

RECORD OF PROCEEDINGS

Minutes of

Etna Township Zoning Commission

Meeting

March 17th,

2010

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

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The Zoning Commission met in the Etna Township Community Center on March 17th, 2010 for the purpose of conducting a regular meeting. The meeting was recorded for the township record. The meeting was called to order at 7:00 p.m. by Chairman Stepp with the following members present: Randy Snider, Bryan Herd, Trent Stepp, Jim VanDyne, and Pam Munce. Clerk Laura Brown and alternate member Mike Kerner were present for the record. The Pledge of Allegiance was recited.

Jim VanDyne moved to adopt the agenda. The motion was seconded by Randy Snider and passed without objection.

Announcements & Comments –

Jim VanDyne discussed the March 16th Trustees meeting regarding the comment made by John Carlisle regarding the Zoning Commission dropping the ball regarding the 310 Corridor Plan. Jim VanDyne spoke with Trustee Carlisle today and provided him with a copy of the letter that was sent from the Zoning Commission to the Trustees regarding the focus study questions. Pam Munce suggested the Zoning Commission draft a letter to the editor. Chairman Stepp stated Trustee Foor will be in attendance later in the meeting for discussion.

Randy Snider moved to waive the public reading and to approve the minutes from the March 3rd, 2010. The motion was seconded by Bryan Herd and passed without objection.

New Business –

Chris Harkness presented information regarding use variance text to the Zoning Commission. The text changes were recommended by Eric Fox with the Licking County Prosecutor's office and from the Ohio Revised Code. Chris Harkness will provide all of the recommendations for Article 5 to the Zoning Commission at the next Zoning Commission meeting, April 7th, 2010.

Chris Harkness provided the Zoning Commission with the status of the 310 Corridor Study. The Comprehensive Planning Committee will meet and provide the Trustees with input regarding the 310 Corridor Plan, MORPC plan, and talking with the City of Pataskala by April 20th, 2010.

Trustee liaison Randy Foor was in attendance to answer questions from the Zoning Commission to provide feedback to the Board of Trustees. The Zoning Commission discussed the employee handbook and contacting the Licking County Prosecutor's office. Chairman Stepp requested in the future that prior notification be sent out on topics such as these. Trent Stepp discussed the Ohio Revised Code and the authorities given to the Zoning Commission and the Trustees. The Zoning Commission is a legislative body. Trent Stepp feels the Zoning Commission as a board needs to make decisions regarding who is contacting the Prosecutor's office. Randy Foor stated this has been passed during the Trustees Organizational meeting for the last four years. This is the first year the Zoning Commission was notified of the request. Trent Stepp stated he does not have a problem contacting the Prosecutor's Office but the Zoning Commission needs to decide who contacts the office for them. Trent Stepp feels the Zoning Commission has a well established process that is working well with Laura Brown contacting the Licking County Prosecutor's Office.

Randy Snider asked whether Laura Brown works for the Trustees only or does she work for both the Trustees and the Zoning Commission. Trent Stepp stated he was told by Eric Fox with the Licking County Prosecutor's Office (Eric will provide a joint legal opinion to the Trustees, Zoning Commission, and Board of Zoning Appeals) that when the Zoning Commission clerk acts on behalf of the Zoning Commission by direction from the Zoning Commission she is employed by the Zoning Commission not by the Trustees. The Trustees set her rate of compensation but her actions on behalf of the Zoning Commission are outside of the purview of the Board of Trustees. These are separate entities.

Pam Munce stated Laura Brown is being pulled into this issue and it is not fair to Laura Brown to be put into the middle of this issue.

Mike Kerner and Jim VanDyne concur with what Trent Stepp said above.

Trent Stepp stated he does not want the procedure and policy of the Zoning Commission put Laura Brown's job with the Trustees affected negatively. He feels that Laura Brown brings a perspective to the Zoning Commission of the daily issues by working in the office.

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The Zoning Commission discussed the asset they feel Laura Brown is to the Zoning Commission. Mike Kerner stated right now they have the best team in place. 20

Trustee Randy Foor presented a letter from Trustee John Carlisle regarding the budget for the Zoning Commission, \$320.00 stipend per board per meeting x 25 meetings = \$8,000 and secretary allowance of \$45.00 per meeting x 20 meetings - \$1,000. Laura Brown met with Trustee John Carlisle today and was directed that from 9:00 to 5:30 p.m. she was no longer to work on the Zoning Commission items. Laura Brown can choose to be the clerk at the meeting stipend. The Zoning Commission just appointed Laura Brown as their clerk on March 9th at an hourly rate. Trustee Foor explained that she would be paid a meeting stipend and would no longer be permitted to flex her hours. Jim VanDyne requested a copy of the legal opinion regarding the meeting stipend in lieu of flexing the time. Laura Brown asked John Carlisle who would do the public hearing documents, text amendments, etc. John Carlisle stated it would be up to the Zoning Commission. Mike Kerner stated that when they did not have a clerk the Zoning Commission was responsible for the work. Trustee Foor will go back to the full board and find out more facts for the Zoning Commission. Laura Brown was hired under the terms of flexing her hours off and working for all three boards.

Previous Trustee Gary Burkholder was present and stated he was on the board when they hired Laura Brown. They decided to combine all three boards. Laura Brown is the continuity, communication between the boards. This has worked extremely well.

Bryan Herd asked Randy Foor to clarify what the main purpose is for the switch.

Trustee Foor stated that Trustee Carlisle does not have a problem with Laura Brown advertising for a meeting and letters to property owners could be done on township time. This would have Laura Brown being paid two different ways.

The Zoning Commission discussed the Employee Handbook and that the board members are not employees of the township per the Ohio Revised Code. Trustee Foor stated there are sections in the handbook regarding receiving gifts. The cover sheet should be changed to read board member for the signature instead of employee signature.

The Zoning Commission discussed their letter to the Trustees regarding the MSI 310 Corridor Plan. The Zoning Commission did not drop the ball.

Trent Stepp discussed a personal issue to the Zoning Commission regarding a legal issue with his mortgage company. He has hired legal counsel regarding this issue and under their advice he stopped paying his mortgage. The Mortgage Company has foreclosed on his house. He is not planning on moving from the township. Within the next week to ten days the mortgage company issue should be resolved.

Old Business –

Article 9 will be finished at the next meeting.

Public Comments –

Claudette VanDyne stated the Zoning Commission did forward the answers from the focus study letter to the Trustees. She stated there have been times in the past the Laura Brown provided information to the Board of Zoning Appeals. She feels Laura Brown is an asset to the township. The Zoning Commission and Board of Zoning Appeals work together and make decision for the betterment of the township.

Gary Burkholder 254 Trail East discussed the 310 Corridor Plan and thanked the Zoning Commission for their support. Gary Burkholder discussed a packet that was put together by Trent Stepp regarding the 310 Corridor Plan and October 10th 2007 is when the letter was sent to the Trustees from the Zoning Commission. Gary Burkholder representing the Cumberland Trail Homeowner's Association has asked to be notified regarding the use and area variance text along with any legal opinions.

Trent Stepp adjourned at 9:02 p.m.

Approved April 21, 2010

Approved as corrected/amended _____

Laura Brown
Laura Brown, Clerk

Trent Stepp
Trent Stepp, Chairperson