

## RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

January 8,

2014

Held

20

**Organizational Meeting**

The meeting was called to order by Chairman Rick Cox at 6:06 p.m. on January 8, 2014 at the Etna Township Administration Building. The roll call showed members Kathy Johnston, Roger Digel-Barrett, Rick Cox, Claudette VanDyne, and Mark Schaff present, along with Clerk Laura Brown.

Trustee President, John Carlisle, swore in re-appointed member Rick Cox prior to the meeting.

The meeting was turned over to Clerk Laura Brown for chairman nominations.

Mark Schaff nominated Roger Digel-Barrett and Claudette VanDyne nominated Rick Cox for Chairman. The nominations were closed. Roll call was as follows: Kathy Johnston - Rick Cox; Roger Digel-Barrett - Roger Digel-Barrett; Rick Cox - Roger Digel-Barrett; Claudette VanDyne - Rick Cox; and Mark Schaff - Roger Digel-Barrett. Roger Digel-Barrett will serve as the Chairman for 2014.

The meeting was turned over to Chairman Digel-Barrett.

Mark Schaff nominated Claudette VanDyne for Vice Chairman. Claudette VanDyne declined. Rick Cox nominated Mark Schaff and Kathy Johnston nominated Rick Cox for Vice Chairman. Roll call: Kathy Johnston - Rick Cox; Roger Digel-Barrett - Claudette VanDyne; Rick Cox - Rick Cox; Claudette VanDyne - Rick Cox; and Mark Schaff - Rick Cox. Rick Cox will serve as the Vice Chairman for 2014.

Rick Cox moved to appoint Laura Brown as the Board of Zoning Appeals Clerk. Kathy Johnston seconded the motion and it passed by unanimous vote.

Rick Cox moved to approve the duties of the Board of Zoning Appeals Clerk as presented. Claudette VanDyne seconded the motion and it passed unanimously. The duties of the Clerk for compensation were presented as follows: To attend all Board of Zoning Appeals meetings/hearings and take minutes. Minutes shall be prepared for the Board of Zoning Appeals' approval and shall be completed on the Clerk's own time and will be compensated out of the annual budget for the Board of Zoning Appeals. Any and all other tasks that the Clerk for the Board of Zoning Appeals needs to complete may be completed under the umbrella as the Secretary to the Board of Trustees and at the discretion of the Secretary's Supervisor. These tasks are, but not limited to, the following: Preparing agendas, posting agendas on the township website, posting minutes on the township website, preparing mailing lists, sending notifications to residents for upcoming hearings, sending notifications to all board members of upcoming hearings/meetings, notifying the media of upcoming hearings/meetings and the cancellations of such hearings/meetings, updating and distributing the BZA welcome packet, general office duties as needed, and the printing of prepared meeting/hearing minutes and final orders using township equipment/supplies.

Claudette VanDyne moved to authorize the Board of Zoning Appeals Clerk to contact the Licking County Prosecutor's Office for administrative purposes only. The motion was seconded by Rick Cox and it passed by unanimous vote.

Rick Cox moved to use the Pataskala Standard and Newark Advocate (if necessary) as the designated media for public notices. In addition, all notices are to be posted on the township website. Claudette VanDyne seconded the motion and it passed by unanimous vote.

Rick Cox moved to approve the 2014 submission deadline of noon on the first Tuesday of the month and a monthly meeting to be held at 6:00 p.m. on the fourth Tuesday of the month. The motion was seconded by Kathy Johnston and it passed by unanimous vote.

Chairman Digel-Barrett presented new wording for the meeting cancellation on the notices. The clerk will work with the Chairman on the wording. The policy will remain the same that if a meeting needs to be canceled it will be decided at least two hours prior to the meeting and notification will be posted on the township website, radio station T-100 will be notified, and the applicant will be contacted.

The Board of Zoning Appeals will continue with the same procedure for members informing the Board of scheduling conflicts with regard to meetings and hearings.

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Rick Cox moved to approve the minutes and sign the final order from the adjudicatory hearing on December 17, 2013 for variance VA13-06 for ProLogis. The motion was seconded by Kathy Johnston. Discussion: Mark Schaff requested that the sentence "Rick Cox did agree that a member of the Economic Development Committee could have a conflict of interest" be removed. Kathy Johnston would like it to remain. Roger Digel-Barrett feels the minutes are too long and the minutes only need the opening, who is there, brief discussion and then to be voted on. Rick Cox feels the Board of Zoning Appeals holds hearings and likes the style of the minutes.

Mark Schaff moved to amend the motion to eliminate the sentence "Rick Cox did agree that a member of the Economic Development Committee could have a conflict of interest". The motion died for lack of a second.

The roll call on the original motion was Kathy Johnston, yes; Roger Digel-Barrett, no; Rick Cox, yes; Claudette VanDyne, abstain, Mark Schaff, no; the motion failed.

The Board discussed whether a member should abstain on minutes when they were absence from a meeting. Roger Digel-Barrett voted no on a matter of procedure, Mark wants to cut the minutes down on scope.

Mark Schaff moved to approve the draft minutes of the December 17, 2013 minutes with the deletion of the following sentence in the eleventh paragraph "Rick Cox did agree that a member of the Economic Development Committee could have a conflict of interest" and to sign the final order. The motion was seconded by Roger Digel-Barrett and the roll call was as follows: Kathy Johnston, no; Roger Digel-Barrett, yes; Rick Cox, no; Claudette VanDyne, abstain, Mark Schaff, yes; the motion failed.

Rick Cox moved to approve the final minutes as written and approve the final order. The motion was seconded by Kathy Johnston and the roll call was as follows: Kathy Johnston, yes; Roger Digel-Barrett, no; Rick Cox, yes; Claudette VanDyne, abstain, Mark Schaff, no; the motion failed.

Chairman Digel-Barrett stated the minutes are in limbo. The Board discussed what action to take. Claudette VanDyne stated for the record "that she abstained because she did not attend the meeting and did not want to vote on something that she did not partake in."

Rick Cox stated "for the record that is a statement that he made, it may be paraphrased, but I did make it in the hearing. It is true. It is non-committal; anyone on this board could have a conflict of interest. So I don't see the issue. The conflict of interest that we are discussing puts ProLogis in a liability situation because of Mr. Schaff and previous comments. That is why I want that to stay. If it's Mr. Schaff and Mr. Digel-Barrett's folly to hold the process up and it effects, this is an economic development situation if ProLogis can't carry on with their final order which could carry on to them not getting the variance, which would then carry on to them having to re-hear it and it would be a shame for that to happen over a sentence that is true and was in the hearing."

Mark Schaff hears Rick on his points and does not want this to result in detrimental behavior to ProLogis and their project.

Mark Schaff moved to approve the minutes as drafted including the statement from Rick Cox and sign the final order from the adjudicatory hearing on December 17, 2013 for variance VA13-06 for ProLogis. The motion was seconded by Rick Cox and the roll call was as follows: Kathy Johnston, yes; Roger Digel-Barrett, yes; Rick Cox, yes; Claudette VanDyne, abstain, Mark Schaff, yes; motion passed.

The Clerk, Laura Brown, requested verification from the Board of Appeals how they would like their minutes. Claudette VanDyne feels they need as much pertinent information as possible. Laura Brown stated the past year she had condensed the minutes some and wants to know if the Board likes them this way. Rick Cox and Claudette VanDyne like them the way they are. Roger Digel-Barrett would like them to be more succinct and does not feel they need to have what this person said and that person said. In the past year Laura Brown has tried to condense them more. The clerk does not have a preference but will do the minutes the way the Board wants them to be. Claudette VanDyne would like details in the minutes. Laura Brown stated she is in the middle and it is easier to type them in detail without having to go back and listen to the tape again. Kathy Johnston likes the detail in the minutes. Rick Cox personally feels the hearings need to be detailed but the meetings can be condensed. Roger Digel-Barrett would like the minutes to be detailed from people like Rob Platte or applicants but not the neighbors. The clerk would like the Board to determine what to remove from the minutes and not expect her to decide what is important because these are the Board of Zoning Appeals minutes.

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Roger Digel-Barrett likes the direction the clerk has been taking the past few months. Mark Schaff requested the minutes as soon as possible for them to review. Most of the Board agrees with the way the minutes are being done.

Laura Brown asked Trustee John Carlisle if a member of the Board is not present at the meeting then should they vote on the minutes. Trustee Carlisle feels the member should abstain because they were not there to attest to what happened. Roger Digel-Barrett disagreed and felt he voted for parts of the minutes to be removed that were extraneous to the matter at hand. Trustee Carlisle stated that the audio from the meeting could be requested and if it was said in the meeting it will still be on the tape.

Rick Cox moved to adjourn the meeting at 6:44 p.m. Claudette VanDyne seconded the motion and it passed by unanimous vote.

Approved as read 3-25-14

Approved as corrected/amended \_\_\_\_\_

Laura Brown  
Laura Brown, Clerk

Roger Digel-Barrett  
Roger Digel-Barrett, Chairman