

# RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Trustees Special Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held June 16, 20 2020

The Etna Township Board of Trustees met on Tuesday, June 16, 2020 in the Etna Township Garage for the purpose of conducting a special meeting. The meeting was called to order at 6:00 p.m. by President Carlisle. Jeff Johnson led the invocation and John Carlisle led The Pledge of Allegiance. Roll call showed Trustees Jeff Johnson, Randy Foor, John Carlisle, and Fiscal Officer Walter Rogers present.

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

### Old Business -

#### **Broyles Farm Final Development Plan**

Trustee Carlisle provided an overview of the process. The Trustees had voted on the Final Development Plan and the township was sued in court. The ruling in court was to send it back to the township and requested the Trustees open the public hearing up to discuss an alternate access. The meeting is going to be treated like a public hearing. The meeting was turned over to Mr. Dugger.

Trustee Carlisle reviewed the Public Hearing Requirements.

Glen Dugger of 37 W Broad Street is the attorney representing the applicant Wilcox Communities. The applicant was in front of the Trustees last year regarding the Final Development Plan for Broyles Farm Subdivision and appealed the decision to the court. The applicant requested to the court the opportunity to return to demonstrate whether the Final Development Plan can comply with the Development Text, the terminology being that the development begins on Smoke Road and proceed west. Mr. Wilcox provided the township a new plan that would start the construction at the temporary construction point on Smoke Road and proceed westward.

The drawing that was submitted in February to Mr. Singleton is the parcel exhibit that the developer is referencing.

Jonathan Wilcox with Wilcox Communities of 250 W. Wilson Bridge Road Suite 140 explained that they were here tonight to explain starting the construction on Smoke Road at the construction point. The exhibit presented this evening is the same phasing plan that was presented for the Final Development Plan previously, the only difference is the red note was added to the drawing. The note states that "Construction will commence with initial work starting at Smoke Road access point and then moving westward". The first thing the developer will do is install a silt fence and the orange shaded area is Phase One for developing the homes. The construction access road will be installed. For clarification this is the north Smoke Road access that is shown in the red bubble. Mr. Wilcox explained the way the access will be installed with detention basins along with some storm structure for storm water obligations, then the sanitary sewer and working westward, and then the water lines. Then they will install the roadways, curbing, and sidewalks. After Phase One is complete then Phase Two shown in purple will be started.

Charles Caldwell of 8708 Smoke Road lives on the south side of this road and is concerned that with a road constructed at that location there will be no privacy on his property. He has concerns with traffic. The road will be right on his property line. Mr. Caldwell stated when the Broyles Development was approved years ago the developer said that piece of property was not large enough for a road. Trustee Carlisle will meet with Mr. Caldwell to view how close this road will be to Mr. Caldwell's property. Mr. Caldwell has concerns with noise and feels this will destroy his property rights. He has lived there since 1974. He is putting his trust in the Trustees to make the right decision regarding this access.

Diana Bourque of 307 Woodsedge Loop spoke on behalf of Bonita Shepard of 8678 Smoke Road stated they were told all along that this would be an Emergency Access Road. Property owners should be able to enjoy their properties. This will bring down the property values of the two homes on either side of the construction access. Her mother owns the property on the north side. She asked if it would be a permanent access road or just construction access.

John Erskine of 8762 Smoke Road has safety and security concerns with the construction traffic. There are small children in this area. There is increased traffic from the school property. He does not agree with the proposed access.

Nancy Duncan of 9152 Smoke Road lives next to the South Smoke Road entrance and inquired on when the developer would be to her property and the timing of the phases. She had an understanding that she had options on where to locate her driveway. Jonathan Wilcox will address this concern.

Jonathan Wilcox will address all the concerns at the end of public comments.

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Jennifer Beatty of 8642 Smoke Road has concerns with the developer needing three access points for this development. She has concerns with noise. She also has concerns with flooding. The traffic is already a concern on Smoke Road. She does not think we need more houses.

Nancy Snider of 8745 Smoke Road stated years ago they wanted to install a driveway at that location and it was voted down. The new school has caused an increase in traffic. There are a lot of children on Smoke Road. She inquired on which accesses will be permanent and will Smoke Road be widen. She asked how many houses were proposed in the development. She discussed farm equipment accessing her property.

Charles Allspaugh of 8700 Smoke Road stated this new access is directly across from his driveway. This access was an emergency only access and would like it to remain that way.

Bradley VanKeuren of 8816 Smoke Road discussed flooding on his property with the stream going through it and has concerns with water runoff. He also has concerns with increased traffic. He does not want a house directly behind him.

Nancy Duncan of 9152 of Smoke Road inquired on whether they are still planning on constructing the south entrance on Smoke Road and whether they have been approved for the variances. She had issues with the site distances for the north smoke road entrance.

Jonathan Wilcox responded to the public comments. The emergency access will be in place and will be removed in Phase Three when the permanent access is installed by Ms. Duncan, this is the South Smoke Road access. The access will then be an emergency access only. The timeframe for the north access will go in for Phase One which is in orange, then Phase Two which is in purple. Phase One is for eighty seven lots and Phase Two is sixty-nine lots. During Phase Two the north access will remain, once Phase Three is started then the north access will be open space maintained by the Homeowner's Association which is in the Development Plan. The phases will be market driven. It will be at least a couple years per phase. Mr. Wilcox stated that after construction is complete in Phase One then it would be physically impossible for anyone to use the north access on Smoke Road when developing Phase Two, it will be an emergency access only. The traffic will have to enter from Refugee Road after Phase One is completed. Jonathan Wilcox confirmed that the North Smoke Road access is a temporary construction emergency only access, this will never be permanent. Jonathan Wilcox clarified that the emergency access will be permanent.

Trustee Carlisle inquired on the timing for the four lots that are west of the emergency access. Jonathan Wilcox explained that during the Licking County Planning Commission Technical Review meeting it was set up that the emergency access, when you look at the jogged orange line, will exist and they will not be able to build those houses until Phase Three. The emergency access will remain as a permanent access after Phase Three. Jonathan Wilcox stated the North Smoke Road access will go away after Phase Three when the South Smoke Road access is installed.

Trustee Carlisle inquired on the concerns with the stream and engineering and mitigation with draining. Jonathan Wilcox stated they have done preliminary engineering and mitigating what they need to.

The traffic study was submitted two years ago to the township and county when the process was started. A turn lane will be required and a widening of Smoke Road when the South Smoke Road Access is constructed. The Refugee Road access will be a full access for safety with improvements on Refugee Road.

Jonathan Wilcox stated the North Smoke Road access will not be a permanent access for residents to use; it has always been designed to be a temporary emergency access only.

Jonathan Wilcox stated they worked with Ms. Duncan during the variance process with the county and that they will work with Ms. Duncan. If she would like her driveway to come out onto the new road they will install her driveway at their cost.

Jonathan Wilcox stated during the construction of Phase One the construction traffic will use the North Smoke Road access during the day but the residential traffic will use the Refugee Road access, they will not be legally permitted to use the other access.

Trustee Foor inquired who is requiring the emergency access. The fire code requires the second access after thirty homes are constructed.

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Charles Caldwell of 8708 Smoke Road asked why they have to build the North Smoke Road first and why they can't install the Refugee Road access or south Smoke Road access. Trustee Carlisle stated this is what the developer has proposed.

Jennifer Beatty of 8642 Smoke Road stated even if this is just a temporary access only she feels people will use it.

John Erskine of 8762 Smoke Road inquired on traffic control with speeding during and after construction.

Jonathan Wilcox stated they legally have to provide two emergency accesses. When the development was first proposed years ago Jonathan believes the County requested the North Smoke Road access be a permanent full access and the township would not approve it. There will be traffic control measures in place for the emergency access.

Nancy Snider of 8745 Smoke Road inquired on whether the rest of Smoke Road would be widened. Trustee Carlisle does not believe that with this subdivision the road will not be widened.

Brad VanKeuren of 8816 Smoke Road discussed the access to US40 and whether there will be a traffic signal installed. Trustee Carlisle stated this is a State Route and would be O.D.O.T.'s decision.

Diana Bourque inquired on the maintenance of the construction access and maintenance of the road. Trustee Carlisle explained that the township usually works with the developers but it is the township's responsibility. The construction access will be a gravel road and she has concerns with the soil and getting the gravel where it needs to be and stated this area does flood.

Ruth Hurlburt of 8660 Smoke Road is one of the four houses that flood and inquired on who pays to construct the turn lanes. Trustee Carlisle stated the developer pays for the turn lanes.

Trustee Carlisle closed the public hearing.

Trustee Carlisle moved to table the decision for this evening until the July 7, 2020, which is the next Trustee's meeting at 7:00 p.m. I request that any questions that they may have must be submitted by July 3, 2020 to Mr. Singleton and Mr. Singleton will get answers to them and get the answers back to the Trustees so if there are any follow-up questions they can get them answered. Trustee Johnson seconded the motion. The motion passed by unanimous affirmative vote.

There will be no more public comments on this issue and the Trustees will deliberate on July 7th and render their decision.

The board took a five minute recess.

**JEDZ1 and JEDZ2 Board Alternate**

The Trustees previously discussed this appointment when Mark Painter resigned because he moved out of the township.

Trustee Carlisle moved to have Jim Duffy appointed as the alternate for Walter Rogers and Charles Hagy to the JEDZ1 and JEDZ2 Boards. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

**New Business - None****Announcements and Trustee Comments**

Trustee Foor will be on vacation from June 18 to 25 and Trustee Johnson from June 30 to July 6.

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 go into executive session at 7:02 p.m. per O.R.C. 121.22(G)(1) to consider the employment, dismissal, compensation of a public employee or official. The motion was seconded by Trustee Foor and passed by unanimous affirmative vote.

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Trustee Carlisle moved to come out of executive session at 7:27 p.m. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

Trustee Foor moved to adjourn at 7:27 p.m. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.



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John Carlisle, President



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Walter Rogers, Fiscal Officer

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