

RECORD OF PROCEEDINGS

267
Meeting

Minutes of

Etna Township Trustees

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held October 4, 2005 20

The Etna Township Board of Trustees met on October 4, 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 D - set public hearing. Burkholder seconded.

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

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

ADOPTION OF THE MINUTES

Mrs. Siddens moved to adopt the September 20, 2005 meeting minutes. George seconded.

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

Mr. George moved to adopt the September 23, 2005 special meeting minutes. Burkholder seconded.

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

PUBLIC COMMENTS

Jim Takacs, executive director of the Licking County Alcoholism Prevention Program, asked the Board for a resolution endorsing a 10 year, 1 mill replacement levy for mental health.

Delores Trevitt, 10371 Taylor Road, complained about speeders and the number of semi's, dump trucks and construction equipment traveling Taylor Road. Asked the Board to request the sheriff patrol Taylor Road.

David Weber, 232 Purple Finch Loop, submitted a two page letter of grievances against the zoning department and asked that the letter be placed in the public record. Suggested four items be amended to the zoning resolution.

Tom Dixon, 8467 Hazelton-Etna Road, complained about the approach from roads not being level causing problems with standing water and snowplowing.

PUBLIC HEARING

At 7:15 p.m., Mr. George moved to open the public hearing on a text amendment to Section 1103 Paving. Burkholder seconded.

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

On June 8, 2005 the trustees voted to initiate the amendment process to change "durable dust free surface" to "asphalt or concrete" in Section 1103. LCPC recommended approval. The zoning commission unanimously recommended to amend 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.

There were no public comments for or against the text amendment. Mr. George wanted to further investigate the material in the handbook from ODOT.

At 7:20 p.m., Mr. George moved to recess the public hearing until the October 18th meeting. Burkholder seconded.

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

CORRESPONDENCE

- Licking County Planning Commission (LCPC)

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- 1) Application 2005-023-Z, staff recommended conditional approval of text amendment
- 2) Application 2005-022-Z, conditional approval of Article IX - District Regulations
- 3) Extension of time for Brandy Mills Estates Phase II, staff recommended 8 month extension, commission denied extension.
- 4) Imposition of fines for Brandy Mills, staff recommended approval of \$5,400 fine and Commission tabled request to impose penalties.

- City of Pataskala - wants to work with the township on the traffic signal at SR 310 and Refugee Road.
- Licking County Health Department - complaint at 8670 Main Street.
- Time Warner Cable - new services
- Licking County Recycles - newsletter

OLD BUSINESS

A. Motion to go into executive session per O.R.C. 121.22 G(1); discipline of a public employee. At 7:26 p.m., President Burkholder moved to go into executive session per O.R.C. 121.22 G(1); discipline of a public employee. George seconded.

Roll Call: Siddens recused herself, point of order, invalid executive session; George, yes; Burkholder, yes.

Ms. Elizabeth Stanton was present for the executive session.

At 8:05 p.m., Mr. George moved to go out of executive session. Burkholder seconded.

Roll Call: George, yes; Burkholder, yes.

Resolution 05-10-04-01: President Burkholder moved to pursue the next step of discipline against a public employee in accordance with the Etna Township Employee Manual which will deal with the pre-disciplinary conference and that the designee trustee to draft the charges against the public employee be Trustee Paul George and that Trustee George have the authority to designate the neutral party as defined in the pre-disciplinary conference in the handbook. That he also be authorized to set the time, date and compensation of the pre-disciplinary conference and compensation of the neutral party and that he report back to the Board of Trustees at the next regularly scheduled meeting. George seconded.

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

B. Motion to go into executive session per O.R.C. 121.22 G(1), investigation of charges or complaint against a public official.

At 8:07 p.m., President Burkholder moved to go into executive session per O.R.C. 121.22 G(1), investigation of charges or complaint against a public official. George seconded.

Roll Call: Siddens recused herself, point of order, invalid executive session; George, yes; Burkholder, yes.

Ms. Elizabeth Stanton was present for the executive session.

At 8:20 p.m., Mr. George moved to go out of executive session. Burkholder seconded.

Roll Call: George, yes; Burkholder, yes.

C. Dallas Maynard's complaint against Gary Burkholder

President Burkholder said correspondence was served on the township's legal counsel, Elizabeth Stanton today by Mr. Maynard's attorney, Kinsey F. Nyse. The complaint has been amended to include Paul George. A public records request is made for the entire personnel file of Maynard including all documents dealing with complaints, compliments, e-mails and all documents originated by Neil Engle to be relayed to his attorney by Wednesday October 5, 2005.

Burkholder requested the clerk to make two copies, one for Mr. Maynard and one for Ms. Stanton who can pass the documents to Mr. Maynard's legal counsel.

According to the employee handbook, the next step in the grievance process is for the trustees to schedule a conference with the employee. President Burkholder and Paul George both recused

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themselves from the conference since they are named in the complaint. Mrs. Siddens was asked how she wanted to proceed since she was the only trustee not mentioned in the complaint.

Mrs. Siddens said that independent counsel was hired through a series of executive sessions that she believes are invalid. The insurance company was not notified as she asked and she will not deal with independent counsel, hired with taxpayers money, until she knows she has secured her safety net and gone through all the appropriate actions.

President Burkholder said the insurance company was notified. Mrs. Siddens said was not made aware of this and that now there are two private attorneys involved and two board members who do not want to be involved in the situation created. There can no longer be a one on one conference because of the attorneys involved. As a single member, she can not act for the Board.

Ms. Stanton said that Mr. Maynard's attorney requested that he be present for any conference with Mr. Maynard and she could be present to represent the Board.

No action was taken.

Resolution 05-10-04-02: President Burkholder moved to enter Mr. Maynard's entire complaint as part of correspondence into the public record. George seconded.

Discussion: Mrs. Siddens said the complaint needs to be attached to the minutes in its entirety.

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

Mrs. Siddens moved to make this document also part of the public record by attaching it in its entirety to the minutes. There was no second to the motion.

D. Discussion regarding cemetery fees. (tabled)

Remains on the table

E. Mayflower zoning violation for 91 1st Avenue. Status report

Mrs. Siddens recused herself from all discussion stating it was pending court action.

President Burkholder said there was no problem checking to see where it stands at the prosecutor's office. The zoning office needs to take the initiative to follow up on violations submitted.

Regarding the violation at 161 Carnation Place, Mr. George said Mr. Ferris was to check to see if the fence gate around the pool was secure. Mr. Ferris is also monitoring the fence and pool situation at Holiday Colony Estates. Regarding the Pines Motel, the fire department, health department and EPA are involved.

F. Traffic light at Refugee Road and State Route 310 update

President Burkholder said EMH&T is still waiting for comments from the City of Pataskala to proceed.

G. Longwood Crossing subdivision, Section II (tabled)

President Burkholder moved to remove this item from the table. George seconded.

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

President Burkholder said an appeal has been filed regarding the denial of issuance of zoning permits.

I. Etna Township new town hall update

Mr. George said the zoning commission is making an effort to change the zoning or insert government buildings for the Liberty Street lot.

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J. State Route 310 Transportation Improvement Plan

President Burkholder said he would bring a report to the next meeting. The township should consider doing their own SR 310 Transportation Improvement Plan. Licking County and the State are doing a plan and leaving out the considerations of the township.

K. Access issue for Cumberland Trail

LCPC recommended access through the Cumberland Trail green space, TRC meeting has not yet been held to object.

L. Issue II application; Taylor Road and Columbia Road.

Mr. George said the Ohio Public Works Commission will not pay more than 50% for new or expansion construction; this is for adding lanes, curbs, gutters and street lights. For Columbia Road, the total estimate was \$1,117,300 and the township share would be \$545,700. The estimate for Taylor Road was \$1,534,000 and the township share would be \$704,656.50. Mr. George said the township does not have the funds to widen Taylor Road to three lanes with curbs, gutters sidewalks and street lights and recommended to repair and replace the road for \$127,500 at this time until the funds could be obtained. Siddens objected saying this was a band-aid and would not make the road any safer. Burkholder agreed but said the money was not available at present.

Resolution 05-10-04-03: Mr. George moved to make Taylor Road the number one priority for Issue II money to repair and replace the road for \$127,500 and to commit to 25.1% (\$32,002.50). Make Columbia Road the second priority to reconstruct and widen for \$545,700 and to commit to 20.1% (\$109,685.70). Burkholder seconded.

Discussion: Siddens objected that for the number one priority road, which everyone agrees needs urgent attention, the township is only willing to invest \$32,000 and for the second priority road, the township is willing to commit to spending \$109,000. Siddens feels this will not be favorably received by the grant commission. President Burkholder asked Mrs. Siddens if she wished to amend the motion and Siddens replied no.

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

Resolution 05-10-04-04: Mr. George moved for Vice President/Road Superintendent, Paul George, be authorized to apply to the OPWC for funds for resurfacing Columbia Road and that Vice President/Road Superintendent, Paul George, be further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance. Burkholder seconded.

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

Resolution 05-10-04-05: Mr. George moved for Vice President/Road Superintendent, Paul George, be authorized to apply to the OPWC for funds for resurfacing Taylor Road and that Vice President/Road Superintendent, Paul George, be further authorized to enter into any agreements as may be necessary and appropriate for obtaining this financial assistance. Burkholder seconded.

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

M. 161 Carnation Place; zoning violation

Already discussed

N. Public records request procedure

Nothing presented at this time

O. Pines Motel at 13930 National Road

Already discussed

P. Zoning enforcement procedures

The prosecutor's office provided procedures for enforcing zoning violations. The trustees will

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check to see if those procedures are being followed.

Q. Traffic Impact Study submitted to State for SR 310

President Burkholder said he has not heard back from ODOT concerning the study for the Langel property and would like the county engineer to review the study.

R. Inventory of garage and town hall assets.

Mr. George said the inventory is being worked on.

S. Drainage problem at SR 310 US Route 40

Problem is still under investigation.

T. Request for zoning permit and zoning violation activity log.

Resolution 05-10-04-06: President Burkholder moved to direct the zoning department to post the zoning permits and violations every Friday and for it to be readily available for public information. George seconded.

Discussion: Mrs. Siddens asked that the word "direct" be replaced with "request".

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

At 9:30 p.m., President Burkholder moved for a 5 minute recess. George seconded and the vote in favor was unanimous.

NEW BUSINESS

A. Availability of public records.

President Burkholder recommended an independent audit of the public records by a professional.

B. New federal mileage reimbursement rates from 40.5 cents to 48.5 cents a mile.

The zoning office requested the mileage reimbursement be increased.

Resolution 05-10-04-07: President Burkholder moved to increase the mileage reimbursement to 48.5 cents from this day forward, not to be retroactive, for employees and elected officials.

George seconded.

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

C. Motion to remove F700 dump truck from the insurance.

Resolution 05-10-04-08: Mr. George moved to remove the F700 dump truck from the insurance policy. Burkholder seconded.

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

D. Set public hearing for P.V.C.R., Inc

Mr. George moved to set a public hearing on October 18, 2005 at 7:15 p.m. to consider a rezoning application from P.V.C.R., Inc. for 4.786 acres on the northeast corner of Watkins Road and State Route 40. The zoning commission voted 3-1 to rezone the property from Single Family Residential (RS) to Local Business District (LB). Burkholder seconded.

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

REPORTS

A. Clerk's financial report for September, 2005

	Receipts	Disbursements
General Fund	\$ 170,615.72	\$ 34,964.15
Gasoline Tax	13,172.27	4,111.77
Road & Bridge	103,014.39	7,499.87
Special Assessments	1,366.63	286.50
Total	\$ 289,632.46	\$ 55,150.95

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Funds Total September 30, 2005 - \$1,408,000.49

B. Road report

Written report submitted.

Resolution 05-10-04-09: Mr. George moved to approve a revision to road right-of-way permit #07-19-05-02 for Columbia Gas to install a gas main along the south side of Palmer Road starting at 14787 Palmer Road east to 14127 Palmer Road. Burkholder seconded.

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

C. Water and Sewer District

Written report submitted. Mr. Lord said Mr. Frommer has requested a meeting with Congressman Tiberi concerning a request for appropriation for infra-structure costs for the I-70 and US 40 growth corridor. There is a slow down on the I-70 and SR 310 water and sewer crossing because of problems with ODOT.

D. Zoning report

Written report submitted. President Burkholder reported that the extension for Brandy Mills was denied by LCPC and must go through the process again. There were \$23,100 in fines, the staff recommended \$5,400 and the issue was tabled by the commission.

E. Communications & PR

President Burkholder said there was a public record's request regarding the hiring of a sheriff to be present at the September 20th meeting. Burkholder said the sheriff was requested by the Board President and there is no charge.

F. Safety & FEMA

President Burkholder said he did receive the requested books from the county on emergency disaster plans.

PAYMENT OF BILLS

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

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

2553	PY	10/05/2005	GARY L. BURKHOLDER	- GLB	\$735.72
2554	PY	10/05/2005	JAMES W. WYRICK	- JWW	341.40
2555	PY	10/05/2005	MARK J. SMITH	- MJS	860.22
2556	PY	10/05/2005	PHILLIP M. WALLER	- PMW	1,481.66
2557	PY	10/05/2005	PAUL W. GEORGE	- PWG	752.81
2558	PY	10/05/2005	STEPHEN L. FERRIS	- SLF	607.47
2559	VW	10/05/2005	SWLCWSD		103.95
2560	VW	10/05/2005	NEXTEL COMMUNICATIONS		125.32
2561	VW	10/05/2005	TREASURER OF STATE		795.00
2562	VW	10/05/2005	GORDON FLESCH COMPANY, INC.		57.31
2563	VW	10/05/2005	POSTMASTER		50.00
2564	VW	10/05/2005	PATASKALA BUILDING & HOME SUPPLY		62.11
2565	VW	10/05/2005	FRANKLIN PRINTING COMPANY INC		67.84
2566	VW	10/05/2005	BAKER AUTOMOTIVE		15.15
2567	VW	10/05/2005	STEPHEN L. FERRIS		41.31
2568	VW	10/05/2005	DALLAS W. MAYNARD		261.10
2569	VW	10/05/2005	GARY BURKHOLDER		194.98
2570	VW	10/05/2005	PAUL GEORGE		125.70
2571	VW	10/05/2005	CARGILL INC - SALT DIVISION		5,311.80
2572	VW	10/05/2005	MIDLAND CO-OP, INC.		668.70
2573	VW	10/05/2005	MEDICAL MUTUAL OF OHIO		4,286.99
2574	PY	10/05/2005	OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM		3,025.63
2575	PY	10/05/2005	PARK NATIONAL BANK		1,291.65
2576	PY	10/05/2005	TREASURER OF STATE OF OHIO		497.52
2577	PY	10/05/2005	OHIO SCHOOL DISTRICT INCOME TAX		87.07
E00090		10/05/2005	M. BARBARA DIGEL-BARRETT		\$990.63
E00091		10/05/2005	DALLAS W. MAYNARD		879.17
E00092		10/05/2005	LAURA J. BROWN		751.31
E00093		10/05/2005	RACHAEL D. SIDDENS		752.81

Total is \$25,222.33

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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.

Barbara Klizel-Burnett
Clerk

PUBLIC COMMENTS

Claudette Van Dyne, 7173 Refugee Road, had questions about the preliminary plans for Brandy Mills and the two retention ponds.

David Weber said his letter concerning the zoning office was a complaint and hoped the letter would be forwarded to Mr. Maynard's attorney. He would like the Board to take the complaint seriously and take action on making public records accessible to avoid another John Q. Public lawsuit.

Phyllis Bundy, 10254 Tollgate Road, said regarding the issue for a dust-free surface, she hopes this issue does not get watered down and that nothing is ever done. Also asked when the reduced speed signs would be installed on Tollgate Road. Mr. George replied that the township has not been officially notified.

At 10:25 p.m., Mr. George moved to adjourn the meeting. Burkholder seconded.
Roll Call: Siddens, yes; George, no; Burkholder, yes.

Barbara Klizel-Burnett
Clerk

Gary Burkholder
President