

# RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Trustees Special Meeting

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

Held \_\_\_\_\_

October 24,

20 \_\_\_\_\_

2023

The Etna Township Board of Trustees met on Tuesday, October 24, 2023, in 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 Trustee McKee. Jon Hanson led the invocation and Rozland McKee led The Pledge of Allegiance. Roll call showed Trustees Mark Evans, Rozland McKee-Flax, and Fiscal Officer Julie Varian were present. Jeff Johnson arrived at 6:39 p.m.

Trustee McKee moved to adopt the agenda as presented. The motion was seconded by Trustee Evans. Discussion: Trustee Evans requested Loop Road be on the agenda. Nita Hanson explained the township did not have the information from Jared Knerr. The motion passed 2-0.

Trustee McKee moved to adopt the minutes from the October 3, 2023 meeting as presented. The motion was seconded by Trustee Evans. Discussion: Trustee Evans does not feel these minutes reflect the business of the board. The roll call was as follows: Evans, no and McKee yes, 1-1 motion failed.

### Public Hearing

President McKee opened the public hearing at 6:07 p.m. for the application submitted by the Zoning Commission for text amendments to the Zoning Resolution to Article – 2 Definitions and Article 10 – Supplementary District Regulations. The legal notice for the Board of Trustees public hearing was in the Pataskala Standard on October 12, 2023. The application was submitted to the Licking County Planning Commission for a non-binding recommendation on September 8, 2023. The Planning Commission Board met on September 25, 2023. The LCPC Board voted to provide a non-binding recommendation of Conditional Approval. The Zoning Commission recommended the Board of Trustees to approve the application and was received on October 3, 2023.

Zoning Inspector John Singleton reviewed the recommended text amendments. In the copy provided the text in green is recommended to be added and the text in red is recommended to be removed. The conditions recommended by the Licking County Planning Commission were to delete the last sentence in the definition of “Research Activities” because it is no longer applicable and to monitor Issue 2 on the November 7, 2023, Ohio Elections regarding the topic of marijuana. The Zoning Commission agreed with the recommendation by the Licking County Planning Commission and also increased the height from six feet to eight feet for free standing solar panels in Table 1005B. The recommended changes were reviewed by the Licking County Prosecutor’s Office. John Singleton reviewed the recommended changes. The opinions from the Licking County Prosecutor’s Office and the Planning Commission were to remove the sections that were under the jurisdiction of other agencies. The section numbers will be modified in the final document after approval.

The recommendation to increase the height for the solar panels was discussed. The use for ground mounted solar panels goes before the Board of Zoning Appeals as a conditional use and buffering requirements can be part of the approval. When the buffering section of the Zoning Resolution was modified, it was discussed to add buffering requirements for solar panels.

The discussion regarding Mobile Food Vendors being permitted in residential areas for special events, graduations, block parties, events held by Homeowner’s Associations. This is dealing with a food truck setting up to do business. This would not restrict food for a private party like catering. The Trustees discussed allowing the food trucks in neighborhoods. The Board of Trustees can approve this text amendment with modifications. The Zoning Fee for Mobile Food Vendors is currently for operating in the General Business and Manufacturing Districts where they are permitted in Etna Township. There is not a fee for them to operate at a special event or festival currently. Trustee Evans suggested input from the Food Truck Vendors and the Licking County Prosecutor’s Office regarding residential areas.

### Public Comments –

Gary Burkholder of 254 Trail East is glad to see regulations on the community size solar and would like to see the township pass a resolution to the Licking County Commissioners regarding industrial solar.

Doris Caceres Schumick of 9136 Mink Street discussed Section 1015 Noise regarding the existing language being misinterpreted and recommended a modification to this language.

Steve Perkins of 7352 Palmer Road discourages producing rules that are unenforceable and encourages the language to be enforceable and to avoid rules that create more issues for the majority.

The Board discussed how to proceed and the public hearing requirements.

Trustee Johnson arrived at 6:39 p.m.

Trustee Evans moved to recess the public hearing at 6:41 p.m. to add additional language and to have it on the next meeting agenda. The motion was seconded by Trustee McKee. Discussion: The Trustees provided Trustee Johnson with an update and discussed the Mobile Food Vendors. The motion passed by unanimous affirmative vote.

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### Public Comments –

Eric Rager of 10460 Loop Road wanted to discuss the school bus stop issue. This is a special meeting and this topic cannot be discussed this evening.

Judy Cafmeyer of 29 Roma Court requested a brief discussion of the items on the Special Meeting Agendas and discussed the definition of the Special Meetings and the Sunshine Law Handbook.

Steve Perkins of 7352 Palmer Road discussed Robert's Rules of Order "postponement to a time certain".

Gary Burkholder of 254 Trail East discussed the draft minutes and comments made by Trustee McKee. Mr. Burkholder stated "I do not work for Mark Evans. For the last two years I have volunteered to help residents in this community. The only people I work for are the residents of this community. Now I want to clarify something, I have worked with Mr. Evans. I've worked with our Fiscal Officer. I've worked with Laura Brown to get public records. I've worked with Nita Hanson. I've worked with Mr. Singelton when we have residents that have had questions here. I've worked with the County Commissioners. I've worked with a variety of individuals to assist them, as a volunteer, and I want that in the record so that is very clear. But the question I have for you, Trustee McKee, and I have said it publicly, that I will work with you as a resident and if I am elected as a Trustee. My question is will you work with me as a resident? And that is the question I have for you." Trustee McKee stated "I work with all residents. I don't treat anybody different. I work with all residents. Including you. So, like you mentioned all the people you worked with here, have you worked with me, have you worked with me, Mr. Burkholder. As the president of this board, have you, excuse me I am asking you the question, have you." Mr. Burkholder feels he has. Trustee McKee "So I am going to make it clear, about you, we got the email from Mr. Evans stating that he hired you as his unpaid consultant, that is not something that I made up, it is a fact, there is an email to prove it, so that's why, okay, that is why I have made that clear, and that is why the letter went out from our legal team."

### Reports – Township Administrator

Township Administrator Nita Hanson provided an oral report regarding several township items and community events.

### Road Department Expenditures

Trustee Johnson moved to authorize up to \$1,471 dollars to AtMax to service the Mowermax. The motion was seconded by Trustee McKee. Discussion: This will address an issue with uneven wear on the tires. The request is for the quote provided. The motion passed by unanimous affirmative vote.

Trustee McKee moved to authorize up to \$3,641 dollars to Jess Howard to replace the light pole. The motion was seconded by Trustee Evans. Discussion: This is to replace a damaged pole on Taylor Road. The Trustees discussed reimbursement from insurance companies. The motion passed by unanimous affirmative vote.

Trustee McKee moved for the approval of the Jess Howard traffic device controller in the amount of \$1,254 dollars. The motion was seconded by Trustee Evans. Discussion: This is for the device at Taylor and Palmer Roads. This was not caused by damage. The motion passed by unanimous affirmative vote.

The site visit for the Venture Drive dedication is scheduled for November 9, 2023 and the hearing is scheduled for November 16, 2023.

### New Business –

#### AMH Easement Broyles 2 Project

Randy Robert, Director of Land Development for AMH Development LLC presented a request for a drainage easement area of .655 acres +/- on township property at 8980 Smoke Road. Nita Hanson explained that AMH Development's plan proposed the storm water drainage to transgress over the township's property and the only way for this to happen is for the Trustee's to grant an easement.

The Trustees discussed AMH modifying their plan to keep this onto their property and whether the pond could be modified to retain additional water. Mr. Robert explained the process that is already completed with Licking County.

Nita Hanson spoke with Licking County Soil and Water and AMH will be required to have emergency spillway and it does not have to be located on the township property. It will require AMH to redesign their existing plan to place it on one of their other available lots. This is perhaps one of the easiest solutions for the emergency spillway to be designed but it is not the only way for it to be designed. The Trustees discussed concerns about granting the easement on the park land when the park is not been designed. The long-term maintenance of the emergency spillway was discussed. This would be part of the Licking County petition ditch program and the cost of the maintenance will be accessed through



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property tax. The township would never have a maintenance cost with this emergency spill way. Mr. Robert provided handouts showing the proposed emergency spill way. The natural flow of water was discussed, and other possible options were discussed.

John Singleton explained if this request is denied the developer will have to re-design to keep it on the developer's property. Mr. Robert discussed the timeline for the development. The lift station is in Phase One of the development. The emergency spillway is in Phase Two of the development.

Mr. Robert referenced an emergency spillway located in Estates at Lake Forest off of Rapala Lane in Pickerington.

Nita Hanson reviewed the timeline of the process regarding the easement request. Nita Hanson has been working with the Licking County Prosecutor's Office and the developer regarding the easement.

Trustee Evans moved to postpone this until a later date to give us time to research and look at options and to have Mrs. Hanson talk to the developer about possibly other options instead of using our land but if it is needed. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

### **OPWC for Cumberland Crossing**

**Resolution 23-10-24-01:** Trustee McKee moved "Resolution to authorize Rozland McKee to prepare and submit an application to participate in the Ohio Public Works Commission State Capital Improvement and/or Local Transportation Improvement Program(s) and to execute contracts as required and Fiscal Officer Julie Varian to sign the Chief Financial Officer's Certification of Local Funds/Loan Repayment for \$194,484 dollars." The motion was seconded by Trustee Johnson. Discussion: The Trustees discussed which development and roads to apply for. Whether to submit two projects was discussed. The motion passed by unanimous affirmative vote.

### **Etna Community Park Survey**

Nita Hanson discussed having Win-Waste include the Park Survey Questions in their next billing cycle. The next billing cycle is not until the end of November. Win Waste is considering mailing at no cost to Etna Township. The survey that would be mailed was provided to the Trustees. Adding where to return the survey was discussed and when the survey would need to be returned by. It will also be on the website, list serv, and paper copies at township hall.

Trustee McKee moved to post the Etna Township Community Park Survey Questions on the township website, send to the list serv, and request Win-Waste to include in a separate mailing if available, and paper copies will be available at the township hall. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

### **GROW Licking County – Assignment and Assumption Agreement**

Trustee McKee moved to authorize Rozland McKee to sign the GROW Licking County Assignment and Assumption agreement for a transfer of ownership of the property located at 8940 Global Way from "Exeter Parcel 5 Etna Land, LLC" to a "DEV Property OH LLC" as presented. The motion was seconded by Trustee Evans. Discussion: Nita Hanson explained this is for a change of ownership. The motion passed by unanimous affirmative vote.

### **Ohio Insurance OPEC Renewals Effective January 1, 2024**

Trustee McKee moved to approve the OPEC Dental and Life Program renewals for January 1, 2024, as presented. The motion was seconded by Trustee Evans. Discussion: This is for a one-time three percent, and it locks in with zero percent for life insurance. The motion passed by unanimous affirmative vote.

### **Old Business –**

Nita Hanson explained after review by the Licking County Prosecutor's Office there were issues with the contact with Elon to purchase the radar signs that Elon was not willing to change. Mrs. Hanson has located radar signs through All Traffic Solutions. These radar signs are being used by the City of Reynoldsburg. Mrs. Hanson was able to meet with the City of Reynoldsburg to see the signs and the reports that are created by the data from these signs. The fees for the cloud base feature were discussed and whether it was included in this quote. Mrs. Hanson believes this includes the upgraded cloud feature. This is a pole mounted sign that is moveable. Mrs. Hanson will verify the traffic cloud feature.

### **All Traffic Solutions**

Trustee Evans moved to approve the purchase of the All Traffic Solutions as presented for \$7,393.59 conditioned that it contains and includes the traffic cloud data transmission with no additional fees. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

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**Global Way 629 Supplemental Application**

Nita Hanson discussed the legal fees that could be submitted under Professional Services for reimbursement from the Global Way 629 Grant. The grant will reimburse twenty five percent of the cost occurred which is \$7,009.75 of the total fees \$28,039 dollars. The remainder of the funds will revert back to the State of Ohio.

Trustee McKee moved to approve the Supplemental Application for reimbursement from the Global Way 629 Grant for professional services in the amount of \$7,009.75. The motion was seconded by Trustee Evans and passed by unanimous affirmative vote.

**Fiscal Officer Report**

**Resolution 23-10-24-02:** Trustee McKee moved to approve the purchase orders as presented. The motion was seconded by Trustee Evans and passed by unanimous affirmative vote.

Trustee McKee moved to ratify the payment for the bills as shown on the payment listing. The motion was seconded by Trustee Evans. Discussion: The Brosius and Griggs invoice was removed to adjust the payment minus the West Licking CIC legal invoices. The motion passed by unanimous affirmative vote.

**Announcement and Trustee Comments -**

Trustee Evans requested the agendas be released earlier than the day before for the Trustees and residents.

Trustee Johnson moved to adjourn at 7:51 p.m. The motion was seconded by Trustee McKee and passed by unanimous affirmative vote.

  
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Rozland McKee President

  
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Julie Varian, Fiscal Officer

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