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RECORD OF PROCEEDINGS

Minutes of

Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

November 21, 2006

20

The Etna Township Board of Trustees met on November 21, 2006 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 President Burkholder, seconded by Knapp. Mr. Knapp moved to amend the agenda to place Item L before public comments, George seconded and the vote in favor of the amendment was unanimous. Mr. Knapp moved to amend the agenda to place Item K after public comments, George seconded and the vote in favor of the amendment was unanimous. President Burkholder moved to add Item C – set year end meeting under new business. George seconded and the vote in favor of the amendment and main motion was unanimous.

**ADOPTION OF MINUTES**

President Burkholder moved to adopt the September 19, 2006 meeting minutes, seconded by George. Mr. George moved to amend the minutes to add “Mr. George reviewed the tapes and that he did speak out and say that there would be a lawsuit if there was a cut onto Trail East”. Knapp seconded the amendment and the vote in favor of approving the minutes as amended was unanimous.

Mr. George moved to adopt the November 9, 2006 special meeting minutes, Burkholder seconded and the vote in favor was unanimous.

**L. (Old Business) Executive Session**

At 7:05 p.m., Mr. Knapp moved to go into executive session per O.R.C. 121.22 G (3) for a conference with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. Mr. George seconded and the vote in favor was unanimous.

At 8:20 p.m., President Burkholder moved to come out of executive session, Knapp seconded and the vote in favor was unanimous.

Resolution 06-11-21-01: President Burkholder moved to proceed with the filing of the zoning violation at 103 Arrowood Court, Pataskala in Licking County court. George seconded.

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

**PUBLIC COMMENTS**

Gary Godwin, 63 Trail East, commended the Board on their full support on the ditch petition. At the LCPC meeting, he was told that the Cumberland Trail residents were to call concerning the workshop with LCATS on the traffic calming devices for Trail East. Mr. Godwin informed the Board that the SR 310 Wal-Mart would be a 184,000 sq ft building. According to Jeff Dawes at the Bentonville, AK headquarters, an agreement was reached with the county that Wal-Mart planned to spend \$600,000 for a traffic signal, widening of SR 310, and acceleration and deceleration lanes near the store. Also that they would give \$400,000 to Licking County for the traffic calming devices for Trail East and an additional right turn lane on southbound SR 310 to US 40.

President Burkholder said agreements and plans are being made concerning the township without the knowledge and input from the trustees.

President Burkholder moved to send a letter to Licking County and ODOT advising them that a representative from the township be present at all meetings relating to Wal-Mart and SR 310. Knapp seconded and the vote in favor was unanimous.

**K. (Old Business) Executive Session**

At 8:47 p.m., Mr. Knapp moved to go into executive session per O.R.C. 121.22 G (1) to consider the employment and compensation of a public employee. George seconded and the vote in favor was unanimous.

At 9:03 p.m., Mr. Burkholder moved to come out of executive session, Knapp seconded and the vote in favor was unanimous.

Resolution 06-11-21-02: Mr. Knapp moved to hire Peggy Kerner Pereira as a temporary employee to assist the zoning department in data entry at \$12/hr subject to a successful background check. George seconded and the vote in favor was unanimous.

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CORRESPONDENCE

- Licking County Board of Commissioners – 1) Resolution 52-555 abolishing TIF District for the I-70 interchange on Mink Street, 2) Resolution 53-27 on set time for viewing and final hearing for Trail West (TR-1056) and Eldeberry Ct. (TR1093 and 3) Resolution 53-28 on correction of TR # for Trail West.
- LCPC – letter to Doug Lichtenwalter on development of Arnell Schrock property with a list of items needed to be addressed and staff report for Section 910 amendment
- Ohio EPA – request for comments on Draft Modifications issued to Safety Kleen in Hebron
- OTARMA – information on Rewards Program
- Mental Health Agency of Licking County changing their name to “Mental Health America”
- Hayes law office – request for public records
- Ohio Bureau of Motor Vehicles – October statistics report
- Scenic Ohio – newsletter
- Times Warner cable - newsletter

REPORTS

Fiscal Officer

As of November 21, 2006

	Receipts	Expenditures
General Fund	4,846.61	32,816.09
MV License Tax	0.00	56.20
Gasoline Tax	2,652.68	897.84
Road & Bridge	559.59	10,344.39
Special Assessments	0.00	262.69
Misc Debt Service	0.00	1,689.33
Total	8,058.88	46,066.54

Funds Total November 21, 2006 - \$1,248,618.70

Mr. George moved to set the end of the year meeting for December 28, 2006 at 7 p.m. Knapp seconded and the vote in favor was unanimous.

Roads

Written report submitted

President Burkholder informed the trustees about the new generator and discussed the accident on Palmer Road. Regarding the ditch petition, Mr. George said the township could do part of the work on Jonquil being that a section is in the township road right-of-way and save the residents money. President Burkholder said he was supportive and has asked Mr. Waller to get prices for materials. Burkholder said he would like for the next ditch petition meeting to be held in the evening, possibly at the school and asked if the trustees would be willing to pay for the use of the school if the commissioners do not and was told yes.

Mr. Knapp moved to pick up the costs for an evening meeting at the school for the Willowbrook/Jardin Manor ditch petition. George seconded and the vote in favor was unanimous.

Trustees discussed the request by the two road crew workers for the same days off during the holidays and coverage if needed during that time. Mr. Smith and Mr. Waller said they would be available to work on a vacation day if needed. Mr. George proposed that if an employee is called in to work during regular hours on a scheduled vacation day, the vacation hours will not be deducted. If an employee is called into work after regular hours on a scheduled vacation day, the vacation hours will be deducted and the employee will be paid overtime at 1-1/2 times the regular hourly wage for any time over forty hours per week per page 20 of the employee handbook.

Mr. George moved to grant the requested vacation days for Mike Waller and Mark Smith, for this year only based on the condition as presented to the Board. Knapp seconded.

Mr. George moved to amend his motion to include upon the receipt of signed copies of the agreement by both employees. Knapp seconded.

Discussion: President Burkholder said if an employee is called in on a vacation day he should receive extra compensation and Mr. Knapp said he viewed this motion as a temporary fix.

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

Zoning

Written report submitted

Mr. Knapp reported that the number of permits written has decreased, thirteen letters on violations were sent, and there was discussion on fees.

OLD BUSINESS

A. Trail East, Pataskala Banking site

President Burkholder said that at the BZA hearing for the Pataskala Bank, Connie Klema stated that the bank has approval for the access road across the reserve to Trail East per the supplement to the variance application. A condition of the bank's agreement is that LCPC provide full support and assistance to the bank should any person or entity challenge the proposed access across Reserve B. When questioned by Burkholder, LCPC stated that the supplement to the variance was never discussed or approved.

B. Planned Unit Development reserves and green spaces

Trustees discussed ownership of reserves and green spaces and the transfer of ownership to the development's Home Owners Association.

C. Amend the Etna Township Employee Personnel Manual

Mr. Knapp said he saw the need for revision but would like that to be done during a work session. President Burkholder moved to table this item, George seconded and the vote in favor was unanimous.

D. Willowbrook/Jardin Manor Ditch Petition

Discussed under road report

E. Town hall update

Mr. George reported that a variance would be needed for the overhang and would like to increase the length of the building by 10'. President Burkholder said he would like air lock doors for the entrance.

Mr. George moved for Hawkins architectural firm to proceed with the drawings for the town hall, Knapp seconded.

Discussion: Mr. Knapp questioned if all the details for wiring and outlets would be forth coming and Burkholder had questions on the placement of a generator and asked that Jeff Walker with Emergency Management be contacted concerning the use of the hall for emergency situations.

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

F. Township inventory

President Burkholder said the inventories are being worked on and would like for them to be completed by the second meeting in January

G. Columbia Road and Route 40 retail center.

President Burkholder said he had concerns on the drainage and buffer zone and its impact on the apartments.

H. MSI Design

Mr. George said that MSI requested that 6-10 people be appointed by the trustees for input. President Burkholder said he was not opposed to this but that it is imperative that the consultant be the director of the project.

I. Executive Session

At 11:02 p.m., Mr. Knapp moved to go into executive session per O.R.C. 121.22 G (1) for investigation of charges or complaints against a public employee. George seconded and the vote in favor was unanimous.

At 11:16 p.m., Mr. George moved to come out of executive session, Knapp seconded and the vote in favor was unanimous.

J. Executive Session

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At 11:16 p.m., Mr. Knapp moved to go into executive session per O.R.C. 121.22 G (1) to consider the discipline and or dismissal of a public employee. Knapp seconded and the vote in favor was unanimous.

At 11:36 p.m., President Burkholder moved to come out of executive session, Knapp seconded and the vote in favor was unanimous.

President Burkholder moved that the Board of Trustees, through Trustee Knapp, contact the county prosecutor and request additional guidance and direction regarding the pursuit of a disciplinary conference to consider discipline against a public employee. Knapp seconded and the vote in favor was unanimous.

NEW BUSINESS

A. Nuisance resolution

President Burkholder moved to table this item since the resolution has not been received from the prosecutor's office. George seconded and the vote in favor was unanimous.

B. Motion to approve employee vacation time

President Burkholder moved to approve Laura Brown's vacation as requested. George seconded and the vote in favor was unanimous.

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

3204	Mark Smith	1088.76	3211	Delaware Cty Planning	25.50
3205	AEP	154.39	3212	Chester, Wilcox & Saxbe	8740.58
3206	Columbia Gas	161.61	3213	Yoders Vinyl Fencing	312.00
3207	Embarq	293.27	E00172	Laura Brown	809.62
3208	Newspaper Network	140.24	E00173	Phillip Waller	1583.77
3209	Staples	133.00	E00174	Stanley Robinson	894.65
3210	Stanley Robinson	89.89			
	Total	13,338.52			

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

Barbara Wight Burnett  
Fiscal Officer

Gary Godwin commented on a vacation request procedure and inquired if a building already existed that could be purchased for a new town hall. Mr. Godwin also suggested that the town hall could be used for other activities such as rental for business and civic meetings and for emergency situations.

At 11:43 p.m., Mr. George moved to adjourn the meeting, Knapp seconded and the vote in favor was unanimous.

Barbara Wight Burnett  
Fiscal Officer

Gary Burkholder  
President