

RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

May 2, 2006

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The Etna Township Board of Trustees met on May 2, 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, Trustee George and clerk pro tem, Laura Brown present. Fiscal Officer Digel-Barrett arrived at 8:50 p.m.

The motion to adopt the agenda was made by Mr. George, seconded by Knapp. Mr. Knapp moved to amend the agenda to add item G under new business – update on zoning inspector applicants. George seconded and the vote in favor of the amendment and motion was unanimous.

ADOPTION OF MINUTES

Mr. George moved to approve the April 12, 2006 special meeting minutes. Knapp seconded and the vote in favor was unanimous.

Mr. George moved to approve the April 18, 2006 regular meeting minutes. Knapp seconded and the vote in favor was unanimous.

PUBLIC COMMENTS

Bart Weiler, 126 Runkle Drive, speaking on behalf of the Pataskala Area Chamber of Commerce, said the chamber has some concerns that the building limitations proposed by the zoning commission are too restrictive and would make Etna Township unattractive for retail and industrial businesses. Also the size limitations may make annexation to Reynoldsburg desirable for property owners.

Tom Dixon, 8467 Hazelton-Etna Road, expressed concerns about water flow from a ditch that may have been filled in, on the southwest side of Columbia Road and Refugee Road, maintained by Pataskala but in the township. The trustees need to call Pataskala and Mike Waller may have a copy of the road agreement with Pataskala.

PUBLIC HEARINGS

A. Application submitted by the zoning commission requesting a text amendment to the Zoning Resolution in Section 910 General Business limiting the size of retail establishments.

At 7:22 p.m., Mr. George moved to open the public hearing on Section 910 General Business. Knapp seconded and the vote in favor was unanimous.

President Burkholder read the overview of the text amendment file. The staff report and non-binding recommendations from Licking County Planning Commission (LCPC) was to conditionally approve the proposed amendment. The conditions being that the township consider this proposal carefully to ensure that requirements are reasonable within the minimum lot standards the township currently requires and to act uniformly by considering similar standards for the remaining business districts. The Etna Township Zoning Commission recommended the text amendment by a 3-2 vote.

Bart Weiler 126 Runkle Drive, speaking on behalf of the Pataskala Area Chamber of Commerce (PACC) submitted a letter into the file for public record. Concerns stated were that size restrictions would make it unattractive for retail businesses and may accelerate annexation of township property.

Lonnie Bowman of 9732 Smoke Road, feels this is bad zoning. He has concerns regarding how the zoning commission came up with the limitation square footage and discussed Mid-Ohio Regional Planning (MORPC) with regards to infrastructure.

Bernie Caplin, 441 Brookside, Columbus, asked if there is a conditional use where you could go over the 65,000 square foot limitation and was told they were not aware of one. This restriction would eliminate grocery stores in the township and possibly hotels. He asked what is meant by

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“under one roof”. He has concerns that hotels will not come to Etna. He could see the reasoning for limiting large structures in the wrong locations but this would eliminate large structures entirely.

Claudette Van Dyne, 7173 Refugee Road, has concerns with limiting square footage without a planned commercial district for larger retail stores. She feels hotels would be retail because of gift shops and has concerns of annexation. The proposed change should be carefully thought out before its implementation, there are too many grey areas.

Jim Van Dyne, 7173 Refugee Road, stated that hotels are not restricted. He is against limiting the square footage.

Tom Dixon asked how the zoning commission came up with the 65,000 square foot restriction and was told it was based on the new Kroger store at Main and Taylor Roads.

Nelson Kohman, 10039 Hollow Road, feels the square footage is not the issue. He stated the township is at risk because the change would affect the current property owners as to how they could develop their property. He suggested getting advice from the prosecutor before limiting the square footage.

Jim Van Dyne stated they had to restrict the general business district so another business district could be added.

Bart Weiler had questions regarding strip malls in regards to one roof.

Paul George discussed the Future Land Use Map and the current Zoning Map and having work sessions with the public as to what areas should be residential, commercial, and manufacturing. Feels the limitation of square footage would tie Etna Township’s hands and is against the limitation text.

Dick Knapp feels the zoning commission’s intent is well intended because of the big box store planned for State Route 310. We are talking about retail, not restricting hotels. We need to have a fine definition so there is no confusion. He thinks we need to have two districts.

Bernie Caplin suggested sending the text amendment back to the zoning commission and for them to establish a GB unlimited district. Wanted to know what “under one roof” meant.

Claudette Van Dyne questioned if the Flying J would be considered three roof tops and would like to see proper definitions in this amendment.

Tom Dixon stated we are working around two housing subdivisions, Cameron Chase and Cumberland Trails. The township needs to put businesses on the main stream of traffic. Does not feel that businesses will make it on Route 40 but needs to be where the traffic is, which is SR 310 and I-70.

Mr. George is against the 65,000 square feet. President Burkholder asked where the motion to modify the recommendation came from. Mr. Knapp said he modified the zoning commission’s recommendation to better define the definition of retail. We would not be restricting churches and hotels but would make it more retail specific. Burkholder feels it was a legitimate reaction from the zoning commission. He supports using a zoning planner and attorney to help draft a district and has concerns of what will happen in the meantime.

Jim Van Dyne stated this amendment is not just for SR 310 but for all of Etna Township.

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Mr. George stated that Pataskala could put a big box store on SR 310 which would affect the township's portion of SR 310. President Burkholder stated Pataskala, Etna, and MORPC are working together on SR 310.

Bill Wright stated the MORPC is studying the infrastructure problems. Gary Burkholder said MORPC has not taken over the study, it has been initiated. The problem is not solved. Gary Burkholder feels it will be five to seven years for improvements to the interchange. The improvements to SR 310 and Route 40 have been pushed back to 2008 and 2009 because of the proposed Wal-Mart development and the resulting increase in traffic. There was further discussion on precisely when those improvements would be made.

At 8:05 p.m., Mr. Knapp moved to close the public hearing. George seconded and the vote in favor was unanimous.

Resolution 06-05-02-01: Mr. George moved to reject the recommendation on Section 910 from the zoning commission. Knapp seconded.

Discussion: Dick Knapp discussed sending it back to the Zoning Commission to rework the language and make modifications so it could come back to the trustees as two separate districts. Burkholder stated we can reject, accept, or modify the recommendation and will support the motion but feels it has to be properly crafted.

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

Resolution 06-05-02-2: Mr. George moved to have section 910 sent back to the zoning commission for reconsideration and some upgrades of what would be limited in General Business District. Knapp seconded.

Gary Burkholder moved to amend that we provide the necessary resources for the zoning commission to draft the district. Knapp seconded.

Roll call on amendment: Knapp, yes; Burkholder, yes; George yes.

Roll call: Knapp, yes; Burkholder, yes; George yes.

Mr. Knapp will draft the letter to the zoning commission.

B. Application submitted by the zoning commission requesting a text amendment to the Zoning Resolution in Section 500 Office of Zoning Inspector.

At 8:11 p.m., Mr. George moved to open the public hearing on the text amendment for Section 500 Office of Zoning Inspector. Knapp seconded and the vote in favor was unanimous

President Burkholder reviewed the process from the zoning checklist and read Licking County Planning Commission's staff report and non-binding recommendation from the commission. They conditionally approved the proposed request with the condition being to have the township's legal council review the proposal prior to consideration for adoption. President Burkholder read the legal opinion from Brent Shenk, Assistant Licking County Prosecutor, saying he saw no legal problem with the language proposed.

There were no public comments. President Burkholder said the old language prevented the trustees from giving a verbal warning to the zoning inspector without a public hearing.

At 8:20 p.m., Mr. Knapp moved to close the hearing. George seconded and the vote in favor was unanimous.

Resolution 06-05-02-03: Mr. Knapp moved to accept the recommendation of the Zoning Commission to amend Section 500 Office of the Zoning Inspector to remove "He/she shall be appointed for a term of four (4) years and be an elector of the township. Disciplinary action

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against the zoning inspector for failure to perform prescribed duties may be taken by the Township Trustees, after a public hearing.” George seconded.

Roll Call: Knapp, yes; Burkholder, yes; and George yes.

C. Application submitted by the zoning commission requesting a text amendment to the Zoning Resolution in Section 909 Local Business and Section 911 Accommodation Business Districts limiting the size of retail establishments.

At 8:21 p.m., Mr. Knapp moved to open the public hearing on the text amendment for Section 909 and 911. Burkholder seconded and the vote in favor was unanimous.

President Burkholder read the Licking County Planning Commission staff report and non-binding recommendation from the planning commission. They recommend conditionally approving the proposed amendment with the condition being the township considers this proposal carefully to ensure the requirements are reasonable with the minimum lot standards the township currently requires.

Lonnie Bowman considered the amendment to be bad zoning.

Bart Weiler submitted the same letter of concerns he expressed for the General Business public hearing for the Pataskala Area Chamber of Commerce.

Nelson Kohman said the numbers for limiting retail size were not reasonable.

Bernie Caplin expressed the same concerns and said it would limit many businesses.

Claudette Van Dyne said she believes a planned commercial district is the answer for sound and proper growth.

Mr. George said he was concerned about limiting the square footage.

Mr. Knapp said he would like to send this recommendation back to the zoning commission and reviewed by legal counsel.

President Burkholder stated the zoning commission needs outside services in crafting amendments and a new zoning resolution.

Bart Weiler said he would like to see the township work together with the Licking County Planning Commission and the Licking County Prosecutor’s Office.

Bill Wright asked if the zoning commission had a budget to hire professionals and was told all expenditures are authorized by the trustees. There was discussion on whether professionals were used in drafting the amendment.

At 8:44 p.m., Mr. Knapp moved to close the public hearing. George seconded and the vote in favor was unanimous.

Resolution 06-05-02-04: Mr. Knapp moved to deny the recommendation from the zoning commission on the text amendment to the Zoning Resolution in Section 909 Local Business and Section 911 Accommodation Business Districts limiting the size of retail establishments.

George seconded

Roll Call: Knapp, yes; Burkholder, yes; and George yes.

Resolution 06-05-02-05: Mr. Knapp moved to send the text back to the zoning commission to work with an entity to craft language for Section 909 and 911. George seconded

Roll Call: Knapp, yes; Burkholder, yes; and George yes

PUBLIC COMMENTS

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Bart Weiler asked if the entrance to Trails East at State Route 310 could be turned into a dead end road and there was discussion on preventing through traffic from new developments on SR 310 through Cumberland Trails subdivision.

CORRESPONDENCE

- LCPC – staff report and commission report on conditional approval for Wal-Mart for a variance for signal spacing and driveway spacing
- District 17 Integrating Committee – regarding election of representatives
- Supreme Court of Ohio – John Q. Public lawsuit
- Licking County Health Department – dog bite report
- Ohio Department of Public Safety – FEMA grants
- Neopost – records request
- Compensation Consultants – BWC seminar
- Time Warner Cable – 2005 Community report
- Care Works – open enrollment

REPORTS

Fiscal Officer

Will be given at next meeting

Road

Written report submitted. Mr. George questioned why the county did not do the stripping on Refugee Road. President Burkholder said the cost was not much more and did not know when the county would be able to do it. There was discussion on repairing the cement blocks on the garage and replacing the two garage doors with one.

Resolution 06-05-02-06: President Burkholder moved to approve the expenditure of \$298.85 to Wheelsport for three chain saws. George seconded.

Roll Call: Knapp, yes; Burkholder, yes; and George yes

Resolution 06-05-02-07: Mr. George moved to approve road right-of-way permit #05-02-06-01 upon receipt of a \$2500 bond. Knapp seconded.

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

Mike Waller discussed the problem on Columbus Expressway with the sewer hookup.

Mr. George moved to call the county and request they fix the problem on Columbus Expressway. Knapp seconded.

Mr. Knapp moved to amend the motion for the Board President to draft a letter detailing the issues and to list the items that need to be fixed. George seconded and the vote in favor of the amendment and motion was unanimous.

Zoning

Report will be given at next meeting. There was discussion on the progress of filing the fence violation with the county prosecutor.

Economic Development Committee

Mr. Knapp moved to have Paul George over the Economic Development Committee. George seconded.

Roll Call: Knapp, yes; Burkholder, no; George, yes

Mr. Knapp moved to remove Gary Burkholder from the Economic Development Committee. George seconded.

Discussion: President Burkholder said for the record, this was political payback.

Roll Call: Knapp, yes; Burkholder, no; George, yes

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Mr. Knapp moved to place Dave Goll on the Economic Development Committee. George seconded.

Mr. George moved to amend the motion to also reappoint Claudette Van Dyne. Knapp seconded.

President Burkholder said the appointments need to be done by nomination and roll call was not taken on the above motions.

Mr. Knapp nominated Dave Goll to the Economic Development Committee.

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

Mr. George nominated Claudette Van Dyne to the Economic Development Committee

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

JEDZ

Mr. George said \$700 in income tax has been collected from the construction workers in the zone.

OLD BUSINESS

A. Storm water issues in Willowbrook, Jardin Manor and township

Resolution 06-05-02-8: Mr. George moved to proceed with collecting the information and making a formal presentation to the Board to consider establishing a ditch petition, including the scope of the petition. Burkholder seconded

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

B. Road resurfacing bid package for 2006

There was discussion on the roads to be resurfaced and the request for a full width paver.

C. SR 310 reconstruction and sidewalks

President Burkholder said the township will accept the cost for maintenance of the sidewalks and if the property owners are to be assessed, there is a procedure the trustees need to follow with a public hearing.

D. Update regarding purchase of property

Mr. Knapp reported he met with Brent Shenk concerning the property with a list of concerns expressed by the trustees. Mr. Shenk was invited to attend the next meeting for an executive session to discuss the proposal.

E. Discussion regarding township long term, short term and intermediate goals for future

Tabled till next meeting

NEW BUSINESS

A. Motion to rescind resolution for Broyles Family Farm

According to Section 1329 of the zoning resolution, if no construction has begun within five (5) years after approval is granted, the approved final development plan shall be void and the land shall revert to the district regulations in which it is located. Since no construction was begun on this property, LCPC needs a resolution from the Board of Trustees to revert the PUD back to AG and R-1.

Resolution 06-05-02-9: Mr. Knapp moved to rescind Resolution 01-03-29-06 and 00-12-28-1 to rezone from Agriculture (AG) and Low Density Residential District (R-1) to Planned Unit Development (PUD) for the Broyles Family Farm on the west side of Smoke Road, south of Refugee Road for 78.95 acres. Burkholder seconded.

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

B. Motion to approve vacation request from Laura Brown and time off request from Steve Ferris

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Mr. George moved to approve vacation time for Laura Brown for June 9th and June 12th through the 16th. Knapp seconded and the vote in favor was unanimous.

Mr. Knapp moved to grant time off for Steve Ferris from May 15th through the 19th and for the week of May 8th - 12th Mr. Ferris will work Monday through Thursday. George seconded and the vote in favor was unanimous.

C. Discussion on stop signs and speed limits for Brandy Mills and no parking signs for Jardin Manor

Mr. Knapp said he was contacted by Kelly from SBS, the homeowners association in Brandy Mills about the township placing speed limit, "stop" and "no parking" signs in the subdivision. Mr. George said the "no parking" and "stop" signs should be installed by the contractor.

D. Court reporter for Board of Zoning Appeals hearings in May
Discussion, no action taken

E. Motion to consider special meeting for township departmental monthly meetings
Resolution 06-05-02-10: Mr. Knapp moved to have a monthly special meeting to meet with the road supervisor and zoning inspector to review their reports. George seconded.

Discussion: Mr. Knapp said that all township employees need to flex their time when attending meetings so that no overtime is paid except for the road supervisor, Mike Waller, who is paid overtime for attending trustee meetings. Knapp said he would like to see a monthly special meeting with Mr. Waller and Mr. Ferris to go over their reports and if any action needs to be taken, to do so at the regular meetings. The reports can be made available to the public. Burkholder objected saying it would be difficult for the public to attend the special meetings.

Roll Call: Knapp, yes; Burkholder, no; George, yes

F. Etna Township Technical Review Committee (TRC)

President Burkholder questioned why the TRC was not being used by the zoning inspector. There was discussion on the value of using the TRC.

At 10:30 p.m., Mr. George left the meeting.

G. Zoning inspector applications.

Mr. Knapp reported that two applicants remained and he will ask them to be present at the next meeting for interviews.

President Burkholder moved to pay the following bills. Knapp seconded and the vote in favor was unanimous.

2884	Gary Burkholder	752.95	2899	Gary Burkholder	205.33
2885	James Wyrick	321.31	2900	Paul George	153.25
2886	Mark Smith	880.71	2901	Rumpke	531.71
2887	Phillip Waller	1681.25	2902	Conkle's Truck	389.10
2888	Paul George	489.83	2903	HW Martin	457.38
2889	Stephen Ferris	723.21	2904	Sherman Dixie	1517.16
2890	Licking Co. Clerk/Courts	150.00	2905	Hotsy Equipment	298.58
2891	SWOP4G	50.00	2906	Medical Mutual	4070.34
2892	BWC	9513.74	2907	OPERS	4659.51
2893	Columbia Gas	239.21	2908	Park National	1671.47
2894	Sprint	289.76	2909	Treasurer of State	575.72
2895	Nextel	126.02	2910	OH School Tax	91.07
2896	Gordon Flesch	30.14	E00130	B. Digel-Barrett	998.86
2897	Stephen Ferris	37.38	E00131	Laura Brown	746.54
2898	Richard Knapp	240.00	E00132	Richard Knapp	791.78
	Total	33419.21			

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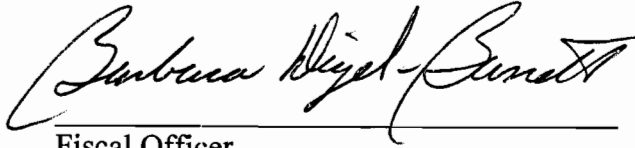
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I do hereby certify that the funds for payment of the above obligations were lawfully appropriated and are on hand or are in the process of collection,

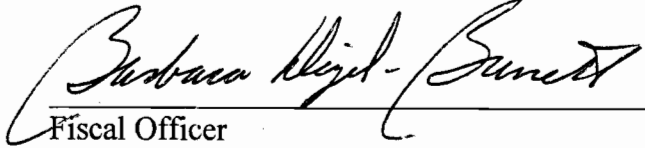


Fiscal Officer

PUBLIC COMMENTS

Lonnie Bowman, 9732 Smoke Road, commented about traffic flow, praised the autobahn and was disappointed that Route 40 does not have access roads planned.

Claudette Van Dyne commented on her appointment to the EDC and said Mr. Waller is very competent and qualified but objects to Waller's overtime for attending meetings.



Fiscal Officer


President