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RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held January 16, 2007 20

The Etna Township Board of Trustees met on January 16, 2007 at the Etna Township Hall to hold a special meeting. President Knapp called the meeting to order at 6:00 p.m. and the pledge of allegiance was recited. Roll call showed President Knapp, Trustee Burkholder, Trustee George and Fiscal Officer Digel-Barrett present.

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

Mr. George reported that a variance would be needed for the 4' overhang on the front entrance and for parking spaces on Pike Street.

Mr. Burkholder said he would like to see the township hall built on 9.5 acres on Columbia Road where there would be room for expansion, more parking places, a park area and a possible sheriff substation. Mr. George said he could not see adding additional costs when the township already owns the property on Pike Street.

The trustees reviewed the plans with architect David Hawkins. Mr. Burkholder requested a detailed layout of the meeting room and accommodations for a generator. President Knapp asked if the handicap entrance at the rear of the building could be moved closer to the south side of the building.

President Knapp moved to hold a special meeting on Wednesday, January 24<sup>th</sup> at 7 p.m. for further discussion on the new township hall plans. George seconded and the vote in favor was unanimous.

President Knapp said the trustees could also investigate if grants are available if the township should open the hall as an emergency center.

**PUBLIC COMMENTS**


Gil Guttentag, 70 Runkle Drive, said the plans do not include any specifications and feels it is unethical for the architect to bid on the project. Also thinks the building size is too small and the site is inadequate for the proper size building.

Joe Wagner, Sunburst Pools, said he was never given an affidavit to sign regarding a complaint against the zoning inspector. He said he did submit a written complaint.

President Knapp said that at the last meeting, he was referring to other complainants who would not sign an affidavit.

At 7:25 p.m., Burkholder moved to adjourn the meeting, George seconded and the vote in favor was unanimous.

  
Fiscal Officer

  
President

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The Etna Township Board of Trustees met on January 16, 2007 at the Etna Township Hall to hold a regular meeting. President Knapp called the meeting to order at 7:32 p.m. and the pledge of allegiance was recited. Roll call showed President Knapp, Trustee Burkholder, Trustee George and Fiscal Officer Digel-Barrett present.

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

**ADOPTION OF THE MINUTES**

Mr. George moved to adopt the December 19, 2006 meeting minutes. Burkholder seconded and the vote in favor was unanimous.

Mr. George moved to adopt the December 28, 2006 meeting minutes. Burkholder seconded and the vote in favor was unanimous.

President Knapp said the section of the January 2<sup>nd</sup> organizational meeting minutes discussing the signed affidavits was not correct. Knapp said he was referring to other complainants who would not sign the affidavits.

Mr. Burkholder moved to table the January 2, 2007 organizational meeting minutes so the tapes could be reviewed. Knapp seconded and the vote in favor was unanimous.

At 7:38 p.m., Mr. George moved to open the public hearing on text amendments to Section 910 – General Business District to add building size limits.

President Knapp read the zoning commission recommendation and LCPC staff recommendation of conditional approval with the condition being that the zoning commission receive a letter of approval from the prosecutor's office for the GB1, GB2 and GB3 layout and add buffering requirements in GB District.

Neil Ingle, 71 Trail East, said he was in support of the text amendments and felt this was a fair way to limit building size.

Jim Van Dyne, 7173 Refugee Road, said this change would make all GB Districts a GB1 district.

Gary Godwin, 63 Trail East, said he was in favor of the amendment and the zoning commission should be recognized for their hard work in developing the amendments.

Claudette Van Dyne said correctional institutions will be removed from the GB district

Dee Dunlap, 970 Columbus Street, said all land owners in the township were considered.

Gil Guttentag, 70 Runkle Drive, said the LCPC recommendations are not necessarily best for the residents and asked the zoning commission to consider better buffer requirements than what LCPC has allowed in the past.

At 8:08 p.m., Mr. George moved to close the public hearing, Burkholder seconded and the vote in favor was unanimous.

Resolution 07-01-16-01: Mr. George moved to accept the recommendation of the zoning commission to add building size limits to Section 910 General Business by adding General Business – 1 (GB1), General Business – 2 (GB2) and General Business- 3 (GB3). Recommendation that property owners prior to the date this text amendments become effective are exempt from any fees for reclassification of their currently zoned General Business property to General Business 2 or General Business 3 and recommendation for the removal of NAICS code 922140 Correctional Institutions. All current General Business properties on the Etna Township Zoning Map will automatically become General Business 1. Burkholder seconded and the vote in favor was unanimous.

At 8:12 p.m., Mr. George moved to open the public hearing on amendments to Section 1401 – Definition of Junk Vehicle and Section 1402 – Notification of Property Owner. Burkholder seconded and the vote in favor was unanimous.

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President Knapp read the zoning commission recommendation and LCPC staff recommendation to approve the text amendment.

Gil Guttentag asked what the penalty would be if the resident refused to comply with the notification. Stan Robinson explained the procedure.

Claudette Van Dyne said that accessory building replaced "suitable structure"

Dee Dunlap said that there usually is high grass around junk cars which attracts rodents.

At 8:27 p.m., Mr. George moved to close the public hearing. Burkholder seconded and the vote in favor was unanimous.

Resolution 07-01-16-02: Mr. Burkholder moved to accept the recommendation of the zoning commission for the proposed text amendment to Section 1401 Definition of Junk Motor Vehicle:

"For the purpose of this section, "junk motor vehicle" means any motor vehicle, which meets any or all of the following:

1. Without current license plates and registration **or**
2. Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission **or**
3. Apparently inoperable, that is left uncovered by not being housed in an enclosed garage or accessory building, in the open on private property for more than seventy-two (72) hours with the permission of the person having the right to the possession of the property, except if the person is operating a junk yard or scrap metal processing facility licensed under the authority of Section 4737.05 to 4737.12 of the Ohio Revised Code; or regulated under other sections of this zoning resolution."

#### Section 1402 – Notification of Property Owner

After determining that a motor vehicle fits the definitions stated in Section 1401, the zoning inspector shall notify the person having the right to the possession of the property on which the junk motor vehicle is located that a violation has occurred. The notification may be delivered in person, or be sent by certified mail with return receipt requested. The notice shall state that within ten (10) days of receipt of the notice, the junk motor vehicle shall be covered by being housed in an enclosed garage or accessory building or shall be removed from the property.

George seconded and the vote in favor was unanimous.

#### PUBLIC COMMENTS

Gary Godwin asked about suing the county for requiring access roads across PUD green space for commercial development on SR 310. The green space was a PUD requirement by the county and it is costing the township money for legal fees to enforce the zoning for those PUD subdivisions and this cost should be borne by the county.

Gil Guttentag said he agreed with Mr. Godwin and believes the county does not have the best interest in mind for the township and feels the faster we get out from beneath the yoke of the county, the healthier the township will be.

Tom Dixon, 8467 Hazelton-Etna Road, said the township hall site should have ample room for a lit parking lot and room to grow and does not think the lot on Pike Street is a good site.

Mr. Burkholder said he would like to purchase the 9.5 acres at Columbia and Refugee Road, it would be a good investment, allow for expansion and possibly a sheriff substation.

Claudette Van Dyne commented that the taxpayers approved money to be spent for a new township hall in 2004, the size of the building is adequate and construction costs keep increasing every year.

Gary Godwin said that the 9.5 acre site might be beneficial in obtaining grant money if the township were to build a sheriff substation and emergency shelter.

#### CORRESPONDENCE

- PERSO – regarding court case, five letters
- L. E. King & Son Excavating – quote for fire hydrant relocation
- Chester, Wilcox & Saxbe LLP – regarding court case

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- National Gas – one year permit bond for \$25,000
- Licking County Board of Commissioners – 1) follow up letter on Trail West and retail center, 2) Resolution 53-255 and 3) Resolution 53-209
- Pataskala Area Chamber of Commerce – joint meeting scheduled for 2/22/07
- Bryan Long – filing newly enacted zoning resolutions and amendments
- Ohio Department of Public Safety – December statistics report
- Licking County Engineer – regarding certification of 2006 mileage
- CFLP – recycling survey

Mr. Burkholder moved to hold a special meeting with the City of Pataskala and other entities for their Second Annual Summit Meeting on Thursday, February 22, 2007 at 6:30 p.m. at Pataskala. Knapp seconded and the vote in favor was unanimous

## REPORTS

Fiscal Officer

For the month of December

	Receipts	Expenditures
General Fund	15,843.82	37,556.66
MV License Tax	1,227.99	105.33
Gasoline Tax	9,030.18	2,984.86
Road & Bridge	5,280.16	15,065.14
Special Assessments	0.00	260.33
Misc Debt Service	<u>0.00</u>	<u>1,689.33</u>
Total	31,382.15	57,661.65

Funds Total January 31, 2007 - \$1,230,847.78

Resolution 07-01-16-03: Mr. Burkholder moved to authorize the payment of bills outside of a meeting to avoid late payment charges. George seconded and the vote in favor was unanimous

Roads – written report submitted

Mr. George moved to approve a road right-of-way permit for 8484 Hazelton-Etna Road, Howard Emsweiller, to lay a 15" tile for an agricultural driveway. Burkholder seconded and the vote in favor was unanimous

Venture Drive will not be dedicated until May, the engineer was not present for the viewing and the engineer reports were requested.

Mr. George reported that a \$100,000 bond was received from Maronda Homes and the township will need permits for the construction vehicles to exceed the load limits for the Willow Creek construction site. President Knapp said there should be documentation and follow up to make sure there is no road damage. There was discussion on slurry seal and Mr. George will investigate further and would like a representative from American Pavement to attend the next meeting. Quote from Matthew Ford for a new Ford F350 truck is \$25,494.20 and for the bed from Ace Truck is \$9489. Mr. Burkholder requested that Mr. George get some quotes on painting and block repair at the garage. ODOT denied the request for a lower speed limit on SR 310 south of Refugee Road. There was discussion on the lack of representation from the engineer's office at hearings for road dedications.

Mr. Burkholder moved to send a letter to the Licking County Commissioners that the township will not accept maintenance of Trail West until it is corrected and clarified as to what will be corrected. George seconded and the vote in favor was unanimous

Resolution 07-01-16-04: Mr. George moved to approve the ODOT 2006 mileage for 45.02 miles. Burkholder seconded and the vote in favor was unanimous

Zoning – written report submitted

Mr. Burkholder said he would like to investigate an overlay of GIS from the water and sewer over our zoning and would like to see an architectural review board and comprehensive sign program. Mr. Robinson discussed a sign at Humphries Drive that was oversized which was cut down to match the size on the permit that was issued. He is waiting for written opinion on charging late fees.

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**Economic Development**

The work is nearing completion on the township map

**Communications & PR**

President Knapp said he contacted Sandy Maple with LCATS and a definite date has not been set for another meeting on the traffic calming measures for Trail East.

**Safety & FEMA**

Mr. Burkholder reported that the fire safety review was completed at the garage and township hall. The Department of Safety and Hygiene was contacted for an evaluation of the township procedures and facilities. Burkholder also completed the drug testing training.

**Parks and Recreation**

Quote was received for paving the walking paths.

**Cemeteries**

Fiscal officer will request the software from the state auditor's office.

**OLD BUSINESS****A. Wal-Mart update**

Mr. Burkholder said he was dissatisfied with the lack of response from the letter sent to be included in all talks concerning Wal-Mart. This is the biggest retail development to come to the township and the trustees are not included in the planning process. Mr. Robinson said Wal-Mart has applied for a new zoning permit and a TRC meeting is scheduled for January 31<sup>st</sup>.

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

Mr. Burkholder reported that the judge did not make a decision on the stay and it his understanding that there will be an expedited hearing on the appeals. Burkholder said the county needs to be aware of the trustees' position that using access roads through PUD's to avert traffic from SR 310 is a PUD zoning violation.

Mr. Burkholder moved to direct attorney, Todd Rogers with Chester, Wilcox & Saxbe LLP, to send letters to LCPC, LCPC members, county commissioners, the developers,/property owners and other related parties of the SR 310 shopping center, appropriate correspondence advising them of the trustee's position that access to Refugee Road is a zoning violation of the Etna Township PUD's. Knapp seconded and the vote in favor was unanimous.

**C. Columbia Road and Route 40 Retail Center**

Mr. Burkholder reported that according to the county commissioners, all specifications for the bike path were met, the northern most 20' needs to be torn out and installed properly and Ty Yoho with the engineer's office will notify the developers. Burkholder said the bike path is in the road right-of-way and the private apartment sidewalk needs to be restored. Mr. Burkholder suggested writing LCPC and copying the commissioners on their concerns and all trustees agreed.

**D. Update on TIF Districts**

President Knapp reported that in order for the TIF to pass, a unanimous vote was needed. The trustees agreed to revisit this topic at another time. Burkholder said he favored a work session with MSI, an attorney, MORPC, and the county commissioners to discuss the SR 310 corridor and concerns on a TIF.

**E. Nuisance Resolution – information not received from the prosecutor's office****F. Cumberland Trail calming measures – no new information****G. Joint meeting with Robert Becker, Licking County Prosecutor**

Discussion about meeting with Mr. Becker to address concerns in getting timely information from his office

**H. Approve and submit zoning map and zoning resolution and amendments to the Licking County Recorder**

Mr. Burkholder moved to remove this item from the table, George seconded and the vote in favor was unanimous.

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Resolution 07-01-16-05: Mr. George moved to file the most recent zoning changes and file the map with the Licking County Recorder. Burkholder seconded with the condition that all changes be made before the map is submitted. The vote in favor was unanimous.

- I. Motion to set date and time for Etna employee handbook work session - tabled
- J. Maronda Homes bond for Willow Creek condos – discussed under road report

### NEW BUSINESS

A. Motion to approve Loveland and Brosius 2007 billing rates  
Mr. Burkholder moved to approve the billing rates for Loveland & Brosius as presented to the Board for 2007. George seconded and the vote in favor was unanimous

B. Motion to approve cost of living increases for full time status employees  
The trustees discussed a percentage increase versus an across the board amount for cost of living increases and merit raises when employee evaluations are given.

Resolution 07-01-16-06: President Knapp moved to give all full time employees a \$.50/hr cost of living increase effective the next pay period. George seconded and the vote in favor was unanimous

C. Motion to authorize Fiscal Officer Digel-Barrett to request advances against any and all taxes collected or in the process of collection for the benefit of Etna Township during the year 2007.

Resolution 07-01-16-07: Mr. Burkholder moved to authorize Fiscal Officer Digel-Barrett to request advances against any and all taxes collected or in the process of collection for the benefit of Etna Township during the year 2007. George seconded and the vote in favor was unanimous

D. LCPC Technical Review Committee meeting January 10<sup>th</sup> regarding ProLogis Building #3 Major Development  
Mr. Burkholder said ProLogis is not in compliance with their retention/detention pond and pumping water over the dike into the ditch; with mounding/buffers and has an issue with the private roads. There was discussion on a traffic light at Columbia Road and possibly one at Tollgate Road.

E. LCPC Technical Review Committee meeting January 10<sup>th</sup> regarding Etna Business and Retail Center Major Development  
President Knapp said the township needs to be more persistent on follow up with developments. Mr. Burkholder said the trustees' views on cross access was given and there needs to be a fundamental change in the way LCPC operates and more oversight is needed.

F. Licking County draft subdivision regulations  
It was reported that the county may require cross access to the highway for developments and underground water drainage is preferred by the trustees.

G. Motion to approve the OTA Winter Conference fees, mileage and parking reimbursements for township employees, zoning commission members and BZA members to attend.  
Mr. George moved to approve the OTA Winter Conference fees, mileage and parking reimbursements for township employees, zoning commission members and BZA members to attend. Burkholder seconded. Mr. George moved to amend his motion to offer this to the employees and zoning commission and BZA members for next year. Burkholder seconded and the vote in favor of the amendment was unanimous.

Mr. Burkholder moved to pay for Mike Waller and David Goll to attend the OTA Winter Conference. George seconded and the vote in favor of the amendment and main motion was unanimous.

H. Dedication of Venture Drive and Southgate Parkway  
Trustees discussed whether Venture Drive was to remain a private road or be dedicated to the township and will research further.

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

3301	M Smith	1019.63	3312	PNB	1,689.33
3302	AEP	501.44	3313	Sunbelt Rentals	1383.20
3303	SWLCWSD	106.84	3314	Co-Alliance	565.44
3304	Security Operations	60.00	3315	Waibel Electric	196.48
3305	S. Robinson	74.12	3316	Ace Truck	313.70

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3306	Postmaster	50.00	3317	Elite Heating & Cooling	99.00
3307	OTA	120.00	3318	OTA	125.00
3308	Fralely Cooper	558.80	E00187	L. Brown	807.88
3309	Center City Intl	1011.68	E00188	P. Pereira	513.85
3310	Oh Health Consortium	114.00	E00189	P. Waller	1543.44
3311	Void	0.00	E00190	S. Robinson	892.64

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

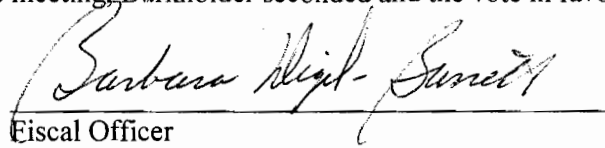
  
Fiscal Officer

### PUBLIC COMMENTS

Tom Dixon said access roads behind the businesses and along private property is not fair to the homeowners and that SR 310 should be widened instead.

Casy McKliney said he followed the process in the petition to get the road dedicated and feels there is a communication problem between the trustees and county commissioners.

At 12:52 a.m., Mr. George moved to adjourn the meeting, Burkholder seconded and the vote in favor was unanimous.

  
Fiscal Officer

  
President