

Held

November 8, 2007

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The Etna Township Board of Trustees met on November 8, 2007 at the Etna Township Hall to hold a regular meeting. President Knapp called the meeting to order at 7:00 p.m. with a moment for silent prayer 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 under new business, item G – advertise for two BZA and zoning commission members. George seconded and the vote in favor of the amendment and motion was unanimous.

#### ADOPTION OF THE MINUTES

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

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

Mr. George moved to approve the October 25, 2007 special meeting minutes. Knapp seconded.  
Roll Call: Burkholder, abstain; George, yes; Knapp, yes

Mr. George moved to approve the November 2, 2007 special meeting (held at noon) minutes, Knapp seconded.  
Roll Call: Burkholder, abstain; George, yes; Knapp, yes

Mr. George moved to approve the November 2, 2007 special meeting (held at 2 p.m.) minutes, Knapp seconded.  
Roll Call: Burkholder, abstain; George, yes; Knapp, yes

#### PUBLIC COMMENTS

There were no public comments

#### PUBLIC HEARINGS

A. Text amendment on Article 16 – Buffering, Section 913, Section 914 and definitions

At 7:08 p.m., President Knapp moved to come out of recess on the public hearing for the text amendment on Article 16 – Buffering, Section 913, Section 914 and definitions. George seconded and the vote in favor was unanimous.

The first item was to change the wording in Section 1603 and to remove Section 1602 entirely. In Section 1603 change the title from “New Sites” to read “Permits”. Also change “certificate of zoning compliance or building permit” to read “zoning permit or certificate of occupancy”. On the table 16A the word “length” needs to be changed to “width” in the header. In Section 1607.4 Maintenance, the words (hereinafter referred to as “Owner”) was removed. In Section 1608.2 Definition remove the words “easement of access or pavement edge of an access drive” also remove the same in the definition of Clear Sight Triangle. The rest of the corrections were punctuation and grammar corrections. In Section 1606.6 change the reference to Section 15-6 to 1607.3.

At 7:12 p.m., Mr. George moved to close the public hearing, Burkholder seconded and the vote in favor was unanimous.

Resolution 07-11-08-01: Mr. George moved to accept the recommendation of the zoning commission with modifications by Stan Robinson and the Licking County Prosecutor for the text amendments to Article 16 – Buffering, Section 913, Section 914 and definitions. Burkholder seconded and the vote in favor was unanimous.

#### CORRESPONDENCE

- Licking County Board of Commissioners – Resolutions 55-468, 55-422, 55-386
- LCPC – TRC meeting schedule and appointments to Tax Incentive review Council
- Licking County Engineer – 1) Speed limit reduction to 45 mph on Smoke and Palmer, 2) Improvements to Brenden Park Dr. and 3) Improvements to road ROW on Long Hollow Dr completed
- Ohio Bureau of Motor Vehicles – September statistics report

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- Licking County Health Department – notice of violations at 1063 Pike Street and 50 Liberty Street and report of a dog bite
- City of Pataskala – Pataskala area Christmas fireworks
- Ohio Farmers Insurance – bond for Strawser
- Time Warner Cable – information on enhancement to services
- CFLP Solid Waste District – newsletter
- OTARMA - bond applications for newly elected officials
- Licking County Recycling and Litter Prevention – newsletter
- MORPC – Transportation Connections
- Ohio Department of Commerce, Division of Liquor Control – liquor application #4879168 for Krishu 117 Inc. DBA as Two Brothers Wine & Liquor

Resolution 07-11-08-02: Mr. George moved to not request a hearing on the liquor permit application #4879168 for Krishu 117 Inc. DBA as Two Brothers Wine & Liquor. Knapp seconded.  
 Roll Call: Burkholder, no; George, yes; Knapp, yes

REPORTS

Fiscal Officer

For the month of October

	Receipts	Expenditures
General Fund	88,764.01	76,099.92
MV License Tax	1,296.78	1,207.90
Gasoline Tax	19,525.15	0.00
Road & Bridge	12,919.03	22,619.38
Special Assessments	1,335.29	300.01
Misc Debt Service	<u>11,924.77</u>	<u>2,740.43</u>
Total	135,765.03	102,967.64

Funds Total October 31, 2007 - \$1,468,649.11

Opening of sealed bids for truck

Bid received from Nathan Conkle was withdrawn per his request.

Bid from Joe Marasco for \$9001

Rogers Auto Sales - \$1380.

Edison Billiard and Cycle - \$5111.11

Rich Kennig - \$5587.

Resolution 07-11-08-03: Mr. George moved to sell the 1999 Ford 350 truck for \$9001 to Joe Marasco and upon receipt of a certified check, the truck would be released. Knapp seconded and the vote in favor was unanimous.

Road – written report submitted

Resolution 07-11-08-04: Mr. George proposed the following resolution:

Whereas Township Officials have the authority to set speed limits at a speed of 25 mph.

BE IT RESOLVED that Etna Township Trustees now therefore by means of this resolution set the speed limit to 25 mph for Heritage Drive in Etna Parkway. Burkholder seconded and the vote in favor was unanimous.

Resolution 07-11-08-05: Mr. George proposed the following resolution:

Whereas Township Officials have the authority to set speed limits at a speed of 25 mph

BE IT RESOLVED that Etna Township Trustees now therefore by means of this resolution set the speed limit to 25 mph for streets covered in the following subdivisions: Colonial Manor, New England Acres, Russell Heights, Royal Acres, Mayflower, Cumberland Trails, Orchard Glen, Pepper tree, Cameron Chase, Longwood Crossing, Brandy Mills Estates, Jardin Manor/Willowbrook and Zellers Acres. Burkholder seconded and the vote in favor was unanimous.

Resolution 07-11-08-06: Mr. George proposed the following resolution:

BE IT RESOLVED by the Board of Trustees, Etna Township, State of Ohio:

That the load limits on all roads requested and designated by the County Engineer, Tim Lollo, and on file with this Board, be reduced 50% from the maximum total weight and axle loads permitted by the State Law; and,

BE IT FURTHER RESOLVED that reduction is effective December 15, 2007 to April 15, 2008. A suitable notice shall be posted at the beginning and ending of such restricted areas and at all approaches.

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Columbia Road All  
 Imperial Drive All  
 Taylor Road All  
 Palmer Road Between Mink Street and Taylor Road  
 Refugee Road All  
 Burkholder seconded and the vote in favor was unanimous.

Resolution 07-11-08-07: Mr. George moved to approve the expenditure of \$210.40 to Conkle's Truck Repair for hydraulic hoses. Burkholder seconded and the vote in favor was unanimous.

Resolution 07-11-08-08: Mr. George moved to approve the expenditure up to \$135 for signs for township trucks. Burkholder seconded and the vote in favor was unanimous.

Resolution 07-11-08-09: Mr. George moved to approve the expenditure of \$2834.32 to Sunbelt Rentals for rental of a chipper for two weeks. Burkholder seconded and the vote in favor was unanimous.

Mr. George said road repairs need to be done at Watkins Grove and will request that a 1" overlay of asphalt be placed on those roads before they are dedicated to the township. Mr. Burkholder said a core test should be done because he does not believe the sub-base is adequate.

Zoning – written report submitted

Zoning inspector Stan Robinson suggested that the late fee for the fence permit for Peter Bush be waived since fence permits were not required before April of 2006.

Resolution 07-11-08-10: President Knapp moved to waive the late fee and permit fee for 103 Arrowood Court. George seconded.

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

Resolution 07-11-08-11: President Knapp moved to sign the settlement agreement as presented by the Licking County Prosecutor for case 07CV0254. George seconded.

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

MORPC

Mr. Burkholder reported on the MORPC meeting on SR 310 and said a decision has not been made on the improvements.

Parks and Recreation

President Knapp reported on vandalism at the park, the lights and flag pole were damaged, park benches and a grill were overturned.

JEDZ

Mr. George reported there is approximately \$92,000 in the fund. For 2008, the township will receive the money for 2006 after expenses are deducted for Newark administering the fund and set up costs.

Cemetery

Resolution 07-11-08-12: President Knapp moved to approve the expenditure of \$150 to Eton Brothers for cemetery surface markers. Burkholder seconded and the vote in favor was unanimous.

**OLD BUSINESS**

A. Motion to approve the Etna Township Record Retention Policy

Resolution 07-11-08-13: President Knapp moved to approve the Record Retention Policy as presented. George seconded and the vote in favor was unanimous.

Resolution 07-11-08-14: Mr. George moved to approve a Road Right-of-Way Permit #11-08-07-1 for Embarq for 153 Rolen Road. Burkholder seconded and the vote in favor was unanimous.

B. Motion to appoint township records official

There was discussion on the appointment of Laura Brown as the township records official and the fact that she is not bonded. President Knapp will request an opinion from the Licking County Prosecutor.

C. Zoning inspector Stan Robinson's grievance

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Mr. Burkholder said he discussed the grievance with Stan Robinson on October 31<sup>st</sup>. The grievance procedure as outlined in the employee manual was not followed by Mr. Robinson. There was a lengthy discussion on the items.

D. Discussion regarding Brandon Menninger as seasonal employee

Mr. Menninger was hired as a seasonal worker and the trustees discussed the merit of keeping him as an employee. Mr. George does not think a third employee is needed in the winter months. President Knapp said that at present, we can not justify 40 hours per week but would like to keep him on 24 to 32 hours and be trained for snow plowing to reduce the over time.

Resolution 07-11-08-15: President Knapp moved to retain Brandon Menninger as a part time employee to work 24 to 32 hours a week and then evaluate this work schedule on a week to week basis. Burkholder seconded.

President Knapp amended his motion to retain Brandon Menninger a minimum of 24 hours per week as a part time employee with a schedule approved by the trustee over roads. George seconded and the vote in favor was unanimous.

E. Motion to ask county engineer to conduct a traffic study on Refugee Road from Summit Road to SR 310

Resolution 07-11-08-16: Mr. Burkholder moved to ask the county engineer to conduct a traffic study on Refugee Road from Summit Road to SR 310. George seconded and the vote in favor was unanimous.

F. New township hall update

Mr. Burkholder had questions on the bump outs of the building and another work session with the architect is needed.

G. Discussion and motion to enter into agreement for soil test on new township hall site.

Resolution 07-11-08-17: President Knapp moved to approve the expenditure of \$2550 to BBCM Solutions for a soil test performed on the new township hall site. Burkholder seconded and the vote in favor was unanimous.

H. Resolution to regulate the storage of junk motor vehicles on private or public property within the unincorporated area of the township ORC 505.173

Resolution 07-11-08-18: Mr. Burkholder proposed the following resolution:

WHEREAS, the Board has determined that the storage of junk motor vehicles on private or public property, uncovered and in the open, constitutes a detriment to the township; and,

WHEREAS, the Board has been authorized by Ohio Revised Code Section 505.173 to regulate the storage of junk motor vehicles on private or public property within the unincorporated area of the township; and,

WHEREAS, Ohio Revised Code Section 505.173(E) defines a junk motor vehicle as any motor vehicle that is (1) three model years old, or older; (2) apparently inoperable; and (3) extensively damaged, including but not limited to, any of the following: missing wheels, tires, engine, or transmission.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees does hereby prohibit the storage of junk motor vehicles on private or public property within the unincorporated area of the township; and,

BE IT FURTHER RESOLVED that anyone who violates this resolution is guilty of a minor misdemeanor; and,

BE IT FURTHER RESOLVED that each day that a violation of this resolution continues constitutes a separate offense.

George seconded and the vote in favor was unanimous.

I. Motion to set date for special meeting with Jardin Manor/Willow Brook residents regarding the county land offer.

President Knapp said some of the property owners abutting the land are interested in purchasing the property and the county commissioners said they would help facilitate this arrangement with variances. The township would need to take ownership of the land and then auction the land. The township will be responsible for maintaining the property.

Resolution 07-11-08-19: President Knapp moved to take ownership of the property at Jardin Manor/Willow Brook from the county commissioners. George seconded and the vote in favor was unanimous.

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**NEW BUSINESS**

A. Appoint two township residents to the Licking County Tax Incentive Review Board for a two year term from 1/1/08 to 12/31/09

Mr. Burkholder nominated Neil Ingle

Mr. George nominated John Carlisle

Roll Call : Burkholder, Neil Ingle; George, John Carlisle; Knapp, John Carlisle

President Knapp nominated Bart Weiler

Mr. Burkholder nominated David Weber

Roll Call : Burkholder, David Weber; George, Bart Weiler; Knapp, Bart Weiler

John Carlisle and Bart Weiler were the two appointees.

B. Update and discussion regarding ProLogis JEDZ II development and compensation agreements.

Mr. George said Southwest Licking Schools has approved the TIF and JEDZ and is requesting 30% from the JEDZ.

Mr. Burkholder said in the first JEDZ there is a significant amount of money going back to the developer for infrastructure costs and this cost should be the responsibility of the developer not the taxpayers. The TIF belongs to the township and should not go to the county for use in the township. The township should have control over where that money is spent.

There was discussion on a proposed interchange to 1-70 and conflicting information from the county.

C. City of Pataskala Refugee Road re-paving/reconstruction project update

Mr. George said Pataskala plans to put 1 1/2" of asphalt on the road and this is not sufficient because of the poor road base. Mr. Burkholder said they plan to spend \$352,000 and did not project the total cost when they applied for Issue II money. Pataskala is putting \$11,000 into the project to address the problem of drainage. This portion of Refugee Road is the responsibility of Pataskala but affects Etna Township residents.

D. Trustee Burkholder asking the Board if there is interest in contributing resources toward Pataskala's re-paving project on Refugee Road.

Resolution 07-11-08-20: President Knapp moved to approve up to \$10,000 for construction costs for Refugee Road from Mink Street to Columbia Road. George seconded and the vote in favor was unanimous.

E. Township employees' vacation schedule

President Knapp moved to approve Laura Brown's vacation day on 12/31. Burkholder seconded and the vote in favor was unanimous.

President Knapp moved to approve Stan Robinson's vacation from 11/19 thru 11/23 and 12/21 (4hrs) and 12/24. Burkholder seconded and the vote in favor was unanimous.

Mr. Burkholder said that Mr. Robinson expressed dissatisfaction that he could only carry 40 hours of vacation to the following year.

President Knapp moved to approve Mike Wallers' vacation from 11/23 – 11/30. George seconded and the vote in favor was unanimous.

Mr. Burkholder moved to approve Mark Smith's vacation day 11/23. Knapp seconded and the vote in favor was unanimous.

Mr. Waller and Mr. Smith requested vacation from 12/24 to 12/31 and Mr. George will inform them that only one person will be granted that week off.

F. Motion to approve shredder for township hall

President Knapp said the shredder was to be used for copies, not the originals, of documents.

Item was removed from the agenda.

J. Advertise for two BZA and zoning commission members.

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BZA - Cheri Rogers term expires 12/31/07 and Jeff Johnson whose term expires 12/31/11  
Zoning commission - Trent Stepp term expires 12/31/07 and Tina Taylor whose term expires 12/31/09

President Knapp moved to advertise for two members for the BZA and two members for the zoning commission. The resumes are to be submitted by December 27<sup>th</sup> and appointments to be made at the organizational meeting on January 3<sup>rd</sup>. Burkholder seconded and the vote in favor was unanimous.

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

Resolution 07-11-08-21: Mr. Burkholder moved to approve the payment of an outstanding invoice of \$324 to Loveland & Brosius. Knapp seconded and the vote in favor was unanimous.

Resolution 07-11-08-22: Mr. Burkholder moved to ask for a credit of \$63 from Chester, Wilcox & Saxbe and he will send a letter. Knapp seconded and the vote in favor was unanimous.

**PUBLIC COMMENTS**

John Wallace, 150 Humphries Drive, said he just learned he needed a business occupancy permit after being at this location for 5 months. He is being charged a \$200 late fee.

Resolution 07-11-08-23: President Knapp moved to waive the \$200 late fee for John Wallace at 150 Humphries and Gary Lowery at 150B Humphries Drive. George seconded and the vote in favor was unanimous.

At 11:50 p.m., Mr. Burkholder moved to adjourn the meeting, George seconded and the vote in favor was unanimous.

  
Fiscal Officer

  
President