

RECORD OF PROCEEDINGS

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Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____ May 16, 2006 _____ 20 _____

The Etna Township Board of Trustees met on May 16, 2005 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 President 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. President Burkholder moved to amend the agenda to add under New Business item K – District 17 Integrating Committee Ballot. Knapp seconded and the vote in favor of the amendment and motion was unanimous.

ADOPTION OF MINUTES

Mr. Knapp moved to adopt the April 25, 2006 special meeting minutes. There was no second to the motion, Burkholder was absent from this meeting.

Mr. Knapp moved to adopt the May 2, 2006 meeting minutes. Burkholder seconded and the vote in favor was unanimous.

PUBLIC COMMENTS

Dallas Maynard, 959 Pike Street, said according to a survey by the Licking County Engineer, the alley along his house is encroaching on his property and something needs to be done. Mr. Maynard wants the asphalt removed, the original boundary lines established and the portion of his lot that was damaged, reconditioned.

PUBLIC HEARINGS

A. Application submitted by Donald and Tony Theresa Skube, 9161 Refugee Road from Agriculture (AG) to Low Density Residential (R-1)

At 7:15 p.m., Mr. Knapp moved to open the public hearing for the Donald and Tony Theresa Skube, 9161 Refugee Road, request to rezone 5.188 acres from Agriculture (AG) to Low Density Residential (R-1). Burkholder seconded and the vote in favor was unanimous.

President Burkholder read the application and the LCPC recommendation for denial stating the rezoning would be spot zoning. The Etna Township Zoning commission recommended approval by a 3-1 vote.

Donald Skube, 9161 Refugee Road, said in the beginning he was not aware that this rezoning would be considered spot zoning and said two neighbors, Mr. McKnight and Mr. Robinson, would also like to split their parcels into two lots. The surrounding land is not being used for agriculture, there are houses built on the lots from Smoke Road to Watkins Road.

Bob Tolliver, 6823 Gillette Drive in Reynoldsburg, brother of the applicant, said the property to the east has already been split with two houses and the property owners to the west would also like to split their properties and this would tie into R-1 zoning and should not be considered spot zoning. The split property would meet the requirements for a septic system. A petition was presented with the request with support for the rezoning.

Tom Zidvek, 9108 Refugee Road, said he bought his property because it was agriculture and his family plans on raising animals for 4H. He is concerned because the proposed house would be close to where he plans on housing his animals. Also does not believe the frontage requirement would be met with the lot split.

Tony Theresa Skube, 9161 Refugee Road, believes it is not spot zoning because the Robbins and the McKnights, property owners to the west of them, have R-1 zoning and their property would be an extension of that zoning.

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Rolland Robbins, 9253 Refugee Road, said he supported the rezoning and would like to spit his lot someday.

Mr. Zidvek said then all three rezonings should be done at one time because with only one request, it would be spot zoning.

President Burkholder said he had concerns that the frontage would not meet the county standards. Believes that the LCPC objections are valid, it is spot zoning because the other properties have not yet been rezoned and does not support the rezoning.

Tony Theresa Skube said if the township approved the rezoning it would be their battle with the county regarding the requirements, the new lot would meet the lot width and area.

Dallas Maynard said he was against the rezoning with regards to frontage requirements and the Licking County subdivision requirements.

Mr. Knapp expressed concerns that two or three houses could be built on a lot with only a 20' frontage on the road which would be the driveway.

At 7:52 p.m., Mr. Knapp moved to close the public hearing. Burkholder seconded and the vote in favor was unanimous.

President Burkholder moved to deny the recommendation of the Etna Township Zoning Commission to rezone the Donald and Tony Theresa Skube property at 9161 Refugee Road from Agriculture (AG) to Low Density Residential (R-1). There was no second to the motion.

Mr. Knapp said he would like to table the issue until he talked to the zoning commission and all three trustees could be present for a decision.

Mr. Knapp moved to hold a special meeting on May 25, 2006 at 7:00 p.m. to render a decision on the Skube rezoning. Burkholder seconded and the vote in favor was unanimous.

B. Application submitted by the zoning commission requesting text amendments to the Zoning Resolution in the definition section of Section 300 – Zoning permits required and Section 1032 – Fences and Hedges.

At 8:00 p.m., Mr. Knapp moved to open the public hearing for the text amendments to the Zoning Resolution in the definition section of Section 300 – Zoning permits required and Section 1032 – Fences and Hedges. Burkholder seconded and the vote in favor was unanimous.

The zoning commission proposed:

- 1) To remove "fences" from the definition of Structure.
- 2) Add a definition for a fence
- 3) Add "fence" in two places in Article III Enforcement, in Section 300 – Zoning Permits Required.
- 4) Add Section 1032 – Fences and Hedges: "In any residential district, front and side yard fences shall be of wood, vinyl, synthetic wood, stone, brick, wrought iron or aluminum. No wire or chain link fencing will be permitted in front or side yards. Fences or hedges in front and side yards must not exceed 2 1/2 feet in height measured from the grade level. That portion of a fence extending from a line even with the back of the dwelling to the rear property line and extending across the back of the property to the side property line may be of wood, vinyl, synthetic wood, stone, brick, wrought iron or chain link and shall not exceed 8 feet in height. Hedge height in front or side yards shall not exceed 2 1/2 feet in height. Front yard set back shall be a minimum of 25' measured from the centerline of the road. Front yard fences and hedges on corner lots must comply with Section 1009 and 1010 of this resolution. Where agriculture property abuts residential property, Ohio Line Fence Laws specified by ORC Chapter 971 shall apply."

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The recommendation from LCPC was to approve Article III, Section 300 and to deny Article X, Section 1032 until the township received a legal opinion on the design standards. There was a question on whether this would be considered an architectural standard and if an Architectural Review Board, as outlined in Section 519.171 of the ORC, would need to be established.

The Etna Township Zoning commission recommended approval by a 4-0 vote and a legal opinion was received.

Claudette Van Dyne, 7173 Refugee Road, said Section 1032 in the zoning resolution refers to Ponds, Lakes Water Retention and Detention Areas.

President Burkholder said he agrees with the intent of the zoning commission to rectify the definition of a fence but considers a fence a structure. The problem lies in the definition of set back; then the requirements for set backs on corner lots in Section 1008 will no longer apply. Thinks the township may be legislating away some current violations relative to the zoning resolution. Utility and drainage easements also need to be considered on the back of lots especially in subdivisions.

Claudette Van Dyne said that if fences are left as a structure then about 60% of residents would not be in compliance with the back yard set back. Burkholder said that if fence is included as an accessory building/accessory structure, then the 25' set back would not apply. Fences should be left in the definition for structures but make structures the same as accessory buildings.

Jim Van Dyne said he would like to see the trustees send the proposed text amendments back to the zoning commission instead of denying the recommendation tonight.

Mr. Knapp suggested using the utility easement as a guideline not just a specific number of feet.

At 8:27 p.m., President Burkholder moved to recess the public hearing. Knapp seconded and the vote in favor was unanimous.

Resolution 06-05-16-01: President Burkholder moved to send the proposed text amendments back to the zoning commission for reconsideration with notable corrections and changes, Section 1032 should be 1034 and a notation about Section 1008. Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

At 8:30 p.m., Mr. Knapp moved to go into executive session per O.R.C. 121.22 G(2) to consider the purchase of property for public purposes. Burkholder seconded.

Roll Call: Knapp, yes; Burkholder, yes

Mr. Knapp included Assistant Licking County Prosecutor, Brent Shenk in the executive session.

At 9:18 p.m., President Burkholder moved to come out of executive session. Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

Resolution 06-05-16-02: Mr. Knapp moved to ask Assistant Licking County Prosecutor, Brent Shenk to draft a formal counter proposal for the purchase of public property. Burkholder seconded.

Roll Call: Knapp, yes; Burkholder, yes

At 9:20 p.m. Mr. Knapp moved to go into executive session per O.R.C. 121.22 G(1) to consider the employment of a public employee. Burkholder seconded.

Roll Call: Knapp, yes; Burkholder, yes

At 9:55 p.m., President Burkholder moved to come out of executive session. Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

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CORRESPONDENCE

- Dallas Maynard - letter regarding encroachment of alley onto his property
- Michael Kerner – letter of resignation from the zoning commission
- SWLCWSD – copy of letter sent to Berkfield regarding restoration of Columbus Expressway and revised punch list
- Shelly Materials – 2006 asphalt pricing
- BWC – tentative order
- Licking County Board of Commissioners – Resolution 51-232, renaming Columbus Expressway Park East to Columbus Parkway
- LCPC – District 17 Integrating Committee regarding vote for members
- Licking County Treasurer – Notice of receipt of estate tax
- Time Warner – newsletter
- Ohio Comp, Compensation Consultants and Buckeye Business Consultants – selection of MCO for BWC

REPORTS

Fiscal Officer
For month of April

	Receipts	Expenditures
General Fund	14,880.19	35,552.34
MV License Tax	1,675.75	1,175.66
Gasoline Tax	7,713.34	3,815.76
Road & Bridge		8,662.43
Special Assessments		<u>254.93</u>
Total	24,269.28	49,461.12

Funds Total April 30, 2006 - \$1,168,469.99

Funds Total May 16, 2006 - \$1,183,955.29

Fiscal Officer needed appropriations for the purchase of the tractor, the loan payments and for the Issue II Funds.

Resolution 06-05-16-03: President Burkholder moved to appropriate \$56,274.97 to the Capital Project Fund (4902-760-740-2000) for the new tractor. Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

Resolution 06-05-16-04: President Burkholder moved to appropriate \$12,000 to the Debt Service Fund (3901-760-740-2000). Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

Resolution 06-05-16-05: President Burkholder moved to appropriate \$100,366 to the Public Works – Issue II Fund (4401-760-790-0000). Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

Resolution 06-05-16-06: President Burkholder moved to advance \$1,689.33 from the Road & Bridge Fund (2031) to the Debt Service Fund (3901). Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

Resolution 06-05-16-07: President Burkholder moved to approve a \$150 Blanker Certificate for operating supplies for the cemeteries and the park. Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

Road report

Written report submitted. There was discussion about a rock in the road right-of-way on Cedar Street in Mayflower.

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Resolution 06-05-16-08: President Burkholder moved to temporarily close Union Street in the Mayflower subdivision on May 23, 2006 for the reconstruction of a culvert. Knapp seconded. Roll Call: Knapp, yes; Burkholder, yes

Resolution 06-05-16-09: President Burkholder moved to temporarily close Palmer Road, west of SR 310 to Lynns Road, on May 25, 2006 for culvert repair. Knapp seconded. Roll Call: Knapp, yes; Burkholder, yes

Resolution 06-05-16-10 President Burkholder moved to approve culvert permit #4-28-06-01 for Chad Johnson at 11193 Palmer Road. Knapp seconded. Roll Call: Knapp, yes; Burkholder, yes

Water and Sewer Report

David Goll said the district is finalizing their audit. President Burkholder requested information on the financial impact to the district if Wal-Mart is built on SR 310. Burkholder said he has received complaints from residents about hard water and a strong chlorine smell from the water.

Zoning Report

Written report submitted, fees collected was \$4,837.45. There was discussion about the Pines apartments and the lack of progress on either reconstruction or demolition. The zoning software Zone Pro was discussed and the computerization of the zoning office.

OLD BUSINESS

A. Storm water issues in Willowbrook, Jardin Manor and township

President Burkholder said he would follow up with Jeff Preston on the ditch petition.

B. Road resurfacing bid package for 2006

Resolution 06-05-16-11: President Burkholder moved to advertise for bids for the "Etna Roads Resurfacing Project" in Etna Township will be received by the Etna Township Board of Trustees, Licking County, Ohio in the care of Barbara Digel-Barrett, Fiscal Officer, 533 Ballman Road, Reynoldsburg, Ohio 43068, until the 20th day of June, 2006 at 7 p.m. On the 20th day of June, 2006, at 7:15 p.m., bids will be opened at the office of the Etna Township Trustees at the Etna Township House. A contract will be let to the lowest and best responsible bidder by the 20th day of June, 2006, at 7:45 p.m. at the office of the Etna Township Trustees. A pre-bid site inspection may be had by contacting Trustee Gary Burkholder at (740) 927-7717 or (740) 964-1769. Plans, specifications, surveys, profiles, cross sections, estimates and bid forms may be secured from Barbara Digel-Barrett, Fiscal Officer, at 533 Ballman Road, Reynoldsburg, OH 43068. A brief description of the required work is as follows: Pavement of various roads with 448 Type I asphalt concrete. Approximate total length: 3.83 miles. Full width paver requested Bids shall be sealed and marked as "Etna Roads Resurfacing Project Bid." Each bidder is required to furnish with its proposal a Bid Guaranty in the form of a certified check, cashier's check or a letter of credit equal to ten percent (10%) of the bid or a Bid Bond in the full amount of the bid. Upon contract award, a 100% Performance Bond is required pursuant to Ohio Revised Code 153.54 et. sq. Each bidder must submit evidence of its experience on projects of similar size and complexity. All contractors and subcontractors involved with the project will, to the extent practicable, use Ohio products, materials, services, and labor in the implementation of their project. Additionally, contractor compliance with the equal employment opportunity requirements of Ohio Administrative Code Chapter 123, the Governor's Executive Order of 1972, and Governor's Executive Order 84-9 shall be required. Bidders must comply with the prevailing wage rates on Public Improvements in Licking County and Etna Township, Ohio as determined by The Ohio Department of Industrial Relations. The Trustees reserve the right to reject any and all bids. **ARTICLE 11 - Time:** The time for completion of the work is August 19, 2006. These dates are essential conditions of the Contract Document. The Contract Time to fully complete the project shall be August 19, 2006.

ARTICLE 14 - Payment: As work on the project as specified in this contract is completed, Contractor shall promptly submit an invoice to Etna Township Trustees, c/o Barbara Digel-

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Barrett, Fiscal Officer, at 533 Ballman Rd., Reynoldsburg, Ohio 43068. The Township agrees to pay for the services provided in the contract, not to exceed the bid amount.

Roads listed are Columbus Expressway Park, 0.80 miles, Lynns Road from Columbus Expressway Park to Palmer Road, 0.70 miles; Palmer Road from Lynns Road to SR 310, 1.04 miles; Loop Road off Palmer Road, 0.37 miles; Loop Road off 158, 0.45 miles, Roma Court, 0.09 miles; Imperial Road, 0.18 miles; Ridgewood Road, 0.15 miles; Trevo Court off Prince, 0.05 miles. Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

Ad will be placed in the Pataskala Standard for May 25th and June 1st publications.

C. Court reporter for Board of Zoning Appeals hearings in May for the decision on the Weber appeal and for three variances submitted by Robert Yoakam Jr. (Rockford Homes)

There was discussion on the need for a court reporter for the hearing on the three variances.

Resolution 06-05-16-12: Mr. Knapp moved to allocate three (3) more hours for a court reporter at \$90/hr. Burkholder seconded.

Roll Call: Knapp, yes; Burkholder, yes

D. Motion to schedule monthly meetings for township departmental reports

Discussion only, item will remain on the table.

NEW BUSINESS

A. Motion to advertise for openings on zoning commission, member and alternate

Mr. Knapp moved to advertise for an opening on the zoning commission and also an alternate in the Pataskala Standard on May 25th and for the opening to be posted on the township website and to accept applications until the close of the office on June 6th with interviews to be conducted on June 20th. Burkholder seconded and the vote in favor was unanimous.

B. Motion to move July 4th Trustee meeting to July 6th.

President Burkholder moved to move the July 4th Trustee meeting to Thursday, July 6th at 7:00 p.m. at the township hall. Knapp seconded and the vote in favor was unanimous.

C. Motion to move the November 7th Trustee meeting to November 8th.

President Burkholder moved to move the November 7th Trustee meeting (election day) to Wednesday, November 8th at 7:00 p.m. at the township hall. Knapp seconded and the vote in favor was unanimous.

D. Motion to recycle used printer and toner cartridges to Southwest Licking School District

President Burkholder moved to recycle used printer and toner cartridges to Southwest Licking School District. Knapp seconded and the vote in favor was unanimous.

E. Motion to dispose of broken tape recorder

President Burkholder moved to dispose of the broken tape recorder. Knapp seconded and the vote in favor was unanimous.

F. Motion to go into executive session per O.R.C. 121.22 G (1) to consider compensation of public employees

At 11:30 p.m., President Burkholder moved to go into executive session per O.R.C. 121.22 G (1) to consider compensation of public employees. Knapp seconded and the vote in favor was unanimous.

At 11:40 p.m., President Burkholder moved to come out of executive session. Knapp seconded and the vote in favor was unanimous.

G. Motion to approve anti-virus software for computers

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Resolution 06-05-16-13: Mr. Knapp moved to approve the expenditure of \$60 for anti-virus software (Trend Brand) for the office and zoning computers. Burkholder seconded. Roll Call: Knapp, yes; Burkholder, yes

H. Motion to purchase DVD burner to back up township hall computers
Resolution 06-05-16-14: President Burkholder moved to purchase a DVD burner to back up township hall computers and for the cost not to exceed \$200. Knapp seconded. Roll Call: Knapp, yes; Burkholder, yes

I. Motion to contact West Licking Historical Society regarding preservation of current township hall.
Mr. Knapp moved to contact the West Licking Historical Society regarding preservation of current township hall. Burkholder seconded and the vote in favor was unanimous.

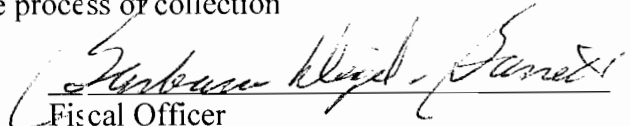
J. Motion to forward estimates for Taylor Road resurfacing project to the prosecutor for preparations of bid specifications.
This item will be placed on the agenda when Mr. George is present. Additional prep work will be needed before paving can begin.

K. Ballot for District 17 Integrating Committee
President Burkholder moved to vote for Greg Butcher and alternate Terry Dunlap, Karen Barger and alternate Bill Kagle and Joe Robertson for the ballot election for three seats to the District 17 Integrating Committee. Knapp seconded. Roll Call: Knapp, yes; Burkholder, yes

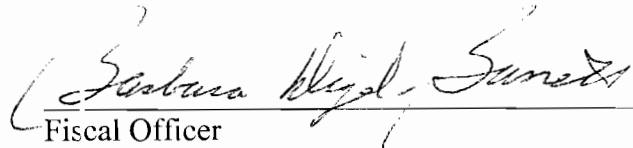
President Burkholder moved to pay the following bills. Knapp seconded and the vote in favor was unanimous.

2911	AFP	525.56	2921	Wheelsport	298.85
2912	Columbia Gas	36.91	2922	Midland Co-Op	1400.13
2913	SWLCWSD	106.84	2923	ADS	2052.44
2914	Stephen Ferris	57.85	2924	James Wyrick	410.39
2915	Zones	629.87	2925	Mark Smith	880.71
2916	Rumpke	511.68	2926	Phillip Waller	1516.67
2917	Franklin Printing	793.00	2927	Stephen Ferris	680.28
2918	Pataskala Bldg	75.39	2928	Griffin Pavement	5747.00
2919	Shelly Materials	829.91	E00133	Laura Brown	735.87
2920	Redskin Transport	2343.12			
	Total	19632.47			

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

At 11:59 p.m., Mr. Knapp moved to adjourn the meeting. Burkholder seconded and the vote in favor was unanimous.


Fiscal Officer


President