

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Trustees Special Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

July 27,

2007

Held

20

The Etna Township Board of Trustees met on Friday July 27, 2007 in the Etna Township Hall for the purpose of conducting a special meeting. The meeting was called to order at 2:00 p.m. by President Knapp and the pledge of allegiance was recited. Roll call showed Mr. Knapp, Mr. Burkholder, and Laura Brown present. Mr. George was absent.

Gary Burkholder moved to adopt the agenda. Dick Knapp seconded. Roll Call: Burkholder, yes; and Knapp, yes;

Etna Township Departmental Meeting

Road Report

Mike Waller discussed the signage and right-of-ways in Etna Property. Craig Smith, LC Engineers office, stated the Trustees need to pass a resolution for the speed limit to be 25 mph. It does not need to be recorded because Etna Proper is a platted subdivision. This does not include Pike Street. The county needs to record Pike Street so the Sheriff can enforce the speed limit on Pike Street. The county will record the 35 mph speed limit for Pike Street.

The county did a traffic study on Palmer Road west of Mink to the overpass. The speed limit came up to 45 mph. The Trustees need to pass a resolution regarding this. Mike Waller suggested checking to make sure the township does not have to record the resolutions; Craig Smith stated they did not.

Mike Waller discussed the policy regarding the procedures for the purchases the road department needs to make. Dick Knapp stated the policy needs to be simplified for the road department. Gary Burkholder wants consistency between the road department and the zoning department. Dick Knapp stated if the board had an example of a purchase for the zoning department they would review it. When the office needs supplies they order them. Gary Burkholder stated with good planning it could be approved ahead of time. Laura Brown explained the items are purchase orders already approved. A purchase order could possible work for the road department. Mike is using the purchase order and resolution number.

On 13658 Refugee Road there is a tree in the right-of-way that needs to be removed. Mike will provide the board a quote at the next meeting. It is too tall for the road department to take down.

Mike Waller reviewed the street sweeping and post driver with the board. The county has the hydraulic and the air. ODOT gave him a vendor. The county would demonstrate them. Mike will get with Paul George. Gary Burkholder stated an employee has slipped trying to hand drive the post. A report was written up regarding the incident.

Dick Knapp moved to approve the purchase order to Conkle's Truck repair in the amount 128.00 to mount the tractor tire. Gary Burkholder seconded. Passed 2-0.

Zoning Report

Stan Robinson discussed six letters that were sent regarding the corner visibility issues in the township. Stan updated the board on violation cases that were dropped off at the prosecutor's office. One sign was removed on Pike Street and he asked the others to remove them. There are issues on Humphries Drive that Stan is working on. Maronda Homes is not mowing the grass in Brandy Mills. The street sign on Lavender Drive is spelled wrong on the developer's portion of Brandy Mills. There will be more fence appeals. He is expecting one in Cameron Chase and Cumberland Trails.

Dick Knapp discussed the notice from Tom Branham. Mr. Branham called and asked the township to disregard the notice. Dick inquired about John Toops on Lynn's Road regarding trees.

Dick Knapp discussed the fence appeals. Stan stated one property is turning in other properties and so on. Stan is not pursuing fences but does have to pursue the violations that have been turned into the zoning office. Some of the fences are from previous zoning inspectors not requiring permits. Dick Knapp discussed having the prosecutor's office give a recommendation regarding the fences and late fee being charged. Gary was going see if Tony Stucco could discuss this after the meeting today.

Dick Knapp asked Stan if he could report on his meeting with Mr. Veley. Stan stated there is nothing to explain. He met with him for about five minutes during Stan Robinson's lunch after he filed the appeal with the Board of Zoning Appeals. Gary Burkholder questioned if this discussion should be in executive session. Stan stated the discussion was personal items on his lunch hour. Dick Knapp has an issue with this because the attorney Mr. Veley has litigation against the township.

The new truck is parked until the tags and insurance are taken care of. Barb is going take care of. Gary Burkholder asked if we could verify that insurance is on the truck today.

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Secretary Report

Laura Brown discussed the text in the zoning resolution requiring the township to mail letters to the property owners within 400 feet of the property. She could not find in the Ohio Revised Code to require the 400 feet. The letters mailed today in Orchard Glen were 76 cents a letter and she mailed 141 letters at a cost of \$107.16. This also requires the Board of Zoning Appeals to move the meetings with little attendance. If the zoning resolution was changed the meetings could be held at town hall. There are no fees for appeals.

Discussion regarding the performance evaluation report dated 6/14/07 and evaluation response dated 7/19/07. Stan Robinson stated it was responded to in the response letter dated 7/19/07. Stan Robinson did the responses so they would be in his personnel file. Gary Burkholder discussed the .50¢ an hour increase. Stan Robinson stated he felt .50¢ an hour increase was an insult. He felt that he deserves more than that. Most of the time department heads in organizations make the same. Presently the road superintendent makes around 25.00/hour. Stan started at 15/hour to guarantee he would get the job. He feels he should have convinced everyone that he is worth more than that. Currently at 15.50 he qualifies for Section 8 housing. Stan did not agree with the rating of 3 for his dress appearance. Gary Burkholder explained that the current form a three would be that he meets the criteria. Gary feels at hearings he should be dressed with possibly an official shirt. Stan then reviewed his evaluation review and the response dated 7/19/07. Gary Burkholder stated point of order in reference to the housing in regards to his salary. Gary wanted to know who was going to recommend the two dollar raise. Dick stated he was going to take it to the board for the two dollar raise during the evaluation period and this was before the situation at National Road and Mink Street. Stan stated he enjoys working for the public and suggested the Trustees call some of the residents listed in his activity log to see how they were treated. Gary Burkholder stated make some changes in the zoning resolution would help the zoning office. Gary Burkholder asked Stan if he has a figure in regards to compensation. Stan feels department heads should match. Gary Burkholder stated in the interview process the giant leap was not mentioned. Stan stated he took the amount to get in the door. Gary Burkholder stated he would support an increase. Dick Knapp stated it is not specifically on this agenda and the board will discuss at the next regular meeting.

Township Reports

Gary Burkholder asked Dick Knapp about the reports being moved to the staff meeting agendas. Dick replied for the efficiency of meetings. Gary stated there was a request to move them to the end of the meeting and feels that these reports should be at the regular meeting.

Water & Sewer - David Goll reported on the waterline by State Route 70 is in the process of finishing up. They are in the process of working on the agreement with Kirkersville. David Goll discussed extending water and sewer north of Pataskala on 310. There is possibility of annexation into Columbus. Gary Burkholder discussed the 208 plan with David Goll.

Park and Recreation - Dick Knapp stated a quote is needed for the paving of the path in the park.

Economic Development - David Goll reported the committee meets on August 14, 2007 and have invited Brian Marsh with ProLogis and Forest Yocum with Southwest Licking Water and Sewer.

MORPC - Gary Burkholder stated anyone can attend any of the meetings that have been emailed to the township. Gary is interested in the meeting addressing transportation. Gary stated MORPC is considering moving and selling the building to the university.

Board of Zoning Appeals Procedures - Tony Stucco, Assistant Prosecutor, explained that the prosecutor's office normally does not define the authority of one client for another client. They represent both the Trustees and Board of Zoning Appeals. In regards to whether the BZA can deliberate in private, yes they can deliberate in private it is an adjudicatory hearing. Mr. Stucco refers to the attorney generals opinion on 2000-35. The meetings are meetings open to the public but not public meetings for the purpose of open meeting laws. The decision/vote is done in the open. Mr. Burkholder will get in touch with Mr. Shaffer regarding what the township has found out.

Dick discussed sending one representative to all the meetings regarding ProLogis. Tony Stucco stated the attendance is for informational gathering purposes. Gary Burkholder believes this should be a public meeting. Gary stated Commissioner Phelps stated it is an informational meeting and all documents will be available to the public. He does not support the meeting. Gary Burkholder asked who called the meeting. Gary Burkholder stated it was set up by Licking County Planning Commission but does not have a definitive answer.

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Dick moved to send a township trustee representative to the Licking County informational meeting regarding the Etna Pataskala Corporate Park Expansion/ProLogis Project. Meetings on August 1st at 10:00 a.m., August 1st at 1:30 p.m., and August 2nd at 7:00 p.m. No second and the motion failed. Dick Knapp stated he will be attending. Gary Burkholder made a public records request for the information.

Public Comments --

Claudette VanDyne 7173 Refugee Road and stated legal representation stated it was not a violation of the sunshine law. She applauds Dick Knapp for going to the meeting to bring the information back to the public. She read in the paper that ProLogis was not going to be attending.

Bernie Caplin 441 Brookside Drive is upset about the closed door meetings and feels there is a reason the public is not invited. The trustees can not limit the Board of Zoning Appeals in regards to deliberation. Once the hearing is closed no additional evidence should be brought into the meetings. He felt the Board of Zoning Appeals member at the Trustees meeting spoke in an outrageous arrogant tone.

Gil Guttentag 70 Runkle Drive feels the prosecutor is one person's legal opinion. The Dispatch editorial stated the meeting was ethical defiance of the sunshine law and disrespect of the public.

David Goll 8995 York Road thanked Mr. Stucco for the comments regarding the Board of Zoning Appeals rights to deliberate in private. He feels the presentation by MSI Design was not worth \$34,000 and is not practical with current things in mind. Gary Burkholder explained what a land use plan is and feels they did acknowledge it adequately during the meetings. Dick Knapp stated MSI does not have the feed back from the Trustees and is planning a joint meeting.

Jim VanDyne 7173 Refugee Road stated the 35 miles per hour signs on Pike Street need to come down. He feels they are a safety hazard and are in the right-of-way. He also discussed the trash in the yard at the end of Pike Street on State Route 40. Stan Robinson stated the health department has been notified regarding the trash. Mike Waller has removed one sign and the property owners were notified with letters for the other two signs.

David Goll stated he did not feel the other member of the Board of Zoning Appeals was being disrespectful and no intent on being disrespectful.

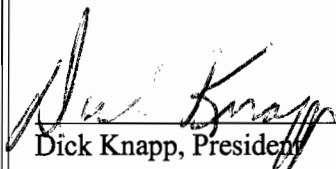
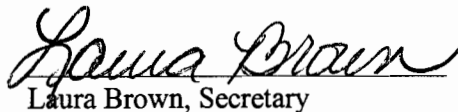
Gary Burkholder stated point of order regarding Gil Guttentag to speak. Dick Knapp stated Gil Guttentag had used up nearly 4 minutes and some seconds and Mr. Goll used up a little bit over 3 minutes.

Gary Burkholder did take it as disrespectful.

Dick Knapp moved to got into executive session per O.R.C. 121.22 (G) (3) conferences with an attorney for the public body concerning disputes involving the public body that are the subject of pending or imminent court action. Gary Burkholder seconded. Gary Burkholder, yes; and Dick Knapp, yes; motion passed 2-0. Tony Stucco and Stan Robinson were invited to stay.

Dick Knapp moved to come out of executive session. Gary Burkholder seconded. Gary Burkholder, yes; and Dick Knapp, yes; motion passed 2-0.

Gary Burkholder moved to adjourn. Dick Knapp seconded. Passed 2-0. Meeting adjourned at 4:54 p.m.


Dick Knapp, President
Laura Brown, Secretary