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RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

June 20, 2006

20

The Etna Township Board of Trustees met on June 20, 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 Fiscal Officer Digel-Barrett present.

The motion to adopt the agenda was made by Mr. George, and seconded by Burkholder. President Burkholder moved to amend the agenda to add under old business, Item M – request for representation at hearing. George seconded the amendment and the vote in favor of the amendment and motion was unanimous.

**ADOPTION OF MINUTES**

Mr. George moved to adopt the June 6, 2006 meeting minutes, seconded by Burkholder.

Discussion: Mr. Knapp said for the record, the statement in President Burkholder’s memorandum that Ms Brown was told by George and Knapp that the e-mail was not to be released was incorrect. President Burkholder said he stands by the information in the memo.

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

**PUBLIC COMMENTS**

Dan Bravard, 10252 Taylor Road, had questions on the water line that will be installed on Taylor Road such as when it was approved, will the residents be notified, will property owners be compensated for damages and when will the right-of-ways be mowed. President Burkholder said the project was approved in May and the mowing will be done when the road is closed as well as preconstruction work before the pavement project begins.

Delores Trevitt, 10371 Taylor Road, said that surveying work was done from the school going south, not north. Mr. Waller confirmed that the water line is going south from the school, 480’ to New Taylor Road.

Jim Van Dyne, 7173 Refugee Road, informed the Board that a band with a reputation for destruction will be performing at Frontier Ranch around July 13<sup>th</sup> and suggested that the Licking County Sheriff’s office be notified.

**BID OPENING AT 7:15 P.M.**

The following two sealed bids were received for the 2006 Road Resurfacing Project

- 1. Kokosing Construction Company Inc. for \$236,169.64
- 2. The Shelly Company for \$240,931.13

The engineer’s estimate was \$233,302.50

Resolution 06-06-20-01: Mr. George moved to award the bid to the low bidder, Kokosing Construction Company Inc. for \$236,169.64. Knapp seconded

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

**PUBLIC COMMENTS, continued**

Ken Jacks, Palmer Road, asked if this morning’s special meeting was advertised in the paper. President Burkholder replied that it was not advertised but the media was contacted and two different agenda’s were posted. Jacks replied that the meeting was scheduled two weeks ago and a 9 AM meeting is not convenient for people who work. Mr. George said he could not attend because of a health issue and Mr. Knapp said he had an emergency.

There was discussion on the legality of the meeting, posting of agenda by the chairman and not the trustee requesting the meeting. President Burkholder did not reply to Knapp’s e-mail about the special meeting agenda and request for additions or corrections and notice that if there were none, then the agenda would be posted on Friday. Burkholder said his agenda with specific items was posted on Sunday morning and was later removed. Burkholder alleged that Knapp and George viewing Taylor Road together was an illegal meeting and George replied, for the record, “Mr. Knapp and I never had a meeting on discussion of Taylor Road.” Mr. George said he was showing Knapp where Taylor Road was at and the measurement of the road.

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Neil Ingle, 71 Trail East, asked Mr. Knapp if he made the comment "as soon as Paul George gets back, Gary Burkholder is going to be on the outside looking in". Knapp replied that the statement was absolutely false.

Tom Dixon, 8467 Hazelton-Etna Road, said that trees were planted in the water and utility easement in Cameron Chase and some branches are hanging over his property. The zoning inspector told him to contact the county engineer. The tile problem has not been corrected. President Burkholder said the zoning and building issues need to be complied with.

Resolution 06-06-20-02: President Burkholder moved to suspend the issuance of building permits in the final phase of Cameron Chase until such time as we get some resolve or some answers on this problem. George seconded.

Discussion: President Burkholder said Mr. Maynard did not sign the final plat but it was signed by the three county commissioners.

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

David Weber, 232 Purple Finch, said he had submitted zoning sign violations to the zoning department that have not been acted upon even after a press release stating that violations would be acted upon. Mr. Weber said he had a problem with the availability of public records and that all records should remain at the township hall.

Ken Jacks said he was told that the zoning inspector is too busy to handle all of the violations but according to his calculations, in 2001 when there was only a part time zoning inspector, more permits on average were written per month than this year.

Delores Trevitt said the trustees should show respect for each other and work together. Unprofessional conduct and disagreements splits township residents against each other. The residents need the trustees' promise of working together.

Jim Van Dyne said he believes the trees Mr. Dixon referred to are in the buffer area.

**Interviews and appointment for zoning commission**

Mr. Knapp explained that in the motion to advertise for the vacancy, the deadline for submission was June 5th but when the ad was placed in the newspaper, the date was stated as June 20th. Two applications, Trent Stepp and Dan Bravard were received by June 5th and two applications, Pam Munce and Randy Snyder were received by June 20th. The trustees agreed to accept all applications by the advertised date of June 20th.

Trent Stepp said he presently serves as an alternate member and is a strong advocate for planned zoning and is opposed to spot zoning. He believes that the township should control the growth, not the county commissioners and that SR 310 can not sustain more growth until the infrastructure is in place.

Dan Bravard said he has served the township for twenty years, is independent of special interest groups and persons, and will remain so, has no axes to grind, does not lie and is concerned about the entire township.

President Burkholder said he believes Mr. Bravard's philosophy and attitude towards Reynoldsburg is negative. Mr. Bravard replied that he is concerned about Etna Township. Reynoldsburg should not control our township, continue expanding into our township and taking our way of life away from us.

President Burkholder said Mr. Bravard supported additional GB zoning on SR 310 which is not the same as his philosophy. The appointment is political and he basis his appointments on his philosophy on the development of the township.

Pam Munce said she would like to help with the development of the township and sees the need for cooperation with the neighboring communities. She supports retail but in the proper location and commented that distribution buildings with truck bays should not be built directly on Route 40, but located in the back of the industrial park.

Randy Snider, a lifelong Etna resident, is concerned about the community and wants to make it the best place possible for his family and all other residents. He would like to see the township work with the

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State and developers to move the access into Wal-Mart from SR 310 to Route 40. Mr. Snider was for the rezoning of the back portion of the Langel property to GB for Wal-Mart.

President Burkholder said he had a problem with supporting anyone on the zoning commission who approves of the overdevelopment of SR 310.

Nominations for appointment of zoning commission member to fill the unexpired term of Michael Kerner  
President Burkholder nominated Trent Stepp.

Mr. George nominated Randy Snider

Roll Call: Burkholder, Stepp; George, Snider; Knapp, Stepp

Mr. Trent Stepp was appointed to fill Mr. Kerner's seat

Nominations for appointment of alternate zoning commission member

Mr. George nominated Randy Snider

President Burkholder nominated Pam Munce

Roll Call: George, Snider; Knapp, Munce; Burkholder, Munce

Mrs. Pam Munce was appointed as alternate zoning commission member

Mr. George nominated Dan Bravard as a second alternate zoning commission member. Mr. Bravard declined the nomination. Mr. Snider said he would also decline a nomination.

**CORRESPONDENCE**

- Public Utilities Commission – regarding grant information on highway safety
- Licking County Prosecutor – opinion on Zeller Acres, agreement on planning services and confidential opinion
- Ohio Department of Public Safety - May statistics report
- LCATS – invitation
- Ohio Department of Transportation – roadway safety workshop
- Mayor Stephen Butcher – invitation to Pataskala open house
- Center for Local Government – regarding Ohio Capital Asset Financing
- Unemployment Review Commission – notice of an appeal
- Gary Burkholder – memo of conversation with Donna Kirkbride, OPWC
- ADA Ohio – newsletter
- EMH&T – notice of preconstruction meeting in Reynoldsburg
- Care Works – newsletter
- Michael Bookman – e-mail commending Mike Waller for prompt attention to road problem

President Burkholder moved to place a copy of the above e-mail from Mr. Bookman into Mr. Waller's personnel file. George seconded and the vote in favor was unanimous.

President Burkholder moved to send Mike Waller to the road safety workshop on July 14<sup>th</sup> at the ODOT auditorium at 1980 W. Broad Street. George seconded and the vote in favor was unanimous.

**REPORTS**

Fiscal Officer

As of June 20th

	Receipts	Expenditures
General Fund	29,392.49	16,180.18
MV License Tax	-	876.02
Gasoline Tax	5,681.77	508.84
Road & Bridge	12,192.58	6,555.91
Special Assessments		252.89
Misc Debt Service		<u>1,689.33</u>
Total	47,266.84	26,063.17

Funds Total June 20, 2006 - \$1,344,060.85

Since the next meeting will be on Thursday July 6<sup>th</sup> because of the holiday, the fiscal officer asked if the trustees would like to make a motion to pay the employees on Monday July 3<sup>rd</sup>.

President Burkholder moved to approve employee pay checks for Monday July 3<sup>rd</sup>. George seconded and the vote in favor was unanimous.

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## Roads

Written report submitted.

President Burkholder said he would like for the Board to consider closing Taylor Road, except for local traffic, the same time that Reynoldsburg is closing the south portion of the road.

Resolution 06-06-20-03: President Burkholder moved to close Etna Township's portion of Taylor Road both north and south of Palmer Road to coincide with Reynoldsburg's closure for road repair and paving. Knapp seconded.

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

Resolution 06-06-20-04: President Burkholder moved to purchase 200 tons of asphalt from Shelly Materials, not to exceed \$9,000. George seconded.

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

Resolution 06-06-20-05: President Burkholder moved to purchase 100 tons #304 limestone, premium grade from Redskin Transport, not to exceed \$15/ton. Knapp seconded.

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

Resolution 06-06-20-06: Mr. George moved to approve the repairs of the International 4900 at Center City International, not to exceed \$5,000. Burkholder seconded.

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

Resolution 06-06-20-07: Mr. George moved to approve a cutting edge for the John Deere for \$233 plus \$40 for shipping. Knapp seconded.

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

Resolution 06-06-20-08: President Burkholder moved to approve the 90,000 mile service for the F350 at Conkle's for \$500.

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

There was discussion on the catch basin at Zeller's Acres which will cost the township \$6500 to repair. Mr. Waller said there are deficiencies in the non-dedicated roads at Watkins Grove. There should be inspections by the township before dedication. President Burkholder said the county needs to do a better job in their inspections.

Regarding Willowbrook, Mr. George said there are three ditch petitions that can be filed with the county commissioners for a \$500 fee. All residents must be notified and there would be two public hearings before the commissioners render a decision. Mr. Waller went over the areas for the petitions.

Mr. George moved to meet with Mr. Waller next week (to go over the ditch petitions). Burkholder seconded and the vote in favor was unanimous.

## Water and Sewer

David Goll said the district purchased land from the Pataskala Lion's Club, at the ballpark for a future substation in exchange for their water assessment. Mr. Frommer is putting together a questionnaire for Taylor Road residents on the cost of extending water to them. The district is having a problem with rust in the water and will need to update some equipment.

## Cemeteries

Resolution 06-06-20-09: Mr. George moved to adopt the Granville Township Cemetery Fee Schedule. Knapp seconded.

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

## JEDZ

Mr. Ingle said the Board will be meeting every other month and there still is a problem with collecting the income tax from workers in the zone.

At 9:43 p.m., President Burkholder moved for a five minute recess. George seconded and the vote in favor was unanimous.

## Zoning

President Burkholder said enforcement is not at the level it should be. The road department submitted a

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list of set backs and right-of-way concerns which have not been acted upon. Burkholder feels there is resistance from the zoning department to enforce violations and the zoning inspector's attitude is unacceptable. He asked Mr. Knapp to have a conversation with Mr. Ferris to make some progress.

Ken Jacks said that Mr. George should excuse himself from the executive session on the purchase of the Lion's Club since he is a member.

**OLD BUSINESS**

A. Motion to go into executive session per O.R.C. 121.22 G (2) to consider purchase of property for public purposes.

At 9:52 p.m., Mr. George moved to go into executive session per O.R.C. 121.22 G (2) to consider purchase of property for public purposes. Knapp seconded and the vote in favor was unanimous.

At 10:55 p.m., Mr. George moved to come out of executive session, seconded by Knapp and the vote in favor was unanimous.

Resolution 06-06-20-10: President Burkholder moved to forward the changes to the real estate purchase contract to the prosecutor to incorporate those changes as discussed in executive session and to present a copy back to the Board members and to designate Trustee Dick Knapp as the representative to present the real estate purchase contract to the seller in accordance as to what was stipulated within the contract. George seconded.

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

B. Etna Township 2006 road resurfacing project  
Discussed under road report

C. Taylor Road 2006 Issue I road resurfacing project  
Discussed under road report

D. Storm water issues in Willowbrook, Jardin Manor and township, ditch petition  
Discussed under road report

E. MORPC 310 corridor draft scope of service, June 22<sup>nd</sup> meeting  
Joint meeting to be held at the Pataskala Fire House

F. Delaware County Regional Planning Agreement for planning services  
President Burkholder moved to remove this item from the table. George seconded and the vote in favor was unanimous.

President Burkholder moved to forward the draft contract to the Etna Township Zoning Commission for review and comments. George seconded.  
Discussion: Mr. Knapp said that other companies could help with planning services. Delaware Regional Planning is going through a transition period with the absence of Phil Laurien and he would like to hear a presentation by EMH&T at the next meeting. Other companies could also be invited to make presentations.

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

G. Cemetery fees (tabled)  
Action taken under reports

H. Issue I 2006 application; Palmer Road proposed resurfacing project  
Deadline for application is September

I. Motion to purchase/spend up to \$1200 for zoning department software (tabled)  
Mr. Knapp moved to remove this item from the table. George seconded and the vote in favor was unanimous.

Mr. Knapp said he is scheduled to meet with the Zone Pro representative for a demonstration and will give a report at the next meeting.

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J. Motion to advertise to hire summer temporary worker for zoning department data entry, status report (tabled)

President Burkholder moved to remove this item from the table. Knapp seconded and the vote in favor was unanimous.

Mr. Knapp moved to advertise on COTC and CETEC websites for a summer temporary worker for the zoning department to do data entry. Applications are to be submitted by July 5th and interviews will be held at the July 6th meeting. This motion is contingent on the prosecutor's opinion on mode of advertising. George seconded and the vote in favor was unanimous.

K. Motion to approve advertising for a planning zoning inspector, status report

Mr. Knapp said the ad was placed in the Columbus Dispatch and Newark Advocate. Applications are to be submitted by June 29th.

L. Motion to consider putting Road and Bridge levy on November ballot

Mr. Knapp moved to take this item off the table. George seconded and the vote in favor was unanimous. Mr. Knapp said he suggested a work session at a previous meeting. No action taken.

M. Request for representation at UC Review Hearing.

President Burkholder moved to request that the Licking County Prosecutor represent the Etna Township Board of Trustees and township in the unemployment hearing for Dallas Maynard. George seconded and the vote in favor was unanimous.

NEW BUSINESS

A. Motion to request public records training

President Burkholder moved to request public records training for Etna Township trustees, staff, boards and commissions from the Open Government Division of the Ohio Auditor of State. Knapp seconded and the vote in favor was unanimous.

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

2961	Void	0.00	2969	Midland Co-op	876.02
2962	Park National	1689.33	2970	Sunoco	10.27
2963	AEP	127.23	2971	James Wyrick	393.89
2964	Columbia Gas	46.70	2972	Mark Smith	954.54
2965	Stephen Ferris	64.08	2973	Phillip Waller	1676.27
2966	Kuhn Turf	10.95	2974	Stephen Ferris	738.86
2967	Newspaper Network	93.47	E00138	Laura Brown	809.62
2968	Franklin Printing	90.00			
	Total	5891.90			

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

[Signature] Fiscal Officer

Trustee George left the meeting at 11:37 p.m. before the signing of checks

PUBLIC COMMENTS

Mike Waller said the road department is in need of additional help.

David Weber requested that the trustees pass a resolution requiring the zoning inspector to use an hourly activity log and to send a letter to Mr. Ferris with the Board's expectation on enforcement of zoning violations. Mr. Weber said for the record he is formally asking Paul George to resign and if he does not, he will have the community come to task on it.

At 11:50 p.m., Mr. Knapp moved to adjourn, Burkholder seconded and the vote in favor was unanimous.

[Signatures] Fiscal Officer and President