

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Trustees Special Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

July 6,

2015

Held

20

The Etna Township Board of Trustees met on Monday, July 6, 2015 in the Etna Township Administration Building. The meeting was called to order at 7:00 p.m. by President Carlisle. The invocation and The Pledge of Allegiance were commenced with during the 6:30 special meeting. Trustees Jeff Johnson, John Carlisle, Randy Foor, and Fiscal Officer Walter Rogers present.

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

Frontier Ranch

Trustee Carlisle provided history regarding Frontier Ranch. The Trustees in 2001 rezoned the property to residential. A referendum in 2002 reversed the zoning back to agriculture. The Prosecutor's Office provided an opinion which stated this property is not subject to any noise regulations adopted by the township pursuant to O.R.C. 505.172. The township may adopt noise regulations in residential districts only, not where a residential use is permitted. This township did not issue a permit for this event. The event coordinator told the Licking County Sheriff's office they were issued a permit. The township will be meeting with the event coordinator and property owner regarding this event. The township does not handle issues of fireworks, guns, or underage drinking. Those issues would be handled by the Licking County Sheriff's office. Trustee Carlisle will check with the Licking County Prosecutor's office whether the township can place a noise ordinance on the ballot and whether the Licking County Commissioner's can pass a county wide noise resolution.

Public Comments - Frontier Ranch

Gary Sunderman of 85 Zellers Lane is the president of the Homeowner's Association for Zellers Acres and he would like to provide input regarding security and people wandering through the neighborhood during the event. Trustee Carlisle would like to see how the first meeting with the property owner goes and will contact him after the meeting.

Sam Brown of 18 Zellers Lane stated it has never been this bad. He has concerns with the noise. Trustee Carlisle recommended contacting the state legislators and ask for a change in the law giving townships the authority to pass noise regulations that do not exempt agriculture areas. The State Representative is Bill Hayes and the Senate representative is Jay Hottinger.

Debbie Yator of 596 Laurel Drive has concerns with noise, traffic, and crime. She stated the Licking County Sheriff's office used to patrol the area.

Lt. Harmon of the Licking County Sheriff's office stated in the years past they were contracted via special duty to be at the events. The Sheriff's office does not have the resources to patrol events without the special duty officers. They were told the music would be kept down at midnight and were also told they had a permit from the township, which was false information. There is no enforceable law. They would have to have probable cause to go onto the property. If the event would hire them for special duty then they could enforce some of the issues with drugs.

Todd Smith of 113 Covington Lane inquired on disorderly conduct and public nuisance. He also discussed filing a civil lawsuit. Trustee Carlisle recommended calling the legislator's and requesting a change in the Ohio Revised Code.

Candace Willis of 8885 York Road inquired if a resident would attend the event if this would help the Sheriff's Office. Lt. Harmon said they can't use a civilian as an agent of the state.

Trustee Carlisle stated the property could be changed to residential but the property owner might not want the zoning changed.

Kaylyn Bredon of 117 Whittington Place asked about the agriculture zoning. Trustee Carlisle explained the property has been agriculture and Frontier Ranch has been holding events there before the township had zoning. The use is grandfathered.

Dave Hamel of 9426 Watkins Road asked if the zoning could be changed to commercial. The noise resolution can only be enforced in residential zoned districts. Trustee Carlisle explained that some residents do not want this property developed residential either.

Eric Nickolas of 621 Laurel Drive discussed the definition of disorderly conduct. He also requested law enforcement saturation working with the State Highway Patrol and Licking County Sheriff's Office. They discussed putting a checkpoint at York Road and US Route 40. He suggested the community suing them

July 6,

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Held _____ 20 _____

civilly. He feels the profanity would fall under the disorderly conduct. He stated there was an accident at York and Beaver Run and the girl was coming from the concert. He has concerns with the Sheriff's office being hired by the event coordinator. Eric Nickolas requested the phone number for Mr. Giles and the event coordinator.

Lt. Harmon stated he will look into the disorderly conduct. When they were hired for the venue they were hired to be inside the venue. The Sheriff's office is limited to how many deputies are available to police the events.

Harry Litton of 8865 York Road stated during all the concerts in thirty-nine years he never lost a night's sleep. It has never been this bad ever. He feels the zoning is not the problem. The noise is the problem. He inquired on the township having a curfew. He was told by Licking County Commissioner Tim Bubb that the Licking County Prosecutor's office can help the township. He said that Tim Bubb would be willing to work with the township on anything he had to, curfew, noise whatever we would need to do. Rob Platte will contact Tim Bubb to see what can be done.

Jon Hawker of 292 Hawthorne, who also owns the horse farm on National Road, has been in this area since the seventy's and the noise has never been like this. The event was very disrespectful.

Tony Hunting of 104 Zellers is also on the board for the Homeowner's Association for Zellers Acres asked what the plan is. Trustee Carlisle wants to meet with the property owner and event coordinator to address the severity of the past weekend. From this meeting Trustee Carlisle would like assurances that the music will be shut off at mid-night and that the township will have the ability to have the police force present. The Licking County Sheriff's office could enforce anything that is going on illegally.

Richard Clark of 112 Covington Lane stated he has attended concerts at Frontier Ranch and the drug use is done in the open. He recommends policing for drugs.

Having a sobriety check point with a drug sniffing dog on York Road was discussed and Lt. Harmon will be checking into this. Lt. Harmon stated they have to advertise prior to the check point. There is only one way into the event because the bridge is out. The next event is July 17, 2015.

Trent Everhart of 582 Laurel Drive has young children and the fireworks at all hours of the night and morning woke his children. He also has concerns with the loitering within the cul-de-sac. He suggested special duty officers.

Gary Sunderman asked what the occupancy permit provides Frontier Ranch. Trustee Carlisle explained the occupancy permit provides the township with property owner information.

Amy Sager of 140 Whittington was upset over the false information presented during the event. She was very upset over the rude dispatcher that answered the phone at 2:30 a.m. on Saturday. She feels as citizens they should not accept that there is nothing that can be done. She will be calling the legislator's and would like other residents to do the same.

Jennifer Seas of 152 Whittington offered to organize the residents and interested residents could email her at seas.49@gmail.com.

Trustee Carlisle clarified some information that was given out over the weekend. The Countywide Noise Regulations were discussed again.

The Trustees asked if the residents would support a rezoning to Planned Unit Development. The Trustees explained how Planned Unit Developments work.

The Trustees will have Frontier Ranch on the agenda for a follow-up discussion after the meeting with the owner and event coordinator.

Trustee Carlisle recessed the meeting and reconvened at 8:31 p.m.

Trustee Carlisle moved to adopt the June 16, 2015 special meeting minutes as presented. The motion was seconded by Trustee Johnson. The roll call was Johnson, yes; Foor, abstain; and Carlisle, yes; the motion passed.

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20

Reports

Road Report - The Road Department will provide a report at the next meeting.

Administrator's Report - Rob Platte will provide a report at the next meeting.

Economic Development - The Committee will meet on Friday July 10, 2016.

JEDZ 1 & 2 - The JEDZ 1 Board would like to see figures to support the new garage. Trustee Carlisle has requested \$100,000.00 dollars from the JEDZ1 Board to fund the new garage.

The JEDZ2 Board appointed Len Fatica to be the Prevailing Wage Coordinator for the State Route 40 light upgrade. Trustee Carlisle will oversee the contracts for the JEDZ2 Board.

Water & Sewer - Trustee Carlisle stated the reports are in the file.

Fire Board - Trustee Johnson has nothing to report.

Parks and Recreation - Trustee Foor has nothing to report.

Old Business**Legal Representation for Economic Development**

The Trustees previously approved funds for legal representation for economic development options. To meet different needs of the township various JEDD's will be needed. Rob Platte has requested the Trustees increase the amount with John Albers by fifteen thousand dollars. Rob Platte sees two different JEDD's and possibly a third JEDD. The township has spent over six thousand dollars and there should be three thousand dollars remaining. Trustee Carlisle is working with Rob Platte on the JEDD's and recommends ten thousand dollars. Trustee Carlisle stated that once the JEDD's are approved and the contracts are written the township could be reimbursed the cost to form the JEDD.

Trustee Carlisle moved to approve ten thousand in addition for legal representation for the Economic Development and that any contact with John Albers, Rob Platte keeps John Carlisle informed of, not to be wasting his time or the township's money. The motion was seconded by Trustee Foor and passed by unanimous affirmative vote.

New Business**a. 310/70 Legislation**

The resolutions are to partner with ODOT for the SR310 Bridge Project and does not tie the township to any dollar amounts. Both resolutions were reviewed by the Licking County Prosecutor's office.

Resolution 15-07-06-04: Trustee Carlisle moved that "Resolution to cooperate with the State of Ohio, Department of Transportation, for maintenance of the multi-use pathway of the IR70/SR310 Bridge Project" The motion was seconded by Trustee Johnson and the motion passed by unanimous affirmative vote.

The maintenance is for the path on the bridge itself only and the Road Department can handle it without any new equipment being purchased.

Resolution 15-07-06-05: Trustee Carlisle moved the "Resolution to enter into preliminary legislation with the Ohio Department of Transportation for the IR70/SR310 Bridge Project." The motion was seconded by Trustee Johnson and the motion passed by unanimous affirmative vote.

b. West Licking CIC

Rob Platte explained the West Licking CIC has been formed. The West Licking Development Group Community Improvement Corporation is separate from Etna Township. Once the code of regulations is established then the criteria will be established. The Township Administrator shall be the Boards liaison and representative to the West Licking CIC. Rob Platte suggested several entities that should sit on this board to serve all of Western Licking County. These will be public meetings.

Resolution 15-07-06-06: Trustee Foor moved "Resolution to designate, participate in, and cooperate with the West Licking Development Group Community Improvement Corporation." The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

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c. Etna-Reynoldsburg JEDD

Rob Platte reported on the status of a JEDD for the Corporate Park for 265 acres. The legislation might be ready for the next meeting. Trustee Carlisle discussed the annexation clause for the JEDD.

Public Hearing

The public hearing was for the application submitted by Ryan Haire for 10034 and 10062 Lynns Road to rezone from Agriculture District (AG) to General Business District (GB-1). This hearing was recessed on June 2 and 16, 2015. Trustee Carlisle opened the hearing at 8:54 p.m.

Brad Haire was present representing RCD Sales and Turbo Group and stated they are not interested in participating in a JEDD and are not applying for any tax abatements.

Trustee Foor moved to close the public hearing. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

Trustee Carlisle moved to table the decision on the rezoning until July 18, 2015. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

Fiscal Officers Report

June 1, 2015

	Receipts	Expenditures
General Fund	\$147,966.08	\$37,460.73
MV License Tax	\$8,059.00	\$4,103.34
Gasoline Tax	\$9,073.87	\$7,032.81
Road & Bridge Fund	0.00	\$10,530.18
Cemetery	0.00	0.00
Special Assessment	0.00	\$267.86
Misc. Special Revenue	0.00	0.00
Misc. Debt Services	0.00	0.00
Misc. Capital Projects	\$18,120.00	\$21,627.81
Road Right-of-way Permit	0.00	0.00
Total	\$183,218.95	\$81,022.73

Funds Total June 30, 2015 is \$2,243,380.13

The license permits and fees are down.

Announcement and Trustee Comments - None

Trustee Johnson moved to pay the bills. The motion was seconded by Trustee Foor and passed by unanimous affirmative vote.

Trustee Johnson moved to adjourn at 9:04 p.m. The motion was seconded by Trustee Foor and passed by unanimous affirmative vote.



John Carlisle, President



Walter Rogers, Fiscal Officer

All the resolutions as presented are on file with the Fiscal Officer.