

Held

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The Etna Township Board of Trustees met on Tuesday, May 5<sup>th</sup>, 2009 in the Etna Township Community Center for the purpose of conducting a regular meeting. The meeting was called to order at 7:00 p.m. by Vice-President George. Jeff Johnson led the prayer and Dan Bravard led The Pledge of Allegiance. Roll call showed Jeff Johnson, Paul George, and Fiscal Officer Tina Taylor were present. Trustee Dick Knapp arrived at 8:20 p.m.

Jeff Johnson moved to amend the agenda to add Executive Session as per O.R.C. 121.22(G)(1) before the adjournment. Paul George seconded and the vote in favor was unanimous.

Jeff Johnson moved to adopt the amended agenda. Paul George seconded and the vote in favor was unanimous.

#### Public Comments – None

#### Correspondence

- Chief Weber – Thank you card
- Consolidated Construction Products
- ADR Newsletter
- Ohio Department of Public Safety License Tax Statistics Report
- Medical Mutual of Ohio – American Recovery & Reinvestment Act of 2009
- OPERS election news
- OPERS employer seminars for 2009
- Pavement Technology – Asphalt Pavement Preservation
- The Women's Fund of Central Ohio – Musical
- Pitney Bowes – Mail Station 2
- The Women's Fund of Central Ohio – Quarterly Impact Report
- Licking County Recycling & Litter Prevention newsletter
- CareWorks – Workers Compensation Claim Report
- Licking County Planning Commission – Neighborhood Stabilization Program
- District 17 Integrating Committee OPWC LTIP Funding Application Due June 5, 2009
- MORPC – State of the region luncheon
- MORPC – 2009 State of the Region
- Licking County Convention and Visitor's Guide

**Fiscal Officer Report -** The April bank reconciliation statement balanced.

#### FISCAL OFFICER'S REPORT April 1, 2009

	Receipts	Expenditures
General Fund	6,660.66	45,657.08
MV License Tax	2,148.42	2,266.26
Gasoline Tax	8,434.87	277.97
Road & Bridge Fund	0	13,367.51
Special Assessment	0	-6.35
Misc. Special	0	0.00
Misc. Debt	<u>0</u>	<u>2,711.33</u>
Total	17,243.95	64,273.80

Funds Total April 30, 2009 - \$1,144,295.29

#### Road Report

Paul George moved to approve the road right-of-way 05-04-09-01 to Columbia Gas for 859 South Street 734 Pike Street and 05-04-09-02 to Columbia Gas for 744 Pike Street. Jeff Johnson seconded and the vote in favor was unanimous.

**Resolution 09-05-05-01:** Jeff Johnson moved to approve three purchase orders Martin Seed for \$300.00, Kleem Signs \$400.00, and Shelly Materials \$10,000.00. Paul George seconded and the vote in favor was unanimous.

Paul George moved to approve a speed bump being installed north of the bridge towards Refugee Road in Cameron Chase. Jeff Johnson seconded and the vote in favor was unanimous.

#### Building Update

Jeff Johnson moved to write the letter to the company to donate a weathervane for the top of the building. Paul George seconded and the vote in favor was unanimous.

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Paul George will inquire if Andy with Robertson Construction would install the weathervane.

The shelf for mail is larger then the township needs. Paul George will check with Staples for a smaller shelf and will bring back to the board at the next meeting.

The Trustees will review the carpet runners later. The board will check into rental versus purchase.

**Parks & Recreation Report**

Tina Taylor reported that members of the Etna United Methodist Church are volunteering time and flowers to plant in the park on May 17<sup>th</sup> starting between 9:00 and 10:00 a.m. If anyone would like to also help contact Tina or Laura. Mark Schaff discussed the landscape plan for the park. Tina Taylor will check with Dick Knapp regarding what can be planted.

Jeff Johnson moved to pay bills. Paul George seconded and the vote in favor was unanimous.

**Public Hearings**

Paul George moved to begin the public hearing at 7:30 p.m. submitted by Connie Klema on behalf of Francis and June Erk requesting that 181.22 acres parcel number 010-017952-00.000 and 2.95 acres parcel number 010-017958-00.000 be rezoned from Agricultural District (AG) to Light Manufacturing District (M-1). These parcels are on the south side of State Route 40 East of York Road. Jeff Johnson seconded and the vote in favor was unanimous.

Trustee Paul George reviewed the timeline. Licking County Planning Commission recommendation along with the staff recommendation was to deny the rezoning request. The Etna Twp Zoning Administrator Chris Harkness recommended denial. A letter submitted by Mike Kerner recommended denying the rezoning was read into the record. The Zoning Commission recommendation was to approve the request with a vote 4-1. Chris Harkness provided a presentation regarding this hearing.

Connie Klema representing the property owners stated farming is permitted in a M1 zoning. She discussed the future land use plans. The property will have buffering remaining on the property. This property has access to State Route 40, Interstate 70, and Route 158. Connie Klema asked if the property owner would request residential would the township follow the future land use plan and approve the rezoning. Connie referenced the comprehensive plan survey results.

Mark Schaff 7461 National Road lives close to the property on the east side of State Route 40 and the west side of York Road. He is opposed to the M1 rezoning stating it is not consistent with the present zoning and present land use plan. The type of residential for this area would be estate residential not half acre lots and starter homes. He has concerns with spot zoning. He discussed the notice from Southwest Licking Community Water and Sewer stating the water aquifer is within 10 feet of the surface for Etna Township.

Dan Bravard 10252 Taylor Road, Vice Chairman of the Zoning Commission stated the residents in attendance stated they would rather have the industrial zoning instead of residential. He stated we need to think of the future of the township.

Jeff Johnson referenced the survey results and asked Connie Klema why she could not wait until the Comprehensive Plan is completed. Connie Klema has concerns that the plan will not be completed in a short period of time. Connie Klema discussed the past future land use plans. She stated they are pursuing CRA and JEDZ for this property.

**Resolution 09-05-05-02:** Jeff Johnson moved to recess the hearing at 8:15 p.m. until the next meeting within the 30 days. Paul George seconded and the vote in favor was unanimous.

Paul George moved to begin the public hearing at 8:15 p.m. for 100 acres of a 155.286 acre parcel #010-018264-00.000 property address 10287 Hazelton-Etna Road submitted by Warner Farms LLC, Nelson Kohman be rezoned from Accommodation Business District (AB), General Business -1 (GB-1), Professional-Research-Office District (PRO), and Light Manufacturing District (M-1) to 100 acres of Light Manufacturing District (M-1) the remaining 55.286 acres will remain as it is currently zoned. Jeff Johnson seconded and the vote in favor was unanimous.

Trustee Paul George reviewed the timeline. Jeff Johnson read the Licking County Planning Commission recommendation along with the staff recommendation was to deny the rezoning request. The Zoning Commission recommendation was to deny the request with a vote of 3-2. Don Rector with Southwest Licking Community Water & Sewer District presented a letter in favor of the rezoning. The Etna Twp Zoning Administrator Chris Harkness recommended denial. Chris Harkness provided a presentation regarding this hearing.

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Nelson Kohman 3119 Easton Square Place stated the manufacturing is a better use for this property. The manufacturing on the east side of State Route 310 is not large enough for manufacturing. He discussed relocating the road to tie into the signal by the Duke Station to make it safer. Jeff Johnson asked if it would tie into the ProLogis property. Nelson Kohman showed them what his plan is on relocating the road.

Dick Knapp asked Chris if the road being changed is part of the approval for tonight and Chris stated no. Paul George asked if the tenants would be interested in CRA and possible JEDZ and he said it would be possible. Dick Knapp discussed buffering with Chris Harkness. It calls for a 10 foot buffer strip with trees and shrubs. The buffering is required by the residential. Nelson Kohman stated the buffers and access are already there with the present zoning.

Onno Steger 1603 Gilford Road Commercial Realtor with Grub and Ellis is working with Mr. Nelson Kohman. The end users are looking for shovel ready development sites. Ohio has revised the inventory tax. This site could easily be ready to go. Etna Township has two major thoroughfares running through the township.

Claudette VanDyne 7173 Refugee Road supports the rezoning and the JEDZ has provided revenue for the township. She stated residential does not support the township and impacts the schools. She stated the zoning for buffering is now in place.

Dan Bravard 10252 Taylor Road is opposed to the zoning of this property. He discussed the wetland on the property. The flooding on the property is a concern and he underground pollution. He recommends they support the Zoning Commission.

Jim VanDyne 7173 Refugee Road stated he believes the buffering is larger then 10 foot.

John Kennard 10785 Palmer Road has the property abutting the property. He discussed the buffer and what is at the current Industrial Park. Stated he did not receive a letter regarding this rezoning. He is against the rezoning. He has wetlands on his property.

Chris Harkness stated ProLogis was developed prior to buffering requirements. Manufacturing requires 30 foot but less trees and shrubs.

Roger Pickering 1065 Minks Street stated the drainage issues have improved since ProLogis has developed the retention ponds.

David Goll reported the water and sewer district has spent a lot of money to provide utilities to benefit Etna Township with economic growth.

John Kennard discussed the access to Lynns Road. And there is not a plan at this time.

Dick Knapp stated the retention ponds helped the flooding in Mayflower. This property would be required to address flooding issues. This zoning would be better then the current zoning.

David Goll stated the developers are looking for shovel ready sites.

Dick Knapp moved to close the public hearing at 9:08 p.m. Jeff Johnson seconded and the vote in favor was unanimous.

**Resolution 09-05-05-03:** Dick Knapp moved to approve the rezoning request for 100 acres of a 155.286 acre parcel #010-018264-00.000 property address 10287 Hazelton-Etna Road submitted by Warner Farms LLC, Nelson Kohman be rezoned from Accommodation Business District (AB), General Business -1 (GB-1), Professional-Research-Office District (PRO), and Light Manufacturing District (M-1) to 100 acres of Light Manufacturing District (M-1) the remaining 55.286 acres will remain as it is currently zoned. Paul George seconded. Discussion: Jeff Johnson asked why the rezoning is being done now instead of waiting for the Comprehensive Plan being completed and that we are going against our zoning commission. The vote in favor was unanimous 3-0.

Connie Klema asked how the continuance of the public hearing for her client will be handled. The public hearing was recessed. Dick Knapp will review the tape prior to the hearing. The Trustees will notify Connie Klema when the hearing will reconvene.

Paul George moved to begin the public hearing at 9:10 p.m. submitted by the Zoning Commission for text amendments to the Zoning Resolution to amend Article 2 Definitions and to add Article 17 Planned Residential Districts. Jeff Johnson seconded and the vote in favor was unanimous.

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Trustee Paul George reviewed the timeline. Jeff Johnson read the Licking County Planning Commission recommendation along with the staff recommendation to conditionally approve the text amendment. The Zoning Commission recommendation was to approve the request 5-0. The Etna Twp Zoning Administrator Chris Harkness recommended approving the text amendment. Chris Harkness provided a presentation regarding this text amendment. This text amendment is only available for areas west of Mink Street.

**Public Comments --**

Jim VanDyne 7173 Refugee Road supports this text amendment and stated this is better than anything the township currently has. He feels this text will protect Etna Township.

Dick Knapp moved to close the public hearing at 9:40 p.m. Jeff Johnson seconded and the vote in favor was unanimous.

**Resolution 09-05-05-04:** Dick Knapp moved to approve the text amendment submitted by the Zoning Commission for text amendments to the Zoning Resolution to amend Article 2 Definitions and to add Article 17 Planned Residential Districts. Jeff Johnson seconded and the vote in favor was unanimous. The entire text amendment will be attached to the signed resolution.

The Board of Trustees complimented Chris Harkness on the presentation provided.

**Old Business**

**A. Discussion and review of noise/nuisance resolution.** Chris Harkness stated the Licking County Prosecutor's office will get back with the township soon regarding the example from Liberty Township. Jeff Johnson is on the board for the noise nuisance. The first meeting is Thursday. This would be county wide. This would make it easier for the regulation to be enforced. This would cover residential areas and D-1 liquor permits.

**B. Approval of EPA application and fee** The deadline to file the application was prior to this meeting. Dick Knapp signed off to meet this deadline. Annually we approve to pay for the township's part of this application.

**Announcements and Trustee Comments -- none****Public Comments --**

Jim VanDyne 7173 Refugee Road was disappointed Dick Knapp was not in attendance for the first public hearing. He also discussed the issue of annexation for the property Connie Klema was representing and did not feel she should have to wait another 30 days. The township would lose control if it is annexed into Kirkersville.

Dick Knapp stated he does not feel guilty about not attending. He had a commitment and set the hearings back to 7:30.

David Goll provided the **water and sewer report**. The bids have gone out for the work on York Road and Refugee Road pump station. Update on the contract with Flying J and possible stimulus money for this project. The property off of York could be serviced by them. He will follow-up on the aquifers with Don Rector.

Charles Allen 57 Canal Street is new to the community and moved out of Pataskala after 40 years.

Dick Knapp moved to go into executive session as per O.R.C 121.22 (G) (1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee at 9:55 p.m. Jeff Johnson seconded and the vote in favor was unanimous.

Paul George, Dick Knapp, Jeff Johnson, and Tina Taylor were invited into the executive session.

Dick Knapp moved to come out of executive session as per O.R.C 121.22 (G) (1) To consider the appointment, employment, dismissal, discipline, promotion, demotion, or compensation of a public employee at 10:30 p.m. Jeff Johnson seconded and the vote in favor was unanimous.

Paul George moved to adjourn at 10:33 p.m. Dick Knapp seconded and the vote in favor was unanimous.

*Paul George*  
Paul George, Vice-President

*Tina Taylor*  
Tina Taylor, Fiscal-Officer