

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

April 3, 2007

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The Etna Township Board of Trustees met on April 3, 2007 at the Etna Township Hall to hold a regular meeting. Vice President George called the meeting to order at 7:00 p.m. and the pledge of allegiance was recited. Roll call showed Trustee Burkholder, Trustee George and Fiscal Officer Digel-Barrett present. President Knapp was absent.

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

ADOPTION OF THE MINUTES

Mr. Burkholder moved to adopt the February 20, 2007 amended meeting minutes. George seconded and the vote in favor was unanimous

Mr. Burkholder moved to adopt the March 6, 2007 meeting minutes. George seconded and the vote in favor was unanimous

Mr. Burkholder moved to adopt the March 15, 2007 special meeting minutes. George seconded and the vote in favor was unanimous

PUBLIC COMMENTS

Pam and Eric Soiu, 111 Laurel Dr, spoke about the drainage problems on their property and in their neighborhood when there is heavy rain. Photographs were submitted. There are sink holes, the water pools and bubbles and there is soil erosion. They would like for the trustees to file a ditch petition on their behalf.

The trustees will ask the Licking County Engineer and Soil & Water to look at the situation and make a recommendation. The current ditch petition includes two phases.

Tom Dixon, 8467 Hazelton-Etna Rd, said blow holes are caused by restriction and Mr. George responded that there are three watersheds in that neighborhood.

Gary Godwin, 63 Trail East, said Mr. George was very supportive of the ideas presented by MSI at the steering committee meeting and suggested using MSI for the subdivision regulations and for other areas in the township including the site for the new township hall. Mr. Godwin suggested using another paper with a wider circulation for meeting notifications.

Claudette Van Dyne, 7173 Refugee Rd, said she was impressed with MSI and the meeting was very productive.

Bridget Stapleton, 593 Laurel Dr, said the south fork of the Licking River runs behind their property and is eroding their backyard.

Gil Guttentag said there should be a local ordinance that restricts building close to a river. Mr. George said that there are four lots on Laurel Drive that should not have been sold and had houses built on them. Mr. Guttentag suggested writing a letter to the prosecutor to inquire if the county is liable for approving those lots and if the county is responsible for fixing the problem.

CORRESPONDENCE

- Licking County Board of Commissioners – notice of township’s financial responsibility for ditch petition
- Licking County Board of Health – 1) mosquito control spraying for 2007, 2) drainage at Whispering Pines Mobile Home park and 3) a sewage system on Smoke Road constitutes a public health nuisance
- MORPC – 2007 Annual Meeting Luncheon and Open House for 2008-2011 Transportation Improvement Program
- Licking County Emergency Management – tornado siren test
- LCATS – Revised Public Involvement Process for Public Comment Period
- Licking County Engineer – recommendation that Trail West and Elderberry Ct be dedicated and an Access Culvert permit
- Shelly Materials – notice of plant openings
- Ohio EPA – seeking comments on Draft Air Permit issued for proposed ethanol plant

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Held

- LCPC – summary of TRC meeting on Cumberland Trails Traffic Calming and notice of public hearing for Subdivision Regulations
- Chester, Wilcox & Saxbe LLC – regarding Pataskala Bank

Mr. Burkholder said regarding Trail West, he disagreed with the county engineer and said the developer did not replace the sign at the end of the stub street and there still is a lot of debris and nothing was done with the turn around.

REPORTS

Fiscal Officer

For the month of March

	Receipts	Expenditures
General Fund	139,482.01	21,264.92
MV License Tax	1,439.05	112.84
Gasoline Tax	8,825.92	15,329.35
Road & Bridge	98,000.00	13,937.01
Special Assessments	0.00	267.58
Misc Debt Service	0.00	1,689.33
Misc. Capital Outlay	<u>34,983.20</u>	<u>0.00</u>
Total	282,730.18	52,601.03

Funds Total March 31, 2007 - \$1,428,676.92

Resolution 07-04-03-01: Mr. George moved to approve and sign the form from the Licking County Board of Commissioners committing to the township's assessment of \$34,856.30 for the Jardin Manor/Willowbrook Ditch Petition. Burkholder seconded and the vote in favor was unanimous

Mr. Burkholder expressed concerns that the letter did not state the option that the amount could be placed on the property tax as an assessment.

Resolution 07-04-03-02: Mr. Burkholder moved to approve \$7,000 for mosquito spraying through the Licking County Health Department from 4/15 – 10/31/07. The contact person will be Mike Waller and Paul George. George seconded and the vote in favor was unanimous

Road – written report submitted

Resolution 07-04-03-03: Mr. George moved to refund the \$2,500 road right-of-way deposit for Connie Construction. Work has been completed satisfactorily. Burkholder seconded and the vote in favor was unanimous

Resolution 07-04-03-04: Mr. Burkholder moved to approve the expenditure of \$1200 to Rhomar for Neutro Wash, Enviro Slide and Shimmer & Shine and \$300 to Martin for Weed & Feed. George seconded and the vote in favor was unanimous

Resolution 07-04-03-05: Mr. Burkholder moved to approve the expenditure of \$4320 to Redskin Transport for gravel. George seconded and the vote in favor was unanimous

Mr. George reported that it would cost \$30,000 for replay for all of Refugee Road.

Zoning – written report submitted

Mr. Burkholder reported on the progress of re-entering data into Zone Pro and the possibility of an intern or temporary help for the summer.

Water & Sewer

Mr. Goll reported that the closing on the sale of the Mill Street well field will be on Tuesday and the negotiations with Kirkersville is continuing. A parcel of land at Russell Heights is being sold.

MORPC/310 Study

Mr. Burkholder said that road right-of-ways is the most expensive component of improving SR 310 and he would like for the Economic Development Committee to actively pursue the developers to donate the right-of-ways.

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Safety & FEMA

Mr. Burkholder reported that he met with Jeff Walker and Steve Smith with Licking County Emergency Management and would like to work on an emergency management plan for the township. The county does not have additional money for another tornado siren at this time.

Cemeteries

A policy needs to be adopted for burials and letters need to be sent with the new fee schedule.

JEDZ

Mr. Ingle said that ProLogis was interested in developing another JEDZ for the property south of Route 40.

Economic Development

Neil Ingle and David Weber reported on the tax incentive review meeting on the performance of tax abated businesses. Ohio Bill 66 will phase in the Commercial Activity Tax and after 2010, there will not be any tangible personal property tax. Mr. Burkholder requested a detailed analysis and response on what the impact will be in regards to the township revenue relative to the implementation of the CAT tax. How this will affect current abatements and future abatements that might be considered by this Board. Mr. Weber said that Rob Klinger does not know how this will affect the revenues. There is a schedule on how this will be phased out by 2010 and he said he would try to come with some numbers on what will be generated with the CAT tax.

OLD BUSINESS

A. Subdivision regulations

Mr. Burkholder said that the BIA had some objections to the new regulations and the county feels that the detention/retention ponds are a maintenance problem and not a construction problem.

B. Jardin Manor Ditch Petition update

Mr. Burkholder said he will call the county commissioners and advise them that some improvements could be made on the process.

C. No parking on Spike Rush Court and Cedar Park

Mr. George said he has a legal opinion from the prosecutor and feels the township has the right to ban parking on these roads and would like for the trustees to review the legal opinion.

NEW BUSINESS

A. Wal-Mart appeal

Mr. George said the BZA hearing for the Wal-Mart appeal will be held at the Etna Lion's Club and the hall rental and expense for a court reporter needs to be approved.

Resolution 07-04-03-06: Mr. George moved to approve the expenditure of \$125 for rental of the Lion's Club and \$90/hr for a court reporter. Burkholder seconded and the vote in favor was unanimous.

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

3402	M. Smith	980.54	3421	Delta Appraisal	275.00
3403	AEP	19.13	3422	MSI Designs	1842.50
3404	Embarq	270.88	3423	Chester, Wilcox & Saxbe	6379.05
3405	Columbia Gas	305.08	3424	Flag Lady's Flag Store	394.63
3406	G. Burkholder	761.97	3425	Pataskala True Value	28.24
3407	P. George	697.89	3426	Burdick Equipment	792.00
3408	ODJFS	523.98	3427	JD Equipment	439.96
3409	AEP	181.77	3428	Co-Alliance	523.20
3410	Columbia Gas	551.57	3429	Medical Mutual	5682.41
3411	SWLCWSD	109.96	3430	OPERS	3846.33
3412	Nextel	122.31	3431	Park National	2036.32
3413	Gordon Flesch	61.32	3432	Treasurer of State	616.02
3414	Security Operations	60.00	3433	OH School District Tax	129.71
3415	Staples	436.88	E00212	L. Brown	806.50
3416	Zones	271.08	E00213	P. Waller	1520.06
3417	G. Burkholder	252.58	E00214	S. Robinson	920.16
3418	P. George	176.61	E00215	B. Digel-Barrett	999.98
3419	R. Knapp	240.00	E00216	R. Knapp	776.89
3420	S. Robinson	119.02			

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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

Claudette Van Dyne said that MSI supports a JEDZ for ProLogis's development on the South side of Route 40.

Neil Ingle said that when the JEDZ zone is built out, then the township will realize the money that is generated by the income tax on the workers in that zone.

David Weber, 232 Purple Finch Loop, said that TIF's take money from the school system and passes the cost on to property owners and we need to send a clear message to developers that they need to pay for the infrastructure and contribute to the schools.

David Goll, 8995 York Rd, said the income tax is paid by the workers in the JEDZ area and not by residents unless they work in the JEDZ zone.

Tom Dixon asked if individuals are protected from developers because the housing development behind him thinks his property is their green space. Businesses are required to have buffering

Mark Schaff said this needs to be researched but he believes the park land is protected and the funding that created the park protects into perpetuity. Believes the park would qualify as a historical area. His father secured a grant from the Ohio Department of Natural Resources and the restrictions were that the park was to remain a park. He has a copy of the grant application and restrictions.

At 9:08 p.m., Mr. George 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 and the vote in favor was unanimous.

At 9:27 p.m., Mr. Burkholder moved to come out of executive session, George seconded and the vote in favor was unanimous.

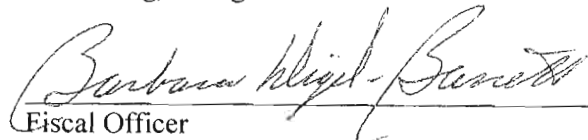
Mrs. Laura Brown requested to be included in the following executive session.

At 9:30 p.m., Mr. Burkholder moved to go into executive session per O.R.C. 121.22 G(1) to consider the employment of a public employee and to include Laura Brown. George seconded and the vote in favor was unanimous.

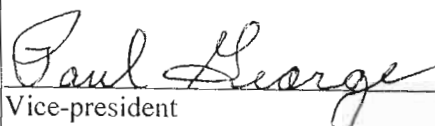
At 9:37 p.m., Mr. George moved to come out of executive session, Burkholder seconded and the vote in favor was unanimous.

Mr. George moved to table item B (executive session) and for this item to be on the next agenda. Burkholder seconded and the vote in favor was unanimous.

At 9:38 p.m., Mr. Burkholder moved to adjourn the meeting, George seconded and the vote in favor was unanimous.



Fiscal Officer



Vice-president