

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Trustees

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

November 15, 2005

20

The Etna Township Board of Trustees met on November 15, 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.

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

ADOPTION OF THE MINUTES

Mr. George moved to adopt the November 1, 2005 meeting minutes. Siddens seconded.

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

PUBLIC COMMENTS

No public comments

A. Interviews for Zoning Commission and Board of Zoning Appeals applicants for alternate positions.

Four applications were received; Trent Stepp, Linda Dee Dunlap, Michelle Weber and Delores Trivett.

Trent Stepp said he has been a township resident since 1998, has a vested interest in the community and would like to become involved in his community. Would like to see value oriented facilities added to the township to ease the way of life for residents and to add value to the community. Rapid growth is not necessarily bad but needs to be controlled and the infrastructure needs to be in place. Growth needs to be balanced and he would not like to see mostly residential developments.

Linda Dee Dunlap said she has been a six year resident and business owner and her family has lived here for a 100 years. Believes the zoning commission has control of what the community will look like in the next 5 years and into the future. Concerned about the widening of SR 310 and the effect it will have on her business and would not like to see SR 310 become like SR 256. Many people have expressed their opinions to her and she believes she would be an asset on the board. Growth is coming and can not be stopped. Businesses needed to be placed appropriately and residents will need to adapt to the growth.

Michelle Weber said she has been a resident for almost two years and her family loves the community. Her family is in the construction business and she is not against growth, but it should not be too rapid and should be planned.

Delores Trivett was not present and there was an attempt to notify her of the meeting.

Resolution 05-11-15-01: President Burkholder moved to appoint Michelle Weber to the Board of Zoning Appeals as an alternate for the term of one year, 1/1/2006 to 12/31/2006. George seconded.

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

Resolution 05-11-15-02: Mr. George moved to appoint Trent Stepp to the Zoning Commission as an alternate for the term of one year, 1/1/2006 to 12/31/2006. Burkholder seconded.

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

Resolution 05-11-15-03: Mr. George moved to appoint Linda Dee Dunlap to the Zoning Commission as an alternate for the term of one year, 1/1/2006 to 12/31/2006. Burkholder seconded.

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

B. Central Ohio Technical College

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President Burkholder said Dr. Bonnie Coe, President of Central Ohio Technical College, spoke at the Pataskala Chamber of Commerce luncheon and the college is looking to establish a permanent campus in western Licking County.

Resolution 05-11-15-04: President Burkholder moved for the Etna Township Board of Trustees to authorize the president to send a letter of interest and support and to initiate a dialogue with Dr. Coe and other members of the search committee regarding placing the campus in Etna Township. George seconded.

Discussion: Mrs. Siddens said that the general manager of Too Inc and Rob O'Neill of Southgate were interested in bringing a facility for higher education to this area and suggested that they also become involved.

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

CORRESPONDENCE

- Time Warner Cable - regarding agreement with Comcast
- E-mail from Rob Klinger on retention expansion and privileged communications
- Robert L. Becker - regarding liquor permit hearing for Cumberland Trails Golf Course and a legal opinion on appropriation of land for a town hall
- Ohio Department of Commerce, Division of Liquor Control - notice that all liquor permits will expire 2/11/06 and objections must be filed by 1/3/06.
- Mike Kerner - letter regarding zoning issues.
- Scenic Ohio - newsletter
- Licking County Treasurer, Michael L. Smith - notice of estate tax of \$7,760 from Judith Linke.
- Dan Bravard - regarding Section 909, 917 and final development plans.
- National Business Institute - notice of seminar
- OTA - newsletter regarding Issue I
- Licking County Recycling - newsletter
- Chester, Wilcox & Saxbe - newsletter
- J.D. Equipment - quote for new John Deere tractor

OLD BUSINESS

A. Motion to go into executive session per O.R.C. 121.22 G (3); conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action.

President Burkholder moved to go into executive session per O.R.C. 121.22 G (3); conference with attorney, Betty Stanton, concerning disputes involving the public body that are the subject of pending or imminent court action. George seconded.

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

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

Roll Call: George, yes; Burkholder, yes

Resolution 05-11-15-05: President Burkholder moved to authorize Elizabeth Stanton to negotiate a settlement on the imminent court action against the township. George seconded.

Roll Call: Siddens, no response; 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.

At 8:07 p.m., President Burkholder moved to go into executive session per O.R.C. 121.22 G (1) to consider the discipline of a public employee. George seconded.

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

President Burkholder said Dick Knapp and the attorney, Ms. Stanton, would stay for the executive session.

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20

At 8:25 p.m., President Burkholder moved to go out of executive session. George seconded.
Roll Call: George, yes; Burkholder, yes

C. Report from Trustee Paul George on Resolution 05-10-04-01
President Burkholder moved to table this item. George seconded.
Roll Call: Siddens, yes; George, yes; Burkholder, yes

D. Discussion regarding cemetery fees. (tabled)
Mr. George said that government entities are exempt from the perpetual care fund.
Tom Dixon suggested that there be a different cost for lots for residents and non-residents.

Resolution 05-11-15-06: President Burkholder moved to direct the clerk and Laura Brown to load the cemetery software on the computer at the township hall by the next regular meeting.
George seconded.

Discussion: Mrs. Siddens suggested that the lots be marked with small markers and that workers from the work release program be used to help with this project.

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

E. Longwood Crossing subdivision, Section II (tabled) update
Mr. George reported that Ty Yoho with the Licking County Engineer's Office said the emergency access road has been built to county specifications; there is 3' of blacktop, the road is 20' wide and the road is private.

Mrs. Siddens said she doubts this road will remain private and stated it would be dedicated to the township in the future. President Burkholder said he was adamantly opposed to the access road being dedicated as a township road and asked Mr. George to have the fire department and county engineer put their approval of the emergency access road in writing.

F. Pines Motel at 13930 National Road
President Burkholder said some clean up has been done.

G. Traffic Impact Study submitted to State for SR 310
The study has been forwarded to the county engineer and given to Craig Smith along with the blueprints for the traffic signal at SR 310 and Refugee Road.

H. Inventory of garage and town hall assets, progress report
Mr. George said the inventory is complete.

I. Drainage problem at SR 310 US Route 40, Jim Valentine with ODOT
President Burkholder said he has not heard back from Jim Valentine with ODOT.

J. Noise complaint, refer to zoning commission
Resolution 05-11-15-07: President Burkholder moved to forward the noise complaint on the barking dog, along with the prosecutor's legal opinion to the zoning commission to consider drafting an amendment on noise control. George seconded.

Discussion: President Burkholder said he would like to see the zoning commission make recommendations and they could ask Phil Laurien on what other townships do. Mrs. Siddens said there are other townships that lie within a city or have their own constables that can enforce violations. Etna Township has only the sheriff's office and we need to know how we can enforce noise violations. Mr. George said the trustees need to know the legal aspects if noise control is placed in the zoning resolution and how enforceable it will be by the township.

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

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K. SR 310/Refugee Road traffic signal

Already discussed.

L. Zoning enforcement of setbacks

President Burkholder said a violation on a fence setback in Cumberland Trails was upheld by the BZA. The zoning department has not taken any action on the violation because they are waiting to see if the homeowners will file for a variance. Burkholder is concerned that the BZA would encourage the homeowner to apply for a variance even though the BZA stated that the homeowner needs to check their deed restrictions. Also asked Mr. Ferris if he is going to enforce the other setback violations in Cumberland Trails. The trustees need to advise the zoning department that when people call in about fences, that there is no requirement for a permit to build a fence, but the owner needs to be compliance with the zoning resolution and deed restrictions.

M. Zoning map

President Burkholder said some annexations have not been properly recorded.

Mr. George said the time limit for the Broyles Family Farm is 1/28/06 and the property will return to AG and he would like for this to be reflected on the zoning map.

President Burkholder moved for a 7-10 minute recess. George seconded and the vote in favor was unanimous.

NEW BUSINESS

A. Motion regarding James Wyrick seasonal employment

Resolution 05-11-15-08: Mr. George moved to notify James Wyrick that his summer employment is terminated. Burkholder seconded.

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

B. Letter from zoning commission

1. Motion to set public hearing for Section 909 Local Business - Banks (11-29-05)
2. Motion to set public hearing for Section 917 Single Family Residential District - Township Government Buildings. (11-29-05)

President Burkholder moved to set two public hearings for November 29, 2005 starting at 7:00 p.m. at the Etna Township Hall. The hearings are to consider text amendments to the zoning resolution. First hearing is for Section 917-Single Family Residential District (RS) to add Item G - Township Government Building and to add the definition. The second hearing will follow and is for Section 909 Local Business District (LB) to add under permitted uses, Item M - Banks and Finance Establishments including drive-thrus and to add the definition. George seconded.

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

Mrs. Siddens said she would be out of town on that date.

3. Final development plans from zoning office

President Burkholder said he would like to see better communications with the zoning commission.

4. Mike Kerner's letter regarding zoning checklist.

Resolution 05-11-15-09: President Burkholder moved to approve the checklist as an administrative tool as presented. George seconded.

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

C. Motion to advertise for full-time appointments to the Board of Zoning Appeals and the Zoning Commission with the deadline of December 9, 2005.

President Burkholder moved to advertise for one permanent position to the Board of Zoning Appeals and one for the Zoning Commission with the applications to be submitted by December 9, 2005. These will be 5 year terms beginning 1/1/2006. George seconded.

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Trustees

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held November 15, 2005 20

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

D. Motion to approve additional hours to Delaware County Regional Planning Commission, Phillip Laurien.

President Burkholder said that all hours were used and the zoning commission still needs some input from Phil Laurien.

Resolution 05-11-15-10: President Burkholder moved to approve an additional 10 hours at \$75/hr from now to the end of the year for Delaware County Regional Planning Commission. George seconded.

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

E. Discuss the employee manual

1. Vacation policy

There has been a problem with all employees taking vacations in December because of the accrual basis of earning vacation days in the current year and requirement that they must be used in the current year.

Resolution 05-11-15-11: President Burkholder moved to amend the Etna Township Employee Manual, on page 28 under accumulation rights, to read: "Vacation time accrued only in December may be carried over and accumulated in the following calendar year. Exception to this policy may be made in unusual circumstances, each case to be considered separately by the Trustees." George seconded.

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

President Burkholder moved to grant Laura Brown vacation time for November 25th, December 2nd and 23rd. George seconded.

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

F. Tax abatement committee

President Burkholder said he would like to see the trustees rotate to serve on this committee and this will be addressed at the organizational meeting.

G. Licking County Sheriff Office 2004 Crime Statistics

President Burkholder said because of the high crime statistics for Etna Township, now is the time for the county commissioners and the Licking County Sheriff's Office to plan for a substation in western Licking County. With the increase in county sales tax, there should be money available for a substation and should be placed in Etna Township.

H. Pataskala Area Chamber of Commerce Christmas Party December 1, 2005
Announcement

I. Licking County Planning Commission TRC on Project Bear

President Burkholder moved to request the CD from the TRC meeting on Project Bear and for Laura Brown to make minutes for the trustees. George seconded.

Discussion: President Burkholder said many statements are made at the TRC meetings and not followed up on. He would like to have those comments in writing.

Roll call not taken.

J. Licking County NPDES invoice

Mr. George moved to approve the Licking County NPDES invoice. Burkholder seconded.

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

K. Annual liquor permit renewal objections

Resolution 05-11-15-12: President Burkholder moved to work with the prosecutor and zoning

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Trustees

DAYTON LEGAL BLANK, INC., FORM NO. 10148

November 15, 2005
 Held _____ 20_____

department to collect the necessary information and file an objection to the C1 liquor permit #5792959 for Charles T. Meade DBA Shamrock Motel & Store at 8409 National Road SW, Etna Township, Pataskala, OH 43062. George seconded.

Discussion: Mrs. Siddens said customers buy beer at the store then sit on the patio and drink the beer which is in violation of the carry out liquor permit.

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

L. Citizen complaint regarding speeding on Palmer Road

Mr. George reported that Tim Lollo said ODOT would not approve a speed limit reduction for Palmer Road from the I-70 overpass east to Mink Street. George said he will continue to get the speed reduced.

M. Citizen email regarding ProLogis

Email from Donna Wortman to Harry Kallipolitis at Ohio EPA concerning drainage at ProLogis. A concern is stated that the runoff is going into Sycamore Creek. Mr. George reported that with the recent heavy rain, First Avenue in Mayflower was not flooded and the detention pond is working. Burkholder said he would contact LCPC.

N. JD Equipment quote for tractor

President Burkholder said the trustees will look at the option of a new tractor next year and the possibility of leasing new equipment.

O. Advertise for the January 3rd organizational meeting.

President Burkholder moved to set the Etna Township 2006 organizational meeting for January 3rd at 7:00 p.m. George seconded.

Mrs. Siddens moved to amend the motion to add for a regular meeting to follow the organizational meeting. Burkholder seconded the amendment.

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

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

REPORTS

A. Clerk's financial report

Month of October 2005

	Receipts	Expenditures
General Fund	\$ 16,303.40	\$ 27,569.23
MV License Tax	1,477.07	1,718.27
Gasoline Tax	3,122.23	15,766.00
Road & Bridge	5,474.22	339,844.61
Special Assessments	-	247.37
Total	\$ 26,376.92	\$ 385,145.48

Funds Total October 31, 2005 - \$1,049,231.93

Contracted services has \$42,250. that can be moved to Operating Supplies and Repairs

Resolution 05-11-15-13: Mrs. Siddens moved to transfer \$32,250 from contracted services (2021-330-360-0000) with \$42,250 going into operating supplies (2021-330-420-000) and \$10,000 into repairs and maintenance (2021-330-323-0000). George seconded.

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

Resolution 05-11-15-14: Mrs. Siddens moved to approve a blanket certificate for \$10,000 for repairs and maintenance (2021-330-323-0000) and a blanket certificate for \$32,250 for operating supplies (2021-330-420-000). George seconded.

RECORD OF PROCEEDINGS

Minutes of

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Held November 15, 2005 at 20

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B. Road report

Written report submitted. Mr. Smith requested vacation for December 23rd through the 30th. This is the same time when Mr. Waller is on vacation.

President Burkholder moved to deny Mark Smith's request for vacation for December 23rd through the 30th and to advise him the vacation can be taken before the end of the year or the trustees will consider if it can be carried over into next year. George seconded.

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

C. Approval of road permits

Resolution 05-11-15-15: Mr. George moved to approve Road Right-of-Way Permit #11-15-05-01 for S & N Communications for 10761 Tollgate Road to replace buried service wire. Siddens seconded.

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

D. Water and Sewer District

Mr. Lord was unable to attend the meeting and asked the township secretary for the copy of the letter sent by the trustees to the SWLCWSD Board regarding unnecessary expenses and also the letter sent to the Licking County Commissioners regarding their failure to provide an adequate letter of support to the Ohio EPA on the Lock In/Lock Out status. Neither letter was written or sent by the trustees.

E. Zoning report

Written report submitted.

President Burkholder moved to direct the zoning inspectors to begin the compilation of an annual report. George seconded.

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

G. Parks and Recreation

Mrs. Siddens reported that an unlicensed car was towed from the park.

K. Economic Development Committee

Neil Ingle reported the committee had a work session to compile maps to identify all areas that are prime spots for development.

L. JEDZ

Mr. Ingle reported that Newark will start collecting the income tax January 1st.

PAYMENT OF BILLS

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

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

2615	PY	11/15/2005	JAMES W. WYRICK	- JWJ	\$138.15
2616	PY	11/15/2005	MARK J. SMITH	- MJS	860.22
2617	PY	11/15/2005	PHILLIP M. WALLER	- PMW	1,481.66
2618	PY	11/15/2005	STEPHEN L. FERRIS	- SLF	607.47
2619	VW	11/15/2005	AMERICAN ELECTRIC POWER		596.24
2620	VW	11/15/2005	COLUMBIA GAS CO.		125.79
2621	VW	11/15/2005	SWLCWSD		103.95
2622	VW	11/15/2005	NEWSPAPER NETWORK OF CENTRAL OHIO		120.03
2623	VW	11/15/2005	DELAWARE COUNTY REGIONAL PLANNING		37.00
2624	VW	11/15/2005	STEPHEN L. FERRIS		74.69
2625	VW	11/15/2005	MIDLAND CO-OP, INC.		1,578.65
2626	VW	11/15/2005	LICKING COUNTY COMMISSIONERS		660.00
2627	VW	11/15/2005	BURDICK EQUIPMENT COMPANY INC.		909.52
E00101		11/16/2005	Dallas W. Maynard		879.17
E00102		11/16/2005	Laura J. Brown		759.65

Total is \$8932.19

I do hereby certify that the funds for payment of the above obligations were lawfully

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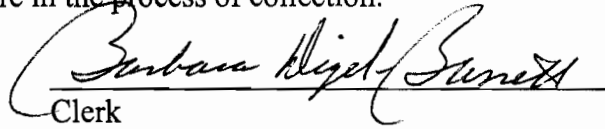
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Held November 15, 2005 20

appropriated and are on hand or are in the process of collection.


Clerk

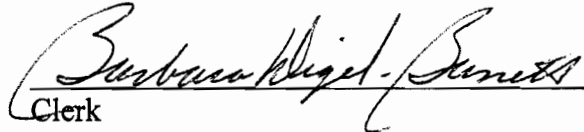
PUBLIC COMMENTS

Tom Dixon, 8467 Hazelton-Etna Road, had questions on the drainage at ProLogis. Complained about Refugee Road from Mink Street east to Columbia Road. Mr. George explained that this section of the road is maintained by Pataskala per an agreement.

Resolution 05-11-15-16: president Burkholder moved to approve a blanket certificate for \$1,307.36 for repairs and maintenance (1000-120-323-0000) to repair the township hall roof. Siddens seconded.

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

At 10:55 p.m., Mr. George moved to adjourn the meeting. Burkholder seconded. The vote in favor was unanimous.


Clerk


President