

# RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Trustees Regular Meeting

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

Held December 5, 20 2023

The Etna Township Board of Trustees met on Tuesday, December 5, 2023, in the Etna Township Administration Building for the purpose of conducting a regular meeting. The meeting was called to order at 6:00 p.m. by Trustee McKee. Jeff Johnson led the invocation and Rozland McKee led The Pledge of Allegiance. Roll call showed Trustees Mark Evans, Jeff Johnson, Rozland McKee-Flax, and Fiscal Officer Julie Varian were present.

Trustee McKee moved to adopt the agenda as presented. The motion was seconded by Trustee Johnson. Discussion: Trustee Evans does not feel there is cooperation with him on this agenda and it was not posted until 25 hours prior to the meeting. The motion passed by unanimous affirmative vote.

Trustee McKee moved to adopt the minutes from the November 21, 2023, meeting as presented. The motion was seconded by Trustee Johnson. Discussion: Trustee Evans does not feel these minutes properly reflect the actions of the board. The roll call was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

### Public Comments

Judy Cafmeyer of 29 Roma Court supports Pataskala and discussed supporting the neighbors in our County, State, and Country. There is a group of interested citizens in Pataskala, Etna, and around Licking County concerned with the Solar Panel Manufacturing Plant at 3600 Etna Parkway in Pataskala. Ms. Cafmeyer requested the Trustees do their own research, not to sell out your citizens, if you do not want it next door to you then neither does Ms. Cafmeyer, to be transparent, and honest.

Ryan Davis of 8807 Watkins Road discussed the New Community Authority and using it for putting together the new park. Mr. Davis is concerned with the Langel Property being purchased in lieu of water and sewer service being provided to the front lots on US40. Mr. Davis has concerns with putting off the purchase and requested updates on the water and sewer, the date chosen to push it back to, and the confidence level on when the purchase will be completed.

Joyce Black of 13398 Palmer Road addressed a rumor that Etna will be annexed by the City of Reynoldsburg. Mrs. Black discussed Reynoldsburg adding to their First Responders and Police force.

### Executive Session

Trustee McKee moved to go into Executive Session per O.R.C. 121.22 (G) (2) To consider the purchase of property for public purposes and (8) For the purpose of considering confidential information directly related to a request for economic development and the time was 6:10 p.m. The motion was seconded by Trustee Johnson. The motion passed by unanimous affirmative vote. Invited into the executive session were the Board of Trustees, Township Administrator Nita Hanson, and Attorney Julie Donnan.

Trustee McKee moved to come out of executive session and the time was 7:10 p.m. The motion was seconded by Trustee Evans and passed by unanimous affirmative vote. For the record all three Trustees, Julie Donnan, and Nita Hanson were in the executive session.

### Resolution authorizing the amendment of the real estate purchase contract with the Langel Family

David Hodge with Underhill and Hodge is representing Oxford Circle Development and the Langel Family Farm. Mr. Hodge explained that at the end of 2020, there was an agreement in place for the eastern twenty or so acres of the Langel farm to transfer over to Etna Township with conditions. The conditions were the ability of the front portion of the Langel farm to be developed. For three years Mr. Hodge has been trying to work through the Licking County development process. Today there are approved construction plans and they are close to having the building permits. The developer still needs a water PPI issued by the EPA to finalize the agreement with Southwest Licking Water and Sewer District. The existing purchase and sale agreement for the park land will expire at the end of 2023. Mr. Hodge is requesting the Trustees extend the agreement to the beginning of June 2024. Mr. Hodge's expectation is that this will be completed by March of 2024 and Oxford Circle Development will own the front portion and Etna Township will own the eastern portion for the park. The Langel Family was not able to attend this evening due to prior commitments. The conditions of the purchase agreement were discussed. Mr. Hodge explained that Etna Township has already paid for the park land and it is in escrow. Once those conditions are met then the money will be applied to finalize the purchase. Mr. Hodge explained Etna Township is purchasing this property for under seventeen thousand dollars, sixteen nine, an acre which is way below property value as a benefit from the Langel Family and Oxford Circle Development.

David Hodge discussed the properties along SR310 (Sheetz, Eagle Heating and Cooling, Langel Property (Oxford Circle Development), and portion of the JBW) that are in a TIF. The projections for these TIFs are around four to five million dollars conservatively. The TIFs are set up to be reimbursed over a ten-year period. Mr. Hodge explained the developer is requesting in the TIF amendment to bond the improvements so the developer can go out and take on investors, whether it is a bank or someone else, and to obtain the money from the investors upfront, and those investors would be reimbursed out of the TIF.

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For Etna Township the TIF money is a finite amount of money that will be generated by the TIF. The remainder of the money generated by the TIF after the cost of the infrastructure will come back to Etna Township. This will happen whether the township remains under the original TIF agreement or approves the proposed amendment to the TIF. David Hodge explained the different infrastructure costs being water and sewer for Sheetz, Oxford Circle Development, and JBW.

The Trustees discussed the numbers in the TIF and what Etna Township is expected to receive in revenue. Mr. Hodge verified that the developer must provide cost certifications for the infrastructure reimbursements under B2, which is the public infrastructure. David Hodge explained the developer will be asking for reimbursement for everything legally permitted to be reimbursed under the TIF statutes. Trustee Evans has concerns with Etna Township giving up revenue. David Hodge does not believe the township is giving up any revenue.

Creating a JEDD was discussed. David Hodge has been trying to do a JEDD on this property for three years. There was discussion on reaching out to Sheetz regarding participating in a JEDD. Mr. Hodge is willing to have the TIF amendment contingent on the creation of a JEDD. Mr. Hodge has worked with Brosius, Johnson, and Griggs in the past on the creation of JEDD's with Sheetz.

David Hodge confirmed the renewal of the purchase contract for the park property is not tied to the approval of the TIF. Mr. Hodge is requesting the township continue to work as collaboratively as possible to see this long-term project through.

David Hodge requested the Trustees act on both the purchase and TIF Agreements this evening and is willing to have the TIF contingent on the creation of the JEDD along the commercial outparcels. Mr. Hodge feels he is a trustworthy guy and requested the Trustees take him at his word.

**Resolution 23-12-05-01:** Trustee McKee moved Resolution authorizing the third amendment of the real estate purchase contract with the Langel Family to extend the deadline of the Purchase Contract to June 1, 2024, as presented. The motion was seconded by Trustee Evans and passed by unanimous affirmative vote.

### **TIF Agreement Amendment with the Langel Family**

The Trustees discussed the TIF Agreement and incorporating the language for creation of a JEDD. Julie Donnan, Attorney from Brosius, Johnson & Griggs, explained the process and ways to create language regarding the JEDD without having the JEDD completed at the same time. The language can be drafted for action at the next Trustee meeting on December 19, 2023. David Hodge is not able to attend that evening and requested the action be taken prior to December 31, 2023.

### **Reports – Township Administrator**

Township Administrator Nita Hanson provided an oral report regarding several township items and events. Mrs. Hanson explained the Annexation Agreement between Etna Township and the City of Reynoldsburg. There are only two small parcels remaining that can be annexed into the City of Reynoldsburg.

Nita Hanson provided highlights from the written report submitted by Trent Stepp regarding the Southwest Licking Water and Sewer District. The district has been given conditional approval to begin the construction of the Wagram Road facility. The Refugee Road project was impacted by the developer and the current projection is that Refugee Road at Smoke Road will be open prior to Christmas. The work for the water district is complete at this intersection.

Nita Hanson discussed the holiday lights and decorations that have been put up by the Road Department. There are several lights that need to be replaced and Don Copley will obtain after holiday prices for replacement in January.

### **Sheriff Cruiser Repair**

Nita Hanson provided an estimate to repair the vehicle that is being used by Etna Township while waiting for the new cruisers. The estimate from Maverick Motors is \$550.30.

Trustee McKee moved to approve the Maverick Motors expense for \$550.30. The motion was seconded by Trustee Johnson. Discussion: This is the loaner vehicle provided by the Licking County Sheriff's Office and there is nothing in the agreement that requires the township pay for this repair. The township has been using this vehicle since January with no additional cost other than the fuel from the Sheriff's office. The motion passed by unanimous affirmative vote.

The township has received several applications for the open Road Crew position. Nita Hanson and Don Copley have reviewed them and will provide recommendations on individuals to fill the position.

The new tenant in the CRG spec building will be Stanley Black and Decker.

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Scannell has reported to Licking County that the materials and the access agreement with the adjacent landowners are in hand. Surveying for the Campbell ditch will take place December 8, 2023.

New Business – MORPC Annual Dues

Trustee McKee moved to approve the MORPC 2024 annual dues in the amount \$6,394.24. The motion was seconded by Trustee Evans and passed by unanimous affirmative vote.

Comprehensive Plan Adoption Process

Trustee Johnson reported that the Comprehensive Plan Committee has voted on and approved the plan and it has been forwarded to the Zoning Commission for review. The Zoning Commission will review and make recommendations to the Board of Trustees. Trustee Johnson explained it is up to the Zoning Commission whether to hold a public hearing, make modifications, and then send the recommendation to the Trustees. The Trustees can hold public hearings, make changes, and could also decide to send it back to the commission. The Trustees will adopt the final plan.

Litichia McIntyre, Chair of the Zoning Commission, thanked Trustee Johnson for breaking down the process. The Zoning Commission will discuss this more at the Zoning Commission meeting in January.

Township Hall Cleaning Contract – New Jan II

Trustee McKee moved to approve the contract with New Jan II for \$300 dollars a month for up to two years. The motion was seconded by Trustee Johnson. Discussion: This locks in the rate for two years. The building will be cleaned twice a month for one hundred and fifty dollars each time. If there are issues with the service that would be a breach of contract. This company has cleaned the carpets and floors along with deep cleaning for the township for many years. The company is licensed and insured. The Licking County Prosecutor’s Office has reviewed the contract. The Trustees discussed the work that will be provided. The roll call was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

Resolution Employing Township’s Attorneys on an Annual Basis for the year 2024

Resolution 23-12-05-02: Trustee McKee moved Resolution employing township’s attorney, Brosius, Johnson, and Griggs, on an annual basis for the year 2024 for the sum of \$35,000 as presented. The motion was seconded by Trustee Johnson. Discussion: This is up to \$35,000 with the Trustees approving the work. The motion passed by unanimous affirmative vote.

Adult Use Marijuana – The township is waiting for information regarding this House Bill and will place this on hold for now.

Old Business –

Intergovernmental Agreement for Taylor Road Interchange Impact Study

Trustee McKee moved to approve the Intergovernmental Agreement between the City of Reynoldsburg and Etna Township and authorize \$16,333.33 for the cost of the services under the agreement with EMHT as presented. The motion was seconded by Trustee Evans and passed by unanimous affirmative vote.

Public Hearing – Text Amendment

Trustee McKee re-opened the public hearing that was recessed on October 24, 2023, 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.

Trustee Evans has concerns about this being on the agenda this evening because of the short notice to the public. Trustee Evans spoke with the President of the Mid-Ohio Food Truck Association, Zack James, who has a lot of concerns with the proposed regulations. Trustee Evans has also spoken with other Food Truck owners. Trustee Evans does not know why we are addressing this in such a rushed manner. Trustee McKee does not feel it was rushed; it was on here before.

Public Comments –

Doris Caceres Schumick of 9136 Mink Street discussed Section 1015 Noise and changing the language. John Singleton explained that it has been recommended to remove Section 1015 Noise because it is not enforceable by zoning. Noise is only enforceable by law enforcement with a Resolution passed by the Board of Trustees. John Singleton explained that the Board of Trustees can pass a resolution that law enforcement can enforce per the Ohio Revised Code section regarding noise coming from an establishment holding a Class D liquor license and noise being generated within a residential district.

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Nita Hanson explained that it was recommended removing any sections that are not enforceable by township zoning from the Zoning Resolution. Etna Township does not have a noise ordinance like a city or home rule township would have.

Judy Newman of 9630 Lynns Road inquired on Scannell dropping the trailers all night and whether the sheriff could enforce the noise. John Singleton will verify what the language in the PUD for Scannell states regarding noise.

Trustee Evans discussed the language for glare being limited to residential districts and light pollution. John Singleton read the section and it is not limited to only residential districts.

The Trustees discussed the language for Food Trucks and whether they are permitted for a graduation party in a residential district. John Singleton provided a recommendation to add the word "homeowner" so this would allow special events for a resident. This can be modified when approving the text amendment. The Trustees discussed using "resident" instead of "homeowner."

John Singleton explained the request to modify Table 1005A from the Board of Zoning Appeals regarding square footage limitations for larger lots such as three acres and larger. The recommended text is as follows: \*\* Accessory structures exceeding these limits on parcels of three acres or larger shall be a Conditionally Permitted Use. \*\* Accessory structures, not to exceed  $(\text{Gross acreage of lot} \times 600) + 120 \times 2 = \text{Maximum permitted square footage}$ , on parcels of three acres or more, regardless of Zoning District, may be conditionally permitted upon proper application and approval in accordance with Article 5, Sections 521 through 526. The Licking County Prosecutor's office has been working with the Zoning Office and the Board of Zoning Appeals regarding variance requests from residents which larger lots. The Prosecutor's office feels the board can grant variance requests for residents with larger lots without this amendment, but the board feels this would give them more teeth. The Board of Zoning Appeals recommends this amendment be added as a conditionally permitted use. This amendment was also discussed with the Zoning Commission. The Board of Appeals drafted the formula and the Prosecutor's office has reviewed the recommended language. The O.R.C. regulates agricultural uses. The Trustees discussed the reason behind the initial adoption of the square footage limitations. This would require a Conditional Use which gives them more control over the request where the variance request a resident would have to prove hardship.

Trustee Johnson moved to close the public hearing at 8:24 p.m. The motion was seconded by Trustee McKee. The discussion is shown above. The motion passed by unanimous affirmative vote.

**Resolution 23-12-05-03:** Trustee McKee moved Resolution to adopt with modifications the recommendation from the Zoning Commission pertaining to the request to amend the Zoning Resolution to Amend Article 2 – Definitions and Article 10 – Supplementary District Regulations. In Section 1 adopt with the modifications as attached in Exhibit 1 and the modification to Mobile Food Vendor. The motion was seconded by Trustee Johnson. Discussion: The change to Mobile Food Vendor will be made to Exhibit 1. The motion passed by unanimous affirmative vote.

### AMH Easement Broyles

Randy Robert, Director of Land Development for AMH Development LLC discussed the request for a drainage easement area of .655 acres +/- on township property at 8980 Smoke Road. Mr. Robert emailed the Trustees five photographs of the outline of the concrete matting and exact location for them to be able to grant the request. Trustee Johnson was able to walk the area.

Mr. Robert provided an update to the Refugee Road Closure. A single lane opening with a traffic device with concrete barriers on the edge to prevent someone from going over the edge should be done by December 22, 2023. Mid-Spring there will be another closure for six to eight weeks to finish the work.

The Trustees discussed the property and the easement request with Mr. Robert. The Trustees will request Licking County Soil and Water and the park consultant to advise them on this request.

### 2024 Trash and Recycle Fees

Win-Waste has provided an estimated cost for the trash and recycling fees and feels that up to \$150,000 would be enough to cover paying the first quarter 2024 invoices. There will be a message from the township to announce the payment made by Etna Township. This would be to cover all residential services that are provided. Trustee Johnson explained this has been done in the past and feels this is a good way to give back to the residents in the township.

Trustee Johnson moved to pay the first quarter 2024 trash for the Etna Township Residents not to exceed \$150,000. The motion was seconded by Trustee McKee.

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Discussion: Trustee McKee feels paying for the trash is good and this is not political because nobody is running for office. Trustee Evans read a comment from a resident that feels this was done as a political stunt for re-election as become a permanent political strategy and feels money should be spent on township expenses and debt. Trustee Evans presented pictures of the cemetery and feels we have declining revenue and increasing road paving costs. Trustee Johnson feels this is the residents money and a way to give back to them. Trustee Johnson provided history on the cemetery fence and the road department is working on replacement pieces to fix the damaged fence. The Trustees discussed whether the township has a liability to fix tombstones in the cemetery. Trustee Johnson does not see how this is a political stunt when he is leaving office. The township has a six-million-dollar carryover. The township has received many calls from residents thanking the Trustees for paying for the trash and inquired about when the Trustees will pay for the trash again. The Trustees discussed some of the residents that do not have trash service that will not benefit from this. The youth have been damaging the cemetery fence. The roll call was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

### 2024 Draft Budget

The Fiscal Officer and the Trustees reviewed the draft budget packet for 2024 that was presented. The election expenses, payments to another political subdivision, Zoning Salaries, the other expenses in Zoning, Parks Department, the revenue for Farm income, accounting fee, legal fees, Medicare taxes, Township Administrator Salary, updating the website maintenance, social media maintenance, records clerk were some of the items discussed. A new position for Records Clerk budgeted for eighty thousand dollars was discussed. The Board of Trustees will have to approve any transfers in 2024 between funds. Nita Hanson will check into the revenue from the TIF agreements. It will take board action to spend the funds. Whether to pass a Temporary Budget versus Permanent Budget was discussed. F/O Varian will make the recommended changes and provide the Trustees with an updated copy.

### Fiscal Officer Report

F/O Varian provided a resolution to transfer funds and amend the 2023 Appropriations. The amendment was for four hundred thousand dollars from 1000 (General) to Special Revenue to 2031 Road & Bridge fund for Road Crew Expenses. F/O Varian and the Trustees discussed this request. This is for expenses in December and first quarter of 2024 up until the taxes come in April 1, 2024. There are only five thousand dollars remaining in the Road and Bridge Fund. F/O Varian discussed this resolution with the Licking County Auditor's office.

**Resolution 23-12-05-04:** Trustee Evans moved resolution for transfer of funds and amend the 2023 appropriations as presented. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

**Resolution 23-12-05-05:** Trustee Evans moved to approve the purchase orders as presented. The motion was seconded by Trustee McKee. Discussion: This includes Maverick Motors for the cruiser repair and the account codes will be corrected. The motion passed by unanimous affirmative vote.

Trustee McKee moved to transfer the funds as presented. The motion was seconded by Trustee Johnson. Discussion: This is to transfer \$6,175.65 from 2031-330-190-0000 Other – Salaries to 2031-330-221-0000 Medical/Hospital. The motion 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 and passed by unanimous affirmative vote.

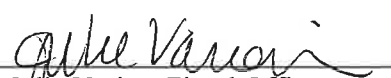
### Announcement and Trustee Comments -

Trustee Evans requested the information sooner for the Trustee meetings. Trustee Evans feels the Trustees are all equal and information should not be kept from one Trustee.

Trustee McKee never intended on being the President of the Board of Trustees and reluctantly took the role of President of the Board of Trustees to stop the fighting and to get things done. Trustee McKee has spent thirty plus hours in the township hall working on township business until the hiring of Nita Hanson. Trustee McKee hopes that Trustee Evans will work together with the new board.

Trustee McKee moved to adjourn at 9:55 p.m. The motion was seconded by Trustee Johnson and passed by unanimous affirmative vote.

  
Rozland McKee President

  
Julie Varian, Fiscal Officer

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