

## RECORD OF PROCEEDINGS

### MINUTES OF THE XENIA TOWNSHIP TRUSTEES:

REGULAR MEETING  
September 20, 2012 7:08 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 7:08 P.M. and pledge was given.

#### FISCAL OFFICER/FINANCE:

- A motion was made by Mr. Miller to approve the bills and payroll, seconded by Mrs. Lewis. Motion PASSED by a roll call vote of 3-0.

**RESOLUTION NO. 2012-276**

- Mrs. Miller explained there was an additional \$180.00 due on the bill to have the medic's air conditioning fixed. She said the air was fixed, and she requested the Trustees approve the additional expenditure so she could pay the bill. A motion was made by Mr. Reed to approve an additional \$180.00 for the fire apparatus, seconded by Mrs. Lewis. Motion PASSED by a roll call vote of 3-0.

**RESOLUTION NO. 2012-277**

#### MINUTES:

- Mr. Miller MOVED approval of the record of proceedings of the April 19, 2012 Meeting. Motion was seconded by Mrs. Lewis, and PASSED by a roll call vote of 3-0.

#### TOWNSHIP ADMINISTRATOR:

- Mr. Stock suggested that Dean Fox and Greg Beegle receive a one-time bonus check of \$500.00 for the extra hours and services they have been contributing to the Township. A motion was made by Mr. Reed to approve a \$500.00 bonus for Dean Fox, seconded by Mrs. Lewis. Motion PASSED by a roll call vote of 3-0.

**RESOLUTION NO. 2012-278**

- A motion was made by Mrs. Lewis to approve a \$500.00 bonus for Greg Beegle, seconded by Mr. Reed. Motion PASSED by a roll call vote of 3-0.

**RESOLUTION NO. 2012-279**

- Mr. Stock thanked Richard and Karen Hartman who provided a platter of cookies to the firefighters on September 11<sup>th</sup>.

#### ZONING DEPARTMENT:

- Mr. Stock said the Land Use Plan Trustee Public Hearing will be held on October 4, 2012 at 4:00 p.m. Steve Anderson will be giving a 15 to 20 minute presentation and then there will be dialogue.
- Mr. Stock discussed the Kil-Kare fence location on Hawkins Road. He said Kil-Kare hired a surveyor and compared notes with Dave Shuey. Mr. Stock said the fence on the west side is located two feet outside of the right-of-way and on the east side it is in the right-of-way by two feet. He said the fence has been there a long time, and after discussion the Trustees wanted to hear what the County Engineer, Bob Geyer would recommend and also what Dave Shuey's thoughts were.

#### FIRE DEPARTMENT:

- Mr. Beegle stated they received a resignation letter from Nate Todd who was hired full-time by the City of Xenia. A motion was made by Mr. Reed to accept Nate Todd's resignation effective September 10, 2012, seconded by Mr. Miller. Motion PASSED by a roll call vote of 3-0.

**RESOLUTION NO. 2012-280**

- Mr. Beegle said he has put in his resignation as EMS Captain effective September 30, 2012. Mr. Reed asked if this was because of the one badge policy. Mr. Beegle said he would not comment. A motion was made by Mr. Miller to accept Greg Beegle's resignation effective September 30, 2012. Motion PASSED by a roll call vote of 3-0.

**RESOLUTION NO. 2012-281**

- Mr. Beegle discussed the list of decommissioned equipment they have. He explained it is outdated or broken.
- Mr. Beegle stated during training the JAWS rescue tool failed. He raised the question to replace or fix the current cutter. He discussed the price difference, and recommended converting the current tool to a lower capacity cutter and purchasing a new Genesis All 9 Cutter. A motion was made by Mr. Miller to approve the Fire Department's recommendation to convert cutter C231 to C165 in the amount of \$1,600.00, seconded by Mrs. Lewis. Motion PASSED by roll call vote of 3-0.

**RESOLUTION NO. 2012-282**

- A motion was made by Mr. Miller to purchase the Genesis All 9 Cutter in the amount of \$7150.00, seconded by Mrs. Lewis. Motion PASSED by roll call vote of 3-0.

**RESOLUTION NO. 2012-283**

- A motion was made by Mr. Miller to authorize up to \$700.00 for the maintenance agreement for the rescue equipment, seconded by Mrs. Lewis. Motion PASSED by roll call vote of 3-0.

**RESOLUTION NO. 2012-284**

**TRUSTEES' BUSINESS**

- Mr. Stock stated the Trustees made an improper resolution, and said it needed to be fixed by asking the Zoning Commission to review a text amendment to expand the Board of Zoning Appeals notification radius from 500 feet to 1,000 feet. He said the Trustees made a motion and passed a resolution to expand it, however, the correct procedure would be ask the Zoning Commission to do a text amendment. Mr. Reed said he would make the suggestion that all zoning changes, variances, and conditional uses would have the 1,000 feet notification radius. A motion was made by Mr. Reed to have the Zoning Commission review the notification distance currently 500 feet and change it to 1,000 feet for zoning changes, variances and conditional uses, seconded by Mrs. Lewis. Motion PASSED by a roll call vote of 3-0.

**RESOLUTION NO. 2012-285**

- A motion was made by Mr. Reed to rescind the original resolution that was made regarding the notification radius, seconded by Mrs. Lewis. Motion PASSED by roll call vote of 3-0.

**RESOLUTION NO. 2012-286**

- Mr. Reed reviewed the ORC about public attending meeting and speaking at a meeting.

**GUESTS:**

Mike Cappell, with the firm Keating, Muething & Klekamp of Cincinnati, representing Kil-Kare Inc., stated the last meeting was hectic. He said at the August BZA meeting a number of complaints were raised. He reviewed the complaints and said they lacked evidence. He said Kil-Kare is under new ownership and was purchased by Dave Coterel in 2012. Mr. Cappell said it is Mr. Coterel's goal to improve Kil-Kare and turn it into a facility that provides year around entertainment for the Xenia Township community. He explained events would include carnivals, music festivals, haunted trails, and Christmas themed activities. Mr. Cappell said they requested a Conditional Use case to allow for those types of uses, and BZA approved the case in the spring to allow for carnivals, music festivals, haunted trails, lighted Christmas walks with horse drawn carriages, motor sports swap meeting, and truck/tractor pulls. Mr. Cappell explained the Conditional Use case was only granted for one of the Kil-Kare parcels, so they had to submit a second Conditional Use case for the rest of the parcels Kil-Kare owned. At the second BZA meeting, a small amount of property owners came and voiced their displeasure with Kil-Kare and it requested uses. He discussed 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.

Mr. Cappell stated Mr. Coterel has already begun plans to reduce traffic concerns by expanding the length of the entrance way so that it will accommodate four times the amount of traffic it does currently. He said all the actions made it clear that the new management has gone out of their way to make racing at Kil-Kare more community oriented, offering additional entertainment, and reduced underage drinking by hiring four off-duty sheriffs, and the new

entrance way to reduce traffic issues. Mr. Cappell said the good work of Mr. Coterel should not be construed by a few disgruntled property owners and should not obscure the good work of Mr. Coterel to improve Kil-Kare of his future planned improvements.

Mr. Cappell said the time period the fence has been located along Hawkins Road may play a part in the decision on what will be done. Marshall Foiles, Kil-Kare Operations Director, stated he had done some research and Kil-Kare had been on the agenda numerous times in the past year, and asked if they were going to be on the agenda if they could be notified so someone could be present at the meeting.

Mr. Reed said Kil-Kare Inc. is not a sole proprietor and he understood that Kil-Kare Inc. is still owned by the same people that owned it in the 1950s. He said they are misleading people by telling them it is under new ownership. Mr. Reed said some of the shares have changed, but it is still the same organization. Mr. Cappell stated it is under new management.

Mr. Miller said that Cruisefest event happened over a year ago, and appreciated Kil-Kare responding to the requests the Township has made. He believed they are taking the right steps to being a good community neighbor.

There being no further business, motion was made by Mr. Reed to adjourn the meeting at 8:00 p.m., seconded by Mrs. Lewis. 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