

Minutes of the Board of Licking Township Trustees, Regular Meeting, held at the Fire Co. Station 3, Jacksontown, OH at 7:00pm on November 17, 2008.

Mr. Hart called the meeting to order with the following members present: Joseph Hart, David Miller and Joseph Cooper. Jill Linn was absent.

Others present: Bill Ours, Joseph Walker, Mike Wilson, Charles Prince, Natalie Brems, Larry Kellenbarger, Mike Kellenbarger, Robert Snedden Sr., Thomas & Linda Hartman, Rob Mills and Steve Patterson.

The Pledge of Allegiance was recited.

Mr. Hart swore in those who were going to give testimony during the public hearings.

A Public Hearing regarding the proposed Zoning Map Amendment from applicant Lawrence Kellenbarger to amend the property at 6080 Jacksontown Road, Newark, Ohio from residential to commercial. Mike Kellenbarger, son of Lawrence, mentioned that the reason for the request was because they did not know that it was residential and believed that it should have been grandfathered in as commercial. They would like it to be commercial since they have been operating a business there for 45 years. They are trying to sell the property and with all the buildings it is not suitable to sell as residential. Mr. Cooper asked if they were told from someone in the township that it was commercial. Larry Kellenbarger said that he doesn't remember. Mr. Miller said that he knows it has been there for years. Mr. Hart asked if the ground in question has two separate deeds and was told that they were only asking for Lot 17 to be amended which is 8 acres. Mr. Hart then asked if there was any paperwork from the Licking Township Zoning Commission, from past Trustees, or past Zoning Appeal Boards which in any ways granted them permission to operate a non conforming business there and Mike said that he did not believe so. Mr. Hart mentioned that a business operating outside the zoning that it has applied for is a non conforming business and that it doesn't give or change the zoning to commercial. Mr. Hart said that he researched the tax records on both parcels and commercial taxes were not paid on either parcels and that Lot 18 was purchased in the 1980's which was not commercial property. Mr. Hart asked if they recall paying commercial taxes and Larry said that those records were destroyed. Mr. Miller mentioned that it is inconsistent with the Comprehensive Plan. Natalie Brems concern with amending the property to commercial is that anything can be placed on the property and she would like it to stay residential. Joe Walker, Zoning Inspector, advised the board not to amend the property to commercial because it doesn't fit into the Comprehensive Plan and he doesn't see the value in rezoning it commercial. Mr. Hart mentioned that if they have been operating part of their business out of there for the past six months our current zoning non conforming language states 'that if a business ceases to exist for two years then it must comply with the zoning' and he believes that an identical business would have to

be there. Mr. Walker views it the same way. Mr. Cooper read the Zoning Resolution regarding a non conforming business. Larry mentioned that the tax department knew that the business was there and that it is up to them to put the taxes on as commercial. Mr. Hart agreed. Mr. Walker asked if the previous zoning inspector issued building permits for commercial use. Larry said that the office and shop buildings were constructed in 1963. Mr. Cooper read the Licking Township Zoning Commission recommendation in which they denied it because it does not follow the comprehensive plan and it would be considered spot zoning. Mr. Hart closed the Public Hearing at 7:32pm.

Mr. Hart mentioned that he shares the concerns of Mrs. Brems and is not inclined to support the change. Mr. Miller mentioned that his concerns and questions have been answered. Mr. Cooper said that a zoning change is a change forever and doesn't believe that it is the best thing for the township.

Mr. Hart made a motion that the Licking Township Trustees approve and concur with the Zoning Commissions recommendation to deny the application. Mr. Cooper seconded the motion. Roll call: Hart, yes; Miller, yes; Cooper, yes.

A discussion took place regarding zoning.

The Kellenbarger Public Hearing concluded at 7:44pm.

A Public Hearing regarding the proposed Zoning Map Amendment from applicants Thomas and Linda Hartman to amend the property located at 4301 National Road, Hebron, Ohio (Lot 7 & 8 Longview Homesites) from residential to commercial. Linda Hartman mentioned that she and her husband have owned the property for 26 years and believed that it was commercial and is paying commercial taxes on the property. She also mentioned that the property has been used for commercial business since the 1950's. She mentioned that it does fit into the Comprehensive Plan. Linda said that they closed the business out in 1997 and it has been a rental business until 18 months ago. The property is in contract now and this is when they found out that it is not zoned commercial. Mr. Hart asked if the last business was a bottled water company and Linda said yes. Mr. Hart asked if she had a copy of the deed and if both parcels are on one deed or on two separate deeds and Linda said that they are on the same deed. Mr. Hart's concern was that if the building is built across the lot line his suggestion was going to be to replat the property to a single lot because whoever purchases the property would have to comply with the current commercial setbacks and if they would want to change anything on the building they would need a variance. Mr. Walker, Zoning Inspector, recommended to approve the request. Mr. Cooper read the Licking Township Commission recommendation in which they approved it because it followed the guidelines of the comprehensive plan and is not considered spot zoning and the Licking County Planning Commission approved the map amendment. Mr. Hart closed the Public Hearing at 7:56pm.

Mr. Miller mentioned that they have been paying commercial taxes and doesn't have a problem with it. A discussion took place regarding the property next to the bus garage.

Mr. Cooper moved the resolution that the Board of Township Trustees of Licking Township would take into consideration and be in agreement and affirming the recommendation that the property of Lots 7 & 8 of Longview Homes on National Road would be designated to be now business/commercial. Mr. Miller seconded the motion. Roll call: Hart, yes; Miller, yes; Cooper, yes.

The Hartman public hearing concluded at 8:03pm.

The Trustees received the financial reports.

Mr. Miller made a motion to approve the list of bills totaling \$18,922.74. Mr. Cooper seconded the motion. Roll call: Hart, yes; Miller, yes; Cooper, yes.

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

CORRESPONDENCE

1. Received the November Grassroots Clippings.
2. Will receive \$1604.88 in estate tax from Mary Turner.
3. Received information regarding Christmas tree recycling.
4. Received information from the LCPD regarding subdivision, land division and congestion prevention.
5. Received two 'Eye on Policy' reports from the LCPC.

Mike Wilson gave the Fire Co. report. Mike mentioned that the levy didn't pass and that 58 votes kept it to a no vote. Mike mentioned that his concern was the mental status of the fire personnel and they had a meeting the next night and things went well and they will continue to get the job done. Mike presented the Trustees with the Franklin Township contract with the dates being the only changes made to the contract.

Mr. Hart moved that they approve the contract with Franklin Township that has been negotiated by the chief for \$19,000.00 for 2009. Mr. Cooper seconded the motion. Roll call: Hart, yes; Miller, yes; Cooper, yes.

The contract was signed and witnessed by Bill Ours. The contract is on file with the Fiscal Officer.

Mike mentioned that they will be receiving 25 free smoke detectors from the Licking County Foundation from a donation from State Farm Insurance for those who need them. Mike said that the furnace was repaired. He asked the Trustees to increase the point money by \$1000 which would take it to \$10,000.00.

Mr. Miller made a motion to increase the point fund by \$1000.00. Mr. Cooper seconded the motion. Roll call: Hart, yes; Miller, yes; Cooper, yes.

Mike thanked the Trustees for the increase.

Joe Walker turned in 2 permits totaling \$315.00. Mr. Walker is still working on the property on St. Rt. 13 belonging to Edward Vandaberg. Regarding the two signs on St. Rt. 40, one next to the Hartman's had been removed and the sign belonging to Terry Tackett has not and Terry has decided to take issue with it.

Mr. Hart mentioned the property owned by Mike O'Neil is zoned commercial and Mr. Hart does not see where in the zoning resolution that Mr. O'Neil can run the business the way he is. Mr. Hart would like the Board to give Mr. Walker the authority to go to the prosecutor so that they can review the zoning language and put Mike O'Neil on notice that he is not in compliance. The Trustees agreed.

Steve Patterson mentioned that they received 206 tons of salt and he stopped the 50 tons of cinders from being delivered because the bin is full. He mentioned that truck #2 should be repaired tomorrow and he thanked Bill Ours for trimming the apple tree.

Mr. Miller mentioned that they borrowed Harrison Townships' box spreader which was fitted for our truck. Mr. Miller received two prices for a new unit one for a cost of \$7665.00 from The Dexter Co. and one from Ace Trucking Co. with a cost of \$7628.00. Harrison Township would like to sell their old unit (year unknown) for a cost of \$3750.00. A discussion followed regarding the equipment. Mr. Miller told Steve to let Harrison Township know that we are not interested in purchasing their unit.

Mr. Miller mentioned that the reduced road limit signs need to be turned in to the County Engineer.

Mr. Miller made a motion per attached list for the reduced road limit signs for the year 2009. Mr. Cooper seconded the motion. Roll call: Hart, yes; Miller, yes; Cooper, yes.

Mr. Miller will turn the list in to the County Engineer.

Mr. Cooper, in regarding H.B. 50, would like Licking Township to make a commitment to enforce the removal of junk motor vehicles on a complaint basis only. Mr. Cooper mentioned that he is willing to assist Joe Walker in following through with the complaints. Mr. Hart said that there was enough on our plate. Mr. Walker mentioned that the other townships in Licking County have not done anything to pursue H.B. 50. He has talked to Eric Fox and the townships will be doing all the work. Mr. Miller agrees with all three of them.

Mr. Cooper made a motion that the Board adopt the resolution that was submitted by the Licking County Prosecutors Office to be able to have a process to remove junk motor vehicles on a complaint basis only in Licking Township. To further state that we would strike the portion of the resolution 'Be It Resolved that each day that a violation of this resolution continues constitutes a separate offense.' Mr. Miller seconded the motion. Roll call: Hart, no; Miller, yes; Cooper, yes.

The resolution is on file with the Fiscal Officer.

Mr. Cooper mentioned the possibility of having business cards. A discussion took place regarding what to put on the cards.

Mr. Cooper mentioned that the changes for the website had been changed.

Mr. Snedden asked if he is zoned commercial. Mr. Hart said that he was not commercial and that he is not operating a business. Mr. Snedden said that the state said that he lives on a specified width road. Mr. Hart said that the road has an eight foot clear zone which he is in violation of. Mr. Hart said that there is still intent to find the center line, there is still intent on behalf of the Board to have him clear the clear zone and that the road has not changed since his most recent acquisition of the property in 2001 and that from 1991 to 2001 he did not own the property. Mr. Miller read the definition of a clear zone.

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