

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustees

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

May 17, 2005

Held

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The Etna Township Board of Trustees met on May 17, 2005 in the Etna Township Hall to hold a regular meeting. The meeting was called to order at 7:00 p.m. by Vice-President George and Scott Hayes led the pledge of allegiance.

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

ADOPTION OF THE AGENDA

Mrs. Siddens moved to adopt the agenda. George seconded.

Roll Call: Siddens, yes; George, yes.

ADOPTION OF THE MINUTES

Mr. George moved to adopt the May 3, 2005 meeting minutes. Siddens seconded.

Roll Call: Siddens, yes; George, yes.

Mrs. Siddens moved to adopt the May 11, 2005 special meeting minutes. George seconded.

Roll Call: Siddens, yes; George, yes.

CORRESPONDENCE

- Ohio Bureau of Motor Vehicles - April statistics report
- Crawford Insurance Company - regarding Drabick lawsuit
- DLZ Engineering - report on final walk through on Cameron Chase Section II
- Licking County Prosecutor's Office - scheduled zoning seminar
- Licking County Board of Commissioners - Resolution 47-507 and Resolution 48-13 on Expedited II Annexation Petition
- Connie Klema - regarding Longwood Crossing Section 2
- Ohio Department of Commerce, Division of Liquor Control - notice of hearing for new liquor application for Shamrock and a hearing for stock transfer application for Columbia Road LTD

PUBLIC COMMENTS

Tim Rini, DiYanni Homes, requested to address the problem with the green space maintenance at Cumberland Trails. Item is on the agenda.

Richard Lord, 11020 Tollgate Road, inquired about speed limit reduction for Tollgate Road. Mr. George said it was in process. Mr. Lord said he addressed Pataskala City Council regarding SWLCWSD board compensation and gave the trustees a copy.

Brian Cameron, 34 1st Avenue, had questions about a 60 car church parking lot being constructed on 1st Avenue in a residential neighborhood without sidewalks. The church is located on Cedar Street, 1½ blocks away. Mr. Cameron also requested a sign on Cedar Street that "opposing traffic does not stop".

Chris Kunce, 15 1st Avenue, registered a complaint about the new parking lot across from his home and how it would affect his property value.

At 7:15 p.m., Mrs. Siddens moved to open the public hearing on the Joint Economic Development Contract. George seconded.

Roll Call: Siddens, yes; George, yes.

Robert O'Neill, President of Southgate Corporation, explained that his company entered into an agreement with ProLogis to develop a portion of the Etna Corporate Park. A Joint Economic Development Zone Contract was worked out with the City of Newark, Southwest Licking Schools and the Licking County Commissioners. The development will create jobs in Etna Township and broaden the tax base away from property taxes.

Brian Marsh with ProLogis said that there are no current customers planned for this

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Development. The JEDZ will be confined only to the 219 acres in the park.

Stephen Fowler, Newark Economic Development Director, said Newark City Council unanimously passed the JEDZ contract the previous evening and there were no negative comments at the public hearing. Newark will play an administrative role in the collection of the income tax. A JEDZ Board will be formed and will be accountable for the money. The board will spend twenty percent of the tax money on physical improvements related to the project such as street lights, lane widening and infrastructure improvements.

Scott Hayes, Southwest Licking School Board member, said because of the way the school funding formula works, the tax abatement works to their advantage and the school district will receive a portion of the income tax collected.

Michael Frommer, Southwest Licking Community Water and Sewer District, said the district is anxious to supply the development with water and sewer.

Brent Shenk, Assistant Licking County Prosecutor, said there were no legal problems with the contract.

Delores Trevitt, 10371 Taylor Road, asked if Newark would be annexing the 219 acres in the Park and was told no. Asked why this was placed for a special election and who would pay for the election cost. Mr. George said that income tax could not be collected until approved by the voters and he did not want to wait until November. Mr. O'Neill said the developers will pay for the election costs. Asked about increased costs for the fire department and was told that with the passage of the fire levy, there will be enough employees to cover the area. Asked if all the township residents could be taxed at a later date and was told no.

Irene Parker, 9806 Taylor Road, asked if the residents in the incorporated section of Etna Township would be voting and was told that all ten precincts would vote.

Jim Van Dyne, 7173 Refugee Road, asked what percentage of tax would be imposed and was told 1.75%.

Brian Marsh said that ProLogis will move forward with their project whether or not the JEDZ contract is approved.

Dan Bravard, 10252 Taylor Road, asked if this contract would stop the township from forming another JEDZ with another entity and was told no.

Rob Klinger, Economic Development Manager, said the JEDZ is "thinking out of the box" and is very progressive. It was accomplished by all the entities working together.

Cory Thompson, Treasurer of CETEC, said the income tax would provide additional money for the district.

Neil Ingle said that this is the second JEDZ formed in Ohio and all parties participating in the formation were positive and cooperative and he will be working for the passage of the contract.

Claudette Van Dyne questioned if the percentage of tax distribution she was given was corrected and was told yes.

At 7:38 p.m., Mrs. Siddens moved to close the public hearing on the Joint Economic Development Contract. George seconded.

Roll Call: Siddens, yes; George, yes.

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Resolution 05-05-17-01: Mrs. Siddens moved that the parties hereto agree to this Joint Economic Development Contract. George seconded.

Roll Call: Siddens, yes; George, yes.

Resolution 05-05-17-02: Mrs. Siddens moved that the Clerk of Etna Township shall file with the Board of Elections of Licking County, Ohio a copy of the Resolution approving the JEDZ contract and shall direct the Board of Elections to submit the Resolution to the electors of Etna Township on the day of the next general, primary, or special election occurring at least seventy-five days after the Resolution is filed with the Board of Elections as provided in Section 715.69(E) of the Ohio Revised Code. Be it further resolved that the question of the approval of the Resolution approving the Joint Economic Development Zone be submitted to the electors of Etna Township, Licking County, Ohio at the same time as the Special Election, to be held in the usual voting places within Etna Township on the 2nd day of August, 2005 and, be it further resolved that the form of the ballots cast at such election shall be:

A majority vote shall be necessary for approval.

Shall the resolution of the Board of Township Trustees of Etna Township approving the contract with the City of Newark for the designation of a joint economic development zone be approved?

FOR THE RESOLUTION AND CONTRACT
AGAINST THE RESOLUTION AND CONTRACT

Be it further resolved that the Clerk of Etna Township be, and hereby is directed to file with the Board of Elections of Licking County, Ohio a copy of the Resolution approving the JEDZ contract, and to direct the Board of Elections of Licking County, Ohio to submit the Resolution to the electors of Etna Township at the next Special Election to be held on the 2nd day of August, 2005. George seconded.

Roll Call: Siddens, yes; George, yes

At 7:48 p.m., Mrs. Siddens moved for a ten minute recess. George seconded and the vote in favor was unanimous.

OLD BUSINESS

A. Cameron Chase subdivision final plat and subdivision punch list and traffic light.

Mr. George reported that ODOT has approved the traffic signal at SR 310 and Refugee Road

Mr. Brems said that LCPC already has the bond for construction, which is higher than actual costs and there is an agreement to start the engineering process within thirty days.

B. Longwood Crossing

Mr. George said a walk through is planned for this coming Friday which he will attend

C. Discussion regarding cemetery fees.

Mr. George tabled this item.

E. Review and prioritize purchases for Road Department.

Clerk reported that there was \$43,622.53 in Estate Tax that could be transferred to the Road & Bridge Fund to be used for equipment and contracted services.

Resolution 05-05-17-03: Mrs. Siddens moved to transfer \$43,622.53 in Estate Tax from the General Fund with \$20,000 to go into Account 2031-760-740-0000 (Machinery, Equipment and

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Furniture) and \$23,622.53 to go into Account 2031-330-360-0000 (Contracted Services).

George seconded.

Roll Call: Siddens, yes; George, yes.

Mr. George tabled discussion on garage and town hall buildings.

NEW BUSINESS

A. Motion to make employee compensation increases effective May 15, 2005.

Resolution 05-05-17-04: Mrs. Siddens moved to make the employee compensation increases effective May 15, 2005. George seconded.

Roll Call: Siddens, yes; George, yes.

B. Motion to start Laura Brown full time effective May 15, 2005.

Resolution 05-05-17-05: Mr. George moved to start Laura Brown full time effective May 15, 2005. Siddens seconded.

Roll Call: Siddens, yes; George, yes.

C. Motion to make Steve Ferris temporary full time effective May 15, 2005.

Mr. George moved to make Steve Ferris temporary full time effective May 15, 2005. Siddens seconded for discussion.

Mrs. Siddens said "temporary full time" was contradictory.

Roll Call: Siddens, no; George, no.

Resolution 05-05-17-06: Mrs. Siddens moved to approve Steve Ferris to work 40 hrs beginning May 15, 2005 until the board resolves that those hours are no longer needed. George seconded.

Roll Call: Siddens, yes; George, yes.

D. Cumberland Trail; maintenance of green space enforcement.

Tim Rini, with DiYanni Homes at 1537 Brice Road, said he received a telephone call from Mr. Burkholder that the entrance feature to Cumberland Trails subdivision was not being properly maintained. Mr. Rini said as a builder in Cumberland Trails, they also had concerns and agreed to maintain the fountain. Mr. Rini alleged that on the same day of the telephone call, an occupancy permit was granted for a home in Cumberland Trails and the superintendent was told that that was the last occupancy permit that would be granted to DiYanni Homes until the entrance feature and open spaces were better maintained. Mr. Rini said he called Mr. Burkholder and told him that DiYanni Homes was not responsible, did not own the property and was encouraging the developer, Columbia Road LTD and Columbia Road Golf Course to take better care of open spaces. DiYanni Homes should not be penalized. Mr. Burkholder said he would bring the issue before the board. Mr. Rini alleged that at a meeting for two building permits, Mr. Ferris said he was told not to issue any permits until the board decided on the maintenance of the green space.

Mrs. Siddens said she believes that the deed states that the green space is to be turned over to the Homeowners Association, that does not exist, for the maintenance.

Mr. Rini said that DiYanni Homes has agreed to help pay for the legal fees, up to a certain point, to help organize the homeowners' association.

Mrs. Siddens and Mr. George said the decision could be appealed to the BZA.

Charles Hagy, 14097 Palmer Road, suggested the board send a letter of advisement to the zoning inspector that a permit could not be denied for this reason.

Mr. George suggested calling Brent Shenk; Mrs. Siddens said she would call in the morning.

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Connie Klema gave a summary on Longwood Crossing Section 2 emergency access. Engineered construction drawings for the emergency access to Route 40 was submitted to the Southwest Licking Fire Department and approved. A title research confirmed the recorded access easement from Section 2 through the Murphy property to SR 40. A bond was presented to the county for construction of the road to fire department specifications. ODOT will permit the access from SR 40 with the assurance that the access road will be maintained by the developer and then the homeowners' association. Restrictive covenants confirming the continued maintenance of the access road will be recorded with the plat of Section 2. A hearing will be held next Monday evening before LCPC.

Mrs. Siddens asked if the homeowners' association was already formed and said enforcement of the restrictive covenants will be a civil matter. Ms. Klema said she would make sure the homeowners' association is formed.

Mr. George questioned Ms. Klema about the cul-de-sacs not built to fire department specifications and Ms. Klema replied that she was working on that problem.

REPORTS

A. Clerk's financial report

As of May 17, 2005

	Receipts	Disbursements
General Fund	\$ 22,818.97	\$ 36,445.06
MV License Tax	-	3,487.95
Gasoline Tax	4,023.47	2,820.06
Road & Bridge	11,499.96	6,280.63
Special Assessments	-	246.86
Total	\$ 38,342.40	\$ 49,280.56

Funds Total at May 17, 2005 - \$1,246,223.21

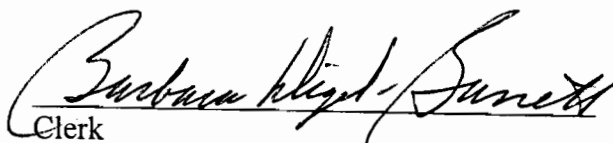
Budget work sheets were distributed to trustees with clerk's report.

Mrs. Siddens moved to pay the following bills. George seconded.

Roll Call: Siddens, yes; George, yes.

2341	Stephen Ferris	5.00
2342	American Electric Power	471.69
2343	Columbia Gas	75.57
2344	Zones	286.99
2345	Shelly Materials	1525.63
2346	Security Operations Systems	60.00
2347	Stephen Ferris	37.26
2348	Loveland & Brosius	400.00
2349	James Wyrick	267.73
2350	Mark Smith	811.92
2351	Phillip Waller	1443.53
2352	Stephen Ferris	652.18
2353	Compensation Consultants	750.00
E0062	Dallas Maynard	855.96
E0063	Laura Brown	627.94
Total		8,239.40

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

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B. Road report

Written report submitted

Resolution 05-05-17-07: Mrs. Siddens moved to approve the following road right-of-way permits and culvert permits:

Application 05-17-05-01: Rich Conie/Decker Construction for Willowcreek Condominiums on Palmer Road. \$2,500 check received.

Application 05-17-05-02: Ron Doran for 13714 Refugee Road - culvert permit

Application 05-17-05-03: Copley Trucking for 1095 Pike Street

Application 05-17-05-04: Columbia Gas of Ohio for 12958 National Road 2E

Application 05-17-05-05: Columbia Gas of Ohio for 758 Columbus Street

Application 05-17-05-06: Columbia Gas of Ohio for 154 Cameron Drive Lot 178

Application 05-17-05-07: Columbia Gas of Ohio for 116 Kramer Street Lot 190

Application 05-17-05-08: Columbia Gas of Ohio for 2036 Destin Place Lot 11

Application 05-17-05-09: Columbia Gas of Ohio for 13740 Palmer Road

George seconded.

Roll Call: Siddens, yes; George, yes.

E. Zoning report

Written report submitted. For April, 39 permits were issued and \$4425 was collected in fees.

Resolution 05-05-17-08: Mrs. Siddens moved to approve a \$150 filing fee to the Licking County Prosecutor's Office for violations at 91 1st Avenue in Etna Township. George seconded.

Roll Call: Siddens, yes; George, yes.

Resolution 05-05-17-09: Mrs. Siddens moved to allow the zoning office to contact the Licking County Prosecutor's Office to initiate the proceedings. George seconded.

Roll Call: Siddens, yes; George, yes.

I. Parks and Recreation

Mrs. Siddens reported that they ran out of mulch and will contact Licking Heights School District.

Resolution 05-05-17-10: Mrs. Siddens moved to approve up to \$1500 to purchase mulch for the park. George seconded.

Roll Call: Siddens, yes; George, yes.

H. Cemeteries

Mr. George reported that the cemetery gates were replaced at no cost to the township.

I. Economic Development Committee

Neil Ingle said the committee is preparing to work for the passage of the JEDZ contract

Road purchases.

Resolution 05-05-17-11: Mrs. Siddens moved to approve the purchase from Kleem for signs, Burdick Equipment for knives and taps for ditcher/mower units and Nextel for holder and charger. George seconded.

Roll Call: Siddens, yes; George, yes.

Resolution 05-05-17-12: Mr. George moved to purchase fence pickets for the Etna Cemetery up to \$250 from unspecified vendor. Siddens seconded.

Roll Call: Siddens, yes; George, yes.

Paving Estimates

Mr. George tabled this item

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Royal Acres road repairs and final paving

Resolution 05-05-17-13: Mrs. Siddens moved to require the developer of Royal Acres to complete the road repair and reconstruction on Imperial Drive as set forth for Prince Drive due to the damage caused by the construction traffic prior to the township closing down Imperial Drive to construction traffic. George seconded.

Roll Call: Siddens, yes; George, yes.

ANNOUNCEMENTS AND TRUSTEES COMMENTS

None

PUBLIC COMMENTS

Jim Van Dyne asked when the permit was issued for the church parking lot and if the permit was issued by the County. Columbia Road LTD should be cited by the zoning inspector for non-compliance on the maintenance of the green space in Cumberland Trails.

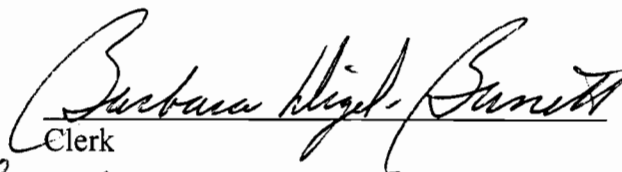
Neil Ingle said he objected to Tim Rini advising the trustees as to what they can and cannot do regarding the denial of permits. Cumberland Trails PUD is out of compliance and can be stopped from selling lots to builders.

Claudette Van Dyne registered a complaint about the trash in the detention pond on the corner of Watkins and Refugee Road in Watkins Grove subdivision that is under construction. Another developer not maintaining the common space.

Mike Waller said that Columbia Gas has not been doing restoration after the right-of way work is completed and suggested a time frame for completion before more permits are issued.

Chris Kunce talked about the increased car and pedestrian traffic that will be going to the church and parking lot in Mayflower, a subdivision with the narrow streets and no sidewalks. Also discussed the problems with drainage in the area.

At 9:37 p.m., Mrs. Siddens moved to adjourn the meeting. George seconded. The vote in favor was unanimous.


Clerk


President

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ETNA TOWNSHIP TRUSTEES

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

MAY 17

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RESOLUTION 05-05-17-01

JOINT ECONOMIC DEVELOPMENT ZONE CONTRACT

The Board of Township Trustees of Etna Township, Licking County, Ohio, met in regular session on the 17th day of May, 2005, with the following members present:

Paul George, and Rachael Siddens. Gary Burkholder, absent.

Rachael Siddens moved the adoption of the following:

WHEREAS, both ETNA and NEWARK are political subdivisions located entirely within Licking County, Ohio; and,

WHEREAS, ETNA and NEWARK wish to create a Joint Economic Development Zone comprised of the lands consisting of approximately 219.3 acres.

WHEREAS, it is anticipated that the JEDZ will be developed into a commercial real estate development providing jobs and economic development furthering the economic welfare of the citizens of ETNA and NEWARK; and,

WHEREAS, ETNA and NEWARK desire to enter into this Contract to share in the costs of improvements for the JEDZ for the purpose of facilitating new and expanded growth for commercial and economic development in the State of Ohio, and to create or preserve jobs and employment opportunities and to improve the economic welfare of the people located in ETNA and in NEWARK all in accordance with the Section 715.691 of the Ohio Revised Code; and,

WHEREAS, the parties hereto wish to provide a mechanism whereby income tax revenue can be generated from the economic activities conducted within the JEDZ to be used for the purposes of the JEDZ and for the purposes of NEWARK, all of which the parties hereto acknowledge will operate to facilitate new or expanded growth for commercial and economic development in the State of Ohio, to create or preserve jobs and employment opportunities, to improve the economic welfare of the people in the State of Ohio, ETNA and NEWARK and to preserve and promote the general public welfare of residents of ETNA and NEWARK either directly or indirectly; and,

WHEREAS, ETNA and NEWARK have each held a public meeting concerning this Contract as required by Revised Code Section 715.691(D); and

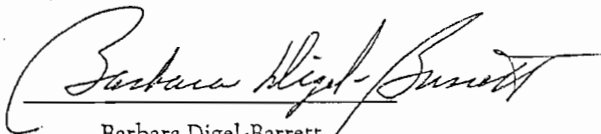
WHEREAS, in order for this Contract to become effective, it must be approved by a majority of the voters in ETNA Township.

NOW, THEREFORE, THE PARTIES HERETO AGREE TO THIS JOINT ECONOMIC DEVELOPMENT ZONE CONTRACT:

Paul George seconded the Motion, and the roll being called upon its adoption, the vote resulted as follows:

Yea: Rachael Siddens Paul George
Nay: _____

Dated this 17th day of May, 2005.


Barbara Digel-Barrett
Etna Township Clerk