

Etna Township Trustees Special Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

May 1,

2019

Held

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The Etna Township Board of Trustees met on Wednesday, May 1, 2019 in the Etna Township Administration Building for the purpose of conducting a special meeting. The meeting was called to order at 4:30 p.m. by President Carlisle. Jeff Johnson led the invocation and Deborah Lang led The Pledge of Allegiance. Roll call showed Trustees Jeff Johnson, Randy Foor, John Carlisle and Fiscal Officer Walter Rogers present.

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

Trustee Carlisle moved to adopt the April 17, 2019 special meeting minutes as presented. The motion was seconded by Trustee Johnson. The roll call was as follows: Johnson, yes; Foor, yes; and Carlisle yes.

**Public Comments –**

Deborah Lang is a Municipal Judge Candidate and discussed why she is running for Judge.

**Old Business –**

**JEDD1 and 4**

The Trustees will have JEDD1 and 4 on the May 7, 2019 agenda. Trustee Carlisle provided an update.

**Purchase New Truck**

The truck is on order and will be in the end of July or early August.

**Credit Card Policy**

This policy has been recommended by the Licking County Prosecutor's Office. The two blanks in the Credit Card Policy will be filled in as follows: the credit card will have the \$2,500 maximum and the card will need to be returned within 72 hours.

**Resolution 19-05-01-01:** Trustee Carlisle moved "Resolution to adopt a policy for the issuance and use of credit cards" as presented. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

Trustee Carlisle discussed the letter to Jardin Manor regarding the reserve, the culvert replacement, and the paving of Jardin Manor. The Trustees will meet on May 22 at 6:00 p.m. to discuss Jardin Manor. The Trustees will also need to hold a public hearing on the text amendments at 5:00 p.m.

**Road Paving Program 2019**

Trustee Carlisle provided an overview of the proposed roads in the 2019 Improvement Plan which total \$1,013,000 dollars. He would like the authority to put these out to bid. The board discussed bidding Columbia Road as alternate 1. The Engineers estimates are usually high and Trustee Carlisle believes this will come in around \$900,000 dollars. This is approximately 9.6 miles of road.

Trustee Carlisle moved to put the 9.6 miles of road that he presented out for bid and add Columbia Road as Alternate one. The motion was seconded by Trustee Foor and passed by unanimous affirmative vote.

**Sheriff's Department Contract**

Captain Evans and Lt. Carson were present to discuss the contract. The Trustees discussed the report regarding the runs and what hours are the peak days and hours. Trustee Carlisle discussed having a deputy attend the Trustee's meetings. The Trustees discussed a Monday to Friday 8-4 and Tuesday thru Saturday 3-11 giving an hour overlap. They are still working on the contract. Trustee Carlisle will work with them on the questions for the interviews. Trustee Johnson discussed the Fire District having to wait for a Deputy at times. They average eight to ten deputies a shift for the entire county. The Board of Trustees would like Trustee Carlisle to continue moving forward with the contract. The contract will address when the deputy takes vacation. The Trustees will review the questionnaire and job posting. The questions need to be into Trustee Carlisle prior to May 8, 2019.

**Broyles Final Development Plan**

Glen Dugger representing the developer has discussed the issues with the Prosecutor's office but did not hear back from him again this afternoon. Mr. Dugger reviewed the process and issues with the phasing plan. Mr. Dugger requested this issue be tabled for him to hear from the Prosecutor's office and for more time to review building the development going east to west.

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Trustee Carlisle discussed this issue with the Prosecutor's office today. The Prosecutor's office did not receive the legal standing from Mr. Dugger regarding going west. The Trustees are not bound by statute to approve the Final Development Plan because of the Preliminary Development Plan. Mr. Dugger wanted to speak with the Prosecutor's office directly and requested the issue be tabled. Trustee Carlisle stated the zoning text requires the development start on Smoke Road and proceed to Refugee Road. Mr. Dugger does not agree with this. Trustee Carlisle stated the approved Preliminary Plan is not zoning. Mr. Dugger believes the Trustees have approved the Preliminary Plan with the phasing starting at Refugee Road.

Trustee Johnson inquired if the developer will build the entire road and then build houses or install part of the road. Jonathan Wilcox, the developer, explained the original plan and the process from the past fifteen months. Everything has been planned coming off Refugee Road with this being the main access into the development. The phasing issue was never brought up as a concern and this project has been engineered with phase one starting at Refugee Road. Trustee Johnson stated this plan was the same when he served on the Board of Zoning Appeals and he thought the road was going all the way thru the development. The zoning that was approved originally has never changed but the preliminary and final development plans had expired. Jonathan Wilcox stated their intent is to build the road in phase one and then the temporary emergency and construction access on Smoke Road further North on Smoke Road. The permanent entrance to Smoke Road will not be constructed until Phase three. So they are building as they go. Jonathan Wilcox would like to sit down with the township and discuss what the concerns are and see if they can work through them. Trustee Carlisle confirmed that Mr. Wilcox had a copy of the zoning text when they submitted the Preliminary Plan.

Trustee Carlisle stated the Trustees are not permitted to approve a Final Development Plan that does not meet the Zoning Text. Mr. Wilcox does not understand the concern with doing Phase One first. Trustee Carlisle stated the Trustees do not have the authority to amend this plan during the Final Development Plan. Mr. Wilcox and Mr. Dugger stated they can start on Smoke Road but at the temporary construction access. Trustee Carlisle confirmed the access on Smoke Road has to be a full access.

Mr. Wilcox requested this be tabled for another two weeks. Trustee Carlisle stated the Trustees have tabled this issue twice and are not any further now than before. Mr. Wilcox stated for the record they are not asking this board to change the zoning they are asking this board to approve a Final Development Plan that is absolutely in compliance with the Preliminary Development Plan but also with the Zoning.

Trustee Johnson inquired on the right in right out access on Refugee Road. The Trustees concerns were with the pork chop not the access. The pork chop is a safety hazard with the Fire Department. Mr. Wilcox stated the township changed the pork chop which is deviating from the plan. Trustee Carlisle explained the pork chop on Refugee Road is not part of the zoning text.

Jim Hobbs, son-in-law to the Broyles family, has a concern with the time frame with this process. They thought this plan was approved when the process started. The zoning from 2000 was still in place. Mr. Hobbs feels the Trustees approved the Preliminary Plan and had the zoning and now they are this far down the road and why was this not brought up prior to this. Trustee Foor explained the Preliminary Plan is a conceptual plan where the Final Plan is more detailed. Trustee Carlisle stated the Trustees are enforcing the zoning. Jonathan Wilcox did confirm that some of this process was addressing Licking County issues but the phasing was a part of the Preliminary Plan.

The Trustee discussed what the applicant wants to accomplish by tabling this another two weeks. The applicant would like this tabled until May 22, 2019. The developer requested a chance to meet to understand exactly what the township's concerns are and work through it. He feels they have been ignored. The Trustees cannot change the zoning document without another process; they have to follow the zoning that is in place.

The Trustee discussed whether to table this for two more weeks. The Trustees discussed the issues with the plan with Jonathan Wilcox. The square footage requirement of the homes is a concern but the Trustees cannot enforce larger square foot homes because the requirement of the minimum 1,000 square foot homes is in the zoning text.

RECORD OF PROCEEDINGS

Minutes of

Meeting

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Jonathan Wilcox stated Glen Dugger has a new concept tonight to present to the Prosecutor's Office. Trustee Carlisle requested they discuss the new concept this evening with the Trustees. Jonathan Wilcox requested that Trustee Carlisle read the section of text that you are leaning towards. Trustee Carlisle read on page two "The construction will commence thereafter with initial work starting at the access point on Smoke Road and moving westward." Jonathan Wilcox said to comply with that provision they will start construction at the access point on the plan in between lots 10 and 11 on Smoke Road through Reserve A and move westward. Trustee Carlisle stated that is not how he interprets this; they have to start at the south end of the development with the infrastructure to Refugee Road. Jonathan Wilcox feels this is a new concept that the township's legal council should review.

**Resolution 2019-05-01-02:** Trustee Carlisle moved "Resolution to deny the Final Development Plan for Broyles Farm LTD" as presented and down in section one insert denies (the Board denies the Final Development Plan submitted by Broyles Farms Ltd). The motion was seconded by Trustee Johnson. Discussion: Trustee Foor would like to table this and hear what they have to say and to give the Prosecutors office time to weigh in on this and the zoning that is in place. The Trustees discussed whether to table. The roll call on the motion was as follows: Johnson, yes; Foor, no; and Carlisle, yes.

**Announcements and Trustee Comments -None**

Trustee Johnson moved to pay the bills as presented. The motion was seconded by Trustee Foor and passed by unanimous affirmative vote.

Trustee Johnson moved to adjourn at 6:11 p.m. The motion was seconded by Trustee Foor and passed by unanimous affirmative vote.



John Carlisle, President



Walter Rogers, Fiscal Officer

All the resolutions as presented are on file with the Fiscal Officer.