

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held January 17, 2005 20

The Etna Township Board of Trustees met on January 17, 2006 at the Etna Township Hall to hold a regular meeting. The meeting was called to order by President Burkholder at 7 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 Mr. Knapp, seconded by President Burkholder. Knapp moved to add item F. - employee evaluations under new business, Burkholder moved to add #6 under Item E - deed restrictions and Item G. - John Q. Public letter under old business. The motion and amendments both passed unanimously.

ADOPTION OF MINUTES

President Burkholder moved to adopt the limited December 19, 2005 minutes (lack of quorum to hold meeting), Knapp seconded, the vote in favor was unanimous.

President Burkholder moved to adopt the limited December 20, 2005 minutes (lack of quorum to hold meeting), Knapp seconded, the vote in favor was unanimous.

Minutes for the January 3, 2006 meeting, were not ready and tabled.

PUBLIC HEARING

At 7:15 p.m. Mr. Knapp moved to open the public hearing on the zoning text amendment to Section 809, Local Business District and Section 810 General Business regarding marginal strip developments and Article 2 definitions. Burkholder seconded, the vote in favor was unanimous.

The text amendment change is to delete the last sentence "Marginal Strip development shall be prohibited" in Section 809, Local Business District (LB) and to delete the sentence "Marginal Strip development shall be prohibited" in Section 810, General Business District (GB)

Licking County Planning Commission (LCPC) and staff recommended approval of the text amendment and also recommended that a definition of shopping centers be included. An example was provided. The Etna Township Zoning Commission voted 5-0 to recommend approval of the text amendment and to include the definition for shopping centers.

Jin Van Dyne, 7173 Refugee Road, said the zoning commission is asking for removal of "strip mall" because a definition could not be found. Phil Laurien with Delaware County Regional Planning Commission also suggested removal of "strip mall".

At 7:27 p.m. Mr. Knapp moved to close the public hearing, Burkholder seconded, the vote in favor was unanimous.

Resolution 06-01-17-01: Mr. Knapp moved to accept the recommendation of the zoning commission to delete the last sentence "Marginal Strip development shall be prohibited" in Section 809, Local Business District (LB) and to delete the sentence "Marginal Strip development shall be prohibited" in Section 810, General Business District (GB) and to add the definition for shopping centers. Burkholder seconded,
Roll Call: Knapp, yes; Burkholder, yes.

At 7:30 p.m. Mr. Knapp moved to open the public hearing on the zoning text amendment to Section 510 Appeals, Section 513 Application and Standards for a Variance and Article 2 Definitions. Burkholder seconded, the vote in favor was unanimous.

The recommendation by the zoning commission:

Section 510 Appeals to read : Appeals to the Board of Zoning Appeals concerning interpretation or administration of this resolution may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Township affected by any decision of the Zoning

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Inspector. Such appeals shall be taken by filing with the Zoning Inspector and the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is taken. This notice must be presented at the Etna Township Hall to the Township Clerk or Zoning Inspector by the close of normal business hours on the twentieth (20th) day after the decision. In their absence, the notice may be administratively received by a Township Official. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action is appealed.

Section 513 Application and Standards for a Variance - proposed change is to switch the current statements from #4 with the statements from #5

Article 2 - Definitions

Aggrieved Person: An aggrieved person is one whose interest in the matter is immediate and/or pecuniary, and not a remote consequence of the judgment. (Pecuniary is defined as relating to money.)

LCPC and LCPC staff recommended approval and the Etna Township Zoning Commission voted 4-0 for approval.

David Goll, 8995 York Road, said the BZA recommended the changes as a housekeeping measure. The submission of the appeal sets a definite deadline. The definition of aggrieved person was added to prevent frivolous appeals and one made for spite.

Mr. Knapp questioned how "interest in the matter is immediate and/or pecuniary, and not a remote consequence of the judgment" would be interpreted.

Dallas Maynard said the appeal must have merit and must be decided by the BZA if the appeal has merit.

President Burkholder also questioned how "remote consequence of the judgment" would be interpreted. The definition is still vague. If an appeal was not heard by the BZA, would the person still be able to appeal in common pleas court. The BZA would be given too much power in making the determination.

Mike Waller said the five members of the BZA would determine if the appeal has merit and if the appeal is not heard, then the person has recourse in the courts.

At 8:15 p.m., President Burkholder moved to recess the public hearing until the February 7th meeting. Knapp seconded, the vote in favor was unanimous.

PUBLIC COMMENTS

Jim Van Dyne questioned the 1.5 mill road levy on the agenda. Burkholder explained the levy would generate approximately \$510, 650 per year for 5 years. This would include the residents of the incorporated section of the township. Van Dyne questioned what would stop Reynoldsburg from annexing Taylor Road if the township paid for its improvement. Burkholder replied that the Reynoldsburg residents would also be paying for the road and the road will be safer for use by the unincorporated residents of the township. Van Dyne questioned why WalMart was not helping to pay for the road since most of the traffic was going to the store and shopping area. Burkholder said he would be willing to elicit financial support from the businesses in Taylor Square.

Claudette Van Dyne, 7173 Refugee Road, asked what guarantee there would be that the money from the levy would be used to improve Taylor Road. Burkholder replied that he would check with the prosecutor's office concerning this.

At 8:40 p.m., a motion was made and passed for a five minute recess.

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- Licking County Board of Commissioners – Resolution 50-107 – Expedited II annexation petition to Reynoldsburg granted, 79.1 acres on Summit Road
- Energy Cooperative – bond
- Byran Long, Licking County Recorder – filing zoning amendments
- BWC – regarding claim
- CFLP Solid Waste District - recycling survey
- Isacc, Brant, Ledman & Tettor LLP - John Q Public case
- Licking County Recycling & Litter Prevention – clean up day
- Claudette Van Dyne – letter asked to be read – resigned from the Economic Development Committee
- Shelly Materials – notice of change from daily to weekly billing
- OPERS – Contribution limits for 2006
- OTARMA – newsletter
- LCPC – 2005 subdivision lot approvals
- Ohio Department of Agriculture – farmland preservation
- Ohio Department of Safety – assistance toolbox

REPORTS**A. Fiscal Officer**

Month of December

	Receipts	Expenditures
General Fund	\$ 14,917.22	\$ 36,097.30
MV License Tax	1,230.40	681.07
Gasoline Tax	10,723.02	5,346.93
Road & Bridge	-	15,383.84
Special Assessments	-	248.84
Misc Capital	-	-
Total	\$ 26,870.64	\$ 57,757.98

Funds Total December 31, 2005 - \$1,006,591.45

For the year

	Receipts	Expenditures
General Fund	\$ 523,438.44	\$ 350,445.19
MV License Tax	17,566.17	24,987.55
Gasoline Tax	85,961.86	70,633.18
Road & Bridge	216,126.42	471,948.39
Special Assessments	3,346.46	3,084.00
Public Works	140,258.51	140,258.51
Misc Capital	88,516.00	88,516.00
Total	\$ 1,075,213.86	\$ 1,149,872.82

B. Roads

Mr. Waller gave the report. New tires and rims are needed for the tractor, quote is for \$344.41. Need to rent a chipper to clean up brush. A 12" chipper rents for \$285/day from NationsRent. There was discussion on striping roads and the five year paving plan has been completed.

Resolution 06-01-17-02: President Burkholder moved to purchase tires and rims for the tractor, not to exceed \$350. Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

Resolution 06-01-17-03: President Burkholder moved to rent a 12" chipper for two days from NationsRent, not to exceed \$600. Knapp seconded.

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Roll Call: Knapp, yes; Burkholder, yes

Resolution 06-01-17-04: President Burkholder moved to approve road right-of-way permit #01-01-17-01 for the SWLCWSD for taping water main on Palmer Road. Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

Resolution 06-01-17-05: President Burkholder moved to refund the checks for road right-of-way permit #03-17-05-01 and 08-23-05-0 for Conie Construction/Maronda Homes. Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

Mr. Waller said on road right-of-way permit #10-07-04-01 for Willow Creek subdivision, the manhole is too high or the pavement is too low and he will not approve for the release of the check.

E. Zoning

Mr. Knapp reported that he initiated weekly and monthly itineraries and a daily log.

H. Safety & FEMA

Mr. Knapp reported that Ohio Fire & Safety completed the annual inspection of the township hall and garage. In his research, the township does not ask OSHA to do an inspection and this should be corrected for next year's organizational agenda.

K, L Economic Development and JEDZ

Neil Ingle reported on the closing of Cabot Corporation and the new businesses interested in the corporate park. Regarding the JEDZ, there will be discussion on the reimbursement contract at the next meeting and dedication of infrastructure to the township. There was discussion on the feeder roads from Etna Parkway not being dedicated, these roads serve private businesses and endure heavy truck traffic. There also was discussion on a prospective business locating on Mink Street in Pataskala and wanting easy access to I-70.

OLD BUSINESS

A. Longwood Crossing Subdivision Section 2 (tabled)

Mr. Knapp reported that the emergency access road is eroding, Steve Ferris has taken pictures and the county engineer's office and Mike Waller will investigate.

B. 2006 retainer agreement and resolution for attorney services

Resolution 06-01-17-06: Mr. Knapp moved the adoption of the following resolution.

WHEREAS, the Board of Trustees of Etna Township, Licking County, Ohio, deems it necessary and advisable to employ legal counsel to advise and represent the Township on legal matters relating to assigned zoning matters:

Now, therefore, be it RESOLVED the Board of Trustees of Etna Township, Licking County, Ohio, that:

Craig B. Paynter and the firm of Chester, Wilcox & Saxbe, LLP be retained as Legal Counsel to advise and represent Etna Township on legal matters related to assigned zoning matters. Representation will be paid for as follows: \$210.00 per hour for Craig B. Paynter's time, and the firm's regular hourly rate less 15% for all other attorney, law clerk, or legal assistant time. Rate is fixed for six months but subject to increase thereafter, with a maximum increase of 6% every six months; time spent on travel and telephone calls is considered billable time. Court costs and expenses will be paid by the Township. Fees will be paid monthly upon receipt of the bill. Burkholder seconded.

Roll Call: Knapp, yes; Burkholder, yes.

Resolution 06-01-17-07: President Burkholder moved the adoption of the following resolution.

WHEREAS, the Board of Trustees of Etna Township, Licking County, Ohio, deems it necessary and advisable to employ legal counsel to advise and represent the Township on legal matters relating to personnel matters:

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Now, therefore, be it RESOLVED the Board of Trustees of Etna Township, Licking County, Ohio, that:

Elizabeth Stanton and the firm of Chester, Wilcox & Saxbe, LLP be retained as Legal Counsel to advise and represent Etna Township on legal matters related to personnel matters. Representation will be paid for as follows: \$210.00 per hour for Elizabeth Stanton's time, and the firm's regular hourly rate less 15% for all other attorney, law clerk, or legal assistant time. Rate is fixed for six months but subject to increase thereafter, with a maximum increase of 6% every six months; time spent on travel and telephone calls is considered billable time. Court costs and expenses will be paid by the Township. Fees will be paid monthly upon receipt of the bill.

Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes.

C. Motion to approve additional money for legal fees for Chester Wilcox & Saxbe for legal representation and advice on personnel issues.

There was discussion on the need for legal counsel to be present at the disciplinary hearing for Mr. Maynard. Mr. Knapp was opposed and it was agreed to approve money for consultation.

Resolution 06-01-17-08: President Burkholder moved to approve the expenditure up to \$1500 for him to confer with Elizabeth Stanton on the hearing. Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

Mr. Knapp moved to not have Elizabeth Stanton present at the disciplinary hearing on January 24, 2006 at the township hall. Burkholder seconded and the vote in favor was unanimous.

D. Rumpke waste management contract

Resolution 06-01-17-09: President Burkholder moved for the Fiscal Officer to advertise for proposals for trash removal for the township. Knapp seconded.

President Burkholder moved to amend the motion to add that the proposals be submitted by February 17, 2006 at 5 p.m. Knapp seconded.

Roll Call on amendment: Knapp, yes; Burkholder, yes

Roll Call: Knapp, yes; Burkholder, yes

E. 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.

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

Resolution 06-01-17-10: President Burkholder moved the adoption of the following resolution. WHEREAS, this Board finds that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of Etna Township and it is necessary to levy a tax outside the ten-mill limitation; and

WHEREAS, pursuant to Division (B) of Section 5705.03 of the Revised Code, this Board must request certified information from the Licking County Auditor before submitting the question of a tax to the electors.

NOW THEREFORE BE IT RESOLVED by the Board of Trustees of Etna Township:

Section 1. This Board declares that it is necessary to levy a tax outside of the ten-mill limitation for the purpose of general construction, reconstruction, resurfacing and repair of streets, roads and bridges in Etna Township as authorized by Section 5705.19(G) of the Ohio Revised Code, and that it intends to submit the question of the addition of that levy to the electors at a primary election on May 2, 2006.

Section 2. This Board requests the Licking County Auditor to certify to it both (i) the total current tax valuation of the Township and (ii) the dollar amount of revenue that would be generated by a 1.5 mill additional levy.

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Section 3. The Township Fiscal officer is authorized and directed to deliver promptly to the Licking County Auditor a certified copy of this resolution.

Section 4. This Board finds and determines that all formal actions of this Board and of any of its committees concerning and relating to the adoption of this resolution were taken, and that all deliberations of this Board and any of its committees that resulted in such formal actions were held, in meetings open to the public, in compliance with the law.

Section 5. This resolution shall be in full force and effect from and immediately upon its adoption.

Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

NEW BUSINESS

A. Distinguished service recognition to Dan Bravard and Steve Holloway

Mr. Knapp said he would like to give recognition to Mr. Bravard and Mr. Holloway for their years of service to the township. Mr. Knapp moved to spend up to \$40 for each individual for a plaque showing the township's appreciation. Burkholder seconded and the vote in favor was unanimous.

B. Recommendation to amend the appointment of zoning inspector text in zoning resolution
President Burkholder said he wanted to present a written text. No action taken

C. Contract for Health Consortium for employee drug and alcohol testing for 2006

Resolution 06-01-17-11: Mr. Knapp moved to contract with Ohio Health Consortium for random employee drug and alcohol testing for 2006. Burkholder seconded.

Roll Call: Knapp, yes; Burkholder, yes

Resolution 06-01-17-12: President Burkholder moved to designate Trustee Knapp as the contact person for the employee drug and alcohol testing for 2006 with Ohio Health Consortium. Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

D. Motion to hire an appraiser to appraise the Liberty Street property per resolution 05-12-06-06

Resolution 06-01-17-13: President Burkholder moved to authorize the president to retain the services of a licensed, certified appraiser not to exceed \$500. Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

E. Zoning Commission letters

President Burkholder moved to direct the township secretary to investigate and get a definitive amount on the invoice. Knapp seconded and the vote in favor was unanimous.

Resolution 06-01-17-14: President Burkholder moved to forward to the Licking County Prosecutor, for legal review and comment, the proposed agreement for planning services between Etna Township Trustees and Delaware County Regional Planning Commission. Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

F. Employee evaluations

There was discussion on the delay and trustee designation for the employee evaluations.

Resolution 06-01-17-15: Mr. Knapp moved that the employee pay increases be retroactive to January 1st. Burkholder seconded.

Mr. Knapp moved to amend his motion to grant a 3% cost of living increase to all township employees retroactive to January 1st. Burkholder seconded.

Roll Call: Knapp, yes; Burkholder, yes

G. Legal enforcement of deed restrictions

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Resolution 06-01-17-16: Mr. Knapp moved to get a legal opinion on the legal enforcement of deed restrictions in PUD's from the Licking County Prosecutor and Craig Paynter, with Chester, Wilcox & Saxbe not to exceed \$2,500. Burkholder seconded.

Roll Call: Knapp, yes; Burkholder, yes

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

2719	Mark Smith	856.66
2720	Phillip Waller	1515.00
2721	Stephen Ferris	604.15
2722	American Electric Power	471.46
2723	SWL Water & Sewer	103.95
2724	Midland Co-Op	350.63
2725	Treasurer of State	795.00
2726	Conkle's Truck Repair	137.54
2727	Zones	384.08
2728	Baker Automotive	22.00
2729	Delaware Co. Regional Planning	74.00
2730	Newspaper Network	221.86
2731	Richard Knapp	218.41
2732	Dallas Maynard	261.10
2733	Stephen Ferris	59.66
2734	Columbia Gas	376.90
E0011	Dallas Maynard	875.86
E0012	Laura Brown	756.63
	Total	8084.89

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 Higel Burnett
Fiscal officer

At 12:15 a.m., Mr. Knapp moved to adjourn, Burkholder seconded, the vote in favor was unanimous.

Barbara Higel Burnett
Fiscal Officer

Gary Burkholder
President