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**RECORD OF PROCEEDINGS**

Minutes of

Etna Township Trustee Special

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

November 9, 2006

20

The Etna Township Board of Trustees met on November 9, 2006 at the Etna Township Hall to hold a special 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, seconded by Knapp. Mr. George moved to amend the agenda to move items A & B under public comments to items G & H under old business. Knapp seconded.

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

Mr. Knapp moved to amend the agenda to move item C under public comments to item I under old business. George seconded and the vote in favor of the amendment and main motion was unanimous.

President Burkholder moved to rescind the motion on May 16, 2006 to move the November 7<sup>th</sup> trustee meeting (because it was election day) to Wednesday, November 8<sup>th</sup> at 7:00 p.m. at the township hall. Knapp seconded and the vote in favor was unanimous.

President Burkholder said there was miscommunication and this meeting was advertised for Thursday, November 9<sup>th</sup>. Mr. George objected that the meeting had been moved.

**ADOPTION OF MINUTES**

President Burkholder moved to adopt the September 19, 2006 meeting minutes; there was no second to the motion.

Mr. George moved to adopt the October 17, 2006 meeting minutes, seconded by Knapp. Mr. Knapp said there needs to be correction to the minutes – a nuisance resolution, not a noise resolution. Fiscal officer will amend the minutes.

Roll Call on minutes as corrected: Knapp, yes; George, yes; Burkholder, yes

**PUBLIC COMMENTS**

Gary Godwin, 63 Trail East, said he wanted to address what he considered deceitful conduct and lack of integrity of this Board. Mr. Godwin talked about testimony given by Jerry Brems concerning the alleged approval by two trustees on the access road for the Pataskala Bank, citing this action is subject to a lawsuit, the Round Robin Act and that he may file a lawsuit himself. Mr. Godwin asked for the resignation of Knapp and George.

Gil Guttentag, 76 Runkle Drive, presented figures totaling the expected amount of money to be received from the JEDZ and what it would cost to educate the expected number of new children along with the added costs for additional services. He was unable to find the financial plan for the costs and benefits to the township on the JEDZ. Mr. Guttentag recommended that the trustees offer a small stipend to a graduate student at the OSU Economics Department to have a complete objective analysis done on the actual effect of the JEDZ and on the future forecast.

Joe Wagner, 179 Beechwood Drive, said the township needs to investigate what other areas have done and to learn from their mistakes. Industry also attracts families and children to the area.

Gary Godwin said the township could benefit from a professional team to evaluate this area.

David Goll, 8995 York Road, said he listened to the TRC meeting tape and his view was that Mr. George did not support the access road for the bank. Felt there was much planning for the JEDZ and that tax abatements were needed to be competitive.

John Jones, 9446 Mink Street, said with the number of distribution centers planned, there will be about 700 to 1400 trucks traveling our roads a week.

Neil Ingle, 71 Trail East, said there was no plan and everything being done is reactionary. The community will never remain rural and the JEDZ allowed the township to collect income tax on workers that would already be working in the industrial park.

Mark Giesey, 18 Burreed Court, asked who bought the reserve on the north side of Trail East and was told to an adjoining property owner, Thorensen/Oakmeadows Properties.

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Pam Munce, 11045 National Road, asked where the water runoff would go from Cumberland Trails if the reserve with the retention pond was sold. Inquired as to what was planned for the recently purchased 52 acres on National Road across from the Agricultural lab and was told a shopping center.

Gary Godwin said the Board should be 80% proactive and 20% reactive. The real strength of Etna Township is that it is a prosperous community.

Joe Wagner said the township needs a professional zoning inspector and is waiting on the results of the investigation on complaints he brought against the current zoning inspector.

CORRESPONDENCE

- Ohio Department of Commerce, Division of Liquor Control - notice that liquor permits expire 2/1/07 and valid objections must be postmarked by 1/2/07.
Licking County Engineer - Annual Road Mileage Certification
Licking County Treasurer - report on delinquent property owners
Ohio Bureau of Motor Vehicles - September statistics report
Licking County Health Department - requirements for tattooing facility
Chester Wilcox & Saxbe LLP - proposed fee structure
Rumpke - notice of new representative
Jim Duffy - email on Jardin Manor ditch petition
Industrial Commission of Ohio - Record of Proceedings
Time Warner Cable - new services
West Licking Historical Society - meeting minutes and newsletter
ODOT - information on Roadway Safety Workshop
Buckingham, Doolittle & Burroughs LLP - notice of seminar
Vince Colburn - letter regarding MSI engineering plans
Licking County Recycling & Litter Prevention - newsletter
OTA - Grassroots Clippings newsletter

REPORTS

Fiscal Officer
Month of October

Table with 3 columns: Category, Receipts, Expenditures. Rows include General Fund, MV License Tax, Gasoline Tax, Road & Bridge, Special Assessments, Misc Debt Service, and Total.

Funds Total October 31, 2006 - \$1,286,626.36

Roads

Written report submitted

Mr. George reported that the battery recharger for the tornado siren has been repaired.

Resolution 06-11-09-01: President Burkholder moved to approve the purchase of two steel plow edges/bolts and four shoes/bolts from Burdick Equipment for \$703. Knapp seconded and the vote in favor was unanimous.

Resolution 06-11-09-02: President Burkholder moved to purchase supplies, as listed on the report, from Baker Automotive for \$720. Knapp seconded
President Burkholder moved to amend his motion to increase the amount to \$740. Knapp seconded and the vote in favor of the amendment and motion was unanimous.

Resolution 06-11-09-03: President Burkholder moved to approve Road Right-of-Way Permit #11-9-06-01 for CTS doing work for Embarq at Columbia Rd., north of US 40. George seconded and the vote in favor was unanimous.

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Resolution 06-11-09-04: President Burkholder moved to approve Road Right-of-Way Permit #10-25-06-01 for SWLCWSD for work at West St & Pike St and SE corner of SR 40 and Lynns Rd. George seconded and the vote in favor was unanimous.

Resolution 06-11-09-05: President Burkholder moved to approve Road Right-of-Way Permit #10-31-06-01 for Miller Pipeline for work at 108 Reader Court, Lot 203. Knapp seconded and the vote in favor was unanimous.

Resolution 06-11-09-06: President Burkholder moved to approve Road Right-of-Way Permit #10-31-06-03 for Miller Pipeline for work at 87 Purple Finch Loop. George seconded and the vote in favor was unanimous.

Resolution 06-11-09-07: President Burkholder moved to approve Road Right-of-Way Permit #10-31-06-02 for Miller Pipeline for work at 120 Cameron Drive, Lot 170. Knapp seconded and the vote in favor was unanimous.

## Zoning

Written report submitted

Mr. Knapp reported that he and Stan Robinson met with Eric Fox and Anthony Stocco with the Licking County Prosecutor's Office regarding the Bush fence violation. This item will be placed on the next agenda for an executive session with the assistant prosecutor.

President Burkholder reported on the problem of vehicles parking in the road right-of-way and commercial vehicles parked in the right-of-way at 5<sup>th</sup> and Cedar in Mayflower.

Mr. Knapp said that two applicants for the temporary data entry position have since found other employment and he would like to advertise in the Columbus Dispatch and Newark Advocate.

Peggy Pereira, 7806 Refugee Road, said she was interested in the position and the trustees will contact her.

## Water & Sewer

Mr. Goll announced the resignation of Michael Frommer, general manager of SWLCWSD, at the end of November. Reduction in water rates will be discussed at the next meeting and fire hydrant flushing is continuing.

## Cemetery

Mr. George reported that the new front fence at the Route 40 cemetery has been installed and would like to install a chain link fence on the other three sides next year.

## Economic Development

Mr. Goll said that Rick Platte with the Port Authority will be the speaker at the next meeting to discuss the Mink Street "Job Ready Site" in Pataskala. President Burkholder said he would like to see an analysis done on the impact to Etna Township in regard to traffic. Mr. George said the committee has prepared the TIF area zoning and presented it to the trustees for review. President Burkholder reported on the TRC meeting for the property south of the proposed Wal-Mart site. Access will not be on SR 310 but will have cross access with Wal-Mart. There are still issues with storm water management and improvements to SR 310.

## OLD BUSINESS

### A. Amend the Etna Township Employee Personnel Manual

President Burkholder submitted a draft of a new employee manual for the trustees to review. He would like to see the section on disciplinary hearing removed.

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

### B. Willowbrook/Jardin Manor Ditch Petition

The hearing will be held November 20<sup>th</sup> at 3:00 p.m. in Newark. Jeff Preston is working on the cost estimates.

### C. Town hall update

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Mr. George presented a spreadsheet with the costs of four architects. David Hawkins/Eutechnics was the lowest for \$4,000; the township had hired him in previous years and some plans were already completed and paid for.

Resolution 06-11-09-08: Mr. George moved to hire David Hawkins to design the township hall building. Knapp seconded.

Discussion: President Burkholder said he had serious concerns using this firm; previous drawn plans were not complete, building specifications are not completed, it is not known whether the township can build on the lot by the park, the size of the building is too small and there is no room for expansion. He still has questions that need to be answered and favors inviting all architects to a meeting to ask questions. Mr. George said he would need a variance for the overhang on the vestibule Mr. Knapp said if we hire an architect to draw up plans then the trustees can make changes as needed to the drawing.

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

D. Motion for an executive session

At 9:45 p.m., Mr. Knapp moved to go into executive session per O.R.C. 121.22g (1) for investigation of charges or complaints against a public employee. George seconded and the vote in favor was unanimous.

At 10:13 p.m., Mr. George moved to come out of executive session. Knapp seconded and the vote in favor was unanimous.

E. Motion for an executive session

At 10:14 p.m., Mr. Knapp moved to go into executive session per O.R.C. 121.22g (1) to consider the discipline and or dismissal of a public employee. George seconded and the vote in favor was unanimous.

At 10:22 p.m., Mr. Knapp moved to come out of executive session. George seconded and the vote in favor was unanimous.

F. Motion for an executive session

At 10:22 p.m., Mr. Knapp moved to go into executive session per O.R.C. 121.22g (1) to consider the employment and compensation of a public employee. George seconded and the vote in favor was unanimous.

At 10:43 p.m., Mr. George moved to come out of executive session. Knapp seconded and the vote in favor was unanimous.

G. Proposed roadway onto Trail East from Pataskala banking site.

President Burkholder said that at the October 24<sup>th</sup> BZA hearing, the bank's attorney stated that the access road was approved by the county in the variance application. The bank requested full support of the county in case of a challenge by the township.

President Burkholder moved to send a letter to the full Licking County Planning Commission requesting an explanation on the variance and if the Pataskala Banking is in compliance with all five conditions on variance 2006-017-G including an explanation to the supplement of the variance application. George seconded and the vote in favor was unanimous.

Discussion: Mr. Knapp said he would like to get a legal opinion before a letter is written. Vote was not taken on the motion

H. Reserve areas at Cumberland Trail

President Burkholder said First Merit Bank has sold property on two reserves in Cumberland Trails.

Mr. George moved for President Burkholder to write a letter to First Merit Bank requesting what the intentions are for selling the reserve area and also a letter to the new property owner as to his intention for developing the property. Knapp seconded.

Mr. Knapp said he would like for an attorney to draft the correspondence and to report back to the Board.

Mr. George moved to amend his motion to state that the letters be prepared by an attorney. Knapp seconded and the vote in favor of the amendment and motion was unanimous.

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**I. MSI Design**

Mr. George said the zoning commission would like to form a committee with citizen involvement.

**NEW BUSINESS**

**A. Move to notify James Wyrick that his summer employment is terminated effective 11/30/06.**

Mr. George moved to notify James Wyrick that his summer employment is terminated effective 11/30/06. Knapp seconded and the vote in favor was unanimous.

**B. Township inventory**

President Burkholder moved to direct the staff at the hall and in road department to begin to prepare the annual township inventory for the county engineer. George seconded and the vote in favor was unanimous.

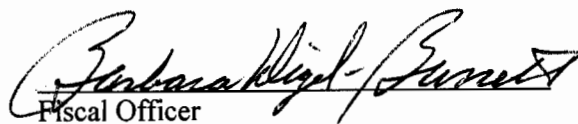
**C. Columbia Road and Route 40 retail center.**

President Burkholder said he had concerns on the drainage, sidewalks and approach for this development. Ty Yoho from the Licking County Engineer's Office, Mike Waller and President Burkholder were at the site to make sure they comply and Burkholder had questions on the county inspections.

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

3170	James Wyrick	105.28	3189	Chester, Wilcox & Saxbe	1664.64
3171	Mark Smith	954.54	3190	JD Equipment	41.40
3172	Phillip Waller	1535.10	3191	Tire Centers	178.30
3173	Embarq	291.97	3192	Redskin Transport	1682.69
3174	Park National	150.00	3193	Midland Co-op	724.34
3175	AEP	497.14	3194	Waibel Electric	4323.25
3176	Columbia Gas	96.11	3195	Park National	1689.33
3177	SWLCWSD	106.84	3196	Medical Mutual	4070.34
3178	Nextel	122.19	3197	OPRES	3604.05
3179	Newspaper Network	84.23	3198	Park National	2553.88
3180	Gordon Flesch	70.61	3199	Treasurer of State	851.50
3181	Fraleigh Cooper & Assoc	315.00	3200	OH School Tax	154.32
3182	West Payment	84.00	3201	Gary Burkholder	752.95
3183	Stanley Robinson	63.19	3202	Paul George	689.83
3184	Paul George	192.91	3103	Yoders Vinyl Fence	4749.00
3185	Richard Knapp	240.00	E00166	Laura Brown	809.62
3186	Gary Burkholder	205.33	E00169	Stanley Robinson	894.65
3187	Pataskala True Value	20.00	E00170	Barbara Digel-Barrett	998.86
3188	Garvin & Hickey	21.25	E00171	Richard Knapp	791.78
	<b>Total</b>	<b>36380.42</b>			

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**

Neil Ingle read the sworn statement of Jerry Brems regarding the support from the two trustees for the access road. Knapp declined to answer questions.

Gary Godwin said that it was stated that the access road has the full support from the county and there needs to be clarification on what full support from the county means.

At 11:38 p.m., Mr. Knapp moved to adjourn the meeting, George seconded and the vote in favor was unanimous.

  
 Fiscal Officer

  
 President