

Etna Township Trustees Regular Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Held May 6, 2008
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The Etna Township Board of Trustees met on Tuesday May 6, 2008 in the Etna Township Hall for the purpose of conducting a regular meeting. The meeting was called to order at 7:01 p.m. by President Knapp with prayer and the pledge of allegiance was recited. Roll call showed Jeff Johnson, Paul George, Dick Knapp, and Tina Taylor present.

Paul George moved to adopt the agenda. Jeff Johnson seconded. Roll Call: Johnson, yes; George, yes; and Knapp, yes;

ADOPTION OF THE MINUTES

Paul George moved to approve the April 15th, 2008 regular meeting minutes. Jeff Johnson seconded. Roll Call: Johnson, yes; George, yes; and Knapp, yes;

Paul George moved to approve the April 26th, 2008 special meeting minutes. Dick Knapp seconded. Roll Call: Johnson, abstain; George, yes; and Knapp, yes.

Paul George moved to approve the April 29th, 2008 special meeting minutes. Jeff Johnson seconded. Roll Call: Johnson, yes; George, yes; and Knapp, yes;

The special meeting for April 30th will be approved at the next meeting.

PUBLIC COMMENTS

Connie Klema 100 Zellars Lane discussed the Comprehensive Plan and modifications for the PUD sections. Connie Klema and Scott Hayes jointly and individually represent property owners in Etna Township that own property along Route 310 and Route 40. They are concerned with the PUD text and how it will be written and understood. There are concerns with the development of the 310 corridor. They would like to work with the township as the code changes are being made. They have considered annexing into the City of Pataskala because there are code sections that are applicable to the types of services they want to develop. They would like to work with Etna Township and would like to maintain communications with the Trustees and the Zoning Boards and everyone that will participate with the future land use plans.

CORRESPONDENCE

- Staples
- Licking County Soil & Water – Dry Hydrant Program
- University of Akron 28th Annual Ohio Public Finance Officers Training Program
- Thank you card from Barbara Digel-Barrett
- Ohio Bureau of Workers' Compensation – MCO
- Insight Communications – Upcoming channel changes
- KMA Electric – Tornado siren inspections
- Ohio Department of Transportation – Ohio's 21st Century Transportation Task Force
- Ohio Department of Public Safety – Tax Distribution – License Tax Statistics Report
- Grassroots Clippings newsletter from Ohio Township Association
- MORPC Riverfest 2008
- Pataskala Police Department Drug Activity Concerns
- Licking County Commissioners Kissell Ditch Resolution
- Licking County Planning Commission TRC on Town Hall
- Pataskala Area Chamber of Commerce – What we need to do now meeting
- Pataskala Area Chamber of Commerce newsletter
- Licking County Planning Commission public hearing on Section 513 and 521

REPORTS

Fiscal Officer for the month of April 2008

	Receipts	Expenditures
General Fund	79,247.41	53,438.66
MV License Tax	88.39	154.00
Gasoline Tax	15,513.89	162.75
Road and Bridge Fund	16,569.14	13,521.59
Special Assessment	1,819.69	333.76
Misc. Debt	0	2,740.43
Total	\$113,238.52	\$70,351.19

Funds Total for April 30, 2008 - \$1,343,643.89

Tina Taylor discussed installing a wireless router on the computer at her house. A repair man from Embarq recommended the router for security. She discussed this with Doug Rogers. The router that Doug recommended is \$45.00. Jeff Johnson wanted to clarify with Doug why the wireless connections instead of wired. A firewall on the computer was discussed.

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A liquor permit for Rt. 40 Drive Thru LLC has been received tonight. Paul George stated there are no houses or churches by the property. He does not have any issues approving. If the township wants a hearing the township needs to respond. This location is dry and will have to go to the voters. This will be addressed at the next meeting.

PUBLIC HEARING

Paul George moved to go into the public hearing regarding the Joint Economic Development Zone Contract at 7:20 p.m. Jeff Johnson seconded. Roll call: Johnson, yes; George, yes; and Knapp, yes.

Paul George read from the Joint Economic Development Zone Contract (Draft 1/4/2008). The documents have been on public display. This Joint Economic Development zone Contract (this "contract") is made and entered into as of the day of 2007 (The dates will be updated) (to be effective as of the Effective Date set forth in Section 1.4 of this Contract) by and between Etna Township, Licking County, a political subdivision of the State of Ohio, through its Board of Trustees (hereinafter "Etna") and the City of Newark, a political subdivision of the State of Ohio (hereinafter "Newark").

Public Comments regarding the JEDZ for the 96 acre parcel south of the current ProLogis project on Route 40.

Gary Burkholder 254 Trail East is opposed to the JEDZ II. The first JEDZ is going to be 3.2 million square feet of distribution and manufacturing. The impact of the Trucks on Route 40 and the 310 corridor, the state of Ohio already stated there will be no interchange through the ProLogis project and there are no improvements in sight for 70/310 interchange. He has concerns with the \$750,000 that will be reimbursed back to ProLogis is a bad business deal. He discussed TIF dollars and proposed income tax.

Jeff Johnson asked Gary Burkholder to explain how the \$750,000 will go back. Gary Burkholder stated 50% of the TIF and 50% of the JEDZ income tax go back to ProLogis. Jeff Johnson stated the taxes that are reimbursed are from the taxes that ProLogis pay on their property. Jeff discussed that the township needs to remember that the JEDZ tax will generate money for the township.

Paul George stated Licking County Commissioners pass the TIF. 20% of the JEDZ fund and ProLogis can only take 10% back each year. 50% of the 20% (10%) goes back to ProLogis.

Paul George stated the JEDZ I has generated over \$100,000.00 and the school will get 30% and Etna will get 30% and personally feel it is a good deal for the younger residents of the township.

Jeff Johnson stated this gives the developer money to keep the roads nice. Paul George stated the property is currently a CAUV. The JEDZ will get more money than with a CAUV.

Dick Knapp discussed the County giving ProLogis the tax abatement as well as the TIF. If ProLogis would pull out of Etna Township whoever would develop the property would fall under that JEDZ.

Roger Digel-Barrett 533 Ballman Road stated we fall over backwards to hand out tax breaks to rich corporations, welfare for the wealthy is ok but welfare for the poor is not.

David Goll 8995 York Road asked if the JEDZ does not go thru will ProLogis still develop the property. The JEDZ only provides income for the people on the list from taxes that are levied on the workers. He feels without the JEDZ we are only hurting Etna Township.

Dick Knapp reviewed the benefits from the first JEDZ. The revenues will come back to the township for use in the general fund for use on infrastructure. The benefits will come down the road.

Claudette VanDyne 7173 Refugee Road discussed the last financial report from the JEDZ I. Paul George verified \$125,000 in the fund right now and the first part of the year \$49,000.00 from 300 employees. Claudette VanDyne stated 30% goes to the school and 30% to Etna Township that we would not have if JEDZ I was not put in place. Claudette is focused on how the schools can obtain money. Paul George stated very few residents work in the park. Paul George stated in 2007 the total was 100,984.93.

Gary Burkholder 254 Trail East discussed the senior citizens in that live in Etna now. He also asked what was going to be done with the truck traffic. Jeff Johnson stated the truck traffic was created 15 or more years ago. The township is addressing plans for the truck traffic.

Jim Duffey 27 Daisey Drive stated the corporations want tax abatements then leave when the abatement is up. Paul George stated ProLogis has 3-4% of empty buildings and when the abatements are over ProLogis will lower the rent in their buildings to keep the companies in the buildings.

Neil Ingle 71 Trail East had a question on the state funding for the schools. House Bill 66 has been passed since the first JEDZ and changed the funding for local school districts. He feels this question needs to be answered. This law did not exist with the first JEDZ. Paul George stated he asked this question and was told it would not affect the school funding. Jeff Johnson thought there was a level that they could not go over. Scott Ziance can answer this question. Paul George will check into it.

Paul George moved to close the public hearing. Jeff Johnson seconded. Roll Call: Johnson, yes; George, yes; and Knapp, yes.

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Resolution 08-05-06-01 Paul George moved to accept the Joint Economic Development zone Contract (this "contract") is made and entered into as of the 6th day of May 2008 (to be effective as of the Effective Date set forth in Section 1.4 of this Contract) by and between Etna Township, Licking County, a political subdivision of the State of Ohio, through its Board of Trustees (hereinafter "Etna") and the City of Newark, a political subdivision of the State of Ohio (hereinafter "Newark"). Whereas, both Etna and Newark are political subdivisions located entirely within Licking County, Ohio. Jeff Johnson seconded. Discussion: This is the Draft copy dated 1/4/2008. Roll call: Johnson, yes; George, yes; and Knapp, yes.

Resolution 08-05-06-02 Paul George moved move forward to place the Joint Economic Development Zone contract on the Tuesday, August 5th, 2008 ballot. Jeff Johnson seconded. Discussion: Is there any other issues on the ballot? At this time they are not aware of any other items on the ballot. ProLogis will pay for the special election. Roll call: Johnson, yes, George, yes, and Knapp, yes.

After discussion it was decided the Resolution with the Draft date of 4/29/08 needs to be passed with the attachment Exhibit B – Form of JEDZ Contract.

Resolution 08-05-06-03 Paul George moved that the Board of Township Trustees of Etna Township, Licking County, Ohio Resolution No. (To be added) in the matter of approving a joint economic development zone contract with the city of Newark to support the development of an industrial park in Etna township. This 6th day of May 2008 the Board of Trustees of Etna Township met in regular session, Members present Jeff Johnson, Paul George, and Dick Knapp and moved the adoption of the following which is all in the contract. (Read from document Draft 4/29/08) Jeff Johnson seconded. Discussion: The board will nullify the first motion. Roll call: Johnson, yes; George, yes; and Knapp, yes.

Contents in its entirety for the record provided below:

IN THE MATTER OF APPROVING A JOINT ECONOMIC DEVELOPMENT ZONE CONTRACT WITH THE CITY OF NEWARK TO SUPPORT THE DEVELOPMENT OF AN INDUSTRIAL PARK IN THE TOWNSHIP.

WHEREAS, ProLogis, a Maryland real estate investment trust (the "Company") proposes to establish a master plan-based industrial park (the "Project") at a site in Etna Township (the "Township") and Licking County (the "County") described in Exhibit A, attached hereto and incorporated by reference herein (the "Project Site"); and

WHEREAS, it is anticipated that the Project (through transfers by the Company of buildings at the Project Site, or parts thereof, to other persons or entities by lease, sale or other means of transfer, and hiring of employees by those transferees) will result in the creation at the Project Site of approximately 100 to 450 full-time permanent job opportunities, approximately 0 to 25 full-time temporary job opportunities, approximately 0 to 25 part-time permanent job opportunities and approximately 0 to 25 part-time temporary job opportunities, with hiring expected to commence in approximately 2009 and to continue incrementally over the succeeding 10 to 15 years, with approximately 15 to 30 employees to be added each year; and

WHEREAS, to enhance the feasibility of the Project, the Township and the City of Newark (the "City") desire to enter into a Joint Economic Development Zone Contract (the "JEDZ Contract") pursuant to Ohio Revised Code ("R.C.") Section 715.691 substantially in the form attached hereto as Exhibit B, providing, among other things, for establishment of a Joint Economic Development Zone ("JEDZ") pursuant to that Section, inclusive of the Project Site, thereby affording the opportunity for the levying of an income tax within the JEDZ to be used for purposes including construction of public infrastructure improvements serving the JEDZ, construction of private improvements and income tax sharing; and

WHEREAS, as required by R.C. Section 715.691(D), this Board held a public hearing on May 6, 2008 regarding the JEDZ Contract and the JEDZ, and published at least 30 days notice of such public hearing in a newspaper of general circulation in the Township; and

WHEREAS, pursuant to R.C. Section 715.691(D), during this 30-day notice period, the Township made the JEDZ Contract, a description and map of the proposed JEDZ and the draft JEDZ economic development plan available for public inspection at the Township Hall; and

WHEREAS, to support the Project, the Township desires to approve the JEDZ Contract;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF ETNA TOWNSHIP, LICKING COUNTY, OHIO, THAT:

SECTION 1. This Board hereby finds and declares that it received adequate notice of the terms of the JEDZ Contract, including but not limited to the terms of the JEDZ Contract that provide for establishment of a JEDZ and the levy of an income tax within that JEDZ.

SECTION 2. The Board hereby approves the JEDZ Contract, and authorizes the appropriate Township officer to execute the JEDZ Contract in substantially the form attached hereto as Exhibit B, with such non-material and/or non-adverse changes as may be deemed appropriate by such officer. Such execution on behalf of the Board shall constitute conclusive evidence of this Board's approval of any such changes. This Board further authorizes and directs the appropriate Township officers to take any further actions, and to execute and deliver any further agreements, certificates or documents, that are necessary, reasonable or appropriate to carry out the purposes of the JEDZ Contract.

SECTION 3. This Board hereby directs the Clerk of the Board to certify and deliver true and complete copies of this Resolution, together with the attachments hereto, to the Board of Commissioners of the County, the City Council of the City and the Company as soon as practicable after the passage of this Resolution. In addition, as soon as practicable after the passage of this Resolution, the Clerk of the Board is hereby directed to deliver one true and complete copy of this Resolution, together with the attachments hereto, to the County Board of Elections, and direct the Board of Elections to submit this Resolution to the electors of the Township on the day of the next special election, which is currently scheduled for August 5, 2008.

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SECTION 4. This Board hereby finds and determines that all formal actions relative to the passage of this

Resolution were taken in an open meeting of this Board, and that all deliberations of this Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including R.C. Section 121.22.

Resolution 08-05-06-04 Paul George withdrew his motion for the draft dated 1/4/2008. Jeff Johnson seconded. Discussion: That is the same document that is attached to this that was passed back in February. Roll call: Johnson, yes; George, yes; and Knapp, yes.

Interview and Consider appointments for the Zoning Commission and alternate for the Zoning Commission and Board of Zoning Appeals Two applicants were not submitted by the deadline date and will not be considered tonight but want them to apply the next time there are opening. Randy Snider is interested in Zoning Commission member, Dallas Maynard is interested in all positions, and Bill Young is interested in both positions. The unexpired term from Dee Dunlap, one alternate for Zoning Commission and one alternate for the Board of Zoning Appeals is open. After asking all three applicants questions the following motions were made.

Resolution 08-05-06-05 Dick Knapp moved to appoint Randy Snider to the unexpired term of Dee Dunlap, the term expires 2020, to fill her position. Paul George seconded. Roll call: Johnson, yes; George, yes; and Knapp, yes.

Resolution 08-05-06-06 Dick Knapp moved to appoint Bill Young to the alternate position on the Zoning Commission. Jeff Johnson seconded. Roll call: Johnson, yes; George, yes; and Knapp, yes.

Resolution 08-05-06-07 Jeff Johnson moved to appoint Dallas Maynard to the alternate of the Board of Zoning Appeals. Paul George seconded. Roll call: Johnson, yes; George, yes; and Knapp, yes.

Zoning Report – Chris Harkness will start doing a daily log.

Resolution 08-05-06-08 Paul George moved to send Chris Harkness to the zoning seminar on Friday, May 23rd for \$45.00. Jeff Johnson seconded. Discussion: This is an OTA seminar and is not a duplicate seminar. Roll call: Johnson, yes; George, yes; and Knapp, yes.

Paul George moved to approve Laura Brown to be off May 9, 2008 to volunteer at the school. Jeff Johnson seconded. Roll call: Johnson, yes; George, yes; and Knapp, yes.

Road Report –

Dick Knapp moved to advertise the week ending May 17 and May 24 to advertise in the Pataskala Standard for the road bids with the opening of the bids for Tuesday, June 3 with all the projects to be completed by August 23, 2008. Jeff Johnson seconded. Discussion: Jeff Johnson asked if this is the standard to have them done in such a short period of time. Roll call: Johnson, yes; George, yes; and Knapp, yes.

The Trustees discussed areas where reclamation and replay were placed on the roads. Jeff Johnson will get with Mike to view the roads.

Dick Knapp and Mike Waller have been working with the property owner in Mayflower 3rd Avenue water problem. Jeff Johnson discussed a resident that was not happy at 84 3rd Avenue with the ditching.

The County has not officially turned over the property in Jardin Manor but the road department has been working on cleaning up the property.

Dick Knapp discussed the estimates to clean the drainage tile on Pike Street.

Dick Knapp discussed renting a wood chipper again this year. It was discussed about purchasing a wood chipper. Veneer will be having a 5-7% price increase. The wood chipper is around \$33,000 and is on the state program for pricing and not negotiable. Jeff Johnson asked the cost to rent for two weeks. It was approximately \$3,500.00. Paul George stated if it is not a hazard to the road he would not mess with the tree. Dick Knapp will have Mike evaluate for the next meeting. Paul George stated in the five years he was over roads they rented a chipper twice; one time was during the ice storm. Paul does not feel the township needs to rent a chipper each year. Dick Knapp stated with a chipper it would be portable and could take it on site.

Dick Knapp discussed the estimate for the cutting saw. This will be tabled and discussed at the next meeting.

Resolution 08-05-06-09 Paul George moved to purchase two filters for the crack sealer from Kuhn Turf in the amount of \$28.00. Jeff Johnson seconded. Roll call: Johnson, yes; George, yes; and Knapp, yes.

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Resolution 08-05-06-10 Paul George moved to appropriate \$244.50 for Hydraulic filters for the dump truck from Ace Truck. Jeff Johnson seconded. Roll call: Johnson, yes; George, yes; and Knapp, yes.

Parks & Recreation Dick Knapp stated the requested three nurseries quote replacing trees at the park. Two companies responded. Willits Nursery in Pataskala quoted \$2,188.00 to replace trees, shrubs, and bushes at the park. The other company buys some of his products from Willits and could not give better prices than Willits. For \$2,188 for the plants only not for delivery or installation, our crew could pick them up and plant them to save the delivery and installation charges.

Resolution 08-05-06-11 Paul George moved to appropriate \$2,188.00 for the park to purchase from Willits Nursery. Jeff Johnson seconded. Discussion: \$4,000 is in the budget for parks. Roll call: Johnson, yes; George, yes; and Knapp, yes.

Resolution 08-05-06-12 Dick Knapp moved to approve the \$100.00 for the 1st month to Porta Kleen then it is a \$75.00 per month charge for the months up to October. Paul George seconded. Discussion: The first month is \$100.00 with the \$25.00 delivery charge. It is only an additional \$25.00 for the delivery fee. There is no charge for them to secure the Porta John. Roll call: Johnson, yes; George, yes; and Knapp, yes.

Dick Knapp discussed a resident wanting to have a yard sale on the Parking Lot on the Columbus Street side of the park. Dick will contact the resident and explain it is a first come first serve.

It was discussed that the township does not have any regulations for the park. The volunteer parks committee will meet May 8th at 7:30. Dick suggested the committee look into park rules and also have Eric Fox review.

2008 TWP Goals Dick Knapp suggested at the next meeting they review the goals.

SWLCW&S Report David Goll reported they got the initial report back for the auditor and everything is fine just a couple verbal recommendations. One of the best the auditor has ever seen.

JEDZ I Report Paul George reported the JEDZ I funds earlier in the meeting. Stephen Fowler's father passed away and his mother is very ill so hopefully a meeting will be in the near future.

Old Business

New Town Hall/Community Center Update Paul George discussed the fire hydrant was moved and the need to approve the money for tap fees. This is under new business Item i. Mr. Hawkins has dropped off three drawings but did not drop off the specification book. Paul George will review the contracts with David Hawkins with Eric Fox at the Prosecutor's office.

Parking Regulations Dick Knapp discussed the parking issues in the township and with the County Prosecutor. Dick Knapp moved to meet with the county Prosecutor and will have information ready for the May 20th meeting. The township needs to address signage and how to communicate with the residents that there are parking restrictions. Paul and Jeff agreed and felt a motion was not needed.

New Etna TWP Comprehensive Plan Update Jeff Johnson has 9 to 10 names and could have all the names by the next meeting for appointment. Dick Knapp stated Jim Lenner inquire about holding an open house event for the community after the committee is appointed.

New Business

Dick Knapp moved to support educational training for township employees from the Licking County Sheriff's office drug task force. Paul George seconded. Roll call: Johnson, yes; George, yes; and Knapp, yes.

Dick Knapp moved to send a letter of support to elected state officials to support having a drug dog for District 6 of the Ohio Highway Patrol. Paul George seconded. Discussion: Dick Knapp stated District 6 does not have a drug dog. Roll call: Johnson, yes; George, yes; and Knapp, yes.

Dick Knapp moved to send Zoning Administrator Chris Harkness to State training regarding public records law. Jeff Johnson seconded. Roll call: Johnson, yes; George, yes; and Knapp, yes.

Resolution 08-05-06-13 Dick Knapp moved to approve Zone Pro program training for township staff for 4 hours for a total of \$150.00. Jeff Johnson seconded. Discussion: Laura and Chris have not had the training. The \$150.00 is for all 4 hours. Roll call: Johnson, yes; George, yes; and Knapp, yes.

Dick Knapp will have the information ready by the next meeting for the property insurance coverage (OTARMA) and updated values for the equipment.

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~~Dick Knapp stated by the next meeting cost will be available regarding the township employee health insurance coverage. Paul George suggested having him at the next meeting.~~

Dick Knapp stated the Kissell Ditch hearing will be May 8th at 1:30 p.m. Dick Knapp has a MORPC Meeting and Paul George will attend.

Resolution 08-05-06-14 Dick Knapp moved to approve the light pole 79907 to be billed by AEP at up to \$18/month. Jeff Johnson seconded. Discussion that is the light across the street and will be turned off after town hall is billed. Roll call: Johnson, yes; George, yes; and Knapp, yes.

Resolution 08-05-06-15 Dick Knapp moved to approve the \$1,300 for sewer and \$1,200 for water tap fees to Southwest Licking Community Water & Sewer District for the new town hall/community center. Paul George Seconded. Discussion: The check will need to be signed at the next meeting. Roll call: Johnson, yes; George, yes; and Knapp, yes.

Trustee Announcements and Comments

Dick Knapp stated at the special meeting he was making reference to the Industrial Park and did not want anyone to view his comments as being critical of Mr. George. Dick Knapp views Paul as an advocate for the solutions to the problems and wanting to fix the problems in the future.

Jeff Johnson stated a resident contacted him regarding options to slow traffic. Dick Knapp discussed portable speed humps. They can be removed in the winter time. Dick will get information and will follow-up.

Public Comment

Jim Duffey 27 Daisy Drive discussed the parking regulations. He would like Daisy Drive to be on the list. He asked if they could come out and evaluate the parking situation. Dick Knapp stated townships are restricted by Ohio Revised Code. He sent a picture to Jeff Johnson. He referenced ORC 505.17.2 regarding noise.

Dallas Maynard 959 Pike Street questioned the sewer and water tap fees for the new building. Paul George stated that is the only fee for sewer and water tap fees but will have the monthly bill. There is no assessment on this property and Paul thinks it was already paid. He is proud to see harmonious efforts between Trustees.

Randy Snider 7347 National Road is concerned with the road widening on 310 by the park fence. He suggested a ditch to divert the salt water so it does not kill the plants in the park.

A resident question the ditch petition and where it will go and whether it will still go to Frontier Ranch.

Paul George moved to pay the bills. Jeff Johnson seconded. Roll call: Johnson, yes; George, yes; and Knapp, yes.

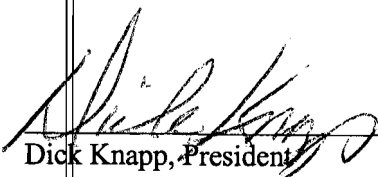
Dick Knapp moved to go into executive session per O.R.C. Code 121.22 (G) (1) to consider the discipline of a public employee. Paul George seconded. Discussion: Trustees and the Fiscal Officer will be in the executive session. Roll call: George, yes; Johnson, yes; and Knapp, yes.

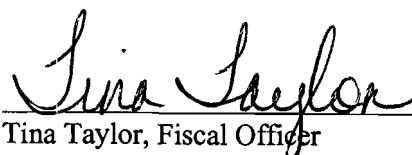
Paul George moved to come out of executive session at 10:05 p.m. Jeff Johnson seconded. Roll call: Johnson, yes; George, yes; and Knapp yes.

Dick Knapp moved to go into executive session per O.R.C. Code 121.22 (G) (2) to consider the purchase of property for public purposes at 10:08 p.m. Paul George seconded. Discussion: Trustees and Fiscal Officer will be in the executive session. Roll call: Johnson, yes; George, yes; and Knapp, yes.

Paul George moved to come out of executive session at 10:11 p.m. Jeff Johnson seconded. Roll call: Johnson, yes; George, yes; and Knapp yes.

Paul George moved to adjourn at 10:12 p.m. Jeff Johnson seconded. Roll call: Johnson, yes; George, yes; and Knapp, yes.


Dick Knapp, President


Tina Taylor, Fiscal Officer