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RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held December 19, 2006 20

The Etna Township Board of Trustees met on December 19, 2006 at the Etna Township Hall to hold a regular meeting. President Burkholder called the meeting to order at 7:09 p.m., President Burkholder, Trustee Knapp, Trustee George and Fiscal Officer Digel-Barrett were present.

The motion to adopt the agenda was made by Mr. George, seconded by Knapp and the vote in favor was unanimous.

ADOPTION OF MINUTES

Mr. George moved to adopt the December 5, 2006 meeting minutes, Knapp seconded and the vote in favor was unanimous.

PUBLIC COMMENTS

Mark Schaff, 7461 National Road, said the township needs to be united in fighting the dumping of undesirable business into the township especially on Route 40. Presently, prisons and livestock bins would be allowed in the GB district. Mr. Schaff volunteered his services for gathering information for the 2010 census and suggested a committee to verify addresses. He will present a proposal for a committee at the next meeting.

David Goll reported that Brian Marsh with ProLogis is requesting a new JEDZ

Gary Godwin, 63 Trail East, said that 1) TIF's and tax abatements are not in the best interest of the township or schools, the developers should pay for the infrastructure. 2) Require Wal-Mart to get the proper permit to meet the zoning requirements and not let the county dictate zoning for the township. 3) Trustees need to defend the township's zoning rights and the residents need to be kept informed.

A representative from Maronda Homes said because of the weight reduction on Taylor Road, they are having problems hauling concrete and gravel to their construction site on Palmer Road. Mr. Knapp said if the township roads are damaged, the township residents bear the cost of the road repair and suggested a bond to cover the potential road damage

Resolution 06-12-19-01: Mr. George moved to require Maronda Homes submit a \$100,000 bond, for 6 months, to cover any repairs to township roads that would be needed for a permit to operate overweight vehicles. This would allow the developer to exceed the weight limit to haul gravel and concrete to their construction site on Palmer Road. Burkholder seconded and the vote in favor was unanimous.

Gill Guttentag, 70 Runkle Drive, said ODOT has projected the widening of SR 310 to four lanes with a middle turn lane to be in 2018. The improvement of SR 310 will be funded by the state and the trustees should not divert township tax money into a TIF when this money could be used for the schools and other matters. The trustees should fight Pataskala from building a road at the Mink Street site that would lead to a road through Etna's Industrial Park.

Tom Dixon, 8467 Hazelton-Etna Road, said according to the 6 o'clock news, the state is pulling 100 million dollars from the highway fund for next year.

CORRESPONDENCE

- Midland Co-op will officially change their name to Co-Alliance
- Central Ohio Technical College – course offerings
- BWC – claim information
- LCPC, Chet Geiger, receipt of December 5th letter from trustees
- MORPC – 2007 fees

REPORTS

Fiscal Officer
As of December 19, 2006

| | Receipts | Expenditures |
|---------------------|----------|--------------|
| General Fund | 8,222.86 | 23,869.00 |
| MV License Tax | 1,206.06 | 105.33 |
| Gasoline Tax | 0.00 | 2,959.86 |
| Road & Bridge | 5,280.16 | 6,667.66 |
| Special Assessments | 0.00 | 260.33 |

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| | | |
|-------------------|-----------|-----------|
| Misc Debt Service | 0.00 | 1,689.33 |
| Total | 14,709.08 | 35,551.51 |

Funds Total December 19, 2006 - \$1,236,309.85

Resolution 06-12-19-02: President Burkholder moved to approve the 2007 membership fee of \$1410 to MORPC. Knapp seconded and the vote in favor was unanimous.

Road

Written report submitted

David Zimmerman, representative from Nortrax, 2121 Walcutt Road, was present to answer questions on the possible purchase of a John Deere Model 410G Backhoe Loader for \$79,702.26 after a 34% state discount. The trade in allowance on the 11 year old JCB 214 Backhoe would be \$15,000.

Resolution 06-12-19-03: President Burkholder moved to approve the rental of an 18" chipper from Sunbelt Rentals for one week, not to exceed \$1400. Knapp seconded and the vote in favor was unanimous.

Resolution 06-12-19-04: Mr. George moved to approve the expenditure of \$670.49 to Conkle's Truck for repair of the utility truck. Knapp seconded and the vote in favor was unanimous.

Resolution 06-12-19-05: Mr. George moved to approve road right-of-way permit #12-14-06-01 for SWLCWSD for 230 Trail East. Knapp seconded and the vote in favor was unanimous.

Zoning

Written report submitted

In the past two weeks, 12 letters were sent on 20 violations and approximately 33% of zoning permits have been entered into ZonePro. Regarding the Columbia Road/Route 40 retail center, Mr. Knapp said the asphalt bike path/sidewalk is two feet below the ditch and of shoddy workmanship. He suggested a bond by the developer for concrete sidewalks to be built once Columbia Road is widened.

Resolution 06-12-19-06: President Burkholder moved to offer health insurance to Stan Robinson as required by Ohio Law and detailed in the Licking County Prosecutor's letter dated 12/19/06. Knapp seconded and the vote in favor was unanimous.

President Burkholder moved that Trustee Knapp request an appropriate procedure for reimbursement for health insurance from the prosecutor. George seconded and the vote in favor was unanimous.

Resolution 06-12-19-07: Mr. Knapp moved to pay Stan Robinson for holiday and sick days from October 8th, the end of his first 90 day probationary period and accumulate his vacation days. George seconded and the vote in favor was unanimous.

President Burkholder moved to obtain a legal opinion on the extension of Mr. Robinson's probationary period. Knapp seconded and the vote in favor was unanimous.

Communications & PR

President Burkholder said letters were sent to LCPC on the township being notified of all meetings regarding Wal-Mart and if Pataskala Banking is in compliance with all conditions of the variance granted on March 27, 2006.

Safety & FEMA

President Burkholder said he would like to purchase reflective jackets and vests for the road crew.

Cemetery

President Burkholder moved to load the new cemetery software on the township computer as soon as it is available. George seconded and the vote in favor was unanimous

JEDZ

Neil Ingle reported that almost \$7800 has been collected in income tax and the information is available on the JEDZ website.

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President Burkholder moved to approve Laura Brown attend the JEDZ meeting at ProLogis and take minutes. George seconded and the vote in favor was unanimous.

OLD BUSINESS

A. Wal-Mart update

Mr. Robinson said at a meeting with Wal-Mart engineers, a request was made by him for an amendment to their application. Wal-Mart has appealed Mr. Robinson's request for a new permit since the building size was reduced. A legal opinion was sought from the county prosecutor and the township is waiting for a reply.

Resolution 06-12-19-08: Mr. George moved to get legal advice from Chester, Wilcox & Saxbe on the Wal-Mart zoning issues. Knapp seconded and the vote in favor was unanimous.

Resolution 06-12-19-09: President Burkholder moved to approve the expenditure of \$5000 to Chester, Wilcox & Saxbe. Knapp seconded and the vote in favor was unanimous.

B. Trail East, Pataskala Banking site, PUD reserves and green spaces

Resolution 06-12-19-10: Mr. Knapp moved to approve the expenditure of \$1000 to Fraley Cooper & Associates for the transcript of the BZA hearing on the Pataskala Bank. George seconded and the vote in favor was unanimous.

Resolution 06-12-19-11: President Burkholder moved for Chester, Wilcox & Saxbe to represent the township in the appeal from Pataskala Banking Company on the BZA decision. Knapp seconded and the vote in favor was unanimous

C. Township inventory

President Burkholder moved to approve the township inventories and forward them to the county engineer. George seconded and the vote in favor was unanimous.

President Burkholder moved to request that the county engineer replace or do the necessary repairs on the deficient bridge on Watkins. Road. George seconded and the vote in favor was unanimous.

D. Columbia Road and Route 40 Retail Center

Discussed under the zoning report

E. Update on TIF Districts

Resolution 06-12-19-12: Mr. Knapp moved to start the process to create 5 Tax Increment Financing Districts for improvement of public infrastructure. George seconded

Discussion: President Burkholder said he could not support the TIF, Pataskala has not committed money from their TIF to help support the I-70 & 310 interchange, SR 310 property owners have not committed to donating right-of ways to the project and the development plans for south of I-70 have shared access roads for commercial and residential.

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

President Burkholder moved to request from Pataskala a copy of their TIF Districts and copies of Wal-Mart's commitment that TIF money will not be used as their commitment for improvements to SR 310. George seconded and the vote in favor was unanimous.

F. Nuisance Resolution

No response from the prosecutor's office

G. Cumberland Trail calming measures

There was discussion on the meeting held by LCATS and ODOT and the closing of Trail East on SR 310. Mr. George will provide a copy of the minutes from the fire board on their discussion of closing trail East.

NEW BUSINESS

A. Joint meeting with Robert Becker, Licking County Prosecutor

The trustees expressed concerns about obtaining legal opinions from the prosecutor's office in a timely manner.

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Mr. George moved that a letter be sent, with all three trustee signatures, to Robert Becker, Licking County Prosecutor, requesting a joint meeting at his earliest convenience. Knapp seconded and the vote in favor was unanimous.

B. Motion to retain outside legal counsel regarding development issues on Wal-Mart Already discussed.

C. 2007 temporary appropriations

Mr. Knapp moved to table this item until the December 28th meeting. George seconded and the vote in favor was unanimous

D. John Deere 401G back hoe Discussed under the road report

E. John Q Public records request This request has been forwarded to the prosecutor's office.

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

| | | | | | |
|------|-------------------|----------|--------|-------------------|---------|
| 3252 | P. Pereira | 478.10 | 3261 | Zones | 483.56 |
| 3253 | Mark Smith | 1519.63 | 3262 | Park National | 1689.33 |
| 3254 | AEP | 167.25 | 3263 | Midland Co-OP | 477.85 |
| 3255 | Columbia Gas | 227.50 | 3264 | Burdick Equipment | 703.00 |
| 3256 | Embarq | 271.35 | 3265 | Conkle's truck | 171.03 |
| 3257 | LC Township Assoc | 260.00 | 3266 | Postmaster | 69.00 |
| 3258 | Newspaper Network | 56.10 | E00180 | Laura Brown | 1148.00 |
| 3259 | Richard Knapp | 37.42 | E00181 | Phillip Waller | 2353.58 |
| 3260 | Stan Robinson | 110.92 | E00183 | Stan Robinson | 897.85 |
| | Total | 11121.47 | | | |

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

Barbara Hight-Burnett Fiscal Officer

PUBLIC COMMENTS

Chris Cirroto said the language for the TIF seemed vague and he is very supportive of closing Trail East at SR 310 with a gate for residents to use as long as the township still maintained the road.

Tom Dixon commented on the purchase of a new backhoe and the ongoing problem of a clogged drain tile on his property that has not been repaired.

Neil Ingle commented on the meeting held on the traffic calming devices for Cumberland Trails' residents. The meeting was held Christmas week and notices were not mailed timely or at all. The Pataskala Bank will not have an entrance on SR 310 as previously approved.

Mark Schaff volunteered to place a Christmas tree in the park and will remove it after the holiday.

Gary Godwin commented on the meeting with Wal-Mart and the \$400,000 committed for improvements which will include the area from Refugee Road to Route 40 not just calming devices for Trail East.

At 10:25 p.m., Mr. George moved to adjourn the meeting, Burkholder seconded and the vote in favor was unanimous.

Barbara Hight-Burnett Fiscal Officer

Dick Knapp President