

Held September 20, 2005 20

The Etna Township Board of Trustees met on September 20, 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.

Mr. George moved to amend the agenda to add under new business, item N - set public hearing and to add under old business, item R - sale of truck and item S - quote from Lang Music.

Burkholder seconded.

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

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

**ADOPTION OF THE MINUTES**

Mr. George moved to adopt the September 6, 2005 meeting minutes. Burkholder seconded.

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

Mr. George moved to adopt the September 9, 2005 special meeting minutes. Burkholder seconded.

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

**PUBLIC COMMENTS**

Tom Dixon, 8467 Hazelton-Etna Road, questioned why the zoning inspector issued permits for three homes in Cameron Chase when the problem with the tiles has not been corrected. It was his understanding that LCPC would not sign off on the final plat until the tiles were fixed. Burkholder said he would make a call concerning this.

Jim Van Dyne, 7173 Refugee Road, suggested that a plumber be hired to lower a camera into the tiles to take pictures.

**CORRESPONDENCE**

- Maronda Homes - request for letter stating unresolved issues and reason for denial of zoning permits
- Licking County Planning Commission (LCPC) - Cumberland Trail Section 6 Final Plat
- Ohio Department of Public Safety - regarding Public Assistance Grant
- Best Lighting - regarding future growth
- Licking County Health Department - notice of violation for 29 Imperial Road and 150 Wendell Road and continuing violation at manufactured home park, 8910 E. Main Street
- Ohio Bureau of Motor Vehicles - August statistics report
- Licking County Board of Commissioners - Resolution 49-61 approving replat of lots 13, 14, 15, 16, and 17 of Brandy Mill Estates Section I
- Park National Bank - regarding review of services
- Michael L. Smith, Licking County Treasurer, - collection of delinquent taxes.
- Coshocton, Fairfield, Licking, Perry Solid Waste District - notice of Environmental Law Enforcement Workshop
- Jackson Township Board of Trustees, Neal Fitzgerald, Law Director - public records request for copy of JEDZ
- OTARMA - newsletter
- Gary Burkholder - e-mail requesting documents
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**OLD BUSINESS**

A. Discussion regarding cemetery fees. (tabled)

Mrs. Siddens moved to remove this item from the table. Burkholder seconded and vote in favor was unanimous.

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Mr. George submitted a proposal to the Board for consideration.

**B. Mayflower zoning violation for 91 1<sup>st</sup> Avenue. Status report**  
Mrs. Siddens recused herself from this discussion; the zoning violation was given to the prosecutor for legal action. President Burkholder said the Board has the right to inquire if there has been any response and Mr. George said there has not been.

**C. Traffic light at Refugee Road and State Route 310**  
President Burkholder said he had the preliminary engineering plans from EMH&T and the process will take 90-120 days till end of construction.

**D. Longwood Crossing subdivision, Section II (tabled)**  
Mr. George moved to remove this item from the table. Burkholder seconded and the vote in favor was unanimous.

Mr. George reported that Maronda Homes sent a letter stating that they will have the emergency access road completed in 90 days and the cul-de-sacs will be revamped to meet the fire department's regulations. The Licking County Engineer said the road can be built as presented.

Mr. Maynard referred the issuance of zoning permits to the Board. There was discussion concerning the role the Board has in requesting the denial of zoning permits. Burkholder said the Board has the responsibility to ensure the permits are in compliance with the zoning resolution.

Siddens said the emergency access road can not be built; it is not feasible.

President Burkholder said he was opposed to the issuance of zoning permits until the emergency access road is completed; he is concerned that homes will be built before the road is completed. The developer paved the cul-de-sacs when he was told beforehand that they were not in compliance. Burkholder views this as an act of defiance. Burkholder said he would forward this issue to the law firm for clarification.

**I. Southwest Licking Water and Sewer District 208 Lock-in Plan**  
Nothing new to report

**J. Etna Township new town hall**  
Mr. George said the property on Liberty Street is not zoned for a township hall, he wants to request the zoning commission to allow government buildings in GB District. He also needs a variance from the BZA to allow for a 2' decrease in the set back line on the west side of the property. Mrs. Siddens said the general contractor should be the one to request the variance because of the possible implication of improprieties.

Mr. George moved to seek a variance from the BZA for the 2' decrease in the setback on the west side of the property. Burkholder seconded.

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

**L. Advertise for Board of Zoning Appeals and Zoning Commission alternates.**  
President Burkholder moved to advertise for two alternates to the Board of Zoning Appeals and Zoning Commission and that the letters of interest and resumes be submitted to the Board of Trustees no later than 5:00 p.m. on October 15, 2005. Siddens seconded.  
Roll Call: Siddens, yes; George, yes; Burkholder, yes.

**M. State Route 310 Transportation Improvement Plan**  
President Burkholder said he would like an independent review of the engineering plans; does not want another SR 256 and does not have confidence in LCPC designing traffic solutions for Etna Township.

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N. Access issue for Cumberland Trail

President Burkholder said he would like to forward this issue to the attorney. Mr. George said there was approval for legal review only if the developer applied for access to Trail East. Burkholder said a more pro-active approach needs to be taken, he is concerned that LCPC will dictate that the access road go to Trail East and the township will not have a say in the matter.

O. Motion to donate toy cars to the West Licking Fire Department for the Toy Drive Resolution 05-09-20-01: President Burkholder moved to donate the two toy cars to the West Licking Fire Department for the Annual Toy Drive. George seconded. Roll Call: Siddens, yes; George, yes; Burkholder, yes.

P. Motion to allow Economic Development news articles to be posted to the website. Resolution 05-09-20-02: President Burkholder moved to allow the Economic Development news articles be posted to the township website by the website administrator, Doug Rogers. George seconded.

Discussion: Mrs. Siddens questioned if these are the news articles that are printed in the newspaper. Burkholder replied that they are from Rob Klinger. Siddens questioned if the Board had permission from Mr. Klinger and believes it should be discussed first with the Newark Economic Development Committee. Roll Call: Siddens, no; George, yes; Burkholder, yes.

Q. Trustees authority to deny zoning permits President Burkholder said he needed clarification from Board members because Mr. Maynard stated he denied zoning permits based on a directive from a trustee. Burkholder questioned if there would be selective or uniform enforcement of zoning in this township.

R. Sale of truck Mr. George said he received an offer from Perry Township to buy the surplus truck for \$10,000. Mr. George moved to sell the 1994 F700 dump truck with 10' bed, 429 gasoline engine, 5 speed transmission with 2 speed rear end, under original 39,000 miles, includes 10' Bonnell plow unit, Swenson berming box with 18" belt and salt spinner to Perry Township for \$10,000. Burkholder seconded.

Discussion: Mrs. Siddens said a resolution was passed to advertise for bids. The clerk said the ad was not placed because the date for the submission of the bids was not stated. Mrs. Siddens said she could not support an invalid process. Roll Call: Siddens, no; George, yes; Burkholder, no.

S. Quote from Lang Music Resolution 05-09-20-03: Mr. George moved to purchase 3 microphones, 20' of cable, a tri-pod boom microphone stand and recording cable from Lang Music for \$334. Burkholder seconded.

Discussion: Mrs. Siddens objected saying the money should be saved and used for a new system in the new township hall. Roll Call: Siddens, no; George, yes; Burkholder, yes.

**Motion to go into executive session per O.R.C. 121.22 G(1), investigation of charges or complaint against a public employee.** At 7:53 p.m., President Burkholder moved to go into executive session per O.R.C. 121.22 G(1), investigation of charges. George seconded.

Mrs. Siddens recused herself, point of order, invalid executive session. President Burkholder ruled Mrs. Siddens out of order on point of order because she did not specify reason.

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

At 8:08 p.m., President Burkholder moved to go out of executive session. George seconded.

Roll Call: George, yes; Burkholder, yes.

**K. Dallas Maynard's grievance**

President Burkholder said the prosecutor and insurance carrier have been notified. Mr. Sherk referenced the township employee manual.

Resolution 05-09-20-04: Mr. George moved to seek legal advice from the county prosecutor on whether the grievance could be discussed in executive session or whether this should be done in an open public meeting. Burkholder seconded.

Discussion: Mrs. Siddens said a resolution was passed at the last meeting to have an attorney present for an executive session at tonight's meeting. Siddens wants legal representation and supports the grievance procedure but not in the manner as presented by the motion.

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

At 8:18 p.m., Mr. George moved for a 5 minute recess. Burkholder seconded and the vote in favor was unanimous.

**NEW BUSINESS**

**A. Issue II application for Taylor Road and Columbia Road**

Mr. George said the engineer's estimate for the widening and reconstruction of Taylor Road is \$1,534,000. This is for (3) 12' lanes, curbs and gutters, sidewalks and street lighting. This street will be first priority.

Resolution 05-09-20-05: Mr. George moved to certify 15% (\$230,100) toward the improvement of Taylor Road for the Issue II application. Burkholder seconded.

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

The engineer's estimate for widening and reconstruction of Columbia Road is \$1,117,300. This is for (3) 12' lanes, curbs and gutters. This street will be second priority.

Resolution 05-09-20-06: President Burkholder moved to certify 15% (\$167,595) toward the improvement of Columbia Road with the three lanes, curb and gutter and sidewalks for the Issue II application. Siddens seconded.

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

**B. Catch basin and culvert repairs**

This item was dealt with at the last meeting.

**C. 161 Carnation Place; zoning violation**

President Burkholder said the dumpsters have been removed but the fence surrounding the pool is not secure. He filed a complaint with the zoning department and is not sure if a violation has been issued. There needs to be a consistent approach to handling zoning violations.

**D. Motion to advertise for the sewer board representative**

President Burkholder moved to advertise for the sewer board representative in accordance with the term, duties and specifications on file. Letters and resumes to be submitted to the Board of Trustees no later than November 1, 2005. George seconded.

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

**E. Resolution accepting the amounts and rates as determined by the budget commission**

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Resolution 05-09-20-07:

Mr. Burkholder moved the adoption of the following Resolution:

RESOLVED, By the Governing Board of Etna Township, Licking County, Ohio, in accordance with the provisions of law has previously adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 2006; and

WHEREAS, The Budget Commission of Licking County, Ohio, has certified its action thereon to this Board together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Board, and what part thereof is without, and what part within, the ten mill limitation; therefore, be it

RESOLVED, By the Governing Board of Etna Township, Licking County, Ohio, that the amounts and rates, as determined by the Budget Commission in its certification, be and the same are hereby accepted; and be it further

RESOLVED, That there be and is hereby levied on the tax duplicate of said Township the rate of each tax necessary to be levied within and without the ten mill limitation as follows:

General Fund	\$301,774	1 Mill
Road and Bridge Fund	\$202,702	1.3 Mill

RESOLVED, that the Clerk of this Board be and he is hereby directed to certify a copy of this Resolution to the County Auditor of Said County.

Siddens seconded.

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

F. Public records request procedure

Mr. George said he relied on the federal records request when he objected to a gentleman requesting to look at township records at the hall without divulging his name. George said he needs to apologize to the gentleman because he was wrong. President Burkholder complained about the zoning records not being available for inspection. There should be a central file easily accessible to everyone.

G. Motion to appropriate \$2,000 for mosquito spraying.

Resolution 05-09-20-08: President Burkholder moved to appropriate an additional \$2,000 for mosquito spraying. Siddens seconded.

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

H. Pines motel at 13830 National Road

President Burkholder said there was a fire at this location several weeks ago, there is no power, and they are operating with a generator. This is a health and public safety concern.

I. Zoning enforcement procedures

Already discussed

J. Traffic impact study submitted to state for State Route 310

Already covered.

K. Inventory of garage and town hall assets.

President Burkholder moved to begin the inventory of garage and town hall assets with digital photographs to be completed no later November 1, 2005. George seconded.

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

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L. Set a date for records retention

President Burkholder moved for the clerk and the Board President to meet on October 4, 2005 at 6:00 p.m. to hold the records retention meeting. George seconded.

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

M. Set a date and time for Trick or Treat night for Etna Township.

Mrs. Siddens moved to set Monday, October 31, 2005 from 6:00 to 7:30 p.m. for Trick or Treat night for Etna Township. George seconded.

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

N. Set public hearing for text amendment

Mr. George moved that the Etna Township Board of Trustees hold a public hearing on October 4, 2005 at 7:15 p.m. to consider amending Section 1103: Paving of the Etna Township Zoning Resolution to read: The required number of parking and loading spaces as set forth in Section 1102 and 1117, together with driveways, aisles and other circulation areas, shall be paved using materials and construction methods as described in the "Construction and Materials Specification Handbook" published by the Ohio Department of Transportation. Burkholder seconded.

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

REPORTS

A. Clerk's financial report

As of September 20, 2005

	Receipts	Disbursements
General Fund	\$ 130,648.81	\$ 33,018.73
MV License Tax	1,450.25	8,288.66
Gasoline Tax	5,324.00	4,111.77
Road & Bridge	81,580.58	7,499.87
Special Assessments	<u>1,366.63</u>	<u>286.50</u>
Total	\$ 220,370.27	\$ 53,205.53

Funds Total September 20, 2005 - \$1,340,683.72

Second half apportionment of taxes: General Fund 125,301.63, deductions 13,619.98, net \$111,681.65. Road & Bridge 81,580.58, Deductions 1,273.38, Net \$80,307.20. Special Assessments 1,366.63 Deductions 39.80 Net \$1,326.83. Total amount was \$193,315.68.

Resolution 05-09-20-09: President Burkholder moved to approve a blanket certificate for \$2,000 for operating supplies. George seconded.

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

Mrs. Siddens questioned how the Licking County Sheriff's deputy would be paid. Mr. Burkholder said he requested that the deputy attend tonight's meeting for a safety concern and he would pay for it out of his \$750 spending allowance.

B. Road report

Written report submitted

Resolution 05-09-20-10: Mr. George moved to approve the following road right-of-way permits:

#09-20-05-01 for National Gas & Oil at the intersection of Hawthorn Drive and Cosmos Lane.

#09-20-05-02 for J&N Communications (Sprint) for 8561 Smoke Road.

#09-20-05-03 thru #09-20-05-08 for ProLogis at Heritage Drive.

Burkholder seconded.

Discussion: Mrs. Siddens said she could not approve the permits for ProLogis given the check was given to a trustee and not the clerk. Mr. George said he asked the zoning inspector to lock the check in the file cabinet and for the check to be given to the clerk.

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

**D. Zoning report**

Written report submitted.

President Burkholder requested that Mr. George tell the zoning department that the zoning commission has requested a complete inventory of all subdivision plats and developments in the township. Burkholder discussed the emergency access for Cumberland Trails Section VI.

**H. Safety & FEMA**

President Burkholder said Steve Smith with Homeland Security and Emergency Management will be forwarding material on evacuations and an emergency plan written for the county. The township can write their own plan.

**K. Economic Development Committee**

Neil Ingle reported on the September 13<sup>th</sup> meeting, site management was discussed.

**ANNOUNCEMENTS AND TRUSTEES COMMENTS**

Mr. George reported that there will a large increase in the price of road salt this year and he has ordered 150 tons.

**PAYMENT OF BILLS**

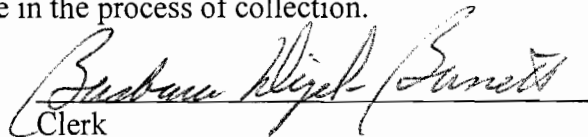
Mr. George moved to pay the following bills. Burkholder seconded.

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

2540	9/20/05	American Electric Power	\$ 188.28
2541	9/20/05	Columbia Gas	11.76
2542	9/20/05	Wheelsports	28.99
2543	9/20/05	Newspaper Network of Ohio	198.33
2544	9/20/05	Stephen L. Ferris	59.13
2545	9/20/05	BrewPro	25.80
2546	9/20/05	Redskin Transport	3103.80
2547	9/20/05	James Wyrick	405.40
2548	9/20/05	Mark Smith	860.22
2549	9/20/05	Phillip M. Waller	1481.66
2550	9/20/05	Stephen L. Ferris	607.47
2551	9/20/05	Chester, Wilcox & Saxbe LLP	42.00
E00088	9/21/05	Dallas Maynard	879.17
E00089	9/21/05	Laura Brown	759.65

Total is \$8,651.66

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**

Claudette Van Dyne, 7173 Refugee Road, thanked Mrs. Siddens for supporting the Taylor Road Issue II application. Reported the construction of an in-ground pool on Route 40 without a fence and a potential pool at the Shamrock.

At 9:35 p.m., Mr. George moved to adjourn the meeting. Burkholder seconded. The vote in favor was unanimous.

  
Clerk

  
President