

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Trustees Regular Meeting

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 10148

Held _____ December 19, _____ 20 _____ 2023

The Etna Township Board of Trustees met on Tuesday, December 19, 2023, in the Etna Township Administration Building for the purpose of conducting a regular meeting. The meeting was called to order at 6:00 p.m. by Trustee McKee. Jeff Johnson led the invocation and Rozland McKee led The Pledge of Allegiance. Roll call showed Trustees Mark Evans, Jeff Johnson, Rozland McKee-Flax, and Fiscal Officer Julie Varian were present.

Trustee McKee moved to adopt the agenda as presented. The motion was seconded by Trustee Johnson. Discussion: Trustee Evans discussed the agenda not being posted until about 24 hours prior to the meeting. The roll call was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

Trustee McKee moved to adopt the minutes from the December 5, 2023, meeting as presented. The motion was seconded by Trustee Johnson. Discussion: Trustee Evans does not feel these minutes properly reflect the actions or comments of the board. The roll call was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

Public Comments

Craig Zacher of 79 Trail East thanked Trustee Johnson for his years of service to Etna Township and thanked Trustee McKee.

Gary Burkholder of 254 Trail East requested the Board post and make the community aware of the appointments to the Zoning Commission and the Board of Zoning Appeals. The appointments are for five-year terms. Mr. Burkholder recommends the interview process for appointments. Mr. Burkholder is opposed to granting the AMH Easement at this time. The township does not have a final plan for the park land and discussed the maintenance of developer's stormwater.

Steve Slyh of 1372 Londondale Parkway thanked Trustee Johnson for serving the community. Mr. Slyh has also endorsed and supported Gary Burkholder in the past and hopes that Mr. Burkholder serves the community well. Mr. Slyh discussed a text message from Trustee Evans from March. Trustee Evans discussed posting text messages from Steve Slyh.

John Kennard of 10785 Palmer Road thanked Trustee Johnson for his many years of service. Mr. Kennard requested the Executive Session start at 5:00 p.m. so the residents do not have to wait during the meeting. Trustee Evans discussed placing them at the end of the meeting.

Alan Albrecht of 78 Trail East thanked Trustee Johnson for his years of service. Mr. Albrecht asked Trustee Evans if it is appropriate behavior to call a fellow Trustee a name (whore) and feels this is why the township is going through what they are going through today because of Mr. Evans behavior. Mr. Albrecht hopes that Trustee Burkholder does not support that type of behavior.

Liz Eschenbrenner of 22 Spikerush Court thanked Trustee Johnson for his years of service to the community. Mrs. Eschenbrenner hopes that in the New Year the Trustees will do what the people want and not what the Trustees want when representing Etna Township.

Reports – Township Administrator

Township Administrator Nita Hanson provided an oral report regarding several township items.

Safety Boots for Road Department

Nita Hanson requested the Trustees consider an annual reimbursement for the Road Department to purchase safety boots.

Trustee McKee moved to approve the annually reimbursement of the cost of safety boots for the Road Department up to \$250 per employee. This reimbursement will occur every January. Any employee hired after January will be eligible for reimbursement the following January. The motion was seconded by Trustee Johnson. Discussion: The township has done this in the past. The Trustees discussed the policy for new employees and the way of tracking the reimbursement. The employee will provide a receipt for the reimbursement. The motion passed by unanimous affirmative vote.

Road Crew Employee

Nita Hanson and Don Copley have reviewed the submissions. Mr. Copley called the most promising candidates and made recommendations to Mrs. Hanson. Four candidates were interviewed in person.

Trustee Johnson moved to hire Nathan Pack as per the Union Contract, contingent on passing the drug test, driver's abstract, and background check (starting next week, December 26, 2023). The motion was seconded by Trustee McKee.

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Discussion: Mr. Pack can start immediately. Trustee Evans feels Mr. Pack should have been interviewed in the Executive Session.

Trustee Evans moved to table the motion. The motion died due to lack of a second.

The Trustees discussed the process. The applicants with CDL A or B were reviewed. Don Copley and Nita Hanson were in the interviews. Trustee Evans is voting no on the process not on the individual. This individual will be reporting to Mr. Copley. F/O Varian requested Mr. Pack start next week, December 26, 2023, at the beginning of the pay period. The roll call on the motion as presented was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

Nita Hanson reported the road resurfacing projects on Palmer Road and Heritage Drive-Etna Parkway are complete. Both projects came in under the bid. The total was eight hundred fifty-eight thousand four hundred and forty-six dollars and fifty cents the JEDZ Boards will reimburse Etna Township the cost for Heritage Drive and Etna Parkway for a total of four hundred sixty-three thousand five hundred and eighty-one dollars and sixty cents. The checks are expected before the end of the year. The expense to the township for the total project was three hundred and ninety-four thousand eight hundred sixty-four dollars and ninety cents.

Nita Hanson reported on the second "All Hands Team Building" meeting that was held and well attended. During the meeting Trustee Johnson was recognized for his sixteen years of service as a Trustee and many years of service to the community.

Nita Hanson provided an update on the Scannell property. There is nothing in the Planned Unit Development text that addresses noise. Scannell has provided Licking County with a timeline for the construction of the remedial ditch which will begin January 22, 2024, and projected to take nineteen days.

2024 NFC Healthy City Grant

Nita Hanson presented information on the National Fitness Communities Grant and reviewed the 2024 Campaign Funding Requirements. This grant would help fund equipment in the new park. The Trustees discussed the program and possibly using High School students. This request is to apply for the grant and appropriate the money for the commitment for the funds. This will be needed even if the funds are not spent in 2024. Trustee Evans worked on this in 2022 and has information regarding the grant.

Trustee McKee moved to authorize Nita Hanson, Township Administrator, to work with NFC to apply for grants for the 2024 NFC Healthy City program with the township matching funds up to \$217,500 dollars. The motion was seconded by Trustee Evans and passed by unanimous affirmative vote.

The speed radar signs are active on Pike Street and Columbia Roads.

WIN-Waste will be mailing post cards to notify the residents regarding the first quarter trash bill being paid by Etna Township.

Nita Hanson requested closing the garage at 1:00 p.m. and the township building at 3:00 p.m. on Christmas Eve by giving each employee an additional two hours of holiday pay. This will not interfere with the Union Contract. F/O Varian requested the Trustees make a motion to approve the extra holiday pay. The employees have never had Christmas Eve off but have closed the office and Road Department early. Some of the employees do not have vacation time to use.

Trustee Johnson moved to approve the two additional hours of holiday pay per employee. The motion was seconded by Trustee McKee. The roll call on the motion was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1

Executive Session

Trustee McKee moved to go into Executive Session per O.R.C. 121.22 (G) To discuss personnel matters and litigation matters with counsel and the time was 6:41 p.m. The motion was seconded by Trustee Johnson. The motion passed by unanimous affirmative vote. Invited into the executive session were the Board of Trustees and Attorney Patrick Kasson.

Trustee McKee moved to come out of executive session and the time was 7:20 p.m. The motion was seconded by Trustee Evans and passed by unanimous affirmative vote. For the record Trustee McKee, Trustee Evans, Trustee Johnson, and Legal Counsel Patrick Kasson were in the executive session.

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New Business –

DTE TIF for C5 Etna

Trustee McKee moved to authorize herself, Rozland McKee, to sign Form DTE24 Tax Incentive Program Application for Real Property Tax Exemption and Remission as presented. The motion was seconded by Trustee Johnson. Discussion: This is for a previously approved TIF on the property. The roll call was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

Zoning Commission Board Member Appointment

The Trustees received requests from Adam Kelley and Alan Albrect for the Zoning Commission. Adam Kelley is requesting to be re-appointed. This appointment was not advertised or posted. Trustee Evans feels the Trustees should interview them in Executive Session. The term end December 31, 2023.

Trustee Johnson moved to re-appoint Adam Kelley to the Zoning Commission for the five-year term January 1st, 2024, to December 31st, 2028. The motion was seconded by Trustee McKee. Discussion: Trustee Johnson feels Mr. Kelley is doing a good job in the short time he has served. Trustee Evans has concerns about the improper process but does feel Mr. Kelley is an asset to the Board. The roll call was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

Board of Zoning Appeals Board Member Appointment

The Trustees received requests from Eric Nickolas and Craig Zacher. Eric Nickolas requested to be re-appointed.

Trustee Johnson moved to re-appoint Eric Nickolas to the Board of Zoning Appeals for the five-year term from January 1st, 2024, to December 31st, 2028. The motion was seconded by Trustee McKee. Discussion: Trustee Johnson feels Mr. Nickolas has done a good job on the board. Trustee Evans feels there should have been an Executive Session and the improper process. The roll call was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

Adult Use Marijuana

Resolution 23-12-19-01: Trustee McKee moved resolution Prohibiting the Operating of Adult Use Cannabis Operators in Etna Township per O.R.C. 3780.25 as presented. The motion was seconded by Trustee Johnson. Discussion: Nita Hanson explained the resolution is to only control commercial operations and does not impact any personal use. The roll call was as follows: Evans, no; Johnson, yes; and McKee, yes; passed 2-1.

Old Business –

AMH Easement Broyles

Joseph Pappas was present representing AMH requesting the approval of the drainage easement for Broyles Phase Two. The Trustees discussed concerns with the easement request.

Linda Nicodemus, Stormwater Manager for Licking County Soil & Water Conservation District, explained the requirements when plans are put through that with any wetland delineations. The developer’s engineering firm will be required to find wetlands or areas that could possibly be wetlands and delineate them when the plans are submitted. On this property, in early 2022, the Preliminary Plan was approved for the entire property, including the Etna Township Park Property, which was a part of the Broyles Property. When this went through the design for the stormwater it was approved and signed off on. Per Federal and State Law the natural flow of storm water cannot be changed. The detention basis, the pond that will be expanded, is at natural overflow currently and comes down onto one of the wetlands that is now on Etna Township’s property. The developer had to meet a requirement to slow the flow when it overflows from rainwater. The width of the overflow and the concrete matting that will eventually grow grass is wider and is required to slow down the flow of water.

This easement should have been discussed when the property was sold to Etna Township. When the development approval process was discussed Etna Township did not own the property.

Linda Nicodemus explained that Soil & Water will require an Operation and Maintenance Agreement, which is when this was brought to the attention of Etna Township because of the required easement. It will be noted that the developer will have to maintain the easement and any issues with the easement will go before the Licking County Commissioners. The Licking County Commissioners will have an agreement with AMH for the maintenance that will have as built drawings, the entire design including where the water is going. The agreement is recorded with the deed regardless of who owns the property. Etna Township will not have the responsibility of maintaining this easement. The Drayton Hall Development will have the same requirement. The access for the maintenance of the easement is through the Broyles Development.

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Nita Hanson pointed out that Etna Township did not sign off on the Preliminary Plans, nothing was mishandled by the township. The spillway was on the Broyles Development property at the time the Preliminary Plan was approved and was not on Etna Township's property. When it was time to sign off on the Final Plans was when the Zoning Department was made aware of the easement. The Zoning Inspector did not have the authority to sign off without the Trustees' approval of the easement.

Trustee Johnson discussed all the plans that have been presented regarding the flow of the water and wanted to verify which plan is the final plan. Joseph Pappas explained the current plan the pond would outlet through a fifteen-inch pipe not quite all the way down to the stream. The plan that was previously approved showed a twelve-inch pipe. The flow rate of water is drastically reduced. The pond is designed to handle the hundred-year storm event through the pipe and outlet structure. The spillway is gauged and is only for anything above the hundred-year storm event.

Linda Nicodemus explained how the wetlands will be protected and protecting the water quality before it goes into the stream. Trustee Johnson has concerns about all the water going into the stream. Linda Nicodemus explained that inspections help to identify an issue prior to the water going into the stream.

This development is at the Final Construction Phase and did not show the easement on the drawings. Linda Nicodemus explained this plan meets all the standards.

In the Drainage Easement document Under the Terms and Conditions, Item 2 Installation and Maintenance documents the Grantee is responsible to meet all the requirements of the Operation and Maintenance Manual, Broyles Farm Phase II, Licking County, Ohio. This will be what holds AMH accountable for maintaining the easement.

Linda Nicodemus understands it is the Board of Trustees' decision whether to approve the easement. The Trustees are the representatives of the people, and this is Etna Township's Park. The Trustees could require some feature to help buffer the pipe. The Trustees discussed the appearance and how it will look in the park along with the maintenance of this area. There is a matt or grassy area that will cool and filter the water along with slowing the water down.

Trustee Evans moved to approve the Easement as presented. The motion was seconded by Trustee McKee. Discussion: To clarify it is the Drainage Easement with the map. The Trustees discussed whether to require a cost with the easement like the AEP Easement. The township did purchase the land for the park, it was not a donation. The roll call was as follows: Evans, yes; Johnson, no; and McKee, yes; passed 2-1.

Pike Street IGA

Trustee McKee moved to approve the amendment to the Pike Street Inter Governmental Agreement 2020-01 between Etna Township and the Licking County Transportation Improvements District dated December 2023 as presented. The motion was seconded by Trustee Evans. Discussion: Trustee Evans is concerned that this needed to be modified because the five-hundred-and-fifty-foot section was not included when it could have been included with the original MORPC Grant request. The motion passed by unanimous affirmative vote.

Draft Budget

Resolution 23-12-19-02: Trustee McKee moved resolution to Adopt Permanent Appropriations for Fiscal Year 2024 as presented. The motion was seconded by Trustee Evans. Discussion: The Trustees reviewed the appropriations and discussed the sub accounts. The Trustees discussed approving the Permanent Appropriations tonight or the first of the year. Trustee Johnson will not be a Trustee in 2024. F/O Varian explained the Prosecutor's office recommended this. The Trustees discussed approving Temporary Appropriations versus Permanent Appropriations. The roll call was as follows: Evans, yes; Johnson, no; and McKee, no; failed 2-1.

Fiscal Officer Report

Trustee McKee moved to transfer the funds as presented. The motion was seconded by Trustee Johnson. Discussion: This transfer is from Account 1000-110-131-0000 Salary-Administrator to 1000-110-190-0001 Other Salaries-General for \$5,000.00, from 1000-110-599-000 Other Expenses to 1000-110-190-0001 Other Salaries-General for \$915.00, and from 3901-810-810-0000 Principal Payments-Bonds to 3901-820-820-079 Principal Payments-Taylor Road for \$10,516.93. Discussion: This is for the secretary, Laura Brown's salary, and is a sub-account F/O Varian uses and does not mean anything to an auditor. F/O Varian needed more money to pay Laura Brown. The Trustees discussed the request and what the balances are in the funds. Trustee Johnson wants Laura Brown to be paid along with the Taylor Road payment. The roll call was as follows: Evans, yes; Johnson, yes; and McKee, no; passed 2-1.

Resolution 23-12-19-03: Trustee McKee moved to approve the purchase orders as presented. The motion was seconded by Trustee Evans and passed by unanimous affirmative vote.

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Trustee McKee moved to ratify the payment for the bills as shown on the payment listing. The motion was seconded by Trustee Evans and passed by unanimous affirmative vote.

Announcement and Trustee Comments -

Trustee Evans inquired on the WIN-Waste contract expiring March 2024. Nita Hanson has this on the calendar to discuss in January 2024. Trustee Evans explained the contract provision requires ninety days prior to expiration which is January 1, 2024. Trustee Evans did not make the other Trustees or Nita Hanson aware of this expiration date until this evening. Trustee Evans said there was a meeting on Monday with WIN-Waste. Nita Hanson did not have a meeting with WIN-Waste on Monday. The township Master Calendar was discussed.

Trustee McKee defended Nita Hanson and requested that Trustee Evans stop trying to embarrass the Township Administrator and the Board. The gotcha moments need to stop and Trustee Evans needs to work with the Trustees and employees.

Trustee Johnson thanked all the citizens that have supported him, and he really appreciates and is humbled for the chance to serve the community. Trustee Johnson congratulated Mr. Burkholder.

Trustee Johnson moved to adjourn at 8:50 p.m. The motion was seconded by Trustee Evans and passed by unanimous affirmative vote.



Rozland McKee President



Julie Varian, Fiscal Officer

All the resolutions as presented are on file with the Fiscal Officer.