

October 18, 2005

Held

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The Etna Township Board of Trustees met on October 18, 2005 in the Etna Township Hall to hold a regular meeting. The meeting was called to order at 7:00 p.m. by President Burkholder and the pledge of allegiance was recited.

Roll call showed Mrs. Siddens, Mr. George, President Burkholder and the clerk present.

ADOPTION OF THE AGENDA

Mr. George moved to adopt the agenda. Burkholder seconded.

President Burkholder moved to amend the agenda to add continuation of public hearing on Section 1103 Paving as item B under Public Hearings. George seconded.

Roll Call on amendment: Siddens, yes; George, yes; Burkholder, yes.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

ADOPTION OF THE MINUTES

Mrs. Siddens moved to adopt the October 4, 2005 meeting minutes. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

Mr. George moved to adopt the October 7, 2005 special meeting minutes. Burkholder seconded.

Roll Call: Siddens, abstain; George, yes; Burkholder, yes

PUBLIC COMMENTS

Nancy Gallina, 13820 National Road, lives adjacent to the Pines Apartments and said the building is in severe disrepair after the fire. Three fourths of the building is uninhabitable, there are three tenants still living in the remainder of the building and were using generators for three months until the electricity was restored. She is worried about another fire because of the old wiring in the building and there is considerable debris still around the site.

Mr. George said the fire department, health department and the EPA have been contacted about the situation. The township does not have the authority to condemn a building.

President Burkholder suggested that she contact the Licking County Building Code Enforcement and requested that the township zoning inspector visit the site and give a report on the situation.

PUBLIC HEARINGS

A. P.V.C.R., Inc. rezoning the northeast corner of US 40 and Watkins Road from Single Family Residential District (RS) to Local Business (LB). (Modified application from General Business) At 7:15 p.m., Mrs. Siddens moved to open the public hearing for P.V.C.R., Inc. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

President Burkholder read the LCPC Staff Report recommending denial of the rezoning.

Reasons: 1) Proposed rezoning not in compliance with the Etna Township Comprehensive Plan.

2) All permitted uses within the GB District are not compatible with the surrounding land uses.

3) Approval of said district may be construed as spot zoning. 4) Promotion of public health, safety and general welfare would not be upheld. 5) There is currently considerable land zoned

GB that is not currently developed. If the township feels that this site is suitable for business/commercial development, then the Etna Township Comprehensive Plan should be amended for this area to accommodate such uses. Staff also recommended that Local Business District in this area would be more appropriate than the GB District or any other more intense business district. LCPC also recommended denial stating the same reasons as the staff. The zoning commission voted 3-1 to recommend to the trustees that the property be rezoned from RS to LB, not GB as requested, a modification.

A legal opinion was requested by the zoning commission on whether they had the authority to modify the proposal to recommend LB to the trustees. Mr. Brent Shenk, Assistant Licking County Prosecutor, wrote that it was "his understanding that there is now pending a separate proposed amendment that would include restaurants as a permitted use in a local district and that, in view of that, the applicant has asked that the proposed GB amendment be modified to LB. In

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view of possible modification to a zoning classification which does not now (and for all we know, may never) include the specific use anticipated by the applicant, it is my opinion that the Zoning Commission should consider the LB zoning on the basis of a new application, only, with a properly noticed public hearing. This is not to say that the Commission lacks authority to modify proposed amendments; rather, it is simply my advice to take a conservative course, in view of the facts of this specific case.”

Thomas Wells, Operation Manager for i.site, said this site would provide needed small retail stores to service the township such as a sit down restaurant, barber shop and dry cleaner. Main entrance would be on Watkins Road and there would be a right-in and right-out access on US 40. GB zoning was sought because restaurants are only permitted in GB.

Nancy Gilanni asked how close this would be to residential zoning. Mr. Wells replied that the development would be contiguous to RS zoning and proposed a barrier on the north and east side.

Mrs. Siddens said she would have given her support if the zoning request had remained GB as initially requested and if there was ODOT documentation for the approval of the right-in and right-out on US 40. Letters were sent to Maronda Homes for five adjacent properties and Siddens questioned if the properties had been sold and if the new owners were notified of the rezoning request. Siddens read a letter from Mr. Wells asking to review the rezoning with her prior to the public hearing and felt Wells was trying to manipulate the system.

Mr. Wells said they acted in a statutory manner that is permitted by the Ohio Revised Code, Section 519.12 that allows the zoning commission to modify a request.

President Burkholder asked why a new application was not submitted for the LB zoning as suggested by the prosecutor. Wells said that if the modification was statutory permissible, then they wanted to move forward. Burkholder said he did not like the way the zoning was switched and the application for LB zoning should have come back through the process.

Mr. George said the township needs retail shops and favored the rezoning. He did not believe Mr. Wells was trying to manipulate the system, Wells was persuaded by LCPC and three members of the zoning commission to change the rezoning to LB.

Wells said Mr. Van Dyne was in favor of the GB zoning with the exception that it be for only uses permitted in LB.

David Jones, 119 Spring Flower Way, objected to the rezoning, saying he would have a view of an 8' wall out the front of his house; there would be an increase in traffic and decrease in property values.

Jeff Arnold, 112 Spring Brook, said there are houses too close to the development and these homeowners would be subjected to pollution and noise. He moved here for quiet.

Kim Arnold, 112 Spring Brook, said the retail development would be a traffic hazard; she bought her property to be in the country and had no problem driving 15 minutes to shop.

Jim Van Dyne, 7173 Refugee Road, said he would like to see the applicant come back before the zoning commission with a request for the LB zoning and does not feel Mr. Wells was trying to manipulate the system.

Earl Crosswhite, 108 Brandy Mills Dr., said he would not like to see all the activity from the businesses behind his home and expressed concerns about a restaurant selling liquor.

Dick Knapp, 108 Longwood Crossing Blvd., said he lives across the street from the proposed development and objects. The Land Use Map has this area as residential and he moved here to be in a rural area.

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

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Anne Spencer, 120 Spring Brook Court, said the proposal is for several businesses and the residents do not have control of what businesses; this may be a place for teenagers to hang out. There are too many businesses proposed for the size of the property and the developer should look for a different area with a better traffic pattern.

Mr. George said he moved here 37 years ago and thought the area would remain country but the growth is coming and all the Board can do is control it.

Burkholder said he disagreed with Mr. George and said businesses should be located in a proper place. Stated that George had a conflict of interest and should not vote on this rezoning since George has a campaign sign on a property before the Board for rezoning.

Mr. Wells said there are also political signs on that property for Issue 2,3,4, and 5, Knapp, Hagy and Siddens.

Jim Arnold said he would rather see a fire department at the location to benefit the residents and the retail shops could be built on SR 310 by the Dairy Queen.

At 8:38 p.m., Mrs. Siddens moved to close the public hearing. Burkholder seconded.
Roll Call: Siddens, yes; George, recused himself; Burkholder, yes.

At this time Mr. George recused himself from the meeting.

Resolution 05-10-18-01: Mrs. Siddens moved to deny the recommendation of the Etna Township Zoning Commission for the application submitted by P.V.C.R., Inc. to rezone from Single Family Residential District to Local Business District, not Single Family Residential District to General Business District. Burkholder seconded.

Roll Call: Siddens, yes; Burkholder, yes.

B. Continuation of public hearing for Section 1103: Paving.

At 8:40 p.m., Mrs. Siddens moved to come out of recess on the public hearing for Section 1103: Paving. Burkholder seconded.

Roll Call: Siddens, yes; Burkholder, yes.

Mrs. Siddens questioned if "shall be improved" meant that all existing lots would need to be paved or was this to be initiated after the approval of the text amendment.

President Burkholder said the "Construction and Materials Specification Handbook" published by the Ohio Department of Transportation was too vague and may become an issue of debate.

At 9:02 p.m., Mrs. Siddens moved to close the public hearing. Burkholder seconded.

Roll Call: Siddens, yes; Burkholder, yes.

Resolution 05-10-18-02: President Burkholder moved to accept the recommendation of the Etna Township Zoning Commission with modification that Section 1103: Paving read: The required number of parking and loading spaces as set forth in Section 1102 and 1117, together with driveways, aisles and other circulation areas, shall be paved with concrete or asphalt. Siddens seconded.

Roll Call: Siddens, yes; Burkholder, yes.

CORRESPONDENCE

- Linda Dee Dunlap, Delores Trevitt, and Trent M. Stepp, Michele Weber- applications for alternates for the zoning commission and BZA
- E-mail from Rob Klinger regarding second EZ negotiation meeting requested for Trails West
- E-mail from James Lenner - Licking County Regional Connections workshop information
- E-mail from Arnold Shaheen - adult education in Licking County
- E-mail from Donna Wortman - storm water runoff
- Licking County Treasurer, J. Terry Evans, - for 2006, the local government revenue for Etna

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Township will be \$19,844.11 and assistance revenue will be \$3,451.13.

- Licking County Health Department - violation notice for Smoke Road
- Elizabeth Stanton, Chester, Wilcox & Saxbe LLP - notice of hand delivery of requested public record documents to Kinsley F. Nyce
- Licking County Planning Commission (LCPC) - notice of interactive workshop on issues of growth and development
- Office of Licking County Engineer - access culvert permit
- Licking County Recycling & Litter Prevention - Christmas tree recycling
- Licking County Transit - new transit facility dedication
- Time Warner Cable - newsletter
- Ohio Township Association - Grassroots Clippings newsletter
- Auto Owners Insurance - workers compensation program
- Yenkin Majestic - notice of price increases

OLD BUSINESS

A. Report from Trustee Paul George on Resolution 05-10-04-01

Carried to next agenda

B. Motion to go into executive session per O.R.C. 121.22 G(1); to consider the discipline of a public employee.

Not needed at this time

C. Dallas Maynard's complaint against Gary Burkholder and George Mrs. Siddens said she had nothing to discuss in open session.

D. Discussion regarding cemetery fees. (tabled)

Remains tabled.

E. Longwood Crossing subdivision, Section II (tabled)

There was a BZA hearing, no decision was reached as of this date.

F. Access issue for Cumberland Trail

President Burkholder will contact LCPC to see if there is any new development on this issue.

G. Issue II application; Taylor Road and Columbia Road update

Burkholder said notice of the award of the grant will be March 2006.

H. Pines Motel at 13930 National Road

Already discussed

I. Traffic Impact Study submitted to State for SR 310

President Burkholder said ODOT is concerned about the minimum standards and he would like to hire an independent engineering firm to see SR 310 improved to meet the maximum positive impact for the community. Would like to know MORPC's view on the 310 corridor.

J. Inventory of garage and town hall assets

In progress. Mrs. Siddens questioned if the new answering machine had been installed at the garage or returned. Will check with Mr. George.

K. Drainage problem at SR 310 US Route 40

President Burkholder said if the intersection is not going to be improved, then the drainage problem needs to be dealt with. When the area was improved, the catch basin was filled in causing flooding.

L. Request for zoning permit and zoning violation activity log

President Burkholder said the activity log is posted but the violations need to be added.

M. Zoning Commission and Board of Zoning Appeals applicants for alternate positions

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President Burkholder moved to interview the four applicants and make appointments at the November 15, 2005 meeting. Siddens seconded. Roll Call: Siddens, yes; Burkholder, yes

NEW BUSINESS

A. Trails West request for additional tax abatement

Trails West was given a 60% tax abatement for 10 years and is now requesting an 80% tax abatement for 5 years with a reduction to 60% for the balance of 5 years.

Resolution 05-10-18-03: President Burkholder moved to communicate with the Licking County tax abatement committee that the Etna Township Board of Trustees does not support the counter offer of 80% for the first 5 years for Trails West located at 8600 E. Main Street, Reynoldsburg. Siddens seconded.

Discussion: Mrs. Siddens said this would be for informational purposes only.

Roll Call: Siddens, yes; Burkholder, yes

B. Motion to approve additional \$5,000 for legal fees to Elizabeth Stanton with Chester, Wilcox and Saxbe, LLP for legal representation and advice on personnel issues.

President Burkholder moved to approve an additional \$5,000 for legal fees to Elizabeth Stanton with Chester, Wilcox and Saxbe, LLP for legal representation and advice on personnel issues. There was no second to the motion.

C. Motion to approve phone list for website

Resolution 05-10-18-04: President Burkholder moved to approve a phone list of frequently called and county numbers to be posted on the township website. Siddens seconded.

Roll Call: Siddens, yes; Burkholder, yes

D. Motion to set public hearing for amendments to Section 909 Local Business for November 1, 2005 at 7:15 p.m.

Mrs. Siddens moved to set a public hearing for amendments to Section 909 Local Business for November 1, 2005 at 7:15 p.m. Burkholder seconded.

Roll Call: Siddens, yes; Burkholder, yes.

E. Motion to approve invoice from The Shelly Company for road paving.

President Burkholder moved to table this item. No second.

F. Noise complaint

Noise complaint of barking dog in Lakeland Hills. Mrs. Siddens said the Licking County Sheriff should be called.

REPORTS

A. Clerk's financial report

As if October 18, 2005

	Receipts	Disbursements
General Fund	\$ 4,888.76	\$ 18,730.00
MV License Tax	-	1,233.61
Gasoline Tax	-	5,365.92
Road & Bridge	-	6,259.83
Special Assessments	-	247.37
Total	\$ 4,888.76	\$ 31,836.73

Funds Total October 18, 2005 - \$1,381,052.52

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B. Road report

Written report submitted.

G. Parks and Recreation

Mrs. Siddens requested that the Christmas tree recycling be placed on the next agenda.

ANNOUNCEMENTS AND TRUSTEES COMMENTS

None

PAYMENT OF BILLS

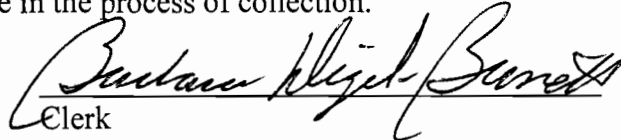
Mrs. Siddens moved to pay the following bills. Burkholder seconded.

Roll Call: Siddens, yes; Burkholder, yes.

2578	VW	10/18/2005	COLUMBIA GAS CO.		\$2.81
2579	VW	10/18/2005	AMERICAN ELECTRIC POWER		569.39
2580	VW	10/18/2005	SECURITY OPERATIONS SYSTEMS INC		60.00
2581	VW	10/18/2005	LICKING COUNTY HEALTH DEPARTMENT		2,000.00
2582	VW	10/18/2005	FRANKLIN PRINTING COMPANY INC		90.00
2583	VW	10/18/2005	NEWSPAPER NETWORK OF CENTRAL OHIO		127.79
2584	VW	10/18/2005	WEST PAYMENT CENTER		75.00
2585	VW	10/18/2005	BREWPRO INC.		25.80
2586	VW	10/18/2005	CONKLE'S TRUCK REPAIR, INC.		515.97
2587	VW	10/18/2005	STEPHEN L. FERRIS		60.14
2588	PY	10/18/2005	JAMES W. WYRICK	- JWW	138.15
2589	PY	10/18/2005	MARK J. SMITH	- MJS	860.22
2590	PY	10/18/2005	PHILLIP M. WALLER	- PMW	1,481.66
2591	PY	10/18/2005	STEPHEN L. FERRIS	- SLF	607.47
E00094		10/19/2005	DALLAS W. MAYNARD		\$879.17
E00095		10/19/2005	LAURA J. BROWN		759.65

Total is \$8,253.22

I do hereby certify that the funds for payment of the above obligations were lawfully appropriated and are on hand or are in the process of collection.


Clerk

PUBLIC COMMENTS

Claudette Van Dyne commented that the present Land Use Map needs to be changed because there is too much designated residential property close to the major thoroughfares. This will be a continuing problem in the future.

Dick Knapp agreed that the Land Use Map needs to be redone so the township is not overrun with housing developments.

Jim Van Dyne asked about the progress of the zoning department gathering the final development plans for all the subdivisions.

At 9:38 p.m., Mrs. Siddens moved to adjourn the meeting. Burkholder seconded. The vote in favor was unanimous.


Clerk


President