

Held

October 2, 2007

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The Etna Township Board of Trustees met on October 2, 2007 at the Etna Township Hall to hold a regular meeting. President Knapp called the meeting to order at 7:00 p.m. and the pledge of allegiance and prayer was recited. Roll call showed President Knapp, Trustee Burkholder, Trustee George and Fiscal Officer Digel-Barrett present.

The motion to adopt the agenda was made by Mr. George, seconded by Burkholder and the vote in favor was unanimous.

#### ADOPTION OF THE MINUTES

Mr. George moved to approve the September 18, 2007 meeting minutes, seconded by Burkholder and the vote in favor was unanimous.

Mr. George moved to approve the September 18, 2007 special meeting minutes, seconded by Knapp and the vote in favor was unanimous.

Mr. George moved to approve the September 21, 2007 special meeting minutes, seconded by Burkholder and the vote in favor was unanimous.

Mr. George moved to approve the September 26, 2007 special meeting minutes, seconded by Burkholder and the vote in favor was unanimous.

#### PUBLIC COMMENTS

Pam Munce, 11045 National Road, reported that Mr. Jones, who has lived on the corner of SR 310 and US 40 for 51 ½ years, moved today

#### CORRESPONDENCE

- Licking County Board of Commissioners – Resolutions 55-260 and 55-284
- Licking County Planning Commission – conditional approval of replat of lots in Etna Corporate Park
- ODOT – regarding request for traffic fixtures at SR310 and US 40 be black in color
- Licking County Auditor – receipt of resolution accepting amounts and rates, estimated 2008 distribution of Local Government Funds and changes in HB 119 to LGRAF and LGF
- Ohio Bureau of Motor Vehicles – August statistics report
- Ohio Township Association – Public records Policy and Grassroots Clippings newsletter
- OTARMA – Fire Prevention Week and newsletter
- Care Works – survey
- MORPC – population estimate and dues
- First Bremen Bank – Festival of Trees
- Branham Sign – regarding property on Mink Street

#### PUBLIC HEARINGS

##### A. Orchard Glen PUD modification

At 7:15 p.m., Mr. George moved to open the public hearing to consider a request from The Orchard Glen Homeowners Association to modify the PUD and change 350 and 351 Green Apple Place to reserves, non-buildable lots. Burkholder seconded and the vote in favor was unanimous.

The PUD modification was approved by LCPC and the Homeowners Association must submit a replat application and change the lot names and address the restrictions of the reserve. The reserve will be maintained by the Homeowners Association. The change was also recommended by the zoning commission. There were no public comments for or against the change.

At 7:18 p.m., Mr. George moved to close the public hearing, Burkholder seconded and the vote in favor was unanimous.

Resolution 07-10-02-01: Mr. Burkholder moved to accept the recommendation of the zoning commission to approve the modification of the Planned Unit Development in Orchard Glen to change lot 125, address 350 Green Apple Place to Reserve E and lot 126, address 351 Green Apple Place to Reserve F. George seconded and the vote in favor was unanimous.

B. Rezoning request for 9552-9562 Tollgate Road from Manufacturing Home Park District and Agricultural to General Business 1

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At 7:19 p.m., Mr. George moved to open the public hearing to consider a request by David and Karen Shumaker to rezone 9552-9562 Tollgate Road, 1.737 acres, from Manufacturing Home Park District and Agricultural to General Business 1. Burkholder seconded and the vote in favor was unanimous.

LCPC recommended approval of the rezoning and the zoning commission recommended denial of the rezoning.

Dee Dunlap, zoning commission chairwoman, said that Tollgate Road is residential in that section and the zoning commission did not want commercial development in that area. There is presently a lot of General Business zoning in the township.

David Shumaker said he would like the commercial zoning so he could sell the property.

Pam Munce said LCPC used an old Land Use Map when they made their decision for approval.

Laura Brown said she believes that LCPC read the map wrong because the area clearly shows residential.

At 7:27 p.m., Mr. George moved to close the public hearing, Burkholder seconded and the vote in favor was unanimous.

Resolution 07-10-02-02: Mr. George moved to accept the recommendation of the zoning commission to deny the rezoning of 9552-9562 Tollgate Road from Manufacturing Home Park District and Agricultural to General Business 1. Burkholder seconded and the vote in favor was unanimous.

C. Correct the zoning map for property at 9361 Watkins Road and 7913 National Road

At 7:30 p.m., Mr. George moved to open the public hearing to consider a request by the zoning commission to correct the zoning map for property at 9361 Watkins Road and 7913 National Road. Burkholder seconded and the vote in favor was unanimous.

The zoning commission requests that the property at 7913 National Road, owned by Angie Allossery and Melynda Stennett to be rezoned from residential (R1) and agricultural (Ag) to Manufactured Home Park (MHP). And they request that the property at 9361 Watkins Road, owned by Sean and Barbara Brogan, to be rezoned from MHP, R1 and AG to R1. This change was initiated to correct the zoning map. The MHP zoning should be for the property to the east at 7913 National Road and the property at 9361 Watkins Road should be R1. The map amendment was recommended by LCPC and the zoning commission for approval. This is a correction to an existing map which had been in error for some time. The original maps were hand drawn and not well maintained.

Connie Klema, attorney for the landowners at 9361 Watkins Road, said that back in the 80's a corner of that property showed it as being MHP and the property owners are satisfied with the present zoning. The property owners were not notified of the public hearing before the zoning commission.

Jim Lee, 9631 Watkins Road, wanted clarification on the location of the property and said he has a private airstrip and does not want people invading his property. He has had problems in the past with trespassers in his hangers.

Lisa Bowers, 9608 Watkins Road, feels the present zoning classification is a mistake and needs to be corrected.

Beverly Plants, 9608 Watkins Road, agrees with correcting the zoning map and feels that perhaps the owners have future plans for use of the property and that is why they are against the change.

Tracy Corrigan, 9608 Watkins Road, wants the map corrected and said the area is agricultural and should remain that way.

Connie Klema said there is no proof that the present zoning is incorrect and if the owners would like to rezone, they could initiate it this themselves.

Dee Dunlap said there is no proof one way or the other, and the mobile home park has been there a long time. The zoning commission does not want to remove the zoning but they do not want future MPH on US 40.

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Bernie Caplin, representing the Brogans, said the property owners were not notified of the rezoning and the property should not be rezoned without their permission.

Karen Medley, 9730 Watkins Road, said the residents on Watkins Road understand more why the zoning should be changed than Mr. Caplin.

Laura Brown said the owner of the mobile home park lives in Canada and verbally said he had no problem with the rezoning. The Board requested that she obtain written verification.

Pam Munce asked how long the current owners have owned the property on Watkins Road and was told 3 years.

The trustees agreed that more research needs to be done before a decision could be rendered.

At 8:07 p.m., Mr. George moved to recess the public hearing, Burkholder seconded and the vote in favor was unanimous.

D. Text amendments to the zoning resolution in Article 16 Buffering

At 8:10 p.m., Mr. George moved to open the public hearing on text amendments to the zoning resolution in Article 16 Buffering. Burkholder seconded and the vote in favor was unanimous.

The zoning commission unanimously recommended approval of the addition of Article 16 Buffering, Landscaping and Resource Preservations, the additional definitions and to remove Section 913 Manufacturing District under general requirements Screening/Buffer Yard, Section 914 Manufacturing District under general requirements, Screening/Buffer Yard, and Section 1108 Screening and/or Landscaping. LCPC recommended conditional approval. The text amendments were not reviewed by legal counsel and the trustees agreed that the amendments were well written but needed legal review. Last minute concerns expressed by the zoning inspector also needed to be reviewed.

At 8:26 p.m., Mr. George moved to recess the public hearing and for the Board president to contact the Prosecutor's office for a legal opinion. Burkholder seconded and the vote in favor was unanimous.

## REPORTS

Fiscal Officer

Month of September

|                     | Receipts  | Expenditures    |
|---------------------|-----------|-----------------|
| General Fund        | 14,601.45 | 44,300.26       |
| MV License Tax      | 1,454.57  | 1,135.04        |
| Gasoline Tax        | 2,998.16  | 3,173.19        |
| Road & Bridge       | 1,030.43  | 17,742.42       |
| Special Assessments | 0.00      | 267.16          |
| Misc Debt Service   | 0.00      | <u>2,740.43</u> |
| Total               | 20,084.61 | 69,358.50       |

Funds Total September 30, 2007 - \$1,435,851.72

Road – written report submitted

Resolution 07-10-02-03: Mr. Burkholder moved to approve the expenditure of \$3488 to Strawser for stripping Tollgate Road from US 40 to the township line and stripping Palmer Road from Tollgate to Lynns. George seconded and the vote in favor was unanimous.

Mr. George moved to approve Road Right-of Way permit #10-02-07-01 for Embarq at 9670 Watkins Road to replace poles. Burkholder seconded and the vote in favor was unanimous.

Mr. George moved to approve Road Right-of Way permit #10-02-07-02 for Columbia Gas at 14298 Palmer Road. Burkholder seconded and the vote in favor was unanimous.

Zoning – written report submitted

Mr. Burkholder reported that a draft of the zoning fee schedule is completed.

President Knapp said that fence permits were not required until May of 2006 and the zoning inspector is fining people who did not have a permit and then charging them a late fee. This is creating unnecessary paperwork when refunds are requested and appeals are filed with the BZA. President Knapp will consult with Eric Fox and Mr. Robinson will provide the trustees with a spreadsheet on requested refunds.

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**Parks and Recreation**

President Knapp praised Pataskala Paving for paving under the park benches for the cost of materials and the labor was donated.

**Water and Sewer**

David Goll reported that the water line to SR 310 and I-70 has been completed. The district is hosting a meeting with site selectors tomorrow for Licking County. Water and sewer rates will be evaluated in November.

**OLD BUSINESS**

A. Set date for joint work sessions with zoning commission regarding PUD's and CPUD's  
President Knapp moved to set a special meeting for a joint work session with the zoning commission regarding PUD's and CPUD's on October 17<sup>th</sup> at 7 p.m. George seconded and the vote in favor was unanimous.

B. Set special meeting with Willow Brook/Jardin Manor residents regarding green space property  
President Knapp said some of the abutting property owners to the green space may be interested in purchasing the property. There was discussion on the proceeds from the sale of property used for the ditch petition and a possible meeting with the residents in November.

C. Motion to set Trick or Treat in Etna October 31, 2007 from 6 to 8 p.m.

Mr. Burkholder moved set Trick or Treat in Etna October 31, 2007 from 6 to 8 p.m. George seconded and the vote in favor was unanimous.

**NEW BUSINESS**

There were no items

**ANNOUNCEMENTS**

President Knapp reminded everyone that the first meeting in November will be Thursday November 8<sup>th</sup> because of the elections.

Mr. George moved to pay the bills, Burkholder seconded and the vote in favor was unanimous.

**PUBLIC COMMENTS**

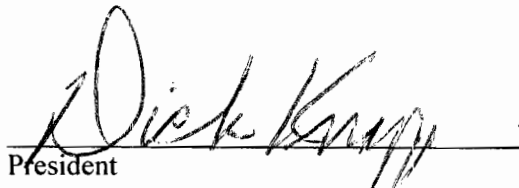
Dee Dunlap asked about the process the zoning inspector used for identifying property owners who do not have a fence permit. Mr. Burkholder replied that part of it is from property owners who have been fined pointing out other violators.

Claudette Van Dyne suggested that the zoning inspector write a fence permit, with the current owners' signature and put it in the file for all fences erected before a permit was required.

Jim Van Dyne said there should be a statute of limitations on how long the fences have been erected.

At 9:20 p.m., Mr. Burkholder moved to adjourn the meeting, George seconded and the vote in favor was unanimous.

  
Fiscal Officer

  
President