

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____ May 15, 2007 _____ 20 _____

The Etna Township Board of Trustees met on May 15, 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 add discussion on Frontier Ranch under the zoning report, and to add under new business: Item C – approve annual pay raise for Laura Brown, Item D – resolution for outside legal fees and item E – approve expenditure for fire proof cabinet. George seconded the amendment and the vote in favor of the amendment and motion was unanimous.

ADOPTION OF THE MINUTES

Mr. George moved to approve the April 17, 2007 meeting minutes. Burkholder seconded and the vote in favor was unanimous.

Mr. George moved to approve the April 20, 2007 special meeting minutes. Burkholder seconded and the vote in favor was unanimous.

Mr. George moved to approve the April 26, 2007 special meeting minutes. Burkholder seconded and the vote in favor was unanimous.

Mr. George moved to approve the May 1, 2007 meeting minutes. Burkholder seconded and the vote in favor was unanimous.

PUBLIC COMMENTS

Debbie Yaeger, 596 Laurel Drive, registered numerous complaints on concerts at Frontier Ranch. She believes there is a health issue at Frontier Ranch and inquired if the concert promoters obtained permits for vendors and what provisions were made for water and sanitation. She is concerned about the security inside Frontier Ranch and outside in the surrounding neighborhoods. She said resident's doors were broken down, there were concert goers in resident's yards, threats made against residents and loud music all night.

Virginia Stapelton, 593 Laurel Drive, said she called the sheriff and was told that they could not do anything because it was on private property and noise control was governed by the township. She and her neighbors want Frontier Ranch closed and a noise resolution passed. She said Frontier Ranch may be zoned agricultural, but they are running a business and it should be zoned commercial.

David Goll, said sanitation concerns at frontier Ranch were discussed at the SWLCWSD meeting and the EPA may be brought in to see what can be done.

Jim Van Dyne said even though music played 24/4, it kept the people on the property and he is not in favor of a noise level.

Pamela Mays, 582 Laurel Drive, said she is concerned about health and water issues from Frontier Ranch. The water tested in her basement had E. coli and coliform which came from a broken tile at Frontier Ranch.

Roger Mays said they never had problems with the water before and the nonstop music with heavy base is too much and possibly a sound wall could be erected around the property.

Henry Hill, 575 Laurel Drive, said that when there is heavy rain, the pond overflows and floods his front yard. This is a health issue because the water is filthy and children want to play in it.

Eric Nichols, 621 Laurel Drive, said that each year the concerts have become progressively worse. The situation at Frontier Ranch is lowering their property values which will affect the tax base. The area is becoming a garbage dump and will drive away good businesses.

Neil Ingle, 71 Trail East, said that not using the law firm of Chester Willcox & Saxbe will damage the township's position in current litigation with Pataskala Bank.

A resident at 19 Spring Flower Way, registered her complaints on the concerts at Frontier Ranch

DAYTON LEGAL BLANK, INC., FORM NO. 1014R

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Gil Guttentag, 71 Runkle Drive, said that 19 months ago, he expressed his view that the township's present zoning resolution looked like it was written when the Conestoga wagons were traveling west. The zoning needs to be fixed now before the township becomes a garbage pit for the state.

Mr. Burkholder said he agreed with Mr. Guttentag and the zoning commission has been working diligently to update the zoning resolution and money has been appropriated for outside consultants for a rewrite.

Tina Taylor said that her family collected over 350 signatures for a traffic light at Refugee Road and SR 310 and the light was not the result of money spent on legal fees for Cameron Chase. A traffic light was a PUD requirement and no attorneys were involved in this process. She questioned the appropriations for legal fees and said reconciliation of paid invoices for items approved was impossible.

Claudette Van Dyne said there were four other charges from Chester Willcox & Saxbe after the law firm notified President Knapp and Stan Robinson that the township was in the negative and did not have funds for legal representation for Mr. Robinson at the BZA hearing. Over \$17,000 was spent on legal fees for disciplinary action on the former zoning inspector when there was only several months left on his appointment.

PRESENTATION

Brian Marsh and Scott Ziance presented the ProLogis development plan for 97 acres on Route 40 similar to the initial phase. A request was made for development incentives which include a Joint Economic Development Zone and Tax Incremental Financing. Since the first phase was initiated, school funding allocation has changed. A "Hold Harmless TIF" would not impact the state allocation for schools and 41% would go for infrastructure. There would be no money allocated for schools in the JEDZ since the money received from the JEDZ would be deducted from the state allocation. Mr. Marsh said he was told by ODOT that an interchange south of the corporate park was very slim.

EXECUTIVE SESSION

At 8:30 p.m., President Knapp moved to go into executive session per O.R.C. 121.22 G(3) conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action with the zoning inspector, Stan Robinson and attorney Tony Stucco. George seconded and the vote in favor was unanimous.

At 9:10 p.m., Mr. George moved to come out of executive session, Knapp seconded and the vote in favor was unanimous.

CORRESPONDENCE

- Ohio EPA – seeking comments on Licking County project
- Licking County Health department – public health nuisance
- American Pavement – information on cape seal
- Pathways of Licking County – solicitation of becoming member of "Tobacco Free Coalition"
- Frank Gates – group rating program
- Jobs Henderson – GIS system for mapping cemeteries and infrastructure
- Licking County Board of Commissioners –1) Resolution 54-165 establishing roads in Royal Acres II and 2) Resolution 54-166 vacating an alley in Etna
- Shelly Materials – regarding finance charges on invoices past 45 days
- Fred Pryor Seminar – OSHA compliance seminar
- Lorman Education Services – seminar information
- West Licking Historical Society – newsletter
- Pataskala Area Chamber of Commerce – newsletter
- Care Works – first quarter report
- BWC – recent award

REPORTS

Fiscal Officer
As of May 15th

	Receipts	Expenditures
General Fund	49,790.60	53,042.27
MV License Tax	0.00	6,049.56

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		20
Gasoline Tax	0.00	414.81
Road & Bridge	20,584.65	14,874.69
Special Assessments	1,703.68	322.41
Misc Debt Service	0.00	1,051.10
Total	72,078.93	75,754.84

Funds Total May 15, 2007 - \$1,388,032.74

Resolution 07-05-15-01: Mr. George moved to approve the expenditure of \$800 to David Hawkins for the specification book. Knapp seconded and the vote in favor was unanimous.

There was discussion on Loveland & Brosius invoice and a Chester Willcox & Saxbe invoice and no decision was made.

Road – written report submitted

Mr. George said he would like to go over the tool list submitted with Mr. Waller and Mr. Smith

Mr. George moved to approve road right-of-way application #05-15-01-07 for Columbia Gas on Hazelton-Etna Road for a leaking gas main. Knapp seconded and the vote in favor was unanimous.

Mr. George said that Eric Fox is working on a national contract for replay and this could save the township about \$30,000. Mr. Fox is also working on a “no parking” resolution. A quote from Contract Sweepers is \$1785 and he will bring another quote to the next meeting.

Resolution 07-05-15-02: Mr. George moved to approve the township laying the drain pipe along Laurel Drive at a cost of approximately \$23,000 which would save money for the property owners and township. Burkholder seconded and the vote in favor was unanimous.

Mr. George will bring the actual costs back to the Board.

Zoning – written report submitted

Mr. Burkholder discussed the ditch petition hearing held for Jardin Manor. The Frontier Ranch assessment was reduced from 12 lots to 3 and Brandy Mills was not adequately assessed. He also attended the subdivision regulations meeting and said the BIA voiced objections to some of the changes relative to open space and cul-de-sacs.

Mr. Burkholder moved to approve vacation for Stan Robinson for June 11th and 12th. George seconded and the vote in favor was unanimous.

Water and Sewer

Mr. Goll presented information on security requirements that the Water & Sewer Board is following for Homeland Security, all of the regulations have been complied with. The Board is working on final approval for phase II of the water treatment facility which will increase water production from 2.6 million gallons to 4.3 million gallons per day. There still is no agreement with Kikersville for water.

Parks and recreation

There was discussion on mulch for the park and Mr. Burkholder said he would not support buying mulch from the business on SR 310 because of their disregard for zoning regulations. Mr. George said work has been done on the drainage issue in the park.

Mr. Burkholder moved to continue with the law firm of Chester Willcox & Saxbe and to approve funds for legal counsel to represent the zoning inspector at the May 21st BZA hearing on the Wal-Mart permit. Knapp seconded.

Discussion: Todd Rodgers, attorney with Chester Willcox & Saxbe explained his position and reasoning for not representing Stan at the BZA hearing in April. Mr. Rodgers said that the hearing was for permit #3 which came after the other two resolutions were passed for legal representation and he was not informed of a new resolution to approve funds for this new permit hearing. The resolutions were not clear as to the scope of the work to be performed. President Knapp questioned Mr. Rodgers about billing charges invoiced after the date he was told that the township was over their funding limit. Mr. Rodgers replied that there was still work that needed done and the work was done at the law firm’s risk.

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

OLD BUSINESS

A. "No Parking" in cul-de-sacs and throughout the township
Already discussed

B. Reset date for work session on employee handbook
Will be set at June meeting

C. Road right-of-ways on Columbia Road
Mr. George said Brad Mercer was working on the right-of-ways for all the PUD's. Mr. Robinson said Mark Schilling with Columbia 40 is donating the right-of-way and asked the trustees to contact the golf course for their donation of additional right-of-way.

D. Motion to have a special meeting with the City of Pataskala for discussion on a JEDZ for Mink Street and any other issues
President Knapp moved to hold a work session with the City of Pataskala for a discussion on a JEDZ for Mink Street and any other issues at a date to be determined. George seconded and the vote in favor was unanimous.

E. Motion to contract with agreed upon law firm to represent the township at the May 21st BZA hearing
President Knapp said that when he has the names for a few law firms, he will call a special meeting.

NEW BUSINESS

A. Motion to repair or replace light fixtures at township hall
Resolution 07-05-15-03: Mr. George moved to approve the expenditure of \$200 to Waibel Electric for the repair of a light fixture in the township hall. (work already completed). Knapp seconded and the vote in favor was unanimous.

B. Motion to have a court reporter at the May 21st BZA hearing and the expenditure of funds
Resolution 07-05-15-04: President Knapp moved to approve the expenditure for a court reporter for the May 21st BZA hearing. George seconded.
Mr. George moved to amend the motion to add at \$90/hr. Knapp seconded and the vote in favor of the amendment and motion was unanimous.

C. Approve pay raise for Laura Brown
President Knapp said the annual evaluation for Laura Brown was done and he recommended a \$.50 pay increase.

Resolution 07-05-15-05: President Knapp moved to approve a \$.50 pay increase for Laura Brown effective in the 5/24 pay period. George seconded and the vote in favor was unanimous.

D. Resolution for outside legal fees
President Knapp said a system needs to be in place for outside legal representation, a contact person and fees.

E. Approval of fire proof file cabinets
President Knapp said he will investigate the different fire proof ratings and bring this item back.

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

PUBLIC COMMENTS

Claudette Van Dyne said that Phil Laurien presented a very professional PUD plan and that plan has been reviewed by different attorneys for over a year. She is in favor of MSI doing a commercial PUD but not a residential one.

At 11:26 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. George seconded and the vote in favor was unanimous.

At 11:50 p.m., Mr. George moved to come out of executive session, Knapp seconded and the vote in favor was unanimous.

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Resolution 07-05-15-06: Mr. George moved to hire Brandon Menninger as a seasonal employee to begin 6/4/07 with a specific termination date at a rate of \$12/hr. Knapp seconded

Discussion: President Knapp explained to Mr. Menninger that this position was seasonal only with no benefits and would end in the fall. A background check and drug test is required.

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

At 12:00 a.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 12:18 p.m., President Knapp moved to come out of executive session, George seconded and the vote in favor was unanimous.

President Knapp moved to make another offer on the Option A property for public purposes for the amount discussed in executive session. George seconded.

Discussion: President Knapp said he would contact the prosecutor to draft the offer with a 10 day response time.

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

At 12:22 p.m., Mr. George moved to adjourn the meeting, Burkholder seconded and the vote in favor was unanimous.

Barbara Nijel-Barnett
Fiscal Officer

Dick Knapp
President