

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held December 5, 2006 20

The Etna Township Board of Trustees met on December 5, 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 President Burkholder, Trustee Knapp, Trustee George and Fiscal Officer Digel-Barrett present.

The motion to adopt the agenda was made by Mr. George, seconded by Knapp. Mr. Knapp moved to amend the agenda to remove item K and substitute "collection of information for removal of zoning inspector" for item J, all under old business. George seconded and the vote in favor of the amendment was unanimous. President Burkholder moved to amend the agenda to add an executive session at the end of the meeting after public comments. George seconded and the vote in favor of the amendment and motion was unanimous.

ADOPTION OF MINUTES

Mr. George moved to adopt the November 21, 2006 meeting minutes, Knapp seconded and the vote in favor was unanimous.

PUBLIC COMMENTS

Gary Godwin, 63 Trail East, stated his objection to the proposed TIF for SR 310 and the diversion of money from the school district to widen a road for the convenience of drivers, mostly Pataskala residents. Said the county needs to make sure Wal-Mart complies with its zoning permit and the township needs to continue with the same attorneys in defending the lawsuit from Pataskala Bank.

Zoning inspector Stan Robinson said he informed the Licking County Building Code Department that the Wal-Mart drawing submitted to them had a building with over 180,000 sq ft which was changed from the drawing submitted for the curb cut with a 203,000 sq ft building. He is waiting for a legal opinion regarding the letter Mr. Maynard sent to Wal-Mart that the additional acreage zoned AG could be used as a store parking lot.

Gil Guttentag, 70 Runkle Drive, said the trustees seem to be supportive of Pataskala on issues that are detrimental to Etna Township residents, such as the road for the Mink Street industrial site that would dump traffic on township roads and compete with Etna for business. He believes that the time for public comments should be at least 5 minutes and that executive sessions should be at the end of the meeting.

Neil Ingle, 71 Trail East, registered his complaint about an executive session that was held at the beginning of last week's meeting before the residents could express their views under public comments.

Dan Dodd, representative elect for the 91st House District introduced himself and said he looked forward to working on township issues.

Claudette Van Dyne, 7173 Refugee Rd., said the Port Authority did not need approval from Etna Township to apply for the grant money to build the road for the Pataskala industrial site.

David Goll, 8995 York Rd., said the township needs the TIF money for SR 310 to help alleviate the expected traffic problems and this TIF money would not take any money from the schools, only new money associated with new developments.

Carl Anstead, 11 Milkweed Place, said the trustees need to stand united against the Pataskala Bank using the green space for an access road and Wal-Mart needs to be stopped from using the additional 20 acres zoned AG for parking.

Gill Guttentag asked why the county did not notify the township that Wal-Mart changed the square footage on the proposed building plans.

Neil Ingle expressed his concerns about the architect and general contractor for the new town hall and the need for oversight.

Al Holly, 10240 Watkins Rd., said he received a zoning violation for an excessive number of inoperable vehicles and said he needed time to comply.

CORRESPONDENCE

- LCPC – Conditional approval for section 910, General Business and conditional approval for Section 1402

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- ODOT – offer of presentation of LTAP I
- Licking County Office of Homeland Security and Emergency Management – tornado siren test
- OTARMA – ballot for Board elections and notice of new claims service provider
- BWC – notice of award
- Licking County Health Department – nuisance case abated on National Road
- Insight – notice of price increase

President Burkholder moved to set a public hearing for Section 910 and junk vehicles on December 28th at 7:30 p.m. at the special meeting, contingent on the vote by the zoning commission. George seconded and the vote in favor was unanimous.

REPORTS

Fiscal Officer

Month of November 2006

	Receipts	Expenditures
General Fund	9,855.84	34,517.78
MV License Tax	1,467.42	56.20
Gasoline Tax	8,923.95	897.84
Road & Bridge	559.59	12,857.04
Special Assessments	0.00	262.69
Misc Debt Service	<u>0.00</u>	<u>1,689.33</u>
Total	20,806.80	50,280.88

Funds Total November 30, 2006 - \$1,257,152.28

Roads – written report submitted

President Burkholder said that for next year, he would like to replace the backhoe, purchase a new brush for the front of the truck and update the 5 year transportation plan.

Water & Sewer

Mr. Goll reported that Donald Rector, from Fairfield County with 15 years of utility field experience, was hired as the new general manager for the district. There will be a decrease of 50 cents in the debt elimination fee starting in January.

Zoning – written report submitted

Mr. Knapp reported that 21 violation letters were sent and since August, 97 violations have been corrected. Regarding the Columbia Road Retail Center, President Burkholder said the bike path was removed from the design, there is now an asphalt path instead of sidewalks and there is still a drainage problem.

Communications

President Burkholder presented the inquiry letter written to LCPC regarding the Pataskala Bank and if the conditions on the variance have been met and question on enforcement. Another letter was written to LCPC and ODOT that an Etna Township representative be present at all meetings on Wal-Mart. Mr. Knapp said he was present for the viewing of Trails West and that Mr. Lollo will contact the developer about cleaning up the area.

Park

Mr. George said that there is a drainage problem at the park that needs to be addressed.

President Burkholder said that Cumberland Trail residents would like to see Trail East closed at SR 310 with emergency access only. The trustees saw no problem with this as long as the fire department approved the plan. President Burkholder said the road needs to be closed at SR 310 and not at the proposed access road wanted by the bank.

Economic Development Committee

Mr. George reported on the work for Municipal Publications

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OLD BUSINESS

A. Wal-Mart update

President Burkholder said Wal-Mart has not tried working with the township on issues or kept the trustees informed of what their improvement plans are for SR 310.

B. Funding for legal counsel

This will be discussed after executive session at end of meeting.

C. Trail East, Pataskala Banking site Planned Unit Development reserves and green spaces

Letters sent to developers regarding reserves and green space.

D. Amend the Etna Township Employee Personnel Manual

President Burkholder moved to remove this item from the table, George seconded.

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

President Burkholder moved to hold a work session on the personnel manual on January 4, 2007 at 7 p.m.

Knapp seconded and the vote in favor was unanimous.

E. Willowbrook/Jardin Manor Ditch Petition

President Burkholder said he contacted Mr. Smith about having the next meeting in Etna around 7 p.m.

F. Town hall update

Mr. George advised the Board of some changes to the layout he would like to see and suggested a work session with the architect before the next meeting.

Mr. George moved to hold a special meeting, work session on the new town hall, on December 19th at 6 p.m. Knapp seconded.

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

President Burkholder said 6 p.m. was too early for most people to attend the meeting.

G. Township inventory

Draft copies were distributed and completed inventory will be ready for approval at the next meeting.

H. Columbia Road and Route 40 retail center

Discussion on asphalt bike trail instead of sidewalk

I. MSI Design

There was discussion about a joint meeting with the zoning commission to meet with MSI.

J. Motion for trustee Knapp to prepare information

Mr. Knapp moved to have Trustee Knapp prepare information regarding the township zoning inspector, Stan Robinson's dismissal and have the information ready to present to a neutral third party after the December 19th meeting. George seconded.

Discussion: Mr. Knapp said this is the procedure to follow according to the legal opinion received from the county prosecutor

Mr. George moved to amend the motion to state for disciplinary action instead of dismissal. Knapp seconded and the vote in favor of the amendment and motion was unanimous.

President Burkholder moved that Mr. Knapp obtain a written legal opinion from the county prosecutor on the probationary period of Stan Robinson. George seconded and the vote in favor was unanimous.

M. Update on TIF districts

President Burkholder said he would like to see Pataskala commit some of their TIF funds for the I-70 and SR 310 interchange.

Resolution 06-12-05-01: Mr. Knapp moved to send letters of notification to the Southwest Licking County School District and Licking County Joint Vocational School of the township's intent to create TIF

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districts and plan to vote on the TIF at the December 19th meeting. George seconded and the vote in favor was unanimous.

N. Nuisance resolution
Waiting for resolution from county prosecutor

NEW BUSINESS

A. Motion to request ODOT to lower speed on SR 310
Resolution 06-12-05-02: President Burkholder moved to request that ODOT reduce the speed limit on SR 310 from Refugee Road to the township line. Knapp seconded and the vote in favor was unanimous.

B. Motion to approve the transcript of the 10/24/06 BZA hearing at an estimated cost of \$528
President Burkholder moved to contact the court reporter for the transcript of the BZA hearing for a cost of \$575. Knapp seconded.

After discussion that the lawsuit did not include an appeal on the BZA hearing, Mr. George moved to table this item. Burkholder seconded and the vote in favor was unanimous.

C. Motion to approve purchase order to Zones for printer supplies
Resolution 06-12-05-03: Mr. Knapp moved to approve the purchase of printer supplies from Zones for \$500. George seconded and the vote in favor was unanimous.

Mr. George moved to pay the following bills. Burkholder seconded and the vote in favor was unanimous.

Table with 3 columns: Bill Number, Name, Amount. Lists various bills from 3214 to 3234 and E00175 to E00179, including names like Mark Smith, Vince Colburn, Dee Dunlap, etc., and amounts ranging from 70.00 to 1004.25.

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 High-Barnett
Fiscal Officer

PUBLIC COMMENTS

Gary Godwin said he would like 1) a letter of support from the trustees to close Trail East and install an emergency gate if this action is supported by the fire department; 2) for the trustees to use the same law firm that handled the BZA appeal for the Pataskala Bank lawsuit and 3) move Wal-Mart to the front in zoning matters.

Mr. Knapp moved that Trustee George submit a letter from the trustees in support of closing Trail East at SR 310 to the Southwest Licking Fire Board. George seconded and the vote in favor was unanimous.

Claudette Van Dyne thanked Mr. George for his effort on the construction of the new township hall and thanked the trustees for their support of the Cumberland Trails residents.

At 10:12 p.m., President Burkholder moved to go into executive session per O.R.C. 121.22 G (3) for a conference with an attorney for pending or imminent court action. George seconded and the vote in favor was unanimous.

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At 10:47 p.m., Mr. George moved to come out of executive session, Knapp seconded and the vote in favor was unanimous.

Resolution 06-12-05-04: Mr. George moved to prepare a letter to the township's insurance company recommending that they use the law firm of Chester, Wilcox & Saxbe, with a \$4000 cap in fees, in defense of the township's lawsuit from the Pataskala Banking Company. Knapp seconded and the vote in favor was unanimous.

Mr. George moved that President Burkholder obtain a letter from Chester, Wilcox & Saxbe that their law firm will handle the case with a cap of \$4000 in fees. Knapp seconded and the vote in favor was unanimous.

At 10:52 p.m., Mr. Knapp moved to go into executive session per O.R.C. 121.22 G (1) to consider the employment and compensation of an employee. George seconded and the vote in favor was unanimous.

At 10:57 p.m., Mr. George moved to come out of executive session, Knapp seconded and the vote in favor was unanimous.

At 10:57p.m., George moved to adjourn the meeting, Knapp seconded and the vote in favor was unanimous.

Barbara Nigal-Barnett
Fiscal Officer

George Burkholder
President