

# RECORD OF PROCEEDINGS

Minutes of

Meeting

## Etna Township Trustees Special Meeting

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

Held June 8, 20 2021

The Etna Township Board of Trustees met on June 8, 2021 at the Etna Township Administration Building 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 were present.

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

### **New Business**

Trustee Carlisle discussed hiring a part-time road crew worker for the summer. Wes Lorenz is going into the Marines and will be leaving the end of July 2021. Don Copley interviewed Mr. Lorenz and he will be flexible with his hours and is willing to work as needed. Don Copley will be his immediate supervisor.

Trustee Carlisle moved to hire Wes Lorenz part time at \$13.50 per hour effective immediately. The motion was seconded by Trustee Johnson. Discussion: The Trustees discussed including an ending date to terminate his employment. This will be done when he leaves. The motion passed by unanimous affirmative vote.

### **Old Business**

#### **Resolution to Certify Referendum Petition**

Trustee Carlisle stated Mr. Hart requested time to present information to the Board of Trustees.

### **Public Comments**

Tom Hart of 2 Miranova Place, Matt Callahan of 475 Metro Place, Charles Hagy of 14097 Palmer Road all yielded their three minutes to Steve Cuckler.

Steve Cuckler of 94 North Sandusky Street and Joe Pickens presented on behalf of Charles Hagy and Pulte Homes to object to the petition that was filed. Mr. Cuckler emailed a letter dated June 8, 2021, to the Board of Trustees outlining their objections to the petition and the reasons why they feel the petition is invalid. Mr. Cuckler feels the Board of Trustees has the authority to not certify the petition if they feel it is invalid. The reasons he feels it is not valid were as follows: The petition fails to satisfy the brief summary requirement of R.C. 519-12(H), there are discrepancies with the signatures obtained on the petition, and there was significant misconduct and misinformation provided by the collectors during the signatures collections process. Steve Cuckler presented the Trustees with copies of facebook posts and referenced them as "Exhibit 1" and pointed out false information within the facebook posts. Mr. Cuckler presented the Trustees with a copy of the "Keep Etna Rural" website and referenced it as "Exhibit 2". This website is showing the original plan from August 2020 which is not what the Board of Trustees passed and reviewed information on the website that is false. Mr. Cuckler presented the Preliminary Development Plan as "Exhibit 3" which is what the Board of Trustees passed. Mr. Cuckler presented an Affidavit from Andrew King as "Exhibit 4" who signed the petition and relied on the website and facebook for information. Mr. Cuckler presented "A comparison of changes in the Hagy PMUD Plan August 12, 2020 resubmittal vs. Hagy PMUD Plan as adopted by Etna Township Trustees in April 2021" as "Exhibit 5" and reviewed the changes. Mr. Cuckler entered "Exhibit 6" which is a summary of the misleading comments made during the process. Mr. Cuckler feels the average person did not know what was being signed and the Board of Trustees has the authority to not certify this to the Board of Elections. Mr. Cuckler requested if the Trustees do move to certify this to the Board of Elections that the six exhibits of objections be presented along with their resolution.

Colleen Rice of 68 Jonquil Drive discussed the referendum in the past for Frontier Ranch and feels this needs to go to the Board of Elections so they can determine if this good or if something is done wrong.

Tom Hart used the time from Mr. Snyder and stated the case and facts from some other situation does not matter here. What matters is rights of referendum which is a form of democracy and feels property rights are at stake. The standards are high and the rule of law should govern this situation.

Mark Evans of 91 Old North Church Road feels that we have attorneys for the developer and landowner trying to prevent everyone in the township from having a vote over the zoning change and feels this is wrong. If they are interested in democracy let it go to the people to vote and everyone will decide and requested the Trustees let the people speak.

Craig Zacher of 79 Trail East does not feel that Mr. Evans represents everyone in the township and he welcomes Pulte and this housing development. These houses will be in the three hundred thousand dollar range and he does not want to see apartments. Mr. Zacher thanked the Trustees for what they do.

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Joe Pickens of 94 North Sandusky Street stated the democracy requires following the law and the petition needs to be done in compliance with the law.

Mark Evans responded to Craig Zacker's comments and stated he has not claimed to represent everyone in Etna Township but feels that the voters of Etna Township should decide on this zoning.

The Trustees discussed the information presented this evening. The Trustees must act within fourteen days from the date they received the petition which was June 1, 2021. The Trustees would like the Licking County Prosecutor's office to review what was presented this evening.

The Trustees recessed at 6:35 p.m. to call the Prosecutor's office and were back in session at 6:42 p.m.

The statute requires that the Board of Trustee's certify the petitions as long as they are legal on their face, they are not tryers of fact and they are not prepared for conclusions of law, the Trustees are a mechanism of the township to get it from the residents to the Board of Elections. The petition was dropped off at the township on May 25<sup>th</sup> and today is the fourteenth day so if the Trustees wait it could put the township in a lawsuit.

**Resolution 21-06-08-01:** Trustee Carlisle moved "Resolution Certifying the Petition for a Township Zoning Referendum to the Licking County Board of Elections" as presented. The motion was seconded by Trustee Johnson. Discussion: Trustee Carlisle will forward all six of the exhibits under separate cover to the Board of Elections as requested by Mr. Cuckler. The motion passed by unanimous affirmative vote.

**Announcements and Trustee Comments**

Trustee Johnson moved to adjourn at 6:46 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.