

Village of Kirkersville Council Meeting Minutes

December 7, 2022

Mayor Ashcraft called the meeting to order at 7:00 p.m.

Council in attendance: Mark Davis, Dave Engel, Jessica Forsthoefel, Jim Kincaid, Carrie Slone and Nick Takach

Also present: Fiscal Officer Shirley Roskoski and Solicitor Brian Zets

Agenda

It was moved by Takach, seconded by Kincaid to approve the agenda. Following vote on the motion is recorded: yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, none.

Minutes

It was moved by Takach, seconded by Kincaid to approve the minutes of November 2, 2022. Following vote on the motion is recorded: yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, none.

Public Poll

Andrew King, SW Licking Water and Sewer District, said he was just stopping in to reach out to let you know that we are moving forward with the planning process and submitting applications for the water project and just wanted to know if there were any questions that council may have.

Council member Kincaid said, as you know I am fully in support of this. Some of the things that come to mind is there is not a JEDD set up yet and I just don't know at this point how to move forward without knowing how the end result will be.

Andrew said I understand. I think where the District is at, particularly in Union and Jersey, is we know it is a process and we know it is development driven. I know you have some projects that are seeking zoning and things like that. It won't be final until it is final. In the case of Union, it was sort of progressive steps. We executed an MOU, we had joint meetings, we sent out letters, and we had public participation. They then did a TIF resolution and we entered into a TIF contract. We negotiated a JEDD over the course of months, trying to find the right municipal partner, and come to terms. Where Union is at now, they have implemented the TIF. We executed the TIF contract. They are in the public hearing portion of their JEDD. Sometime in early January the JEDD will be in place. I think what was proposed as a document was sort of the idea of keeping it in the spirit of what we have done elsewhere. We understand it is a process and I think, in Union's case, we are spending funds and we are running water lines out there. We are going to go into construction next year and there is no development out there yet. We just put the TIF's in place and the JEDD's in place with the belief that there will be development out there in the future. The fact that the commitment was made and the revenue streams were put in place was the most important thing to the District, that there was revenue coming in. That is the

similar thing that we are looking for as a partnership with the village because we understand that people have to come and buy land and seek zoning. It is all a process and I think we are looking to engage to help move that process forward knowing it will probably be a good chunk of 23 to get all the steps put in place.

Council member Kincaid asked Andrew if he would still be involved moving forward.

Andrew said February 9 will be the start of my term, so February 8 will be my last day. The District has put out a notice for applicants and we have received 8 or ten. The thought process will be sometime in early January we will be doing a soft handoff at as many meetings as I can do.

Mayor Ashcraft asked when will the wells start pumping on the Timmons property.

Andrew said probably sometime next year. Those wells are production wells. We have an RFQ out for the water plant expansion to take it to five million gallons per day. That probably won't be designed until later in the year and go into construction next year. I can certainly get CJ to tell you for sure. My guess is some of the wells might go into service end of summer next year but all of the wells will not go into production until the plan expansion is completed.

Council member Engel said I talked to a friend of mine and he said he did not think the village would be able to do a JEDD because we already have an income tax in place. We need to check into that before going any further.

Andrew said, certainly you have to follow your solicitor's advice, but, we did, as part of our due diligence, before making these offers to you, we did get a legal opinion that it is possible to layer a JEDD in a village.

Michael Miller, said I am with Zeller Acres HOA. I am representing our community and with Ordinance 12-2022 and Ordinance 13-2022 there are a few things that I want to make sure I get covered. One of our residents brought up the issue of a storm water plan. I know that comes late in the process with that. They are wondering if it is going to negatively affect the flood hazard that we have. We have properties in Zeller Acres that are in the flood plain, so they are required to have flood insurance and they are required to have to be built up so they wanted to know if there is going to be an impact to that based on a stormwater plan. Then when it comes to an ordinance regarding noise and light. I was provided with a noise ordinance from 2006 regarding noise, however a light ordinance does not exist. How will the village enforce both a noise and light for this development, specifically the lighting if you have nothing in place on this development? Also, with the buffers, part of the plan says for natural. Does that mean whatever is there they are just going to leave it or is there a plan of what that is going to be and distance wise in their submission?

Council member Takach said generally the understanding is, whoever is going to do the development, and when they provide the site plan, it is going to include what those barriers are going to look like. If there is no added barrier it will be just what is left of the tree line. If they are going to add trees it should be on the plan.

Michael said it just says natural barrier, or. It gives that as a cop out in my opinion.

Council member Takach said that will all be discussed during further reviews of the plans for the project. We are talking the RED Rock project, to be clear. There will be a lot of communication between the zoning board, between Red Rock, and the community that comes in to discuss that to make sure that positively affects the community and the developer. That is something to bring forward when they are looking at the site. Looking at what the community wants to see as those barriers. The same with the lighting. The watershed part of it will be determined by the appropriate permit issuing entities.

Mayor

Mayor Ashcraft said the fines for the month are \$1,630.00.

He said that he usually waits until January to appoint committee members but he wants to appoint Jim Kincaid to the Fire Board tonight since they may be having a meeting early in January.

Chief

Chief DeLawder gave his monthly report.

Streets

Mayor Ashcraft said he received a quote from Tom Lott to install two storm drops for \$700.00. The Police Department ceiling track needs to be repaired and the town hall windows need to be repaired. Some are stuck and we can't get the top ones all the way up and on Second Street we need to replace all those post with reflectors. The total cost of all repairs is \$2,675.00.

It was moved by Engel, seconded by Takach to approve \$2,675.00 for the repairs. Following vote on the motion is recorded: yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, none.

Mayor Ashcraft said there is a stump that needs to be ground out and Slone Tree gave a quote of \$375.00 to do this. It was moved by Takach, seconded by Kincaid to approve \$375.00 for stump grinding. Following vote on the motion is recorded: yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, none.

Fire Board

Council member Kincaid said he was not able to attend the meeting. He said they had issues with the zoning part in Reynoldsburg. Since that meeting the issues have been resolved and construction is moving forward. The next meeting is December 15.

Planning and Zoning

Council member Engel said we have met twice this past month. At the second meeting we had a presentation from 7-11/Speedway. They are looking at the property down on the northwest corner of Outville Road and the 158 by pass. There are a number of questions that need to be answered because it is all a flood plain in that area. Our next meeting is a week from tonight and that meeting is to start working on updating our zoning codes.

Mayor Ashcraft said I found out yesterday that at the corner of Keller and Outville Road, there could be a Sheetz facility going in there.

Finance

Council member Davis gave the following fund balances: General Fund 128,100.67, Street Fund 46,502.12, State Highway 23,485.29, Drug Law Enforcement 3,964.11, Indigent Drivers 400.00, American Rescue Plan 58,053.42, Mayor's Court Computer 1,267.00, Sewer Operating 329,679.61 for a total of \$591,532.22.

Legislative Actions

Mayor Ashcraft said before we get started. I did talk with Brian regarding Ordinance 14-2022. This is the one that the County Engineer gave Todd, where the village has to take care of SR 40 once Red Rock develops.

Todd said the County Engineer said it was a template from the one they just did in Hebron.

Mayor Ashcraft said I talked to Hebron and they said no, they did not do this.

It was moved by Takach, seconded by Kincaid to table Ordinance 14-2022. Following vote on the motion is recorded: yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, none.

Shirley said I did amend Ordinance 12-2022 by changing the amount out of the Street Fund to \$4,000.00 from \$3,000.00.

Second Reading- Ordinance 12-2022 - An Ordinance to reappropriate funds for current expenses and other expenditures of the Village of Kirkersville, State of Ohio, during the fiscal year ending December 31, 2022 and declaring an emergency.

It was moved by Takach, seconded by Engel to amend Ordinance 12-2022 by substitution. Following vote on the motion is recorded: yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, none.

It was moved by Takach, seconded by Kincaid to suspend with the rules. Following vote on the motion is recorded: yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, none.

It was moved by Takach, seconded by Slone to adopt Ordinance 12-2022 as an emergency. Following vote on the motion is recorded: yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, none.

Second Reading – Public Hearing - Ordinance 13-2022 – An Ordinance to amend the Zoning District Map of the Village of Kirkersville, Licking County, Ohio by rezoning parcel numbers 099-018192-00.00, 0269024-11.001, and 010-017748-00.00 to PUD (Planned Unit Development)

The public hearing was declared open. Does anyone want to comment?

Todd Ward, Red Rock, said in regards to the Route 40 maintenance. That is what the County told me. I am happy to work with Mr. Zets to figure out what is appropriate and what Licking County

requires for annexation. Every County in the State of Ohio is slightly different. We have engaged Montrose Group because they have done annexations before and have that knowledge and experience. We will work as a team to figure out what makes the most sense. The County Engineer acknowledged that Kirkersville doesn't have to actually maintain it because that is an Ohio State Route so I find it a little convoluted myself. We will work to make sure the village is protected. That I promise you. Just a couple of quick things. Yes, we did do the land swap as I mentioned before. That provides the second entrance that the Fire Department was looking for. That comes out on Route 40. Hopefully that will not affect the neighborhood in any way, shape, or form. The storm water; we do have to comply with the State of Ohio and Licking County standards on all of that to make sure that there is no additional runoff after development as there is prior to development. We try to do our best to increase that to be even better. We will do all we can on that. We have not started full engineering with the actual calculations. We just know that we have to leave enough rooms for the ponds for whatever size that may need to be. For the lighting, as discussed before, we are going to use LED lights that are directional. At the property lines we are going for zero-foot candles, maximum of five-foot candles which is still pretty dark. There are some safety compliance things that we have to do per building codes. We have to put wall packs on the buildings for employee safety. One of the things we are very proud of is that our lighting does not bleed over as much at the property line.

Council member Takach asked if their facility on 310 had the lighting that he was talking about.

Todd said yes, but that building sits much further back.

Council Member Takach said but this would be an example of the lighting for someone to take a look at.

Todd said when you have interstate frontage that tends to be more lit for free advertising. Since we do not have interstate frontage here the minimum lighting that we can do to create the safety measures that we need. Our lights will only be 35 feet high. Walmart's lights are about 50 feet high. Todd said for the buffers. We want to provide the assurance to the village that we are going to do what we can to buffer from the residential areas around there to the best of our abilities. We do have that planting strip that goes through there. Mostly what we are talking about with the natural vegetation is on the back side of the property. Most of that area is a flood plain with trees and stuff so that area will never be developed as far as we see. There is a pretty good natural buffer in there with some streams that we will not touch. The rest of sides will have planted buffers. The entrance areas will be sodded, nor seeded. We plan on doing a nice landscaping. You can go by the one in Pataskala to see our landscaping. Todd said the better the product is the faster you can lease it and the faster you can get your money back. It is better for us to put a little more in up front so we don't have a building sitting there. That is one of the things that I have promised the village from the very beginning. Is that we wouldn't just build a building because a building that sits unoccupied is blight. We don't want to build blight. We want to build something that is going to be a good opportunity for the village and provide a good future. Those are just the highlights that I wanted to hit on. We still have a long way to go with the zoning. We still have to get the building design and the being approved. The engineering still has to be completed and we have to make sure that complies with everything. We still have to talk with Ohio DOT to see if they are going to require a traffic impact analysis or if they are

going to indicate a certain amount of turn lanes, which we were going to do anyways. There are still a lot of steps to come. I am giving as much detail as frankly as I possibly can because if you go too far then you have the County or the Village state something and then you have to change it around and it looks like you didn't know what you were doing.

Dale Gullett, 6237 National Road asked if a planning study has been done on the property.

Todd said what we have done is we have an in-house engineer and we are also working with Structure Point here in Columbus. There are two different site plans in the packet. There may be some tweaking that will need to be done.

Michael Miller said our residents are not residents of the village. We are in Etna Township. What voice does our residents have when it comes to the buffer?

Todd said the buffer is all the way around the property. We plan on natural vegetation, not fences.

Council member Takach said I try to represent the people of the village and try to listen to their concerns and I am just as concerned about the people that are in Etna Township that back up to this. I would encourage you to attend as many meetings as you can and continue to make your voice heard. You can go to our website, kirkersvilleoh.com, to see the meeting schedule.

Todd said one of the reasons Red Rock has been so successful is because we have a higher standard of building and we do the best we can within the communities where we are at and the last thing we want is for any council member or any resident to say bad things that we didn't do this right and that damages our reputation.

Charles Hossom, 6201 National Road, asked Todd if he had stopped and looked at the damage that has already been done. He showed Todd some pictures of his property of stormwater coming onto his property from the property across the street from him.

Patrick Lyle, 5695 National Road, said I did not anticipate this to happen. If my well goes dry it will cost me \$22,000.00 to drill a new one. He asked if Red Rock will be tapping into the water district. I am very concerned about the water. If I stay here am I going to have water?

Mayor Ashcraft said the entire area needs water. They are planning on putting innumerable lines for residents to be able to connect to the water lines.

Council member Takach said the current public hearing is for the development of Red Rock, not for the water and sewer district.

Mayor Ashcraft said the water district bought 50 acres and put two wells on that property.

Council member Kincaid said we have been working with the Water and Sewer District for the last six months to have city water for the residents. There will be no tap fees or assessment fees for village residents. You will only have the monthly bill.

Mayor Ashcraft said we are trying to keep development in the village and we are working with Red Rock so we do not have what happened with the 158 acres on Outville. We do not want the property to go into Etna Township and then we will not have any control over what goes in there.

The public hearing closed at 8:12 p.m.

First Reading – Ordinance 15-2022 – An Ordinance amending and updating the Village of Kirkersville Zoning Fee Schedule.

Council member Engel said our zoning inspector found a fee schedule dated 2008. Our concern was as we move forward with development we want to make sure that fees are covered. We are still working on the zoning fees and will have more for you at the next meeting.

First Reading – Resolution 06-2022 – A Resolution implementing Section 3735.65 through 3735.70 of the Ohio Revised Code, establishing and describing the boundaries of the Community Reinvestment Area in the Village of Kirkersville, designating a Housing Officer to administer the program, and creating a Community Reinvestment Housing Council and a Tax Incentive Review Council.

Bills

It was moved by Engel, seconded by Takach to pay the bills in the amount of \$22,227.49. Following vote on the motion is recorded: yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, none.

Old Business

Council member Davis asked about the tile running under the driveway on Loop Road. Is that going to get repaired.?

Mayor Ashcraft said the person living there is going to talk to her dad because he owns the property.

New Business

Council member Forsthoefel said we need all new flags out front. It was moved by Takach, seconded by Forsthoefel to approve \$150.00 for flags. Following vote on the motion is recorded yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, none.

Mayor Ashcraft said he met with Harrison Township Trustees regarding Keller Road. The village owns from VanBurens to the motel. We will meet again in January.

Council Poll

Council member Engel said there has been a truck sitting at the church for days.

Mayor Ashcraft said the Village Tavern sold. We will be getting their delinquent sewer bills paid up.

Adjournment

There being no further business, it was moved by Kincaid, seconded by Takach to adjourn. Following vote on the motion is recorded: yea, 6; Davis, Engel, Forsthoefel, Kincaid, Slone and Takach. Nay, none. Meeting adjourned at 8:22 p.m.

Fiscal Officer

Mayor