

Etna Township Special Meeting
RECORD OF PROCEEDINGS

Minutes of

July 7th,

2009 Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

The Etna Township Board of Trustees met on Tuesday, July 7th, 2009 in the Etna Township Community Center/Administration Building for the purpose of conducting a special meeting. The meeting was called to order at 6:00 p.m. by Vice-President George. Chris Harkness led the prayer and Charles Allen led The Pledge of Allegiance. Roll call showed Jeff Johnson, Paul George, and Fiscal Officer Tina Taylor were present. Dick Knapp was absent.

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

The public hearing for 10240 Watkins Road violation number regarding junk motor vehicles was opened by Vice-President George. The public hearing was turned over to Chris Harkness, Zoning Administrator who presented an overview of the case. This is violation # V009-0025 for property owners Al and Pam Holley.

- Inspected and Found: Various junk and debris around detached garage; Mr. Holley was at property and said he was planning to purchase an acre to the rear of their property and build another garage to store vehicles; couple months went by and no zoning permit was applied for so violation letter was sent.
- Zoning Violation Letter sent (5/29/09); CM Receipt (6/02/09).
- No communication.
- Nuisance Hearing Letter sent (6/23/09); CM Receipt (6/24/09)
- Communication with Alva and Pamela Holley (7/7/09) about Hearing process and Zoning Permit.

Al Holley 10240 Watkins Road requested three months to complete building. He is building a 60 x 100 pole barn. He has purchased property adjacent to his lot. The pole barn will store the vehicles. The building currently on the property will remain.

The building will be completed by the end of the year.

Chris Harkness recommends not passing a resolution this evening but waiting and obtaining progress reports.

The Trustees will wait for a progress report next month since the property owner is progressing at a good pace.

The public hearing for the vacant lots within Royal Acres Violation V09-0026 and Cumberland Trail Violation V09-0027 were opened by Vice-President George. The public hearing was turned over to Chris Harkness, Zoning Administrator who presented an overview of the case. There are nine lots in Cumberland Trail and twenty-nine lots in Royal Acres Section two.

- Inspected (6/5/09) and Found: 3' - 4' high grass on empty lots within Royal Acres and Cumberland Trail Subdivisions. Received phone call complaints from a dozen or more neighboring residents in those subdivisions regarding weeds, rodents, traffic visibility, and aesthetics.
- Zoning Violation Letter sent (6/9/09); CM Receipt (6/11/09).
- Communication with Phil Diyanni; explained Diyanni has recently down-sized and is having trouble maintaining all of their lots within their developments and they do not have the resources to mow the grass.
- Nuisance Hearing Letter sent (6/23/09); CM Receipt (6/25/09)

Paul George stated he does not know the procedure for mowing the vacant lots. The Licking County Prosecutor's Office advised a resolution for each lot so they can be assessed to the taxes.

Chris Harkness stated the Licking County Prosecutor's office cautioned not to use this nuisance resolution for just high weeds.

Public Comments

Gary Burkholder 254 Trail East supports the nuisance resolution and is speaking on behalf of the community subdivision. The lots never have been seeded and there is construction refuge on the lots. He would like the lots properly seeded, grated, and the refuge removed.

Gil Guttentag 70 Runkle Drive stated the township does not have the authority to go onto these properties. The need to contact the Prosecuting Attorney and other townships to see what can be done.

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DAYTON LEGAL BLANK INC. FORM NO. 1011R

Held

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Resolution 09-07-07-01: Jeff Johnson moved to adopt the following as amended: Resolution to Abate, Control, or Remove Vegetation, Garbage, Refuse, and Other Debris Ohio Revised Code Section 505.87.

WHEREAS, the Board is authorized by Ohio Revised Code Section 505.87 to provide, by resolution, for the abatement, control, or removal of vegetation, garbage, refuse, and other debris from land in the township, if the board determines that the owner's maintenance of that vegetation, garbage, refuse, or other debris constitutes a nuisance; and,

WHEREAS, the Board received complaint No. *V09-0027* regarding a possible nuisance located at *Cumberland Trail; Section 5; Lot # 227*; and,

WHEREAS, the Board received a report from the Zoning Inspector documenting the initial investigation; and,

WHEREAS, the findings of the report indicated that a nuisance is in fact located at *Cumberland Trail; Section 5; Lot # 227*; and,

WHEREAS, the nuisance in question is described as follows:

Non-maintained vegetation causing rodent habitat, weeds, refuse, debris, and negative impacts on neighboring property values; and,

WHEREAS, the Board held a hearing on the *7th day of July*, to determine if the conditions described above were considered a nuisance; and,

WHEREAS, the Board provided notice of the hearing to the owner of the land as well as any holders of liens of record on the land; and,

WHEREAS, the Board has determined that the owner's maintenance of the vegetation, garbage, refuse, or other debris constitutes a nuisance.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby declares the above described conditions, located at *Cumberland Trail, Section 5; Lot # 227*, to be a "nuisance"; and,

BE IT FURTHER RESOLVED that the Board of Trustees hereby orders the property owners, *Diyanni Brother Inc.*, to abate the above stated nuisance; and,

BE IT FURTHER RESOLVED that the Board will provide for the abatement, control, or removal not sooner than fourteen days after written notice of this resolution is served on the owner of the land and any holders of liens of record on the land; and,

BE IT FURTHER RESOLVED that all expenses incurred in providing for the abatement, control, or removal of the vegetation, garbage, refuse, and other debris from land shall be paid out of the township general fund from moneys not otherwise appropriated; and, **BE IT FURTHER RESOLVED** that the Township Fiscal Officer is hereby directed to certify any and all expenses incurred, along with a proper description of the lands, to the Licking County Auditor to be placed upon the tax duplicate as a lien upon the land.

This would also include lots 228, 229, 230, 232, 237, 246, 247, and 254 in Cumberland Trail; Section 5.

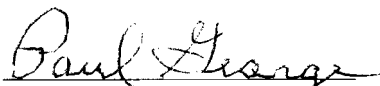
This would include lots in Royal Acres Section two, lots 1, 3, 4, 5, 6, 11, 12, 13, 14, 15, 40, 17, 18, 19, 20, 21, 23, 24, 25, 27, 30, 31, 32, 35, 39, 28, and 29.

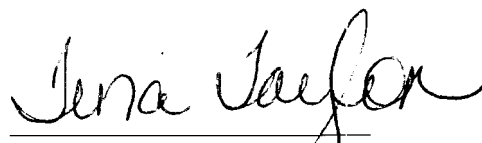
Paul George seconded the motion. Roll call: Jeff Johnson, yes; and Paul George yes. Motion passed 2-0.

Jeff Johnson moved to amend the motion to add in refuse and debris under the **WHEREAS**, the nuisance in question is described as follows: *Non-maintained vegetation causing rodent habitat, weeds, and negative impacts on neighboring property values*; Paul George seconded and the vote in favor was unanimous.

Jeff Johnson moved to give Paul George the authority to go get an estimate on completing the removal of the garbage on the Resolution 09-07-07-01. Paul George seconded and the motion passed unanimously.

Jeff Johnson moved to adjourn at 7:03 p.m. Paul George seconded and the vote in favor was unanimous.


Paul George, Vice-President


Tina Taylor, Fiscal-Officer