

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held September 5, 2006 20

The Etna Township Board of Trustees met on September 5, 2006 at the Etna Township Hall to hold a regular meeting. President Burkholder called the meeting to order at 7:00 p.m. and the pledge of allegiance was recited. Roll call showed President Burkholder, Trustee Knapp, Trustee George and Fiscal Officer Digel-Barrett present.

The motion to adopt the agenda was made by Mr. George, seconded by Knapp. President Burkholder moved to amend the agenda to add under new business, Item B- Additional hours for Delaware Regional Planning Commission and to change item A under public hearings to item D. Knapp seconded the amendment and the vote in favor of the amendment and motion was unanimous.

ADOPTION OF MINUTES

Mr. Knapp moved to adopt the August 15, 2006 meeting minutes Burkholder seconded.

Roll Call: Knapp, yes; George, abstain; Burkholder, yes.

PUBLIC COMMENTS

Tom Branham, 8982 Mink Street, brought up questions on the proposed ballpark by Reynoldsburg Youth Football League (RYFL) on Mink Street. Inquired as to: 1) who would provide security and enforcement, 2) will there be a turn lane due to the increase in traffic, 3) will there be a 6' fence to buffer neighboring properties, 4) will the road around the park be paved, 5) wants no portable toilets and must hook into SWLCWSD 5) no Sunday football and no lights on field and 6) must be responsible for any damage to surrounding properties.

Stan Robinson said there has been no formal action by the RYFL for a change of use for the property and he does not believe the property is zoned for use as a football field. All information has been forwarded to the county prosecutor for review. Floodplain and major development permits were obtained from the county and currently there is "stop work order" for the project.

Bill Eubanks, 460 Doverwood, said the RYFL wants to put in football fields and practice areas to be used for four months out of the year, players are 5 to 13 year olds. When the property was purchased, he was led to believe there would be no issues from then zoning inspector Dallas Maynard.

PUBLIC HEARINGS

At 7:15 p.m., Mr. George moved to open the public hearing on the definition section in Section 300 - Zoning permits required, Section 1034 - Fences and Hedges and Section 1008 - Setback Requirements for Corner Buildings. Knapp seconded and the vote in favor was unanimous.

Proposed amendment: To remove the word "fences" from the definition of structures. Add the definition of fence: An enclosure or barrier, such as wooded posts, wire, iron, etc. used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs, trees, or other natural growth. Add the word "fence" in two places in Section 300, and add fences to Section 1008 in the Setback Requirements for Corner Buildings. Add Section 1034 - Fences and Hedges: In any residential or commercial district, fences or hedges in front or side yards must not exceed 2 1/2' in height measured from grade level. That portion of a fence extending from a line even with the back of a dwelling to the rear property line and extending across the back of the property to the side property line shall not exceed 6' in height. Hedge height in front or side yards shall not exceed 2 1/2' in height. Fences and hedges shall be required to have the same setback distance from the road right-of-way lines as the principal building. If no road right-of-way is specified then said setback shall be 30' from the centerline of the road. Front yard fences and hedges on corner lots must comply with Sections 1008, 1009 and 1010 of this resolution. Where agriculture property abuts residential property, Ohio Line Fence Law as specified by ORC Chapter 971 shall apply.

President Burkholder read the conditional approval of the text amendment by LCPC and LCPC staff. Text amendment was passed by the zoning commission 5-0.

Mike Kerner, 8623 Watkins Road, said he was in favor of the amendment.

Mr. George questioned why this would apply to commercial property such as the Etna Corporate Park. President Burkholder said he would have preferred a change in the definition of setbacks with a comma, which would have been an easier solution.

Tom Dixon, 8467 Hazelton-Etna Road, asked how this amendment would apply to the trees planted near his property.

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At 7:37 p.m., Mr. George moved to recess the public hearing until the next meeting. Burkholder seconded and the vote in favor was unanimous.

At 7:37 p.m., Mr. George moved to open the public hearing on Section 909 - Local Business, Section 910 - General Business, Section 912 - Light Manufacturing and the definition section regarding fleet storage. Burkholder seconded and the vote in favor was unanimous.

Proposed amendment: Add definition section for fleet storage: Outdoor storage of 6 or more commercial vehicles and/or industrial equipment.

Commercial vehicle - A motor vehicle used for commercial purposes with or without an attached or permanently attached delivery body and includes vehicles such as catering or canteen trucks, buses, cube vans, tow trucks, tilt and load trucks, dump trucks, tractor trailers, semi-trailers, and any vehicle which has an exterior fixture or fixtures for the purpose of carrying equipment, materials or supplies for commercial uses. This definition shall exclude township vehicles, public and private school buses and vehicles, police and fire vehicles.

In Section 910 - General Business (GB) to add under Conditionally Permitted Uses, Item J. Fleet Storage  
In Section 912 - Light Manufacturing District (M1) to add under Conditionally Permitted Uses, Item A. Fleet Storage

Also in Section 912 - Light Manufacturing District (M1) to delete Fleet Storage under Permitted Uses, Item Y.

President Burkholder read the conditional approval of the text amendment by LCPC and LCPC staff. Text amendment was passed by the zoning commission 5-0.

Rick Humphries said this new amendment would affect present business owners. Questioned how this would affect Fat Kats which is in GB.

Alice Beougher, 13255 National Road, said fleet storage was placed in the MI District in 2002 and is against the amendment. Fleet storage does not belong in GB.

Steve Cohen representing Screen Machine said he was against the amendment. It is imperative for his business to store large equipment outside until delivered and asked about the time frame for storage. Would this apply to the warehouses in the industrial park with many trucks parked for an indefinite period of time? Mr. Cohen would like to see fleet storage as a permitted use in the M1 District not as a conditional permitted use.

Butch Krumm, representing Overland Machinery, said he has 40 to 50 pieces of equipment parked at his site and is against the amendment. He asked if he and other property owners would be grandfathered in their zoning. This amendment would affect his property value when the business is sold.

Mike Kerner, former zoning commission member, said this amendment is to define fleet storage and would allow it in General Business (GB) under Conditional Permitted Use. All property owners presently would be grandfathered and any new use or business could apply for a Conditional Permitted Use. This amendment would give the township control over what businesses they would like in the township.

John Cowan, 128 Beechwood, said he was against the amendment and felt this would impact new business coming into the township.

Claudette Van Dyne, 7173 Refugee Road, said 6 or more vehicles means it would qualify as fleet storage, not that there is a limit of 6 vehicles.

Pam Munce, 11445 National Road, said her home (where she has lived since 1968) is zoned GB and is against trucks being parked next to her home. Asked who would police this amendment and was told the zoning inspector.

Bill Leffler, 13217 National Road, asked Mr. Humphries what he plans for his property and was told a storage area for boats, RV's and campers.

David Goll, 8895 Watkins Road, said he is against the amendment and that MI should be a permitted use. Asked if the cars at Maverik Motors would be considered commercial vehicles and was told they were personal vehicles.

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Mr. George said that there is no fleet storage allowed in the Etna Corporate Park because of Southgate Corporation's covenants.

Mr. Knapp said he believes that fleet storage should remain as is in the M1 district and would like to review the amendment further.

President Burkholder said he was not supportive of making fleet storage a conditional use in GB and other business areas. He believes it belongs in M1 and is uncomfortable in giving the zoning commission the authority to make decisions on the conditional use.

At 8:25 p.m., Mr. George moved to recess the public hearing until the next meeting. Knapp seconded and the vote in favor was unanimous.

At 8:26 p.m., Mr. George moved to open the public hearing to add Section 1035 Accessory Structures. Knapp seconded and the vote in favor was unanimous.

Proposed amendment: Add Section 1035 Accessory Structures: In any district where the primary use is residential, the total area covered by necessary structures on any lot of record shall not exceed 1% of the total lot area. Area of the structure will be determined by using its outside dimensions.

There shall be no more than 3 accessory structures allowed per acre on any given lot of record.

Accessory structures shall not exceed 12' in height. Minimum setback requirements shall be at least at least 1/2 height of the structure and in compliance of Section 1008 Setback Requirements for Corner Buildings. Eg, a building 10' in height will have a minimum setback of 1/2 of 10' (5') from the property lines. Accessory structures shall be clear of any easements of record where structures are prohibited.

EXCEPTION: Detached private garages as defined on page 2-6 of this resolution will be limited to 600 square feet total, shall not exceed the height of the principal building and need to be in compliance of Section 1008 Setback Requirements for Corner Buildings. Minimum setback requirements for detached garages shall be 1/2 the height of the structure.

President Burkholder read the conditional approval of the text amendment by LCPC and LCPC staff. Text amendment was passed by the zoning commission 5-0.

Mike Kerner said he was present to support the amendment. There was discussion on the calculation of the structure to the lot size. Burkholder stated he did not want to see the same problem as the additional garage built in Brandy Mills subdivision.

At 8:45 p.m., Mr. George moved to recess the public hearing until the next meeting. Burkholder seconded and the vote in favor was unanimous.

At 8:45 p.m., Mr. Knapp moved to come out of recess for the public hearing on the NAICS Codes. George seconded and the vote in favor was unanimous.

President Burkholder reviewed the zoning commission and LCPC recommendations.

Mr. Kerner stated he was in support of the amendment. There were no other public comments.

At 8:52 p.m., Mr. George moved to close the public hearing. Knapp seconded and the vote in favor was unanimous.

Resolution 06-09-05-01: Mr. George moved to accept the recommendation of the zoning commission on the text amendments to Section 910 General Business, general requirements, to replace permitted uses and conditional uses and to add NAICS Codes to Article 2 - Definitions. Knapp seconded.

Roll Call: Knapp, yes; George, yes; Burkholder, yes

**PUBLIC COMMENTS cont**

Alice Bougher commented that the township needs to watch for car lots and fleet storage in the business area.

Claudette Van Dyne said the amendment on fleet storage came about when a gentleman inquired about placing boom trucks in a GB district. The present zoning amendment is too vague.

Tom Dixon had questions on the green space for Cameron Chase

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Kendall Star, 6720 Red Fox, said they would like to come to an amicable agreement with the township on the zoning and what will be permitted on the RYFL property on Mink Street. It is costing \$233,000 to move dirt in the 100 year floodplain and seed. They would like to finish the project of moving dirt and seeding and then they will come before the Board for a use permit.

President Burkholder said he was supportive of a technical review meeting for this property. Mr. George said that due to the incorrect information the RYFL received from the zoning department, the Board should pass a motion to let them proceed, as long as a letter is received that the only intention of RYFL is to move dirt and seed.

Resolution 06-09-05-02: Mr. George moved to let the RYFL proceed to move dirt and seed in the floodplain on their property at Mink Street. Knapp seconded.

President Burkholder said he was concerned about protocol and would like to follow Mr. Robinson's advice and wait for the legal opinion from the prosecutor's office.

Roll Call: Knapp, yes; George, yes; Burkholder, no

Mr. Robinson suggested a non-conforming use permit for RYFL

CORRESPONDENCE

- Licking County Health Department – 1) violation at 12795 National Road sent for legal action, 2) information of dog bite and 3) extension of time for demolition of the Pines Motel.
- Licking County Board of Commissioners – Resolution 52-151A, approval of final plat for Cumberland Crossing Section 2
- LCPC & LCPV staff – conditional approval of replat of lots 22 & 24 in Russell Heights
- BWC – Referral of claim to Industrial Commission
- Rumpke – notice that Tom Burke has replaced Rob Stevens
- Vineyard Church – thank you letter for the improvements to Taylor Road
- Ohio Bureau of Motor Vehicles – July statistics report
- Licking County Engineer – Access/Culvert permit
- Licking County Soil and Water Conservation District – remainder of upcoming Urban Expo
- Center for Local Government – information on seminar

REPORTS

Fiscal Officer  
For the month of August

	Receipts	Expenditures
General Fund	129,705.20	34,736.35
MV License Tax	1,385.24	2,690.80
Gasoline Tax	15,504.42	643.43
Road & Bridge	91,100.00	15,196.68
Special Assessments		222.61
Misc Debt Service		<u>1,689.33</u>
Total	237,694.86	55,179.20

Funds Total August 31, 2006 - \$1,468,014.31

Roads – Written report submitted

Resolution 06-09-05-03: President Burkholder moved to approve the expenditure of \$152.25 to JD Equipment for repair work on the tractor. Knapp seconded.

Roll Call: Knapp, yes; George, yes; Burkholder, yes

Mr. George questioned and objected to the overtime for the road supervisor for overseeing the paving projects

Resolution 06-09-05-04: Mr. George moved to approve the expenditure to Waibel Electric, not to exceed \$3500 for electrical work needed at the garage. Knapp seconded.

Roll Call: Knapp, yes; George, yes; Burkholder, yes

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Resolution 06-09-05-05: President Burkholder moved to approve the road right-of-way permit #06-08-16-01 for SWLCWSD for a hydrant repair at 61 Third Avenue. George seconded.

Roll Call: Knapp, yes; George, yes; Burkholder, yes

Resolution 06-09-05-06: President Burkholder moved to approve the road right-of-way permit #06-08-31-01 for SWLCWSD for repair at 596 Laurel Drive. Knapp seconded.

Roll Call: Knapp, yes; George, yes; Burkholder, yes

Zoning report – written report submitted

Mr. Knapp reported that the new ZonePro software has been installed and violations are being processed

President Burkholder said property owners are planting in the road right-of-way. Knapp suggested asking for a legal opinion.

Resolution 06-09-05-07: President Burkholder moved to get a legal opinion on planting and placement of objects in the township’s road right-of-ways. Knapp seconded.

Roll Call: Knapp, yes; George, yes; Burkholder, yes

There was discussion on how the text amendments should be added to the zoning resolution.

Resolution 06-09-05-08: President Burkholder moved to use the method of highlighting new zoning resolutions in the book with the date. George seconded.

Roll Call: Knapp, yes; George, yes; Burkholder, yes

SWLCWSD

Mr. Goll presented the Board with the new audit for the district and reported that the survey for water and sewer for Taylor Road was 2-1 against. Most logical time to extend service would be when the road is widened. The district will be providing Kikersville with water because of EPA concerns.

Cemetery

Mr. George said he received a quote from Yoder Vinyl Fencing to replace the front fence on the Route 40 cemetery.

Resolution 06-09-05-09: Mr. George moved to appropriate \$8175 for a front fence for the Route 40 cemetery. Burkholder seconded.

Roll Call: Knapp, yes; George, yes; Burkholder, yes

Economic Development

Doug Rogers explained the changes made to the website and asked if the committee could help with the Municipal Publication Map.

Mr. George moved to enlist the support of the economic development committee for draft and field work on the Municipal Publication Map. Knapp seconded and the vote in favor was unanimous.

JEDZ

Mr. Ingle reported that the Board will be discussing the possibility of expanding the JEDZ area.

OLD BUSINESS

A. Issue I application, motion to approve Palmer Road resurfacing project

Resolution 06-09-05-10: President Burkholder moved to select Palmer Road for the Issue I application. George seconded.

Roll Call: Knapp, yes; George, yes; Burkholder, yes

B. At 10:30 p.m., President Burkholder moved to go into executive session per O.R.C. 121.22 G (2) to consider the purchase of public property. Knapp seconded.

Roll Call: Knapp, yes; George, yes; Burkholder, yes

At 11:13 p.m., Mr. George moved to come out of executive session. Burkholder seconded and the vote in favor was unanimous.

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C. 310 Corridor update

President Burkholder said that Fairfield County will be participating in the study and will contribute \$15,000

D. Jardin Manor ditch petition

Eric Soiu, 111 Laurel Drive talked about his water problems but his property is in a different watershed and is not included in the ditch petition. There was discussion on whether to include this watershed in the ditch petition.

Resolution 06-09-05-11: Mr. George moved to file the first ditch petition and to work on a second ditch petition. Knapp seconded.

Roll Call: Knapp, yes; George, yes; Burkholder, yes

NEW BUSINESS

A. Joint meeting in October with Pataskala City Council to discuss Tax Increment Financing for SR310 corridor. Discussion only

B. Approve expenditure for Delaware County Regional Planning.

Resolution 06-09-05-12: President Burkholder moved to authorize an additional 20 hours @\$75/hr to Delaware County Regional Planning for the zoning commission. Knapp seconded.

Roll Call: Knapp, yes; George, yes; Burkholder, yes

Mr. Knapp moved to pay the following bills. Burkholder seconded and the vote in favor was unanimous.

3072	Embarq	286.09	3096	Shelly Co	27,893.46
3073	Columbia Gas	5.22	3097	Parking Marking	300.00
3074	AEP	168.97	3098	Baker Automotive	538.60
3075	James Wyrick 8/29	298.18	3099	Kleem	59.22
3076	Mark Smith 8/29	954.54	3100	Shelly Materials	204.22
3077	Phillip Waller 8/29	1676.27	3101	Conkle's Truck	232.21
3078	AEP	476.63	3102	Tire Centers	166.95
3079	Columbia Gas	18.44	3103	Park National	1689.33
3080	SWLCWSD	106.84	3104	Medical Mutual	4070.94
3081	Nextel	122.40	3105	OPERS	3900.88
3082	Glenn Plumbing	260.00	3106	Park National	2792.96
3083	Franklin Printing	122.37	3107	Treasurer of State	909.30
3084	Newspaper Network	152.48	3108	OH School Tax	164.50
3085	Treasurer of State	45.25	3109	Gary Burkholder	752.95
3086	Staples	254.69	3110	James Wyrick	19.70
3087	Stanley Robinson	56.52	3111	Mark Smith	510.57
3088	Gary Burkholder	205.33	3112	Phillip Waller	831.73
3089	Paul George	153.25	3113	Paul George	689.83
3090	Richard Knapp	265.00	3114	Yoder Fencing	156.00
3091	Laura Brown	12.01	E00154	Laura Brown 8/29	809.62
3092	Ft Dearborn	42.30	E00155	Stanley Robinson 8/29	956.67
3093	Charles E Harris	4576.00	E00156	Barbara Digel-Barrett	998.86
3094	MORPC	16000.00	E00157	Laura Brown	432.05
3095	ZP Systems	1500.00	E00158	Richard Knapp	791.78
			E00159	Stanley Robinson	636.24
	TOTAL	78267.36			

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

Barbara Digel-Barrett
Fiscal Officer

At 11:48 p.m., Mr. George moved to adjourn the meeting, Burkholder seconded and the vote in favor was unanimous.

Barbara Digel-Barrett
Fiscal Officer

Gary Burkholder
President