

Held

September 6, 2005

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The Etna Township Board of Trustees met on September 6, 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 under new business: item H - JEDZ Board. Siddens seconded.

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

Mrs. Siddens moved to amend the agenda to add under old business: item L - sale of equipment. Burkholder seconded.

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

Mrs. Siddens moved to amend the agenda for Dallas Maynard to speak under public comments per his written request. George seconded.

Discussion: President Burkholder said that Mr. Maynard has the right to speak, as any other public citizen under public comments.

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 16, 2005 meeting minutes. Siddens seconded.

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

Mr. George moved to adopt the August 23, 2005 special meeting minutes. Siddens seconded.

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

**PUBLIC COMMENTS**

Dallas Maynard, 959 Pike Street, the appointed zoning inspector for the township, said he was officially filing a grievance against Trustee Gary Burkholder for violating his rights as a public employee and his attempt to interfere with and hinder him in performing duties that he was appointed to do. Details of his grievance are included in a letter addressed to the Board of Trustees. Mr. Maynard requested that the Board take timely action to provide relief to him for this grievance.

Tom Dixon, 8467 Hazelton-Etna Road, said he was told by LCPC that no permits would be issued in the last phase of Cameron Chase until the tiles were corrected. The tiles are still in the same condition and the township zoning inspector has issued permits.

President Burkholder said he would follow up with the attorney regarding the legal remedies for the enforcement of PUD's

Chuck Bundy, 10254 Tollgate Road, registered a complaint about the Petro Truck Repair business on Tollgate Road. The business has no running water, there is a "Porta John" on site and when it rains, the parking lot is a mud hole.

**CORRESPONDENCE**

- Ohio Department of Liquor Control - application for C2 permit
- Licking County Board of Commissioners - liquor permit
- Licking County Planning Commission (LCPC)
  - 1) Letter to Tom Dixon on Cameron Chase Section 2 final walk through.
  - 2) Letter to Dan Bravard regarding application 2005-019-Z on P.V.C.R. Inc.
  - 3) Letter to Rich Conie, Maronda Homes regarding Brandy Mills Estates Phase II
  - 4) Staff Report for Cumberland Trails Section 6 - conditional approval

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- 5) Staff Report for P.V.C.R. Inc. - recommended to deny
- Licking County Office of Homeland Security - NIMS update
  - Licking County Treasurer, Michael L. Smith - progress on collection of delinquent real estate tax
  - Licking County Health Department - referring violation for 46 Southview Drive and 80 3<sup>rd</sup> Avenue for legal action; violation notice for 91 Roma Court and 53 7<sup>th</sup> Avenue and report of two separate dig bites and proof of vaccination.
  - Licking County Board of Elections - Certificate of Result of Election on Question or Issue
  - Shelly Materials - notice of price increase of \$.50/ton for asphalt
  - MORPC - Bikeway Map update
  - Ohio Bureau of Motor Vehicles - July statistics report
  - Bobbie Corley O'Keefe - copy of letter from Kegler, Brown, Hill, & Ritter written to Richard Lord.
  - Rumpke - performance bond
  - Compensation Consultants - brochure
  - Dallas Maynard - letter of grievances. Entire letter was read by the clerk and the letter is on file at the township hall.

**OLD BUSINESS**

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

B. Sidewalks on State Route 310, received letter from Licking County Prosecutor's Office. The township does not have the authority to maintain the sidewalks. According to ODOT, the project has been placed on hold.

C. McDonald's Fence Proposal, received letter from Licking County Prosecutor's Office. The legal opinion will be forwarded to McDonald's.

D. Motion to set procedure and cost when duplicating video or audio tapes for public records request, received letter from Licking County Prosecutor's Office.  
Resolution 05-09-06-01: Mr. George moved to set a procedure for duplicating the audio and video tapes for public requests at cost. Siddens second.

Discussion: President Burkholder said there was not a problem with the township secretary making the copies at the hall.

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

E. Motion to record the Zoning Resolution and Zoning Map at the County Recorders Office.  
1. Quote from Franklin Printing on Official Seal

Resolution 05-09-06-02: Mr. George moved to purchase an official township seal from Franklin Printing, not to exceed \$100. Burkholder seconded.

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

F. Mayflower zoning violation for 91 1<sup>st</sup> Avenue  
Violation was forwarded to the Licking County Prosecutor's Office and the trustees will monitor the situation.

G. Traffic light at Refuge Road and State Route 310  
President Burkholder said that Pataskala City Council was addressing this issue tonight.

H. Longwood Crossing subdivision, Section II  
Mr. George said he asked Rich Conie for a written statement that the access road would be built in 90 days, including the specs, location and bond. Mrs. Siddens said originally, the plan was for the access road to go from an unbuildable lot, across the ravine to Route 40 and not for the Route

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40 easement to be used in front of a neighboring residence, nor for the Murphy's road cut to be used. The Board does not have documentation from ODOT that says the access road can be built and will be approved.

Ms. Klema said LCPC approved the Section 2 plat on May 23, 2005 with the condition that a bond be posted for the access road for the location submitted in the plans. The plan was reviewed by the fire department. One of the criteria for approval was that the restricted covenants needed to state that if the homeowners association did not maintain the access road then the township would have the right to maintain the road and be reimbursed by the homeowners association. Proof of a recorded easement was also filed that gives title to the owner to go out from Section 2 to Route 40. Her client is ready to begin construction of the access road and houses in Section 2.

Mrs. Siddens said she needed to see documentation from ODOT and to see what was originally approved and what is happening now.

Ms. Klema said approval of the construction drawings was received from the county engineer and the fire department. The plat was approved by LCPC at the May 23<sup>rd</sup> meeting.

President Burkholder said that LCPC does not always give adequate review of plats. He would not support construction of the houses until the access road is completed and approved. Also the development is not in compliance with the zoning.

President Burkholder moved to table this item. Siddens seconded.

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

**I. Stop sign at Refugee Road and Summit Road.**

Mr. George said he was unable to set a meeting with Reynoldsburg and Pataskala. Reynoldsburg installed a "stop sign" and the matter is really between the two entities. Mrs. Siddens requested that the road be journalized for speed reduction by Reynoldsburg or Pataskala.

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

President Burkholder reported that according to Mr. Frommer, no action has been taken by the Ohio EPA.

**K. Town hall**

Mr. George submitted a sketch for the new hall to be built on the Liberty Street lot. All the regulations can be met except for 15' on Liberty Street and a variance would be needed.

President Burkholder said the lot is too small for future expansion.

Resolution 05-09-06-03: Mr. George moved to move forward with the architect and to proceed with the building of a new town hall. Siddens seconded.

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

**L. Sale of equipment**

Resolution 05-09-06-04: Mrs. Siddens moved to advertise for request of bids in the Columbus Dispatch and also place pictures and the advertisement copy from the Columbus Dispatch on the Etna Township website to advertise for bids on a 1994 F700 dump truck with 10' bed, 429 gasoline engine, 5 speed transmission with 2 speed rear end, under original 39,000 miles, includes 10' Bonnell plow unit, Swenson berming box with 18" belt and salt spinner. The clerk is to use the best pricing packaging with the Columbus Dispatch. George seconded.

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

At 8:27 p.m., Mr. Burkholder moved for a 10 minute recess. George seconded and the vote in favor was unanimous.

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NEW BUSINESS

A. Clarification of the zoning inspectors' responsibilities and duties.

There was discussion on whose responsibility it was to provide zoning department public records request. Mr. Maynard was appointed and Mr. Ferris was hired and both zoning inspectors are to be considered equal; to be cross trained and to perform all duties. Mrs. Siddens had questions about Mr. Ferris being hired as a part-time zoning inspector when the resolution states that the zoning inspector is to be appointed.

B. Zoning inspector for Langel property (assigning zoning inspectors)  
No discussion.

C. Enken, Inc. dba Interstate 70 and SR 310 Duchess; Licking County Board of Commissioners and Ohio Department of Liquor Control.

Resolution 05-09-06-05: Mrs. Siddens moved to not file an objection to the Licking County Board of Commissioners and the Ohio Department of Liquor Control for Enken, Inc. dba Interstate 70 and SR 310 Duchess for a C2 liquor permit #N 25268980140. George seconded. Roll Call: Siddens, yes; George, yes; Burkholder, yes.

D. Meeting with MORPC regarding SR 310

President Burkholder said that elected officials not appointed officials should be involved in the access management for SR 310; does not want to see SR 256 duplicated. For the record, Burkholder said that Licking County should not be dictating to Etna Township how SR 310 should be developed.

E. Ethics Commission opinion

President Burkholder said he would like to see the Board draft a more stringent policy on the acceptance of gifts.

F. Issue II application

Mr. George said he has requested the estimates from the Licking County Engineer and will start working on the applications next week.

G. Catch basin and culvert repairs.

Resolution 05-09-06-06: Mr. George moved to make the necessary repairs on Hawthorn and Carnation. Burkholder seconded.

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

H. JEDZ Board

Mr. George said the collection of the income tax will start January 1, 2006 when the new software program will be ready. President Burkholder said he was opposed to a super majority vote be given to one individual. Mr. George said he will recommend that Mr. Fowler only vote when there is a tie.

REPORTS

A. Clerk's financial report

For the month of August

	Receipts	Disbursements
General Fund	\$ 22,645.15	\$ 24,094.60
MV License Tax	1,412.22	1,881.69
Gasoline Tax	8,260.23	356.53
Road & Bridge	-	9,893.31
Special Assessments	-	246.05
Total	\$ 32,317.60	\$ 36,472.18

Funds Total August 31, 2005 - \$1,173,518.98

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Resolution 05-09-06-07: President Burkholder moved to approve a \$5,000 blanket certificate for operating supplies for the road department. George seconded.  
Roll Call: Siddens, yes; George, yes; Burkholder, yes.

**B. Road report**

Written report submitted. Mr. George reported that the arm of the crack sealer hit a mirror on a truck parked on the side of the road at International. International will take care of the damage.

Resolution 05-09-06-08: Mr. George moved to approve the following road right-of-way permits #09-06-05-01 for Etna Parkway in the Etna Industrial Park; National Gas & Oil. #09-06-05-03 for 1028 Columbus Avenue/Street; Columbia Gas of Ohio #09-06-05-02 for 8583 Columbia Road; Zarley Excavation #09-06-05-04 for 9706 Palmer Road; S & N Communications  
Burkholder seconded.

Mrs. Siddens moved to amend the motion for Mr. George to verify that 1028 Columbus Street is the correct address and that if it is an emergency that it should have already been repaired and that we will not hold up an emergency leak repair. Burkholder seconded.

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

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

**D. Water & Sewer report**

Written report submitted

Mr. Lord said the water and sewer district gave a sample letter to the county commissioners to use for their support of the 208 Lock-in Plan for the Ohio EPA which they chose to ignore. They wrote a letter that was not supportive of the plan and a second letter was written which was not any better. Lord said he was against the increase in the SWLCWSD monthly meetings, has questioned invoices, billings and related other problems including the attempt to silence a Board member. Mr. Lord requested that the Etna Township Trustees send a letter to Southwest Licking Community Water and Sewer District Trustees Mary Lou Fairall and Melvin Hite to do the following: 1) Request the Board to accept his recommendation for mediation of questionable expenditure issues. 2) Request the Board to provide him with legal representation to respond to the allegations of District legal counsel B.O. O'Keefe. 3) Request the Board to suspend the legal services arrangement with B.O. O'Keefe until these matters have been resolved.

Resolution 05-09-06-09: Mr. George moved to examine the information packet submitted by Mr. Lord and at the next meeting, either support a letter to the Board for Mr. Lord or not.  
Burkholder seconded.

Discussion: Mrs. Siddens said the Board was only provided documents from one source.

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

**E. Zoning report**

The zoning commission requested that the zoning inspector check on a Tollgate Road business to see if it was in compliance with Section 1103. Mr. Ferris checked the site and said the business complied. President Burkholder disagreed and said it was not a dust-free site and he will report back to the zoning commission. The second letter was a request for all the final development plans for developments on the map by November 2, 2005. Burkholder said he would be issuing the directive to the zoning department on this matter.

**H. Safety and F.E.M.A.**

Complaint about two dumpsters on Carnation for about 3-4 weeks for a reclamation project and calls were made for the removal

**K. Economic development**

Resolution 05-09-06-10: Mrs. Siddens made the following motion:

WHEREAS Etna Township, the Southwest Licking Schools, Career and Technology Education

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Centers of Licking County and Licking County have negotiated the local Enterprise Zone (EZ) tax abatement for the Michael Shank Racing LLC

AND WHEREAS the following Real and Personal Property tax abatement is offered to The Michael Shank Racing LLC:

10 year - 100% Abatement

This offer is contingent upon receiving a Relocation Waiver approved from the Ohio Department of Development.

The abatement is applicable to Real and Personal Property outlined in the Michael Shank Racing LLC Enterprise Zone (EZ) application. This EZ abatement is being offered on our understanding that your company will undertake for the project at Etna Corporate Park:

- 1. New Construction (+ or - 15%) of \$1,200,000.
- 2. Purchase of New Machinery and Equipment in the amount (+ or - 15%) of \$75,000.
- 3. Furniture and Fixtures (+ or - 15%) of \$25,000.
- 4. Inventory (+ or - 15%) of \$100,000.
- 5. Ten (10) full time and ten (10) part time employees would be relocated from

the Pataskala manufacturing facility and an additional five (5) to seven (7) full time and (2) to four (4) part time employees will result in \$500,000. of new payroll by the end of 2007.

NOW THEREFORE BE IT RESOLVED by the Etna Township Trustees and has also been approved by the Career and Technology Education Centers of Licking County, School District Board of Education and the Southwest Licking Local School District that the proposed abatement in excess of the statutory and agreed amount is approved. Seconded by George

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

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

At 9:55 p.m., President Burkholder moved to go into executive session per O.R.C. 121.22 G(1), to consider the discipline of a public employee. George seconded.

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

At 10:37 p.m., President Burkholder moved to go out of executive session. George seconded.

Roll Call: George, yes; Burkholder, yes.

**A. Motion to retain outside counsel for personnel issues.**

Resolution 05-09-06-11: President Burkholder moved that the Etna Township Board of Trustees employ Elizabeth M. Stanton with the firm of Chester, Wilcox & Saxbe, LLP 65 E. State Street, Suite 1000, Columbus, OH at the rate of \$210 per hour as legal counsel according to the provisions as provided in the advice and representation of the township in employment matters which is in the packet not to exceed \$5,000 for the purpose of representing the Board in the process of disciplinary action of a public employee. George seconded.

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

**ANNOUNCEMENTS AND TRUSTEES COMMENTS**

Mrs. Siddens said due to the letter presented tonight from Mr. Maynard, certain items could not be placed on the agenda.

Resolution 05-09-06-12: Mrs. Siddens moved to notify the Licking County Prosecutor and the insurance company regarding the letter from Mr. Maynard and ask for guidance and representation. George seconded.

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

Resolution 05-09-06-13: Mr. George moved to have legal representation present for an executive session at the next meeting. Siddens seconded.

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

Resolution 05-09-06-14: Mr. George moved for him to take over the supervisory duties of the zoning office until such legal advice is received about this being a good temporary position until

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Mrs. Siddens moved to amend the motion that the vice chair handle the duties of the direct supervisor of the zoning department. Siddens seconded.

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

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

PAYMENT OF BILLS

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

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

2507	VW	09/06/2005	AMERICAN ELECTRIC POWER	\$637.18
2508	VW	09/06/2005	COLUMBIA GAS CO.	14.34
2509	VW	09/06/2005	SMLOWED	103.95
2510	VW	09/06/2005	NEXTEL COMMUNICATIONS	264.49
2511	VW	09/06/2005	SPRINT	301.60
2512	VW	09/06/2005	SNOP4G	50.00
2513	VW	09/06/2005	OFFICE DEPOT, INC	85.40
2514	VW	09/06/2005	GORDON FLESCH COMPANY, INC.	49.14
2515	VW	09/06/2005	POSTMASTER	87.00
2516	VW	09/06/2005	DALLAS W. MAYNARD	261.10
2517	VW	09/06/2005	GARY BURKHOLDER	194.98
2518	VW	09/06/2005	PAUL GEORGE	125.70
2519	VW	09/06/2005	STEPHEN L. FERRIS	38.48
2520	VW	09/06/2005	LOVELAND & BROSIUS, LLC	910.70
2521	VW	09/06/2005	CONKLE'S TRUCK REPAIR, INC.	635.96
2522	VW	09/06/2005	KUHN TURF EQUIPMENT	45.70
2523	VW	09/06/2005	DELAWARE COUNTY REGIONAL PLANNING	1,500.00
2524	VW	09/06/2005	ETNA UNITED METHODIST CHURCH	150.00
2525	VW	09/06/2005	KLEEM INC.	2,580.69
2526	VW	09/06/2005	BREWPRO INC.	2,690.00
2527	VW	09/06/2005	REDSKIN TRANSPORT	2,055.82
2528	VW	09/06/2005	MIDLAND CO-OP, INC.	1,308.36
2529	VW	09/06/2005	MEDICAL MUTUAL OF OHIO	4,266.99
2530	PY	09/06/2005	OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM	3,737.48
2531	PY	09/06/2005	PARK NATIONAL BANK	2,305.01
2532	PY	09/06/2005	TREASURER OF STATE OF OHIO	854.99
2533	PY	09/06/2005	OHIO SCHOOL DISTRICT INCOME TAX	141.02
2534	PY	09/06/2005	GARY L. BURKHOLDER - GLB	735.72
2535	PY	09/06/2005	JAMES W. WYRICK - JWV	203.19
2536	PY	09/06/2005	MARK J. SMITH - MJS	443.43
2537	PY	09/06/2005	PHILLIP M. WALLER - PMW	803.15
2538	PY	09/06/2005	PAUL W. GEORGE - PWG	752.81
2539	PY	09/06/2005	STEPHEN L. FERRIS - SLF	284.51
E00084	09/07/2005	M. BARBARA DIGEL-BARRETT	\$800.63	
E00085	09/07/2005	DALLAS W. MAYNARD	473.50	
E00086	09/07/2005	LAURA J. BROWN	403.70	
E00087	09/07/2005	RACHAEL D. SIDDENS	752.81	

Total is \$31,259.53

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.

*Barbara Digel-Barrett*  
Clerk

PUBLIC COMMENTS

Mr. Lord said in light of hurricane Katrina, there may be a need for Satellite phones.

Neil Ingle announced that Pataskala City Council passed an ordinance, 7-0, for the traffic light at Refugee Road and SR 310.

At 11:15 p.m., Mr. George moved to adjourn the meeting. Burkholder seconded. The vote in favor was unanimous.

*Barbara Digel-Barrett*  
Clerk

*Gary Burkholder*  
President