

Held August 2, 2005 20

The Etna Township Board of Trustees met on August 2, 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

President Burkholder moved to adopt the agenda. George seconded.
 Mr. George moved to amend the agenda to add under old business: item K-web page and L-discussion on township hall. Burkholder seconded.
 Roll Call on amendment: Siddens, yes; George, yes; Burkholder, yes.
 Roll Call: Siddens, yes; George, yes; Burkholder, yes.

ADOPTION OF THE MINUTES

Mrs. Siddens moved to adopt the July 5, 2005 meeting minutes. George seconded.
 Roll Call: Siddens, yes; George, yes; Burkholder, yes.
 Mrs. Siddens moved to adopt the July 19, 2005 meeting minutes. George seconded.
 Roll Call: Siddens, yes; George, yes; Burkholder, abstain.

PUBLIC COMMENTS

Bill Wright, 9889 Hollow Road, commended the Board for adding discussion on the township hall to the agenda and favored Liberty Street for the location.

Kathy Johnston, 254 Trail East, said the residents of Cumberland Trail feel like they are under attack; their property values, safety and quality of life. LCPC approves everything that comes before them and now Jerry Brems has recommended a road across the reserve onto Trail East for the proposed ATM facility on State Route 310. If the trustees do not stand up and defend the residents, there will be retribution at the ballot box.

Mike Cochran, 34 Runkle Drive, said there was no discussion at the zoning commission's public hearing about an exit for the proposed bank onto Trail East. His home abuts the land and he expressed concerns about a bank so close to a residential area and the difficulty in exiting the bank driveway onto Trail East which is close to SR 310.

Open 2005 Road Resurfacing Bids at 7:15 p.m. and to award them following the opening.
 At 7:18 p.m., Mr. George moved to open the 2005 Road Resurfacing Bids. Burkholder seconded.
 Roll Call: Siddens, abstain, point of order; George, yes; Burkholder, yes.

President Burkholder ruled Mrs. Siddens abstention on point of order, out of order because she did not specify a specific point of order.

The clerk reported that two bids were received; one from The Shelly Company and one from Kokosing Construction Company.
 The Shelly Company bid was for \$353,488.70.
 Kokosing Construction Company bid was for \$387,982.40.

Resolution 05-08-02-01: Mr. George moved to award the contract to The Shelly Company for \$353,488.70. Burkholder seconded.

Discussion: Mr. Ross Kirk, 5419 Columbia Road, Granville, said the paving could be completed by September 30th.

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

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Mrs. Siddens requested a copy of both bids in addition to the actual copy used of the engineer's estimates per each bid versus one bid project.

Tom Dixon, 8467 Hazelton-Etna Road, said he has attended the LCPC meetings for a year and that LCPC and the county commissioners do not listen to the concerns of residents or the trustees.

President Burkholder said the final plat for the final phase of Cameron Chase was not signed by the Etna Township zoning inspector but was approved by LCPC and the county commissioners without the signature of the zoning inspector. There are still outstanding issues concerning this development.

Mr. George expressed concerns with new roads dedicated to the township by the county engineer and county commissioners that need to be crack sealed.

CORRESPONDENCE

- Division of Liquor Control - liquor permit
- Licking County Board of Commissioners - Resolution 48-324 approving Longwood Crossing Section II
- LCPC - recommendation for denial of variance for 11193 Palmer Road, staff report on text amendment and rezonings for Hazelton-Etna Road
- Building Code Department - list of permits issued
- Licking County Health Department - report of dog bite, vaccination, violation notice for 143 Carnation Place, 80 3rd Avenue and 64 5th Avenue
- Stacey Henson Palmer Road concerning drainage problem
- Dan Bravard - three letters from zoning commission concerning items on agenda
- E-mail from Brent Shenk stating the road bids could be opened
- MORPC - copy of letter sent to Tim Bubb, Licking County Commissioner, establishing new seat on Policy Committee
- Ohio Township Association - Grassroots Clippings newsletter
- Chester Wilcox & Saxbe - newsletter

OLD BUSINESS

A. Discussion regarding cemetery fees. (tabled)
Remains tabled

B. Amend the personnel manual "Annual Review Policy". (tabled)
President Burkholder moved to remove this item from the table. George seconded and the vote in favor was unanimous.

President Burkholder moved to remove this item from the agenda. George seconded and the vote in favor was unanimous.

C. Recommendation to amend the "Appointment of Zoning Inspector" text in zoning resolution. (tabled)
President Burkholder moved to remove this item from the table. George seconded and the vote in favor was unanimous.

President Burkholder moved to remove this item from the agenda. George seconded and the vote in favor was unanimous.

D. Sidewalks on State Route 310, referred to Licking County Prosecutor's Office.
President Burkholder reported that MORPC will schedule a meeting with ODOT concerning the sidewalks and there has been no response from the prosecutor's office.

E. McDonald's Fence Proposal, referred to Licking County Prosecutor's Office

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Waiting for legal opinion.

F. Motion to set procedure and cost when duplicating video or audio tapes for public records request, referred to Licking County Prosecutor's Office.

Waiting for legal opinion

G. Motion to record the Zoning Resolution and Zoning Map at the County Recorders Office. Mr. George presented the procedure to follow. According to Byran Long, Licking County Recorder, zoning changes can be submitted once a year.

Mr. George moved to get the changes recorded. Burkholder seconded.

President Burkholder moved to amend the motion to first have complete documents George seconded the amendment.

Discussion: Mrs. Siddens said Mr. Long advised twice in his letter to seek legal counsel and questioned if the zoning fees should be reviewed to cover the additional fees associated with filing the documents at the Recorders Office

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

Discussion: Burkholder said he would like some discussion before the map is sent to the County Recorder.

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

H. Mayflower zoning violation for 91 1st Avenue

President Burkholder said the Board passed a resolution for this violation to be referred to the county prosecutor for legal action. A \$150 check was issued and is still in the zoning office. According to Mr. Ferris, progress has been made on the violation, therefore it was not forwarded for legal action.

Resolution 05-08-02-02: Mr. George moved that the zoning inspector decide by Friday if he has a case. If he does, he should forward the violation and check to the prosecutor and if not, then the check should be returned to the clerk. Burkholder seconded.

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

Burkholder said he would communicate with the zoning office and remind them that violations should be timely filed.

I. Traffic light at Refugee Road and State Route 310

President Burkholder said he had a meeting with LCPC, City of Pataskala, representatives with ODOT and EMH&T and attorney Scott Hayes. Part of the intersection lies in the jurisdiction of Pataskala and Pataskala has concerns that there may be a requirement for Pataskala to install turn lanes which Pataskala does not have the funds to install. The project is presently on hold. ODOT said turn lanes at this time are not warranted.

J. Reynoldsburg Elementary School signal on Taylor Road

Mr. George reported that Reynoldsburg Schools can buy the signal and the Licking County Engineer will install the signal.

K. Web page

Mr. George said that Bart Weiler, Pataskala Area Chamber of Commerce president, requests a link to the chamber's website on the Etna Township website.

President Burkholder said he was not opposed in principal but still had questions on previous

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minutes of the chamber.

Resolution 05-08-02-03: Mrs. Siddens moved to add to the Etna Township's useful link web page the Pataskala Area Chamber of Commerce's link, www.pataskalachamber.com. George seconded.

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

L. Discussion on township hall

Mr. George said he favors the garage location but to move off dead center he is willing to look at the Liberty Street location even if it means a smaller building.

Mrs. Siddens said she favors the Liberty Street location; it is a prime location, already has parking, handicap ramps/parking can be installed, there will be room to expand and there is the alleyway. The property was dedicated to the township years ago for a county annex building.

President Burkholder said he was opposed by the Board last year when he sought to contact a realtor about purchasing the adjacent lot on Liberty Street.

President Burkholder moved to contact some realtors to see if they would represent the township to obtain the second lot. No second to the motion.

Mr. George said the second lot was needed to build the hall.

Mrs. Siddens moved to request bids for architect fees for a town hall on Liberty Street. George seconded.

Discussion: Mr. George said that an advertisement was not necessary if the cost would be under \$25,000.

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

Mr. George said he could find an architect for less than \$25,000. Burkholder said the township needs to plan for the future; the other lot needs to be acquired for further expansion.

Resolution 05-08-02-04: Mr. George moved to look at the lot on Liberty Street to determine the size of building that could be placed there, and to put the largest building on that lot possible and to build a town hall. Siddens seconded.

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

At 8:36 p.m., President Burkholder called for a ten minute recess.

NEW BUSINESS

A. Cumberland Trail Golf Course, Department of Liquor Control permit

Resolution 05-08-02-05: President Burkholder moved to request a public hearing in our county seat for Department of Liquor Control permit to transfer a permit from Columbia Road Ltd to Cumberland Trail Golf Course. Siddens seconded.

Discussion: Mrs. Siddens asked the reason for the objection. President Burkholder said the reason for the objection does not necessarily need to be sated, but it is prudent for the township to see if there are any issues at the time of the public hearing.

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

B. Motion to purchase two phones from Nextel for the road superintendent and road

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supervisor.

Resolution 05-08-02-06: President Burkholder moved to purchase two new phones from Nextel for the road superintendent and road supervisor. This is to replace the current policy of reimbursement to the road superintendent and road supervisor for the use of their personal phones. George seconded.

Discussion: Burkholder said according to an Ohio Attorney General's opinion there has been a problem with reimbursement for cell phones. George said there has been a problem with contacting the road supervisor who said he has had problems with his cell phone.

President Burkholder restated his motion for two new Nextel phones to be the same as Mark Smith's phone with the shared minute plan.

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

Resolution 05-08-02-07: President Burkholder moved to purchase the chargers and clips for the phones. George seconded.

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

C. Discussion on setting public hearing and location for Hazelton-Etna Road rezoning. Mrs. Siddens questioned the public notice for the zoning commission's public hearing advertised to be held at the township hall but moved to the church.

Mr. George moved to have the public hearing on August 23rd at 7 p.m. at the Methodist Church on Pike Street. Burkholder seconded.

Roll Call: Siddens, no (roll call was interrupted)

Mr. George added the following information to his motion: The Langel property at 8941 Hazelton-Etna Road, application #05060703.

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

Mr. George moved to advertise for a public hearing for the Langel property at 8941 Hazelton-Etna Road, application # 05060703, from AG to GB to be held August 23rd at 7 p.m. at the Etna Methodist Church. Burkholder seconded.

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

D. Motion to retain outside counsel to represent the township on the issue of enforcing Cumberland Trail PUD zoning.

President Burkholder said he feels the township should retain outside legal counsel regarding the attempt by LCPC to take green space and reserves for roadways in Cumberland Trails. This item can not be referred to the prosecutor since they represent LCPC.

Resolution 05-08-02-08: President Burkholder moved that if it is determined that the roadway is proposed to cut through the reserve at Trail East at the entrance off of SR 310, that the trustees will be authorized to retain Craig Paynter with Chester, Wilcox & Saxbe, not to exceed \$3,000, to represent the township regarding the green space. George seconded.

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

E. Letter from zoning commission regarding Philip Laurien

The zoning commission would like to join Delaware County Regional Planning as an associate member and to request Mr. Laurien to assist the commission in the drafting of the Urban Residential District for the zoning resolution.

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Resolution 05-08-02-09: President Burkholder moved to accept the Etna Township zoning commission's recommendation to become an associate member of Delaware County Regional Planning at a cost of \$1,500 which would include 20 hours of service to be used for drafting the Urban Residential District for the zoning resolution and not to exceed that amount. George seconded.

Discussion: Mrs. Siddens said that Licking County Planning could perform the work for \$500. President Burkholder said Delaware County has more expertise, is further advanced on the GIS System and it is time to de-politicize the issue of land use planning in Licking County.

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

F. Letter from zoning commission regarding ODOT and Section 606

After discussion, the trustees determined that this request needs to be done by the zoning commission.

President Burkholder moved to return this request to the zoning commission with comments made. The zoning commission needs to give notice to ODOT in accordance with the Etna Township Zoning Resolution. George seconded.

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

G. Letter from zoning commission regarding Zoning Map

The letter asks that the deficiencies on the zoning map be corrected. Needed is the township clerk's signature and the official seal of the township. The documents including the Zoning Resolution needs to registered with the County recorder every January.

H. Motion to approve attending the National Association of Towns and Township Conference.
Discussion, no action taken.

I. No applications received for alternates to zoning commission and BZA

No applications were received, no action taken.

J. Stop sign at Refugee Road and Summit Road.

Mr. George said half of Refugee Road west of Summit Road was recently annexed into Reynoldsburg. The township had an agreement with Pataskala to maintain the entire portion of that road and he will check with Pataskala to see if the township will still be required to maintain Pataskala's half. There was discussion on speed reduction.

REPORTS

A. Clerk's financial report

Month of July

	Receipts	Disbursements
General Fund	\$ 12,891.42	\$ 19,525.75
MV License Tax	1,555.78	2,772.06
Gasoline Tax	3,038.00	6,426.68
Road & Bridge	1,043.04	40,142.41
Special Assessments	-	245.68

Funds Total at July 31, 2005 - \$1,177,673.56

B. Road report

Written report submitted.

Mr. George said patching on Taylor Road is needed and the road needs to be closed for a day.

Resolution 05-08-02-10: Mrs. Siddens moved to approve the expenditure for service of the

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Steiner mower at Kuhn Turf Equipment not to exceed \$500. George seconded.
Roll Call: Siddens, yes; George, yes; Burkholder, yes.

Resolution 05-08-02-11: Mrs. Siddens moved to approve a blanket certificate for \$1,500 for the repair of the International 2005 and the F350. George seconded.
Roll Call: Siddens, yes; George, yes; Burkholder, yes.

Mr. George said according to a letter from the Licking County Engineer's Office, studies confirm that the speed limit on Tollgate Road could be reduced to 45 mph, Columbia Road to 45 mph and Palmer Road from the I-70 overpass west to the township line to 40 mph.

Resolution 05-08-02-12: Mrs. Siddens moved for Mr. George to contact Tim Lollo to file the information with ODOT to journalize and establish the legal speed limits on Tollgate Road, Columbia Road and Palmer Road from the I-70 overpass west to the township line. George seconded.
Roll Call: Siddens, yes; George, yes; Burkholder, yes.

C. Water and Sewer District

Written report submitted. Mr. Lord said he was angry about the letter from the county commissioners to the EPA concerning their lack of support for the 208 Plan.

Resolution 05-08-02-13: Mr. George moved that the Board president dictate a letter to Mrs. Brown to be sent to the county commissioners concerning the trustees' disappointment in their lack of support for the 208 Plan. Burkholder seconded.

Discussion: Mrs. Siddens said the letter should include the significant amount of money the Water & Sewer District would loose if the plan is not implemented.

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

Mr. Lord said the JEDZ is good for the community and should be considered again for the development area south of I-70.

Motion to go into executive session per O.R.C. 121.22 G(1), compensation of a public employee.

At 10:10 p.m., President Burkholder moved to go into executive session per O.R.C. 121.22 G(1), compensation of a public employee. George seconded.
Roll Call: Siddens, no, George, yes; Burkholder, yes.

Mrs. Siddens said this was not an appropriate reason to go into executive session, nor had it been commenced correctly and left the meeting.

At 10:27 p.m., President Burkholder moved to go out of executive session. George seconded.
Roll Call: George, yes; Burkholder, yes.

Resolution 05-08-02-14: Mr. George moved to advance Mr. Maynard 8 hours vacation time and to approve his time off from August 15th through the 19th. Burkholder seconded.
Roll Call: George, yes; Burkholder, yes.

Motion to go into executive session per O.R.C. 121.22 G(1), investigation of charges or complaints against a public employee.

At 10:30 p.m., President Burkholder moved to go into executive session per O.R.C. 121.22 investigation of charges or complaints against a public employee. The clerk and the two trustees are to remain. George seconded.
Roll Call: George, yes; Burkholder, yes.

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At 10:45 p.m., President Burkholder moved to go out of executive session. George seconded. Roll Call: George, yes; Burkholder, yes.

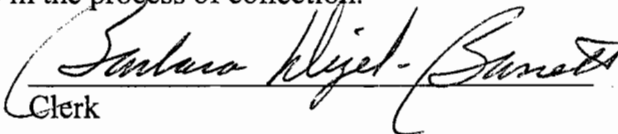
PAYMENT OF BILLS

President Burkholder moved to pay the following bills. George seconded. Roll Call: George, yes; Burkholder, yes.

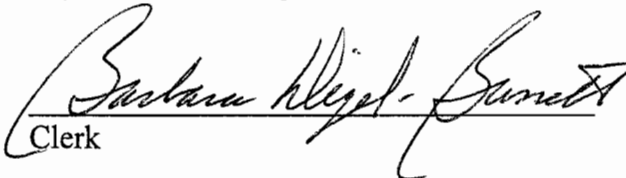
2461	PY	08/02/2005	JAMES W. WYRICK	- JWW	\$226.31
2462	PY	08/02/2005	MARK J. SMITH	- MJS	860.22
2463	PY	08/02/2005	PHILLIP M. WALLER	- PMW	1,481.66
2464	PY	08/02/2005	STEPHEN L. FERRIS	- SLF	607.47
2465	VW	08/02/2005	AMERICAN ELECTRIC POWER		163.80
2466	VW	08/02/2005	SPRINT		281.50
2467	VW	08/02/2005	SWLCWSD		103.95
2468	VW	08/02/2005	NEXTEL COMMUNICATIONS		41.39
2469	VW	08/02/2005	WHEELSPORTS INC.		20.00
2470	VW	08/02/2005	H. W. MARTIN & SON CO.		150.00
2471	VW	08/02/2005	JIMMY REA ELECTRONICS, INC.		134.06
2472	VW	08/02/2005	DALLAS W. MAYNARD		261.10
2473	VW	08/02/2005	GARY BURKHOLDER		194.98
2474	VW	08/02/2005	PAUL GEORGE		165.70
2475	VW	08/02/2005	PHILLIP M. WALLER		40.00
2476	VW	08/02/2005	LAURA J. BROWN		15.39
2477	VW	08/02/2005	STEPHEN L. FERRIS		51.44
2478	VW	08/02/2005	GORDON FLESCH COMPANY, INC.		34.16
2479	VW	08/02/2005	CONKLE'S TRUCK REPAIR, INC.		82.80
2480	VW	08/02/2005	LICKING COUNTY HEALTH DEPARTMENT		2,250.00
2481	VW	08/02/2005	SHELLY MATERIALS INC.		1,491.47
2482	VW	08/02/2005	LOVELAND & BROSIUS, LLC		1,596.00
2483	VW	08/02/2005	MEDICAL MUTUAL OF OHIO		4,286.99
2484	PY	08/02/2005	OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM		4,932.35
2485	PY	08/02/2005	PARK NATIONAL BANK		1,637.36
2486	PY	08/02/2005	TREASURER OF STATE OF OHIO		616.18
2487	PY	08/02/2005	OHIO SCHOOL DISTRICT INCOME TAX		103.78
2488	PY	08/02/2005	GARY L. BURKHOLDER	- GLB	735.72
2489	PY	08/02/2005	PAUL W. GEORGE	- PWG	752.81
E00076		08/03/2005	M. BARBARA DIGEL-BARRETT		\$980.63 EP
E00077		08/03/2005	DALLAS W. MAYNARD		879.17 EP
E00078		08/03/2005	LAURA J. BROWN		524.78 EP
E00079		08/03/2005	RACHAEL D. SIDDENS		752.81 EP

Total is \$26,455.98

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

At 10:58 p.m., Mr. George moved to adjourn the meeting. Burkholder seconded. The vote in favor was unanimous.


Clerk


President