

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustees

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____ June 7, 2005 _____ 20 _____

The Etna Township Board of Trustees met on June 7, 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. Burkholder seconded.

President Burkholder moved to amend the agenda to add: adoption of the June 1, 2005 special meeting minutes and item I - pending Liquor Permit Application under Old Business. George seconded.

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

ADOPTION OF THE MINUTES

Mr. George moved to adopt the May 17, 2005 meeting minutes. There was no second to the motion. Mrs. Siddens recused herself from voting and President Burkholder was absent from this meeting.

Mr. George moved to adopt the June 1, 2005 meeting minutes. Burkholder seconded.

Discussion: Mrs. Siddens recused herself from voting saying it was an invalid meeting because she was not notified of the meeting. President Burkholder replied that the township secretary telephoned Mrs. Siddens and also e-mailed her an agenda.

Roll Call: George, yes; Burkholder, yes.

PUBLIC COMMENTS

A. CapOhio, Bernie Caplin and Connie Klema

Ms. Klema, representing the property owners, offered information and asked for a response on a plan to develop 120+ acres zoned M-1 on the southeast corner of Refugee and Mink Street for an industrial park for local small businesses. On the 23 acres zoned AG on the southwest corner of Refugee and Mink Street, they would like to develop a commercial area along Refugee Road with a multifamily area and green space to the south and would like to donate 4.5 acres to the township to build their new township hall. This 23 acre parcel would need to be rezoned.

Mrs. Siddens said the owners would need to come before the board for approval of the rezoning and she would not participate in a formal discussion concerning the site for the township hall.

PUBLIC HEARINGS

A. Section 517 Notice to Parties of Interest

At 7:15 p.m., Mrs. Siddens moved to open the public hearing to consider a text amendment to the Etna Township Zoning Resolution Section 517: Notice to Parties of Interest. George seconded.

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

The recommendation is to replace "by certified mail with return receipt" with "by first class mail with certificate of mailing obtained from the post office". The recommendation was approved by LCPC and the Etna Township Zoning Commission.

There were no comments for or against the recommendation.

At 7:18 p.m., Mr. George moved to close the public hearing. Burkholder seconded.

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

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustees

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

June 7, 2005

20

Resolution: 05-06-07-01: Mr. George moved to accept the recommendation of the zoning commission to amend Section 517 Notice to Parties of Interest to replace "by certified mail with return receipt" with "by first class mail with certificate of mailing obtained from the post office". Burkholder seconded.

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

B. Sections 521, 602, 604, 605, and 1211: Owner(s) and Lessee(s)

At 7:19 p.m., Mr. George moved to open the public hearing to consider a text amendment to the Etna Township Zoning Resolution in Sections 521, 602, 604, 605, and 1211. Owner(s) and Lessee(s). Burkholder seconded.

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

Recommendation is to replace "by at least one owner or lessee of the property" with "by the owner(s) and lessee(s) of the property".

The recommendation was approved by LCPC and the Etna Township Zoning Commission. There were no public comments for or against the recommendation.

President Burkholder said this recommendation came about because of a problem with a rezoning application that had only one signature.

At 7:25 p.m., Mr. George moved to close the public hearing. Burkholder seconded.

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

Resolution: 05-06-07-02: President Burkholder moved to amend the text in Sections 521, 602, 604, 605, and 1211 in the Etna Township Zoning Resolution to replace "by at least one owner or lessee of the property" with "by the owner(s) and lessee(s) of the property". George seconded.

President Burkholder moved to amend his motion to state: to accept the recommendation of the zoning commission to amend Sections 521, 602, 604, 605, and 1211 to replace "by at least one owner or lessee of the property" with "by the owner(s) and lessee(s) of the property". George seconded.

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

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

C. Section 515: Adjudicatory Hearing by the Board of Zoning Appeals.

At 7:27 p.m., Mr. George moved to open the public hearing to consider a text amendment to the Etna Township Zoning Resolution, Section 515: Adjudicatory Hearing by the Board of Zoning Appeals. Burkholder seconded.

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

Recommendation is to replace "The Board of Zoning Appeals shall hold an adjudicatory hearing within twenty (20) days after receipt of an application for an appeal from the zoning inspector or an applicant." with "The Board of Zoning Appeals will hold variance and conditional use hearings at least one day per month at the discretion of the Board. The Board will establish 12 monthly scheduled hearings and application deadline dates at the beginning of every year. They will advise the media of the schedules and post them at the township hall. In addition, notices shall be posted in the paper of general circulation and mailed to parties of interest at least 10 days prior to the set meeting date."

LCPC recommended conditional approval and the Zoning Commission passed the recommendation 4-1 with Mr. Van Dyne dissenting.

Steve Holloway, chairman of the BZA, said it was difficult to schedule meetings within 20 days and to coordinate times of five members and availability of the hall. This change will allow the board to be more efficient and is practiced by the City of Reynoldsburg and Violet Township.

RECORD OF PROCEEDINGS

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20

Mrs. Siddens said LCPC staff recommended the text amendment be reviewed by legal counsel.

Mr. Jim Van Dyne, zoning commission member, said he voted against the change because the word "discretion" is not legal. Mr. Holloway suggested removing the word.

At 7:48 p.m., President Burkholder moved to close the public hearing. George seconded.
Roll Call: Siddens, yes; George, yes; Burkholder, yes.

Resolution: 05-06-07-03: Mr. George moved to send the proposed text amendment to Section 515 to the Licking County Prosecutor for a legal opinion. Burkholder seconded.
Roll Call: Siddens, yes; George, yes; Burkholder, yes.

PUBLIC COMMENTS

David Warren, Project Manager for the SR 310 McDonalds/BP informed the board that an application was made to ODOT to convert the ODOT wire fence in the road right-of-way on the west side of SR 310, north of I-70 to a private white vinyl rail decorative fence, 300' long. ODOT denied the request but did approve the conversion by a public entity such as Etna Township. Mr. Warren said that McDonald's USA, LLC and Englefield Oil Co. request that Etna Township accept the ODOT Decorative Fence permit and that they will build and maintain the vinyl fence, for at least 30 years, and donate it to the township. This item will be placed on the next agenda.

CORRESPONDENCE

- Licking County Board of Commissioners - Resolution 48-76 approving the Etna Corporate Park North final plat; Resolution 48-18 accepting Cameron Chase Section 2 final plat; Resolution 48-13 regarding revised acreage for Expedited II Annexation Petition
- Licking County Health Department - Notice of Violation for 46 Southview Drive and also 8244 Columbia Road
- Licking County Planning Commission (LCPC) - staff report - recommended approval for one year extension of time for Cumberland Crossing Section II; conditional approval for Southgate Corporation; conditional approval for Longwood Crossing Section II and information on Haft Farm subdivision.
- Robert L. Becker - letter requesting that the township relieve the Licking County Prosecutor's Office of its statutory duty to represent the township.
- Time Warner - added services and notice that analog set top equipment will no longer be supported.
- OTA - Grassroots Clippings Newsletter
- Ohio Industrial Commission - Record of Proceedings
- Lorman Publication services - regarding seminar
- Care Works - two brochures

OLD BUSINESS

A. Cameron Chase subdivision; final plat and subdivision punch list and traffic light.
The township zoning inspector did not sign off on the final plat of Section II. Numerous concerns were presented to LCPC regarding this subdivision. A \$150,000 bond is in place for the installation of a traffic signal at the intersection of Refugee Road and SR 310 and the start of the engineering for this signal within 30 days is a condition of approval.

Paul George said that LCPC received the final walk through report from DLZ Engineering before the township did and DLZ was hired and paid by the township.

President Burkholder said the DLZ report should not have been released until the township had an opportunity to review it.

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustees

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

June 7, 2005

20

B. Longwood Crossing status report

Regarding the letter from Andrew Gardner, Mrs. Siddens requested that Steve Ferris check with Jerry Brems, because the one year did not start when the date the top soil was put down but starts when the testing is done with the amount of elevations which has not yet happened.

C. Discussion regarding cemetery fees.

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

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

D. Review and prioritize purchases for road department; tools, generator, tractor and garage and townhall building.

Mr. George said he does not think the township needs to spend \$14,000 for tools and equipment at this time. He will bring recommendations to the next meeting.

E. Cumberland Trail; maintenance of green space and enforcement of zoning; refer for legal opinion.

President Burkholder said some of the information presented at the May 17th meeting was incorrect and erroneous. The health department issued a violation notice for 8420 Columbia Road which is part of the Cumberland Trail PUD. A legal opinion is needed regarding enforcement of all PUD's.

Mrs. Siddens said she had requested and received a legal opinion from the Licking County Prosecutor.

President Burkholder said that the legal opinion was based on a letter written by Mr. Rini with incorrect facts and the opinion did not give the township definitive options when there are zoning violations.

Resolution: 05-06-07-04: President Burkholder moved to refer this to Craig Paynter with Chester Wilcox and Saxbe for a legal opinion relative to the township's options for enforcement of zoning regulations for PUD's; for enforcement of final development plans of PUD's in general and for Cumberland Trails. Problems identified are: 1) Failure to maintain the open space and 2) the changing of the deed restrictions without coming back to the township. Cost not to exceed \$3,000. George seconded.

Discussion: Mrs. Siddens said, for the record, she opposed spending taxpayer's money on legal counsel to seek an opinion when one was already received from the county prosecutor.

President Burkholder said the legal opinion was not produced by Mrs. Siddens. Mrs. Siddens replied that it was received and marked "confidential attorney client privilege".

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

Resolution: 05-06-07-05: President Burkholder moved to waive the attorney client privilege on the response received from the prosecutor on the letter written by Mr. Rini. George seconded.

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

F. Approve order for purchase of zoning forms.

Mrs. Siddens said the board previously discussed consolidating the zoning forms and questioned the approval for the modification of the forms presented to order. President Burkholder replied that the address and phone numbers were added.

Resolution: 05-06-07-06: Mr. George moved to approve the purchase of the modified zoning forms, 100 of the occupancy, 100 of new build and 100 of accessory permits not to exceed. \$325. Burkholder seconded.

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



RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustees

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

June 7, 2005

20

G. Mosquito spraying.

Mr. George reported that Frontier Ranch would not spray for mosquitoes this year.

H. Approval of expenditure for annual NPDES Phase II fees

Resolution: 05-06-07-07: Mr. George moved to approve the expenditure of \$704 to the Licking County Commissioner for the annual NPDES Phase II fees. Burkholder seconded.

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

I. Pending liquor permit application

Discussion on the hearing for the stock transfer of a liquor permit from Columbia Road LTD. There was no recollection of an objection made by the board to the stock transfer.

At 8:53 p.m., President Burkholder moved for a ten minute recess. George seconded and the vote in favor was unanimous.

NEW BUSINESS

A. Preserve at Royal Oaks.

Mr. Rini said the developer was in the process of repaving Prince Drive and was not aware of the damage to Imperial Drive. There was discussion on the damage to Imperial Drive and the resolution that was passed to repair Imperial Drive to the county and township specifications.

B. Issue II money for year.

Resolution was previously passed for DLZ Engineering to prepare application

C. Request for preliminary budget from clerk.

Clerk reported that worksheets were distributed to the trustees at the last meeting.

President Burkholder moved to set a public hearing for the 2006 Budget on July 5, 2005 at 7:15 p.m. George seconded.

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

D. Amend the personnel manual "Annual Review Policy".

President Burkholder moved to table this item. George seconded.

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

E. "Appointment of Zoning Inspector" text in zoning resolution.

President Burkholder moved to table this item. George seconded.

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

F. Ditch on Palmer Road.

The properties effected are Kevin Casterline, 11255 Palmer Road and Joe Ward, 11241 Palmer Road. A neighboring property owner removed the driveway culvert and filled in the ditch causing water to backup onto their properties and the homeowners are looking for a solution to their problem.

Mr. George will investigate the problem and this item will on the next meeting agenda.

G. Fence at the cemetery.

Karen Moss at 11 Orchard Glen requested to attach a wire below the bottom rail of the fence at

the north end of the cemetery fence to keep her dogs inside her yard. There was discussion about the survey for the cemetery and the homeowners property.

Mr. George said he will request another survey and place something permanent showing the

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustees

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

June 7, 2005

20

boundaries.

Resolution: 05-06-07-08: President Burkholder moved for Mr. George to call the county engineer and have the cemetery re-staked and to call the homeowner and advise them that they are not allowed to tie into the cemetery fence. George seconded.

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

H. Extension of South Street.

Mr. George said he still has not received an answer from Brent Shenk concerning this.

I. Reynoldsburg Code of Ordinances regarding parking lots and parking lot amendment.

Section 1103 paving section 1102 and 1117

President Burkholder moved to amend Section 1103 :Paving of the Etna Township Zoning Resolution to read " The required number of parking and loading spaces as set forth in Section 1102 and 1117, together with driveways, aisles, and other circulation areas, shall be improved with concrete or asphalt." George seconded.

Discussion: Mrs. Siddens said the motion was invalid. President Burkholder withdrew his motion

Resolution 05-06-07-09: President Burkholder moved to forward to the Etna Township Zoning Commission the recommendation to change Section 1103 :Paving of the Etna Township Zoning Resolution to read " The required number of parking and loading spaces as set forth in Section 1102 and 1117, together with driveways, aisles, and other circulation areas, shall be improved with concrete or asphalt." and to begin the amendment process. George seconded.

Roll Call: Siddens, abstain, point of information; George, yes; Burkholder, yes.

J. Etna Township Website

Resolution 05-06-07-10: President Burkholder moved to approve the "Terms and Conditions of Use" as presented by Mr. George for the Etna Township website. George seconded.

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

Resolution 05-06-07-11: Mr. George moved to open the Etna Township website to the live internet. Siddens seconded.

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

Resolution 05-06-07-12: Mr. George moved that no changes to the content of the website are to be made unless approved by the board. Burkholder seconded.

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

K. Letter from Licking County Prosecutor, Robert L. Becker.

Resolution 05-06-07-13: President Burkholder moved to send a letter to Licking County Prosecutor, Robert L. Becker, identifying the fact that:

- 1) The letter from Mr. Becker was received.
- 2) The board is not aware of any statutory provision that allows the trustees to relieve the prosecutor of his duties. The board expects the prosecutor to continue to meet his statutory duty to represent the township.
- 3) The trustees would like for Mr. Becker to meet with the trustees to discuss the concerns Mr. Becker has. George seconded.

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

REPORTS

A. Clerk's financial report

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustees

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

June 7, 2005

20

MONTH OF MAY

	Receipts	Disbursements
General Fund	\$ 31,027.66	\$ 40,132.15
MV License Tax	1,569.71	3,487.95
Gasoline Tax	6,936.95	2,820.06
Road & Bridge	11,754.96	8,622.51
Special Assessments	-	246.86
Total	\$ 51,289.28	\$ 55,309.53

Funds Total at May 31, 2005 - \$1,253,291.12

B. Road report

Written report submitted.

Paving estimates were obtained for Ballman Road and Square, Denton and White Lanes, Willowbrook, Lakeland Hills, New England Acres, Hillview, Sycamore Creek, Blueview, and Rolland. Copies of the engineer's estimates with the figures were not available for the trustees to review at this meeting but will be available and distributed to the trustees before the next meeting.

Resolution 05-06-07-14: Mr. George moved to transfer \$150,000 from the General Fund to the Road & Bridge Fund and for the \$150,000 to be appropriated to account 2031-330-360-0000. Burkholder seconded.

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

C. Water and Sewer District

Richard Lord submitted a written report. The SWLCWSD needs a letter from the Licking County Commissioners indicating their consent on the "Lock-in and Lock-out Agreement". The City of Reynoldsburg has been objecting to this agreement. The EPA is going to meet with Reynoldsburg, LCPC and the City of Columbus to work out a surface area agreement.

D. Zoning report

Written report submitted.

Dallas Maynard said he does not like to have his decisions critiqued in public. There is an appeal process in place if someone objects to his decision.

President Burkholder said he wanted a healthy discussion on some decisions made by the zoning inspector and inquired if decisions were based on a liberal or strict interpretation.

Mr. Ferris said the zoning inspectors need better definitions and has asked the zoning commission for assistance on this matter.

EXECUTIVE SESSION

Mrs. Siddens said the reason for the executive session was not valid.

President Burkholder said he would not make a motion to go into executive session but wanted to inform the board that there are personnel issues that need to be discussed either with the prosecutor or outside legal counsel.

ANNOUNCEMENTS AND TRUSTEES COMMENTS

None

RECORD OF PROCEEDINGS

Meeting

Minutes of

Etna Township Trustees

DAYTON LEGAL BLANK, INC., FORM NO. 10148

June 7, 2005

20

Held

PAYMENT OF BILLS

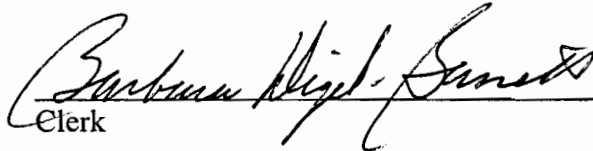
Mr. George moved to pay the following bills. Burkholder seconded.

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

2360	VW	06/07/2005	SWLCWSD		\$132.40
2361	VW	06/07/2005	COLUMBIA GAS CO.		360.31
2362	VW	06/07/2005	AMERICAN ELECTRIC POWER		549.05
2363	VW	06/07/2005	SPRINT		312.03
2364	VW	06/07/2005	NEXTEL COMMUNICATIONS		41.54
2365	VW	06/07/2005	NEWSPAPER NETWORK OF CENTRAL OHIO		113.76
2366	VW	06/07/2005	GORDON FLESCH COMPANY, INC.		57.29
2367	VW	06/07/2005	LICKING COUNTY CLERK OF COURTS		150.00
2368	VW	06/07/2005	STEPHEN L. FERRIS		118.67
2369	VW	06/07/2005	CORD CAMERA CENTERS, INC.		19.99
2370	VW	06/07/2005	GARY BURKHOLDER		222.97
2371	VW	06/07/2005	DALLAS W. MAYNARD		261.10
2372	VW	06/07/2005	PAUL GEORGE		87.50
2373	VW	06/07/2005	PHILLIP M. WALLER		40.00
2374	VW	06/07/2005	SUNOCO, INC.		8.78
2375	VW	06/07/2005	K.M.A. ELECTRIC		4,137.50
2376	VW	06/07/2005	JACOBSEN		12,747.00
2377	VW	06/07/2005	LOVELAND & BROSIUS, LLC		655.66
2378	VW	06/07/2005	PATASKALA BUILDING & HOME SUPPLY		117.40
2379	VW	06/07/2005	CONKLE'S TRUCK REPAIR, INC.		170.00
2380	VW	06/07/2005	MIDLAND CO-OP, INC.		684.34
2381	VW	06/07/2005	BREWPRO INC.		980.00
2382	VW	06/07/2005	KLEEM INC.		320.13
2383	VW	06/07/2005	SHERMAN DIXIE		1,730.00
2384	VW	06/07/2005	REDSKIN TRANSPORT		2,101.14
2385	VW	06/07/2005	MEDICAL MUTUAL OF OHIO		4,286.99
2386	PY	06/07/2005	OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM		3,495.81
2387	PY	06/07/2005	PARK NATIONAL BANK		2,009.84
2388	PY	06/07/2005	TREASURER OF STATE OF OHIO		806.65
2389	PY	06/07/2005	OHIO SCHOOL DISTRICT INCOME TAX		133.81
2390	PY	06/07/2005	GARY L. BURKHOLDER	- GLB	735.72
2391	PY	06/07/2005	JAMES W. WYRICK	- JWW	179.97
2392	PY	06/07/2005	MARK J. SMITH	- MJS	459.93
2393	PY	06/07/2005	PHILLIP M. WALLER	- PMW	803.15
2394	PY	06/07/2005	PAUL W. GEORGE	- PWG	752.81
2395	PY	06/07/2005	STEPHEN L. FERRIS	- SLF	324.51
2396	VW	06/07/2005	JACOBSEN		12,747.00
2397	VW	06/07/2005	JACOBSEN		12,747.00
E00064	06/08/2005		M. BARBARA DIGEL-BARRETT		390.00 EP
E00065	06/08/2005		DALLAS W. MAYNARD		473.50 EP
E00066	06/08/2005		LAURA J. BROWN		403.70 EP
E00067	06/08/2005		RACHAEL D. SIDDENS		752.81 EP

Total is \$42,728.39

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

Claudette Van Dyne said that mosquito spraying should start as soon as possible and that she does not object to spending the taxpayer's money on protecting the township on legal issues, especially since we can not get cooperation from our free legal counsel. Complained about the length of the meeting because of arguments and dissension.

Neil Ingle said the disruptive deliberate attitude displayed at meetings discourages people from attending and is a sad commentary for the township. The township has many important issues and needs to move forward.

President Burkholder apologized for his mishandling of the situation with Doug Rogers who has worked diligently on the website and said his comments were not made to offend Mr. Rogers.

RECORD OF PROCEEDINGS

Minutes of

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Katherine Johnston said this was the most appalling public meeting she had ever attended. Rancor and politics need to be set aside and the trustees need to work together on the many issues facing the township.

At 11:14 p.m., Mr. George moved to adjourn the meeting. Burkholder seconded. The vote in favor was unanimous.


Clerk


President