

# RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

February 21, 2006

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The Etna Township Board of Trustees met on February 21, 2005 at the Etna Township Hall to hold a regular meeting. President Burkholder called the meeting to order at 7:00 p.m. and the pledge of allegiance was recited.

Roll call showed President Burkholder, Trustee Knapp and Fiscal Officer Digel-Barrett present. Trustee George was absent.

The motion to adopt the agenda was made by President Burkholder, seconded by Knapp. Mr. Knapp moved to amend the agenda to remove item J and K and to remove hard hats for zoning inspectors under item E all under new business. Burkholder seconded and the vote in favor of the amendment was unanimous

President Burkholder moved to amend the agenda to add item E – trash bid contract under new business. Knapp seconded and the vote in favor of the amendment and main motion was unanimous.

### **ADOPTION OF MINUTES**

Mr. Knapp moved to approve the January 24, 2006 special meeting minutes. Burkholder seconded and the vote in favor was unanimous.

President Burkholder moved to approve the February 2, 2006 special meeting minutes. Knapp seconded and the vote in favor was unanimous.

President Burkholder moved to approve the February 7, 2006 regular meeting minutes. Knapp seconded and the vote in favor was unanimous.

### **PUBLIC COMMENTS**

Kim Pennington, 113 Brandon Park Drive, expressed her concern about Wal-Mart on SR 310 and feels there is a more appropriate place for the store elsewhere in the township.

John Kennard, 10785 Palmer Road, commented on property taxes and believes there should be a building moratorium.

Tom Dixon, 8467 Hazelton-Etna Road, said his property taxes more than doubled and is concerned about a building moratorium on SR 310 and his ability to sell his property. If there should be a moratorium, then it should be for the entire township including residential.

### **PUBLIC HEARING**

At 7:18 p.m., Mr. Knapp moved to open the public hearing to consider the application submitted by Pro-Logis for 11819 National Road, owned by PGW Partnership, to rezone the front 35 acres from General Business (GB) and the rear 51.6 acres from Medium Low Density Residential District (R2) to Light Manufacturing District (M1) on the entire 86.6 acres. Burkholder seconded and the vote in favor was unanimous.

ProLogis proposes to build two or three warehouses on the property. There was no ProLogis representative present at the meeting for information or discussion. The Licking County Planning Commission (LCPC) and LCPC staff recommended approval. The Etna Township Zoning commission recommended approval by a 5-0 vote.

David Goll, 8995 York Road said the rezoning was a good idea and was an appropriate use for the land.

Mr. Knapp said it was an excellent economic opportunity for the township but is concerned about the infrastructure and would like to discuss his traffic concerns with Pro-Logis. A tremendous amount of truck traffic will be generated with the amount of truck bays planned and the safety of the residents must be considered.

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Claudette Van Dyne, 7173 Refugee Road, said she favored the rezoning for economic development and would like to see a JEDZ implemented for that property also. She was impressed with the engineering for the water runoff.

Tom Dixon expressed his concerns about engineering for water runoff and the need for larger detention/retention ponds. Said that water stands on SR 310 which never happened until the Cumberland Trails subdivision was built.

David Goll said he agreed with Knapp and suggested asking Pro-Logis to use their influence in getting the SR 310 and US 40 intersection widened and an I-70 interchange built.

Burkholder said that there was an earlier commitment by ODOT to widen the intersection but that plan has been placed on hold. The growth rate has changed resulting in a design change and the money is not available.

Knapp said he would like to see Pro-Logis present at the next meeting to help with a solution to the infrastructure

John Kennard said if the township brings on the business, then the state will do something about the infrastructure.

Mr. Knapp moved to recess the public hearing until the March 7, 2006 meeting at 7:15 p.m. Burkholder seconded and the vote in favor was unanimous.

Board of Zoning Appeals annual meeting with members Rick Cox, Cheri Rogers, Jeff Johnson, David Goll and Michelle Weber

Chairman Rick Cox inquired about an alternate, stating that one was needed for an upcoming hearing which has been delayed until an alternate member is in place. Mr. Cox must recuse himself from the hearing because of a conflict of interest and would like to give the applicant a hearing before a full Board, the same opportunity as other applicants. President Burkholder objected to the delay and decision made by the chairman. Burkholder wants to check the zoning resolution and said there has been a problem with procedural consistency with the BZA. Mr. Knapp said he has heard nothing but praise for the BZA and zoning commission throughout the county. Cox said the Board is interested in continuing education and said Laura Brown was an asset as their clerk. There was discussion on item L on the agenda concerning the appeal of the BZA decision on January 25, 2006. Cheri Rogers read a legal opinion from Brent Shenk on the trustees appealing a BZA decision. Burkholder said he would like to have that opinion clarified. Mr. Goll said the Board has stayed within the guidelines. Jeff Johnson said he has served on the BZA for ten years and only one decision had been overturned. Cox said that he and Holloway attended the zoning commission on the fence situation because it affected every resident in the township with a fence. Knapp said the BZA did a professional job with the fences and relieved the stress of the citizens.

#### CORRESPONDENCE

- Licking County Planning Commission – Resolution 5-278 canceling the Enterprise Zone tax abatement agreement with Cabot Corporation
- Ohio Bureau of Motor Vehicles – January statistics report
- Shelly Materials – list of asphalt prices until 6/30/06
- Michael L. Smith, Licking County Planning Commission Treasurer – notification of estate tax receipt
- Licking County Board of Commissioners – regarding Licking County 208 Water Quality Management Plan
- J. Kenneth Blackwell – request for information
- Care Works – Case management report
- MORPC – Winter 2006 Horizon Magazine

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**REPORTS**

Fiscal Officer

As of February 21, 2006

|  | Receipts     | Expenditures |
|--|--------------|--------------|
| General Fund                                 | \$ 9,140.72  | \$ 31,219.86 |
| MV License Tax                               | 1,404.59     | -            |
| Gasoline Tax                                 | -            | 2,880.95     |
| Road & Bridge                                | -            | 6,880.51     |
| Special Assessments                          | _____        | 250.49       |
| Total  | \$ 10,545.31 | \$ 41,231.81 |
| Funds Total February 21, 2006 - \$961,282.69 |              |              |

**Roads**

Resolution 06-02-<sup>21</sup>~~27~~-01: President Burkholder moved to approve culvert permit #02-21-06-01 for 1084 South Street contingent on review by Mike Waller. Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

**Zoning**

Mr. Knapp reported that Zone Pro software was being reviewed by the zoning inspectors. Five resumes were received for the zoning inspector position and he conversed with four applicants.

**OLD BUSINESS**

A. Update on the 1.5 mill road and bridge levy in excess of the ten mill limitation on the May 2006 primary ballot

Fiscal officer reported that the levy was submitted to the Board of Elections on February 9<sup>th</sup>.

B. Longwood Crossing Subdivision Section 2 (tabled)

Ty Yoho with the Licking County Engineer's Office notified Steve Ferris that he personally inspected the emergency access road. Yoho will instruct the developer to grade down the disturbed soil protruding up from the asphalt area caused by the grading.

C. Board of Zoning Appeals alternate deadline, March 3, 2006

Not discussed

D. Motion to consider to lease or purchase a John Deere 6420 tractor

President Burkholder said the cost is \$56,000 through the state contract and the township could go through the master leasing program with a 4.4% interest for five years. No action taken.

E. Trash bid

The fiscal officer said it was brought to her attention that there was a discrepancy in the specifications for the trash bid. In one section the performance bond that is required is 100% of the contract price and in another section, \$100,000. The bidders need to know the correct bond amount. Brent Shenk was contacted and the Board needs to determine which amount will be required.

Resolution 06-02-<sup>21</sup>~~27~~-02: Mr. Knapp moved that the requirement for the performance bond for the trash bid be 100% of the contract price. Burkholder seconded.

Roll Call: Knapp, yes; Burkholder, yes

**NEW BUSINESS**

A. Rumpke trash dumpster at garage, approve payment

Resolution 06-02-<sup>21</sup>~~27~~-03: President Burkholder moved to approve \$500 to Rumpke for delivery of dumpster and removal of debris at the township garage. Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

B. Print cartridge for copier at garage

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Resolution 06-02~~47~~-04: President Burkholder moved to approve a print cartridge for copier at garage not to exceed \$125. Knapp seconded.

Roll Call: Knapp, yes; Burkholder, yes

C. Provide clerical help to fiscal officer to type minutes

It was decided that the fiscal officer would provide the township secretary with a list of the Board decisions within two days of the meeting so there could be follow up on the decisions made at the meeting.

D. Motion to approve hours for Don Brosius to attend zoning commission meeting.

Resolution 06-02~~47~~-05: President Burkholder moved to approve ten hours for Don Brosius to attend zoning commission meetings not to exceed \$2,000. Knapp seconded.

Discussion: Burkholder said Brosius' attendance was requested by the zoning commission to attend for legal advice on the zoning resolution. Knapp expressed his concerns on the expense and said he would like for Mr. Brosius to attend a trustee meeting, at no expense, to explain what he can do for the township residents.

Roll Call: Knapp, yes; Burkholder, yes

E. Approve purchase of safety jackets and shirts for road department

Item was tabled

F. Should trustees consider revising all zoning fees

Mr. Knapp questioned if zoning fees should be revised and it was decided that data could be collected to see if the township is on parity with surrounding entities.

G. Answer to trustee Burkholder's concern regarding fees for reissued/revised zoning permits

Mr. Knapp explained the fees were for inaccuracies in the additions of square footage for occupancy permits. Burkholder said it was explained to him as a flat fee and suggested that the zoning inspectors measure the square footage when the permit is first issued with the drawings.

H. Advertising for zoning fees for fences and effective date

Mr. Knapp moved to advertise in the Pataskala Standard that a \$50 fence permit will be required effective April 1, 2006. Burkholder seconded.

Burkholder said to go with a press release which would be free. The vote in favor was unanimous.

I. Schedule dates for trustee work sessions

There was discussion on holding work sessions when Trustee George returns

L. Appeal the decision of the Board of Zoning Appeals for the adjudicatory hearings decided on January 26, 2006

President Burkholder said he wants to consultate with the prosecutor to see if the Board has the authority to appeal the decision.

The motion to pay the bills was made by Knapp, seconded by Burkholder and the vote in favor was unanimous.

|      |                    |        |      |                       |         |
|------|--------------------|--------|------|-----------------------|---------|
| 2781 | Void               |        | 2792 | Delaware Co. Planning | 1500.00 |
| 2782 | Peter Bush         | 361.07 | 2793 | MORPC                 | 1361.00 |
| 2783 | AEP                | 209.18 | 2794 | Newspaper Network     | 92.50   |
| 2784 | Columbia Gas       | 362.41 | 2795 | Midland Co-Op         | 689.74  |
| 2785 | Sprint             | 307.65 | 2796 | Kimball Midwest       | 734.94  |
| 2786 | Steve Ferris       | 58.20  | 2797 | Kimball Midwest       | 899.69  |
| 2787 | Gary Burkholder    | 139.20 | 2798 | Mark Smith            | 996.17  |
| 2788 | Paul George        | 153.25 | 2799 | Phillip M. Waller     | 1782.56 |
| 2789 | Treasurer of State | 330.00 | 2800 | Steve Ferris          | 602.69  |

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|      |                       |          |        |                |        |
|------|-----------------------|----------|--------|----------------|--------|
| 2790 | Chester, Wilcox       | 618.34   | E00118 | Dallas Maynard | 899.59 |
| 2791 | Delaware Co. Planning | 357.77   | E00119 | Laura Brown    | 746.54 |
|      | Total                 | 12841.42 |        |                |        |

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

  
 Fiscal Officer

### PUBLIC COMMENTS

Claudette Van Dyne, 7173 Refugee Road, discussed the procedure for hiring a public employee and commented on the discord between the members of the BZA and the trustees and on other matters.

Tom Dixon asked the purpose for the purchase of the John Deere tractor.

David Weber, 232 Purple Finch Loop, asked about the moratorium on SR 310 and suggested that the Board hire outside legal counsel for a faster opinion. Mr. Knapp said he would wait for the legal opinion from the county prosecutor.

Tom Dixon also wants a quicker answer and is in favor of an outside legal opinion on the moratorium.

Dan Dodd, 4623 W. Northland Road, a candidate for the Ohio House of Representatives, said it was good to see local government at work.

At 10:26 p.m. the motion to adjourn the meeting was made by Knapp, seconded by Burkholder and the vote in favor was unanimous.

  
 Fiscal Officer

  
 President