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RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held February 6, 2007 20

The Etna Township Board of Trustees met on February 6, 2007 at the Etna Township Hall to hold a regular meeting. President Knapp called the meeting to order at 7:03 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 Knapp and the vote in favor was unanimous.

ADOPTION OF THE MINUTES

Mr. George moved to adopt the January 2, 2007 organizational meeting minutes. Burkholder seconded and the vote in favor was unanimous.

Mr. George moved to adopt the January 2, 2007 regular meeting minutes. Burkholder seconded and the vote in favor was unanimous.

PUBLIC COMMENTS

Gary Godwin, 63 Trail East, said the township should have legal representation at the BZA hearing on Wal-Mart. Godwin commented on the open space violations in Cumberland Trails and Cameron Chase and feels that the township should sue the county for malfeasance and malicious behavior in their dealing with deed restrictions in PUD green spaces. The trustees should come to some agreement on the TIF, and let the property owners who will benefit, pay for improvement of SR 310. Said he was told that the road crew was told not to plow the secondary roads at the last snow storm.

CORRESPONDENCE

- Ohio Department of Commerce, Division of Liquor Control, two applications for liquor permits
- Licking County Engineer – 1) recorded right-of-way widths along Columbia Road, 2) Cumberland Trails subdivision Section 5, 3) speed reduction for Refugee Road from York to Watkins, and 4) inspection reports for Etna Corporate park East and Columbia Road Retail Center
- Licking County Prosecutor – deadline for certification of levies is 5/8/07
- Ohio EPA – meeting on air quality
- MORPC – Transportation Improvement Program, Horizons and Transportation Connections
- Chester Wilcox & Saxbe - three letters regarding court case
- West Licking Historical Society – copy of minutes and newsletter

REPORTS

Fiscal Officer - For the month of January

	Receipts	Expenditures
General Fund	9,539.65	15,978.23
MV License Tax	1,269.18	0.00
Gasoline Tax	2,865.47	2,186.30
Road & Bridge	304.66	5,618.80
Special Assessments	0.00	264.27
Misc Debt Service	<u>0.00</u>	<u>1,689.33</u>
Total	13,978.96	25,736.93

Funds Total January 31, 2007 - \$1,219,139.81

Road – written report submitted

There was discussion on calling the road crew out to plow snow and problems with calls from residents who live on undedicated roads, snow removal is the responsibility of the developer. Mr. George will take the prints to the county engineer's office on the road right-of-way for Columbia Road to get corrected. Mr. Burkholder said he notified the county engineer's office of the bridge on Refugee Road, east of Watkins, that is ready to cave in and Mr. George will follow up. There was discussion on the need for new street signs and a sign inventory will be taken. Regarding the acceptance of Elderberry Court and Trail West, the trustees concerns have not been met and Mr. George will contact the developers and follow up with a letter to the commissioners.

Resolution 07-02-06-01: Mr. Burkholder moved to purchase three Streamlite portable emergency lite boxes (10-327) not to exceed \$500 on the condition that the third unit is not installed permanently in the utility truck. George seconded and the vote in favor was unanimous.

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Zoning – written report submitted

Mr. Burkholder said they are working on entering information into Zonepro for occupancy permits, zoning compliance permits and violations and would like to get other aspects of the software operational. Trustee Burkholder said he would like to see the following: 1) a complete rewrite of the zoning resolution and a coordinated approach with a Comprehensive Land Use Plan including the SR 310 corridor, 2) a comprehensive sign plan, 3) architectural review process and 4) requirements for private roads.

A. Wal-Mart update

The BZA hearing is to hear the zoning inspector's appeal of amendments and an appeal of his revocation of the second permit issued.

Resolution 07-02-06-02: Mr. Burkholder moved to authorize an additional \$3,000 for Chester Wilcox & Saxbe LLP to represent the township at the BZA hearing and any other dealings with Wal-Mart. Knapp seconded and the vote in favor was unanimous.

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

No discussion

C. Update on Etna Retail Center and Columbia 40 Retail Center

Mr. Burkholder said correspondence from the attorney should be sent this week. The township needs to appeal the requirement by LCPC on the cross access to the north for the Etna Retail Center. A letter on deficiencies and concerns on the Columbia Retail Center will be sent to Mr. Geiger, Mr. Brems, the county commissioners and actual LCPC members. Mr. Knapp said that the township is not privy to communications between the county and developer and the zoning inspector needs to follow up on issues presented at the TRC meetings. Burkholder said there needs to be a policy change at LCPC to include the township in discussions and decision making. Sandi Maples with LCATS has scheduled a TRC meeting for March 14th and Burkholder said the access road to the bank needs to be discussed. Mr. Robinson has not received an opinion from the prosecutor's office on late fees.

Resolution 07-02-06-03: Mr. Burkholder moved to get a legal opinion from Todd Rogers with Chester Wilcox & Saxbe LLP on whether the township can charge late fees in the zoning department. George seconded and the vote in favor was unanimous.

Resolution 07-02-06-04: Mr. Burkholder moved to approve \$600 for filing fees for four zoning violations. George seconded and the vote in favor was unanimous.

Mr. Robinson is requesting reimbursement for health insurance that the township would have paid since he was hired in July. The trustees are waiting for a legal opinion.

Resolution 07-02-06-05: Mr. Burkholder moved to request a Department of Liquor Control hearing in the county seat for two new liquor permit applications for Columbia 40 LLC. George seconded and the vote in favor was unanimous.

Water and Sewer

David Goll reported that at the 1/17/07 mediation meeting with Pataskala on the Mill Street well field, an agreement was reached for \$255,000 subject to a satisfactory test. The district is currently testing new wells east of the plant and should be able to pump 1.5 million gallons per day. The SWL water is comparable in quality to the surrounding areas. Mr. Goll introduced Don Rector, the new general manager for the Southwest Licking Community Water and Sewer District. Negotiations are continuing with Kikersville to supply water only and the 208 Plan was signed by the governor. Mr. Burkholder said he was not in favor of the district, through Kikersville, supplying water to the annexed property from Etna.

Economic Development

Nelson Kohlman will be at the next meeting to discuss the development on SR 310 south of I-70. Mr. Burkholder said he would like to see him donate the right-of-way on SR 310.

MORPC/310 Study

Mr. Burkholder presented an ODOT copy of the SR 310 improvements and questioned how much the county will receive in sales tax revenue for the Wal-Mart Store and how much of that money will be returned to the township.

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Safety & FEMA

Mr. Burkholder reported that he attended the Homeland Security seminar at the OTA convention and a new form is required, a Declaration of Material Assistance (DMA) which needs to be completed by new employees and anyone doing \$100,000 or more in business with the township. National Incident of Management (NIMS) training for the trustees and road crew is also required.

OLD BUSINESS

A. Motion to set date/time for Etna employee handbook work session

Mr. Knapp set a special meeting for February 28th at 7 p.m. for a work session on the employee manual.

B. Motion to purchase Ford utility truck from Mathews Ford

C. Motion to finance purchase of Ford utility truck with Park National Bank

Mr. George moved to table items B and C. Knapp seconded and the vote in favor was unanimous.

D. Dedication of Venture Drive and Southgate Parkway

There was discussion on what roads in the industrial park were dedicated and what roads are supposed to be private roads. Maintenance costs on these roads will be high and the trustees need to know which roads in the final development plan were to be dedicated.

E. Report on meeting with Southgate Corporation officials and Pataskala officials regarding SR 310 TIF

Mr. Burkholder reported on his meeting and said he still has concerns about the TIF and Pataskala did not commit funds to improving the 310 and I-70 interchange. Also he has not seen a written commitment by Wal-Mart that the \$400,000 promised for SR 310 improvements would not be taken from their TIF portion.

F. Town hall including site location

Mr. Burkholder said the township needs to build a township hall for the future, possible sheriff substation, a building used for other community activities and designed for expansion.

NEW BUSINESS

A. Motion to approve court reporter for February 8th BZA hearing.

Resolution 07-02-06-06: Mr. George moved to hire a court reporter for the February 8th BZA hearing for 10 hours at \$90/hr. Burkholder seconded and the vote in favor was unanimous.

B. Resolution log

There was discussion on the maintenance of the resolution log and the fiscal officer and secretary will work on a log. It was also stated that according to Don Brosius, the trustees are to bring typed resolutions to the meetings for Board action. Then when the resolution is passed and signed, the resolution is filed in a book. Mr. Knapp said he will review software for keeping inventories of signs, roads and other items.

C. Motion to set special meeting February 22nd at 6:30 p.m. for the Pataskala Area Chamber of Commerce 2nd Annual Summit Meeting

Mr. Knapp moved to call a special meeting February 22nd at 6:30 p.m. for the Pataskala Area Chamber of Commerce 2nd Annual Summit Meeting. George seconded and the vote in favor was unanimous.

E. Advertising procedures for township, zoning and BZA hearings.

Mr. Burkholder said there needs to be better safe guards that public notices do not miss the deadline for advertising in the Pataskala Standard and are advertised in the Newark Advocate to meet the deadline.

F. Comprehensive land use plan and zoning resolution rewrite

Mr. Knapp said this will be discussed at the joint meeting with the zoning commission and MSI tomorrow evening.

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

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3319	Embarq 1/24	274.72	3339	OH Fire & Safety	532.00
3320	Staples 1/24	186.49	3340	Pataskala True Value	448.56
3321	AEP 1/24	19.34	3341	David Hawkins	2000.00
3322	Columbia Gas 1/24	210.87	3342	Co-Alliance	1044.58
3323	M. Smith 1/31	1221.54	3343	Chester, Wilcox & Saxbe	2123.48
3324	G. Burkholder	761.97	3344	Cargill	6042.37
3325	P. George	697.89	3345	Medical Mutual	4070.34
3326	AEP	674.35	3346	OPERS	4149.74
3327	Columbia gas	233.71	3347	PNB - Tax	2130.28
3328	SWLCWSD	109.96	3348	Treasurer of State	660.88
3329	Nextel	122.31	3349	School District tax	115.87
3330	Gordon Flesch	63.92	E00191	L. Brown 1/31	835.51
3331	L. Brown	12.77	E00192	P. Pereira 1/31	329.88
3332	G. Burkholder	299.83	E00193	P. Waller 1/31	1834.19
3333	P. George	304.67	E00194	S. Robinson 1/31	1105.65
3334	R. Knapp	240.00	E00195	Void	0.00
3335	S. Robinson	112.55	E00196	Void	0.00
3336	Park National	1689.33	E00197	B. Digel-Barrett	999.93
3337	Postmaster	50.00	E00198	R. Knapp	801.46
3338	West Payment	60.00			

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 Mijal-Sumett
Fiscal Officer

PUBLIC COMMENTS

Gary Godwin said that Jim Van Dyne expressed concerns to him that the Pike Street site for the township hall was inadequate and Mr. Godwin feels that the Board should consider another site. Township purchases for goods or services should not be done from individuals or businesses that are doing personal business from any of the trustees.

Resolution 07-02-06-07: Mr. Burkholder moved to have a monthly automatic deduction of \$1689.33 for the tractor payment from the Park National Bank checking account. Knapp seconded and the vote in favor was unanimous.

At 10:45 p.m., Mr. George moved to adjourn the meeting, Knapp seconded and the vote in favor was unanimous.

Barbara Mijal-Sumett
Fiscal Officer

Dick Knapp
President