

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Board of Trustees

DAYTON H. GAL BLANK PAPER, OFM NO. 10118

August 4th,

2009

Held

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The Etna Township Board of Trustees met on Tuesday, August 4th, 2009 in the Etna Township Community Center/Administration Building for the purpose of conducting a special. The meeting was called to order at 6:01 p.m. by President Knapp. Dick Knapp led the prayer and The Pledge of Allegiance was recited. Roll call showed Paul George, Dick Knapp and Fiscal Officer Tina Taylor were present. Jeff Johnson arrived at 6:20 p.m.

Paul George moved to adopt the agenda. Dick Knapp seconded and the vote in favor was unanimous.

Nuisance Hearing for 840 Pike Street

Chris Harkness presented the case overview and also provided pictures of the property. It is Violation Number V09-0033 Nuisance & Junk Motor Vehicle. The property Owners are Richard & Angela Eader of 840 Pike Street, Etna, OH 43018. The original violation letter for 3 Junk Motor Vehicles was given in March of 2009. Mrs. Eader informed me they would be moving out soon because the property was foreclosed on and so the vehicles would be gone. Since then the Eader's have apparently moved out of the house, but the property is still under their name for the time-being. Chris re-inspected the property on 6/5/09 & 8/4/09. He found various junk and debris; overgrown vegetation; and one white Dodge van with flat tires on a jack. The Zoning Violation letter was sent on July 22, 2009; CM Receipt (7/23/09). The Nuisance Hearing Letter was sent on July 22, 2009; CM Receipt (7/22/09).

Charles Allen 57 Canal Street is the adjoining property owner to the rear. Charles Allen testified to the condition of the house. He has called the bank and stated the property owners have to be offered programs before the bank takes the property over.

Chris Harkness stated that originally after talking with the prosecutors' office the township was going to wait for the bank to take over the ownership but since it could be up to a year it was decided to proceed.

Chris Harkness explained options to the Trustees. The Trustees have to determine if it is a nuisance and junk motor vehicles and how many days to grant the property owners to remove the vehicle and clean up the property.

Resolution 09-08-04-01 to Abate, Control, or Remove Vegetation, Garbage, Refuse, and Other Debris Ohio Revised Code Section 505.87

The Board of Township Trustees of Etna Township, Licking County, Ohio, met in special session on the 4th day of August, 2009, with the following members present: Paul George and Dick Knapp.

Dick Knapp moved the adoption of the following:

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. V09-0033 regarding a possible nuisance located at 840 Pike Street; 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 840 Pike Street; and,

WHEREAS, the nuisance in question is described as follows:

Various garbage, refuse, and debris with uncontrolled vegetation on the property; and,

WHEREAS, the Board held a hearing on the 4th day of August, 2009 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 840 Pike Street, to be a "nuisance"; and,

BE IT FURTHER RESOLVED that the Board of Trustees hereby orders the property owners, Richard and Angela Eader, 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 14 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.

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Paul George seconded the Motion, and the roll being called upon its adoption, the vote resulted as follows: Paul George, yes; and Dick Knapp, yes. Motion passed 2-0.

For the record the owners Rick and Angela Eader were not present at the hearing and were served proper notice.

Jeff Johnson arrived at 6:20 p.m.

Chris Harkness explained what the Ohio Revised Code states determines a junk motor vehicle.

Resolution 09-08-04-02 to Remove a Junk Motor Vehicle Ohio Revised Code Section 505.871
The Board of Township Trustees of Etna Township, Licking County, Ohio, met in special session on the 4th day of August, 2009, with the following members present: Paul George, Jeff Johnson, and Dick Knapp.

Dick Knapp moved the adoption of the following:

WHEREAS, the Board is authorized by Ohio Revised Code Section 505.871 to provide, by resolution, for the removal of any vehicle in the unincorporated territory of the township that the Board determines is a junk motor vehicle; and,

WHEREAS, the Board received complaint No. *V-09-0033* regarding a possible junk motor vehicle located at *840 Pike Street*; and,

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

WHEREAS, the findings of the written report indicated that a junk motor vehicle is in fact located at *840 Pike Street*; and,

WHEREAS, the motor vehicle in question is described as follows:
A white Dodge Van up on a jack with flat tire; and,

WHEREAS, the Board held a hearing on the *4th* day of *August*, 2009 to determine if the motor vehicle described above is a junk motor vehicle; 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 motor vehicle described above is three model years old, or older; apparently inoperable; and extensively damaged.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby declares the above described motor vehicle, located at *840 Pike Street*, to be a "junk motor vehicle" as that term is defined in Ohio Revised Code Section 505.173; and,

BE IT FURTHER RESOLVED that the Board will cause the removal of the junk motor vehicle 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 removing the junk motor vehicle 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.

Paul George seconded the Motion, and the roll being called upon its adoption, the vote resulted as follows: Paul George, yes; Dick Knapp, yes; and Jeff Johnson, abstain. Motion passed 2 yes and 1 abstain.

For the record Rich and Angela Eader were not present and were served proper notice.

OLD BUSINESS

A. The property located at 10240 Watkins Road property owners Al and Pam Holley was heard in July. Chris Harkness provided an update and overview of the case. No Zoning or building permit has been applied for yet. The property owners have been trying to combine the two lots before they can apply for permits per the Licking County Planning Commission. It was decided to give him another 45 days to see if he comes in for a building permit.

Resolution # 09-08-04-03 to remove a Junk Motor Vehicle Ohio Revised Code Section 505.871. The Board of Township Trustees of Etna Township, Licking County, Ohio, met in special session on the 4th day of August, 2009, with the following members present: Paul George, Jeff Johnson, and Dick Knapp.

Dick Knapp moved the adoption of the following:

WHEREAS, the Board is authorized by Ohio Revised Code Section 505.871 to provide, by resolution, for the removal of any vehicle in the unincorporated territory of the township that the Board determines is a junk motor vehicle; and,

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DAYTON LEGAL BLANKS, INC. FORM NO. 19118

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WHEREAS, the Board received complaint No. *V09-0025* regarding a possible junk motor vehicle located at *10240 Watkins Road*; and,

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

WHEREAS, the findings of the report indicated that junk motor vehicles are in fact located at *10240 Watkins Road*; and,

WHEREAS, the motor vehicles in question are described as follows:

Grey Chevy Camaro with red door, Red Chevy Camaro with black top and black rally strips, Tan Chevy pickup truck with black hood scoops, Grey GMC pickup truck with grey tarp, 66 Chevy Nova, Yellow GMC box truck, extended cab from a white Chevy with red door, green Chevy 4 wheel drive pickup truck possibly inoperable, and white Chevy Camaro early 80's model with T-tops possibly inoperable.

WHEREAS, the Board held a hearing on the *4th day of August, 2009* to determine if the motor vehicles described above were junk motor vehicles; 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 motor vehicles described above are three model years old, or older; apparently inoperable; and extensively damaged.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees hereby declares the above described motor vehicles, located at *10240 Watkins Road*, to be "junk motor vehicles" as that term is defined in Ohio Revised Code Section 505.173; and,

BE IT FURTHER RESOLVED that the Board will cause the removal of the junk motor vehicles not sooner than forty five 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 removing the junk motor vehicle 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.

Paul George seconded the Motion, and the roll being called upon its adoption, the vote resulted as follows: Paul George, yes; Dick Knapp, yes; and Jeff Johnson, yes. Motion passed 3-0.

Chris Harkness updated the Trustees on the DiYanni issues. The certified letter was not signed in time to be dealt with at this hearing. Paul George has received three estimates from Mason, Mid Ohio, and BMH. The estimates are between \$12,000 and \$15,000 dollars for the lots in Cumberland Trails and Royal Acres.

Paul George moved to adjourn at 6:53 p.m. Jeff Johnson seconded and the motion passed 3-0.


Dick Knapp, President


Tina Taylor, Fiscal-Officer