

# RECORD OF PROCEEDINGS

Minutes of

Meeting

## Etna Township Trustees Special Meeting

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

Held \_\_\_\_\_ December 14, \_\_\_\_\_ 20 \_\_\_\_\_ 2021

The Etna Township Board of Trustees met on December 14, 2021, in the Etna Township Administration Building for the purpose of conducting a special meeting. The meeting was called to order at 5:00 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 Johnson moved to adopt the agenda as presented. The motion was seconded by Trustee Foor and passed by unanimous affirmative vote.

Trustee Carlisle moved to adopt the December 7, 2021, regular meeting minutes as presented. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

### Public Comments –

Mark Evans of 91 Olde North Church Road discussed the properties being purchased for the park. Mr. Evans feels any development requesting TIF requests should take in account all infrastructure including water and sewer.

Ron Sabatino owner of the Cumberland Trail Golf Course, Bar, and Grill and a developer in Etna Township thanked Trustee Carlisle and Trustee Foor for their hard work.

### Public Hearing

Trustee Carlisle opened the public hearing for the application submitted by AI Neyer LLC for properties 9818 Palmer Road, 10156 Palmer Road, 10829 Hazelton-Etna Road and Parcel #010-016884-00.000 from Agriculture (AG) and General Business District (GB-1) to Planned Mixed-Use Development District (PMUD).

The following individuals were present representing AI Neyer; Nate Green of 100 East Broad Street, Suite 1340 with the Montros Group along with John Bumgarner, Shad Sletto, and Luke White with AI Neyer; David Robinson with the Montrose Group and Kyle Weber Civil Engineer with the Kleingers Group.

John Bumgarner of 302 W. 3<sup>rd</sup> Street provided an overview of the AI Neyer Company which is based in Cincinnati Ohio. They will own this building, lease it, and manage it.

Nate Green explained they are requesting to rezone this property to a Planned Mixed-Use District from Agricultural and General Business Districts. This is for 113.90 acres consisting of four separate parcels owned by the Harvey Family, 310 Center LLC, and Power House Auto Ltd. The properties are located at the intersections of SR310 and Palmer Road. There will have to be improvements to the intersection for traffic. The requested permitted uses were provided in the application. The application submitted requested a density of 1,800,000 square feet in building area. The setback regulations along SR310 will have a minimum buffer of 15 feet and a minimum building setback of 200 feet; along Palmer Road a minimum buffer of 15 feet and a minimum building setback of 150 feet; along the west perimeter a minimum buffer of 50 feet and minimum building setback of 200 feet; along the east and north perimeters a minimum buffer of 50 feet and minimum setback of 200 feet. After discussions with the Etna Township Zoning Commission, the Licking County Planning Commission, and incoming Trustees the applicant has submitted an addendum to their application regarding setback regulations, additional provisions, and density regulations. The State law has the following three tests for a developer to meet; is this site and plan compatible with existing uses, does the zoning amendment address potential traffic and infrastructure issues, and whether it will have a positive impact on Etna Township. The adjacent area has Kohls and The Cubes along with other compatible uses in the area. The current Comprehensive Plan approved in 2011 has this area as commercial and agricultural. The area has changed since 2011 and they believe they are compatible with the existing uses. The traffic and infrastructure concerns will be addressed and improvements will be made in this area. They are also working with Southwest Licking Water and Sewer on the expansion needs. The developer proposes a Joint Economic Development District for these properties. This will produce income tax which will benefit the township and school district. They believe this project will create a minimum of 400 jobs with eighteen million dollars in payroll. They are proposing a hundred percent, fifteen-year abatement. Once the abatement rolls off there will be taxes from this development.

John Bumgarner provided the Addendum to the text that was submitted dated August 6, 2021, addressing setback regulations, additional provisions, and density regulations. The east perimeter will be a minimum buffer of 100 feet and a minimum building setback of 300 feet from the east perimeter. Additional Provisions will be added addressing an earth mounding and tree screening, truck limitations, and the access point. The primary access point shall be along the western boundary of the property. The Zoning District proposes a maximum ground floor building area of 1,700,000 square feet.

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### Public Comments

Mark Evans of 91 Olde North Church Road inquired on the submittal of the Preliminary Development Plan at the same time as the rezoning request. The township should know what is going in. Mr. Evans discussed being able to limit the truck traffic on Palmer Road, the Comprehensive Plan, the PMUD regarding mixed use developments, open space requirements, whether this will adversely affect neighbors' properties, and sound walls. Mr. Evans spoke with residents in the area and feels the majority are against this development. Mr. Evans is neither for nor against the development.

Patti Hayes of 10910 Smoke Road stated this development abuts the back of her property. Mrs. Hayes is for selling property but has concerns with more warehouses and factories and is against the rezoning.

Roger Digel-Barrett of 533 Ballman Road has lived here forty years and has paid full taxes the entire time. Here comes another developer and this is a spec building and they want a fifteen year tax abatement and he is against it.

Steve Perkins of 7352 Palmer Road is opposed to the rezoning and has concerns with the primary entrances being proposed on Palmer Road. Mr. Perkins is concerned with traffic and discussed the residences living in Fairfield County being represented regarding this rezoning. He has concerns with the developers doing what they promise regarding light pollution, noise, and so on.

Alexis Fitzsimmons, Executive Director of Grow Licking County discussed the economic impact of this project and in Etna Township over the past five years or so with similar projects. Since 2016 there has been more than two hundred million dollars in payroll created in the JEDDs and thousands of jobs. There are currently eight abatements in Etna Township. This project is in line with the uses in the area. Grow Licking County, as an economic development organization, does support the project.

Kristin Rensch of 78 Runkle Drive discussed the comment that this building would be comparable and feels this is a problem. The residents are tired of all the industry warehouses and Etna is turning into Obetz. The biggest concern is all of the developers coming in and instead of asking what they can do for the community they care about themselves. The developers should give back to the residents that live here that are impacted by the development. She is against it.

Leah Harvey of 12149 Palmer Road urged the Trustees to not give in to the fear of change from the opposition of this development. This development will bring increased revenue to the township and schools and not create a burden on the schools like a housing development would and she is for the rezoning.

Steven Paul of 76 Nantucket Ave discussed the developers offering a lot of maybe, possible, and could be options. Mr. Paul discussed increased property taxes. He is against the rezoning.

Ryan Davis of 8807 Watkins Road started coming to meetings during the rezoning for the now FedEx property to be more involved in the local government and has learned a lot. He discussed the hardships from that rezoning. Mr. Davis is not immediately affected by this rezoning but has concerns for the nearby residents. He discussed changing the Comprehensive Plan for the majority of the residence and discussed it being out of date.

Michelle Ford of 11401 Palmer Road discussed this being on a state route and is for the rezoning.

Jessica Dewitt of 9771 Palmer Road lives across the street from the property and wanted to live in a rural area. If this property had been zoned for a warehouse at that time she would not have purchased here. She has concerns with the lights, traffic, and noise and is against the rezoning.

John Kennard of 10785 Palmer Road is for the development and discussed development in the area and people trespassing on his property.

Fred Harvey of 12642 Palmer Road is for the development and does not feel this would hurt the community being near the interstate and located on SR310. This development will bring in taxes and feels the farmers are being forced out. Mr. Harvey submitted more letters of support for the rezoning totaling sixty-three letters.

Greg Bishop of 10777 Palmer Road discussed developers and this development. He is for this development and discussed it being located by the freeway.

Kevin Harvey of 12149 Palmer Road is for the development and feels this would be a low impact to the township because it is close to the freeway.

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Judy Reelhorn of 11194 York Road discussed this development creating four hundred jobs and Etna residences being able to work close to home. She discussed the developer being willing to work with the community and supports this rezoning.

Jeff Crawford of 10123 Loop Road provided a history of this area and discussed changes over the years. Mr. Crawford is for this development.

David Kirkbride of 10616 Smoke Road feels this is a good thing and is for the development.

Karen Harvey 12642 Palmer Road is for the development and stated it is on a state route.

Steve Escker of 10186 Taylor Road is for the development and feels development is going to happen.

Jackie Katz of 6968 Palmer Road is for the development.

Deborah Amspaugh of 11231 Palmer Road discussed increased traffic on Palmer Road and is for the development. The residents want the local jobs.

Connie Heim of 10293 Smoke Road discussed previous developments and warehouses by her house and feels there is enough already and is against this rezoning.

Dan Rensch of 78 Runkle Drive is against this rezoning and feels the zoning laws are in place to protect the majority of the residents in the area. He discussed the rural community and does not feel Etna Township needs the tax dollars from this development.

Chuck Bundy of 10254 Tollgate Road is not necessarily against this project but is against the project being developed prior to the infrastructure being in place. There are issues with water and sewer and semi traffic on the township roads. He votes no on this rezoning.

Zephaniah Harvey of 12149 Palmer Road discussed this property being located near the freeway and stated the developer is willing to work with the township regarding traffic and water and sewer. He is for this development.

John Bumgarner confirmed the primary entrance to this development will be located on SR310 and not on Palmer Road. All that is being requested this evening is the rezoning, after that they will have many more approvals with the Trustees, Licking County, ODOT, and Sewer District. This is one step in the process. This is a speculatively built development and could be multiple buildings up to 1,700,000 square feet. The jobs created are an estimate and could be more. The light pollution is addressed in the text and will be designed to remain on the property.

Jim Cotugno of 11625 Popular Creek Road is for the project.

Kurt Demsey of 10664 Snyder Church Road is for the rezoning.

Jerome Dumolt of 9706 Palmer Road is not sure why we are bringing buildings this far from the freeway and getting rid of farmland. Mr. Dumolt discussed the wet land in the area. He has concerns with the businesses leaving after the abatement is up. He is against it.

Crystal Kirk of 10776 Smoke Road discussed many of the people for the development do not live near it. Her property abuts the development and is against it.

Krista Conkle of 10574 Palmer Road is for it and discussed it being near the freeway.

Nancy Taylor of 13510 Palmer Road stated the farmers investment is their land and she is for it.

Trustee Carlisle moved to close the public hearing. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

The Trustees took a five minute recess.

Trustee Carlisle stated the Licking County Planning Commission recommended to approve with conditions. The Etna Township Zoning Commission unanimously denied the application. To move forward the Trustees will need to review the text. Trustee Johnson was not ready to make a decision this evening. Trustee Foor inquired on how the process will work with two of the Trustees terms ending. The Trustees will have one more meeting this year to sign end of the year checks.

Trustee Johnson moved to table the decision until December 29<sup>th</sup>, 2021. The motion was seconded by Trustee Foor and passed by unanimous affirmative vote.

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Trustee Carlisle opened the public hearing for the application submitted by Daniel Messer for 13100 National Road to rezone from General Business District (GB-1) and Medium-low Density Residential District (R-2) to all General Business District (GB-1).

Daniel Messer is the property owner for 13100 National Road. He explained the reason he is requesting the zoning change is to have the entire property zoned General Business. The rear of the property is zoned residential and he does not have access to it without going thru the commercial section.

John Singleton confirmed this property is straight zoned for commercial and is not in a PUD. The southern portion of the property is surrounded by General Business and the residential is to the North and West. The property owner will be required to buffer between the commercial and residential uses.

The Licking County Planning Commission recommended approval of the request. The Zoning Commission recommended the Trustees approve the rezoning.

**Public Comments – none**

The Trustees discussed the property owner can build anything in the General Business District if this is approved. This parcel has dual zoning with the General Business in the front and residential in the rear.

Trustee Carlisle moved to close the public hearing at 6:33 p.m. The motion was seconded by Trustee Foor and passed by unanimous affirmative vote.

**Resolution 21-12-14-01:** Trustee Carlisle moved “Resolution to adopt the recommendation from the Zoning Commission pertaining to the request to amend the Zoning Map for the application submitted by Danial Messer for 13100 National Road from General Business District (GB-1) and Medium Low-Density Residential District (RS) to all General Business District (GB-1)” as presented and under section one it would be adopts. The motion was seconded by Trustee Johnson. Discussion: The Trustees discussed whether this lot could be split but the property does not have enough frontage. The motion passed by unanimous affirmative vote.

**Old Business**

**Park Land Purchases**

The total cost for the Wilcox transfer is \$414,501.95, the Langel transfer is \$339,802.49, the JBW transfer is \$398,012.70, and the Garon transfer is \$947,831.47. The board will need a motion to approve these amounts for the four property owners and direct the Fiscal Officer to write the checks in those amounts and to sign the checks outside of a public meeting and to allow Trustee John Carlisle to close on these properties and represent the township during the closing. All of this is subject to approval by the Licking County Prosecuting Attorney office.

Trustee Johnson moved (As stated above). The motion was seconded by Trustee Foor and passed by unanimous affirmative vote.

**New Business**

**CRF Funds**

The balance on the CRF Funds is \$309,888.36. The Trustees previously approved Resolution 20-11-19-01 regarding The Cares Act, Coronavirus aid, relief, and economic security act which approved \$278,000 dollars going to the West Licking Fire Department. This leaves a balance of \$31,888.36 to approve for the fire department so the check for the CRF Funds to the Fire Department will be \$309,888.36.

Trustee Carlisle moved to include the \$31,888.36 balance to be sent to the Fire Department from the \$278,000 dollars that had previously been approved. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

**ARP Funds**

The balance in the amount of \$463,575.82 from the ARP Funds will go to the Fire Department.

Trustee Carlisle moved that the \$463,575.82 be also given to the Fire Department and the Fire Department will provided the township with a resolution that they are going to abide by the ARP Funds and the perimeters of the expenditures of those funds. They have until December 31, 2026, on the ARP Funds. The motion was seconded by Trustee Johnson. Discussion: Trustee Carlisle has discussed this with Lori at West Licking Fire District. The motion passed by unanimous affirmative vote.

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

**TIF Requests from Developers**

Sean McCarter from Albers office was present along with David Hodge, Chris Connelly, and Ron Sabatino.

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Sean McCarter presented the TIF's which will provide service payments for developments to pay for infrastructure of general benefit to the public. They are all ten year, seventy five percent TIF's. Which provides the seventy-five percent of normal taxes then comes as a service payment and gets distributed back out according to the TIF Agreement.

The first one is a standalone for the development that Mr. Sabatino is pursuing, the mixed use development at Pike Street/SR310. The TIF agreement which is part of the TIF resolution being approved provides that eighty percent of the TIF Funds, service payments would be made available to reimburse for the construction of the loop road connector from Main Street to SR310, the SR310 widening and access improvement, the US40 widening and access improvements including the cost of the roadway sediment erosion, drainage, maintenance and traffic control and associated expense. The Engineer's estimates were created for this at seven million, two hundred and fourteen thousand dollars. This to allow these as actual expenses that will be eligible for reimbursement and may increase or decrease. The TIF requires application back verifying the expenses were occurred. This project has different phases which make it difficult to project what it will be and how much money it will produce. The project is about ten million dollars in total TIF money at eighty percent available for reimbursement. If the developer does not occur the eligible expense the remaining funds will be available to the township. The school districts were notified by hand delivery by Albers office. This will be public infrastructure which would include the roads, water and sewer, anything that is public infrastructure, and it is at an eighty twenty split and has to be accepted and built to the standards. The township is responsible to designate who will be responsible to review the expenses.

**Resolution 21-12-14-02:** Trustee Carlisle moved resolution to approve the TIF for the Highpoint, Ron Sabatino Subdivision Development, the parcel numbers are in the resolution. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

The other four TIF's mirror each other. The properties are the Langel property, JBW property to the west of SR310, the Sheetz property, and the property across from Sheetz on the east side SR310. The big issue is the sewer infrastructure. David Hodge is working with the district to determine what can be done regarding sewer improvements to the pump station. There is an estimate of seven million dollars in needed sewer improvements. These upgrades will help all of the properties. This split is against the ten years that creates the fund and is seventy-five to the developer for the first five years then at five years there will be a review to determine how the TIF service payments are performing. This will only pay for eligible cost.

David Hodge explained this is a public private collaboration for public infrastructure whether it's a traffic signal, improvements to US40 or SR310, or sewer upgrades. This is private sector working with the government to address existing infrastructure issues. The property owner is working with the township and providing land for a park that will benefit the residents of Etna Township forever.

The TIF language is always the same to create the fund. It is the split language that differs.

**Resolution 21-12-14-03:** Trustee Carlisle moved TIF for the Langel development. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

**Resolution 21-12-14-04:** Trustee Carlisle moved KNC Development TIF as presented. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

**Resolution 21-12-14-05:** Trustee Carlisle moved resolution to approve the TIF for JBW Property as presented. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

**Resolution 21-12-14-06:** Trustee Carlisle moved the Sheetz TIF as presented. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

### Announcements and Trustee Comments – None

Trustee Johnson moved to adjourn at 7:05 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.