

Held

June 19, 2007

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The Etna Township Board of Trustees met on June 19, 2007 at the Etna Township Hall to hold a regular meeting. President Knapp called the meeting to order at 7:02 p.m. and the pledge of allegiance was recited. Roll call showed President Knapp, Trustee Burkholder, Trustee George and Fiscal Officer Digel-Barrett present.

The motion to adopt the agenda was made by Mr. George, seconded by Burkholder. President Knapp moved to amend the agenda to add under old business, Item C - set date for a work session with architect David Hawkins, George seconded.

Discussion: Mr. Burkholder requested a quote on the cost of a detailed list of services and Mr. Hawkin's attendance at the work session. President Knapp suggested that all three trustees discuss the cost to finalize the plans at the work session and request that Mr. Hawkins attend at no cost to the township.

Mr. Burkholder moved to amend the agenda to move the reports after the payment of the bills, Knapp seconded. The vote in favor of the amendments and motion was unanimous.

ADOPTION OF THE MINUTES

Mr. George moved to approve the June 1, 2007 special meeting minutes. Burkholder seconded and the vote in favor was unanimous.

Mr. George moved to approve the June 5, 2007 meeting minutes. Burkholder seconded and the vote in favor was unanimous.

PUBLIC COMMENTS

John Eshenberg, 22 Spike Rush Court, submitted a revised list of agenda items for the trustees' consideration. He would like to see the reports placed after old and new business.

Gil Guttentag, 70 Runkle Drive, asked all three trustees if they received political or other contributions directly or indirectly in the last five years from ProLogis or their entities. President Knapp replied no, Mr. Burkholder replied no, not that he is aware of and Mr. George replied no and later stated he would need to check with his campaign treasurer.

Gary Godwin, 63 Trail East, said the continuance of abatements for ProLogis would be detrimental and if a tax abatement is given, there should be a moratorium on school and road levies. The Pataskala voters rejected an income tax and the proposed JEDZ with Etna Township would be a back door income tax against the wishes of the Pataskala residents. Feels it would be criminal for the trustees to partner with individuals who would place an income tax behind the backs of the voters.

Beth Green, 15 Spike Rush Court, read a letter refuting problems with parking on her court saying the fire department and bus garage did not have problems accessing the court with cars parked in the court.

Rich Green registered a complaint about a 10' pile of snow shoved halfway on his property last winter covering his downspout.

Neil Ingle, 71 Trail East, said he supported the proposed agenda by Mr. Eshenberg which would allow the public to hear items under new and old business because the meetings last so long.

PUBLIC HEARINGS

At 7:32 p.m., Mr. George moved to open the public hearing on text amendments to Section 502 - Zoning Commission Created. Burkholder seconded and the vote in favor was unanimous.

President Knapp read the proposed changes. Stricken from the first paragraph is the second sentence "Each term shall expire in alternating five year cycles" Added is "Each for a term of five (5) years, except for the initial appointments shall be one (1) member each (1), two (2), three (3), four (4), and five (5) year terms. Second paragraph added which reads: "The Board of Township Trustees may appoint up to two (2) alternate members each for a term of five (5) years, The Alternate Members shall meet the same appointment criteria as Regular Members and shall take the place of an absent Regular Member at the meeting of the Board of Zoning Commission. Alternate Members may vote on any matter on which the absent Member is authorized to vote. Alternate Members may be removed from office by the Board of Township trustees for cause upon written charges and after a public meeting. Vacancies shall be filled by appointment by the Board of Township Trustees for the unexpired term of an alternate member affected."

RECORD OF PROCEEDINGS

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Etna Township Trustee

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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The Licking County Planning Commission recommended conditional approval and changes in the wording.

There were no public comments. There was no copy in the file as to the exact wording adopted by the zoning commission and the trustees decided to recess the hearing.

At 7:48 p.m., Mr. George moved to recess the public hearing until the next regular meeting on July 10th. Burkholder seconded and the vote in favor was unanimous.

At 7:49 p.m., Mr. George moved to open the public hearing on Section 504 and Section 504.1 – Duties of the Zoning Commission. Burkholder seconded and the vote in favor was unanimous.

President Knapp read the proposed changes. Under duties the third sentence is deleted “Review planned unit developments and make recommendations to the Board of Township Trustees as provided in Article 13. Addition of the following three duties:

- “4) Review all proposed changes to the official Zoning Map and make recommendations to the Board of Township Trustees as specified in Article 6.
- 5) Review all proposed changes to the Comprehensive Land Use Plan and Future Land Use Map and make recommendations to the Board of Township Trustees.
- 6) Serve as an Architectural Review Board to enforce compliance with any zoning standards adopted and pertaining to landscaping or architectural elements as delegated by the Board of Township Trustees per O.R.C.519.17.”

Addition of Section 504.1 – Conflicts

“No member of the Zoning Commission may participate in the hearing or disposition of any matter to which that member has any conflict of interest prohibited by state law, including but not limited to a pecuniary or familial interest relating to any matter before the Commission”

The Licking County Planning Commission recommended conditional approval

Gil Guttentag said he felt it was inappropriate for the zoning commission to act as the Architectural Review Board and there should be a separate Board. The zoning commission should not have judicial, executive and administrative duties and the zoning commission members are not selected for the qualifications of an Architectural Review Board.

Bernie Caplan said he disagreed and thinks the zoning commission would be most familiar and an additional Board would add additional bureaucracy.

Mr. George said if an Architectural Review Board were formed, an architect would need to serve on the Board.

Mr. Burkholder said according to the LCPC opinion, an architect or engineer would need to serve on the Board and the wording needs to be clarified. The trustees could give enforcement authority to the zoning commission or actually create an Architectural Review Board. The trustees will seek the intent of the zoning commission and what authority they would have.

At 8:08 p.m., Mr. Burkholder moved to recess the public hearing until the next regular meeting on July 10th. George seconded and the vote in favor was unanimous.

CORRESPONDENCE

- Licking County Board of Commissioners – Resolution 54-298
- Ohio Bureau of Motor Vehicles – May statistics report
- Ohio Public Works Commission – implementation of changes
- Licking County Events.com – events listing
- Ohio Department of Liquor Control - two permit applications for Columbia Road LLC
- Pataskala Area Chamber of Commerce – newsletter
- CLP Solid Waste District – newsletter
- Ohio Township Association – Grassroots Clippings newsletter
- BWC – copy of letter sent to claimant

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Regarding the liquor permit application for Columbia Road LLC, Mr. Burkholder said he was told a patio is being built in the parking area and questions whether alcohol would be served and would like to ask questions at a public hearing.

Mr. George said the area was voted for liquor sales and the business has the legal right to obtain a liquor permit.

Mr. Burkholder moved to request a hearing for these two liquor permits. There was no second to the motion.

OLD BUSINESS

A. Motion to approve procedure for the use of outside legal, consultants and other professional services Fiscal Officer went over the open purchase orders and balances for outside legal, consultants and other professional services. There was discussion on a procedure to be used for all purchases and Mr. Burkholder said he would bring a written procedure for the next meeting.

President Knapp moved to hold a special meeting on July 10th at 5 p.m. to work out the procedure for use of outside legal, consultants, professional services and purchase order for vendors. George seconded and the vote in favor was unanimous.

B. ProLogis Park 70 – Etna Phase II

Mr. Burkholder said in a letter written by Jerry Brems to ProLogis, Mr. Brems said that some of the exemptions were contingent upon the preservation of the rights of the right-of-way for a future interchange.

President Knapp moved to forward all documents from ProLogis to the Licking County Prosecutor for review and comment. George seconded and the vote in favor was unanimous.

President Knapp moved to ask ProLogis to move forward and make a formal presentation and start to prepare the formal documents for the ProLogis II project. George seconded.

Discussion: Mr. Burkholder said this action was premature, a legal opinion needs to be received from the prosecutor and the trustees need to review all the documents. Also wants to know if the schools would commit to a moratorium on school levies.

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

C. Set work session with architect David Hawkins

Mr. George moved for President Knapp or himself to contact David Hawkins to set a date for a work session for discussion of a town hall at no cost. Knapp seconded.

Knapp moved to amend the motion for dates to be brought back to the July 10th meeting. George seconded and the vote in favor of the amendment was unanimous.

Discussion: Mr. Burkholder said he would like to have costs for scope of services and the fiscal officer will compile the list of changes discussed at the special meeting.

The vote in favor of the motion was unanimous.

ANNOUNCEMENTS AND TRUSTEE COMMENTS

Mr. George informed the Board that he would be out of town June 22nd to July 2nd or 3rd and will leave his phone for President Knapp.

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

REPORTS

Fiscal Officer
As of June 18

| | Receipts | Expenditures |
|----------------|-----------|--------------|
| General Fund | 28,571.05 | 39,062.36 |
| MV License Tax | 0.00 | 933.11 |

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| | | |
|---------------------|-------------|-----------------|
| Gasoline Tax | 5,963.16 | 663.23 |
| Road & Bridge | 12,676.39 | 10,148.87 |
| Special Assessments | 0.00 | 266.66 |
| Misc Debt Service | <u>0.00</u> | <u>1,051.10</u> |
| Total | 47,210.60 | 52,125.33 |

Funds Total June 18, 2007 - \$1,393,492.51

Road – written report submitted

Resolution 07-06-19-01: President Knapp moved to approve the expenditure for 7 yards of mulch at \$21/yard from Mulch Manufacturing for the park. Burkholder seconded and the vote in favor was unanimous.

Resolution 07-06-19-02: Mr. George moved to approve the expenditure of \$900 for parts for the crack sealer from BrewPro. Burkholder seconded and the vote in favor was unanimous.

Resolution 07-06-19-03: Mr. George moved to approve the purchase of road signs from Kleem. Burkholder seconded.

Mr. Burkholder moved to amend the motion for the purchase of street signs designated as poor or fair on sign inventory not to exceed \$5,000. George seconded and the vote in favor of the amendment and motion was unanimous.

Resolution 07-06-19-04: Mr. Burkholder moved to approve the expenditure of \$1,800 for street cleaning per the proposal from Contract Sweepers. George seconded.

Mr. Burkholder moved to amend the motion contingent on the scope of services and contract. George seconded and the vote in favor of the amendment and motion was unanimous.

Mr. Burkholder spoke about access management asked that this item be placed on the July 10th meeting.

Zoning – written report submitted

Mr. Burkholder spoke about a MORPC meeting on Quick Clear – clearing an accident as soon as possible. The MSI Design SR 310 Focus Area Study will be completed and a special meeting is scheduled for the end of July.

Resolution 07-06-19-05: Mr. Burkholder moved to approve \$30 for Stan Robinson to attend an Ohio Township Association zoning seminar to be held in September. Knapp seconded and the vote in favor was unanimous.

Economic Development

Mr. Burkholder moved for each trustee to review and make corrections and initial each page of the Municipal Publication Map. George seconded and the vote in favor was unanimous.

JEDZ

Mr. George said almost \$25,000 has been collected in income from the JEDZ zone.

PUBLIC COMMENTS

Bernie Caplan said almost 500 acres is zoned manufacturing in the area of ProLogis and will not be developed because of the proposed ProLogis development in Pataskala. The owners of those 500 acres should receive the same benefits as ProLogis and be included in the JEDD in order to be competitive. These properties will not be developed if abatements are not in place. Mr. Caplan requested that the trustees ask for the description of the tax abated property to include the other 500 acres.

Brian Marsh with ProLogis said it is not simple to change the description of the property.

The Fiscal Officer said she needs a resolution on whether or not a public hearing is requested for the two liquor permit application for Columbia Road LLC. The form needs to returned to the Ohio Department of Liquor Control,

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Resolution 07-06-19-06: Mr. George moved to not request a hearing for the two liquor permit applications for Columbia Road LLC, # B New 1647236-0015 and # B New 1647236-0010. Knapp seconded.

Discussion: Mr. Burkholder said he does not know why the trustees would not take the opportunity to protect the community. The sidewalk was not built correctly, is a safety hazard and has not been corrected and the outside patio may cause a problem for neighbors.

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

At 10:08 p.m., Mr. Burkholder moved to go into executive session per O.R.C. 121.22 G(2) to consider the purchase of property for public purposes. George seconded and the vote in favor was unanimous.

At 10:12 p.m., Mr. Burkholder moved to come out of executive session. George seconded and the vote in favor was unanimous.

Fiscal Officer said the payroll checks for the employees will be ready on Monday June 2nd and dated for July 3rd because of the holiday.

At 10:18 p.m., Mr. George moved to adjourn the meeting, Burkholder seconded and the vote in favor was unanimous.

Barbara Kligel-Sumatt
Fiscal Officer

Mike Knapp
President