

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustees

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

June 21, 2005

20

Held

The Etna Township Board of Trustees met on June 21, 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 Mrs. Siddens, Mr. George, President Burkholder and the clerk present.

ADOPTION OF THE AGENDA

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

Mrs. Siddens moved to amend the agenda to add item K - repair of Lynns Road under Old Business. Burkholder seconded.

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

Roll Call: Siddens, yes; George, abstain; Burkholder, yes.

ADOPTION OF THE MINUTES

Mr. George moved to adopt the May 17, 2005 meeting minutes. Burkholder seconded.

Roll Call: Siddens, no; George, yes; Burkholder, yes.

President Burkholder said he did not attend this meeting.

President Burkholder moved to adopt the June 7, 2005 meeting minutes. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

PUBLIC COMMENTS

A. Rick Lavinsky, Dinsmore & Shohl, Cumberland Trail

Attorney Rick Lavinsky, representing First Merit Bank, said the bank will gain control of the Cumberland Trail Golf Course and the balance of the undeveloped land, Sections 6 and 7 of the Cumberland Trail PUD. The bank will address the problems with the green space maintenance and Board of Health violation. The golf course and commercial lot on Route 40 and Columbia Road will be for sale.

B. McDonald's fence proposal

Dave Warren, Project Manager for McDonald's, informed the board that ODOT will not grant a permit for the gateway entrance on only one side of SR 310; the fencing must be installed on both sides. The permit is good for one year and McDonald's will complete the fence on the east side within one year. Mr. Warren asked for approval of the agreement and the ODOT permit.

Mrs. Siddens said the agreement presented by Mr. Warren has not been reviewed by legal counsel. The agreement, as written, is with the three present trustees, not the township; there is no "failure to maintain" clause and there is no guarantee that the fence will be erected on the east side.

Dave Kyanko discussed the fence around his daughter's property next to the Etna Cemetery.

Rick Heath, 26 S. Main Street, Utica, asked if the Board has hired outside legal counsel. President Burkholder replied that counsel has been hired for legal opinions on certain matters facing the township but still uses the Prosecutor's Office. Mr. Heath asked if there was a retainer agreement or engagement letter. Burkholder replied no; counsel was hired for a specific reason and with a specific limit.

President Burkholder said the Prosecutor's Office sometimes has a conflict of interest because they also represent the commissioners and LCPC and he advocates using specialized services when appropriate and needed for the township. The county engineer does not inspect subdivisions in the township.

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Bill Wright asked why the prosecutor asked to be relieved of his duty to represent the township. Burkholder replied that Mr. Becker has not communicated the reason. Mr. Wright inquired about the previous plans for a new township hall on the property by the park and if the architects were paid for a drawing. Mr. George said the building as proposed would not fit on the lot.

Ken Jacks said the proposed building would fit on the lot but there was not room for expansion unless the other lot was purchased. Burkholder said if the township could purchase the other lot, he would be in favor of building the hall on that location.

Ken Jacks asked if the property on Palmer and Tollgate Road, where there is a motorcycle shop, had been rezoned. Mr. Jacks alleged that last Saturday there were 15 motorcycles on the property with "For Sale" signs.

Mr. George said he disagreed with the zoning inspector's decision to issue a permit for this business and President Burkholder told Mr. Jacks to contact the zoning inspector.

CORRESPONDENCE

- Licking County Health Department - referring a violation to the Licking County Prosecutor's Office for legal action.
- Department of Liquor Control - approval of stock transfer for Columbia Road LTD, permit #1647888.
- Licking County Board of Commissioners - Resolution 48-125 granting Expedited II Annexation Petition for 123 acres from Etna Township to Reynoldsburg and Resolution 48-122 denying the request to vacate 20' of Columbus Street in Old Etna Proper.
- Licking County Prosecutor's Office - regarding South Street access and legal opinion on zoning inspector's decision
- Sunoco - change to reports
- Licking County Planning Commission - Staff Report on application #2005-0142 and recommendation for conditional approval for Etna Corporate Park East
- Ohio Bureau of Motor Vehicles - May statistics report
- Jay Hottinger - regarding local government funds for next year.
- City of Reynoldsburg - Kroger tax incentive council review meeting
- Rob Klinger - 60% tax abatement for Progressive Flooring was approved and they are working on another prospect.

OLD BUSINESS

A. Road estimates

Mr. George said he delivered the road estimates to the county prosecutor and will have the bid package by the end of the week.

Mrs. Siddens objected saying that Mr. George submitted the road estimates for a bid package to the prosecutor's office before the board voted to send those roads out for bid. Some roads were not included and some of the road names were misspelled. The breakdown of Ballman Road is not correct and Jonquil and Sycamore Creek is misspelled on the estimates.

President Burkholder said the bid packages will reflect what roads will be voted on tonight.

President Burkholder moved to make the necessary spelling corrections and forward the estimates as presented by Mr. George, as a complete packet, to the county engineer for the finalization of the bid package and to advertise for bids. George seconded.

Discussion: Mr. George said he was told by the prosecutor's office that he did not need a resolution to send the estimates for a bid package.

President Burkholder removed his motion.

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Resolution 05-06-21-01: Mr. George moved to forward the road estimates to the Prosecutor's Office to prepare the bid package and advertisement. The roads are: Refugee from Smoke Road to SR 310, Blueview Drive, Rolen Road, Wagram Sycamore Creek, (Hillview) Hillview Drive, Westview Drive, Southview Drive, Northview Drive; Ballman Square North, Wagram Ballman Road, White Lane, Den-Ton Lane; (Willowbrook) Laurel Drive, Aster Court, Hawthorn Drive, Cosmos Lane, Carnation Drive, Jonquil Drive, Iris Court, Daisy Drive; (Lakeland Hills) Lakeland Drive, Lakeview Drive, Lakeland Court, Eastlake Road, Westlake Road, Park Lane; (New England Acres), Olde North Church Road, Nantucket Avenue, Faneuil Hall Road, Bunker Hill Court. To be advertised for two weeks, bids to be submitted by 7:00 p.m. on July 19, 2005 and to be opened at 7:15 p.m. on July 19, 2005. Burkholder seconded.

Roll Call: Siddens, abstain, point of order; George, yes; Burkholder, yes.

B. Discussion regarding cemetery fees.

Mr. George said he wanted to do more research.

C. Review and prioritize purchases for road department; tools, generator, tractor and garage and townhall building.

Mr. George said he would like to meet with Mr. Waller to determine what is needed.

D. Section 515 Adjudicatory Hearing by the Board of Zoning Appeals.

A public hearing was held on June 7, 2005 and the board requested a legal opinion from the county prosecutor on the zoning commission's recommendation for the text amendment to Section 515 Adjudicatory Hearing by the Board of Zoning Appeals.

The Zoning Commission's recommendation was to replace "The Board of Zoning Appeals shall hold an adjudicatory hearing within twenty (20) days after receipt of an application for an appeal from the zoning inspector or an applicant." with "The Board of Zoning Appeals will hold variance and conditional use hearings at least one day per month at the discretion of the Board. The Board will establish 12 monthly scheduled hearings and application deadline dates at the beginning of every year. They will advise the media of the schedules and post them at the township hall. In addition, notices shall be posted in the paper of general circulation and mailed to parties of interest at least 10 days prior to the set meeting date."

Mr. Shenk recommended the following. "At the beginning of each calendar year, the Board of Zoning Appeals will adopt an adjudicatory hearing schedule for the year that will establish at least one hearing date in each month. Upon receipt of a notice of appeal, an application for a variance or an application for a conditional use permit, the Board shall fix a reasonable time for the hearing, give at least 10 day's notice in writing to the parties in interest and give notice of such public hearing by one publication in one or more newspapers of general circulation in Licking County, at least 10 days before the date of such hearing."

Resolution 05-06-21-02: President Burkholder moved to modify the original recommendation from the zoning commission and accept the language as submitted by the Licking County Prosecutor in his letter dated June 16, 2005. George seconded.

Roll Call: Siddens, abstain, point of order; George, yes; Burkholder, yes.

Mrs. Siddens said the motion was invalid and President Burkholder replied that the motion was valid but will seek a legal opinion regarding the abstention. Mrs. Siddens requested a verbatim copy of the motion be sent to the prosecutor's office as to why she abstained from voting and Burkholder said the modification was accepted.

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E. Issue II application: DLZ proposal

Mr. George said a lot of work would be needed to gather the information for DLZ and he felt that he, Laura Brown and Sue Spicer could complete the application.

Resolution 05-06-21-03: Mr. George moved to hold off on the DLZ proposal so that he could check with them as to what they will be performing. Burkholder seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

F. Amend the personnel manual "Annual Review Policy".

Item was tabled and remains tabled.

G. "Appointment of Zoning Inspector" text in zoning resolution

Item was tabled and remains tabled.

H. Ditch on Palmer Road

Mr. George said he had a solution to the problem and is waiting for an answer to his letter from the homeowner.

I. Extension of South Street.

Mr. George said the easement was recorded and the extension of South Street still needs to be done.

J. Widening of State Route 310, Columbus Street closure.

Dennis Rider, 9238 Hazelton-Etna Road, said the state still has not repaired the damage done to SR 310 the last time the intersection was worked on. The drain was paved over and is still clogged causing his yard to be completely flooded. He lost very expensive electronic test equipment stored in his basement. A call will be made to ODOT regarding this problem.

K. Repair of Lynns Road

Mrs. Siddens said a resolution was passed and a letter was sent to Hanlin Rainaldi Construction stating that they must repair the road to our specifications at their cost which they agreed to. According to the road report, the township spent over \$1700 to fix the road they had agreed to repair.

Mr. George said he received a letter from Hanlin Rainaldi Construction stating they would reimburse the township for \$1500 for the repair of the road. Mr. Waller repaired the road while working on Lynns Road. Mr. George said that he and Mr. Waller were not aware of the resolution that the contractor was going to repair the road. Mr. George said a bill will be sent for \$1500.

There was a discussion about the legality of the township fixing a road and then charging the contractor.

At 9:00 p.m., President Burkholder moved for a ten minute recess. George seconded and the vote in favor was unanimous.

NEW BUSINESS

A. Motion regarding security on website and authorizing the signed minutes, agenda and calendar to be added when approved.

President Burkholder moved to authorize the township secretary to post the signed minutes, approved agendas and calendar on the website. There was no second to the motion.

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Resolution 05-06-21-04: Mr. George moved that the original 10 button layout on the website cannot be changed or added to without board approval and to allow Doug Rogers and Laura Brown authorization to update the official meeting minutes and meeting agendas and meeting calendar and news containing business development issues only. Burkholder seconded.

Discussion: President Burkholder wanted to know who would authorize the content of the business and development issues. Mrs. Siddens said she could support administrative updates changed without board approval

President Burkholder moved to amend the motion to strike news containing business development issues. George seconded.

Mrs. Siddens objected to using actual names instead of titles and wanted administrative items only.

Roll Call: Siddens, no; George, yes; Burkholder, yes.

B. Flashing school light for Reynoldsburg school.

Mr. George reported that the unit cost and installation is \$3,200. He will get more information on whether the township is responsible for installation.

C. Land Use Plan

President Burkholder said there will be a discussion on the land use plan at the next zoning commission meeting and that he supports updating the land use plan with professional assistance.

Mr. George objected to the removal of agricultural land from the "Future Land Use Map" by the last committee and its replacement with residential. Mrs. Siddens stated that the committee was correct in doing so because the land must either be owned by the township for agricultural land or designated as such by the landowner.

D. Motion to advertise for alternate for the Board of Zoning Appeals and Zoning Commission.

Resolution 05-06-21-05: President Burkholder moved to advertise for one alternate for the Board of Zoning Appeals and one for the Zoning Commission; resumes to be submitted no later than 5:00 p.m. on July 15, 2005 and addressed to the Board. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

REPORTS

A. Clerk's financial report

As of June 21, 2005

	Receipts	Disbursements
General Fund	\$ 8,700.57	\$ 35,854.55
MV License Tax	1,555.41	230.94
Gasoline Tax	7,043.46	8,310.71
Road & Bridge	-	6,876.65
Special Assessments	-	246.20
Misc Capital	88,516.00	88,516.00
Total	\$ 105,815.44	\$ 140,035.05

Funds Total at June 21, 2005 - \$1,219,071.51

B. Road report

Royal Acres Road repairs and final paving, Diyanni Homes

Nothing new to report

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Road permits

Resolution 05-06-21-06: President Burkholder moved to approve road right-of-way permit #06-07-05-01 for Southwest Licking Community Water and Sewer District (SWLCWSD) on Columbus Expressway Park Drive. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

Resolution 05-06-21-07: Mrs. Siddens moved to approve road right-of-way permit #06-21-05-02 for SWLCWSD for Heritage Drive and Etna Parkway. George seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

Resolution 05-06-21-08: Mr. George moved to approve road right-of-way permit #06-21-05-03 for S&N Communications on Refugee Road, 2500' west of Mink Street. Burkholder seconded.

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

D. Zoning report

Written report submitted

ANNOUNCEMENTS AND TRUSTEES COMMENTS

President Burkholder thanked the economic development committee for their work on a number of projects, especially the website.

PAYMENT OF BILLS

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

Roll Call: Siddens, yes; George, yes; Burkholder, yes.

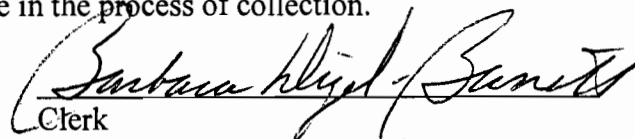
2398	VW	06/21/2005	AMERICAN ELECTRIC POWER	\$125.45
2399	VW	06/21/2005	COLUMBIA GAS CO.	34.28
2400	VW	06/21/2005	SPRINT	343.70
2401	VW	06/21/2005	STEPHEN L. FERRIS	79.79
2402	VW	06/21/2005	ZONES	84.96
2403	VW	06/21/2005	OFFICE DEPOT, INC	324.26
2404	VW	06/21/2005	WEST PAYMENT CENTER	109.50
2405	VW	06/21/2005	LICKING COUNTY COMMISSIONERS	704.00
2406	VW	06/21/2005	PHONEDEPOT	28.97
2407	VW	06/21/2005	SECURITY OPERATIONS SYSTEMS INC	75.00
2408	VW	06/21/2005	NEWSPAPER NETWORK OF CENTRAL OHIO	61.88
2409	VW	06/21/2005	RECO EQUIPMENT, INC.	3,000.00
2410	VW	06/21/2005	ADVANCED DRAINAGE SYSTEMS	420.00
2411	VW	06/21/2005	SOUTHGATE COMPANY LIMITED PARTNERSHIP	88,516.00
2412	VW	06/21/2005	CHESTER, WILLCOX & SAXBE LLP	315.00
2413	PY	06/21/2005	JAMES W. WYRICK - JWW	345.99
2414	PY	06/21/2005	MARK J. SMITH - MJS	882.73
2415	PY	06/21/2005	PHILLIP M. WALLER - PMW	1,247.68
2416	PY	06/21/2005	STEPHEN L. FERRIS - SLF	607.47

E00068 6/22/2005 Dallas Maynard 879.17

E00069 6/22/2005 Laura Brown 759.65

Total \$98,945.48

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

Jim Van Dyne said that the "Future Land Use Map" can not designate an area agriculture, even though it is presently zoned agriculture, unless the farmer designates it as agriculture. Mr. Lavinsky should be made aware that the Cumberland Trail Golf Course was used as the green space for Cumberland Trails PUD and can not be sold to a developer to build houses on.

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Commented upon the necessity of a Homeowners Association for PUD's

Claudette Van Dyne asked about mosquito spraying and the tornado siren.

Charles Hagy, 14097 Palmer Road, asked if the township was going to stop doing contractor's work on roads such as on Lynns Road. Mr. George replied that it all depends on the circumstance.

Neil Ingle said the Economic Development Committee now has access to every business website address in the United States. Regarding Cumberland Trails, 20% of the 360 acre development was to be green space. There is a commitment that 72 acres of the golf course is a requirement for the PUD green space and is for the use of every property owner in the subdivision.

At 10:08 p.m., Mr. George moved to adjourn the meeting. Burkholder seconded. The vote in favor was unanimous.

Clerk

President