

RECORD OF PROCEEDINGS

233
Meeting

Minutes of

Etna Township Trustees

DAYTON LEGAL BLANK, INC., FORM NO. 10148

August 16, 2005

Held

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The Etna Township Board of Trustees met on August 16, 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.

Mr. George moved to amend the agenda to add under new business: item F-report on meeting in Newark concerning developer and G- Cumberland Trail Phase VI TRC meeting and Royal Acres walk through. Burkholder seconded.

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

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

ADOPTION OF THE MINUTES

Mr. George moved to adopt the August 2, 2005 meeting minutes. Siddens seconded.

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

PUBLIC COMMENTS

Renee Waugh, 205 Catalina Lane, said a traffic light at the intersection of Road is needed to save lives. She had an accident at that intersection recently and cited the dangers to motorists pulling into the intersection from Refugee Road.

President Burkholder said he attended the City of Pataskala Council meeting last night along with the Taylor's and stated for the record that work for the traffic light needs to commence as soon as possible. EMH&T should have engineering done in two weeks. Pataskala still has questions on turn lanes

Tina Taylor, 121 Purple Finch Loop, thanked Mrs. Siddens for her lack of support for issues the Cameron Chase residents have had with the developer and stressed the need for a traffic light at SR 310 and Refugee. Most accidents at this intersection are angle accidents and a light would decrease that type of accident.

Neil Ingle said there is a favorable attitude for the traffic light at the proposed location on SR 310 and Refugee and that it would be illogical for the placement of the light at Cameron Chase and SR 310.

Claudette Van Dyne, 7173 Refugee Road, wanted the record to reflect that she also supported the traffic light placement at SR 310 and Refugee and offered to assist Mrs. Taylor to petition that the light is installed.

CORRESPONDENCE

- Gary Burkholder (fax) - his recommendations for JEDZ Board.
- Division of Liquor Control - liquor permit
- Licking County Board of Commissioners
 - 1) D5 Liquor License transfer
 - 2) Regarding recently sent letter of support for 208 Plan
 - 3) Resolution 48-390 - vacating a portion of West Street in old Etna Proper
 - 4) Resolution 48-415 - amendment to Resolution 48-390
 - 5) Resolution 48-423 - reducing speed zone limit on Palmer Road, Columbia Road and Tollgate Road
- Office of Licking County Engineer - culvert permit for 10917 Palmer Road and access permit for Diyanni Homes at 9583 Columbia Road
- Licking County Health Department - violation notice for 46 Southview Drive
- Rinehart, Walters, Danner & Associates Insurance Agency Inc. - expanded services to include workers compensation group rating plan
- Shelly Materials - waste asphalt and asphalt dig out can be disposed of at Scioto Materials.
- Buckingham, Dolittle & Burroughs - complimentary Public Law Seminar

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- MORPC - Horizon Magazine
- The Ohio Plan - regarding property and liability insurance

OLD BUSINESS

A. Discussion regarding cemetery fees. (tabled)

Mr. George said he feels the township cemetery fees should be raised and will prepare a draft rate schedule for the next meeting.

B. Sidewalks on State Route 310, referred to Licking County Prosecutor's Office.

Waiting for legal opinion.

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

Waiting for legal opinion.

D. 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.

E. Motion to record the Zoning Resolution and Zoning Map at the County Recorders Office.

Mr. George said he spoke with Tom Caw about purchasing a certified stamp for the township. The map needs to be correct before submission to the County Recorders Office. This item will remain on the agenda.

F. Mayflower zoning violation for 91 1st Avenue

This violation was forwarded to the Licking County Prosecutor's Office with the \$150 filing fee.

G. Traffic light at Refugee Road and State Route 310

Update given under public comments

H. Longwood Crossing subdivision final plat

President Burkholder said the final plat was approved by LCPC without the township zoning inspector's signature. This signature is required according to the Licking County Subdivision Regulations. A bond was posted for the emergency access road and LCPC granted the developer a year to install the access road. Burkholder said he was opposed to the issuance of any building permits in that area until the access road is completed.

Mr. George said he will attend the next LCPC meeting to ask why the rules are not being adhered to and also to ask why LCPC is not working with the township; instead they are running over the township.

President Burkholder said pressure needs to be applied to the Licking County Commissioners as well; they have been unsympathetic to the township's problems.

Mr. George said he voiced his opposition to the Licking County Commissioners giving away the road right-of-way on West Street.

I. Motion to retain outside counsel for personnel issues.

President Burkholder said the township has several personnel issues that will require outside legal counsel. The prosecutor's office has a conflict of interest since they also represent the employee involved.

President Burkholder moved to table this item until further information is obtained. George seconded and the vote in favor was unanimous.

J. Stop sign at Refugee Road and Summit Road.

Mr. George said he does not think that the township has a right to place a stop sign at this intersection since half of this section of Refugee Road was annexed into Reynoldsburg and the

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other road half is in Pataskala.

President Burkholder moved for Mr. George to set a meeting with Pataskala and Reynoldsburg to discuss placing a stop sign at Refugee Road and Summit Road. George seconded and the vote in favor was unanimous.

NEW BUSINESS

A. Cumberland Trail Golf Course Liquor permit from Licking County Board of Commissioners Resolution 05-08-16-01: President Burkholder moved to state his objection to the transfer of a liquor permit from Columbia Road Ltd to Cumberland Trail Golf Course to be "continuing violations of PUD zoning regulations" for the Licking County Board of Commissioners. George seconded.

Discussion: Mrs. Siddens said that zoning violations was not a valid reason to object.

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

B. Motion to appoint the three member JEDZ Board

Mrs. Siddens moved to nominate Paul George, Neil Ingle and Mike Frommer. George seconded.

Discussion: Mr. George said he would like to see Ron Shirey, a Reynoldsburg resident on the Board.

Mrs. Siddens moved to amend her motion to replace Paul George with Ron Shirey. No second to the motion.

Neil Ingle said the JEDZ contract requires that Board members be Etna Township residents and Mr. Frommer resides in Columbus.

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

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

Resolution 05-08-16-02: Mrs. Siddens moved to appoint Paul George, Neil Ingle and Ron Shirey to the JEDZ Board as Etna Township representatives. George seconded.

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

C. Motion to set public hearing for the rezoning application for property at 9038 Hazelton-Etna Road from General Business (GB) to Professional-Research-Office (PRO).

Resolution 05-08-16-03: President Burkholder moved to set the public hearing for August 23, 2005, to follow the previously scheduled hearing and to be held at the Etna United Methodist Church, 500 Pike Street in Etna. George seconded.

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

D. Motion to set special meeting for August 23, 2005 to be held at the Etna United Methodist Church at 7:00 p.m.

Resolution 05-08-16-04: President Burkholder moved to set a special meeting for August 23, 2005 to be held at the Etna United Methodist Church at 6:45 p.m. George seconded.

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

E. Southwest Licking Water and Sewer District 208 Lock-in Plan

President Burkholder reported that he did not send a letter to the Licking County Commissioners advising them of the township's disappointment in their lack of support for the plan. The commissioners have sent the Ohio EPA a supplemental letter.

Mr. George said he was disappointed with the letter the commissioners sent, saying it was wimpy, not to the point and did not support the western section of Licking County and Etna Township.

President Burkholder said the Southwest Licking Water and Sewer District spent \$75,000 in

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engineering and legal fees to put the 208 Lock-in Plan together to protect the district from annexation and higher fees to residents. For the commissioners not to be supportive in a timely manner is inexcusable.

F. Report on Newark meeting

Mr. George reported that a company seeking to locate in the township with no concrete plans wants a 15 year, 100% tax abatement. More information is needed, especially on infrastructure.

G. Cumberland Trail Phase VI TRC meeting and Royal Acres walk through.

Mr. George said the developer needs to study and develop a plan for a second access road and that he voiced his objections at the TRC meeting. Also explained the difficulty in plowing snow in the cul-de-sacs.

President Burkholder said this is a totally new proposal from the final development plan and that the new proposed roads have not been approved by the trustees. The township has had problems with Andy Walters' designs and proposals in the past relative to infrastructure.

Mr. George reported on the walk through at Royal Acres. He expressed concerns about drains being too high for the area, catch basins too high for the land, problems with drainage going into the holding pond and the second access road is not open

Mrs. Siddens inquired when Imperial Drive would be paved. A resolution was passed concerning this and a copy of the resolution was given to Mr. Rini and Mr. George. Mr. George will check on this.

REPORTS

A. Clerk's financial report

From August 1st to August 16th

	Receipts	Disbursements
General Fund	\$ 13,398.27	\$ 19,774.77
MV License Tax	-	1,881.69
Gasoline Tax	5,151.69	356.53
Road & Bridge	-	7,551.43
Special Assessments	-	246.05
Misc Capital	-	-
Total	\$ 18,549.96	\$ 29,810.47

Funds Total August 16, 2005 - \$1,166,413.05

Resolution 05-08-16-05: President Burkholder moved to approve the \$50 annual invoice for SWOP4G. George seconded.

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

B. Road report

Written report submitted.

Mr. George moved to approve 4 hours of vacation time for Mike Waller on September 19th and 4 hours on October 25th. Burkholder seconded.

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

There was a discussion on Columbia Gas right-of-way permit application for roads not yet dedicated to the township. Mr. George will contact the county commissioners concerning this.

Resolution 05-08-16-06: Mr. George moved to approve road right-of-way permit #08-16-05-1, Columbia Gas for Wymer Avenue and Taylor Road. Burkholder seconded.

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

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Resolution 05-08-16-07: Mr. George moved to approve road right-of-way permit #08-16-05-2, M H Corbin Inc. for school light at 8200 Taylor Road. Siddens seconded.

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

Resolution 05-08-16-08: Mr. George moved to approve road right-of-way permit #08-16-05-3, National Gas & Oil Cooperative for 10685 Columbus Express Parkway East. Burkholder seconded.

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

Resolution 05-08-16-09: Mr. George moved to approve road right-of-way permit #08-16-05-5, SWLCWSD for 63 Third Avenue and 67 Fieldstone. Burkholder seconded.

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

Resolution 05-08-16-10: Mr. George moved to approve road right-of-way permits for Sprint, #08-16-05-6 for 9532 Smoke Road; #08-16-05-7 for 9574 Smoke Road and #08-16-05-8 for 9600 Smoke Road. Siddens seconded.

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

Resolution 05-08-16-11: Mr. George moved to approve road right-of-way permit #08-16-05-9, S & N Communications for 10246 Loop Road. Siddens seconded.

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

Resolution 05-08-16-12: Mr. George moved to approve road right-of-way permit #08-16-05-10, S & N Communications for 11 Orchard Glen Drive. Siddens seconded.

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

D. Zoning report

Written report submitted

ANNOUNCEMENTS AND TRUSTEES COMMENTS

President Burkholder thanked the community for supporting the JEDZ contract at the polls.

Mr. George announced that the Licking County Commissioners approved the speed limit reductions for Tollgate Road, Palmer Road and Columbia Road and the request has been sent to ODOT for final approval.

PAYMENT OF BILLS

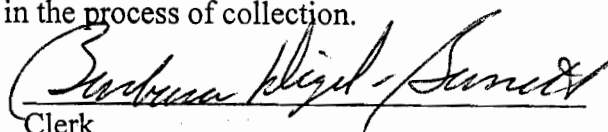
Mrs. Siddens moved to pay the following bills. George seconded.

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

2490	PY	08/16/2005	JAMES W. WYRICK	- JWW	\$396.36
2491	PY	08/16/2005	MARK J. SMITH	- MJS	860.22
2492	PY	08/16/2005	PHILLIP M. WALLER	- PMW	1,481.66
2493	PY	08/16/2005	STEPHEN L. FERRIS	- SLF	607.47
2494	VW	08/16/2005	STEPHEN L. FERRIS		80.60
2495	VW	08/16/2005	AMERICAN ELECTRIC POWER		469.16
2496	VW	08/16/2005	NEWSPAPER NETWORK OF CENTRAL OHIO		89.51
2497	VW	08/16/2005	PATASKALA BUILDING & HOME SUPPLY		139.86
2498	VW	08/16/2005	SUNOCO, INC.		93.80
2499	VW	08/16/2005	KUHN TURF EQUIPMENT		363.85
2500	VW	08/16/2005	PHONEDEPOT		29.90
2501	VW	08/16/2005	CONKLE'S TRUCK REPAIR, INC.		273.73
2502	VW	08/16/2005	TREASURER OF STATE		48.37
E00080		08/17/2005	DALLAS W. MAYNARD		\$879.17
E00081		08/17/2005	LAURA J. BROWN		759.65

Total is \$6,573.31

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

August 16, 2005

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Held

PUBLIC COMMENTS

Jim Van Dyne, 7173 Refugee Road, offered assistance in updating the zoning map.

Claudette Van Dyne asked if second letter by the county commissioners was sent to the Ohio EPA regarding the 208 Plan. Also asked if the county had the authority to grant an extension for the Broyles Family Farm PUD preliminary plan. The PUD zoning expires December of this year. Commented that tax abatements for businesses in the Etna Corporate Park were done on an individual basis.

Neil Ingle, 71 Trail East, said the SWLCWSD wrote a supportive letter for the Licking County Commissioners to approve, sign and send to the Ohio EPA. The commissioners chose to send a letter that was less than supportive. Spoke about the developer's intent of running the safety road for Cumberland Trails, Phase VI down the cart path on the 13th hole of the golf course. This is a change from the development plan.

Resolution 05-08-16-13: Mr. George moved for the Board President to send a letter to LCPC and the Cumberland Trails developer that the trustees will not accept the change in the PUD and if the recommendations are not adhered to, and the change does not come back before the board for approval, the trustees will take legal action. Burkholder seconded.

Discussion: President Burkholder said there will be an continuing battle with LCPC as to who has jurisdiction on PUD'S. and that outside legal counsel will be needed because the Licking County Prosecutor's Office has a conflict of interest since they represent LCPC.

Mrs. Siddens said "Your point of order would be: Where are you on the agenda, in public comments, and you are taking board action."

President Burkholder said this item was discussed under Item 6 and the motion is appropriate.

Roll Call: Siddens, abstain, point of order; (roll call was interrupted)

President Burkholder called Mrs. Siddens out of order because she made a point of order without specifying.

Mrs. Siddens said "I specified it under comments as well as if you really want to hear it again I will be happy to do so, but you can not call me out of order when I vote. You do not control my vote. I abstain due to point of order."

President Burkholder said "You are out of order Mrs. Siddens. This is not the vote on a point of order. The point of order is ruled on by the chair. I checked with Robert's Rule of Order. If you do not specify the point of order, you are out of order. So your point of order is mute."

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

Mrs. Siddens said, for the record, the clerk needs to specify the exact exchange, verbatim, of the out of order call by the chairman.

Mrs. Siddens questioned Mrs. Brown's sick time.

At 8:40 p.m., Mr. George moved to adjourn the meeting. Burkholder seconded. The vote in favor was unanimous.

Barbara King-Sumatt
Clerk

Gay Burkholder
President