

Minutes of the Board of Licking Township Trustees, Regular Meeting, held at the Fire Co. Station 3, Jacksontown, OH at 7:00pm on September 17, 2007.

Mr. Acord called the meeting to order with the following members present: Ron Acord, Dave Miller, Joe Cooper and Jill Linn.

Others present: Mike Wilson, Charles Prince, Joseph Hart, Bill Ours, Cindy Fields, Robert Snedden Sr., Judith Handel, Glenda Flowers, Terry Clark, Scott Clark, David Flowers, Richard Cash, Mike Payne, Walt & Maida Kinser, Dave Varner, Marshall Eubanks and Steve Patterson.

The Pledge of Allegiance was recited.

Total expenditures of \$12,963.10 were approved and paid by the signatures of the Trustees.

There are funds on hand or in the process of collection to pay the attached listed bills. _____, Fiscal Officer.

CORRESPONDENCE: None

Mike Wilson gave the Fire Co. report. Christina Priest and Rebecca Haggerty have passed their EMT class and are waiting to take the test. Fire Prevention Week is coming up and asked to spend around \$1500. Mr. Cooper made a motion to invest the \$1500 in the fire prevention program for Lakewood Schools. Mr. Acord seconded the motion. Roll call: Acord, yes; Cooper, yes; Miller, yes. Mike asked to have up to \$2500 for SCBA testing. Mr. Acord made a motion to spend up to \$2500 for the SCBA testing. Mr. Miller seconded the motion. Roll call: Acord, yes; Cooper, yes; Miller, yes. The annual haunted house will be held at Station 2. They will be collecting canned goods on Friday nights and \$5 on Saturday nights.

There was no zoning report.

A public hearing took place regarding the request for a zoning map amendment to rezone 13 acres located on Lake Drive from residential to business/commercial to allow the establishment of a mini putt-putt golf facility on the site. Walter Kinser mentioned that this is for the children, the community and something for families to do. He also mentioned having batting cages for the schools. Mr. Cooper mentioned that in other meetings there was discussion regarding the fact that when a rezone request is made to change property from residential to commercial/business district that the use of that area can be for anything that is a permitted use or conditional use in the current zoning. Walter Kinser mentioned that if it follows recreation it would have to stay recreation. Mr. Cooper mentioned that we don't have anything in our zoning concerning a recreational district and that the request was for a change from residential to

business/commercial. Mr. Cooper read from the Licking County Planning Commission Staff Report that a) the proposed district is not in compliance with the Licking Township Comprehensive Plan or Future Land Use Map b) the establishment of the proposed district could be considered spot zoning c) the area in question is not well suited for this type of land use d) in any zoning consideration the approving authority needs to ensure all the permitted and conditionally permitted uses would be appropriate for the area under consideration. The Planning Commission made the recommendation to the Zoning Commission that the request not be approved. Mr. Cooper read the letter from the Licking Township Zoning Commission Board in which they denied the request due to the following reasons a) this proposal is not in compliance with the Licking Township Comprehensive Plan and Future land Use Map b) that it is not consistent with the area. Mr. Cooper made a motion, taking into consideration information from the Planning Commission and Zoning Commission, that the request be denied. Mr. Miller seconded the motion. Roll call: Acord, yes; Cooper, yes; Miller, yes. Mr. Cooper commented that there is a tension between people with their own property and what they would like to do with it and what the people in the area would like to have happen. It's a tension that has a purpose, it can cause pain and problems, but overall its' intent is to give the people that live in the area a say in what happens. He would hope that they would interpret this as not a personal issue and that the focus is on what the people would like to see happen in that area. Mr. Kinser said that he will try to get things worked out.

Robert Snedden asked Mr. Cooper how his property is zoned. Mr. Cooper said agricultural residential. Robert Snedden asked if he was in business. Mr. Cooper said not now. Robert Snedden asked if it was spot zoning. Mr. Cooper said that they received a conditional use permit 16 - 18 years ago but they have since terminated the bed and breakfast. Robert Snedden said that Mr. Cooper was zoned commercial. Mr. Cooper said that that was not correct.

A public hearing took place regarding the request for a zoning map amendment to rezone 4.62 acres located on Avondale Road from residential to business/commercial to allow the establishment of a campground facility on the site. Michael Payne said that some of the denials from the Licking County Planning Commission were because of spot zoning and that it didn't comply with the Comprehensive Plan which he would like to challenge. He showed the Trustees pictures from the 1930's and 1940's which shows that it has always been a business district. Michael also, on a conditional basis, wrote up a recreational district for a campground for the Trustees to read. Mr. Miller read the paper which is on file with the fiscal officer. Michael asked that if every time he wants to submit a text change does he need to pay for it each time even if he is helping in rewriting the resolution that our government process here gets paid to do. Mr. Cooper said if an applicant wants to change the map or the text of the resolution on their own then they would need to apply to do so. The Zoning Commission and The Board of Trustees can initiate the process as well. Judy Handel, on behalf of her brother, mentioned that this would add additional traffic

to the already over traveled roadways in the area, the increase traffic and heavier motor vehicles would require major widening and berm work to the existing roadways effected, the permanent space created is off of one water and sewer source and would create the need for establishing a utility which would require an EPA and County approval for the utility, the area is conducive to residential development and this would negatively impact the growth for future property values, who pays for the additional financial burden for the infrastructures that would be effected by this change, the site would increase the unwanted litter and waste run off and it would increase the accidents in the area. Scott Clark doesn't want a campground in his backyard. Mr. Miller asked about the road frontage. Mike Payne said that it is 50ft. Mr. Cooper said that he believes that it is lacking road frontage. Judy Handel asked how do you get trailers in with only 50ft. Mike said that the township only requires 18ft of roadway. Mr. Acord mentioned that Avondale is a county road. Mike said that it will have a 50ft entrance way which is more than enough for a trailer. Glenda Flowers said that Mr. Payne has discussed a family oriented campground and with two bars in the area she believe that families are not going to be the ones camping there but that people from the bars will go there. Robert Snedden mentioned that Buckeye Lake has always been a fun spot and never meant to be a residence. Mr. Cooper said that the Licking County Planning Commission indicated that this is not in the best land use planning and recommended that the Zoning Commission deny the request. The Licking Township Zoning Commission denied the request. Mike Payne said that at the night of the Planning Commission meeting Brad Mercer said that there was no text amendment so they couldn't vote. He also stated that the rules for the campground are there and he is going to open a family campground and it's his integrity that will back him up. He is an outstanding citizen of the community and has been here since he was born and that is how he is going to support it. Mr. Cooper said the Mr. Paynes' request is for a campground and the current resolution doesn't allow for a campground so what he's requesting there is no provision for. Cindy Fields asked that in the current zoning that she has looked at where it talks about disallowing camping it was hand written in and they might want to look at that before they vote. Mr. Cooper said that there is no provision in the text anywhere that gives definition or allowance of what a recreational campground is. Mr. Cooper said that based on the recommendation from the Licking Township Commission Board, the input from tonight and the fact of what our current zoning allows in regards to Mr. Payne's request, Mr. Cooper made a motion to deny the application. Mr. Miller seconded the motion. Roll call: Acord, yes; Cooper, yes; Miller, yes.

In regards to the Roberta Drive drainage, Mr. Miller and Mr. Acord will give the residence 10 more days to pay for the pipe. Mr. Miller said that if we don't have the money a ditch will need to be put in.

Mr. Miller said that The Shelly Co did a good job in Edgewater Beach. Mr. Miller asked what is to go from Schell Brothers to St. Rt. 13. Mr. Acord said a sealer. Mr. Miller asked if they were going to seal Davis Road too. Mr. Acord said that

they are going to patch the bridge area on Davis Road at Licking Trails north. Mr. Acord said that no adjustment will be needed on the bid since they will have extra material.

Mr. Cooper received a call and an email from Hunts Landing residents with concerns that the developer is not following the plan. They are putting their staging of their development on Hunts Landing Road. There will be a meeting on Wednesday, September 19th to get them to stop and asked for the support of the township. Mr. Cooper will attend the meeting which will be at the site and anyone can attend. The residents would like to have two 'no construction traffic' signs placed at Julia Street and Lynn. Mr. Acord said that we would only need one sign and Buckeye Lake would be responsible for the other one. Mr. Miller said that we don't have signs that say that. Mr. Acord said that they also need 'school bus turn around' sign. Mr. Cooper read the email and is on file with the fiscal officer.

Mr. Cooper talked with Eric Fox and the resolutions for The Woods parking issue will be done at the next meeting.

Mr. Cooper mentioned that it may be a good idea to have the owners of Captain Woody's, the Licking County Planning Commission and the residents along with someone skilled in planning and negotiation to try and work through and discuss the area. The Trustees think it's a good idea.

Robert Snedden mentioned that the City of Heath doesn't seem to have problems. If someone wants to have a business they have a business. Bill Ours said that Heath has their problems.

Marshall Eubanks asked whose responsibility is it to figure out what the proper procedure and rules are when submitting a zoning request. Mr. Cooper said that it is incumbent on the person doing the application.

Mr. Acord received a call from Mr. Haire on Amherst and on the other side of the canal there is concrete busted up and asked what the township is going to do. Mr. Acord said that in the spring they might work on it. Mr. Miller said that it is not our obligation to tear out the concrete. Richard Cash mentioned that you can gravel over concrete then blacktop. Richard asked who owns the cul-de-sac at Amherst. Mr. Acord said that the township did. Richard thought that the county owns half and Harbor Hills owns half. Mr. Acord said that Harbor Hills owns the parking and the other is owned by the township. Richard asked if the cul-de-sac was in the bid and Mr. Acord said no. Richard asked if it was Mr. Acord and The Shelly Co. who decided to put the blacktop down. Mr. Acord said yes. Richard asked if it was Mr. Acord and The Shelly Co. who made the decision not to motorpave White Chapel from Schell Brothers to St. Rt. 13 even though it was in the bid that three trustees approved. Mr. Acord said that you wouldn't pave over blacktop just seal it to save money. A discussion followed regarding Amherst.

Joe Hart mentioned that when someone initiates a zoning change he would think that with all the years experience from the Zoning Commission Board that if there is a required text amendment that they tell the applicant at that time before they go to the Licking County Planning Commission. It's irresponsible and puts the applicant at a very unfair position. An applicant should be told what they need before they go to the Licking County Planning Commission. Mr. Cooper said that the problem is when a person has a request they sometimes talk with the zoning inspector and sometimes not. They fill out the application and give it to the Zoning Clerk and the application is processed. Joe Hart asked if the applications are reviewed before they go to the Planning Commission. Mr. Cooper said not to his knowledge. Joe Hart then said that's the gap and this will always be an issue. Marshall Eubanks said that if someone wants something commercial and is willing to spend a lot on money, where's his head, he ought to know since he is spending the money. Joe Hart asked if he thinks it's up to the applicant. Marshall Eubanks said yes. Joe Hart mentioned that the Board of Trustees stressed with both issues tonight that the comprehensive plan and the future land use, which has not been passed as a map. Mr. Cooper said that the comprehensive plan has a document which includes the map.

Mr. Cooper asked the trustees to read over the OTA magazine article regarding the collection of cable franchise fees.

Mr. Miller mentioned that there will be a Licking County Association meeting on September 20th at 6:00pm.

Mr. Miller made a motion to go into executive session to discuss personnel issues. Mr. Cooper seconded the motion. Roll call: Acord, yes; Cooper, yes; Miller, yes.

Mr. Miller made a motion to open the executive session. Mr. Cooper seconded the motion. Roll call: Acord, yes; Cooper, yes; Miller, yes.

Mr. Miller made a motion to end the executive session. Mr. Cooper seconded the motion. Roll call: Acord, yes; Cooper, yes; Miller, yes.

Mr. Acord made a motion to reconvene the regular meeting. Mr. Cooper seconded the motion. Roll call: Acord, yes; Cooper, yes; Miller, yes.

Mr. Acord made a motion to adjourn the meeting. Mr. Miller seconded the motion. Roll call: Acord, yes; Miller, yes.