can. Mr. Miller stated Kil-Kare has done everything they have asked to do, and he appreciated them doing following the regulations. He said the good business helps the Township in the long run and helps the tax base. He thanked everyone for coming out tonight to show their support for a business that they appreciate.

#### **FISCAL OFFICER/FINANCE:**

- Mrs. Miller discussed the update on the audit that she had with the Greene County Auditor.
- Barb Miller said the Fiscal Officer can designate someone to be the public records designee and she designated Mr. Stock to do it. Mr. Stock is willing to do it. She said if there is a request that pertains to the finances then they would work together on it.
- There was a discussion about the decibel meter and that the topic should be on the September 20<sup>th</sup> meeting. Several members of the audience and Mr. Reed talked about the current zoning laws and the need to purchase a decibel meter. Mrs. Miller did not feel that a decibel meter was a necessary need for the Township. She said as a Fiscal Officer who is overseeing the citizen's tax dollars, she does not believe the Township tax payers should be spending their money on this and that is the reason she wanted the topic back on the agenda. Mrs. Miller did not feel this qualified as a good expenditure. Mr. Reed said they are talking about a \$200 or \$300 bill. He explained they have had numerous incidents in the Township where a decibel meter could have been used, and right now they don't have the tools to enforce the zoning regulations. Mr. Reed said if people aren't happy about the noise ordinance then they have the right to petition a request to the Zoning Board to ask them to review and possibly repeal it.
- A motion was made by Scott Miller to approve the bills and payroll, seconded by Jim Reed. Motion PASSED by a roll call vote of 3-0.

**RESOLUTION NO. 2012-271**

#### **TOWNSHIP ADMINISTRATOR:**

- Mrs. Miller said she received a phone call from Sandra Hutchinson who was very upset that she received a phone call from the office at 7 a.m. requesting her to be at the Township office at 8:00 a.m. She said Ms. Hutchinson was thinking about rescinding her application because of the conduct of the Township. Mr. Reed said that was not the case. Mrs. Miller said Ms. Hutchinson expressed to her she was never invited to a meeting. Mr. Reed thought if the two potential candidates did not show up to the meeting tonight then they probably wouldn't show up for work either. The Trustees agreed they should allow Mr. Stock to hire someone for the position. A motion was made by Mrs. Lewis to give Mr. Stock the authority to hire an individual to cover Monday through Friday 8 to 11, seconded by Mr. Miller. Mr. Miller asked to amend the motion to remove the hours in case the hours have to be adjusted. Motion was amended, and was PASSED by roll call vote of 3-0.

**RESOLUTION NO. 2012-272**

- Mr. Miller made a motion to adopt the nuisance mowing assessments certificate for the Fiscal Officer so it can be submitted to the County, seconded by Mr. Reed. Motion PASSED by roll call vote of 3-0.

**RESOLUTION NO. 2012-273**

- Mr. Miller made a motion to approve the resolution for the street lighting district assessment to be forward to the County, seconded by Mr. Reed. Motion PASSED by roll call vote of 3-0.

**RESOLUTION NO. 2012-274**

- Mr. Stock asked for approval of the Xenia Township employee time-off request and professional development form that included the travel policy. A motion was made by Jim Reed to accept the travel policy for food, meals, mileage, and parking. Mr. Miller asked this item be tabled for work session. Mrs. Lewis suggested it be addressed at the next work session. Motion was rescinded.

**RESOLUTION NO. 2012-275**

- Mr. Stock said the Xenia Township Zoning Commission has prepared a resolution regarding the Land Use Plan, and would like the Trustees to review the document. He said he has been looking at the calendar and would like to schedule the public hearing for September 20<sup>th</sup>. Mr. Miller asked if this was a resolution for adoption or if they were just asking for them to review the document. Mr. Stock said it was the actual resolution was adoption. Mr. Stock said a date needs to be set by October. The Trustees agreed to set the public hearing for October 4, 2012 at 4:00 p.m.

**ACROSS THE DESK:**

- Initiation for the new CSU Presidential Reception, Sunday, Sept. 16 Open House from 3:00 p.m. to 5:00 p.m.

**IN THE READ FILE:**

- Xenia Planning and Zoning Commission Meeting Agenda, and Health Commissioner's Report August 31, 2012

**EXECUTIVE SESSION:**

Mr. Reed made a motion to go into executive session for purposes of a personnel issue, seconded by Mr. Miller. Motion PASSED by a roll call vote of 3-0.

There being no further business, motion was made by Mrs. Lewis to adjourn the meeting at 9:08 p.m., seconded by Mr. Miller. Motion PASSED by a roll call vote of 3-0.

XENIA TOWNSHIP BOARD OF TRUSTEES

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Jim Reed, Chair

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Amy Lewis

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Scott Miller

ATTEST:

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Barbara Miller, Fiscal Officer