

**Harlem Township Board of Trustees
Delaware County, Ohio
Regular Trustee Meeting July 19, 2023**

This meeting was called to order by Dave Jackson at 7:00 pm

Present: Dave Jackson, Chair Lisa Hursey, Fiscal Officer
Carl Richison, Alternate
Jerry Paul, Vice Chair

Staff Present: Kendra Borrer Administrative Assistant to the Trustees
Mike Cannon Director of Zoning & Development
Ray Thrash Lieutenant Harlem Fire

Also Present: Steve Eisenbrown, Bob Singer, Mike Kabler, Joni Manson, Dave Snyder, Lauren Robinson – Delaware County Health District, Jim Steelesmith, Courtney Wade, Rusty Bell, George Mattei, Matt Jager, Katie Aiken, Jaime & Jenna Perkins, Dennis Goodin, State Rep Beth Lear, Jeff Lear

Via Zoom: None

Pledge of Allegiance.

PUBLIC ITEMS

Beth Lear – State Representative and Brian Renner offer assistance to township regarding AEP and Intel.

Lauren Robinson – Delaware Public Health District – Mosquito Traps are out.

ZONING APPLICATIONS

RES. 23-0719T-001 RECEIPT OF ZONING APPLICATION HTZC23-04 JAMIE & JENNA PERKINS

Trustee Paul made a motion to receive zoning application HTZC23-04 on Jamie & Jenna Perkins, 10518 Adams Rd, Galena, Ohio 43021, seeking to rezone 5.004 acres from current zoning AR-1 Agricultural Residential to FR-1 Single Family Residential.

There is no physical address for the property. Parcel ID # 316-320-02-009-000.

The hearing will be held on Wednesday, August 16, 2023, at 7:15 p.m. at the Harlem Township Firehouse, 3883 South State Route 605, Galena, Ohio 43021. The hearing is open to the public. The application and accompanying documents are on the township website. Seconded by Trustee Richison. Vote: All Yes

RES. 23-0719T-002 RECEIPT OF ZONING APPLICATION HTZC23-05 DANIEL HERSCHUDE

Trustee Richison made a motion to receive zoning application HTZC23-05 on Daniel J. Herschede, 15675 Montgomery Road, Johnstown, Ohio 43031, seeking to rezone 5.00 acres from current zoning AR-1 Agricultural Residential to FR-1 Single Family Residential.

There is no physical address for the property. Parcel ID # 316-140-01-035-000.

The hearing will be held on Wednesday, August 16, 2023, at 7:30 p.m. at the Harlem Township Firehouse, 3883 South State Route 605, Galena, Ohio 43021. The hearing is open to the public. The application and accompanying documents are on the township website. Seconded by Trustee Paul. Vote: All Yes

FISCAL OFFICE REPORT

July 2023 FINANCIALS

June Bank Reconcile

Appropriation Status Report up to date Report

Appropriation Ledger Report up to date report

RES. 23-0719T-003 APPROVAL OF TRUSTEE MINUTES

Trustee Paul moved to approve the following minutes.

- June 21, 2023, Regular Trustee meeting minutes
- July 10, 2023, Special Trustee meeting minutes

Seconded by Trustee Richison. VOTE: All Yes

RES. 23-0719T-004 APPROVE WARRANTS & VOUCHERS

Trustee Richison moved to approve approved the presented the bills and Fiscal Officer certified that the amounts were available in the respective accounts to pay said bills in the Payment Listing Report. Starting with Warrant# 13018 through Warrant# 13039. Voucher #78-2023 - Voucher #89-2023. Total amount \$141,636.28. Seconded by Trustee Paul. VOTE: All Yes

TRUSTEE BUSINESS

The Trustees reached out Delaware County Prosecuting Attorney Office regarding AEP again. They wanted to know what the validity would be for them to file an injunction against AEP to stop them from potentially acquiring permanent easement across properties in Harlem Township through eminent domain.

Cory Goe from the Prosecutors Office responded stating that “Eminent domain in the state is controlled by ORC 163.01 – 163.63. It outlines a very specific process for the appropriate/taking of property and the process of compensating for that taking. I do not believe (based on my research) that the Township has the standing to take action against a public utility. Any such action would need to come from the individual or collective property owners themselves. That process is identified in R.C. 163.08. Again, everything in the eminent domain sections relates to the “property owner” and not the Township or the Trustees on behalf of the Township.

The Township does certainly have authority under R.C. 519 to enact zoning regulations, which of course, Harlem Township has done. Again, Township Trustee authority is somewhat limited. R.C. 519.211 states:

(A)Except as otherwise provided in division (B) or (C) of this section, sections 519.02 to 519.25 of the Revised Code **confer no power on any board of township trustees** or board of zoning appeals in respect to the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any buildings or structures of **any public utility** or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad, for the operation of its business.

The gist being the Township may enact zoning, but public utilities are exempt from those requirements.

Long story short, I do not believe the Township or the Trustees on behalf of the Township have authority to take action through the seeking of an injunction. The process outlined by R.C. 163 does give power to landowners specifically. The Township would have the ability to act on property that the Township owns of course.

Eminent Domain is very difficult and honestly typically isn't a question of if the taking occurs but rather how much is just compensation for the taking. Especially in situations involving public utilities."

CEMETERY

The headstone for Essie M. Arnold has been reported as having a disintegrated foundation and is falling over.

REPLACE FOUNDATION FOR ESSIE M. ARNOLD HEADSTONE

Trustee made a motion to have C&S Restoration replace the foundation for Essie M. Arnold's headstone due to disintegration of the concrete with a cost to the Township of \$450.00. Trustee Seconded. Vote: **Tabled UNTIL August 16 2023 meeting.**

The headstone for Townsend and Faye Heywood has been reported that the headstone has "moved" out of place. Mr. Paul met with Scott Schmidt to determine the reset back onto foundation.

FACILITIES

The WIFI and new touch pad door lock has been installed at the Grange Hall. The key still works at the back door. Kendra is working on assigning group numbers to each group and will be getting them programmed this week.

ADMINISTRATIVE OFFICES

Computer for A/V system has arrived and will be updated on Thursday 7/20/2023. As of Monday, last week I was made aware that the tablet that controls the projectors and the screens has stopped working. (Zoom still works) It seems components are failing faster than we can get items replaced. So, from here I would like the board to consider moving forward with the replacement of the AMPS, Projector(s), AMX tablet that controls the screens, lighting and projectors and the TV monitor for the trustees. Bill Eddy will be here Thursday 7/20 to install the new computer, at which time I can have him send me the links to review all the parts and prices. We are working on pulling information and hopefully will have pricing soon.

The township building's new touch pad door locks have been installed. All "old" door codes have been activated to the same users. Old key cards are no longer compatible. I believe everyone now has their new key cards except those getting photo ID badges which we should have next week. Kendra has assigned time delays to those key cards for group meetings.

FIRE DEPARTMENT

FIRE RUNS

- See Attached Run Sheet

MAINTENANCE / PARKS

MAINTENANCE/ROADS

RES. 23-0719T-005 APPROVAL FOR ANNUAL DUST CONTROL / CHIP SEAL OF ROADS

Trustee Richison moved to approve the annual dust control/ chip seal of Duncan Run, Lewis Road, Evans Road, and Hatch Road with RS2 Liquid Asphalt supplied by; Phillips Oil Columbus, Oh. With price per

gallon \$2.37 Est. 8500 gallons for a total cost of \$20,145.00. # 8 Chips were stockpiled last year. Seconded by Trustee Paul VOTE: All Yes

ZONING / DEVELOPEMENT

RES. 23-0719T-006 ACCEPTANCE OF RESIGNATION OF DIANA WELCH

Trustee Paul moved to accept the resignation of Zoning Administrative Assistant Diana Welch effective 7/7/2023. Trustee Richison seconded. VOTE: All Yes

Mike & Kendra will resume the interviewing of applicants in file.

ZONING PERMITS & COMPLIANCE ISSUES

	2023	LY+/-	2022	2021	2020
Total Permits June:	56	=	63	60	62
Single Family Res:	12	-6	23	30	27
Accessory Building:	17	-4	21	9	17
Remodeling/Addition:	5	-3	8	4	4
Signage:	0	=	0	1	0
Pool:	11	+4	7	11	6
Deck/Porch:	9	+7	2	4	6
PCD:	0	-2	2	1	0
Revision	2	+2	0	0	0
Total Permits			86	104	107

End of June 2022. 54 permits compared to 53 this year.

Open Enforcement Issues:

- 5465 Harlem Rd - Debris and junk cars reported. **Prosecutor filing a complaint with the Court of Common Pleas.**
- 5828 S. State Route 605 – Debris and junk cars reported. **Prosecutor filing a complaint with the Court of Common Pleas.**
- 16275 Lewis Rd – Complaints made about junk vehicles and trash.. Spoke with resident he is going to take new pictures and I will review them with Cory for guidance. As of this date I have not received any new info.
- 9602 Covan Dr.- Residence is continuing to clean up. Will continue to monitor.
- 3471 Green Cook - – Debris and junk cars reported. Resident is cleaning up property I will follow up with an additional visit.
- 12116 Center Village Rd.—Dump Truck parking lot—. Resident’s attorney is not communicating with Cory. Cory is taking next step in process and will keep me informed of the progress.. Cory will inform me of the progress and talks as well as the next steps to be taken.

- 13122 Hatch – Complaints of Junk and Debris. Visited the property on 7/18/2023. Talked with a resident and requested to speak with the owner. He stated the owner was sleeping and could not come to the door. I left my card and told the resident to have the owner call me. If I get no call back I will send my initial letter.

Potential Issues for BZA/Zoning Committee:

- 14520 Center Village Rd.—Distillery—Variance – No further activity.
- 4854 Miller Paul Rd. -- Ice Skating Facility—Resident got information on variances.
- 5916 SR 605-Expanded home occupation- Resident is having medical issues and will pursue the variance when his health is to point where he can do so.
- 11380 Fancher rd. – Rezoning is for the ZC.

Development Projects:

Working with multiple developers and inquiries.

Zoning Projects/New Business/Summary

None

STRATEGIC PLANNING COMMITTEE

Jim Steelesmith updated that Bob & Holly met with Intel. Updated the committee’s progress at this time.

PUBLIC COMMENTS

Lt. Ray Thrash Brought up concern with back door being propped open.

Steve Eisenbrown addressed A/V system concerns in regard to keeping the township communication lines open with the residents.

Lt. Ray Thrash addressed AMX control pad being discontinued and refurbished.

There was no more business to come from the Board.

Trustee Richison moved to Recess this meeting until Wednesday 7/26/2023 at 7pm. Seconded by Trustee Paul

VOTE: All Yes

Meeting recessed at 7:32 pm

Dave Jackson, Chair

Jerry Paul, Vice Chair

Carl Richison, Alternate

Attest:

Lisa Hursey, Fiscal Officer

Minutes Approved: 8/16/2023