

November 1, 2005

Held _____ 20 _____

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

ADOPTION OF THE AGENDA

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

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

ADOPTION OF THE MINUTES

Mrs. Siddens moved to adopt the October 18, 2005 meeting minutes. George seconded.

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

Mr. George moved to adopt the October 22, 2005 special meeting minutes. Burkholder seconded.

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

PUBLIC COMMENTS

Tom Dixon, 8467 Hazelton-Etna Road, said he would like to see a fire truck use the Longwood Crossing emergency access road to make sure the road has been properly engineered.

Mr. George said he would contact the fire department to make sure the fire trucks would be able to make the turn. President Burkholder suggested that he and Mr. Dixon attend the next fire board meeting and ask for a detailed explanation and if the turn from US 40 is feasible.

President Burkholder said he was on the subdivision review committee and they are reviewing the subdivision regulations as result of Cameron Chase and the zoning inspector's refusal to sign the final plat. The county is no longer going to require the zoning inspector's signature on final plats; feels this is usurping power from the township and believes that the county commissioners will not stop this movement.

Neil Ingle asked how parking in cul-de-sacs could be alleviated; this is a safety issue, fire trucks would be unable to reach a burning house.

PUBLIC HEARING

Section 909 Local Business to add Restaurant Carryout/Take Out and Restaurant Sit Down under permitted uses and to add Banquet Facility under conditional uses.

At 7:15 p.m., Mrs. Siddens moved to open the public hearing for Section 909 Local Business to add Restaurant Carryout/Take Out and Restaurant Sit Down under permitted uses and to add Banquet Facility under conditional uses and to add to the definitions section. George seconded. Roll Call: Siddens, yes; George, yes; Burkholder, yes.

President Burkholder read the zoning commission's recommendation, by a 3-0 vote, to approve the text amendments. LCPC staff and commission recommended approval of Article II and to conditionally approve Article IX with the condition that the definition of Restaurant Carryout/Take out should exclude Drive-Thrus.

Mrs. Siddens said she had concerns with placing drive-thrus and carryouts in local business and the way the amendment came about. Trustees should not be looking at changing amendments for a specific property but should consider the good of the entire community.

President Burkholder said he had mixed feelings. He would like to see restaurants in LB but has concerns about many sections in the zoning resolution. He would like to see a professional hired to rewrite the entire zoning code. New businesses should be established in the proper place instead of trying to rewrite the zoning resolution to accommodate a piece of property that is under contract.

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Mr. George said he agreed with the zoning commission and that the property is presently not zoned LB, still needs to come before the Board for rezoning.

Claudette Van Dyne, 7173 Refugee Road, said it was unfortunate that large subdivisions were placed on corners of main thoroughfares. Local Business is all around the property in question and she supports a nice restaurant on that corner. LB is a better zoning classification than GB because it limits the number and types of businesses.

Jim Van Dyne, 7173 Refugee Road, said the zoning commission did not pass the amendments for that specific property. It was recommended to the commission that LB and GB zoning be close to housing developments so residents do not need to drive to Reynoldsburg.

At 7:34 p.m., Mrs. Siddens moved to close the public hearing and go back into regular session. George seconded.

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

Resolution 05-11-01-01: Mr. George moved to accept the recommendation of the zoning commission to add in Section 909 Local Business, Item K - Restaurant Sit Down, Item L - Restaurant Carryout/Take Out; under conditional uses, Item E - Banquet Facility. To add under the Definition Section:

Banquet Facility - A facility available for lease by private parties.

Restaurant Sit Down - An establishment maintained, operated and/or advertised or held to the public as a place where food and beverage are served to the public on demand from a menu during stated business hours, served in and on reusable containers and dinnerware, to be consumed in the premises primarily inside the building at tables, booths or counters, with chairs, benches or stools.

Restaurant Carryout/Take Out - A restaurant where food, frozen dessert or beverages are primarily sold in a packaged, ready-to-consume state, intended for ready consumption by the customer on or off the premises to exclude Drive-Thrus.

Burkholder seconded.

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

CORRESPONDENCE

- Applications for Southwest Licking Water & Sewer District representative- Neil Ingle, David Goll and Richard Lord.
- E-mail: Donna Wortman regarding ProLogis water runoff
- E-mail: Rob Klinger - appointment of trustee for manufacturing/warehouse negotiation meeting
- E-mail: Tim Lollo - SR 310/Refugee Road traffic signal
- E-mail: Brent Shenk - legal opinion on citizen complaint about barking dogs
- Ohio Department of Commerce, Division of Liquor Control - notice of public hearing on transfer of ownership application for Cumberland Trails Golf Course.
- LCPC - notice of technical review meeting for "Project Bear"
- Albers & Albers - formation of the "Coalition of Ohio Regional Districts: (CORD)
- Time Warner Communications - new services
- LCPC - original signed Ohio Enterprise Zone agreement and application for Best Lighting
- Ohio Bureau of Motor Vehicles - September statistics report
- Licking County Health Department - notice of proof of vaccination for dog bite
- Tim Lollo - speed limit reductions for Tollgate, Palmer and Columbia Roads
- Ohio Township Association - Grassroots Clippings newsletter
- J. Kenneth Blackwell - 2005 Issues Report for November 2005 General Election

OLD BUSINESS

A. Dallas Maynard's grievance against Trustee Burkholder and George. Threatening and impending litigation. Motion to go into executive session per O.R.C. 121.22 G (1) investigation of charges or complaint against public official.

At 7:42 p.m., Mr. George moved to go into executive session per O.R.C. 121.22 G (1)

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investigation of charges or complaint against a public official. Burkholder seconded.
Roll Call: Siddens, recused herself, point of order, invalid executive session; George, yes; Burkholder, yes

President Burkholder restated the motion.

President Burkholder moved to go into executive session per O.R.C. 121.22 G (3), dealing with threatening and impending litigation. George seconded.

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

At 8:18 p.m., President Burkholder moved to come out of executive session. George seconded.

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

Resolution 05-11-01-02: President Burkholder moved to give Elizabeth Stanton with Chester, Wilcox & Saxbe the authority to negotiate a settlement relative to the impending litigation and also Mr. Stouter. George seconded.

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

B. Motion to go into executive session per O.R.C. 121.22 G (1) to consider the discipline of a public employee.

Not needed

C. Report from Trustee Paul George on Resolution 05-10-04-01

To be given at next meeting.

D. Discussion regarding cemetery fees. (tabled)

Remains tabled, information needed on perpetual care funds.

E. Longwood Crossing subdivision, Section II (tabled)

There was discussion on specifications for emergency access road.

F. Pines Motel at 13930 National Road

President Burkholder said he has been talking with the property manager who been working with the insurance company to see what can be done.

G. Traffic Impact Study submitted to State for SR 310

Resolution 05-11-01-03: President Burkholder moved to refer the Traffic Impact Study submitted to the State for SR 310 to the Licking County engineer for review and comments. George seconded.

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

H. Inventory of garage and town hall assets, progress report

Mr. George reported that the inventory is done.

I. Drainage problem at SR 310 US Route 40

No new information

J. Request for zoning permit and zoning violation activity log update

President Burkholder suggested keeping a notebook with the previous months.

K. Zoning Commission and Board of Zoning Appeals applicants for alternate positions

President Burkholder moved to hold interviews and appoint an alternate to the zoning commission and BZA at the November 15th meeting. Interviews to start at 7:15 p.m. George seconded.

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

L. Licking County Recycling and Litter Prevention Christmas Chipper Program

Resolution 05-11-01-04: Mrs. Siddens moved to approve the Licking County Recycling and

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Litter Prevention Christmas Chipper Program for collection of trees which can be dropped off at the township garage. Burkholder seconded.

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

M. Trails West request for additional tax abatement.

Mr. George reported that Trails West's request for a 100% tax abatement was denied.

N. Noise complaint

President Burkholder said O.R.C. 505.172 addresses noise control regulations.

At 8:37 p.m., President Burkholder moved for a 5 minute recess. George seconded.

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

NEW BUSINESS

A. Motion to appoint a trustee and citizen to the Enterprise Zone negotiating team for Etna Corporate Park.

Resolution 05-11-01-05: Mrs. Siddens moved to appoint President Burkholder and resident, Neil Ingle, to the Enterprise Zone negotiating team for Etna Corporate Park till the end of the year.

Burkholder seconded.

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

B. Updated plan set for SR 310/Refugee Road traffic signal from EMH&T.

Resolution 05-11-01-06: President Burkholder moved to forward the plan for SR 310/Refugee Road traffic signal from EMH&T to Tim Lollo for review and comment. George seconded.

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

C. Zoning enforcement of setbacks

President Burkholder reported that the BZA upheld the zoning inspector's decision that the fence on Arrowwood Court, in Cumberland Trails, was in violation of the setback requirements. He was displeased that the BZA encouraged the homeowner to apply for a variance. Asked the trustees to read the BZA minutes from that meeting.

D. Lynns Road speed limit

Resolution 05-11-01-07: Mr. George moved to journalize Lynns Road from US 40 south to I-70 for speed reduction. Burkholder seconded.

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

E. Speed limit revisions from Tim Lollo for Columbia, Tollgate and Palmer Roads

Speed reductions were approved and speed limit signs will be posted by next week.

REPORTS

A. Clerk's financial report

To be given at next meeting

B. Road report

Written report submitted

C. Approval of road permits

Resolution 05-11-01-08: Mr. George moved to approve road right-of-way permit #11-01-05-01 for the SWLCWSD for Smoke Road from US 40 to I-70. Burkholder seconded.

Mrs. Siddens moved to amend the motion to insert under comments on the permit that the approval is for road bore only, and not for a road cut. Burkholder seconded.

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

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

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Resolution 05-11-01-09 : Mr. George moved to approve road right-of-way permit #11-01-05-02 for Englefield Oil, 10202 Hazelton-Etna Road. Burkholder seconded.
Roll Call: Siddens, yes; George, yes; Burkholder, yes.

C. Water and Sewer District

Mr. Lord was unable to attend tonight's meeting due to a family emergency.

President Burkholder moved to interview and make an appointment to the Southwest Licking Community Water & Sewer District Board on December 6, 2005. George seconded.

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

Mr. George moved to approve vacation time for Mike Waller for November 25th through December 2nd and December 16th through the 30th. Burkholder seconded.

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

D. Zoning report

President Burkholder reported on the subdivision regulations meeting. Questioned an application from Charles L. Meade for a swimming pool on September 29th with no fee listed on the activity log. Mr. George replied that the permit was denied and the money was returned. Burkholder said the receipt of the money should have been listed on the log and then again shown when the money was refunded.

G. Parks and Recreation

Mark Schaff spoke on the widening of SR 310 and the effect it may have on the park. There are restrictions on the park since state funds were used. Explained how the Land Use Plan was developed and is concerned about the Census in 2010. Mr. Schaff volunteered his time and will draft a plan for the census so the township will be more accurately counted.

I. Economic Development Committee

President Burkholder announced a JEDZ Board meeting at Cabot for tomorrow.

PAYMENT OF BILLS

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

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

2592	VW	10/31/2005	COLUMBIA GAS CO.		\$77.27
2593	VW	10/31/2005	NEXTEL COMMUNICATIONS		125.10
2594	VW	10/31/2005	SPRINT		291.37
2595	VW	10/31/2005	GORDON FLESCH COMPANY, INC.		46.60
2596	VW	10/31/2005	DALLAS W. MAYNARD		261.10
2597	VW	10/31/2005	GARY BURKHOLDER		194.98
2598	VW	10/31/2005	PAUL GEORGE		155.23
2599	VW	10/31/2005	STEPHEN L. FERRIS		54.32
2600	VW	10/31/2005	THE SHELLY COMPANY		341,198.78
2601	VW	10/31/2005	CHESTER, WILLCOX & SAXBE LLP		1,632.00
2602	VW	10/31/2005	REDSKIN TRANSPORT		484.66
2603	VW	10/31/2005	BREWPRO INC.		2,690.00
2604	VW	10/31/2005	MEDICAL MUTUAL OF OHIO		4,286.99
2605	PY	11/01/2005	JAMES W. WYRICK	- JWW	91.70
2606	PY	11/01/2005	MARK J. SMITH	- MJS	860.22
2607	PY	11/01/2005	PHILLIP M. WALLER	- PMW	1,481.66
2608	PY	11/01/2005	OHIO PUBLIC EMPLOYEES RETIREMENT SYSTEM		4,772.32
2609	PY	11/01/2005	PARK NATIONAL BANK		1,687.88
2610	PY	11/01/2005	TREASURER OF STATE OF OHIO		628.36
2611	PY	11/01/2005	OHIO SCHOOL DISTRICT INCOME TAX		103.78
2612	PY	11/01/2005	GARY L. BURKHOLDER	- GLB	735.72
2613	PY	11/01/2005	PAUL W. GEORGE	- PWG	752.81
2614	PY	11/01/2005	STEPHEN L. FERRIS	- SLF	645.29
E00096		11/03/2005	M. BARBARA DIGEL-BARRETT		\$990.63
E00097		11/03/2005	DALLAS W. MAYNARD		839.07
E00099		11/03/2005	RACHAEL D. SIDDENS		752.81
E00100		11/03/2005	LAURA J. BROWN		772.15

Total is \$366,612.80

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.

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Barbara Hight-Sunett
Clerk

PUBLIC COMMENTS

Jim Van Dyne asked about the progress of the final development plans. Mr. George said he would be getting the information from Byran Long, Licking County Recorder.

Neil Ingle said he was delighted that the BZA upheld the zoning inspector's decision on the fence violation in Cumberland Trails but was concerned that a variance was suggested.

Jim Van Dyne said that according to the zoning resolution, a variance could only be issued in case of a hardship.

Claudette Van Dyne asked about safety issues with detention ponds.

At 10:00 p.m., Mr. George moved to adjourn the meeting. Burkholder seconded. The vote in favor was unanimous.

Barbara Hight-Sunett
Clerk

Gary Burkholder
President