

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

April 17, 2007

20

Held

The Etna Township Board of Trustees met on April 17, 2007 at the Etna Township Hall to hold a regular meeting. President Knapp called the meeting to order at 7:00 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.

ADOPTION OF THE MINUTES

Mr. George moved to adopt the March 14, 2007 special meeting minutes. Burkholder seconded and the vote in favor was unanimous.

Mr. George moved to adopt the March 21, 2007 special meeting minutes, Burkholder seconded. Roll Call: Burkholder, yes; George, yes; Knapp, abstain

Mr. George moved to adopt the April 3, 2007 regular meeting minutes, Burkholder seconded. Roll Call: Burkholder, yes; George, yes; Knapp, abstain

PUBLIC COMMENTS

Gary Godwin, 63 Trail East, said the State is responsible for improving SR 310 and the developers should donate the right-of-ways. Commented on a newspaper article quoting Dan Bravard and said his views are backwards and requested his removal from the zoning commission.

Mr. Burkholder said he was disappointed by some of Mr. Brevard's remarks and said the architectural review board would beautify the community and bring standards in design and not meant to keep people out of the township.

Eric Gregory, 235 Purple Finch Loop, registered a complaint about residents parking on the road instead of their driveway in Cameron Chase and said it was a safety issue.

Mr. George said he has received a legal opinion from the county prosecutor's office and the trustees will discuss this item later in the meeting.

Pam Munce, 11045 National Road, asked if there could be time limits for street parking and registered a complaint about trailers parked along the driveway paralleling Route 40 at ProLogis instead of in the designated parking lots.

Tom Dixon, 8467 Hazelton-Etna Road, said he thinks the truck parking lot at ProLogis is poorly designed, causing problems with parking the trailers.

Gil Guttentag, 70 Runkle Drive, said the aesthetics in Etna needs to be controlled but the BZA arbitrarily allowed the Pataskala Bank to install a garish red flashing sign and the trustees did not appeal the decision. Wonders how the township can control the aesthetics when the trustees can not ensure that the zoning laws are enforced.

Mr. Burkholder said the variance should not have been granted and it set a bad precedent. President Knapp said he favors an architectural review board and would like for the BZA to enforce the zoning

Janie Arnholt, 6961 Palmer Road, read a letter, signed by 10 neighbors, complaining of excessive ditching in front of their properties, mud thrown on the lawns and her mail box was moved.

Mr. George responded that the mailbox was in the center of the ditch and the ditching was needed.

Jerry Walts, 19 Spike Rush Court, requested that the issue of street parking be addressed because it is a problem for emergency vehicles which was experienced recently.

Jennifer Walts said they have a daily issue with the school bus coming into the cul-de-sac to pick up their daughter and is not adverse to a parking ban in cul-de-sacs.

CORRESPONDENCE

- Etna Township Zoning Commission – letter requesting that Laura Brown remain as their clerk

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- Licking County Board of Commissioners – Resolution 54-87 establishing Trail West and Elderberry Court as township roads
- Chester, Wilcox & Saxbe, LLC – Pataskala Bank lawsuit
- MORPC – Transportation Connection newsletter
- Licking County Prosecutor's Office – township road nuisances
- Licking County Engineer's Office – speed limit reduction approved for Refugee Road
- Licking County Health Department – 1) Midnight District is in compliance, 2) Notice of Violation on Palmer Road, 3) Public Health nuisance for 2 properties on Smoke Road and three properties on Palmer Road

REPORTS

Fiscal Officer

As of April 17th

	Receipts	Expenditures
General Fund	5,629.63	47,127.41
MV License Tax	0.00	674.24
Gasoline Tax	5,908.79	2,797.15
Road & Bridge	0.00	5,493.30
Special Assessments	0.00	267.58
Misc Debt Service	0.00	1,051.10
Total	11,538.42	57,410.78

Funds Total April 17, 2007 - \$1,382,804.56

Road – written report submitted

Mr. Arnholt said his culvert was crushed when the right of way was mowed and his driveway has been shortened because of the removal of the crushed culvert.

Trustees reviewed the road estimates received by the county engineer. Mr. Burkholder said Columbia Road needs total reconstruction with curbs, gutters and sidewalks and he would not support only repaving. There was discussion on the road right-of way for Columbia at Route 40 and Mr. Burkholder said the county needs to make the corrections and that the county may need to purchase the right-of-way.

Resolution 07-04-17-01: Mr. George moved to approve the proposed budget for road improvements and request the prosecutor to prepare the bid package. Burkholder seconded and the vote in favor was unanimous.

Resolution 07-04-17-02: Mr. George moved to approve the expenditure of \$2317.30 to ADS for pipe, tees, grates and couplers. Burkholder seconded and the vote in favor was unanimous.

Resolution 07-04-17-03: Mr. George moved to approve the expenditure of \$2282.74 to Sherman-Dixie for precast concrete storm structures. Burkholder seconded and the vote in favor was unanimous.

Resolution 07-04-17-04: Mr. Burkholder moved to approve the expenditure of \$750 to Aramark for shirts and jackets for the road crew and Jim Wyrick. George seconded.
Mr. Burkholder moved to amend his motion to include the expenditure of \$300 for the Timberlane titanium safety toe work boot for Mike Waller and Mark Smith. George seconded and the vote in favor of the amendment and motion was unanimous.

Resolution 07-04-17-05: Mr. Burkholder moved to approve the expenditure of \$632.45 to Wince Welding Supply for acetylene and oxygen. George seconded and the vote in favor was unanimous.

Mr. Burkholder reviewed the safety audit and the items needed

Resolution 07-04-17-06: Mr. Burkholder moved to approve up to \$2500 to purchase the items as listed and presented by Mike Waller on 4/17/07 from Direct Safety and to purchase lumber for a handrail and covers for the overhead garage doors. George seconded and the vote in favor was unanimous.

Resolution 07-04-17-07: Mr. Burkholder moved to dispose of junk items at the garage. George seconded and the vote in favor was unanimous.

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Zoning – written report submitted

Mr. Burkholder reported on the progress of entering permits into Zone Pro and the trustees discussed backup procedure and storage.

Mr. Burkholder moved for a 5 minute recess, Knapp seconded and the vote in favor was unanimous.

Mr. Mark Shillig with Metro Six requested a \$400 refund for a variance hearing scheduled for April 24th. Signs for the buildings were approved by the township and county when the plans were submitted but the height of the signs are not in compliance with the zoning resolution. The BZA turned down the appeal.

Resolution 07-04-17-08: Mr. George moved to grant a \$400 refund to Mark Shillig for his variance application fee. Knapp seconded.

Discussion: Mr. Burkholder said he was against waiving the fee for the variance hearing because costs will be incurred. Mr. Shillig said plans were submitted showing that the signs on the buildings would be at 16' and 18' and a building permit was granted. Now that the buildings are built, the township informed him that the signs can not be over 15' and the buildings were not designed for signs at that height. Mr. Burkholder said he would support conferring with the prosecutor to see how this could be fairly rectified. President Knapp said this developer should not be penalized for a township error. Mr. Burkholder said the issue of the sidewalks needs to be corrected.

President Knapp moved to amend the motion to have the prosecutor review to make sure the township is in proper legal standing. George seconded and the vote in favor of the amendment was unanimous.

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

President Knapp will follow up with the prosecutor and Mr. Burkholder requested that it be in writing with all of the facts presented. Trustees agreed that the legal opinion must be received before the check is written.

Phillip Waid requested a \$400 application fee refund to rezone 58.379 acres on National Road (application 3801)

President Knapp said the applicant withdrew the rezoning request because their client withdrew the option to purchase the property.

Mr. Burkholder moved to postpone further action until an opinion is received from the prosecutor on granting a refund. Knapp seconded and the vote in favor was unanimous.

MORPC/310 Study

President Knapp moved to pay the costs for the MORPC luncheon on April 19th. There was no second to the motion.

Economic Development Committee

Mr. Burkholder said he would like for the EDC to meet monthly and work on contacting SR 310 property owners to donate the right-of-ways for the 310 corridor.

Safety and FEMA

Mr. Burkholder said he would like to implement some safety programs and will bring a proposal to the Board.

Parks and recreation

President Knapp said a Girl Scout Troop has volunteered to clean the park on a monthly basis. He suggested a flower fund with residents' donation used for planting flowers.

Cemeteries

President Knapp said a resident tried to secure a burial plot, next to their father, last year when their father died and was told that the township did not reserve lots. Since then the cemetery fees were increased. The old fee was \$250 and the new fee is \$1175. The family was unaware of the rate increase and the increased fee would have caused a hardship for the family. The family did pay the \$525 burial fee. President Knapp said he waved the fee for the family because the funeral home needed the body to be

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buried. Notices need to be sent regarding the fee increase. There was discussion on getting the cemetery records computerized.

Resolution 07-04-17-09: President Knapp moved to waive the \$650 lot fee for this family due to the hardship provided a legal opinion is received from the prosecutor. Burkholder seconded and the vote in favor was unanimous.

JEDZ

Neil Ingle reported that a newspaper article erroneously stated that the ProLogis property on the south side of National Road is tax abated.

OLD BUSINESS

A. Subdivision regulation/MSI report

Erin Prosser, planner with MSI, said the changes are an improvement. The key issue for Etna Township is the review, approval and enforcement of the subdivision regulations. It is critical for LCPC, the commissioners and board members and related agencies to understand and incorporate the land use intentions of the township into the review and approval of subdivisions. A growing township like Etna deserves increased attention and consideration for the review of new development. A high level of cooperation and commitment is needed by all parties involved in the review of development.

Some of the items Ms. Prosser listed. Detention/retention ponds need to be addressed more fully. The township signature should be required on the plat. Township approval should be required before the release or reduction of bonds. Language should be strengthened to indicate an advisory role for the township and its related adopted plans in the review of subdivisions within its boundaries. Easements for drainage should be added. The township may want to request that the County require the township to sign off for zoning compliance for all minor subdivisions. Preliminary plan approval should not be valid for 24 months if the zoning approval lapses in 12 months. Any street vacation should require township notification and approval.

There was discussion about hiring professionals to review and monitor developments and passing the costs to the developers. Ms. Prosser said the township needs to be diligent on enforcement.

Mr. Burkholder moved to approve MSI to prepare the formal memo for submission for the April 23rd public hearing. Knapp seconded and the vote in favor was unanimous.

Mark Schaff asked Ms. Prosser about the placement of the new township hall. She responded that the township is fortunate to have open space in the center of the community and the site near the park would create a community center.

B. Jardin Manor ditch petition update

Mr. Burkholder said that County Commissioner Phelps told him that there is not a lot of available money to deal with soil erosion on the river. President Knapp explained how the assessments for the ditch petition were calculated. Mr. George reported that according to the Core of Engineers, money is not available and a permit would be required to do any work in the river.

C. No parking on Spike Rush Court and Cedar Parkway

Mr. Burkholder moved to immediately erect "No Parking" signs on Cedar Parkway and the side street. George seconded.

Discussion: President Knapp read the four requirements for enforcement. Mr. Burkholder withdrew his motion.

Mr. Burkholder moved to request that the prosecutor draft a resolution. Knapp seconded and the vote in favor was unanimous.

President Knapp moved to request that the prosecutor draft a resolution for no parking on cul-de-sacs throughout Etna Township. George seconded.

Discussion: Trustees discussed whether the no parking should be in all the cul-de-sacs. Commercial vehicles and semi trucks parked on the street are causing problems in several neighborhoods. President Knapp withdrew his motion.

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President Knapp moved to evaluate the cul-de-sacs in the entire township to determine which ones the county prosecutor should draft the resolution for no parking. George seconded and the vote in favor was unanimous.

D. Discussion regarding temporary employment status of Peg Pereira

Mr. Burkholder moved to send Peg Pereira a letter of appreciation for her services to the township and inform her that the Board is going to reevaluate the temporary position. Knapp seconded and the vote in favor was unanimous.

E. Set date for TIF work session

President Knapp moved to set a tentative date for a TIF work session for May 9th at 7 p.m. George seconded and the vote in favor was unanimous.

F. Set date for employee handbook work session

The trustees will bring dates to the next meeting and schedule a work session.

G. Discussion on township road nuisances

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

H. Township hall update

Mr. George reported that he received the prints for the electrical and plumbing and needs plans for the PA system, security and telephones. Mr. Burkholder said a site plan is needed and a plan on how the building is to be used functionally.

President Knapp moved to have a soil test taken for the building site. Burkholder seconded and the vote in favor was unanimous.

I. Columbia Road right-of-ways

J. Trail West road dedication

Both of the above items were discussed under the road report

K. Motion to approve \$275 for land appraisal

Resolution 07-04-17-10: President Knapp moved to approve the \$275 appraisal fee. Burkholder seconded and the vote in favor was unanimous.

L. Employee evaluation for road department

Mr. George said he has completed the annual review for Mr. Waller. Mr. Burkholder said he disagreed with the overall evaluation and feels that Mr. Waller exceeds the job requirements in certain areas.

Resolution 07-04-17-11: Mr. George moved to give Phillip M. Waller a 3% pay raise retroactive to February 16th. Knapp seconded and the vote in favor was unanimous.

NEW BUSINESS

A. Motion to accept Laura Brown's letter to rescind her resignation

President Knapp moved to accept Laura Brown's letter to rescind her resignation. George seconded.

Discussion: Mr. Burkholder said he wanted to clarify that this was for the position as secretary, not administrative assistant, and at the same pay.

Roll Call: Burkholder, yes; George, yes; Knapp, yes

B. Discussion on MSI Planned Unit Development

Mr. Burkholder moved to table this item to the next meeting. Knapp seconded and the vote in favor was unanimous.

ANNOUNCEMENTS AND TRUSTEE COMMENTS

President Knapp reported on the meeting he and Laura Brown attended at the county on the census.

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

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3435	J. Wyrick	201.06	3446	Kuhn Turf Equip	412.99
3436	M. Smith	980.54	3447	Newspaper Network	35.30
3437	AEP	557.35	3448	Baker Automotive	153.11
3438	Columbia gas	184.18	3449	C0-Alliance	888.88
3439	Void		3450	Dexter Co.	439.25
3440	Loveland & Brosius	990.87	3451	Void	
3441	S. Robinson	34.44	3452	Void	
3442	Pataskala True Value	170.49	3453	Conie Construction	2500.00
3443	Sunoco	18.13	E00217	L. Brown	782.33
3444	Void		E00218	P. Waller	1559.33
3445	Dispatch	459.96	E00218	S. Robinson	936.16

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

Jim Van Dyne said he agreed with Dan Bravard's appointment, the expenses should be deducted from zoning refunds and parking bags could be used to cover "No Parking" signs for special events. He suggested using MSI for all developments with the costs passed on to the developers.

Tom Dixon talked about the ditch along his property, radical water, transferring wetlands and the pond in front of ProLogis being too small.

Claudette Van Dyne said there is an 8' bank of silt behind her house and Frontier Ranch is flooded. Would like to know how the water runoff will be controlled at ProLogis after the million square foot building is completed. Thanked the Board for retaining Laura Brown.

Janie Arnholt spoke about the ditching on Palmer Road and the dirt thrown on the lawns.

Resolution 07-04-17-12: Mr. Burkholder moved to approve the additional expense of \$682.86 for Loveland & Brosius for legal fees on the PUD. George seconded and the vote in favor was unanimous.

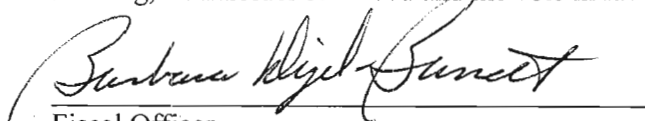
At 11:38 p.m., President Knapp moved to go into executive session per O.R.C.121.22 G(2) to consider the purchase of property for public purposes and to include Mrs. Kitsmiller. George seconded and the vote in favor was unanimous.

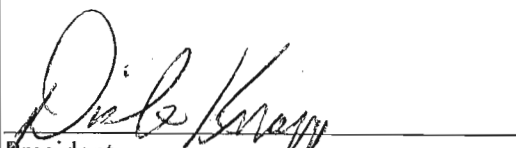
At 12:15 a.m., Mr. Burkholder moved to come out of executive session. George seconded and the vote in favor was unanimous.

At 12:15 a.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. George seconded and the vote in favor was unanimous.

At 12:22 a.m., Mr. George moved to come out of executive session. Burkholder seconded and the vote in favor was unanimous.

At 12:28 a.m., Mr. George moved to adjourn the meeting, Burkholder seconded and the vote in favor was unanimous.


Fiscal Officer


President