

Held

June 5, 2007

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The Etna Township Board of Trustees met on June 5, 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: 1) add under zoning commission report – motion to approve and sign contract with MSI for commercial PUD text and PUD text, 2) add item D under old business – set joint meeting with Pataskala and other entities and 3) add item F under new business – Dan Dodd, 91<sup>st</sup> State Representative using the township hall. 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 May 9, 2007 special meeting minutes. Burkholder seconded and the vote in favor was unanimous.

Mr. George moved to approve the May 15, 2007 meeting minutes. Burkholder seconded and the vote in favor was unanimous.

Mr. George moved to approve the May 16, 2007 special meeting minutes. Burkholder seconded and the vote in favor was unanimous.

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

#### PUBLIC COMMENTS

Chad Jones, 8491 Watkins Road, said that on June 15<sup>th</sup> and 16<sup>th</sup> he was holding a fund raising event called the Pataskala Blow Out Bash. No admission will be charged, donations only, no alcohol will be sold and drug use will not be allowed.

Zoning inspector Stan Robinson said he notified all the county authorities and if the event is for charity, he would be unable to halt the event.

President Knapp read a letter from Mike Kerner who is opposed to the event and questioned Mr. Jones about items posted on the internet.

Debbie Yaeger, 596 Laurel Drive, said this concert is also associated with listings for events at Frontier Ranch.

Virginia Stapleton, 563 Laurel Drive, said residents do not want concerts and camping in residential areas.

Brian Intihar said renovations are being made at the Cumberland Golf Course and apologized for not obtaining the proper zoning permits and said he was willing to work with the zoning inspector.

Gary Godwin, 63 Trail East, said he would rather see this area known as a golfing community than a warehousing community.

Jim Van Dyne, 7173 Refugee Road, said that Mr. Intihar probably would not be present at this meeting if he did not have zoning violations.

Gil Guttentag, 71 Runkle Drive, said he objected to the trustees moving forward with the present township hall plans. Stated the drawings were terrible and felt the layout, lighting system and heating and cooling systems were deficient.

Mary Deavers, Zeller Lane, registered a complaint about the concerts at Frontier Ranch with the noise and pollution from bonfires, traffic control and destruction of property.

Trustees discussed the agencies contacted regarding what the township can do to protect the public peace and security.

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

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Mr. George moved to contact the Frontier Ranch owners requesting a meeting with the trustees to establish communications. Burkholder seconded and the vote in favor was unanimous.

Claudette Van Dyne reported that 11.6 acres of Frontier Ranch is zoned commercial camping with 416 campsites and the remaining 147 acres is zoned agricultural.

CORRESPONDENCE

- Licking County Engineer - recommendation for acceptance of roads in Royal Acres and Etna Corporate park east
Licking County Board of Commissioners - Resolution 54-227, 54-249, 54-293 and 54-294
Licking County Health Department - notice of violation for Pike Street, Ambrose Bend, Humphries Drive and dog bite report
Ohio Attorney General's Office - amended House Bill 694
BWC - notice of award and survey
Ohio EPA - seeking comments on proposed development
Ohio Bureau of Motor Vehicles - April statistics report
Shelly Materials - notice of plant closing
Frank Gates - OTA group rating information
Ohio Investigative Unit - Ohio Liquor Permit Conference 2007
LCATS - addendum to LCATS 2030 Transportation Plan
Safety Comm Solutions - pipeline safety training
Flags over Pataskala - information

REPORTS

Fiscal Officer

For the month of May

Table with 3 columns: Category, Receipts, Expenditures. Rows include General Fund, MV License Tax, Gasoline Tax, Road & Bridge, Special Assessments, Misc Debt Service, and Total.

Funds Total May 31, 2007 - \$1,398,407.24

Resolution 07-06-05-01: Mr. George moved to approve the expenditure of \$80.25 for a 10 x 10 lock box at the Bremen Bank at 700 Corylus Drive. Burkholder seconded and the vote in favor was unanimous.

Resolution 07-06-05-02: Mr. George moved to approve the expenditure of \$4455.83 to Shelly Materials for asphalt purchased last month. Knapp seconded.

Discussion: Mr. Burkholder questioned why a purchase order was not issued when the material was ordered and Mr. George explained that Mr. Waller thought there was an open purchase order for asphalt.

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

Resolution 07-06-05-03: Mr. George moved to approve the expenditure of \$5000 to Shelly Materials for hot patch material. Burkholder seconded and the vote in favor was unanimous.

Resolution 07-06-05-04: Mr. George moved to approve the expenditure of \$1129 to the Frank Gates Company to join the Ohio Township Group rating program for BWC. Knapp seconded.

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

Mr. Burkholder moved to set a public hearing on June 19th at 7:15 p.m. to hear proposed text amendments to the Zoning Resolution for Section 504 - Duties of the Zoning Commission, Section 504.1 - Conflicts and Section 502 - Zoning Commission Created. George seconded and the vote in favor was unanimous.

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Road – written report submitted

Mr. George reported that a tree in the road right-of-way fell on a resident's truck and van. Insurance company has been contacted and the tree limb needs to be removed by a professional.

Resolution 07-06-05-05: Mr. George moved to approve the expenditure up to \$1500 to remove a fallen tree limb behind 1078 Pike Street. Knapp seconded.

Mr. George moved to amend his motion to have the entire tree removed for \$2200. Knapp seconded and the vote in favor was unanimous.

Trustees discussed the no parking in cul-de-sacs and President Knapp suggested no parking within 3' of mailboxes or driveways.

Resolution 07-06-05-06: Mr. George moved to advertise for bids for the "Etna Roads Paving and Maintenance Project" in the Pataskala Standard, June 14<sup>th</sup> and 21<sup>st</sup>. The bids are to be received by July 10<sup>th</sup> at 5 PM and the sealed bids are to be opened at the July 10<sup>th</sup> meeting at 7:15 PM and awarded that evening. Burkholder seconded.

Mr. Burkholder moved to amend the motion to require that a pre-bid site inspection is required by contacting Trustee Paul George at (740) 927-7717. George seconded and the vote in favor of the amendment and motion was unanimous.

Resolution 07-06-05-07: Mr. George moved to purchase shirts and boots for new employee, Brandon Menninger from Aramark up to \$250. Burkholder seconded and the vote in favor was unanimous.

Zoning – written report submitted

Mr. Robison related the problems with construction at Cumberland Trails Golf Course and the issuance of a "stop work" order. The problem is being resolved.

Resolution 07-06-05-08: Mr. Burkholder moved the adoption of the following:

WHEREAS, the Board of Etna Township Trustees has adopted a Zoning Resolution pursuant to Chapter 519 of the Ohio Revised Code in order to regulate building and land use in the unincorporated territory for public purposes; and,

WHEREAS, pursuant to Ohio Revised Code Section 519.16, the Board may establish and fill the position of township zoning inspector for the purpose of enforcing the zoning regulations; and,

WHEREAS, the Board has employed such a township zoning inspector; and,

WHEREAS, the Licking County Planning Commission has the authority to approve any proposed division of land in Etna Township, under Ohio Revised Code Section 711.131; and,

WHEREAS, the Planning Commission is willing to allow the Etna Township Zoning Inspector to review any proposed division of land in Etna Township in order to determine if such division is in compliance with the Etna Township Zoning Resolution.

NOW, THEREFORE, BE IT RESOLVED that the Board requests that the Licking County Planning Commission transmit any proposed division of land in Etna Township, under Ohio Revised Code Section 711.131, to the Etna Township Zoning Inspector for review and a non-binding recommendation concerning compliance with the Etna Township Zoning Resolution.

BE IT FURTHER RESOLVED that the Etna Township Zoning Inspector shall have three days within which to perform a review and provide a non-binding recommendation to the Planning Commission concerning the compliance of any proposed division of land, under Ohio Revised Code Section 711.131, with the Etna Township Zoning Resolution.

Mr. George seconded.

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

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**Water and Sewer**

David Goll said construction started on a water line under I-70 and no agreement has been reached with Kirkersville.

**Economic Development**

Trustees discussed the Municipal Publication for the township and requested another proof.

**MORPC/310 Study**

Mr. Burkholder said he testified before the State Legislature for the Ohio Township Association that township's should have greater authority to reduce speed limits on township roads without going through the extensive process with ODOT.

**Zoning Commission**

Dee Dunlap, chairwoman, said that MSI could draft a commercial PUD in 30 days and a residential PUD in 60 days. The legal review of the PUD text is not included in MSI's cost.

Resolution 07-06-05-09: Mr. George moved to approve the expenditure of \$4000 to MSI to draft a residential PUD text. Knapp seconded and the vote in favor was unanimous.

**JEDZ**

Mr. George reported that over \$25,000 has been collected for Etna Township.

**OLD BUSINESS****A. Set date for work session on employee manual**

President Knapp said because of the heavy schedule this month, he will look for a date in July.

**B. Road right-of-ways on Columbia Road**

Mr. Burkholder said the sidewalk at Columbia Road and US 40 is now in the township road right-of-way. Metro Six has not complied with the specifications from the county. Mr. Burkholder asked Mr. Robinson to forward the letter from the Licking County Commissioners to all county agencies that are required to sign off on the development so that they are aware the deficiencies of the sidewalk have not been met. Mr. Robinson said the county does not have subdivision regulations paperwork to sign off on and no formal inspection.

**C. Motion to purchase fire proof cabinet**

President Knapp reviewed the different fire proof cabinets, new and used, that were quoted.

Resolution 07-06-05-10: President Knapp moved to approve the expenditure of \$600 to RSFI for a used lateral fire proof cabinet. George seconded and the vote in favor was unanimous.

**D. Motion to move forward with new township hall using drawings revised April 2007 from January 2007 drawings submitted by David Hawkins**

Mr. George moved to move forward with the township hall at the park site using drawings revised April 2007 from January 2007 drawings submitted by David Hawkins. Knapp seconded

Discussion: Mr. Burkholder said the site plan, changes in the layout and entrance have not been completed. President Knapp asked Mr. George to consider withdrawing his motion so that a special meeting could be held to review the plans.

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

President Knapp moved to hold a work session on the building drawings on June 19<sup>th</sup> at 5 p.m. until 6:45 p.m. George seconded and the vote in favor was unanimous.

**E. Motion to set special meeting for Monday, June 11<sup>th</sup> at 6:30 p.m. regarding ProLogis Park 70 Phase II and 525 acre parcel commonly known as the Emswiler Site**

President Knapp moved to hold a joint meeting with the City of Pataskala, Licking Heights Schools, Southwest Licking Schools, Licking County Commissioners and ProLogis in Pataskala on June 11<sup>th</sup> at 6:30 p.m. George seconded and the vote in favor was unanimous.

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President Knapp said he endorses the economic development proposal made by ProLogis and wants to pass a resolution in support.

Mr. Burkholder said it was presumptuous to support a proposal without having the details and documentation, the information is generalized. The full impact to the community needs to be known.

Resolution 07-06-05-11: Mr. George moved to support a JEDZ for ProLogis Park 70 Phase II and to encourage other taxing units to provide their support. Knapp seconded.

Discussion: Mr. Burkholder said it was irresponsible to move forward when the SR 310 Corridor Study has not been completed and the rush to development with no solutions for handling traffic. The over development of property will diminish the quality of life in this area.

President Knapp moved to amend the motion to be supportive of the concept of the JEDZ after confirming the numbers the TIF and JEDZ would generate.

Brian Marsh with ProLogis said the conservative estimate is 300 jobs over 3 years for the 97 acre parcel in Phase II

President Knapp withdrew his amendment.

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

#### NEW BUSINESS

A. Motion to pay the Etna United Methodist Church \$50 rental for June 26<sup>th</sup> BZA Hearing  
Resolution 07-06-05-12: President Knapp moved to approve the expenditure of \$50 to the Etna United Methodist Church for rental to hold the June 26<sup>th</sup> BZA Hearing. George seconded and the vote in favor was unanimous

B. Motion to approve Laura Brown's vacation from August 31<sup>st</sup> at 2:30 p.m. through September 10<sup>th</sup>.  
President Knapp moved to approve vacation for Laura Brown from August 31<sup>st</sup> at 2:30 p.m. through September 10<sup>th</sup> provided she has accumulated vacation time. Burkholder seconded and the vote in favor was unanimous

C. Motion to close resolutions with open balances on legal and engineering issues that are resolved  
Trustees discussed the resolutions and open purchase orders. President Knapp said he would like to close these open purchase orders and follow a set procedure when new ones are opened. The fiscal officer will provide a listing of the open purchase orders and balances.

At 11:25 p.m., a 5 minute recess was called.

D. Motion to approve procedure for the use of outside legal and engineering firms  
President Knapp read a proposed procedure for use of outside professional assistance. Mr. George suggested that the trustees review the document and place this item on the next meeting agenda.

E. Motion to pass resolution regarding lot splits within the township for the Licking County Subdivision Regulations  
Acted upon under zoning report

F. Dan Dodd, 91<sup>st</sup> State Representative using the township hall  
President Knapp moved to permit Dan Dodd, 91<sup>st</sup> State Representative to use the township hall on June 18<sup>th</sup> from approximately 6 p.m., to 9 p.m. for a town hall meeting. George seconded and the vote in favor was unanimous.

President Knapp will check with the county prosecutor.

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

#### PUBLIC COMMENTS

John Eschenberg, 42 Spike Rush Court, said if there would be a ban on parking within 3' of a mailbox or driveway, then the only place to park on Spike Rush Court would be at the throat of the cul-de-sac. This would not help the safety issue and people would still be able to park straight in.

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Claudette Van Dyne said a commercial PUD needs to be in place and listed on the Future Land Use Map.

**EXECUTIVE SESSION**

At 11:59 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. George seconded and the vote in favor was unanimous.

At 12:04 a.m., Mr. George moved to come out of executive session, Knapp seconded and the vote in favor was unanimous.

At 12:04 a.m., Mr. George moved to adjourn the meeting, Knapp seconded and the vote in favor was unanimous.

*Bustara Kijit-Bennett*  
Fiscal Officer

*Dick Knapp*  
President