

425
RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held September 19, 2006 _____ 20 _____

The Etna Township Board of Trustees met on September 19, 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. Mr. George moved to amend the agenda to add Item C under new business - township hall and to strike out "Section 909 Local Business" under item A under public hearings. Burkholder seconded and the vote in favor was unanimous. President Burkholder moved to amend the agenda to add the resolution accepting the amounts and rates as determined by the Budget Commission under the Fiscal Officer's report. George 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 16, 2006 special meeting minutes. Burkholder seconded.

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

President Burkholder moved to adopt the August 17, 2006 special meeting minutes. There was no second to the motion.

Mr. George moved to adopt the September 5, 2006 meeting minutes. Knapp seconded and the vote in favor was unanimous.

PUBLIC COMMENTS

Joe Wagner, owner of Sunburst Pools, registered a complaint against the zoning inspector and a sign violation he received. He believes the zoning inspector arbitrarily cited him and gave numerous examples of other sign violations.

PUBLIC HEARINGS

A. At 7:15 p.m., Mr. George moved to come out of recess for the public hearing on Section 910 - General Business, Section 912 - Light Manufacturing and the definition section regarding fleet storage. Knapp seconded and the vote in favor was unanimous

President Burkholder reviewed the zoning commission and LCPC recommendations.

At 7:18 p.m., Mr. George moved to close the public hearing. Knapp seconded and the vote in favor was unanimous.

Resolution 06-09-19-01: Mr. George moved to accept the recommendation of the Etna Township Zoning Commission on fleet storage with a modification that fleet storage remain under "Permitted Uses" and not be added under "Conditionally Permitted Uses". Knapp seconded.

Text amendment to read: Article 2 - Definition Section

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.

Discussion: President Burkholder said fleet storage was not appropriate in General Business and was not in the best interest of the community. Mr. Knapp and Mr. George said this was protection for the present business owners and all new businesses would need to come before the Board for approval.

President Burkholder moved to amend the modification to remove fleet storage as a "Conditionally Permitted Use" under Section 910 - General Business.

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

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

4/24

RECORD OF PROCEEDINGS

Minutes of

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

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September 19, 2006

20

B. At 7:36 p.m., Mr. George moved to come out of recess for the public hearing to add Section 1035 - Accessory Structures. Knapp seconded and the vote in favor was unanimous.

President Burkholder reviewed the zoning commission and LCPC recommendations.

John Jones said according to the text amendment, he would only be able to build 3 structures on his 30 acres. The 1% cap is too stringent and he would be unable to build a 12.6' high garage for his motor home.

Tom Dixon, 8467 Hazelton-Etna Road, said the maximum height for road use is 13.6'.

Laureen Cowan, 128 Beechwood, said there should be different requirements for residents who own larger tracts of land.

Dennis Jackson, Palmer Road, said it sounds like a person would not be able to build a storage room over his detached garage.

Joe Wagner said this amendment sounds like the zoning commission wants conformity in the township, a cookie cutter approach, taking away an individual's rights.

Pam Munce, 11045 National Road, said that one neighbor's treasure may be another neighbor's eyesore. Rules and regulations are needed to keep everyone happy.

John Cowan commented on motor homes, campers and boats in his neighborhood.

Dennis Jackson suggested that instead of limiting the size of the structures, there should be a limit on the percentage of the entire lot size covered by buildings.

President Burkholder said he would like to see different standards in different districts.

At 7:58 p.m., Mr. George moved to close the public hearing. Knapp seconded and the vote in favor was unanimous.

President Burkholder said he was in favor of restrictions on smaller subdivision lots.

John Jones said the township should investigate to see how other townships have handled this problem and believes the information is readily available.

Mr. George moved to send the recommendation on Section 1035 Accessory Structures back to the zoning commission for further review. Knapp seconded and the vote in favor was unanimous.

President Burkholder moved that the minutes with the comments made by the public and trustees on this text amendment be forwarded to each zoning commission member. George seconded and the vote in favor was unanimous.

Laura Brown questioned if the trustees denied the recommendation and was told no, the Board still had 20 days to make a decision and would consult with the prosecutor's office.

C. At 8:08 p.m., Mr. George moved to come out of recess for 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.

Dennis Jackson asked if the setback requirements would be for all buildings and was told yes except for agriculture. He asked if existing fences would be grandfathered if not in compliance and was not given an answer.

Tom Dixon said that 30' from the center of the road is not enough for a safety clearance.

Neil Ingle, 71 Trail East, said that if the road width is established by the Licking County Engineer, the setback distance is 30' from the road right-of-way.

RECORD OF PROCEEDINGS

427

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held September 19, 2006 20

At 8:19 p.m., Mr. George moved to close the public hearing. Knapp seconded and the vote in favor was unanimous.

President Burkholder questioned if a corner lot had one road with a defined right-of-way and the other road did not, which setback would be required and was told that a corner lot has two front yards.

Resolution 06-09-19-02: Mr. George moved to accept the recommendation of the Etna Township Zoning Commission 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.

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 ½’ 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 ½’ 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.

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

PUBLIC COMMENTS

A. Proposed roadway onto Trail East from the Pataskala Banking site.

Linda Davis, 42 Runkle Drive, whose rear yard faces the new Pataskala Bank said that Phil Meade with the Pataskala Bank has been very gracious and open in discussion with owners of the three properties abutting the bank. Now the bank proposes to build a roadway through the Cumberland Trail’s green space and she is concerned.

Tom Dixon said the developer does not have a right to use subdivision’s green space but LCPC allows this action.

A resident at 71 Runkle Drive said the original plan did not include the roadway through the reserve but was recommended by LCPC. This roadway poses a safety concern.

Scott Hayes, representing Pataskala Bank, said the bank had asked for an “in and out” access on SR 310 but this request was denied by the county and ODOT. The road cut allowed is a “right in and right out” only. There was discussion about cross access with the businesses to the north. The roadway exiting to Trail East would eventually connect to the three businesses on SR 310.

Mr. Knapp said if the bank could only get a “right in and right out”, and could not get the full access to SR 310, then why did the bank not realize that this property is not the place to build a bank.

Neil Ingle said a legal opinion is needed quickly. The original development agreement for Cumberland Trails established eight reserve areas. The definition of a reserve area is a “no build zone” intended to provide open space for the subdivision.

Dan Rath, 55 Trail East, said the township needs to take a stand against this action now.

President Burkholder said an injunction would cost about \$10,000 and the case must be proved and a lot of prep work is required.

Lauren Cowan said the residents need to attend the LCPC meetings in force because the trustees are ignored when trying to fight for the township neighborhoods.

400

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held September 19, 2006 20

Brenda Foster, 89 Runkle Dr. suggested that Cumberland Trails residents be notified and for them to attend the next LCPC meeting.

Resolution 06-09-19-03: President Burkholder moved for the Board to authorize the president to contact the law firm of Chester, Wilcox & Saxbe and ask that the township have legal representation at the LCPC meeting and to have the current documents reviewed. George seconded.

Discussion: Knapp inquired if the attorney could have a report ready for Friday so the trustees could review it prior to the Monday meeting.

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

Claudette Van Dyne said this roadway through the reserve is a clear violation of the PUD and must go before the BZA for a modification.

Mr. George asked if the Board could recommend that Mr. Robinson place a "stop work order" on the property. President Burkholder said the zoning inspector must make the decision. Mr. Knapp agreed with Mr. George that a "stop work order" would be the best thing to do.

A ten minute recess was taken at 9:15 p.m.

B. Discussion of the SR 310 Tax Increment Financing (TIF) and the joint meeting in October with Pataskala City Council

Gregory Stype with the law firm of Squire, Sanders & Dempsey LLP explained TIF financing. Mr. Stype answered questions on how the TIF could finance improvements on SR 310. The WalMart property could be included in the TIF area but would still be responsible for the improvements to SR310 which it has committed to. For the first 10 years, 75% of the school's portion of taxes can be placed in the TIF fund without their approval. After the 10 years, the school will receive their full portion of taxes.

CORRESPONDENCE

- Email from Reynoldsburg seniors requesting sidewalks on Taylor Road
Email from John Q Public requesting information on tax abatements and compliance
Licking County Commissioners - Resolution 52-281 on speed reduction for Refugee Rd
Licking County prosecutor's Office - public records seminar scheduled
Industrial Commission - Record of Proceedings
Licking County Engineer's Office - listing of inventories
Bob & Delores Trevitt - letter commending township and road workers for the improvement to Taylor Road
Licking County Treasurer - notification of receipt of estate tax
Time Warner Cable - franchise being assigned to TWE
Licking County Health Department - notice of violation on 10156 Palmer Road
Licking County Recycling - notice of tire collection day and newsletter

REPORTS

Fiscal Officer
As of September 18, 2006

Table with 3 columns: Fund Name, Amount 1, Amount 2. Rows include General Fund, MV License Tax, Gasoline Tax, Road & Bridge, Special Assessments, Misc Debt Service, and Total.

Funds Total September 19, 2006 - \$1,388265.73

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held September 19, 2006 20

Trustees discussed the Kokosing Construction invoice and President Burkholder recommended having a representative from Kokosing at the next meeting before approving the invoice.

President Burkholder moved to set a public hearing on Tuesday, October 3, 2006 at the Etna Township Hall at 7:15 p.m. The hearing is to consider a request by the zoning commission to amend the zoning resolution in Section 1401 – Definition of Junk Motor Vehicles. George seconded and the vote in favor was unanimous.

Resolution 06-09-19-04: President Burkholder moved that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted and be it further RESOLVED, That there be and is hereby levied on the tax duplicate of said township the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

FUND	Amount Approved by Budget Commission Inside 10 M. Limitation	Amount to be Derived from Levies Outside 10 M. Limitation	County Auditor's Estimate of Tax Rate to Be Levied	
			Inside 10 M. Limit	Outside 10 M. Limit
	Column I	Column II	III	IV
General Fund	335,996.29		1.00	
Road and Bridge Fund	231,666.93		1.30	

And be it further RESOLVED, that the Clerk/Clerk - Treasurer of this Board be and he/she is hereby directed to certify a copy of this Resolution to the County Auditor of said County. Knapp seconded.

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

President Burkholder moved to approve payment of the Embarq invoices before the next meeting. Knapp seconded and the vote in favor was unanimous.

Road report – written report submitted

Resolution 06-09-19-05: President Burkholder moved to approve road right –of-way permit #09-19-06-02 for Refugee Road, east of Watkins, Grace Construction Co. George seconded and the vote in favor was unanimous.

Resolution 06-09-19-06: President Burkholder moved to approve road right –of-way permit #09-19-06-01 for 7583 Palmer Road, CTS Construction/NES Enterprises. George seconded and the vote in favor was unanimous.

Resolution 06-09-19-07: Mr. George moved to approve road right –of-way permit #09-19-06-03 for 539 Laurel Dr, SWLCWSD. Knapp seconded and the vote in favor was unanimous.

Resolution 06-09-19-08: Mr. George moved to approve road right –of-way permit #09-19-06-04 for Refugee Road, R &R Pipeline for National Gas & Oil. Knapp seconded and the vote in favor was unanimous.

Resolution 06-09-19-09: Mr. George moved to approve road right –of-way permit #09-19-06-05 for Refugee Road, R &R Pipeline for National Gas & Oil. Knapp seconded and the vote in favor was unanimous.

Zoning report – written report submitted

President Burkholder inquired about the Bush fence violation submitted to the prosecutor’s office and was told there has been no reply from the prosecutor’s office. Mr. Knapp inquired as to who to contact at the county level regarding the lack of follow up from the prosecutor’s office on this violation.

Mr. George moved to send a letter to the Licking County Commissioners and the Licking County Prosecutor regarding the lack of response on the Bush violation. Mr. Knapp will draft the letter for all three trustee’s signature. Knapp seconded and the vote in favor was unanimous.

430

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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September 19, 2006

20

Mr. Knapp moved to establish an email address for the zoning department. George seconded and the vote in favor was unanimous.

Resolution 06-09-19-10: Mr. Knapp moved to add a second telephone voice line. George seconded and the vote in favor was unanimous.

There was discussion on overtime for the zoning inspector to work on violations and identifying properties for the TIF area.

Mr. Knapp moved to approve 10hrs/wk of overtime, if needed, for Stan Robinson until September 30th. George seconded.

Discussion: President Burkholder asked about flextime and was concerned that the zoning office would be covered during normal business hours. Knapp said the overtime would be for meetings and additional work.

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

Cemetery report

Mr. George reported that 40% of the fence cost must be paid when the order is placed with Yoder.

Resolution 06-09-19-11: Mr. George moved to approve the \$3270 check for Yoder Vinyl Fencing. Burkholder seconded.

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

OLD BUSINESS

A. SR 310 Corridor update

B. Sidewalk Resolution 06-03-07-13 for SR 310

President Burkholder said the agreement for the SR 310 sidewalks includes maintenance such as snow and ice removal

C. Township hall

Mr. George said Resolution 05-09-06-03 was passed giving him the authority to move forward with the architect and proceed with the building of a new town hall. Mr. George said he would like to get started with building the township hall on the lot by the park. A 2' variance is needed for the west side, the building would be about 3028 sq ft.

Mr. George moved to build the new township hall on the lot by the park. Knapp seconded.

Discussion: Mr. Knapp said the motion should say to start to pursue building of the town hall on the lot adjoining the park. President Burkholder said the new township hall needs to serve the community in the future and does not believe the site or size would accomplish this. There is no room for expansion on the proposed lot.

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

NEW BUSINESS

A. Set date and time for Trick-or-Treat night for Etna

President Burkholder moved to set the date and time for Trick-or-Treat night for Etna Township to coincide with the same night as the City of Pataskala. Knapp seconded and the vote in favor was unanimous.

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

3115	AEP	161.08	3124	JD Equipment	142.25
3116	Columbia Gas	6.50	3125	Kuhn Turf	49.40
3117	Gordon Flesch	50.53	3126	Redskin Transport	4503.87
3118	Oh Health Consortium	35.00	3127	James Wyrick	464.59
3119	Stanley Robinson	77.88	3128	Mark Smith	954.54
3120	Postmaster	39.00	3129	Phillip Waller	1535.10
3121	Yoder Fence	3,270.00	3130	LC Health Dept	1136.00
3122	Baker Auto	30.32	E00160	Laura Brown	809.62
3123	Kleem	31.66	E00161	Stanley Robinson	864.65
	Total				14191.99

RECORD OF PROCEEDINGS

431

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Etna Township Trustee

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held September 19, 2006 20

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 Klitz-Bennett
Fiscal Officer

At 11:58 p.m., Mr. George left the meeting

At 12:01 a.m., President Burkholder moved to adjourn the meeting, Knapp seconded and the vote in favor was unanimous.

~~Fiscal Officer~~

Gay Burkholder
President

Addition to minutes as requested by President Burkholder

When Mr. George was asked by President Burkholder if the access road came up at the TRC meeting, Mr. George said it did not, it was not on their plans that he saw.

Addition to minutes as requested by Paul George

"Mr. George reviewed the tapes and that he did speak out and say that there would be a lawsuit if there was a cut onto Trail East".

Barbara Klitz-Bennett
Fiscal Officer

Gay Burkholder
President