

**ELIZABETH TOWNSHIP BOARD OF TRUSTEES
MIAMI COUNTY, OHIO
REGULAR MEETING MINUTES OF JULY 19, 2017**

The Elizabeth Township Board of Trustees held a Regular Meeting on July 19, 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	ETCC	Zlata Garrison	Will Harrelson
Vice Pres.	John R. Ryman	FRP	Randy Mott	Keith Keyser
Trustee	Greg D. Dilts	Zoning	Paul Hershberger	Ronda Hershberger
Fiscal Officer	Mary Ann Mumford		Andrew Johnston	

The following order of business was established:

- ITEM # 1A Sam Kingrey
- ITEM # 1B Attorney Andrew Johnston
- ITEM # 1C 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 July 5, 2017
- ITEM # 7 Presentation of Bills and Authorization for Payment.
- ITEM # 8 Fiscal Officer Report
- 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 Sam Kingrey did not attend the meeting, but is Attorney Will Harrelson was present.

ITEM # 1B Attorney Andrew Johnston began the discussion stating that he would fill the board in on the current matter regarding Sam Kingrey, due to Mr. Kingrey being absent, but Will Harrelson was present representing Mr. Kingrey. Mr. Johnston stated on behalf of Elizabeth Township Board of Trustees he sent a letter to Sam and Cara Kingrey at 4673 Walnut Grove Road, Troy, Ohio 45373. The letter stated that the property that contains the event barn is zoned A1 Agriculture and is not zoned for commercial use such as a banquet event center. A Conditional Use Permit was denied by the zoning board of appeals due to it not fitting the current Conditional Use Permit qualifications of the Elizabeth Township Zoning Regulations. Mr. Johnston said according to Mr. Kingrey's attorney, Will Harrelson, Mr. Kingrey is not operating such a center. Mr. Johnston stated that there is a signed contract, cancelled check and witnesses that can be called upon if needed. Mr. Johnston said there are witnesses that can be called upon that a wedding did take place at 4673 Walnut Grove Road, Troy, Ohio. Mr. Johnston said he has the name and address of a bride who will be having a wedding at the same address in September that has also signed a contract with Mr. Kingrey and paid funds to have it at 4673 Walnut Grove Road, Troy, Ohio. Mr. Johnston said he has since learned that the contract was torn up and the funds for payment were returned to the bride. Mr. Kingrey is allowing her to have

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her wedding there at no charge due to Mr. Kingrey knowing Tom Allen the bride's father. Mr. Johnston said we're not sure how many events Mr. Kingrey has already had, one, ten, forty or fifty. Mr. Harrelson said Mr. Kingrey does not make money from the events at his barn. Mr. Johnston said it is entirely up to the board of trustees to decide if they want a Preliminary Injunction to prevent the landowner from having more paid events at this barn at 4673 Walnut Grove Road, Troy, Ohio. Mr. Johnston said the board has more than enough evidence to move forward and move toward the injunction. Mr. Johnston said there is no grey area in the zoning regulations, it's either black or white. Mr. Johnston said he feels the board is well within their right to move forward. Mr. Johnston said the point is Mr. Kingrey is operating an enterprise on property zoned A1 and that is in violation of the board's zoning regulations. Even if money is not being made, he may still be in violation of other zoning codes in the county. Mr. Johnston said Mr. Kingrey could cease operations of his business or put the issue on the ballot to avoid court. Mr. Johnston said it is apparent that the board of trustees are attempting to do the best for the residents. Mr. Johnston said there are 10 witnesses that could present evidence to the court. There's no Fifth Amendment, if called upon they would have to testify. Mr. Johnston said Mr. Harrelson is here and would probably like to state his case and open it up to the board.

Mr. Harrelson said he and Andrew do not see eye to eye. Mr. Harrelson said one event has taken place since September 2016, not 52, 40 or 10. Mr. Harrelson said Sam has had his own family events, class reunion, and has been asked to use the property for a couple of weddings in September. There's no evidence that there are more events coming. When Mr. Harrelson asked for documentation from Mr. Johnston he declined giving him the documents that were requested. Mr. Kingrey is being accused only through litigation that he is having events at his barn for profit. Mr. Kingrey is not out marketing his business and considering what the zoning regulations are, Mr. Kingrey is not pursuing it, and is not renting it out. Mr. Harrelson said if the township pursues the issue, there won't be evidence to support that Mr. Kingrey is doing what he's accused of doing and he can't be stopped from something he's not doing. Mr. Johnston asked Mr. Harrelson, so Mr. Kingrey is saying he hasn't received money in 2017 for renting his barn for an event? Mr. Harrelson said he's not aware at this time of money being received. Mr. Johnston said there are many other things to be considered here such as the Miami County Planning and Zoning Regulations, Fire Regulations, Septic for public use. Mr. Harrelson said he's not aware of any formal procedures due to it being private parties. Mr. Harrelson said he's sure graduation parties have been held and parent's homes have not been checked by the above mentioned agencies either. Mr. Johnston said if no business is taking place that's a good thing and he does believe the township has a strong foundation to move forward. We can throw out a hook in the water and see if you catch something, it is out there. It is possible they can pursue for attorney fees, and court costs if we lose.

Mr. Ryman asked Mr. Johnston if we pursue for an injunction on the prior events and if the upcoming September event takes place, are we limited to a particular time frame to file? Mr. Johnston said it starts from the beginning of him starting to the end. Mr. Ryman asked Mr. Johnston his opinion what if we see that they violate the regulations and then move forward? The trustees can watch it, but they're not going to know if money is being paid, and what type of event he may be having. Mr. Johnston said we have enough to get a Preliminary Hearing and a Permanent Injunction. The court can craft an order for current/future operations of violations of the township zoning regulations. Mr. Johnston said a private settlement through an agreement could be issued, that both parties sign. Mr. Harrelson said to resolve the case we can open the door for an agreement, but Sam will not concede or admit he has been doing something he's not been doing. Mr. Harrelson said he can talk to his client if he would be interested in an agreement. Mr. Sutherly said he doesn't like the idea of an agreement, because we went through step by step following the rules. Mr. Sutherly said the zoning inspector is getting calls regarding other residents wanting event barns and we have to follow the guidelines for everyone. If he wants an event barn he needs to get it on the ballot and let the residents vote on it. If it's voted in OK. Zlata asked the board if they could put it on the ballot and they said yes, but would not be pursuing that, and Mr. Kingrey can pursue it if he wishes. Mr. Sutherly said we had no choice but to hire an attorney, and he hopes it doesn't go to court, but we do need to defend our zoning regulations that have been set.

The board discussed enforcement if an agreement is signed and what would happen if the agreement is broken. The board discussed that there are at least 5 other individuals waiting to see how this is resolved with Sam because they want to do the same thing. Mr. Harrelson said Mr. Kingrey doesn't feel singled out, but he feels that the allegations against him are incorrect.

The board discussed waiting to see what happens at Mr. Kingrey's in the future. Mr. Dilts asked what happens if it's quiet for 2 years and the events start happening again, is it still creditable to fall back on this evidence. Mr. Johnston said this documentation can still be used. Mr.

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Johnston said not moving forward legally is one way to go and he is happy to pursue the matter any way the board sees fit. A Motion by William D. Sutherly, Seconded by John R. Ryman, was made to watch and see what happens down the road, and call Mr. Johnston if they believe a violation is taking place at Mr. Kingrey's barn on Walnut Grove Road. VOTE: Mr. Dilts-yes, Mr. Ryman-yes, Mr. Sutherly-yes. William D. Sutherly, President, declared the Motion carried.

Mr. Mott said that in 2, 5 or 10 years the perception of the residents will be different than it is now. Ronda Hershberger stated it may be a fad, but when a person lists a home for sale advertising it can be used as a party barn, they're misrepresenting themselves. Zlata said the Piqua area is getting maxed out on party barns.

ITEM # 1C There was no representative present from the sheriff's department.

ITEM # 2 There was no representative present from EMS.

ITEM # 3 Zlata shared the ETCC report with the board. There are currently 411 members including spouses and dependents. Receipts for June 17-July 14, 2017 totaled \$3,809.80. Zlata reported that Kris Lauck has completed the x drive storage. Zlata has contacted Samaritan Plumbing for the required back flow test at the ETCC. Zlata asked the board to consider replacing the main office flooring and she would like to purchase a bench and plaque with the memorial donations for Betty Mott. \$1,115.00 has been donated in her memory. A Motion by Greg D. Dilts, Seconded by William D. Sutherly was made to allow Zlata to purchase a bench from Barcode and purchase a plaque for the bench in memory of Betty Mott up to \$1,115.00. VOTE: Mr. Dilts-yes, Mr. Ryman-yes, Mr. Sutherly-yes. William D. Sutherly, President, declared the Motion carried.

A Motion by William D. Sutherly, Seconded by John R. Ryman was made to approve up to \$100.00 to have Story Time with Santa at the ETCC in December, admission to the event will be free to anyone attending. VOTE: Mr. Dilts-yes, Mr. Ryman-yes, Mr. Sutherly-yes. William D. Sutherly, President, declared the Motion carried.

Zlata said the part for the leg press is on order and the seat has been replaced.

ITEM # 4 Mr. Mott said appraisals on the USDA farms has been received. Mr. Mott said the Co-Op agreement has been updated with the increase of funds. Mr. Mott said site visits were made to both farms and documents were signed working toward the closings. Mr. Mott said he had to estimate the closing costs for NRCS. The ODA application is moving along rapidly and the final title is being reviewed and he sent some additional information to Evan's Title. Mr. Mott said the closing will take place in the next couple of months. Mr. Mott said he will be paid for his fees at the time of closing by the landowners and he expects Evan's Title to use Jim Livingston as their attorney.

ITEM # 5 Mr. Hershberger said he had a complaint about the pasture growing up at the second house east of Dayton Brandt Road on State Route 41. They are mowing some of the front yard and it has been growing up for years. Paul will check to make sure they have to mow it.

ITEM # 6 The presentation of the Minutes of the previous Regular Board Meeting of July 5, 2017 were read and approved as presented.

ITEM # 7 Fiscal Officer submitted bills for payment in the amount of \$7,134.70. A Motion by Greg D. Dilts, Seconded by William D. Sutherly, was made to approve payment in the amount of \$7,134.70 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 and they were duly noted.

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 new mower is being tweaked and Mr. Wagner came down to help BJ with the adjustments. Mr. Ryman said we will need to look at brush in the roadways again in September or October. We should be able to beat it back with the mower and it could get it sprayed

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using the gator. John said we need to keep an eye out at Kim Heim's for the issue in Shaggybark. Mr. Sutherly said State Route 41 is getting tar and pea gravel applied to it, and he assumes they'll come back to pave it.

Mr. Dilts had no new business to discuss. The board discussed estimates for replacing the air units at the EMS building. A Motion by Greg D. Dilts, Seconded by John R. Ryman, was made to accept the estimate from Douglas Heating and Cooling in the amount of \$11,894.50 per submitted quote for the purchase of an 96% 60,000 btu Carrier 2 stage variable speed unit, supplies, materials and labor as quoted. VOTE: Mr. Dilts-yes, Mr. Ryman-yes, Mr. Sutherly-yes. William D. Sutherly, President, declared the Motion carried.

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 8:41 p.m.

APPROVED: AUGUST 2, 2017

William D. Sutherly, President

John R. Ryman Vice President

Greg D. Dilts, Trustee

Mary Ann Mumford, Fiscal Officer