

Held

May 1, 2007

20

The Etna Township Board of Trustees met on May 1, 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. President Knapp moved to amend the agenda to move Item H after the executive session. George seconded and the vote in favor of the amendment and motion was unanimous.

ADOPTION OF THE MINUTES

Minutes were not ready

PRESENTATION

Greg Chamblin with PC Geeks went through his proposal and explained the backup procedure he recommends. The proposal is for 3 external hard drives, consulting fees, training of staff and documenting backup procedures and 2 additional battery backup units.

Resolution 07-05-01-01: Mr. Burkholder moved to approve the contract with PC Geeks for \$800 for their proposal. Knapp seconded and the vote in favor was unanimous.

PUBLIC COMMENTS

Gil Guttentag, 71 Runkle Drive, suggested using a server for computer backups and said he felt it would be cost effective and should be planned for the new township hall.

Claudette Van Dyne, 7173 Refugee Road, said the township needs a fireproof cabinet for the storage of backups and minutes.

Rich Ruff, 7 Spike Rush Court, said he fully supports the trustees' effort on parking restrictions for his cul-de-sac.

Mr. George said that if a no parking restrictions are placed on cul-de-sacs, the names of the cul-de-sacs must be listed in the resolution. Mr. Burkholder said there needs to be a ban on parking in the entire cul-de-sac and not just at the throat.

Brandon Menniger, 138 Lincoln Street, said he submitted a resume and inquired if the township would be hiring a road worker soon. Trustees said this item would be discussed under the road report.

Claudette Van Dyne suggested that the township post "Tow Away" signs with the resolution and then contract with a towing company to enforce the no parking areas.

CORRESPONDENCE

- OTA Grassroots Clipping
- Chester Wilcox & Saxbe LLC – Pataskala Bank court case
- Time Warner – service change
- BWC – payment reminder
- LCPC – Columbia Road Retail Center and answers to questions posed to LCATS
- Ohio Bureau of Motor Vehicles – March statistic report
- Licking County Board of Commissioners – NPDES meeting scheduled

Mr. Burkholder said all the meetings should be included on the master calendar and there was discussion on how inclusive the listing should be.

REPORTS

Fiscal Officer

For the month of April

| | Receipts | Expenditures |
|----------------|-----------|--------------|
| General Fund | 11,464.32 | 50,003.87 |
| MV License Tax | 2,228.21 | 656.11 |
| Gasoline Tax | 13,798.24 | 2,797.15 |
| Road & Bridge | 0.00 | 7,993.90 |

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

| Held | May 1, 2007 | |
|---------------------|-------------|-----------|
| | | 20 |
| Special Assessments | 0.00 | 267.58 |
| Misc Debt Service | 0.00 | 2,740.43 |
| Total | 27,490.77 | 64,459.04 |

Funds Total May 1, 2007 - \$1,391,708.65

Road – written report submitted

Mr. George reported on an alley vacation request between Baltimore Street, north of Pike Street and the next alley to the west. Mr. Burkholder said the trustees need to make their concerns known to the county commissioners. Mr. George said he will be getting new quotes for the storm drain repair at Zeller Acres and ask Ty Yoho how this was approved by the county. The crack sealer machine needs a new hose which will cost \$649 plus freight.

Resolution 07-05-01-02: Mr. George moved to approve the expenditure of \$849 to BrewPro for a new hose. Burkholder seconded and the vote in favor was unanimous.

Mr. Burkholder asked about street cleaning for the subdivisions. Neil Ingle received a quote from the water and sewer district for water, \$4.82 per 1000 gals for a street cleaner. Mr. George said the quote from Contract Sweepers is \$1785 to clean Cumberland Trails, Brandy Mills, Longwood, Zeller Acres, Peppertree, Orchard Glen and Cameron Chase.

Mr. Burkholder moved to move forward with the street cleaning with Contract Sweepers contingent on the successful submission of proof of coverage with Workers Compensation and liability insurance. Knapp seconded.

Discussion: President Knapp inquired about additional bids.

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

Mr. Burkholder discussed the April 24th letter from Brad Mercer concerning the Columbia Road right-of-ways. The township and LCPC missed the requirement of the right-of-way for the apartments and retail center. Burkholder said there needs to be a complete review of the limitation text of the PUD. The sidewalks, drainage and right-of-way for the Columbia Road Retail Center are inadequate. The apartments are built too close to the roadway.

Mr. Burkholder moved to put a packet together of materials and cover letter to send to the county commissioners to underscore the seriousness of this issue and to document the township's concerns. George seconded and the vote in favor was unanimous.

Trustees discussed hiring a seasonal worker for the road department. Mr. Waller will be off for at least a week for surgery and will not be able to assume full duties for a period when he returns and the workload in this department has increased.

Zoning – written report submitted

Stan Robinson said that when the Cumberland Trail Limitation text was passed around 1999, the goal was to have a 100' right-of-way from National Road to Refugee Road. Everyone in the PUD jurisdiction was to donate roadway so there would be 50' on their side. This requirement was not enforced and zoning permits and occupancy permits were issued. Those needing to comply are: MAS Cumberland, Trail Golf LTD, Dominion Homes (Cumberland Crossing), Cumberland Highland (apartments), Metro-Six and properties at 29 and 39 Sedge Court and 25 Trail Blvd. Metro-Six is willing to donate 20' to the road right-of-way but is asking for reimbursement of engineer costs, about a \$1000.

Mr. Burkholder questioned how the BZA chairman could cancel a hearing that was scheduled and advertised. There are no minutes from the meeting and there was no vote by the Board in open session to cancel the meeting. Mr. Robinson said the decision was based on a legal opinion from the prosecutor. Burkholder requested a copy of the legal opinion and a copy of the letter sent by Mr. Goll to the prosecutor. Mrs. Brown said that Mr. Goll's request was verbal.

Mr. George questioned why the attorney with Chester, Wilcox & Saxbe told Stan Robinson he did not have the authority to represent Stan at the BZA hearing. Mr. Burkholder said Stan needed Board approval and approval of funds. President Knapp said a resolution was passed for legal expenses for the

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BZA hearing and any other dealings with Wal-Mart. Knapp said he supported this resolution because he did not want the township to be sued by Wal-Mart. Knapp said he was told by Mr. Rodgers that the township did not authorize enough money for legal representation at the hearing.

Mr. Burkholder said he was opposed to a variance refund for Metro-Six because the developer bears some responsibility for knowing and following the zoning resolution.

Resolution 07-05-01-03: Mr. Burkholder moved to approve up to \$50 for necessary incidental supplies for the zoning office. George seconded and the vote in favor was unanimous.

Economic Development

President Knapp said the trustees need to review and initial the draft copy of the Municipal Publication for the township by May 9th.

MORPC/310 Study

Mr. Burkholder said the MORPC planners are working on the comments from Licking County and the traffic count and also working with Erin Prosser with MSI. President Knapp said he requested the projected cost for the 310 interchange.

Safety and FEMA

Mr. Burkholder said quite a few safety requirements have been implemented and there are safety seminars and training available. Mr. George he will get some safety videos for the road crew to view.

Parks and Recreation

President Knapp said the Girl Scouts are ready to plant and clean up the park and mulch is needed. Mr. George will check the walking path to see what is needed and call ODOT and request that they attend a meeting to explain the widening of SR 310.

Zoning Commission

Chair person Dee Dunlap requested a joint meeting on May 16th at 8 p.m.

OLD BUSINESS

A. Subdivision regulations and MSI Design

Mr. Burkholder said he presented the comments from MSI at the LCPC meeting on the subdivision regulations and voiced his concern that the township should be more involved and spoke against the removal of the township signature on the final plat. In 2006, the county only levied \$3300 for subdivision violations and more enforcement is needed.

B. No parking in cul-de-sacs and throughout the township (Spike Rush Court and Cedar Parkway)

Mr. George said the township needs to specifically name the streets where parking will be restricted. He will contact the sheriff's office to see if they will enforce the no parking and he will contact Eric Fox on the possibility of "No Parking, Tow Away" signs.

C. Set date for employee handbook work session

President Knapp set a work session on the employee manual for May 9th.

Resolution 07-05-01-04: Mr. Burkholder moved to approve the expenditure of \$50 to sharpen two chain saws. George seconded and the vote in favor was unanimous.

D. Discussion on township road nuisances

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

Stan Robinson has requested that the prosecutor draft an appropriate letter to send to violators.

E. Columbia Road right-of-ways

Discussed under zoning

F. Discussion on MSI Planned Unit Development

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

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President Knapp said the zoning commission would like guidance from MSI to complete the PUD language so that it can be sent to LCPC and the prosecutor. The cost for both residential and commercial would be \$10,000 and \$4,000 for just residential.

At 10:10 p.m., a 5 minute recess was called.

G. Motion to approve \$100 for property appraisal
Resolution 07-05-01-05: Mr. George moved to approve the expenditure of \$100 to Delta Appraisal for the Pike Street land appraisal. Burkholder seconded and the vote in favor was unanimous.

NEW BUSINESS

A. Discussion on City of Pataskala JEDZ on Mink Street
President Knapp said Mayor Butcher would like to form a joint JEDZ district with Etna Township. Trustees discussed how this could be accomplished since Etna Township can not administer an income tax and the township partnered with the City of Newark to collect the tax for the JEDZ.

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

PUBLIC COMMENTS

Neil Ingle commented that ProLogis has a dominant market position for all developers because of the passage of the JEDZ. Developers in Pataskala feel they need a JEDZ to compete with ProLogis.

Claudette Van Dyne said there are more important issues like the comprehensive plan, future land use map and zoning resolution than the PUD text and would like to see the time and money spent on those issues first. MSI fully supports a JEDZ to generate revenue to pay for the aesthetics.

EXECUTIVE SESSIONS

At 10:54 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. George seconded and the vote in favor was unanimous.

At 11:13 p.m., President Knapp moved to come out of executive session. George seconded and the vote in favor was unanimous.

H. Motion to approve Option A in regards to purchase of property for public purposes
Resolution 07-05-01-06: President Knapp moved to make an agreed upon offer to purchase property with an expiration date of acceptance by May 10th. George seconded.

Mr. Burkholder said his support is contingent upon adequate design and site plan if the offer is accepted.

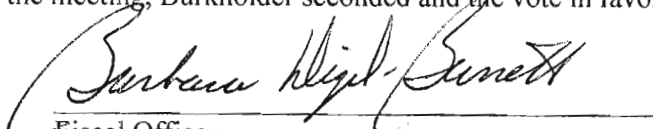
Roll call: Burkholder, yes; George, yes; Knapp, yes

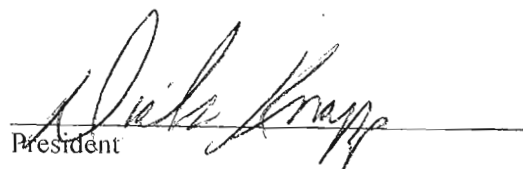
At 11:15 p.m., President Knapp moved to go into executive session per O.R.C. 121.22 G(1) to consider the employment of a public employee. Burkholder seconded and the vote in favor was unanimous.

At 11:38 p.m., Mr. George moved to come out of executive session. Burkholder seconded and the vote in favor was unanimous.

President Knapp moved to hold an executive session to interview applicants for the road labor position on May 9th at 6 p.m. George seconded and the vote in favor was unanimous.

At 11:40p.m., Mr. George moved to adjourn the meeting. Burkholder seconded and the vote in favor was unanimous.


Fiscal Officer


President