

0172
RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustees

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

April 19, 2005

Held

20

The Etna Township Board of Trustees met on April 19, 2005 in the Etna Township Hall to hold a regular meeting. The meeting was called to order at 7:00 p.m. by President Burkholder and the pledge of allegiance was recited.

Roll call showed Mrs. Siddens, Mr. George, President Burkholder and the clerk present.

ADOPTION OF THE AGENDA

Mr. George moved to adopt the agenda. Siddens seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

ADOPTION OF THE MINUTES

Mr. George moved to adopt the April 5, 2005 meeting minutes. Siddens seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

Mr. George moved to adopt the April 9, 2005 special meeting minutes. Burkholder seconded.

Roll Call: Siddens, abstain; George, yes; Burkholder, yes.

PUBLIC COMMENTS

Dan Bravard, 10252 Taylor Road, said that as chairman of the zoning commission and a township resident, he was disturbed about a Pataskala Standard newspaper article on the letter to the Licking County Prosecutor and Ohio Attorney General regarding alleged actions by the zoning commission. The zoning commission was not contacted by the trustees or the newspaper reporter regarding the matter. Mr. Bravard said the zoning commission is, has and will conduct the affairs of the township ethically, morally and legally. Secondly, he thanked the trustees for getting involved in the JEDZ and offered his assistance for its passage when placed on the ballot. Third, he thanked the trustees for hiring Laura Brown, saying she has done a marvelous job. Fourth, the members of the zoning commission disagree but they can discuss, compromise and laugh and the trustees should follow this example. The township is getting bad press on their disagreements.

Neil Ingle, 71 Trail East, said the bank now owns Cumberland Trails Golf Course and the homeowners are concerned because 72 acres of the golf course was promised as the green space for the Cumberland Trail Development.

President Burkholder said correspondence was sent to MAS Cumberland and Columbia Road Ltd. that the township would pursue legal action if the driving range, which is part of the green space were to be developed.

Mr. George said this was a bad PUD because the green space is not useable to all residents, one must be a member of the golf course to use the green space.

Jim Van Dyne, 7173 Refugee Road, said gravel has not been placed in the detention/retention ponds in Brandy Mills and would like for the zoning inspector to check on this matter. Also huge piles of dirt left in the floodplain at Frontier Ranch for at least two years needs to be removed. It is county's responsibility since they issued the right-of-way for the entrance.

Claudette Van Dyne, 7173 Refugee Road, said the zoning inspector needs to make sure the developer is in compliance with the placement of the three detention/retention ponds in Brandy Mills especially the two abutting Jardin Manor.

President Burkholder said that because of a group effort by the township trustees, residents and commissions, the county engineer's office will be hiring independent inspectors to check subdivisions.

Tom Dixon, 8467 Hazelton-Etna Road, inquired if the zoning inspector could follow up with the county on the cut tile which was not on the punch list. This cut tile is causing flooding on his property.

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CORRESPONDENCE

- Paul George - Thank You card
- Randy Thorp, Licking County Sheriff - on site assessment
- Licking County Commissioners - Resolution 47-334 granting Expedited II Annexation Petition for 29.558 acres on Taylor Road
- Midland Impact - request for completion of tax exempt certificate
- Licking County Transit Board - offer from Loretta Frenton, General Manager, to speak at trustee meeting on transit issues
- Licking County Health Department - continuation of receiving reports on all animal bites and violation notice for 8670 Main Street and 8938 National Road
- Ohio National Road Association - meeting notice
- Robert L. Becker - Cameron Chase Section II
- Ohio Public Safety - March statistics report
- Citizens for Pataskala Police - police levy
- Greater Licking County Convention and Visitors Bureau - press release
- Delores Trevitt - e-mail concerning road drop off on Taylor Road by the school
- Sunoco - manage account on line
- Licking County Planning Commission (LCPC) - technical review for Screen Machine

Regarding the annexation, President Burkholder said according to ORC 709.023 and 503.7, the property will remain part of Etna Township's tax base. A few Reynoldsburg officials continually bring up the fact that Etna continues to receive tax money from the annexed properties. Burkholder said that Reynoldsburg receives the income tax money from the residents and businesses and if they do not like this, then they should not accept the annexation. A healthy township is in Reynoldsburg's best interest as well as a healthy Reynoldsburg is in the best interest of the township.

OLD BUSINESS

A. Location of severe weather siren

Mr. George reported that Ralph Anderson with B&C Communications assured him that the southeast corner of the township garage was an ideal location to install the tornado siren and there is no danger of dbd's from that point and no harm to anyone in the area. Only 123 dbd's are emitted first and then drops to 115 at 100' and the nearest house is about 200' away. KMA Electric can take a 20 amp circuit from the electric panel in the garage and run a conduit to the pole and siren.

Resolution 05-04-19-01: Mr. George moved to contract with KMA Electric to install the tornado siren on the southeast corner of the township garage. Burkholder seconded.

Roll Call: Siddens, no; George, yes; Burkholder, yes.

B. Cameron Chase subdivision final plat and subdivision deficiencies.

The township needs to contact Brent Shenk concerning Tim Hall's request for information from Mr. Shenk. The township continues to incur costs for DLZ Engineering to check on the deficiencies. Fixing the handicap ramps can be costly.

Resolution 05-04-19-02: Mr. George moved that the chairman of the board contact Mr. Shenk and inquire as to the information received from Tim Hall and to furnish Mr. Shenk with all the township's information on Cameron Chase. Burkholder seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

LCPC notified Tom Carmody of M/I Homes that they can not post "For Sale" signs on lots in the section where the final plat has not been approved.

C. Cumberland Chase condos, letters of violation

LCPC sent correspondence to Tom McVay with MAS Cumberland regarding four violations found in an April 8th inspection. The violations have not corrected since the initial letter was

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sent on January 14, 2005. LCPC gave the developer three calendar days to correct the violations or else a \$300 per day fine would be imposed.

Craig Paynter with Chester Wilcox & Saxbe LLP sent a letter to Richard J. Whaley, President of MAS Cumberland stating the driving range was included in the green space for the Cumberland Trail Development and could not be developed.

D. Cumberland Trail, green space and golf course
This was discussed under public comments

E. Longwood Crossing, discussion of amendment process
Letter was sent to Connie Klema, attorney for the developer, advising the appropriate action for her to take for the emergency access amendment which is to go before the zoning commission, LCPC and for the final vote by the trustees.

F. Taylor Road update
President Burkholder said that Peter Griggs with Loveland & Brosuis, LLC has advised the township that the process the township has initiated is adequate and another resolution is not required.

Mr. George said the elementary school will open in a few months and the road can not handle school buses.

President Burkholder said he spoke with Sue Spicer about coordinating Issue II money for the two districts for Taylor Road. Another suggestion was a TIF, the businesses could contribute and the money from the JEDZ could be used. At a Reynoldsburg City Council meeting, President Burkholder said he spoke at a as an individual, not representing the board and said he would be interested in meeting with Reynoldsburg on the possibility of a JEDZ on areas where there is a common border.

G. Motion to approve Dallas Maynard's accumulated comp time
Computation of time to be ready for next meeting.

H. Resolution on competitive bidding
The former resolution could not be found.
Resolution 05-04-19-03: President Burkholder moved to forward the information on complete bidding from Calfee, Halter & Griswold LLP to the Licking County Prosecutor for review and advisement. George seconded.
Roll Call: Siddens, yes; George, yes; Burkholder, yes.

I. Letter to Steve Ferris from Licking County Soil and Water regarding Watkins Grove
President Burkholder said he would follow up on this with Mr. Ferris

J. JEDZ election update
The public hearing is scheduled for May 17, 2005 at 7:15 p.m. and the City of Newark has also scheduled their public hearing. The document is on file at the township for review. There was discussion on hiring legal council in the assistance at the public hearing. President Burkholder said he was told verbally that all ten precincts, five in the incorporated and five in the unincorporated would vote on the JEDZ contract.

President Burkholder moved to retain Loveland & Brosius to assist in the process of bringing the JEDZ contract to the ballot and to assist at the public hearing not to exceed \$5,000. George seconded.

Discussion: Mr. George said he was led to believe that Southgate's attorney would handle all issues with the JEDZ contract and help with the campaign.

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President Burkholder said that while the county prosecutor has been very helpful he would feel more comfortable with a specialist like Loveland & Brosius who deal with zoning laws and economic development districts. Mr. Stocco with the county prosecutors office said he saw no problem with contributions for the cost of the election but will contact the Secretary of State to see if this will be in compliance with the election laws.

Roll Call: Siddens, no; George, no; Burkholder, yes

Mr. George moved to table this item to the next meeting for further information. Burkholder seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

Mrs. Siddens said she would like to see all appropriate persons involved, Southgate, City of Newark, ProLogis and any public relations company with Southgate at the public hearing to support the township and to answer question. The township should extend invitations to those people involved.

K. Memorandum regarding South Fork of the Licking River
Item should have been removed

L. Reynoldsburg annexation of 123.5 acres
Reynoldsburg did pass the resolution to provide services to the area. The Ohio EPA has issued a preliminary draft locking the area into the Southwest Licking Water & Sewer District.

M. Jeff Kennedy, 10428 Refugee Road, guardrail at Summit Road and Refugee Road
President Burkholder said he agreed with Mr. Siddens that the township could not provide a guardrail.

N. Motion to complete five employee evaluations prior to April 19, 2005 to then discuss/record
President Burkholder said his evaluation were completed but had not had time to discuss the evaluations with the employees. Mr. George said his evaluations were not completed and would like to table this to the next meeting. President Burkholder said he would like to have the employee manual modified so the annual evaluations are done based on the employee's hire date.

President Burkholder moved to table till the next meeting. George seconded
Roll Call: Siddens, no; George, yes; Burkholder, yes

O. Brandy Mills over flow pipe
Problem has been taken care of

P. Cumberland Links - dirt mound
The dirt mound has not been seeded or maintained. Mrs. Siddens said it should be part of Article VI in subdivision regulations on pollution and sediment control.

At 8:18 a ten minute recess was called.

NEW BUSINESS

A. Jardin Manor water and sewer assessments
Mrs. Siddens said the residents will be assessed for the sewer by the county auditor and after completion of the project, the services will be turned over to SWLCWSD.

B. Schedule to improve Watkins Road, extent of sidewalks
President Burkholder said he received e-mail from Tim Lollo, county engineer, that a contract with Jobs and Henderson will be signed and the surveying work should begin next week.

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C. Reimbursement of \$75 to Ben and Erin Kinsey, 104 Zellers Lane

Mr. Kinsey had prepaid an occupancy permit on July 21, 2004 and then paid again on March 18, 2005.

Resolution 05-04-19-04: President Burkholder moved to refund \$75 to Ben and Erin Kinsey, 104 Zellers Lane, Pataskala, OH 43062. Siddens seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

D. Retaining DLZ to file Issue II money

President Burkholder moved to table. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes

E. Liquor permit for Englefield Inc. DBA Etna II Duchess and for Freight Sales, Inc. DBA Etna Duke and county commissioners letter

Resolution 05-04-19-05; Mrs. Siddens moved for a no objection for a transfer change for a C1 and C2 Liquor License application from Englefield Inc. dba Etna Duke, 10202 Hazelton-Etna Road, Pataskala, Ohio 43062, Etna Township to Freight Sales Inc. 10202 Hazelton-Etna Road, Pataskala, Ohio 43062, Etna Township. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes

Resolution 05-04-19-06: Mrs. Siddens moved for a no objection for a new C1 and C2 Liquor License application from Englefield Inc. dba Etna II Duchess, 103 Etna Crest Blvd., Pataskala, Ohio, 43062, Etna Township. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes

Resolution 05-04-19-07: Mrs. Siddens moved that the clerk file both resolutions with the Licking County Commissioners and Ohio Department of Liquor. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

F. Motion to retain Compensation Consultants for workers' compensation.

President Burkholder said their services are \$750 per year and at present the township is not represented. There are BWC programs such as Premium Discount Plus and Drug Free Workplace that could reduce the cost.

President Burkholder moved to retain Compensation Consultants as the township BWC representative for annual services at \$750 per year. George seconded.

Mrs. Siddens said she would first like to know how long it would be before the township would qualify for the OTA group discount.

President Burkholder moved to table this item until the next meeting. George seconded.

Roll Call: Siddens, abstain; George, yes; Burkholder, yes.

G. Access Management correspondence from Loveland & Brosius, LLC

President Burkholder said the question was whether the township wanted to spend the money for an access management plan or to urge the county to get one completed for this area.

Mr. George moved to table this item till the next meeting for further information. Burkholder seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

H. Receipt of BZA hearing sign form

Mrs. Siddens objected to the phrase "condition of their decision" on the form.

Resolution 05-04-19-08: Mr. George moved that Laura Brown notify Board of Zoning Appeals to remove "condition of their decision" on the form. Siddens seconded.

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Mrs. Siddens moved to amend the motion to also amend the Etna Township zoning fees to incorporate "failure to return a sign" as a fee and to include on the BZA form "as according to the Etna Township zoning fees". George seconded.

Roll Call on amendment: Siddens, yes; George, yes; Burkholder, yes.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

I. Telecommunications contractor Echo 24 and Alpha I Communications Documents were submitted relative to a phone system.

REPORTS

A. Clerk's financial report

As of April 19, 2005

	Receipts	Disbursements
General Fund	\$ 187,803.38	\$ 38,046.79
MV License Tax	1,619.20	1,494.40
Gasoline Tax	4,054.28	6,715.78
Road & Bridge	93,122.47	7,854.67
Special Assessments	<u>1,979.83</u>	<u>320.98</u>
Total	\$ 288,579.16	\$ 54,432.62

Funds Total at April 19, 2005 - \$1,249,779.69

B. Road report

Written report submitted.

President Burkholder said he would like to spend \$270,000 to \$300,000 for the roads this year. Engineer's estimates were discussed.

Resolution 05-04-19-09: Mr. George moved to approve road right-of-way permit #04-19-05-02 for Sprint for loop Road to bore and place buried cable across the road. Siddens seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

Resolution 05-04-19-10: Mr. George moved to approve road right-of-way permit #04-19-05-01 for Sprint on Tollgate Road. Siddens seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

Resolution 05-04-19-11: Mr. George moved to approve road right-of-way permit #04-19-05-03 for Sprint for 10547 Lynns Road. Siddens seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

Resolution 05-04-19-12: Mr. George moved to approve culvert permit #04-19-05-04 and a road right-of way permit #04-19-05-05 for Lot 4 on Palmer Road. Siddens seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

D. Zoning report

Written report submitted

Regarding the refund of a check to Ben Kinsey, Mike Waller said he had a problem with the zoning inspector accepting payment for an occupancy permit before the final inspection was completed.

Resolution 05-04-19-13: President Burkholder moved to set a public hearing on May 3, 2005 at 7:15 p.m. to consider a request by Joseph Edward Olson to rezone 8281 Columbia Road from Agriculture (AG) to Single Family Residential (R2). George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

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The trustees received several letter from the zoning commission regarding changing the fee schedule, fee for Off Premise Parking Lots, Set Back Line Definition and fees for patios.

Mr. Waller said that sheds are built in the easements in Cumberland Trails and are in violation of the deed restrictions.

President Burkholder moved to advise the zoning commission that the board is against their recommendation of no fees for patios. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

E. Communications & PR - no report

F. Safety & FEMA- no report

G. Parks and Recreation

Mrs. Siddens reported that Jim Wyrick has been busy mowing.

H. Cemeteries

Mr. George said that Yoder Fence will install new gates for the ones chipped. Pickets are needed for the Pike Street Cemetery.

Resolution 05-04-19-14: Mrs. Siddens moved to approve \$500 for cemetery fencing. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

Mr. George reported on a problem with a shipment from ADS. The entire order was delivered at 4:30 pm when they were instructed to deliver between 7:00 am and 2:00 pm. The driver could not unload the shipment by himself. A partial order was returned another day. Two orders were placed because additional items were needed.

Resolution 05-04-19-15: Mr. George moved to approve an additional \$500 for Advanced Drainage Systems. Siddens seconded.

Discussion: Mrs. Siddens inquired if ADS is charging for more than one delivery. Mr. George replied that ADS is trying to charge but he is not paying for extra deliveries.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

Resolution 05-04-19-16: Mr. George moved to approve \$500 to purchase road signs from Kleem. Siddens seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

I. Economic Development Committee

Neil Ingle reported that at their next meeting, the Etna Township Web Site will be up and running and Doug Rogers should be commended for his work on this project.

President Burkholder said the board needs to approve the site before it goes live.

ANNOUNCEMENTS AND TRUSTEES COMMENTS

None

PAYMENT OF BILLS

Mr. George moved to pay the following bills. Burkholder seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

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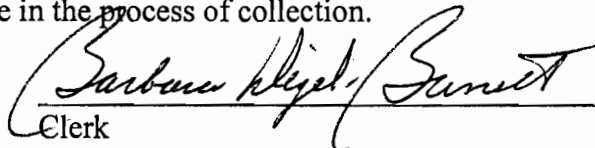
Held _____

_____20_____

2283	RR	04/19/2005	BENJAMIN C. KINSEY		\$75.00
2284	VW	04/19/2005	NEWSPAPER NETWORK OF CENTRAL OHIO		109.12
2285	VW	04/19/2005	DLZ ENGINEERING		298.70
2286	VW	04/19/2005	TREASURER OF STATE		795.00
2287	VW	04/19/2005	H. W. MARTIN & SON CO.		402.00
2288	VW	04/19/2005	WHEELSPORTS INC.		376.91
2289	VW	04/19/2005	SPRINT		13.46
2290	VW	04/19/2005	AMERICAN ELECTRIC POWER		25.31
2291	VW	04/19/2005	COLUMBIA GAS CO.		432.81
2292	VW	04/19/2005	PATASKALA BUILDING & HOME SUPPLY		179.62
2293	VW	04/19/2005	GARY BURKHOLDER		194.98
2294	VW	04/19/2005	STEPHEN L. FERRIS		124.31
2295	VW	04/19/2005	SUNOCO, INC.		132.37
2296	VW	04/19/2005	CARTER LUMBER CO.		421.79
2297	VW	04/19/2005	HELD SIGNS		92.00
2298	VW	04/19/2005	OFFICE DEPOT, INC		31.01
2299	VW	04/19/2005	SPRINT		292.50
2300	VW	04/19/2005	PAUL GEORGE		66.59
2301	PY	04/19/2005	JAMES W. WYRICK	- JWW	290.75
2302	PY	04/19/2005	MARK J. SMITH	- MJS	811.92
2303	PY	04/19/2005	PHILLIP M. WALLER	- PMW	1,443.53
2304	PY	04/19/2005	STEPHEN L. FERRIS	- SLF	663.90

E00056	Dallas Maynard	855.96
E00057	Laura Brown	627.94
Total		\$8,682.48

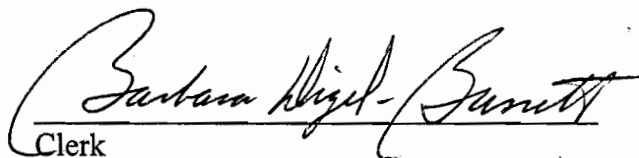
I do hereby certify that the funds for payment of the above obligations were lawfully appropriated and are on hand or are in the process of collection.


 Clerk

PUBLIC COMMENTS

Mr. Waller inquired about the list for crack sealing. President Burkholder said he would like to purchase a machine for crack sealing. Waller also inquired about purchasing tools for the garage, and has estimates for a tractor and generator. There was discussion on generators.

At 10:05 p.m., President Burkholder moved to adjourn the meeting. George seconded. The vote in favor was unanimous.


 Clerk


 President