

BOARD OF TRUSTEES OF HARRISON TOWNSHIP  
LICKING COUNTY, OHIO  
MINUTES OF REGULAR MEETING NOVEMBER 2, 2009

The Harrison Township Trustees met in regular session on November 2, 2009 at the Township Administration Building. The meeting was called to order at 6:00 p.m. by the Chairman, Larry Kretzmann and he led those present in the Pledge of Allegiance. The Fiscal Officer called the roll, and the following members and guests were present.

Chairman	Larry Kretzmann
Trustee	Ray Foor
Trustee	Eric Smith
Fiscal Officer	Carolyn Elder
Road Dept.	Ben Patterson
Zoning Inspector	Casey Casto
Guest	William Stover, 221 Ohio Ave.
Guest	Mary Lou Fairall, SWLCWSD
Guest	Wayne Brewster

From the Floor – William Stover, 221 Ohio Ave.

Mr. Stover explained the situation in his neighborhood with constant disturbing noise. Trustee Kretzmann explained the noise resolution briefly.

From the Floor – Mary Lou Fairall, SWLCWSD

Mary Lou thanked the board for reappointing her to the Southwest Licking Community Water and Sewer District board and brought to our attention that the term was for three (3) years.

**Ray Foor moved a motion to reappoint Mary Lou Fairall for a term of three (3) years to the SWLCWSD Board of Trustees instead of five (5) years that was previously approved. Eric Smith seconded the motion. Roll call: Kretzmann YES, Foor YES and Smith YES.** Motion passed. Mary Lou continued with her report. Their stimulus money has been approved but not received. They have received assessment checks. The Flying J will have five years to repay the \$250,000.00. The Board has applied for Ohio Public Works Commission money. They are \$245,674.00 under budget as of this date. All salaries have been frozen. Mary Lou explained that townships would be charged if manhole covers are destroyed. The Trustees instructed the road supervisor to obtain locations of all manhole covers in the township for reference.

From the Floor – Mary Lou Fairall, Historical Society

Abatement will begin on the schoolhouse on November 9, 2009. Saved material from the schoolhouse will be moved shortly thereafter.

From the Floor – Wayne Brewster

Mr. Brewster built a new home in 1994 in the Yorkshire Subdivision located off York Road. He then bought the adjoining lot so that he could build a garage for his camper. In September he applied for a zoning permit and learned that he must first build a house before he could build a

garage. After more research he decided to replat the two properties which then would allow him to build a garage. The Licking County Planning Commission will not allow him to install a driveway and the electrical easement would also have to be removed before a replat could be approved. He has already invested money in a new survey, deed preparation, applications fees to the planning commission and a great deal of time, and the planning commission is requiring the removal of the electrical easement and will not allow a curb cut to his property. Mr. Brewster is asking the Trustees to waive the appeals board application fee for a public hearing before the Harrison Township Board of Zoning Appeals.

**Ray Foor moved a motion to waive the \$500.00 application fee for Wayne Brewster of 112 Almahurst Drive, Pataskala for a public hearing before the Harrison Township Board of Zoning Appeals. Eric Smith seconded the motion. Roll call: Kretzmann YES, Foor YES and Smith YES. Motion passed.**

Zoning Report – Casey Casto, Zoning Inspector  
Zoning permits for October were \$788.24.

**Eric Smith moved to adopt Resolution 2009 11 02 01 which is a RESOLUTION TO REGULATE NOISE WITHIN THE UNINCORPORATED TERRITORY OF HARRISON TOWNSHIP, LICKING COUNTY, OHIO, PURSUANT TO OHIO REVISED CODE SECTION 505.172. Larry Kretzmann seconded the motion. Roll call: Kretzmann YES, Foor YES and Smith YES.** The resolution was adopted.

A letter from Forest Yocum, Superintendent Southwest Licking Local School District, was read and he thanked the township for keeping the roads open and safe.

Frank Gates, Avizent, has notified the township that Ohio Bureau of Workers' Compensation has introduced a new Deductible Program which could result in a premium discount ranging from 2% to 25.4%. After contacting Mark Leppert from Frank Gates, there would be little benefit, if any, for Harrison Township to enroll in this program.

A personal Visa charge by an employee was discussed. They were to have the charge credited back to the card.

Discussion took place about the project of making the zoning text and the Future Land Use Map agree. Options were discussed whether the zoning commission could have more meetings or meet longer to move the plan forward since the township does not have a B district.

Emails as public records were discussed and all members of the Zoning Commission and the Board of Zoning Appeals are required to save all emails according to the township public records policy and retention schedule.

Road Department Report – Ben Patterson, Road Supervisor  
Both new trucks are at Ace Truck Equipment. There will be a Webinar for maintenance practices for traffic sign retroreflectivity on November 17<sup>th</sup> that Ben would like to participate in. The Trustees thought the cost was not necessary.

**Ray Foor moved a motion to allow Ben Patterson to attend the LTAP basic management skills class on November 19<sup>th</sup> for a cost of \$55.00. Larry Kretzmann seconded the motion. Roll call: Kretzmann YES, Foor YES and Smith NO. Motion passed.**

Ben reported that no work on the salt bin doors had been started. Ben has submitted cost estimates for the road damage caused by J&J Asphalt to Crystal at the Licking County Prosecutors Office. Jess Howard Electric will stock parts and take care of maintaining the new tornado sirens. Ben will check on an estimate. Tim Hoskinson submitted an estimate of \$2,811.31 to run electric to the south shelter house. **Ray Foor moved a motion to allow up to \$3,000.00 to McNaughton-McKay Electric Company to be spent on electric to the south shelter house. Eric Smith seconded the motion. Roll call: Kretzmann YES, Foor YES and Smith YES. Motion passed.**

**Ray Foor moved a motion to allow Casey Casto, Ben Patterson and Mike Stickle one (1) additional personal day to compensate for working on Columbus Day, October 12, 2009. The motion further states that the one personal day must be used by the end of November 2009 and not used adjacent to a vacation day, personal day or holiday. Eric Smith seconded the motion. Roll call: Kretzmann YES, Foor YES and Smith YES. Motion passed.**  
Ben will look into the cost of hiring tree trimmers.

**Eric Smith moved to approve a purchase order to Hutchinson Materials, LLC. for the amount of \$5,000.00 for gravel. Ray Foor seconded the motion. Roll call: Kretzmann YES, Foor YES and Smith YES. Motion passed.**

OLD BUSINESS:

The Licking County Commissioners have dismissed the Roland Estates ditch petition by resolution. The Licking County Commissioners have vacated S. Rugg Alley by resolution. The Beechwood Trails Grant details have been submitted to the Licking County Prosecutors office for review.

NEW BUSINESS:

**Larry Kretzmann moved a motion to authorize the Fiscal Officer to renew the Zoning Inspectors bond for \$5,000.00 and to order new bonds for the two Trustees, term beginning January 1, 2010. Eric Smith seconded the motion. Roll call: Kretzmann YES, Foor YES and Smith YES. Motion passed.**

The Licking County Commissioners have approved the final plat for Harvest Ridge Estate Lots Subdivision in Harrison Township by resolution.

November 16, 2009, 6:30 p.m. to 7:00 p.m. at the County Administration Building the Licking County Planning Commission Board shall conduct a public hearing to take testimony on a proposed text amendment to the Subdivision, Land Division, Development and Congestion Prevention Regulations for Licking County.

Licking County Office of Homeland Security and Emergency Management will hold an integrated emergency management course on August 16-20, 2010 at Emmitsburg, Maryland. November 19, 2009 at the Columbus Athenaeum will be the Summit on Local Government Sustainability, strategies and solutions in a time of fiscal crisis.

The Licking County Planning Commission has approved Harrison Township's map amendment to the Comprehensive Plan, Future Land Use Map.

The Licking County Planning Commission, after careful consideration, the application to re-plot Lots 34 and 35 of Yorkshire Village was conditionally approved.

Morton Salt has been acquired by K+S Aktiengesellschaft through its purchase of Morton International, Inc.

The health insurance resolution was discussed. Ray Foor will check with Eric Fox about a resolution for the December meeting.

The Fiscal Officer passed out various financial reports for the Trustees to review and sign.

**Larry Kretzmann moved to approve the minutes of the October 5, 2009 meeting with no additions or corrections as well as approved paying mid-month bills and payroll, as well as warrants 9665-9707. Eric Smith seconded the motion. Roll call: Kretzmann YES, Foor YES and Smith YES. Motion passed.**

Discussion took place about hiring Harold Ford as an employee to be on call for snow removal.

**Ray Foor moved to increase salary for the following employees effective January 1, 2010 and make appointments:**

**Ben Patterson, Road Superintendent – wage will increase from \$20.00 per hour to \$20.60 per hour.**

**Mike Stickle, road employee – wage will increase from \$15.50 per hour to \$16.00 per hour.**

**Tony Trapp, part time road employee – wage will increase from \$15.00 per hour to \$15.45 plus 4 paid Holidays which include New Year's Day, 4<sup>th</sup> of July, Thanksgiving and Christmas.**

**Casey Casto, Zoning Inspector – salary increase from \$36,500.00 plus 30% commission to \$37,540.00 plus 30% commission.**

**Employees that are members of the Zoning Commission and the Board of Zoning Appeals will continue to be paid \$60.00 per meeting with the Zoning Secretary paid \$110.00 per meeting.**

**Nettie Salmons was reappointed for a one year term (2010), she is allowed to miss three (3) meetings and still receive per meeting pay, any meetings missed beyond three (3) will not be paid a per meeting pay.**

**Nettie Salmons, Zoning Commission and BZA secretary – increase annual salary from \$2,400.00 to \$2,600.00.**

**Larry Kretzmann seconded the motion. Roll call: Kretzmann YES, Foor YES and Smith YES. Motion passed.**

Being no further business, Chairman Larry Kretzmann adjourned the meeting at 9:52 p.m.

Respectively Submitted,

Carolyn I. Elder  
Harrison Township Fiscal Officer

Resolution 2009 11 02 01 is a part of the November 2, 2009 minutes.

Board of Trustees Harrison Township  
Licking County, Ohio, November 2, 2009

**RESOLUTION NO. 2009 11 02 01**

The Board of Township Trustees of Harrison Township, Licking County, Ohio (the "Board"), met in regular session this 2<sup>nd</sup> day of November, 2009 at the Harrison Township Administration Building, 6750 Outville Road, Pataskala, Ohio, with the following members present:

Larry Kretzmann  
Raymond Foor  
Eric Smith

Eric Smith introduced and moved to adopt the following Resolution:

**A RESOLUTION TO REGULATE NOISE WITHIN THE UNINCORPORATED  
TERRITORY OF HARRISON TOWNSHIP, LICKING COUNTY, OHIO, PURSUANT  
TO OHIO REVISED CODE SECTION 505.172**

**PREAMBLE**

**WHEREAS**, it is the opinion of the Harrison Township Board of Trustees that unnecessary noise in residential areas of this township and generated from premises to which a D permit has been issued by the division of liquor control is detrimental to the public health and safety and constitutes a public nuisance, and

**WHEREAS**, this Board of Trustees also recognizes that certain levels of noise are unavoidable, and

**WHEREAS**, it is the opinion of this Board of Trustees that the elimination of noise beyond that which is essential to everyday living is beneficial to all residents of this township, and

**WHEREAS**, it is the intent of this Resolution to prohibit noise that is unnecessary in residential areas of this township, and

**WHEREAS**, Section 505.172 of the Ohio Revised Code authorizes a board of township trustees to adopt regulations and orders that are necessary to control noise within the unincorporated territory of the township that is generated at any premises to which a D permit has been issued by the division of liquor control or that is generated within any area zoned for residential use;

**NOW THEREFORE, BE IT RESOLVED, BY THE BOARD OF TOWNSHIP TRUSTEES OF HARRISON TOWNSHIP, LICKING COUNTY, OHIO, THAT:**

## **Section 1. Definitions**

All definitions and terminology used in this Resolution not defined herein shall be in conformance with the applicable publications of the American National Standards Institute (ANSI) or its successor body or, in not defined therein, shall have their ordinary meaning. As used in this Resolution:

**D Permit** – A category of permits issued to liquor establishments by the State of Ohio Division of Liquor Control.

**Plainly Audible** – Any noise or sound produced by any source that can be clearly heard by a person using normal hearing faculties.

**Noise or Sound shall have their ordinary meanings.**

**Private Construction Activities** – Activities related to the building of structures, additions to structures, or renovation, remodeling, repair or maintenance thereof.

## **Section 2. Certain Noise Prohibited**

- A. No person in the unincorporated territory of Harrison Township shall make on any premises to which a D permit has been issued, or on any public or private property that is zoned as a residential district by this Township's zoning ordinance, any unreasonable noise or loud sound which, by reason of volume, pitch, frequency, intensity, or duration is likely to inconvenience, annoy, or disturb the health, peace and comfort of a person of ordinary sensibilities who is not a resident of the property from which the noise or sound emanates and is plainly audible at a distance of 200 feet or more from the source of the unreasonable noise or loud sound.
- B. It is prima facie unlawful for a person to generate or permit to be generated sound on the above describe property between the hours of 12:00 midnight and 6:00 a.m. of the same day, when the sound is plainly audible at a distance of 200 feet or more from the source of the noise or sound.
- C. No person, being the owner, or person in possession of a premises or person in control of the premises by reason of employment, agency or otherwise whether such ownership, possession or control is exclusive or joint, shall permit a violation of this section.

## **Section 3. Examples of Noises**

The following noises or sounds, which constitute a non-exclusive list, may be considered a violation of this Resolution if they violate Section 2 of this Resolution.

A. Horns; Signaling Devices. The sounding of any horn or signaling device on any automobile, motorcycle, or other vehicle on any public street or public place; or a creation of an unreasonably loud or harsh sound by means of any such signaling or horn; or the sounding of any horn or

signaling device for any unnecessary and unreasonable length of time. This shall not apply to the use of any such signaling device as a warning of danger.

B. Radios, Phonographs, Etc. The use or operation of any radio, phonograph, television, tape recorder, loudspeaker, cassette or compact disc player or any other machine or device for the producing or reproducing of sound or amplifying sound with louder volume than is necessary for convenient hearing for the person or persons who are in the room, vehicle, or on the property in which such machine or device is operated and who are voluntary listeners thereto.

C. Yelling, Shouting. Yelling, shouting, hooting, whistling, or singing.

D. Musical Instruments. The use of any drum or other musical instrument or device with or without electronic amplification.

E. Internal Combustion Engines, Motor Vehicles, or Other Power Equipment.

F. Gunfire.

#### **Section 4. Exceptions**

The provisions of this Resolution shall not apply to the following:

A. The emission of noise or sound made by a horn or other warning device required or permitted by state law, when used in accordance with state law.

B. Any law enforcement motor vehicle equipped with any communication device necessary to the performance of law enforcement duties or to any emergency vehicle equipped with any communication device necessary to the performance of any emergency procedures.

C. The emission of noise or sound for the purpose of alerting persons to the existence of an emergency or for the performance of emergency work.

D. Organized school related programs, activities, or parades, or other public programs, activities or events if conducted between the hours of 7 a.m. and 12 midnight, and in compliance with all other applicable laws, resolutions, and permits.

E. Noncommercial public speaking and public assembly activities conducted on any public space or public right of way.

F. Agricultural activities as defined in the Ohio Revised Code, Section 1.61, are exempt from the provisions of this Resolution.

G. Any person who engages in coal mining and reclamation operations as defined in division B of Section 1513.01 of the Ohio Revised Code or surface mining as defined in division A of Section 1514.01 of the Ohio Revised Code is exempt from the provisions of this Resolution if the noise is attributed to coal mining and reclamation or surface mining activities.

H. Noise resulting from the drilling, completion, operation, maintenance, or construction of any crude oil or natural gas wells or pipelines or any appurtenances to those wells or pipelines or from the distribution, transportation, gathering or storage of crude oil or natural gas is exempt from the provisions of this Resolution.

I. Noise generated from the normal operation of shooting ranges if the owner, operator, or user substantially complies with the chief if the Ohio division of wildlife's noise rules adopted in accordance with section 1531.10 of the Revised Code, and all other applicable laws, resolutions and permits.

### **Section 5: Incidental Noise**

Nothing in this Resolution shall be deemed to prohibit incidental noise such as that as is made by construction, repairs, or the maintenance of houses, outbuildings, accessory buildings, or yards between the hours of 6:00 a.m. and 12:00 midnight of the following day.

### **Section 6. Enforcement**

A. Violation of any provision of this Resolution shall be enforced by the Office of the Licking County Sheriff or any other appropriate law enforcement agency in a manner consistent with the sheriff's or agency policy for misdemeanor offenses of the second degree.

B. The Harrison Township Board of Trustees shall seek a civil injunction against a person who violates this Resolution if there is reasonable belief that the noise causes ongoing and substantial or material harm that would be irreparable if an injunction were not issued.

### **Section 7. Law Enforcement Determination of Source**

Any law enforcement personnel who hears a sound that is plainly audible as defined herein shall be entitled to measure the sound according to the following standards:

A. The primary means of detection shall be by means of the officer's ordinary auditory senses, so long as the officer's hearing is not enhanced by any mechanical device, such as a microphone or hearing aid.

B. The officer must have a direct line of sight and hearing to the source of the noise or sound so that he can readily identify the offending person and the distance involved.

C. The officer need not determine any particular words or phrases being produced or the name of any song or artist producing the sound. The detection of a noise, sound, or rhythmic bass reverberating type sound is sufficient to constitute a plainly audible sound.

**Section 8. Penalty.**

Pursuant to Division (D) of Section 505.172 of the Ohio Revised Code, whosoever violates Section 2 or Section 4 of this Resolution shall be guilty of a misdemeanor of the second degree. Fines levied and collected pursuant to this Resolution shall be paid into the township General Revenue Fund.

**Section 9. Private Civil Action.**

Pursuant to division (E) of Section 505.172 of the Ohio Revised Code, any person aggrieved by another person's violation of this regulation may seek in a civil action a declaratory judgment, an injunction, or other appropriate relief against the other person for committing an act or practice that violates this Resolution.

**Section 10. Other Remedies.**

No provision of this Resolution shall be construed to impair any common law or statutory cause of action, or legal remedy there from, of any person for injury or damage arising from any violation of this Resolution or from other law.

**Section 11. Severability.**

In the event that a court of competent jurisdiction declares a section of this Resolution invalid and unenforceable, then the remaining sections of this Resolution shall remain in full force and effect.

**Section 12. Open Meeting**

It is found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of the Board and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

**Section 13. Effective Date**

This Resolution shall take effect and be in force on the date of the passage of this resolution.

Larry Kretzmann seconded the motion, and the roll being called upon the question of passage, the vote resulted as follows:

YEA: Larry Kretzmann, Raymond Foor, Eric Smith

NAY: \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Adopted November 2, 2009

**CERTIFICATE**

I, Carolyn I. Elder, Fiscal Officer of the Board of Trustees, Harrison Township, Licking County, Ohio, hereby certify the foregoing to be a true and exact copy of excerpts from the minutes of a meeting of the Board on November 2, 2009.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Carolyn I. Elder  
Fiscal Officer of the Board of Trustees  
Harrison Township, Licking County, Ohio