

Minutes of the Board of Licking Township Trustees, **Hearing and Regular Meeting** held @ Licking Township Fire Company Station #600 @ 6:00 p.m., August 2, 2021.

Mr. Holman called the hearing to order at 6:00 p.m.

The Pledge of Allegiance was recited.
All in attendance were sworn in.

Roll Call: John Cormican, John Holman, Dave Miller, and Andrea Lynch.

Others Present: Dale Wise; Travis Harless; Taylor Harless; Haley Piatt; Attorney W. Evan Price; Scott Zemba; Troy Hindel; Cortney Clewell; Dale Ours; Ed Monroe; Doug Howell.

Mr. Holman reviewed the hearing process and explained the purpose of the hearing was to consider a proposed text amendment to the LTWP Zoning Resolution as follows: Applicant SMZ Development Co., LLC are proposing a text amendment to add "portable ready-mix concrete plant" to Article 12 Commercial/Business Districts; Section 12.02 Interstate Business District (IB); Section 12.02.B.03 Conditional Permitted Uses.

Mr. Holman read a letter from Dale Wise, Chairman of the Licking Township Zoning Commission which outlined their vote to deny the above request with a vote of 2 to 1.

Mr. Holman opened the floor for testimony. Throughout testimony, the Board of Trustees and Zoning Inspector asked questions. A brief synopsis of the testimony and/or responses are as follows:

1. Applicant SMZ Development, Scott Zemba, President:

- Wants to test the market with the portable plant
- Purchased this property knowing crushed concrete plant pre-existed
- The operation will not affect the neighbors
- Wants to utilize the ground as he intended when he bought it
- Sets a high standard for appearance of their properties and compliance with all regulations
- Provided other locations with similar interstate interchanges and examples with similar plants
- Unsure of what they will do with the old gas station on the property
- Employees will more than likely come from existing staff but have been advertising locally.
- Zemba gives back to the community twice what they take

2. Cortney Clewell, SMZ Development/Adams Brothers/Zemba:

- Estimate need 60-75,000 yards per year to make plant viable

- Shared details about EPA specs and compliance requirements
- Explained customer radius approx. 30 miles from Mt Vernon to Somerset.

3. Dale Wise, Chairman of LTWP Zoning Commission addressed the Board and explained their recommendation to deny the request. Mr. Wise stated that the letter read earlier explains the vote and rationale. Further said that the Board must carefully evaluate what the intent is and why the property is zoned the way that it is. To accept the amendment would allow other portable concrete plants to operate in the IB District, could change the entire area, and can set a precedent in other areas as it relates to zoning that will be difficult to deny without litigation.

4. Travis Harless - 10019 Jacksontown Road: Spoke in favor of the text amendment citing development in the area has been slow; does not think the plant will affect the neighbors; Zemba are good stewards of the community.

There were no members of the LCPC in the audience.

Mr. Holman concluded public testimony.

Mr. Holman read the LCPC Non-Binding Recommendation. The LCPC non-binding recommendation was to deny the text amendment as presented.

Mr. Holman inquired if there was any correspondence received. The Fiscal Officer said she received no correspondence on the matter.

Mr. Holman asked if the Zoning Inspector had any additional comments. Mr. Howell stated that he had none.

Mr. Miller made a motion to adjourn the public hearing at 6:50 p.m.

Mr. Cormican seconded the motion.

Roll Call: Cormican, yes; Holman, yes; Miller, yes.

Mr. Holman called the Regular Meeting to order @ 6:55 p.m.

Roll Call: Cormican, yes; Holman, yes; Miller, yes.

Others Present: Dale Wise; Travis Harless; Taylor Harless; Haley Piatt; Attorney W. Evan Price; Scott Zemba; Troy Hindel; Cortney Clewell; Dale Ours; Ed Monroe; Doug Howell; Sam Broska (*); Michael Wilson (*).

(*) Present but did not sign in.

The Board of Trustees deliberated the text amendment as presented.

Mr. Holman explained to the Board that this decision was one of the most critical decisions that they may face as Trustees due to the potential precedent it could establish for the zoning in LTWP.

Mr. Holman provided the following points for consideration:

- Trustees should promote a systematic approach when evaluating changes to the zoning.
- Explained the evolution of zoning in our township.
- Vulnerability of related future expansion to the Interstate Business District
- Precedent that would be established for our zoning if passed
- Stressed that this is just another form of spot zoning which has been battled against for 60+ years.
- The IB District is zoned for specific needs of the traveling public and concrete is not a need of the traveling public.
- We should be encouraging hotel, motels, restaurants that are permitted in the IB District to develop that area in accordance with the zoning especially given the future growth of Buckeye Lake.
- Concrete batch plant does not yield increase in tax base like hotel/motel tax; cigarette tax; liquor tax; nor increase employment #'s

Mr. Cormican thanked the Zoning Boards for their efforts and provided the following points for consideration:

- LTWP has no plans to pull infrastructure in
- Does not like spot zoning but no expansion in that area is happening
- Need something to spark business
- Wants to see something positive happen at that interchange and this is a good start to that
- Zemba facilities are orderly and is impressed by what he saw at other sites and feels it would benefit the area

Mr. Miller said that he sat on the Board 20 years ago when the Comprehensive Plan was developed, commends the work that the Zoning Commission does, and provided the following points for consideration:

- Nothing but weeds growing on the interchange areas
- Sees the concrete batch plant as a step-forward
- Doesn't identify this as spot zoning and they should have gotten through the 1st time when they wanted a map change
- Does not have a problem with the request
- Zemba runs a clean operation

Mr. Holman said that it was obvious from the discussion that the majority of the Board was willing to cast aside the current zoning structure without consideration and that he is disappointed.

There were no additional comments.

Mr. Holman explained that they would vote on the matter with:

yes = approve the recommendation to deny the text change

no = deny the recommendation and approve the text change

Mr. Holman made a motion to approve the recommendation from the Zoning Commission to deny the text amendment request from SMZ Development LLC.

Mr. Miller seconded the motion.

Roll Call: Cormican, no; Miller, no; Holman, yes.

Mr. Cormican made a motion to adopt the text amendment to Section 4.01.A.3.g: Specific Criteria for Portable Ready Mix Concrete Plant Facility Conditions and Safeguards as presented by the LTWP Zoning Commission.

Mr. Miller seconded the motion.

Roll Call: Cormican, yes; Miller, yes; Holman, yes.

Mrs. Lynch explained to Applicant SMZ Development the next steps in both the text amendment process and application for conditional use permit.

Mr. Zemba thanked the Board for their consideration.

The Board approved the meeting minutes with one correction noted.

Mr. Miller made a motion to approve the bills totaling \$80,487.54

Mr. Cormican seconded the motion.

Roll Call: Holman, yes; Miller, yes; Cormican, yes.

The Fiscal Officer presented information concerning the American Rescue Funding Plan. A discussion took place.

Mr. Holman made a motion authorizing the Fiscal Officer to make initial application for the ARP Funding for LTWP.

Mr. Cormican seconded the motion.

Roll Call: Miller, yes; Cormican, yes; Holman, yes.

Mike Wilson gave the Fire Report. There were 127 runs in July consisting of 101 EMS, 24 Fire, and 2 Dive/Water Rescue bringing the YTD total to 657 runs.

Chief Wilson reported on the following:

- Donation from BLASST
- SCBA's have been certified and tested
- Late September for new medic

Chief Wilson presented an application for consideration.

Mr. Holman made a motion authorizing Chief Wilson to hire Tierra VanDyke as probationary volunteer.

Mr. Miller seconded the motion.

Roll Call: Cormican, yes; Miller, yes; Holman, yes.

Doug Howell gave the Zoning Report. There were 4 permits issued as follows:

- Brett & Jenny Shriver - Licking Trails - House - \$199.35
- James Nelson - Hupp Road - Pool - \$125.00
- Michael Briggs - Jacksontown Rd - Accessory Building - \$75.00

- Cody Lee - Newark Avenue - Pole Barn - \$125.00

Mr. Howell reported on the following:

- Inspected Rusty Payne's property. Will call LC Building Dept.

Mr. Cormican provided an update on the following:

- Chip and seal road projects.
- Looking at the ODOT grant for possibly Harbor Hills and/or Misty Meadows for 2022.
- LC Board of Health was contacted for sewer in ditch on Marianna Drive
- Complaint on not mowing past Bob Smith's.

Mr. Cormican explained that the Marianna Road project is complete and slightly over budget. The total cost of the project \$196,731.23. A discussion took place.

Mr. Cormican made a motion that LTWP pay The Shelly Company \$59,932.23 via special check for the Marianna Road project which includes \$48,065.00 (LTWP's OPW grant amount commitment) + \$11,867.23 (additional/overage).

Mr. Holman seconded the motion.

Roll Call: Miller, yes; Cormican, yes Holman, yes.

Mr. Miller reported that he spoke with Extreme Siding & Gutters and to demo and haul off old road garage will be approximately \$2375.00 while Mr. Cormican reported that Mark Lothes could do it for \$1200.00.

There was no public comment.

Mr. Miller made a motion to adjourn the meeting @ 9:15 p.m.

Mr. Cormican seconded the motion.

Roll call: Cormican, aye; Holman, aye; Miller, aye.

August 2, 2021

Attest