

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustees Regular Meeting

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

July 20th,

2010

Held

20

The Etna Township Board of Trustees met on Tuesday July 20th, 2010 in the Etna Township Community Center/Administration Building for the purpose of conducting a regular meeting. The meeting was called to order at 6:00 p.m. by President Carlisle. Jeff Johnson led the invocation and Doug Smith led The Pledge of Allegiance. Roll call showed Trustees Jeff Johnson, Randy Foor, and John Carlisle present. Fiscal Officer Walter Rogers was absent.

Trustee Johnson moved to adopt the agenda as presented. The motion was seconded by Trustee Foor.

Trustee Carlisle moved to amend the agenda to add the July 6th, 2010 special meeting minutes and Doug Smith between Items IV. and V. The motion was seconded by Trustee Jeff Johnson and passed by unanimous affirmative vote.

Trustee Johnson moved to adopt the agenda as amended. The motion was seconded by Trustee Foor and passed by unanimous affirmative vote.

Trustee Foor moved to approve the July 6th, 2010 regular meeting minutes. The motion was seconded by Trustee Carlisle. The roll call on the motion was Jeff Johnson, abstain; Randy Foor, yes; and John Carlisle, yes.

Trustee Foor moved to approve the July 6th, 2010 special meeting minutes. The motion was seconded by Trustee Carlisle. The roll call on the motion was Jeff Johnson, abstain; Randy Foor, yes; and John Carlisle, yes.

Public Comments -- None

Doug Smith presented information to the Board of Trustees regarding The Historic National Road Interpretive Signs that are being placed along National Road. He will check to see if there is grant money available to place a sign in Etna Township. The Trustees support the placement of this sign and Doug Smith will follow-up regarding the grant money.

Reports

JEDZ 1 & 2 – The meeting was recessed from 6:11 p.m. to 6:30 p.m. for the outside presentation of JEDZ 1 checks and photographs with the township equipment.

Water & Sewer – David Goll presented the report. The Reynoldsburg litigation is still in the appeals court. He discussed a grant for the pump station at Refugee and Columbia Roads.

Fire District - None

Park and Recreation -None

Cemetery - None

Old Business

Park District - Trustee Carlisle has received the information from the Licking County Prosecutor's office and the process would be rather cumbersome. The township would have to show a need for a Park District, apply, and then there would be a hearing with the probate judge. Then the probate judge will appoint a board. He does not feel this is in the best interest of the township to pursue at this time.

Trustee Carlisle reported that the road crew and court appointed workers have been tuck pointing and painting the township garage. The garage needs roof repairs. The recycle bins need a fence installed along with a concrete pad poured.

Resolution 10-07-20-01: Trustee Carlisle moved to appropriate \$15,000 to do the roof, concrete pad, and vinyl fence and to be completed with our own road workers and court appointed workers. The motion was seconded by Trustee Foor and passed by unanimous affirmative vote.

Trustee Carlisle reported on The Pataskala Bank Restoration. He met with Brian Moore with The Pataskala Bank and it is back to the way it was. Brian Moore is going to address the flower beds.

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Trustee Foor reported on the hand rail at the Community Center/Administration Building. Chris Harkness met with the Licking County Building Codes and the front steps as they are currently constructed are in compliance with the building codes.

Trustee Foor moved to appropriate \$500.00 to install the handrail. The motion was seconded by Trustee Carlisle. Discussion: The Trustees discussed installing the handrail down the center of the steps. They discussed the liabilities regarding skateboarders. Individuals have fallen on the front steps and some residents have trouble entering the building using the steps without the handrail. Jim VanDyne can install the handrail. The handrail will be galvanized. The cost would not exceed \$500 dollars. If the handrail is installed it would have to meet the requirements of the Ohio Building Code. It would have to extend a foot beyond the top step and the lower step. Trustee Foor will contact the insurance company regarding liability issues with the handrail. After discussion the motion was removed and this issue will be tabled until the August 3rd meeting.

New Business

Trustee Carlisle discussed appointing three members to a Nuisance Abatement Committee. He discussed this committee with Eric Fox at the Licking County Prosecutors' Office and the township has the ability to do this. This committee could visit the site to review the violations. The committee would then make a recommendation to the Trustees. This issue will be tabled until the August 3rd meeting.

Announcements & Trustee Comments

Trustee Carlisle notified the public on the Licking County Health Departments scrap tire events.

Trustee Carlisle announced the first Interchange Committee will be meeting at the Community Center/Administration building tomorrow at 10:00 a.m. Licking County Commissioner Doug Smith reported on their letter regarding Judith Brachman's request to serve on this committee. Her family owned the property prior to selling it to Southgate where the Etna Corporate Park is. She is very well connected to government and is a major land owner in the township. The Commissioners are 100% behind the township regarding this committee and the interchange. The Commissioners conducted a study regarding an interchange a year and a half ago. This was a north bound only interchange. Doug Smith will get the township a copy of this study. Trustee Carlisle discussed this board growing to possibly a seven member board.

Resolution 10-07-20-02: Trustee Carlisle moved to appoint Judith Brachman to the Interchange Committee. The motion was seconded by Trustee Foor. Discussion: Trustee Johnson would like to call Mrs. Brachman prior to the appointment. The Commissioners recommended her and her attached resume' noted her accomplishments and connections. She will be the fifth member to this committee. The roll call on the motion was Jeff Johnson, no; Randy Foor, yes; and John Carlisle, yes; The motion passed 2-1.

Fiscal Officer Report/Correspondence

Correspondence –

- Licking County Board of Commissioners – National Pollutant Discharge Elimination System (NPDES) Storm Water Management Plan.
- Licking County Soil & Water Conservation District Newsletter
- Pataskala Area Chamber of Commerce Newsletter
- Ohio Department of Public Safety License Tax Statistics Report for June, 2010.

Public Comments –

Gary Burkholder 254 Trail East discussed the concerns with the entrance to the building and supports the installation of the handrail. The Pataskala Bank restoration is not fully resolved. He has concerns with the weeds, bushes being trimmed, and the lights at the entrance. The Cumberland Trail HOA is opposed to any rezoning or variance for this property. He made a public records request for any and all invoices relative to legal fees that were expended by the township or the township's insurance company in the defense of the parcel.

Neil Ingle 71 Trail East stated it is difficult for him to enter the building using the front steps without the handrail and is in support of the installation of the railing.

Jim VanDyne 7179 Refugee Road stated the original prints for the building have handrails on the sides of the steps. He thinks the railing could be installed down the middle of the steps. Jim VanDyne will check with the building codes and Trustee Foor will check with the insurance company.

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Doug Smith provided an update on the JRS Road site and the obstacles to the project. The archeologist found items that indicate people were on the site over 2,000 years ago. They also found a 1798 penny.

Trustee Johnson moved to pay the bills. The motion was seconded by Trustee Foor. The Trustees reviewed the summary sheet and the motion passed by unanimous affirmative vote.

Public Hearing at 7:15 p.m. regarding Article 9 – District Regulations text amendment

Trustee Carlisle opened the public hearing and turned it over to Chris Harkness for the introduction.

Zoning Administrator Chris Harkness provided an overview of text amendment AM-10-01 that was initiated by the Zoning Commission. The bulk of the amendment is the conversion of the uses to NAICS Code classification. The amendment overview was as follows: 1. Inserted an agricultural exemption as a permitted use in all districts – “Agricultural uses exempted from township zoning authority per Chapter 519 of the Ohio Revised Code”. 2. Increased setbacks in R-1, R-2, AB, GB, and M-1 districts. 3. Decrease minimum lot size in PRO, LB, AB, and R-2 district. 4. Added rear yard setback in LB and GB Districts. 5. Building size limit of 16,250 square feet added to the LB District. 6. Increased maximum building height in M-2 District. 7. Realigned RS District general regulations to be more user friendly. 8. Decreased front and rear yard setbacks in RS District.

Chris Harkness reviewed the recommended modifications as listed below in the staff recommendation. These recommendations were reviewed with Vice Chairman Young of the Zoning Commission, Chairman Stepp was on vacation. Chairman Young was in support of the recommended modifications. The Zoning Commission discussed junk yards, impound lots, and uses of this nature in great length and placed these types of uses under Conditionally Permitted Use.

The staff recommends approval of the Article 9 Zoning Text amendment, AM10-01, with the following modifications: Addition of a 40' rear yard setback in the GB District and a 30' rear yard setback in the AB District, modify the side and front yard setbacks in the GB District to 40', move NAICS Code 423930 (Recyclable Material Merchant Wholesalers) from GB conditional uses to M-1 conditional uses, move NAICS Code 423140 (motor vehicle parts – used-merchant wholesalers) from GB permitted uses to GB conditional uses, and move NAICS Code 493190 (Other warehousing and storage) from M-1 permitted uses to M-1 conditional uses.

Public Comments

David Goll 8995 York Road discussed motor towing businesses being allowed under the conditionally permitted use section and requested this use be a permitted use in the M-1 District. The restrictions in buffering and the zoning regulations would provide safeguards for this use. The cars are on the property between 30 and 60 days.

The buffering requirements are when two different districts are abutting each other. Within the M-1 District there are no buffering requirements. The Board of Zoning Appeals could require them to fence the property in with a solid fence to block the view of the property.

The public hearing was closed at 7:42 p.m.

Trustee Foor inquired if this is a living document. The Trustees determined the need to reference the 2007 NAICS Codes to clarify which version of the NAICS codes was approved. This is to prevent the NAICS Codes from changing when the NAICS Codes update. In Section 903 General Statement on Permitted and Conditionally Permitted Uses they recommend modifying to read “The permitted and conditionally permitted uses within Article 9: District Regulations utilize the 2007 North American Industrial Classification System (NAICS) code. All codes and the associated terms shall be defined by the 2007 NAICS code description.”

Trustee Carlisle moved to accept the Zoning Commission's recommendations (on Article 9) as presented. The motion was seconded by Jeff Johnson.

Trustee Johnson moved to amend the recommendations to include the staff recommendations. The motion was seconded by Trustee Foor. The staff recommendations were as follows: Addition of a 40' rear yard setback in the GB District and a 30' rear yard setback in the AB District, modify the side and front yard setbacks in the GB District to 40', move NAICS Code 423930 (Recyclable Material Merchant Wholesalers) from GB conditional uses to M-1 conditional uses, move NAICS Code 423140 (motor vehicle parts – used-merchant wholesalers) from GB permitted uses to GB conditional uses, and move

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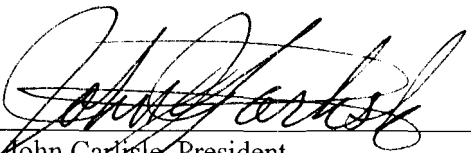
NAICS Code 493190 (Other warehousing and storage) from M-1 permitted uses to M-1 conditional uses. The roll call on the motion was Jeff Johnson, yes; Randy Foor, yes, and John Carlisle, yes. The motion passed 3-0.

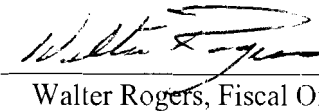
Trustee Foor moved to include in Section 903 to include the year 2007 reference. The Section 903 will read as follows: "The permitted and conditionally permitted uses within Article 9: District Regulations utilize the 2007 North American Industrial Classification System (NAICS) code. All codes and the associated terms shall be defined by the 2007 NAICS code description. The NAICS code is available at www.naics.com" The motion was seconded by Trustee Johnson. The roll call on the motion was Jeff Johnson, yes; Randy Foor, yes, and John Carlisle, yes. The motion passed 3-0.

Trustee Carlisle moved to modify Section 910 (General Business) B to read "The full text of the listings in the 2007 NAICS or subsequent edition as specifically referenced and subsequently adopted shall be used to define the uses permitted within the GB district as set forth below and is hereby adopted as part of Section 910." The motion was seconded by Trustee Johnson. The roll call on the motion was Jeff Johnson, yes; Randy Foor, yes, and John Carlisle, yes. The motion passed 3-0.

Trustee Carlisle moved to accept the Zoning Commission's recommendations on Article 9 as presented in the original motion including the three amended motions as presented. The motion was seconded by Trustee Johnson. The roll call on the motion was Jeff Johnson, yes; Randy Foor, yes, and John Carlisle, yes. The motion passed 3-0.

Trustee Johnson moved to adjourn at 7:55 p.m. The motion was seconded by Trustee Foor and passed by unanimous affirmative vote.



John Carlisle, President

Walter Rogers, Fiscal Officer