

033  
**RECORD OF PROCEEDINGS**

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held February 7, 2006 \_\_\_\_\_ 20\_\_\_\_\_

The Etna Township Board of Trustees met on February 7, 2006 at the Etna Township Hall to hold a regular meeting. President Burkholder called the meeting to order at 7:00 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 Burkholder and the vote in favor was unanimous.

**ADOPTION OF MINUTES**

Mr. Knapp moved to approve the January 3, 2006 organizational meeting minutes, Burkholder seconded and the vote in favor was unanimous.

Mr. Knapp moved to approve the January 3, 2006 regular meeting minutes, Burkholder seconded and the vote in favor was unanimous.

Mr. Knapp moved to approve the January 17, 2006 meeting minutes, Burkholder seconded and the vote in favor was unanimous.

**PUBLIC HEARING RECESSED 1/17/06**

Zoning text amendment to Section 510 Appeals, Section 513 Application and Standards for a Variance and Article 2 Definitions.

Mr. Knapp moved to come out of recess for the public hearing, seconded by Burkholder and the vote in favor was unanimous.

Mr. Knapp said the hearing was recessed because there was a problem with the term "aggrieved person" and who would determine who an aggrieved person was. Burkholder said currently, there has not been a problem with the process and he would rather err on the side of caution and leave this section the way it now stands. It has not been resolved as to who would make the determination of who an aggrieved person was. Burkholder was not in favor of the decision being made by one person. If the decision was made by the full board, then the board could proceed to hear the appeal.

Mike Kerner said the definition of aggrieved person is a legal definition.

Trent Thoreson, 3614 Headleys Mill Road, questioned the reason behind the proposed text amendment change as he was told it was probably because of an appeal that was rejected because it was not timely filed.

At 7:15 p.m., President Burkholder moved to close the public hearing, seconded by Knapp and the vote in favor was unanimous.

Resolution 06-02-07-01: President Burkholder moved to accept the recommendation of the Etna Township Zoning Commission for Section 510 and Section 513 and to modify the recommendation on Article 2 Definitions and leave it as it currently is without a definition for an aggrieved person. Knapp seconded

Roll Call: Knapp, yes; Burkholder, yes.

**PUBLIC COMMENTS**

A. Noise resolution

Cathryn Chellis, 27 Eastlake Road, spoke about the need for a noise resolution and told about a two year problem in her neighborhood with incessant barking. About 200 calls were made to the owners of the dog to solve the problem but the dog owners are unconcerned. She requested that the trustees adopt an enforceable noise resolution.

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President Burkholder said a copy of a noise resolution prepared by Don Brosius has been forwarded to the county prosecutor for review and to the sheriff's office relative to enforcement. It was suggested that a copy be sent to the municipal court judge.

**B. Nolan Leatherman, 18 Eastlake Road, regarding Reynoldsburg annexations**  
Mr. Leatherman, Vice-president of Lakeland Hills Association, said the residents are concerned about the recent annexation by the City of Reynoldsburg on Summit Road and have concerns about infrastructure, water drainage and do not want to see Summit Road become another Taylor Road. The association owns a strip of property at the end of each road in Lakeland Hills and questioned if barriers could be erected to prevent Reynoldsburg from tying into their roads. Mr. Leatherman said the precedent was set in Delaware County.

President Burkholder requested that the comments made by Nolan Leatherman, be forwarded to the zoning commission.

John Cowan, 128 Beechwood Drive, commented on the barricade for Taylor Road that did not work.

**C. Zoning Commission annual meeting**  
Mike Kerner, chairman pro tem, cited the need for better communications between the trustees and zoning commission. At present, the commission is working on stopping annexations, being proactive not reactive and working with a certified planner on a new resolution book. Praised the work Laura Brown has done as clerk for the commission.

Vince Colburn, 48 Georgian Drive, also said there needs to better communications between the two boards and called for action on their request for money to help with the zoning resolution.

President Burkholder thanked the zoning commission for their efforts in being proactive in their work on reforming the zoning resolution and improving the land use plan.

## CORRESPONDENCE

- Licking County Auditor – Certification of valuation and revenues information and information on new taxes
- Licking County Health Department – notice of violation at 324 Laurel Drive
- Delaware County Regional Planning Commission – letter concerning dues for 2006
- Licking County Engineer – information on gas tax revenues and survey on alley location
- Ohio Department of Commerce, Division of Liquor Control – regarding permit application
- Ohio Department of Public Safety – December statistics report
- Time Warner Cable – information on "Save Our History Award"
- Licking County Recycling & Litter Prevention – an award for excellence for collecting 866 Christmas trees in the township for recycling
- Letter from John Cowan, 128 Beechwood Drive commenting on the proposed road levy and other road issues.

## REPORTS

Fiscal Officer

For the month of January 2006

	Receipts	Disbursements
General Fund	7,822.23	21,391.21
MVR Fees	1,303.95	
Gasoline Tax	13,171.19	10,823.61
Road & Bridge	546.14	5,001.44
Special Assessment		249.51
Total	<u>\$ 22,843.51</u>	<u>\$ 37,465.77</u>

Funds Total January 31, 2006 - \$991,969.19

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President Burkholder moved to set a public hearing on February 21, 2006 at 7:15 p.m. to consider a rezoning application submitted by ProLogis on behalf of PGW Partnership for 11819 National Road from General Business (GB) on the front 35 acres and Medium-Low Density Residential District (R2) on the rear 51.6 acres to Light Manufacturing District (M-1) on the entire 86.6 acres. Knapp seconded and the vote in favor was unanimous.

Resolution 06-02-07-02: President Burkholder moved to approve payment of \$357.77 to Delaware County Regional Planning Commission for payment of an invoice. Seconded by Knapp

Roll Call: Knapp, yes; Burkholder, yes.

Resolution 06-02-07-03: President Burkholder moved to approve payment of \$780.34 to Chester Wilcox & Saxbe for legal advice. Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes.

A. Road - written report submitted

Resolution 06-02-07-04: President Burkholder moved to approve a \$10,000 purchase order to Cargill for salt. Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes.

Resolution 06-02-07-05: President Burkholder moved to approve the expenditure of \$1,700 to Kimball Midwest for an order submitted in package. Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes.

D. Water and Sewer

David Goll said the well field operation at Mink Street and Palmer Road will be operational soon. The district is in the process of purchasing property across from the office on Zeller Road to give the District room for expansion and access to US 40 in the future. Work is continuing on the EPA 208 Plan and notices were sent that a required test was not performed 6/1 through 9/1/05.

At 8:15 p.m., President Burkholder moved for a ten minute recess. Knapp seconded and the vote in favor was unanimous.

OLD BUSINESS

A. Motion to place a 1.5 mill road and bridge levy in excess of the ten mill limitation on the May 2006 primary ballot

Resolution 06-02-07-06: President Burkholder moved the adoption of the following:

BE IT RESOLVED and it is hereby determined that the amount of taxes which may be raised within the ten mill limitation will be insufficient to provide for the necessary requirements of Etna Township, and it is hereby necessary to levy a tax in excess of such limitation for the purpose of general construction, reconstruction, resurfacing and repair of streets, roads and Bridges in Etna Township as provided in Section 5705.19(G) of the Ohio Revised Code.

BE IT RESOLVED that an additional levy of one and one-half mills for each year be placed upon the tax duplicate for such purposes, pursuant to Section 5705.19 of the Ohio Revised Code, said levy to be for a period of five years: and

BE IT FURTHER RESOLVED that said levy be placed upon the tax list beginning with the tax year 2006 and for the tax years 2007, 2008, 2009, and 2010 to be first collected in calendar year 2007; and

BE IT FURTHER RESOLVED that the question of such levy be submitted to the electors of Etna Township, Licking County, Ohio at the same time as the Primary Election, to be held in the usual voting places within said Township on the 2nd day of May 2006, and

BE IT FURTHER RESOLVED that the form of the ballots cast at such election shall be:

A majority vote shall be necessary for passage.

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An additional tax for the benefit of Etna Township for the purpose of general construction, reconstruction, resurfacing and repair of streets, roads and Bridges in Etna Township at a rate not exceeding one and one-half mills for each one dollar of valuation which amounts to fifteen cents (\$.15) for each one hundred dollars of valuation for a period of five years commencing in tax year 2006, first due in calendar year 2007.

FOR THE TAX LEVY

AGAINST THE TAX LEVY

BE IT FURTHER RESOLVED that the Fiscal officer of Etna Township be, and hereby is directed to certify a copy of this Resolution to the Board of Elections of Licking County, Ohio, along with a copy of the certified information from the Licking County Auditor pursuant to R.C. 5705.03(B).

Knapp seconded the motion.

Discussion: President Burkholder presented the Etna Township 2006-2010 Transportation Improvement Plan. The cost for paving roads this year will be over \$400,000. Another consideration for the road levy is that there will be added costs for maintaining curbs and gutters on roads in the new subdivisions. The estimated cost for repairing Taylor Road is \$1,534,000 and the cost for Columbia Road is \$545,700.

Mr. Knapp said residents just received increased property tax bills and the need for passage of the road levy will need to be explained. There was discussion on how failure of the road levy would delay the projected schedule for road paving. Columbia, Taylor and Palmer roads are in serious need of repair and the township garage is too small and inefficient.

Roll Call: Knapp, yes; Burkholder, yes.

B Longwood Crossing Subdivision Section 2 (tabled)

The emergency access road will not be maintained by the township but concerns about the road will be expressed to LCPC.

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

Addressed under fiscal officer's report

D. Recommendation to amend the appointment of zoning inspector text in zoning resolution Resolution 06-02-07-07: President Burkholder moved to forward to the zoning commission a recommendation to amend Section 500 – Office of Zoning Inspector in the Etna Township Zoning Resolution. The recommendation is for Section 500 to read:

“A zoning inspector(s) designated by the Board of Township Trustees shall administer and enforce this resolution. He/she may be provided with the assistance of other such persons as the Board of Township Trustees may direct. The Township Zoning Inspector, before entering upon his duties, shall give bond as specified in Section 519.161, Ohio revised Code.

Knapp seconded

Roll Call: Knapp, yes; Burkholder, yes.

E. Phil Laurien's quote for planning services and for a new zoning resolution

Resolution 06-02-07-08: Mr. Knapp moved to approve the expenditure, up to \$10,000 for Delaware County Regional Planning Commission to help rewrite the zoning resolution.

Burkholder seconded.

Roll Call: Knapp, yes; Burkholder, yes.

F. Motion to approve invoice to Delaware County Regional Planning for \$357.77

Addressed under fiscal officer's report

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G. Delaware County Regional Planning Commission dues for 2006 in the amount of \$1500. Resolution 06-02-07-09: President Burkholder moved to approve the \$1,500 dues to the Delaware County Regional Planning Commission for 2006. Knapp seconded. Roll Call: Knapp, yes; Burkholder, yes.

H. Motion to send proposed zoning text amendments (Conservation Subdivision) to Don Brosius President Burkholder moved to send the proposed zoning text amendments (Conservation Subdivision) to Don Brosius with the law firm of Loveland and Brosius for review. Knapp seconded.

Discussion: Mr. Knapp questioned why the amendments needed legal review and why they were not being sent to LCPC or the county prosecutor. Burkholder replied that it was suggested by Phil Laurien that the amendments be reviewed by legal counsel and Don Brosius is experienced in zoning law. Knapp said he would like to limit the use of outside attorneys and use the county prosecutor as much as possible.

Roll Call: Knapp, no; Burkholder, yes.

Resolution 06-02-07-10: Mr. Knapp moved to send the proposed zoning text amendments for the Conservation Subdivision to the Licking County Prosecutor for review. Burkholder seconded.

Roll Call: Knapp, yes; Burkholder, yes.

I. Township employee's grievance status

Mr. Knapp said he would like to meet with the individual to try to resolve the grievances. Burkholder said a decision would need a Board resolution and that since he and Mr. George are named in the grievance, they would be unable to vote. Also any meeting with Mr. Maynard must include his attorney.

NEW BUSINESS

A. Motion to join Mid Ohio Regional Planning Commission (MORPC) and payment of 2006 dues.

President Burkholder said membership would allow for representation and a vote on the MORPC board as well as many other benefits. Etna Township is in MORPC's planning area and many decisions will be made concerning an I-70 interchange and SR 310.

Resolution 06-02-07-11: President Burkholder moved to join Mid Ohio Regional Planning Commission and approve payment of \$1,361 in dues for 2006. . Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes.

B. Mr. Bush, 103 Arrow Wood Court, variance refund request

The BZA recommended that Mr. Bush receive a refund of his \$400 application fee for a fence variance which he withdrew. The expenses incurred by the BZA for mailings and the advertisement totaled \$38.93.

Resolution 06-02-07-12: Mr. Knapp moved to refund Peter Bush, 103 Arrow Wood Court, \$361.07 for his BZA application. Burkholder seconded.

Discussion: President Burkholder said the application was withdrawn with no explanation.

Roll Call: Knapp, yes; Burkholder, yes

C. Board of Zoning Appeals alternate

Mr. Knapp moved to advertise for a BZA alternate, the applications to be submitted by March 3, 2006 at 5:00 p.m. Burkholder seconded.

Roll Call: Knapp, yes; Burkholder, yes

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D. Motion to establish fee schedule for permits pertaining to fences  
 Resolution 06-02-07-13: President Burkholder moved to establish a fee schedule of \$50 for permits pertaining to fences. Knapp seconded.  
 Roll Call: Knapp, yes; Burkholder, yes

E. Moratorium for zoning permits on SR 310  
 Mr. Knapp said he conversed with the Licking County Prosecutor's Office regarding the township placing a moratorium on building permits on SR 310, specifically retail establishments. The area would be from Refugee Road south to Palmer Road (county line). At present, the county prosecutor is doing extensive research on the issue. Traffic and safety are important concerns and Knapp has also been working with Jerry Brems at LCPC and should have some definite information by the next meeting.

F. Etna Corporate Park I-70 interchange  
 Mr. Knapp said the county is discussing a new interchange which would affect the township. There has been discussion about a corporate park interchange and Knapp said he would like to see a more presentable entrance to the township. An interchange on Mink Street would also benefit Pataskala and Fairfield County.

G. Annexation prevention  
 President Burkholder said the township and county is limited in stopping annexation. The Suburban Conservation PUD is an attempt to allow growth and development within the township without annexation of property into another community.

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

2735	Void	
2736	Mark Smith	981.73
2737	Steve Ferris	650.31
2738	Phillip Waller	1648.05
2739	AEP	643.31
2740	Columbia Gas	461.87
2741	SWLCWSD	106.84
2742	Sprint	300.59
2743	Nextel	125.74
2744	Gprdon Flesch	43.10
2745	Newspaper Network	205.90
2746	West Payment	45.00
2747	Pataskala Banking	20.00
2748	Licking Co Sheriff	92.00
2748	Dispatch	188.50
2750	Staples	369.54
2751	Chester, Wilcox & Saxbe	3286.64
2752	Loveland & Brosius	363.50
2753	Steve Ferris	71.78
2754	Gary Burkholder	205.33
2755	Dallas Maynard	240.57
2756	Richard Knapp	296.41
2757	Delaware Co. Planning	750.00
2758	Ohio Fire & Safety	340.89
2759	Baker Automotive	33.89
2760	Wheelsport	17.98
2761	Void	
2762	NationsRent	289.12
2763	Postmaster	100.00
2764	Ohio Health Consortium	114.00
2765	Conie Construction	2,500.00
2766	Maronda Homes	2,500.00
2767	Pataskala Bldg & Home Supply	5.99
2768	Shelly Materials	160.30
2769	Kross Wholesale Tires	344.41
2770	Medical Mutual	3,847.14
2771	OPERS	3,597.48
2772	Park NationalBank	1,717.04
2773	Treasurer of Ohio	626.98
2774	Ohio School District Tax	97.65
2775	Gary Burkholder	752.95
2776	Mark Smith	537.26
2777	Phillip Waller	862.87

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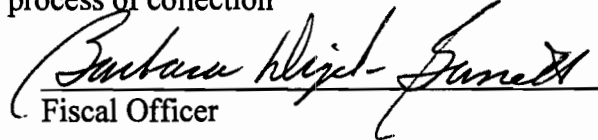
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2778	Richard Knapp	791.78
2779	Steve Ferris	332.30
2780	Paul George	768.83
E00113	Dallas Maynard	922.99
E00114	Laura Brown	796.46
E00115	B. Digel-Barrett	998.66
E00116	Dallas Maynard	484.86
E00117	Laura Brown	397.52
	Total	35,036.06

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

  
 Fiscal Officer

### PUBLIC COMMENTS

Jim Van Dyne said he was against the road levy, his taxes went up dramatically and fears that if the township spends money on repairing Taylor Road, then Reynoldsburg will annex the road into the city.

President Burkholder responded that the residents who live in the incorporated section of the township would also be paying taxes for the road levy.

John Cowan said he was against the moratorium for zoning permits on SR 310. The township should work with the new businesses and use their money to develop the area correctly.

Mr. Knapp said the moratorium would not be permanent; information is needed from ODOT as to what improvements will be done for SR 310.

David Weber said a moratorium has been used successfully in other townships; traffic congestion will be a detriment to businesses. Planning and access roads need to be addressed for SR 310.

Bart Weiler, member of the Pataskala Area Chamber of Commerce, asked what traffic studies constituted placing a moratorium on SR 310.

Mr. Knapp said at a peak time there are approximately 750 cars per hour entering a big box store. There is only one entrance planned for the proposed Wal-Mart. The infrastructure needs to be in place first.

Mike Kerner said he felt it was a great idea to charge for fence permits and suggested notifying residents by placing an ad in the newspaper and placing it on the website.

Skip Weiler said placing a moratorium SR 310 is not fair to the property owners. The property owners will still be required to pay property taxes but will not be able to use their property. A commercial base will reduce the property taxes for homeowners.

Neil Ingle said retail needs to be placed in the right location. There is a large tract of land on Route 40 that would be more appropriate for a Wal-Mart. Infrastructure should be in place first, then the businesses will come.

Trent Thoresen said that ODOT needs to know how much and what types of business are planned before they can decide on the kind of infrastructure.

Dee Dunlop talked about her property on the corner of US 40 and SR 310 and not knowing how much of her property will be taken when the intersection is widened.

David Goll asked about the requirements for dedicating roads to the township.

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Jim Van Dyne said that when roads are dedicated to the township, it increases the road mileage which brings in more revenue.

Claudette Van Dyne asked about the time difference in when the money from the tax levy would be received and the certification of funds for Issue II money to fix Taylor Road. President Burkholder said the township could issue bonds.

Dennis Jackson had a question about the most recent zoning resolution on the website, suggested that agendas be posted on the website; there be an announcement section and asked if the minutes could be put into an adobe pdf file.

Vince Colburn thanked the trustees for bringing up the inaccuracies of the traffic study for Wal-Mart.

Scott Hayes asked about the SR 310 corridor and if the trustees would only accept the twenty year plan.

At 11:37 p.m. Mr. Knapp moved to adjourn the meeting, Burkholder seconded and the vote in favor was unanimous.

*Barbara Hight Bennett*  
Fiscal Officer

*Gary Burkholder*  
President