

## RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held January 3, 2005 20

The Etna Township Board of Trustees met on January 3, 2006 at the Etna Township Hall to hold a regular meeting. The meeting was called to order, following the organizational meeting, by President Burkholder at 8:22 p.m. and the pledge of allegiance was recited.

Roll call showed Trustee Burkholder, Trustee Knapp and Fiscal Officer Digel-Barrett present. Trustee George was absent.

The motion to adopt the agenda was made by Knapp, seconded by Burkholder and passed unanimously.

**ADOPTION OF MINUTES**

President Burkholder moved to adopt the December 6, 2005 minutes, Knapp seconded and the vote in favor was unanimous.

**PUBLIC HEARING**

At 8:25 p.m., Mr. Knapp moved to open the public hearing to consider a request from P.V.C.R., Inc. to rezone 3.117 acres on the northeast corner of Watkins Road and US 40 from Single Family Residential (RS) to Local Business (LB). Burkholder seconded and the vote in favor was unanimous.

Licking County Planning Commission (LCPC) staff recommended approval, LCPC recommended denial and the Etna Township Zoning Commission recommended approval by a 5-0 vote.

Tom Wells, I-Site Development, made a presentation on the proposed development of the site. Plans are for a sit down restaurant and small businesses to serve the local residents. Wells said US 40 is an ideal place for small businesses but the site does not meet the criteria for a major chain store.

Steve Holloway, 11047 York Road, spoke for the rezoning saying that LB was the best zoning for the property, there is a traffic light and access to US 40.

Claudette Van Dyne and Jim Van Dyne, 7173 Refugee Road, spoke in favor of the rezoning

David Goll, 8995 York Road, said with all the new businesses coming into the area, a restaurant is needed and favored the rezoning.

Mike Harsh, 8520 Mink Street, asked if the trustees controlled the type of architecture. Mr. Wells replied that it would be buildings the residents could be proud of.

Mr. Knapp inquired if I-Site would own and control the property. Mr. Wells responded that they tried to write a limiting text but this is not permitted by state statute. Knapp also inquired about the higher level of the property to the residential area and noise pollution and was told it would be engineered for proper drainage and mounding, fencing and setbacks for noise.

At 9:08 p.m., Mr. Knapp moved to close the public hearing. Burkholder seconded and the vote in favor was unanimous.

Resolution 06-01-03-26: Mr. Knapp moved to accept the recommendation of the zoning commission to rezone 3.177 acres on the northeast corner of Watkins Road and US 40 from Single Family Residential (RS) to Local Business (LB). Burkholder seconded.

Discussion: Mr. Knapp said there were no citizens present at the public hearing to voice opposition, the other three corners of the intersection are zoned LB or GB and this will likely make a nice addition to the township. Knapp said he would like the concerns of the neighboring residential property owners addressed. Burkholder said he still had concerns over the traffic.

**RECORD OF PROCEEDINGS**

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

January 3, 2005

20

Roll Call: Knapp, yes; Burkholder, no.

The motion passed since a unanimous decision was needed to overturn the recommendation of the zoning commission.

**PUBLIC COMMENTS**

Cheri Rogers, 62 Nantucket, suggested using the township website to post public notices and meeting agendas. Saying she had the best interests of the township in mind, she asked that Steve Holloway be reappointed to the Board of Zoning Appeals (BZA) because of his experience and his good working relationship with the committee.

David Goll, expressed disappointment that he was removed from the Economic Development Committee (EDC) and asked that Mr. Holloway be appointed to the BZA because of his many years of experience and knowledge.

Claudette Van Dyne stated that she was unclear way Mr. Goll, with his professional background in site research, was removed from the EDC. She said she was not aware that changes were going to be made to the committee nor was she asked if she wished to continue to serve.

President Burkholder replied that he hopes everyone wishes to continue on the advisory committee that serves at the pleasure of the Board. Mr. Goll serves on the SWLCWSD Board and this Board may have different development considerations and goals than the EDC. Political philosophy in addition to experience must be considered.

Laura Brown, clerk for the zoning commissions, stated that she believes Steve Holloway has done a good job on the BZA and has been active in educating the members.

**APPOINTMENTS**

A. Appointment of Zoning Commission member for 1/1/06 through 12/31/10  
Applications were received from Dan Bravard and Linda Dee Dunlap

Dan Bravard said he has served the township for twenty years and stated the following concerns. 1) Protect the township from annexation and define PUD classification. 2) Update the Land Use Map 3) Enhance business for improved economics. 4) Regulate big box locations and size and 5) Modernize the zoning resolution and eliminate vagrancies.

In answer to questions by the Board, Mr. Bravard said that at the WalMart location, the front 20 acres of the property was already zoned GB and he favored the rezoning so the building could be placed at the rear of the property to alleviate traffic. The vagueness and archaic language in the zoning resolution is a major issue and needs to be corrected.

Dee Dunlap said she would like to serve because of her concerns for the township and the development of SR 310 and National Road where her business is located. The township needs to be resident friendly and she can bring a fresh approach to the committee, she is willing and eager to learn. She is concerned about the proper placement of zoning so as not to infringe on other people's rights. Growth can not be stopped but the right businesses are needed.

Resolution 06-01-03-27: President Burkholder moved to appoint Dee Dunlap to the Zoning Commission for a five year term, 1/1/06 through 12/31/10. Knapp seconded.  
Roll Call: Knapp, yes; Burkholder, yes

B. Appointment of Board of Zoning Appeals member for 1/1/06 through 12/31/10  
Applications were received from Steve Holloway and Michelle Weber.

Steve Holloway listed his accomplishments as a member of the SWL School Board, chairperson of the first EDC which was instrumental in the location of the corporate park in Etna and chairperson of the BZA. With the help of the Licking County Prosecutor's Office, he developed

# RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

January 3, 2005

20

a hearing procedure and worked with members on how the BZA is to operate under the Ohio Revised Code. He authored a new BZA member manual which may be the only one in the county. In answer to questions, Holloway said the BZA is limited to interpretation of the laws, not changing them and legal opinions are made part of the file.

Michelle Weber said she has lived in the township for two years, she and her husband plan to open a business soon, she has common sense and a willingness and patience to learn. The duty of the BZA is to enforce the zoning resolution and if there were to be a compromise, the compromise should have happened before reaching the BZA. The major problem with current zoning is that it is not in line with what the residents want. Growth is coming and should be what is best for the entire community. Her career is in construction, her family business is construction and she knows what does and does not work.

President Burkholder said he appreciated Mr. Holloway's service but is concerned with the political and growth philosophy, and direction of the BZA. Burkholder did not feel it was appropriate for the BZA to put a case on hold, make a determination on an opinion case, based on the direction of the zoning commission. The BZA should strictly interpret and not legislate.

Resolution 06-01-03-28: President Burkholder moved to appoint Michelle Weber to the Board of Zoning Appeals for the term 1/1/06 through 12/31/10. Knapp seconded.

Discussion: Mr. Knapp said that Mr. Holloway has served the township well, has good support from his fellow members but zoning needs to be enforced in the township.

Roll Call: Knapp, yes; Burkholder, yes

## CORRESPONDENCE

- LCPC – meeting agenda, Trails West and Tax Incentive Review Council
- Michael Smith, Licking County Treasurer – list of delinquent taxes
- Licking County Board of Commissioners – Resolution 49-501 and 502 regarding replat of lots in Etna Corporate Park West
- Licking County Health Department – violation notice
- Licking County Recycling & Litter Prevention – Christmas tree recycling
- BWC – quarterly newsletter and information regarding claim
- Ohio Bureau of Motor Vehicles – monthly statistic report
- SWLCWSD – service for 9807 and 9643 Taylor Road
- Robert L. Becker, Licking County Prosecutor – road and bridge levies
- Garvin & Hickey – client advisory
- Chester, Wilcox & Saxbe – client agreement
- Census Bureau - American Community Survey

## OLD BUSINESS

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

President Burkholder moved to remove this item from the table, Knapp seconded and the vote in favor was unanimous. Since Trustee George, who was working on this, is in the hospital, President Burkholder moved to remove this item from the agenda and placed on the pending agenda. Knapp seconded and the vote in favor was unanimous.

### B. Longwood Crossing Subdivision Section 2 (tabled)

President Burkholder moved to remove this item from the table, Knapp seconded and the vote in favor was unanimous. Knapp reported on soil erosion at the curve of the emergency access road. Burkholder suggested contacting LCPC and Licking County Soil and Erosion and asked that the road crew or a zoning inspector take pictures.

### C. Inventory of garage and town hall assets progress report (already done)

## RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

January 3, 2005

20

**D. Licking County Engineer's Office 2005 Mileage Certification**  
Resolution 06-01-03-29: President Burkholder moved to certify the road mileage at 45.17 miles for Etna Township for 2005 for the Licking County Engineer. Knapp seconded.  
Roll Call: Knapp, yes; Burkholder, yes

**NEW BUSINESS**

**A. Center City International Truck repair estimate**  
President Burkholder moved to approve the Center City International bill for \$1580.60. Knapp seconded and the vote in favor was unanimous.

**B. Motion to approve print cartridge quote from Zones.**  
President Burkholder moved to approve a bill from Zones for a print cartridge, not to exceed \$300. Knapp seconded and the vote in favor was unanimous.

**C. Motion to set public hearing**  
President Burkholder moved to set and advertise a public hearing to consider disciplinary action against the full time zoning inspector, Dallas Maynard, for Tuesday January 24, 2006 at 7 pm. Knapp seconded and the vote in favor was unanimous.

**D. Motion to approve additional money for legal fees**  
President Burkholder moved to table this item until the next meeting. Knapp seconded and the vote in favor was unanimous

**E. 2006 retainer agreement and resolution for attorney services**  
President Burkholder moved to table this item until the next meeting. Knapp seconded and the vote in favor was unanimous

**F. Motion to advertise for full-time zoning inspector**  
Dallas Maynard's appointment ends on March 18<sup>th</sup>.

Mr. Knapp moved to advertise for a full-time zoning inspector in the Columbus Dispatch and Newark Advocate for the next three Sundays. Burkholder seconded and the vote in favor was unanimous

**G. Rumpke waste management contract**  
The current contract ends on March 31, 2006. Will discuss bid advertisement at next meeting.

**H. Trails West resolution**  
Resolution 06-01-03-30: President Burkholder moved the adoption of the following resolution:

WHEREAS: Trails West Distributing Inc. is desirous of undertaking substantial new investment to undertake new construction in and purchase new machinery and equipment and inventory to be located in Etna Township, Ohio, and,

WHEREAS: The project will involve an investment in new construction in the amount of **Minimum of \$800,000 and Maximum of \$1,250,000 new building** and purchase of new machinery and equipment in the amount of **Minimum \$40,000 and Maximum of \$60,000** furniture and fixtures **Minimum \$5,000 and Maximum of \$6,000** and inventory **Minimum \$600,000 and Maximum of \$1,300,000** for their project at 11290 National Road in Etna Township, Ohio and,

WHEREAS: As a result of this investment, the company will create an addition of 8 – 10 full time permanent new employees and 2 – 3 part time and additional help to assist in relocation by June 1 of 2006; and,

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

January 3, 2005

20

WHEREAS: Etna Township and Licking County are desirous of providing Trails West Distributing Inc. with the incentives available for the development of this project within said Enterprise Zone; NOW, THEREFORE

BE IT RESOLVED BY THE Board of Etna Township, County of Licking, State of Ohio:

That we do hereby enter into an Enterprise Zone Agreement with Trails West Distributing Inc. to provide them with incentives available for the investment in new real and tangible personal property to create new employment at the new facility in Etna Township within the Enterprise Zone under Chapter 5709 of the Ohio Revised Code per agreement on file in the office of the Licking County Commissioners. The Enterprise Zone Agreement grants Trails West Distributing Inc. a personal property tax exemption on machinery and equipment, furniture and fixtures, inventory and a real property tax exemption on new construction according to the following schedule in conjunction with the project as outlined in their description.

Years One through Ten 60%

Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

I. Motion to approve 2006 temporary appropriations

Resolution 06-01-03-31: President Burkholder moved to pass the following temporary appropriations for 2006

\GENERAL FUND	282,257.00
MVR FUND	6,000.00
GASOLINE TAX FUND	60,000.00
ROAD & BRIDGE	106,600.00
SPECIAL ASSESSEMENT	1,250.00
TOTAL	456,107.00

Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

J. Resolution declaring the necessity for a tax levy in excess of the 10 mill limitation

President Burkholder moved to table this item until the next meeting. Knapp seconded and the vote in favor was unanimous

K. Resolution to request the Licking County Auditor to certify valuation and revenue information pursuant to R.C. 5705.03 (B)

President Burkholder moved to table this item until the next meeting. Knapp seconded and the vote in favor was unanimous

REPORTS

President Burkholder gave the road report, new tires are needed for the tractor and the 2006 paving project is being worked on.

David Goll, reporting for the SWLCWSD, said leaks at the new water tower at ProLogis have been repaired, the contract for serving the Wright property will be awarded soon and the EPA 208 Plan is still being reviewed.

President Burkholder moved to pay the following bills. Knapp seconded and the vote in favor was unanimous

2689	OPERS	4851.54	2704	Postmaster	100.00
2390	Park National Bank	2449.95	2705	L. Brown	42.09
2691	Treasurer State of Ohio	883.93	2706	S. Ferris	109.61
2692	OH School District Tax	131.22	2707	Security Operations Sys.	60.00
2693	Void		2708	Newspaper Network	102.93
2694	OPERS	200.76	2709	Gordon Flesch	33.64
2695	B. Digel-Barrett	998.86	2710	Baker Automotive	108.85

# RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held January 3, 2005 20

2696	G. Burkholder	752.95	2711	G. Walters, Clerk of Courts	37.54
2697	Void		2712	Chester, Wilcox & Saxbe	4842.86
2698	R. Knapp	791.78	2713	Loveland & Brosius	367.95
2699	Licking Co. Twp. Assoc.	260.00	2714	Cargill	7439.73
2700	Columbia Gas	1240.49	2715	Center City International	1580.60
2701	AEP	156.77	2716	Ace truck Equipment	313.00
2702	Sprint	306.39	2717	Medical Mutual	3739.14
2703	Nextel	125.10	2718	Midland Co-Op	871.26
Total		\$32,898.94			

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 Wight-Burnett*  
Fiscal officer

At 11:33 p.m., President Burkholder moved to adjourn. Knapp seconded and the vote in favor was unanimous.

*Barbara Wight-Burnett*  
Fiscal Officer

*Gary Burkholder*  
President