

July 6,

2010

Held

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The Etna Township Board of Trustees met on Tuesday July 6th, 2010 in the Etna Township Community Center/Administration Building for the purpose of conducting a special meeting. The meeting was called to order at 6:00 p.m. by President Carlisle. Randy Foor led the invocation and John Carlisle led the Pledge of Allegiance was recited. Roll call showed Trustees Randy Foor, John Carlisle and Fiscal Officer Walter Rogers present. Trustee Jeff Johnson was absent.

Trustee Foor moved to adopt the agenda. The motion was seconded by Trustee Carlisle and passed by unanimous affirmative vote.

Hearing for 1028 Pike Street (nuisance and junk motor vehicle)

The property owner Kenneth Howard was in attendance. Zoning Administrator Chris Harkness provided an overview of the property. The property was purchased in 2006 by the Howard's and has been an on going issue. A nuisance hearing letter was sent April 1st and June 3rd, 2010; zoning violation letters were sent April 1st, June 3rd, and July 2nd, 2010. The letters were all sent certified mail and they were all unclaimed. Chris Harkness delivered several letters in person and notified Mr. Howard of the hearings.

Chris Harkness presented pictures of the property on July 1st, 2010 showing vegetation, debris, trash, tires, and various junk. He also presented pictures taken today, July 6th, 2010 showing the grass mowed and the fence was put back up. There is a large hole where the property owner has been working on the foundation of the house. Chris Harkness presented pictures of a white Chrysler van, maroon Chrysler LeBaron convertible, white/blue/tan DCtasca RV, and white/red/blue RV. Chris Harkness stated Mrs. Howard said their son is living in one of the white/blue/tan DCtasca RV. Chris Harkness explained that once a junk motor vehicle has been removed then a week or two later another junk motor vehicle appears. This also happens with the debris and trash.

Kenneth Howard 1028 Pike Street drove the maroon LeBaron convertible to the meeting this evening. He has removed some parts out of the white Chrysler van and it will be removed. The only thing the RV needs is license plates. He has not been driving it because he has not been going anywhere. He son does sleep in it every once in a while. The trailer is being used to move items.

Trustee Carlisle explained to Mr. Howard that he is the property owner and is responsible for the property. Mr. Howard discussed what has been cleaned up on the property. Mr. Howard stated the white/red/blue RV is an antique with historical license plates. He uses the trailer to haul firewood. Chris Harkness stated the plates are expired on one RV and Mrs. Howard told him that both of the RV's are inoperable. The RV with the historical plates can still be classified as a junk motor vehicle.

Gary Burkholder 254 Trail East stated this has been an on going problem even when he was a Trustee. He requested the Trustees enforce the strictest terms of the law to abate this nuisance. He feels the property has been an eye sore and in his opinion a public health hazard.

Kenneth Howard 1028 Pike Street stated he would clean the items that are necessary. Trustee Carlisle stated the trailer full of junk and anything that is inoperable would need removed. Kenneth Howard stated that 90% of the items on the trailer are to repair the trailer. The property will be cleaned to the satisfaction of the Zoning Administrator by Friday at 2:00 p.m. Trustee Carlisle stated that on Friday at 2:00 p.m. Mr. Harkness will meet Mr. Howard. The Trustees will discuss this property at their July 20th, 2010 meeting and will take formal action. The foundation is a separate issue. Trustee Foor stated it seems Mr. Howard is thumbing his nose at the township, he feels this is a health hazard, and is an eye sore. Kenneth Howard did not want to remove the RV's and he feels the one is an antique. He does not have room in his barn to store the RV. Kenneth Howard is going to discuss with his attorney the removal of the RV.

Trustee Carlisle closed the public hearing.

Resolution 10-07-06-01: Trustee Foor moved to adopt the resolution as follows:

WHEREAS, the Board is authorized by Ohio Revised Code Section 505.87 to provide, by resolution, for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the board determines that the owner's maintenance of that vegetation, garbage, refuse, or other debris constitutes a nuisance; and, **WHEREAS**, the Board received a report from the Zoning Inspector documenting the initial investigation; and, **WHEREAS**, the findings of the report indicated that a nuisance is in fact located at *1028 Pike Street.*; and, **WHEREAS**, the nuisance in question is described

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustees Special Meeting

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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as follows: *Garbage, debris, and vegetation in the form of tires, car parts, fencing, tools, bags of trash, other various junk, and unmaintained grass, weeds, and trees*; and, **WHEREAS**, the Board has determined that the owner's maintenance of the vegetation, garbage, refuse, or other debris constitutes a nuisance. **NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees hereby declares the above described conditions, located at *1028 Pike Street* to be a "nuisance"; and, **BE IT FURTHER RESOLVED** that the Board of Trustees hereby orders the property owners, Kenneth Howard, to abate the above stated nuisance; and, **BE IT FURTHER RESOLVED** that the Board will provide for the abatement, control, or removal not sooner than *7 (seven) days* after written notice of this resolution is served on the owner of the land and any holders of liens of record on the land; and, **BE IT FURTHER RESOLVED** that all expenses incurred in providing for the abatement, control, or removal of the vegetation, garbage, refuse, and other debris from land shall be paid out of the township general fund from moneys not otherwise appropriated; and, **BE IT FURTHER RESOLVED** that the Township Fiscal Officer is hereby directed to certify any and all expenses incurred, along with a proper description of the lands, to the Licking County Auditor to be placed upon the tax duplicate as a lien upon the land.

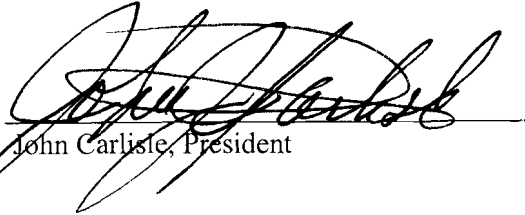
The motion was seconded by Trustee Carlisle and the motion passed by unanimous affirmative vote.

Resolution 10-07-06-02: Trustee Foor moved to adopt the resolution as follows:

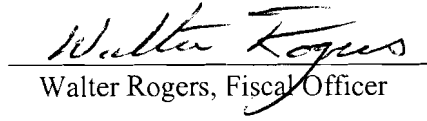
WHEREAS, the Board is authorized by Ohio Revised Code Section 505.871 to provide, by resolution, for the removal of any vehicle in the unincorporated territory of the township that the Board determines is a junk motor vehicle; and, **WHEREAS**, the Board received a report from the Zoning Inspector documenting the initial investigation; and, **WHEREAS**, the findings of the report indicated that junk motor vehicles are in fact located at *1028 Pike Street*; and, **WHEREAS**, the motor vehicles in question are described as follows: *1.) White Chrysler Van (Located in Rear Yard); 2.) White/Blue/Tan DCasca RV with License Plate #EJH 3270 (Located in Rear Yard); 3.) White/Red/Blue RV with License Plate #785HVV (Located in Rear Yard)*; **WHEREAS**, the Board held a meeting on the *6th day of July, 2010* to determine if the motor vehicles described above were junk motor vehicles; and, **WHEREAS**, the Board provided notice of the hearing to the owner of the land as well as any holders of liens of record on the land; and, **WHEREAS**, the Board has determined that the motor vehicles described above are three model years old, or older; apparently inoperable; and extensively damaged. **NOW, THEREFORE, BE IT RESOLVED** that the Board of Trustees hereby declares the above described motor vehicles, located at *1028 Pike Street*, to be "junk motor vehicles" as that term is defined in Ohio Revised Code Section 505.173; and, **BE IT FURTHER RESOLVED** that the Board will cause the removal of the junk motor vehicles not sooner than *14 (fourteen) days* after this resolution is served on the owner of the land and any holders of liens of record on the land; and, **BE IT FURTHER RESOLVED** that all expenses incurred in removing the junk motor vehicle shall be paid out of the township general fund from moneys not otherwise appropriated; and, **BE IT FURTHER RESOLVED** that the Township Fiscal Officer is hereby directed to certify any and all expenses incurred, along with a proper description of the lands, to the Licking County Auditor to be placed upon the tax duplicate as a lien upon the land.

The motion was seconded by Trustee Carlisle and the motion passed by unanimous affirmative vote.

Trustee Foor moved to adjourn at 6:52 p.m. The motion was seconded by Trustee Carlisle and passed by unanimous affirmative vote.



John Carlisle, President



Walter Rogers, Fiscal Officer