

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustees

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

March 1, 2005

20

Held

The Etna Township Board of Trustees met on March 1, 2005 in the Etna Township Hall to hold a regular meeting. The meeting was called to order at 7:00 p.m. by President Burkholder and the pledge of allegiance was recited.

Roll call showed Mr. George, President Burkholder and the clerk present. Mrs. Siddens was absent

ADOPTION OF THE AGENDA

Mr. George moved to adopt the agenda. Burkholder seconded.

Mr. George moved to amend the agenda to add item K. - Discussion of BZA pay increase under new business. Burkholder seconded.

Roll Call on amendment: George, yes; Burkholder, yes.

Roll Call: George, yes; Burkholder, yes.

ADOPTION OF THE MINUTES

Mr. George moved to approve the February 15, 2005 meeting minutes. Burkholder seconded.

Mr. George moved to correct the spelling of "Klema" on page 146. Burkholder seconded

Roll Call: George, yes; Burkholder, yes.

Mr. George moved to approve the minutes as corrected. Burkholder seconded

Roll Call: George, yes; Burkholder, yes.

PUBLIC COMMENTS

Vince Colburn, 48 Georgian Drive, inquired if Mrs. Siddens had submitted a copy of the letter she received from the Ohio Attorney General to the trustees. President Burkholder replied that Mrs. Siddens has not submitted a copy of the letter.

Tina Taylor, 121 Purple Finch Loop, inquired about the status on Cameron Chase. President Burkholder said the trustees were waiting on a legal opinion on the green space and want to discuss a proposal later in the meeting from DLZ Engineering on an additional engineering review on the punch list prepared for all the deficiencies. Steve Ferris took pictures of the drainage problem near Tom Dixon's property. Mrs. Taylor reported that there were "For Sale" signs posted on lots in the section that has not been approved and the zoning commission will hold a public hearing on the entrance street lights.

President Burkholder said that Licking County is looking to do independent inspections by a third party relative to completion of subdivisions. Mr. George discussed the construction of the ponds and the flooding of Refugee Road by Cameron Chase in several places.

Jim Van Dyne, 7173 Refugee Road, said he walked the river behind his house from Watkins Road to York Road. The river needs to be dredged. There is 8' of sand in sections and over 100 cars at Frontier Ranch banked into the river. There are thousand of trees down in the river, piles of dirt in the floodplain and no silk screen A major storm would flood the area and the sewer line will be 6' under water.

At 7:24 p.m., Mr. George moved to open the public hearing to consider a request from Debi and Gary Lawyer to rezone 9610 Tollgate Road from Agriculture (AG) to medium-Low Density Residential District (R2). Burkholder seconded

Roll Call: George, yes; Burkholder, yes.

Licking County Planning Commission recommended denial of the rezoning request stating that the area does not meet the lot area and lot width requirement of the R2 District and the rezoning would be construed as spot zoning. The Etna Township Zoning Commission also recommended denial of the rezoning by a 3-0 vote.

Mr. & Mrs. Lawyer were not present. There was no one present to speak for the rezoning.

Jim Van Dyne, zoning commission member said the rezoning was denied because the lot size

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was only 0.75 acres and the existing building on the property does not meet the existing requirements. It would not be proper to give them zoning to build another building on the property.

Vince Colburn, zoning commission member, said he agreed with Mr. Van Dyne and said the existing house was converted into a duplex and does not have the required acreage for one duplex let alone two duplexes.

Steve Ferris said the Lawyers were told by the zoning department that the rezoning would not be granted but the Lawyers were adamant about going through with the application.

At 7:30 p.m., Mr. George moved to close the public hearing. Burkholder seconded
Roll Call: George, yes; Burkholder, yes.

Resolution 05-03-01-01: Mr. George moved to accept the recommendation of the Etna Township Zoning Commission to deny the rezoning of 9610 Tollgate Road from Agriculture (AG) to medium-Low Density Residential District (R2). Burkholder seconded
Roll Call: George, yes; Burkholder, yes.

PUBLIC COMMENTS

A. Richard Lord and Rhonda Loomis, Southwest Licking Community Water and Sewer District. (SWLCWSD)

Written report submitted. Ms. Loomis was unable to make the meeting to discuss the new phone system and geographical information system. There was discussion on daytime versus evening meetings and the lack of residents attending the meetings. Mr. Van Dyne asked if problems or issues could be e-mailed to the board members and had questions on the elevation of the 12-14 man holes installed in the floodplain behind his house. Mr. Lord said the piles of dirt were left at the request of the land owner. President Burkholder requested that the answer to Mr. Van Dyne's questions be copied to the trustees.

CORRESPONDENCE

- Ohio Department of Public Safety - Ohio 2005 Homeland Security Symposium
- Cabot Super Metals - Grand Opening for Cabot's new facility
- Licking County Health Department - notice of violation at 8930 National Road
- DLZ Engineering - proposal for Cameron Chase
- Licking County office of Homeland Security and Emergency Management - notice of public assistance briefing February 23rd.
- Ohio Bureau of Motor Vehicles - January statistics report
- Sunoco - regarding new credit cards
- Licking County Prosecutor's Office - JEDZ income tax proposal

REPORTS

A. Clerk's financial report
To be given at next meeting.

B. Road report
Written report submitted.

Resolution 05-03-01-02: Mr. George moved to purchase 100 tons #304 gravel @ \$11/ton; 100 tons #411 gravel @ \$11/ton; 50 tons #8 limestone @ \$14.50/ton for a total of \$2925 (Redskin) Order 200' of 12' x 20' culvert pipe @ \$4.36/ft for \$872; 50' of 6" pipe @ 1.79/ft and with catch basin and grates for about \$1500. (ADS). Purchase material to build 2 tables; 74' of 2x2 tubular steel for about \$400 and 8 casters @\$26 for a total of \$608. Burkholder seconded.
Roll Call: George, yes; Burkholder, yes

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Resolution 05-03-01-03: President Burkholder moved to approve eight Road Right-of-Way Permits for Columbia Gas/Miller Pipeline, #03-01-05 - 01 thru 03-01-05-08. George seconded.
Roll Call: George, yes; Burkholder, yes

C. Water and Sewer District report given under public comments

D. Zoning report - monthly report to be given at next meeting.

Regarding the violation of encroachment issued to Brandy Mills, Mr. George said the attorney for Maronda Homes was not really asking for a variance, but was told by the zoning inspector that a variance was needed. That is the reason white-out was used on the word "variance" on the application when the \$400 application check was submitted. President Burkholder said the developer went to the county for a re-plat of the lots. The zoning department accepted a check for a process that is not authorized by the zoning resolution and the \$400 should be refunded.

Resolution 05-03-01-04: Mr. George moved to refund \$400 to Zande for the variance request applied for. Burkholder seconded.

Roll Call: George, yes; Burkholder, yes.

E. Communications & PR; **F.** Safety & FEMA; **G.** Parks and Recreation; **H.** Cemeteries;
I. Economic Development Committee - no reports given

OLD BUSINESS

A. Cameron Chase subdivision final plat and subdivision deficiencies; letter from DLZ

Resolution 05-03-01-05: President Burkholder moved to approve the \$300 contract from DLZ Engineering to do a final walk through of Cameron Chase Sections 1 and 3. George seconded.
Roll Call: George, yes; Burkholder, yes

B. Cumberland Chase condos

President Burkholder said that there is no conflict of interest for Craig Paynter with the law firm of Chester, Wilcox & Saxbe to represent the township.

C. Cumberland Trail legal update

No discussion

D. Longwood Crossing, prosecutor's opinion

The opinion has not been received. Mr. Ingle said that Mr. Jerry Brems would not sign off on changing the safety requirement.

Resolution 05-03-01-06: President Burkholder moved to send a letter to Ms. Connie Klema, attorney for the developer of Longwood Crossing, informing her and that the request for the zoning amendment change for the emergency access be directed to the zoning commission. George seconded.

Roll Call: George, yes; Burkholder, yes

E. Part-time Zoning Inspector Job Description & training (draft)

Tabled

F. Motion to approve Dallas Maynard's accumulated comp time

Remains tabled

G. Location of severe weather siren

Mr. George submitted a proposal from KMA Electric, who works with the Licking County EMA to install the tornado sirens.

Resolution 05-03-01-07: Mr. George moved to erect the tornado siren at the township garage

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and for KMA Electric to install the siren for \$4,137.50 per quote 1595 dated 2/22/05.
Burkholder seconded.

Roll Call: George, yes; Burkholder, yes

NEW BUSINESS

A. Motion to retain Craig Paynter with Chester, Wilcox & Saxbe to review Cumberland Trail PUD

Resolution 05-03-01-08: President Burkholder moved to retain Craig Paynter with Chester, Wilcox & Saxbe law firm to review the Cumberland Trail PUD, specifically the driving range, with cost not to exceed \$5,000. George seconded.

Roll Call: George, yes; Burkholder, yes

B. Resolution on competitive bidding
Tabled

C. Southgate

Mr. George reported on the TRC meeting. Conditional approval was received.

D. Motion to approve funds for mosquito spraying

Resolution 05-03-01-09: President Burkholder moved to approve the temporary appropriation of \$6,000 to fund 1000-110-319-0000 for the mosquito contract with the Licking County Health Department. George seconded.

Roll Call: George, yes; Burkholder, yes

E. Motion to amend the appointment of the zoning inspector text.

President Burkholder said he would like to amend the text in the zoning resolution to amend the term for the zoning inspector from four years to one year. The trustees can not enforce zoning but are responsible for the actions and the operation of the zoning department. Burkholder said he would also like to do away with the public hearing for the disciplinary action of a zoning inspector. The Ohio Revised Code says that employee discipline can be conducted in an executive session but the Etna Township Zoning Resolution states it must be done in a public hearing.

F. Memorandum requesting a copy of the Ohio Attorney General letter to Rachael Siddens
President Burkholder has not received the letter requested from Mrs. Siddens

G. Letter to Steve Ferris from Licking County Soil and Water regarding Watkins Grove
President Burkholder said he would follow up with a call to Mervin Skiles because he was not satisfied with the response received.

H. Maronda Homes re-plat in Brandy Mills
Already discussed.

I. Letter from Brent Shenk, Assistant Licking County prosecutor, regarding JEDZ
The opinion was requested by the Licking County Board of Elections. Burkholder said three things need to be determined. 1) The resolution necessary to be passed by the board to be placed on the ballot in August. 2) Who gets to vote, all the residents or only those in the unincorporated section of the township. 3) Can the cost of the special election be underwritten by ProLogis, Southgate or Mr. O'Neill. The cost of the election could be from \$3,000 to \$6,000.

J. Memorandum regarding South Fork of the Licking River.

Discussion on the letter from Michael Frommer to Keith Rowe regarding the proposed flood control measure and the impact on the district's 25 acre property.

K. BZA pay increase proposal

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Proposal is to raise members compensation to \$40 per meeting and chairperson compensation to \$45 per meeting. This item will be placed on the next agenda.

ANNOUNCEMENTS AND TRUSTEES COMMENTS

None

PAYMENT OF BILLS

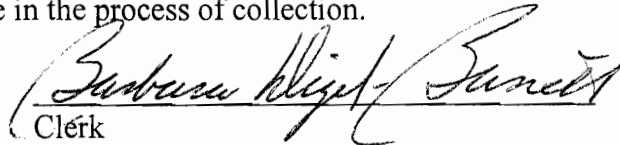
Mr. George moved to pay the following bills. Burkholder seconded.

Roll Call: George, yes; Burkholder, yes.

2190	VW	02/28/2005	AMERICAN ELECTRIC POWER	\$154.41
2191	VW	02/28/2005	COLUMBIA GAS CO.	612.31
2192	VW	02/28/2005	SPRINT	302.52
2193	VW	02/28/2005	NEXTEL COMMUNICATIONS	44.22
2194	VW	02/28/2005	COLUMBUS DISPATCH	105.00
2195	VW	02/28/2005	DALLAS W. MAYNARD	287.62
2196	VW	02/28/2005	STEPHEN L. FERRIS	109.49
2197	VW	02/28/2005	PAUL GEORGE	337.58
2198	VW	02/28/2005	PHILLIP M. WALLER	40.00
2199	VW	02/28/2005	BARBARA DIGEL-BARRETT	73.09
2200	VW	02/28/2005	ZONES	75.03
2201	VW	02/28/2005	OFFICE DEPOT, INC	386.60
2202	VW	02/28/2005	MCNAUGHTON-MCKAY	1,038.00
2203	VW	02/28/2005	MEDICAL MUTUAL OF OHIO	4,286.99
2204	PY	03/02/2005	MARK J. SMITH - MJS	818.97
2205	PY	03/02/2005	PHILLIP M. WALLER - PMW	1,563.36
2206	PY	03/02/2005	STEPHEN L. FERRIS - SLF	663.90
2207	PY	03/02/2005	OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM	3,458.31
2208	PY	03/02/2005	PARK NATIONAL BANK	1,716.97
2209	PY	03/02/2005	TREASURER OF STATE OF OHIO	669.87
2210	PY	03/02/2005	OHIO SCHOOL DISTRICT INCOME TAX	105.60
2211	PY	03/02/2005	GARY L. BURKHOLDER - GLB	735.72
2212	PY	03/02/2005	PAUL W. GEORGE - PWG	752.81

EFT	Laura Brown	620.12
EFT	Barbara Digel-Barrett	998.63
EFT	Dallas Maynard	855.96
EFT	Rachael Siddens	752.81
Total		21,565.89

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.


Clerk

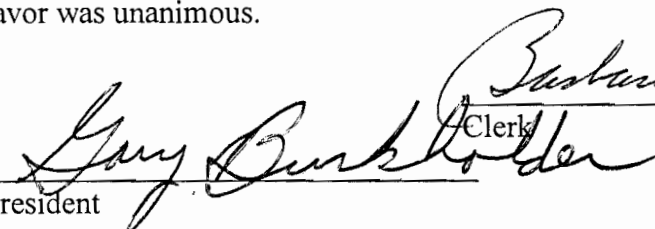
PUBLIC COMMENTS

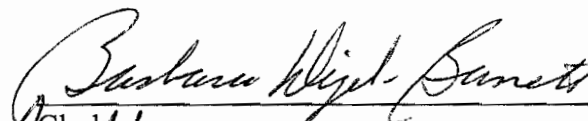
Mr. Ingle discussed the lack of resident attendance at the SWLCWSD meetings and the number of special meetings scheduled in a year.

Vince Colburn had a question on the elevation of the tornado siren.

Claudette Van Dyne inquired about disaster relief money for the recent ice storm.

At 9:24 p.m., Mr. George moved to adjourn the meeting. Burkholder seconded. The vote in favor was unanimous.


President


Clerk