

Minutes of the Board of Licking Township Trustees, **Hearing and Regular Meeting** held @ Licking Township Fire Company Station #600 @ 6:30 p.m., October 18, 2021.

Mr. Holman called the hearing to order at 6:40 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: Jim Gorley; Evan Price; Michael Szymanski; Thomas Fitzgerald; 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 Buckeye Lake Music Center (owner Thomas Fitzgerald) 10677 Jacksontown Road, Thornville, OH, is proposing a text amendment to Article 12 Commercial/Business Districts; Section 12.02 Interstate Business District (IB); Section 12.02.B.02 Permitted Uses to add: Section 12.02.B.02.k Skill-Based Amusement Games (whether electronic or mechanical including pool halls and pinball machines) which may be located in restaurants.

Mr. Holman read a letter from Dale Wise, Chairman of the Licking Township Zoning Commission which outlined their decision to approve the request as a conditional use (not permitted use as applied for) plus add language for Specific Criteria for Skilled Based Amusement Game Business and definition with a vote of 5 to 0.

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 Buckeye Lake Music Center, Thomas Fitzgerald, Owner:
  - Bought property in 1993 and has had several tenants
  - Ronald Schlosser (current tenant) approached him about Skills Game
  - Been operating for about 1 year and Mr. Schlosser is a good tenant and runs a good business
  - Thinks it is a good business for the community
  - Client base primary older population
  
2. W. Evan Price, Attorney for Ronald Schlosser, Tenant:
  - Important to keep in mind that Zoning is about land use regulations not regulating a business
  - Zoning Inspector should not be required to enforce the regulations of a skills game if larger governing bodies regulates these games.

- Claims that his client will be precluded from operating his business by some of the provisions in the text amendment
- If you don't want him there, just deny the entire request rather than creating several exclusions

A discussion took place between Mr. Holman and Attorney W. Evan Price.

3. Andrea Lynch, resident of 8332 Licking Trails Road, said that the LTWP Board of Trustees recently approved a conditional use for a temporary concrete batch plant, which is also regulated by the state, however the Board still imposed strict criteria for this conditional use permit to include EPA required documentations, etc. As such it is her opinion that the Board be consistent in their application of criteria for the skills based business. Just because a business can not comply with Specific Criteria for Skilled Based Amusement Game Business or because a business is already governed by a state agency, should not preclude the township from establishing fair, consistent, and enforceable safeguards for our 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 for approval with conditions for the proposed text amendment to approve as a conditional permitted use with specific criteria for skilled based amusement game business and definition.

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. Howell stated that this business has been operating in violation of the LTWP Zoning Regulations, has been put on notice to cease and desist, and the next step is to take the case to the Licking County Municipal Court.

Mr. Miller made a motion to adjourn the public hearing at 7:34 p.m.

Mr. Cormican seconded the motion.

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

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Mr. Holman called the Regular Meeting to order @ 7:38 p.m.

Roll Call: John Cormican; John Holman; Dave Miller; Andrea Lynch.

Others Present: Jim Gorley; Evan Price; Michael Szymanski; Thomas Fitzgerald; Ed Monroe; Doug Howell

The Board of Trustees deliberated the text amendment as presented. This included going over each proposed change as follows:

Section 12.02.B.03.F - okay as presented  
Section 4.01.A.3.h - okay as presented  
Section 4.01.A.3.h.1 - okay as presented  
Section 4.01.A.3.h.2 - modify to read 60% skills and 15% Restaurant.  
Section 4.01.A.3.h.3-h.9 - okay as presented  
Appendix A Definitions - okay as presented  
Merchandise Pride - ok as presented  
Skill Based Machine - ok as presented  
Type B- Skill based operator -ok as presented  
Type C- Skill Based - ok as presented

Mr. Holman made a motion that the LTWP Board of Trustees approve the text amendment request for Conditional Use to operate a skills game in the Interstate Business District.

Mr. Miller seconded he motion.

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

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

Mr. Fitzgerald thanked the Board for their consideration.

The Board approved the meeting minutes as presented.

Mr. Miller made a motion to approve the bills totaling \$28,112.39

Mr. Cormican seconded the motion.

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

There are funds on hand or in the process of collection to pay the attached listed bills \_\_\_\_\_.

The Fiscal Officer presented information concerning the Benestar renewal. A discussion took place.

Mr. Cormican made a motion that LTWP accepts the Benestar renewal with 2022 rates and specifications for qualified participants and their spouses.

Mr. Miller seconded the motion.

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

Correspondence:

1. Public Records Request from Mr. Budd has been fulfilled.
2. LC Commissioners letter re: Lancers Ditch Petition
3. KLA Risk Consulting - Audit findings requiring action
4. Letter from Paul Robison re: Legend Valley/Steve & Laura Trickle
5. Quarterly CC Report
6. Quarterly Collateral Deposit Report

The Fiscal Officer gave a brief report on EMS Soft billing.

Mike Wilson gave the Fire Report. There were 115 runs in September consisting of 102 EMS, 13 Fire, bringing the YTD total to 903 runs.

Chief Wilson reported on the following:

- 5 total concert runs
- Repairs to equipment (radiator; transmission; brakes & rotors)
- Medic refresher starting on 10/19/21

Mr. Holman indicated that he spoke with Steve Trickle and that Mr. Trickle is coordinating with the LCSO and LLSD to schedule a concert follow-up meeting.

A discussion took place regarding the squad damaged on I-70 by semi-truck accident. Chief Wilson may have to appear in court due to driver disputing charges.

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

- Steve & Laura Trickle - Kindle Road - Pole Barn - \$610.00
- Zachary Patterson - Bluebird Circle - Deck - \$75.00
- Thornville Duchess - Jacksontown Rd - Signage - \$500.00
- Deborah Clay - Hillcrest Drive - Pole Barn - \$125.00

Mr. Cormican provided an update on the following:

- OPW Project and deadlines
- Status on Dogwood Lakes culvert

Mr. Cormican presented an estimate from The Dexter Company for a 3.5 & 4.0 CY salt box spreader. A discussion took place.

Mr. Cormican made a motion that LTWP purchase a Salt Dogg 1400500SSH and stainless steel dump body tailgate latch for a total price of \$6950.00.

Mr. Holman seconded the motion.

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

Mr. Holman complimented the Road Dept on their finalization of the Mariana Drive catch basin.

Mr. Miller reported that he received a complaint from a resident on Hirst Road concerning mowing. Mr. Miller verified it is not a LTWP matter.

Mr. Holman said that all 6 items have been listed on govdeals and gave a recap of his conversation with Ken Oswalt regarding use of ARP Fund. A brief discussion took place.

The Board agreed to the following special meetings and requested advertising:

11/10/21 VFFDF Board meeting @ 10:00 a.m.

11/15/21 Records Commission Meeting @ 7:00 p.m. with regular meeting after

There was no public comment.

Mr. Miller made a motion to adjourn the meeting @ 9:45 p.m.

Mr. Cormican seconded the motion.

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

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October 18, 2021

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Attest