

**ELIZABETH TOWNSHIP BOARD OF TRUSTEES
MIAMI COUNTY, OHIO
REGULAR MEETING MINUTES OF JUNE 7, 2017**

The Elizabeth Township Board of Trustees held a Regular Meeting on June 7, 2017 at 5710 E. Walnut Grove Road, Troy, Ohio at 7:00 p.m.

The meeting was called to order by William D. Sutherly, President. Fiscal Officer called the roll and the following members were present:

President	William D. Sutherly	EMS	Steve Trusty	Andrew Johnston
Vice Pres.	John R. Ryman	ETCC	Zlata Garrison	Ron Swallow
Trustee	Greg D. Dilts	FRPP	Randy Mott	Dep. Richard Manns
Fiscal Officer	Mary Ann Mumford	Zoning	Paul Hershberger	

The following order of business was established:

- ITEM # 1A Attorney, Andrew Johnston
- ITEM # 1 Meeting with representative from the sheriff's dept.
- ITEM # 2 Meeting with representative from EMS
- ITEM # 3 Meeting with representative from ETCC
- ITEM # 4 Meeting with representative from Farmland Preservation
- ITEM # 5 Meeting with representative from Zoning
- ITEM # 6 Presentation of the Meeting Minutes of May 17, 2017
- ITEM # 7 Presentation of Bills and Authorization for Payment.
- ITEM # 8 Fiscal Officer Report/2018 Budget
- ITEM # 9 COMMITTEE REPORTS:
 - A. William D. Sutherly-Equipment and Cemeteries
 - B. John R. Ryman-Roads
 - C. Greg D. Dilts-Buildings and Personnel
- ITEM # 10 Any other business to be transacted.
- ITEM # 11 ADJOURNMENT

ITEM # 1A Attorney, Andrew Johnston, was present to discuss the matter involving Sam Kingrey's party barn. Mr. Johnston addressed the board and said that he had initially had a conversation with William Sutherly regarding the details of Sam Kingrey's party barn. Mr. Johnston said he since has talked with Paul Hershberger, Zoning Inspector, about documentation, correspondence, and zoning regulations pertaining to the Conditional Use Permit denied by the board. According to the documentation presented by Mr. Hershberger, there is no indication that Mr. Kindgrey's rights were violated. The Conditional Use Permit was denied based on the fact that it does not meet the criteria set forth in the Elizabeth Township Zoning Regulations.

Sam and Cara Kingrey may refile for adoption but have not done so yet. Mr. Johnston said the question is how to stop Mr. Kingrey from getting away with not following the zoning regulations. Mr. Johnston said the zoning regulations are in place for the good of everyone. Townships across Ohio run into this issue and there are several things that can happen. The issue is; we believe Mr. Kindgrey is violating township regulations, but how do we know for sure. Mr. Johnston said a Discovery Petition, which is permission from the court to have depositions taken and turned over to the court could be filed. If you have evidence from a trustee, neighbor, zoning inspector, or county commissioner you can bring a cause of action. Mr. Kingrey can be sent a letter that states he's in violation of the township zoning regulations. Court costs, fines, litigation fees, and township legal costs, could all be imposed on Mr. Kingrey for violation of township zoning regulations. Mr. Johnston said Mr. Kingrey may go ahead and hold the event, pay his \$100.00 fine and move on.

ELIZABETH TOWNSHIP REGULAR MEETING MINUTES OF JUNE 7, 2017 CONTINUED

Mr. Johnston said a wedding was held at the Kingrey barn on Walnut Grove Road, on May 6, 2017. The woman who rented the barn has a cancelled check and contract that she is willing to hand over. Mr. Johnston said Mr. Kingrey is charging \$2,500.00 per wedding event and the township can file on him for the number of events he has held. The court can ask for the amount of money that the Kingreys have made hosting the events, and all of the documents/book work supporting the events. Mr. Johnston said that it could go to jury and Mr. Kingrey would be called and would hopefully not purger himself. Mr. Johnston said the fact is, that Mr. Kingrey is operating a Commercial Business on an A1 zoned property. The woman who is willing to hand over her cancelled check and contract is willing to sign an Affidavit. Mr. Johnston said we have enough to go to court for an injunction hearing.

Mr. Johnston said he is cautiously optimistic about the outcome if it goes to court. Mr. Johnston said he prefers to settle out of court first if possible. Mr. Johnston said the best course would be for him to send Mr. Kingrey a letter stating our position on the matter and let him know we have someone willing to come forward with a cancelled check, contract, and willing to give an Affidavit. Mr. Johnston said the letter will state what will happen if operations do not cease. Mr. Johnston said Mr. Kingrey would have 21 days to respond to the letter. If Mr. Kingrey does not respond, then we ratify the information. Mr. Johnston said Mr. Kingrey is not allowed to benefit from illicit activity.

Mr. Dilts said we have no hard feelings toward Mr. Kingrey. The board is responding to the fact that township residents do not want party barns in the township. Mr. Johnston said there are two ways to go. Give him the Conditional Use Permit or go the court route, there is no grey area.

Mr. Johnston said the worst case scenario would be we file and lose, and Mr. Kingrey counter sues. Mr. Johnston said he does not believe Mr. Kingrey will just lie down. Mr. Johnston said the next question would be what's the township's exposure. Mr. Johnston said he feels the township's exposure is low. Mr. Johnston said he feels the case would be won on firm ground and fact based. Mr. Johnston said the fact base was light, but has gotten better due to someone coming forward with contractual documentation.

Mr. Johnston said Sam and Cara Kingrey are homeowners, and should be set up as an LLC or Incorporated to be contracting as a business. Mr. Johnston said Tom Dysinger is Mr. Kingrey's attorney for other business matters.

Mr. Hershberger said that he received an email from Mr. Kingrey's attorney asking for a Conditional Use the day after our last township meeting. Mr. Johnston said in our zoning regulations we allow Bed & Breakfasts to operate within the township. We will have to articulate why we're saying no party barn, but will allow a Bed and Breakfast. Mr. Johnston said if Mr. Kingrey submits another Conditional Use Permit the zoning board can reject it, and then it will go through the same procedure of being denied by the trustees, Mr. Kingrey could have the matter placed on the ballot. 8% of the last held election would be the number of signatures Mr. Kingrey would need to have it placed on the ballot. For example, if 1,000 people voted in the last election, Mr. Kingrey would need 81 signatures on his petition to get it on the ballot. A Motion by William D. Sutherly, Seconded by John R. Ryman, was made to hire Andrew Johnston to represent the Elizabeth Township Board of Trustees in the Sam and Cara Kingrey violation of Elizabeth Township Zoning Regulations regarding their party/wedding barn and approve Mr. Johnston's retainer fee in the amount of \$2,500.00. VOTE: Mr. Dilts-yes, Mr. Ryman-yes, Mr. Sutherly-yes. William D. Sutherly, President, declared the Motion carried.

ITEM # 1 There was no new business to discuss.

ITEM # 2 Mr. Trusty shared the May EMS Report with the board. There were 8 EMS runs and 1 fire related run during the month of May. Hose testing is scheduled for June 15th and pump testing is scheduled for June 20th. The medic is at Troy Ford due to an antifreeze leak from the water pump, and a possible switch issue. Medic 52 is being used in its place until our medic is repaired.

ELIZABETH TOWNSHIP REGULAR MEETING MINUTES OF JUNE 7, 2017 CONTINUED

ITEM # 3 Zlata reported that receipts from May 13-June 2, 2017 totaled \$4,823.30. There are currently 407 members including spouses and dependents. Zlata said that water testing supplies are needed from USA Bluebook in the amount of \$380.95. Zlata said that one of the MYE transmitters in the cardio room is no longer working. The cost for a new transmitter is \$330.60 plus shipping and handling. The Fitness Doctor charges \$75.00 for the trip and \$75.00 for labor. We could replace them all with Cardio Theater from Precor for \$2,342.00. A Motion by John R. Ryman, Seconded, by William D. Sutherly was made to order water testing supplies from USA Bluebook in the amount of \$380.95, and to replace the MYE transmitter from The Fitness Doctor for an approximate cost of \$500.00 including labor. VOTE: Mr. Dilts-yes, Mr. Ryman-yes, Mr. Sutherly-yes. William D. Sutherly, President, declared the Motion carried.

ITEM # 4 Mr. Mott said he took photographs of the USDA farms and will be submitting the documents soon.

ITEM # 5 Mr. Hershberger said he has a list of addresses on State Route 41 that needs mowing. Mr. Hershberger said he will be submitting the documents soon.

ITEM # 6 The presentation of the Minutes of the previous Regular Board Meeting of May 17, 2017 were read and approved as presented.

ITEM # 7 The fiscal officer submitted the bills for payment in the amount of \$29,270.94. A Motion by John R. Ryman, Seconded by William D. Sutherly, was made to approve payment in the amount of \$29,270.94 for the payment of bills as presented. VOTE: Mr. Dilts-yes, Mr. Ryman-yes, Mr. Sutherly-yes. William D. Sutherly, President, declared the Motion carried.

ITEM # 8 Mary Ann shared various financial reports with the board for review. The board was given an updated 2018 Budget that will be approved at the next meeting on June 21, 2017. Mary Ann has already submitted the Legal Notification to the Troy Daily News for publication.

ITEM # 9 COMMITTEE REPORTS

- A William D. Sutherly -Equipment and Cemeteries
- B. John R. Ryman-Roads
- C. Greg D. Dilts-Buildings and Personnel

Mr. Sutherly said the bush hog should be here in 10 days, and hopefully we can get the mowing caught up.

Mr. Ryman said the brush has been cut back on the roadways.

Mr. Dilts said he is checking to insure the air conditioning is working properly at the EMS building.

ITEM # 10 There was no other business to be transacted.

ITEM #11 With no other business to be transacted a Motion by William D. Sutherly, Seconded by Greg D. Dilts, was made to adjourn. The meeting adjourned at 8:26 p.m.

APPROVED: JUNE 21, 2017

William D. Sutherly, President

John R. Ryman Vice President

Greg D. Dilts, Trustee

Mary Ann Mumford, Fiscal Officer

